

BOARD OF HIGHER EDUCATION

April 8, 2020
9:00 a.m.

Meeting Minutes

A meeting of the Board of Higher Education (BHE) was held virtually on Wednesday, April 8, 2020 on the web conference platform Zoom.

The following Board Members were present:

Chris Gabrieli, Chair
Sheila Harrity, Vice-Chair
Ann Christensen
Alex Cortez
Patty Eppinger
Paul Mattera
J.D. La Rock
Jim Peyser, Secretary of Education, Ex-Officio
Michael O'Brien
Judy Pagliuca
Paul Toner
Abby Velozo, Student Member, Community College segment

Anna Grady, non-voting Student Advisor, State University segment
Kush Patel, non-voting Student Advisor, UMASS segment

Carlos E. Santiago, Commissioner and Secretary to the Board

The following Board Members were absent:

Veronica Conforme

I. CALL TO ORDER

Chair Chris Gabrieli called the meeting to order at 9:03 a.m. and announced that this meeting is being held remotely, and in accordance with Governor Baker's recent Executive Order which suspended certain provisions of the Open Meeting Law for the purpose of authorizing public bodies to allow remote participation by all members while the state of emergency is in effect. Chair Gabrieli announced that Board members and select Department of Higher Education (DHE) staff would be participating remotely, via Zoom; that the meeting is being livestreamed and recorded; and that members of the public who signed up for public comment would be allowed to join the Zoom meeting to provide comment. DHE Chief of Staff, Elena Quiroz-

Livanis then took roll call attendance (see above for attendance roster).

Before turning to the agenda items, Chair Gabrieli called for the following procedural motion which, according to legal counsel, was needed before the meeting could proceed remotely:

MOVED: to allow for BHE remote participation for today's meeting and for all subsequent BHE meetings and meetings of a BHE Committee while the state of emergency is in effect, consistent with Open Meeting Law requirements and all Executive Orders.

The motion was moved, seconded and votes were recorded by roll call as follows:

- Chris Gabrieli, Chair - Yes
- Sheila Harrity, Vice-Chair - Yes
- Ann Christensen - Yes
- Alex Cortez - Yes
- Patty Eppinger - Yes
- Paul Mattera - Yes
- J.D. La Rock – Yes
- Jim Peyser, Secretary of Education- Ex-Officio - Yes
- Judy Pagliuca - Yes
- Paul Toner – Yes
- Abby Velozo- Yes

The motion passed unanimously, as moved.

II. PUBLIC PARTICIPATION

Chair Gabrieli reported that no requests for live public comment were received. However, written comment was submitted by the Association of Independent Colleges and Universities (“AICUM”) regarding the final vote to implement 610 CMR 13.00; and copies of that letter had been distributed to BHE members.

III. ACCEPTANCE OF MINUTES

Chair Gabrieli asked for a motion to accept the minutes of the last BHE meeting, which was held on February 4, 2020. Board Member O’Brien joined the meeting at this point in time.

The motion was duly moved and seconded, with no discussion, and then proceeded to a roll call vote:

- Chris Gabrieli, Chair - Yes
- Sheila Harrity, Vice-Chair - Yes
- Ann Christensen - Yes
- Alex Cortez - Yes

- Patty Eppinger - Yes
- Paul Mattera - Yes
- J.D. La Rock – Yes
- Michael O’Brien - no vote; technical difficulties¹
- Jim Peyser, Secretary of Education, Ex-Officio - Yes
- Judy Pagliuca - Yes
- Paul Toner – Yes
- Abby Velozo - Yes

IV. REMARKS & REPORTS

A. Chairman's Remarks

Chair Gabrieli opened his remarks by acknowledging the challenging circumstances around holding this meeting remotely in the midst of the COVID-19 state of emergency, and thanked Commissioner Carlos Santiago and his staff for their continued remote work, their support of the BHE and their COVID-19 response efforts which we will hear more about later in the agenda. Chair Gabrieli also thanked Secretary Peyser and Governor Baker for their continued support during the state of emergency. Chair Gabrieli noted that the decision to schedule this meeting as a “re-do” of the March meeting that had to be cancelled in light of COVID-19 is an important step forward on the path back towards normalcy for the BHE. He also remarked that today’s meeting will focus on the impact of COVID-19, with three necessary motions to continue operations, and some very important presentations. In closing, Chair Gabrieli also acknowledged the limited options at this juncture to help students directly, but that the BHE would hopefully be in a position to explore this more at its May meeting.

B. Commissioner's Remarks

Commissioner Santiago welcomed members to the meeting and thanked DHE staff for facilitating the meeting. He provided a brief update on how working remotely is impacting the Department, calling it a “new experiment” for DHE. He expressed his appreciation to DHE staff who, in short order, acquired, coordinated and implemented the necessary technologies together to continue the important work of the Department during the public health crisis.

In addition, Commissioner Santiago acknowledged the campus presidents present for the remote meeting, which included: President Cevallos of Framingham State University, President Cox of Cape Cod Community College, President Gentile of North Shore Community College, President Glen of Northern Essex Community College, President Keenan of Salem State

¹ Due to technical difficulties, Member O’Brien was not able to cast a vote on the motion to accept the February 4 BHE meeting minutes. Member O’Brien resolved the technical issues and was able to rejoin the meeting shortly after the vote.

University, President Kennedy of Berkshire Community College, President Lapidus of Fitchburg State University, President MacDonald of Massachusetts Maritime Academy, President Pedraja of Quinsigamond Community College, President Royal of Holyoke Community College, and President Salomon-Fernandez of Greenfield Community College; as well as segmental representatives Tom Sannicandro and Vincent Pedone. Commissioner Santiago closed his brief remarks by stating that he would provide additional, more substantive updates during the COVID-19 presentation.

C. Secretary of Education's Remarks

Secretary Peyser opened his remarks by thanking the many partners in higher education for keeping students and staff safe during this health crisis, acknowledging how the higher education community has stepped up to be a full partner in helping to end the crisis, despite being under immense fiscal pressure. Secretary Peyser also noted the importance of keeping in mind both managing the current state of affairs, and also looking ahead to keeping the work of the BHE going.

D. Reports from Presidents

o Community College Segmental Report

President Gentile offered remarks on behalf of the Community College segment and provided updates on the impacts of COVID-19 on Community College students and institutions' responses thus far. President Gentile offered detailed information regarding the systemwide transition to remote learning, and number of nursing and health science students engaged in helping to address the COVID-19 pandemic. On COVID-19 response work, she stressed the loss of a personalized sense of belonging and inclusion in the academy is one of the major losses for marginalized students never included in higher education previously, noting that impacts to traditional personalized supports are posing particular challenges to Community College students.

In addition, President Gentile noted that the campuses are grappling with the ongoing transition to remote learning in providing faculty training for remote learning as well as the necessary technology to support it, as they continue to work on COVID-19 prevention and response, and highlighted the rapid transitions faculty and staff have made to providing online learning and supports, as well as the thousands of Chromebooks the community colleges have distributed to students and the increased security and sanitization work underway at the physical campuses. She asked the BHE to consider the fiscal health and stability of the community colleges as essential ingredients in guaranteeing a strong future for the Commonwealth's economy, and urged that now is not the time to abandon its commitment to educational equity for the future workforce of the Commonwealth.

For a copy of President Gentile's full remarks, please see:

<https://www.mass.edu/bhe/lib/documents/2020-04-08%20Report%20from%20CC%20Presidents.pdf>.

- State University Segmental Report

President Lapidus offered remarks which included updates on the impacts of COVID-19 on State University students and institutions' responses thus far. President Lapidus provided detailed information regarding the systemwide transition to remote learning, the completion of vacating nearly all residential students from State University residence halls, and the efforts made to provide refunds to students and families for room and board. On COVID-19 response work, he stressed that major successes in transitioning all of the campuses to remote learning and working from home have helped to stabilize the remainder of the spring semester to ensure that students originally on track to graduate will still graduate. However, in doing so, the total cost of reimbursements to date is estimated at \$46.8 Million dollars.

In addition, he noted that recruitment and enrollment efforts for the Fall 2020 semester continue to be underway, and that campuses have transitioned to using virtual platforms for accepted student events and campus tours. He acknowledged that BHE Member Mattera will be offering a motion that will urge budget writers to appropriate necessary funds to the campuses in order to support the student refunds that have been made to ease the financial burden of COVID-19 on students and their families, and he asked the BHE to support the motion. He closed his remarks by acknowledging National Public Health week and the Worcester City Manager's decision to recognize Alissa Errede, a public health employee and graduate of Worcester State University and Massachusetts Maritime Academy, who is leading a health and medical coordinating coalition that serves 74 boards of health and 11 central Massachusetts hospitals.

For a copy of President Lapidus' full remarks, please see:
<https://www.mass.edu/bhe/lib/documents/2020-04-08%20Report%20from%20SU%20Presidents.pdf>.

E. Report from Student Advisory Council

BHE Member Abby Velozo thanked Presidents Gentile and Lapidus for their remarks, and briefly acknowledged the many challenges currently being experienced by students across the Commonwealth as a result of COVID-19. UMass Segmental Advisor Kush Patel then provided a report from UMass student perspectives. Mr. Patel highlighted the challenges both students and faculty are working through in the transition to remote learning; and ongoing issues regarding access to food and shelter for students experiencing housing instability. Segmental Advisor Anna Grady also provided an update from the perspective of State University students, noting the limited access to resources usually available for students with disabilities; and she also indicated that despite many challenges, the overall transition to remote learning has been successful for many students. BHE Member Velozo closed the Student Advisory Council's remarks by further highlighting how mental health resources and supports have been impacted,

and their importance to many students throughout the public higher education system.

V. PRESENTATION

The presentation for the meeting can be viewed here:

[Combined Presentations \(view/download ppt\)](#).

A. COVID-19 Higher Education Update

Commissioner Santiago presented on the work DHE has done in response to the COVID 19 outbreak. The slides of this presentation have been made available at https://www.mass.edu/bhe/lib/documents/2020-04-08%20COVID-19%20Update_FINAL.pptx. In his presentation, the Commissioner provided an overview of how institutions have responded to the pandemic; the measures DHE has taken to support remote work; the inequitable impact the pandemic is having on students of color; and the many needs of students that are unmet as a result of lost income, such as the lack of available childcare. In addition, he stressed the importance of institutions' flexibility in providing options for students who are struggling to complete coursework as a result of the pandemic, and he noted the DHE continues to anticipate and monitor the availability of additional federal resources in the pipeline to help stabilize disadvantaged students.

Chair Gabrieli then invited BHE Members to provide individual comments and pose questions.

- BHE Member LaRock – underscored the points made by President Gentile, and acknowledged the important role community colleges have to play in helping the economy bounce back after the pandemic subsides, and the challenges that would ensue as community colleges face both budgetary cuts and the imperative to provide critical services.
- BHE Member Mattera – appreciated the remarks shared by the Secretary and the Commissioner, thanked the Presidents for their respective remarks as well, and proposed a floor motion in the form of a resolution for the BHE to formally acknowledge the extraordinary work being done by campuses to help end the pandemic despite; and to memorialize a commitment to work with campuses to find a way to offset the extraordinary costs campuses have faced as a result.
- BHE Member O'Brien – echoed the comments shared by his colleagues, acknowledged the pitfalls that likely will still exist even after federal aid becomes available, and urged the importance of maintaining fiscal balance despite COVID-19.
- BHE Member Christensen – presented the following questions: what opportunities exist for lightening financial burdens on institutions, e.g. credits for future semesters instead of refunds to limit the amount of funds leaving institutional coffers? For programs experiencing low enrollment, would a delayed return back to classes or delayed start to classes help students work and save up money before re-enrolling? And, despite needing to transition to remote learning under less than ideal

circumstances, is there an opportunity to expand more flexible, online options for students that will need to return to work?

- BHE Member Cortez – opened his comments by sharing a quote, urging the BHE to be realistic in its approach to tackling these issues, and to consider that disruptive models like bootcamps and credentialing programs may likely be more ideal if they help adults get back to work more quickly than a traditional program. He also asked BHE members to consider how the BHE can start planning for this, and pivot sooner to create new opportunities.
- BHE Member Eppinger – urged the need to balance the needs of students with institutional needs; that it is important for the BHE to consider being open to other strategies and structures in instructional delivery; and that this new reality will play out over a few years, rather than in the near future.
- Vice Chair Sheila Harrity – also agreed with the many prior comments, and added that we can learn from this experience of having assembled an airplane midflight; that we've created pieces of this plane moving forward such as remote learning plans, and can continue to strengthen online learning.
- BHE Member Pagliuca – shared her opinion regarding the state of federal aid in healthcare, which is integral to schools reopening, and she shared her hopes that the Secretary and the Commissioner continue to disseminate best practices with an emphasis on retention throughout the system. She also stressed the importance of using the summer to plan strategically for early next year, and working with the healthcare community to help re-open schools as soon as it is safe to do so.
- BHE Member Toner – shared his appreciation for the comments shared by BHE Members Christensen and Cortez in particular, and shared his concern that the most important next steps will be for the Administration and the Commissioner to make calls about the fall semester as soon as possible; and regarding longer term challenges, he asked what will re-entry plans look like for campus communities to ensure that any lost opportunities due to remote learning are covered when students return.
- Chair Gabrieli – added one additional question to the Presidents, how during this spring period transition would we know how effectively online learning is working for students; to which President Gentile and President Lapidus confirmed that the campuses are reaching out to students, but that the effects will not fully be quantifiable until after the semester is over, and institutional research teams have been able to assess student outcomes.
- Commissioner Santiago – provided answers to many of the questions posed by the BHE Members, and stressed that financial bailouts are only a start; the more important imperative being the need for the higher education community to build a sustainable model with at least five pillars of success: streamlining academic portfolios; improving academic efficiency; linking the labor force to what we teach and who's interested in it; streamlining administrative functions; and ensuring there is a clear connection between resources and strategy. He further mentioned that discussions of the higher education business model will also need to continue, as many will likely soon agree the business model of last month will likely no longer be

sustainable moving forward; finally, he asked Deputy Commissioner for Administration and Finance Tom Simard to provide additional updates regarding federal supports.

- Deputy Commissioner Simard – clarified there were no additional updates at the time, and that there is a legal question surrounding how and whether institutions could provide future credits instead of refunds for institutions to troubleshoot, and we are seeking clarity on that.
- President Lapidus – confirmed the brief update provided by Deputy Commissioner Simard, and shared the sentiment on behalf of the state university segment that the institutions felt compelled to offer refunds as soon as possible consistent with anecdotal guidance from the Attorney General’s Office, in particular to support students in financial distress, for the purpose of reimbursing students for services the institutions can no longer provide (e.g., room and board); the hope and intention is that this would help students to stabilize their lives in the short-term and increase their likelihood of being able to complete their courses of study in the long-term.
- Secretary Peyser – added that he felt this was a helpful discussion, and echoed Vice Chair Harranty’s comments, urging the need to continue and deepen our focus and understanding of financial planning in the short, medium, and long terms, and to be creative in finding ways to work together around sharing services and operational activities that can lower costs and improve outcomes. He also stressed the need for a coherent, statewide approach to how online education is delivered, as well as the transferability of online credits.

BHE Member Mattera then revisited his proposed floor motion, and read the resolution aloud, as follows:

MOVED: *To facilitate a uniform response across all public colleges and universities, and in recognition of the significant financial impact on students, students’ families, and the campuses, the Board of Higher Education supports the decision of public institutions of higher education in the Commonwealth to make prorated refunds of housing, dining, and parking payments to students and urges the Administration and Legislature to work with the campuses to help offset the cost of rebates with appropriate funding.*

The motion was moved and seconded, and Chair Gabrieli facilitated a discussion.

BHE Members voiced general support for the motion. BHE Member LaRock suggested adding language to the motion stating the BHE will work to ensure the system will work collaboratively to offset expenses of the coronavirus pandemic. (“Moved further, that the Board of Higher Education and state administration should work collaboratively to ensure that all segments of public higher education benefit equitably from any effort to help offset business changes as a result of the COVID-19 crisis.”). BHE member Mattera recognized Member LaRock’s suggested language as a friendly amendment and agreed to restate his motion including that language.

Chair Gabrieli initially took issue with the phrase that all segments “benefit” equitably, suggesting that perhaps broader language may be more appropriate, but noting that this was a “spirit of the moment” vote, and that any further edits would be inconsequential, Chair Gabrieli indicated that he too was comfortable with the friendly amendment. Accordingly, Chair Gabrieli called for a vote on BHE Member Mattera’s floor motion, as amended by BHE Member LaRock’s friendly amendment, Hearing no further discussion, Chair Gabrieli proceeded to the roll call vote:

- Chris Gabrieli, Chair - Yes
- Sheila Harrity, Vice-Chair - Yes
- Ann Christensen - Yes
- Alex Cortez - Yes
- Patty Eppinger - Yes
- Paul Mattera - Yes
- J.D. La Rock - Yes
- Jim Peyser, Secretary of Education, Ex-Officio - Abstain
- Michael O’Brien - Yes
- Judy Pagliuca - Yes
- Paul Toner – Yes
- Abby Velozo – Yes

The floor motion passed with one abstention (Secretary Peyser) as follows:

VOTED: To facilitate a uniform response across all public colleges and universities, and in recognition of the significant financial impact on students, students’ families, and the campuses, the Board of Higher Education supports the decision of public institutions of higher education in the Commonwealth to make prorated refunds of housing, dining, and parking payments to students and urges the Administration and Legislature to work with the campuses to help offset the cost of rebates with appropriate funding.

Moved further, that the Board of Higher Education and state administration should work collaboratively to ensure that all segments of public higher education benefit equitably from any effort to help offset business changes as a result of the COVID-19 crisis.

VI. MOTIONS

Chair Gabrieli turned to the motions. He stated that in the interest of time he would take the motions out of turn, asking the BHE to consider BHE 20-08 and BHE 20-10 before taking up BHE 20-09, to allow enough time at the end for the meeting for a fuller discussion of BHE 20-09.

A. BHE 20-08 Approval of Massachusetts State College Building Authority (MSCBA) Refunding Revenue Bonds

Chair Gabrieli introduced the motion, stating that the motion before the BHE is to authorize the MSCBA to issue bonds to refund certain of its outstanding debt, with the expectation of realizing savings and reducing annual debt service. The motion was moved and seconded. There being no discussion, a roll call vote followed:

- Chris Gabrieli, Chair - Yes
- Sheila Harrity, Vice-Chair - Yes
- Ann Christensen - Yes
- Veronica Conforme
- Alex Cortez - Yes
- Patty Eppinger - Yes
- Paul Mattera - Yes
- J.D. La Rock - Yes
- Jim Peyser, Secretary of Education, Ex-Officio - Yes
- Michael O'Brien - Yes
- Judy Pagliuca - Yes
- Paul Toner – Yes
- Abby Velozo – Yes

The motion passed unanimously, as follows:

BHE 20-08 APPROVAL OF MASSACHUSETTS STATE COLLEGE BUILDING AUTHORITY REFUNDING REVENUE BONDS

VOTED: The Massachusetts State College Building Authority is hereby authorized to issue refunding bonds to refund certain of its outstanding bonds, provided the aggregate net present value savings achieved from the refunding is no less than four percent (4%) of the par amount of refunded bonds, and the Commissioner is hereby authorized and directed, in the name and on behalf of the Board of Higher Education, to approve in writing the issuance by said Authority of bonds for such refunding purpose.

Authority: Massachusetts General Laws Chapter 15A, Section 6

Contact: Thomas Simard, Deputy Commissioner of Administration & Finance

Chair Gabrieli then stated the BHE would next consider Motion 20-10.

B. BHE 20-10 Delegation of Authority to the Commissioner to Act in Between Regularly Scheduled Board Meetings

Chair Gabrieli introduced the motion, noting that the motion delegates the BHE's authority to the Commissioner to act in between regularly scheduled meetings, to allow the Commissioner to swiftly respond and adapt to evolving state and federal requirements and guidance during the state of emergency. The motion was moved and seconded. There being no discussion, a roll call vote followed:

- Chris Gabrieli, Chair - Yes
- Sheila Harrity, Vice-Chair - Yes
- Ann Christensen - Yes
- Veronica Conforme
- Alex Cortez - Yes
- Patty Eppinger - Yes
- Paul Mattera - Yes
- J.D. La Rock - Yes
- Jim Peyser, Secretary of Education, Ex-Officio - Yes
- Michael O'Brien - Yes
- Judy Pagliuca - Yes
- Paul Toner – Yes
- Abby Velozo – Yes

The motion passed unanimously, as follows:

BHE 20-10 DELEGATION OF AUTHORITY TO THE COMMISSIONER TO ACT IN BETWEEN REGULARLY SCHEDULED BOARD MEETINGS

VOTED: On March 10, 2020, the Governor declared a public health state of emergency for the Commonwealth of Massachusetts to prepare for, respond to, and mitigate the spread of COVID-19. While the Governor’s state of emergency is in effect, the Board of Higher Education hereby delegates to the Commissioner authority to take such action in between regularly scheduled Board meetings as is deemed necessary or desirable, provided:

- Such action is for good cause, is related to or arises out of the state of emergency, and is authorized or does not conflict with state or federal law; and
- The Commissioner takes such action in consultation with and upon the advice of the Chair or Vice Chair of the Board.

The Commissioner is directed to report back to the Board on whether and how the Commissioner exercised such delegated authority.

Authority: Massachusetts General Laws Chapter 15A, Section 6

Contact: Constantia T. Papanikolaou, Chief Legal Counsel

Chair Gabrieli then stated that the BHE would next consider Motion 20-09.

C. BHE 20-09: Receipt of Implementation Procedures for Financial Assessment and Risk Monitoring of Institutions of Higher Education, Approval of Principles Governing a Memorandum of Understanding (MOU) with the

New England Commission of Higher Education (NECHE), and Delegation of Authority to Commissioner

Commissioner Santiago introduced the motion and recounted the history of this work noting that it began in the aftermath of the precipitous closure of Mount Ida College in 2018. He then passed the presentation to Chief Legal Counsel Papanikolaou.

Chief Legal Counsel Papanikolaou stated that, in its broadest sense, what the BHE has before it for consideration today is an implementation plan for the BHE's Financial Assessment and Risk Monitoring (FARM) regulations, which govern the BHE's annual financial screening and assessments of Massachusetts private institutions of higher education (IHEs). The plan before the BHE includes 1) a set of implementation procedures, which are provided for informational and commentary purposes, not for a vote; and 2) a proposal to move forward with an MOU with NECHE, as allowed by statute, pursuant to a set of guiding principles or essential terms.

Chief Legal Counsel Papanikolaou continued by briefly summarizing the scope and purpose of the regulations, noting that 610 CMR 13.00 will apply to all Massachusetts IHEs located in Massachusetts with the authority to grant degrees, which includes 94 institutions, 21 of which having been chartered prior to 1943 and are not subject to the BHE's program review authority. Of the 94 institutions, she indicated that 74 are NECHE members; this is relevant to the NECHE MOU discussion as NECHE will be conducting the initial screenings on those institutions, and the DHE would be conducting screenings on the other non-NECHE accredited institutions.

Chief Legal Counsel Papanikolaou then briefly described the content of the proposed Implementation Procedures (Attachment A to board motion), noting that the procedures are intended to clarify or expound upon the BHE regulations, for example, describing the composition and responsibilities of the advisory committee, but the procedures are not intended to impose new obligations not otherwise required by statute or regulations.

Next, Chief Legal Counsel Papanikolaou provided background and context for the proposed NECHE MOU, reported that the Commissioner has reached agreement on essential terms with NECHE on the MOU, and reviewed the essential terms. Regarding the essential terms, she noted that the MOU includes several positions which require both parties to share information and consult throughout the year on IHEs identified outside of the annual financial screening process as financially fragile or at risk. She added that these provisions are critical to the success of our partnership with NECHE, particularly in these challenging times as IHEs, especially those that were financially fragile before COVID-19 hit, seek to absorb and respond to the financial impact caused by the pandemic. Chief Legal Counsel Papanikolaou concluded the presentation by providing an overview of next steps, which included promptly finalizing and executing the MOU, forming an advisory committee, actively engaging with IHEs, and providing regular updates to the BHE throughout academic year 2020-2021.

Chair Gabrieli referenced the recent joint statement issued by NECHE, the Department and Pine Manor College and asked the Commissioner to provide an update on Pine Manor College. The

Commissioner stated that the financial circumstances of the institution have been under review by the Department for some time under existing regulations (610 CMR 2.00). In recent conversations, the institution has been open and forthcoming regarding the fiscal impact of COVID-19 on the institution, and the Commissioner discussed how he coordinated with the institution and its accreditor to ensure that students would be apprised of developments at the institution on a long-term basis. He added that this was a unique partnership having been formed between DHE and NECHE in doing so, and that this is not always common both here and elsewhere in the country.

A motion to accept the procedures and authorize the Commissioner to move forward with the NECHE MOU, in accordance with the Chief Legal Counsel's presentation, was moved and seconded. Chair Gabrieli facilitated the discussion, which included the following comments:

- BHE Member LaRock questioned whether what was presented in the slides, taking into account the impacts of COVID-19, square with concerns in the letter submitted by AICUM. He added that his personal opinion regarding the joint statement between Pine Manor College, NECHE, and DHE seemed vague and unclear about what's going on at the institution because Pine Manor College continues to accept applications for the fall. BHE Member LaRock shared that he wanted to encourage the BHE and the DHE to keep in mind the balance of wanting to collaborate with each other, and not push the envelope in ways that are harmful to institutions, and to be more candid during these times.
- The Commissioner stated that he disagreed with BHE Member LaRock's comments and stated that the DHE has multi-party interests in these issues, stressing that the priority is to ensure that students are informed on a timely basis. He continued, that while the notice may seem vague to some, it served an important, intended purpose, but the institution still must assess its financial situation and have periodic, continuing discussions with the DHE. The Commissioner indicated that it is important for institutions to continue to come forward and be forthright with both the Department and with students in a timely manner. The Commissioner confirmed he was satisfied that he used the authority appropriately, that he has not been heavy-handed, that he will always look after the best interests of the students, and he will continue to monitor the institution.
- Chair Gabrieli acknowledged BHE Member LaRock's comments, and seconded the response provided by the Commissioner, noting the innovative approach to fundamentally staying on top of the situation during abnormal times.

Chair Gabrieli then asked for a motion to accept the implementation procedures and delegate authority to the Commissioner to execute the MOU on behalf of the BHE, as outlined in BHE 20-09. The motion was made and duly seconded. A roll call vote was taken as follows:

- Chris Gabrieli, Chair - Yes
- Sheila Harrity, Vice-Chair - Yes
- Ann Christensen - Yes

- Veronica Conforme
- Alex Cortez - Yes
- Patty Eppinger - Yes
- Paul Mattera - Yes
- J.D. La Rock - Abstain
- Jim Peyser, Secretary of Education, Ex-Officio - Yes
- Michael O'Brien - Yes
- Judy Pagliuca - Yes
- Paul Toner – Yes
- Abby Velozo – Yes

The motion passed, with one abstention (Member La Rock), as follows:

BHE 20-09 RECEIPT OF IMPLEMENTATION PROCEDURES FOR FINANCIAL ASSESSMENT AND RISK MONITORING OF INSTITUTIONS OF HIGHER EDUCATION, APPROVAL OF PRINCIPLES GOVERNING A MEMORANDUM OF UNDERSTANDING WITH THE NEW ENGLAND COMMISSION OF HIGHER EDUCATION, AND DELEGATION OF AUTHORITY TO COMMISSIONER

VOTED: The Board of Higher Education (BHE) hereby receives the attached procedures implementing the provisions of 610 CMR 13.00 and M.G.L. c. 69 § 31B regarding Financial Assessment and Risk Monitoring of Institutions of Higher Education, and authorizes the Commissioner to move forward as outlined in the document.

The BHE also hereby: 1) approves the guiding principles that shall govern a Memorandum of Understanding (MOU) with the New England Commission of Higher Education (NECHE) to conduct financial screenings of private institutions of higher education pursuant to 610 CMR 13.00 and M.G.L. c. 69 § 31B; and 2) delegates to the Commissioner the authority to finalize and execute an MOU with NECHE, consistent with said principles, in consultation with the BHE Chair and the Secretary of Education.

The Commissioner is directed to report back to the BHE during its next regularly scheduled meeting; and to provide the BHE with regular status updates on implementation.

Authority: M.G.L. c. 69, § 31B (as amended by Chapter 113 of the Acts of 2019); M.G.L. c. 15A, § 6 and 9; and 610 CMR 13

Contact: Constantia T. Papanikolaou, Chief Legal Counsel; Thomas J. Simard, Deputy Commissioner for Administration and Finance; Patricia A. Marshall, Deputy Commissioner for Academic Affairs and Student Success

VII. OTHER BUSINESS

VIII. ADJOURNMENT

There being no other business, the meeting was adjourned at 12:08 p.m.