

BOARD OF HIGHER EDUCATION
REQUEST FOR COMMITTEE AND BOARD ACTION

COMMITTEE: Academic Affairs

NO.: AAC 19-03

COMMITTEE DATE: October 16, 2018

BOARD DATE: October 23, 2018

APPLICATION OF THOMAS AQUINAS COLLEGE TO AWARD THE BACHELOR OF ARTS IN LIBERAL ARTS

MOVED: The Board of Higher Education (BHE) hereby conditionally approves the Foreign Corporation Certificate of Registration, as amended, of **Thomas Aquinas College for the purpose of operating a branch campus in Northfield Massachusetts** with the authority to award the **Bachelor of Arts in Liberal Arts**.

Provided further that the BHE will undertake to review, during the twelve year period set forth in 610 CMR 2.05(5), the continued progress of the institution toward meeting and maintaining compliance with the BHE's regulations, the visiting committee's recommendations, the goals and representations set forth in connection with the institution's petition to the BHE, and its compliance with the following conditions:

1. For the first five years of operation, the President shall submit to the Commissioner of Higher Education the credentials of faculty (i.e., tutors) hired to teach in the degree program.
2. For the first five years of operation, the institution shall submit to the BHE annual status reports providing narrative and statistical information on the institution's compliance with BHE standards and with the goals and representations set forth in connection with the institution's petition, including updates on:
 - hiring and enrollment;
 - finances, including fundraising efforts and philanthropic donations pledged and received;
 - capital adaptation and renewal plans, including the financing of the same and deferred maintenance;
 - plans for an overarching strategic planning process;
 - governance of the new branch campus; and

- any other information as requested by Department staff.
3. The institution shall post on its website a notice regarding the conditional nature of the BHE's approval of the institution's degree granting authority, the exact language of which is to be determined by Department staff after consultation with the institution.

Authority: Massachusetts General Laws Chapter 69, Section 30 et seq.
Contact: Patricia A. Marshall, Ph.D.,
Deputy Commissioner for Academic Affairs and Student Success

BOARD OF HIGHER EDUCATION
October 2018
Thomas Aquinas College
Initial authorization to operate a branch campus in Massachusetts and
to award the Bachelor of Arts in Liberal Arts

Background and Degree Authority Requested

On June 9, 2017 Thomas Aquinas College (TAC) petitioned the MA Board of Higher Education to grant authority to offer a Bachelor of Arts in Liberal Arts degree at a campus to be in Northfield Massachusetts. TAC is a Catholic institution that was established in California in 1971 and currently offers a Bachelor of Arts in Liberal Arts degree program in Santa Paula, CA. The institution is founded in accordance with the principles set forth in a booklet entitled, *Thomas Aquinas College: A proposal for the Fulfillment of Catholic liberal education*. These principles were approved on June 13, 1969, by the Board of Governors of the corporation as the guidelines to be followed in the establishment and conduct of TAC. In this founding and governing document, TAC determines itself to be faithful to Christ and never to compromise its principles. TAC holds that the founders were unbending in their resolve to pass on the intellectual patrimony of their civilization and the wisdom of the Catholic church's greatest thinkers, and to do so in complete fidelity to the Catholic church and the authority of its Bishops and Pope.

TAC intends to operate a branch campus in Northfield, MA on the former campus of the Northfield Mount Hermon School. TAC received ownership of a substantial portion of the former Northfield Mount Herman school as a donation from the National Christian Foundation (NCF) on May 2, 2017. The NCF property donation to TAC includes 19 buildings, 7 houses and related infrastructure, including a steam power plant and piping network. In addition to donating the campus to TAC, significant funding for the institution is initially being provided by the NCF on the condition that TAC match those funds through current and future fundraising efforts.

INSTITUTIONAL OVERVIEW

The mission of TAC is to provide a Catholic liberal education to undergraduate students. "Liberal education" is defined by TAC as "a course of studies desirable for the enrichment of life, as opposed to instruction in a particular branch of knowledge." "Liberal education" is further defined by TAC as something which "aims at the acquisition of the fundamental arts and sciences upon which genuine intellectual accomplishment is based." In the judgment of the College, one is liberally educated who has made these arts and sciences her/his own, so that s/he can apply them to her/his intellectual and moral life. The single aim is to produce free men and free women who grasp firmly the principles basic to learning itself.

TAC intends that such women and men will exhibit virtues or excellences that have long been recognized to belong to those accomplished in the life of the mind. Some of these virtues belong to the moral life, such as wonder, confidence, humility, and love of the common good; while some belong to the intellectual life, such as seeing the distinction and order among studies, learning to understand truths about nature, man, and God, and having the skills to converse well about such things. The goals of the College, which follow directly from its mission, involve instilling each of these moral and intellectual virtues in its students.

Educational objectives

Moral

TAC holds that the successful graduate will have:

- 1) a deeply rooted love for the intellectual life born from wonder about the marvels of the world, both natural and supernatural;
- 2) confidence that progress can be made on the difficult road to wisdom, especially under the light of the authority of the Roman Catholic Church and in the company of friends pursuing wisdom;
- 3) the humility to acknowledge a) that s/he is measured by reality, b) that s/he needs to attend carefully to the great thinkers and to seek guidance from the wise, especially from the patron saint of the College, St. Thomas Aquinas, and c) that her/his estimation of one's own achievement and that of the larger intellectual community must be proportioned to the level of those achievements; and
- 4) a love for the common good, which motivates and governs an appropriate participation in political and ecclesial communities.

Intellectual

TAC also holds that to the degree appropriate for the beginner, the successful graduate of Thomas Aquinas College will:

- 1) understand the distinction of disciplines: in their subject matter, in their modes of procedure, in their principles, and in their level of precision and certitude;
- 2) understand the unity and order of the disciplines, recognizing how one discipline sheds light on another and how sacred theology is the queen of the sciences to which all others are ordered;
- 3) grasp something of the order of the universe from prime matter to spiritual being to God, both in its natural perfection and in its perfection in grace; and
- 4) have the skills to converse with others fruitfully and in the spirit of friendship, both in speech and in the written word.

ORGANIZATION AND GOVERNANCE

TAC's Board of Governors was found to be a self-perpetuating body with the task of supervising, controlling, and managing the affairs of TAC such as to achieve its end as outlined in the founding document. All authority and responsibility within the TAC, originates with the Board of Governors, which is its legal board of trustees. The Board consists of no more than 30 men and women, seven of whom must be either the founding members or members of the faculty of TAC. The other members are chosen for their knowledge, experience, and general ability to assist TAC in achieving its purpose.

The CEO of Thomas Aquinas College is its president, Dr. Michael F. McLean. Dr. McLean supervises the chief academic officer, Dr. Brian T. Kelly, the chief development officer, Dr. Paul J. O'Reilly, and the chief finance and administrative officer, Mr. Peter L. DeLuca. Mr. Patrick Cross moved into an apartment on the Northfield campus in late August 2017 to serve as temporary Northfield Campus Liaison to Thomas Aquinas College pursuant to 2.07 CMR (5)(d). It is planned that Mr. Cross will serve as temporary liaison until Tom Kaiser, the proposed Associate Dean for the Northfield campus, moves to Northfield in early 2018. It is planned that Tom Kaiser will then become the permanent designated liaison for the Northfield campus pursuant to 2.07 610 CMR (5)(d).

FACULTY

TAC plans that the initial establishment of a branch campus in MA will enlist volunteers from its current faculty who have leadership ability, strong commitment to the mission, and strong pedagogical skills. This is intended to ensure that the educational, social, and religious culture of the California campus is exported intact to the branch campus in MA. TAC recognizes the importance of recruiting high-quality faculty for the proposed branch campus, and this is expected to take place gradually. TAC plans that staffing the Northfield campus initially and for the first 5- 6 years will proceed as follows:

- Associate Dean, permanently appointed to Northfield campus, teaching two classes.
- 1 Senior tutor¹ in charge of Student Life, permanently appointed to the Northfield campus, teaching two classes.
- 2 full-time tutors, who could be temporary or permanent transplants from the California campus.
- Through 2021-22 TAC plans that the Northfield campus will enroll two sections of 18 freshmen and will require the equivalent of three new tutors each year.
- In 2022-23 TAC proposes that the Northfield campus will begin with four sections of 17 freshmen. It is likely that by their junior year the four sections can be collapsed to three. If this is correct, it will not be necessary to hire three new tutors for year 2024-25.

Hiring Plan for Northfield Campus

¹ TAC nomenclature "tutor" denotes teaching faculty with terminal degree

To safeguard the academic quality of the Northfield campus, the general plan is that new tutors will be appointed in one year, teach the next year at the California campus, and then teach the following year at the Northfield campus. TAC intends that exceptions might be made in individual cases if a candidate has appropriate teaching experience. It is also planned that adjustments will be made if a sufficient number of experienced California tutors elect to transfer to Northfield. In that case, new tutors would be appointed to replace them on the Santa Paula campus. TAC anticipates that eventually tutors will be recruited directly to the Northfield campus.

Descriptions of the faculty and its committees are largely based upon TAC's governing documents.

The President of the College has general supervision, direction and control of the affairs and officers of the College including the faculty and students. The President is selected from among the tutors and continues to act as a tutor, at least on a part-time basis. The president recommends to the Governors a tutor to serve as Dean of the College. The President is, ex officio, a member of all faculty committees. He is appointed by the Board of Governors for a term of six years, renewable by the Board in six-year increments. The Dean of the College has as his primary duty, the organization and supervision of the program of Catholic liberal education that is to be followed by the tutors and the students. In order to assist in carrying out his responsibilities for the general welfare of the students, he recommends to the President for appointment a tutor to be Assistant Dean for Student Affairs and a Catholic priest to be Chaplain of the College.

The Assistant Dean for Student Affairs has oversight of student life and rules of conduct for students and the means of their enforcement. The Assistant Dean appoints and supervises the prefects, oversees dormitory assignments, the coffee shop, the nurses' office, student entertainment, student organized activities, and the intramural athletic program. To assist in these efforts, he appoints and supervises the resident assistant, school nurse, activities directors, and athletic directors.

The Registrar has as his primary duty, under the Dean, the academic registration of all students, the maintenance of all official academic records and the issuance of transcripts.

The Instruction Committee shares with the Dean responsibility for the curriculum and instruction of the College. Six tutors are elected as members of the Instruction Committee. Each of the elected members serves for a term of three years. At the last regular faculty meeting, usually held at the end of the summer program, the President, in consultation with the Dean and the Instruction Committee, nominates four permanently appointed, Roman Catholic tutors, of whom the faculty elects two to membership. Members may not serve for more than two terms in succession. Among other things, the Instruction Committee oversees the Library and Admissions Committees, and is consulted on the appointment and re-appointment of tutors, teaching assignments, and from time to time on disciplinary matters.

All tutors are members of the Curriculum Committee and the Dean is its chairman. The Dean schedules meetings as needed. The Curriculum Committee serves in an advisory role to the Instruction Committee on matters of curriculum.

ADMISSION

TAC plans to enroll first-time students through a rolling admissions policy, under which prospective students may submit an application any time after they have completed their junior year of high school. It is planned that the Admissions Committee will act upon applications submitted by high school students as early as the middle of the first semester of their senior year. By the time of Matriculation, all students must have a high school diploma or its recognized equivalent. It is expected that once the Northfield branch campus class has been filled, all other accepted students will be placed on a wait list. Waitlisted students who are not ultimately admitted in the year for which they are applying, are expected to be offered a place in following year's freshman class. Once admitted, TAC plans that acceptance remains provisional until a final high school transcript is received establishing satisfactory grades through the second semester of senior year or recognized equivalent of high school completion. All students enrolled in Thomas Aquinas College will also be required to submit a student health and registration form and a signed payment plan and promissory note

PROJECTED ENROLLMENT

TAC College plans to recruit approximately 12-15 students in the first year of operation. Through 2021-22 TAC plans that the Northfield campus will enroll two sections of 18 freshmen or 36 full-time students each year.

ACADEMIC AND RELATED MATTERS

All students will be required to complete the Liberal Arts curriculum outlined in Attachment A, to earn the Bachelor of Arts in Liberal Arts.

RESOURCES ANDBUDGET

Budget Attachment B

TAC submitted many fiduciary documents to support the application, all of which were carefully reviewed by the external reviewers and BHE staff in the Academic Affairs, Administration and Finance and Legal divisions.

It is planned that once the budget is final and approved, the difference between income and expenditures will become TAC's fundraising goal each year on the proposed Massachusetts campus. The TAC Development Office will present a plan to meet the goal to the Development Committee of the Board, which will also be presented to the Board at the same meeting. Progress is monitored by means of a monthly Budget vs. Actual Summary Report sent to the full Board. TAC has duplicated its chart of accounts

and will prepare a similar budget for the proposed Massachusetts campus. During the early years, when the California campus is providing services to both locations, it is expected that this will be formulated jointly.

Public Disclosure

TAC has posted its student handbook on their web site. It includes the caveat that “This Handbook is not and shall not be interpreted as a contract of any kind between the student and the College.” The website indicates that while it does not anticipate doing so, TAC reserves the right to change any provision or requirement during the student’s term of residence. By enrolling, students and parents are expected to recognize this right and agree to the policies. Parents are expected to pay attention to the section on Parental Notification. The Student Handbook sets forth TAC rules and policies. When the student enrolls at the College it becomes an agreement by the student (and parents) to live by these rules. The TAC Student Handbook serves as the basis for the annual freshman Parent Orientation, at which parents are informed of the academic and residential policies of the College. It also serves as the basis for the annual Freshman Orientation, at which the incoming freshmen are informed of the academic and residential policies of the College. The Student Handbook is also the basis for the annual orientation.

EXTERNAL REVIEW AND INSTITUTION’S RESPONSES

Review Committee

The Visiting Committee’s review of the TAC proposal for approval to open a branch campus in MA was conducted under the leadership of Dr Michael Hoyle, CFO at Lasell College in Newton MA. The full Visiting Committee is detailed as follows:

Lee R. Allard, Ph.D., Director of Institutional Research,
Siena College, Loudonville NY

Michael Hoyle, Ph.D. - Chair
VP Administration & Finance / CFO, Lasell College, Newton MA

Laurie Johnston, Ph.D.
Associate Professor of Theology, Religious Studies & Director of Fellowships
Emmanuel College, Boston, MA

Thomas Mogan, Ph.D.
Associate Vice President / Dean of Students
Boston College, Boston MA

Winifred M. Hagan, Ed.D.,
Associate Commissioner for Academic Affairs and Student Success
Massachusetts Department of Higher Education

Review Process

After careful review of all documents, the Visiting Committee conducted a site visit on August 23 – 24, 2017 to the proposed TAC campus in Northfield. During the site visit, information was obtained from in-person meetings with members of the TAC Board of Governors, President, and members of the institution's leadership team. The Visiting Committee assessed the institution's compliance with 610 CMR 2.07(3) and its overall character and fitness to offer the degrees requested as charged. The Committee reviewed all of the documents presented in the original application and considered the significant and substantive dialog which occurred during the August site visit to prepare its initial report. It submitted its initial report to BHE staff, who provided the document to TAC on October 2, 2017.

TAC provided a response to the Visiting Committee's review on November 15, 2017. TAC addressed many of the Visiting Committee's recommendation providing details for how they will modify or enhance existing elements from the California campus to meet Massachusetts regulations.

The Visiting Committee reports and TAC responses went back and forth twice (2 rounds of review and response). At first Committee questions and concerns remained regarding most of the standards, including Student Services, Financial Resources, Library and Information Resources, and Non-Discrimination. TAC's second response to these concerns and questions was found to be satisfactory in meeting the minimum requirements for most of the standards, but the Committee found second responses to Financial Resources and Non-Discrimination standards to remain unsatisfactory. At this juncture, staff determined to refer the process to DHE Legal Counsel.

Findings

The Visiting Committee expressed that it was impressed with the institution's commitment to the mission and the educational philosophy of TAC. The dedication and loyalty of the leadership team was found to be palpable and promising. The Visiting Committee also commended the TAC leaders for the great deal of thought, effort, planning, work and financial resources that have gone into developing the application and proposal to open a branch campus in Massachusetts.

Initially, the Committee found that TAC had not yet met the requirements for four (Student Services, Financial Resources, Library and Information Resources, and Non-Discrimination) of the ten standards in 610 CMR. As well, the Visiting Committee expressed concerns that many elements of the other six standards should be further addressed. The Visiting Committee encouraged TAC to submit further documentation as outlined in their report when submitting a response to the review. Several areas of concern and recommendations were identified for the institution in the Visiting Committee's initial report. Visiting Committee recommendations pertaining to Standard 1 (Mission, Planning and Evaluation), Standard 2 (Organization and Governance), Standard 3 (Program and Instruction), Standard 4 (Faculty), Standard 5 (Student

Services), Standard 6 (Financial Resources), Standard 7 (Public Disclosure), Standard 8 (Physical Resources), Standard 9 (Library and Information Resources), and Standard 10 (Non-Discrimination) were as follows:

- Produce a comprehensive Assessment Handbook to help facilitate assessment policies and practices. (Standard 1)
- Provide more opportunities for faculty and staff to participate in assessment training activities. (Standard 1)
- Create a comprehensive strategic plan that encompasses the California campus and the proposed Northfield campus, one that is focused on improvement and not just maintenance. (Standard 1)
- Develop policies to ensure broad-based participation among administration, staff, faculty and students in future strategic planning activities, in accordance with WASC recommendations. (Standard 1)
- Consider hiring a staff person in the position of assessment, planning and institutional research. (Standard 1)
- Establish a committee of the Board of Trustees to work with an external, disinterested party to review the conflict of interest statements prepared by board members to ensure that a conflict does indeed not exist.(Standard 2)
- Increase student exposure to the contemporary world, modern cultures or languages to better prepare students to function in a globalizing world and to critically analyze contemporary events, through the curriculum and/or student activities. (Standard 3)
- Clarify what academic freedom means in practice; Describe the process for faculty dismissal in more detail; Develop a plan to recruit a faculty that is more representative of the student body it serves and will serve. Include a diversity recruitment plan. (Standard 4)
- Establish a clear student complaint process; Identify sanctions and specific consequences; Identify the specific position that students contact and a clear step-by-step appeal process. Individuals hearing appeals should be different from those that heard the initial complaint; Publish an affirmative action policy in admissions; Identify how TAC will comply with the Commonwealth of Massachusetts' health insurance law as it relates to students; Describe the procedures for students with disabilities to request accommodations; Develop and clearly articulate a comprehensive policy to comply with Title IX. (Standard 5)
- Confirm what is the budget process and identify who is involved, particularly students and staff; Submit a comprehensive strategic plan that has specific measurable goals for the proposed Massachusetts campus included in it; Clarify the sustainability of the proposed Massachusetts campus; Submit the plan to raise the \$1.2M to underscore the sustainability of the proposed Massachusetts campus; Submit a detailed and specific contingency plan that discusses plans, if the substantial annual fundraising plans do not materialize at the California campus and/or the proposed Massachusetts campus to strengthen the financial viability of the proposed Massachusetts campus. (Standard 6)
- Post the Student Handbook on the institution's website; Clarify the role and utility of the Student Handbook at the institution. Standard 7 (Public Disclosure)

- Submit a thorough financial and operational plan to address deferred maintenance; Submit a long-term capital plan, maintenance plan and financial plan for the proposed Northfield campus that is focused on the viability of the proposed Massachusetts campus. (Standard 8 (Physical Resources))
- Provide a plan to make electronic resources and databases available to students on an unfiltered and 24/7 basis at the proposed Massachusetts campus. Standard 9 (Library and Information Resources)
- Submit a Non-Discrimination Policy that meets the Commonwealth of Massachusetts' law in all its principals, including religion and sexual orientation. Standard 10 (Non-Discrimination)

The Committee found that TAC's November 15, 2017 response to the initial report was not complete enough to make a recommendation. TAC discussed substantial improvements consistent with the Committee's suggestions for several of the standards. The response ensured an understanding and appreciation for the Committee's suggestion and underscored TAC's desire to meet the standards for approval.

Standards that continued to be problematic included Student Services, Financial Resources, Library and Information Resources, and Non-Discrimination. The Committee's recommendations to TAC included:

- Post the Student Handbook on the institution's website;
- Clarify the role and utility of the Student Handbook at the institution;
- Provide greater detail explaining the full TAC budget with a complete budget for the institution including the main campus, proposed branch campus and the plan to address the deferred maintenance issues on the proposed MA campus;
- Provide a plan to make electronic resources and databases available to students on an unfiltered and 24/7 basis at the proposed Massachusetts campus to meet this standard;
- Provide a statement of Non-Discrimination that specifically lists all protected classes identified in DHE regulations in its anti-discrimination/ admissions policy.

TAC indicated it would update the student handbook to reflect MA regulations and post it on their web page. TAC provided extensive detail regarding electronic resources and databases that would be made available to students. The Committee found the explanations and evidence to meet the minimum standards. TAC submitted additional budget information, but the Committee determined that it was not adequate. TAC provided justification for its proposed approach to its anti-discrimination policy, referencing its religious tenets and its status as a religious institution and the Committee found this to be unsatisfactory as well.

Specifically, the Visiting Committee requested the following: Standard 6 (Financial Resources) and Standard 10 (Non-Discrimination and Other Requirements)

- Confirm what is the budget process and identify who is involved, particularly students and staff. (Standard 6)
- Submit a comprehensive strategic plan that has specific measurable goals for the proposed Massachusetts campus included in it. (Standard 6)

- Clarify the sustainability of the proposed Massachusetts campus. (Standard 6)
- Submit the plan to raise the \$1.2M to underscore the sustainability of the proposed Massachusetts campus. (Standard 6)
- Submit a detailed and specific contingency plan that discusses plans, if the substantial annual fundraising plans do not materialize at the California campus and/or the proposed Massachusetts campus to strengthen the financial viability of the proposed Massachusetts campus. (Standard 6)
- Submit a thorough financial and operational plan to address deferred maintenance. (Standard 6)
- Submit a long-term capital plan, maintenance plan and financial plan for the proposed Northfield campus that is focused on the viability of the proposed Massachusetts campus. (Standard 6)
- Establish a clear student complaint process. (Standard 10)
- Identify sanctions and specific consequences to students in the student disciplinary process. (Standard 10)
- Identify the specific position that students contact and a clear step-by-step appeal process. Individuals hearing appeals should be different from those that heard the initial complaint. (Standard 10)
- Publish an affirmative action policy in admissions. (Standard 10)
- Identify how TAC will comply with the Commonwealth of Massachusetts' health insurance law as it relates to students. (Standard 10)
- Describe the procedures for students with disabilities to request accommodations. (Standard 10)
- Develop and clearly articulate a comprehensive policy to comply with Title IX, and submit a Non-Discrimination Policy that meets the Commonwealth of Massachusetts' law in all its principals. (Standard 10)

TAC agreed that the primary area for potential miscalculation as the Visiting Committee suggested, pertained to the need to maintain and refurbish the large and aging physical plant. TAC provided detailed timelines regarding phased occupancy and capital adaptation and renewal plans, which they expect to be adequate over the next 8-10 years with a minimum of capital expenditure for renovation and adaptation. TAC identified \$10 million in funding that would be available for the first five years and asserted that this would be adequate for anticipated needs during that period. In the event of unexpected problems, the College would first seek additional help from its donors, particularly those that have already invested in the project. Beyond that, a \$5 million line of credit has been extended by the Knights of Columbus for just such eventualities. While TAC indicated that it would prefer not to incur debt, if necessary, it could draw upon these funds at any time. TAC stated that it believed that this reserve constituted an adequate contingency plan. TAC also stated that TAC would appoint an experienced Facilities Manager. Over time it is expected that TAC would assume direct responsibility for staffing these functions as it now does on the California campus.

TAC responded to concerns that it does not meet the MA Non-Discrimination standard and divided its response between Admissions and Employment. In the admissions arena TAC asserted that it prefers to admit Catholics, but also intended to admit non-Catholics respectful of its Catholic character and mission. In the employment area, TAC

cited the protection afforded to it as a religious institution in its free exercise of religion, and to the right of expressive association by the First Amendment to the United States Constitution. TAC asserts that the right to the free exercise of religion allows the institution to manage its affairs in accordance with its religious beliefs; and the right of expressive association allows TAC to limit employment and admissions to those who share its beliefs whether or not they happen to be Catholic.

In the response to concerns with the Financial Resources standard, the Committee found that TAC offered insufficient evidence in response to the concerns cited in the review, and they did not find that TAC demonstrated that the institution is financially prepared to absorb the cost of opening the physical campus on its grounds in Northfield, Massachusetts, thus this standard was determined to remain unmet.

In response to the Non-Discrimination standard, the Committee did not agree with TAC's response. Concerned that TAC did not meet the regulatory requirement that prohibits "illegal" discrimination, 610 CMR 2.07(1)(j), and concerned that TAC's approach would result in discrimination in hiring and admissions it was determined that a legal review would be sought.

The Committee carefully reviewed TAC's responses to their reports, the TAC website, and all documentation. The review team found it to be clear that TAC has carefully read and synthesized their review in the content of the response. The team acknowledged that TAC has met many of the minimum requirements set forth by the Commonwealth of Massachusetts in the initial petition and in the subsequent response to many of the findings by the review. The Committee carefully considered TAC's response to their review, in light of the MA degree-granting regulations for independent institutions of higher education. In the final analysis the Committee determined that they "*...cannot in good conscience and as stewards of the Board of Higher Education, recommend Board approval of the TAC petition at this time. Until TAC can fully meet both the Financial standard and the Non-discrimination standard, the Visiting Committee does not recommend approval.*"

Subsequently, DHE Legal Counsel had regular communications with TAC's counsel, including exchanging written requests for information and responses, conference calls, and general dialog to address the following three specific issues referred by the Visiting Committee for legal review: 1) the viability of TAC's proposed financial structure; 2) TAC's intention, as a Catholic institution, to offer preference in hiring to employees who are Catholic; and 3) questions about statements in TAC's application, including statements surrounding student conduct and dismissal, that seemed to indicate that TAC would potentially, or at least would be able to, discriminate against certain students in protected classes based on their religious beliefs and/or sexual orientation. The Committee believed that these three questions were outside of its areas of expertise.

Regarding TAC's proposed financial structure, DHE's Administration and Finance (ANF) team reviewed the financial elements of TAC's application. DHE ANF determined that, overall, TAC's liquidity and endowment assets relative to its full-time enrolled student estimates (FTE) are sound in comparison with other schools and the standards that the U.S. Department of Education and other entities, including the National Association of

College and University Business Officers (NACUBO) recommend for financial viability. DHE's ANF staff did identify follow up questions regarding TAC's assessment and plans for capital adaptation and renewal, noting that the BHE typically requires at least 5% of operating revenue to be allocated for capital adaptation and renewal. The DHE sought documentation of a recent assessment of TAC's known capital needs for the Northfield location, including occupancy (dormitory) improvements, and a narrative on how TAC intended to address its future capital needs.

In response, TAC forwarded to the DHE the full facilities assessment conducted by the Bread Loaf Corporation (BLC) in March 2017. The BLC assessment included estimates of the costs to make the acquired buildings operational over several phases, and recommended 1) repairs and associated costs to the first 8 buildings and 4 houses scheduled to be occupied; and 2) procedures and assessments for the remaining 11 buildings, should TAC choose to occupy and use the buildings in the future. TAC also confirmed receipt of over \$1.32 million in capital financing from the National Christian Foundation (NCF), and confirmed future pledges in the NCF gift agreement for major repairs, noting that any single repair with a cost of \$100,000 or more would receive 50% funding from the NCF. TAC also confirmed in writing that the capital financing received and pledged by NCF is supplemental to NCF's \$5 million operating budget commitment. With this supplemental information DHE ANF staff were satisfied that the proposed financial structure met minimal regulatory requirements, but recommended conditional approval which included annual reporting requirements to ensure that TAC was meeting its fundraising goals and timely receiving all capital financing and operating budget commitments.

Regarding the two other issues that were related to TAC's status as a religious institution, DHE Legal Counsel worked with TAC's counsel to clarify TAC's proposal that it would give preference in employment to those of the Catholic faith. In this regard, in order for TAC's proposal to satisfy the requirement of 610 CMR 2.07(3(j)—that an institution shall not engage in *illegal* discrimination on the basis of (among other characteristics) religion—DHE Legal Counsel needed to assess TAC's proposal under the Massachusetts employment antidiscrimination statute and its exemptions (M.G.L. c. 151B, §1(5)). In response, TAC's counsel confirmed that 1) TAC is "operated, supervised or controlled by or in connection with" the Catholic church; and 2) TAC agreed to adjust its admissions policy to exclusively limit the admission of students in Massachusetts to those of the Catholic faith, consistent with the exemption requirement of Chapter 151B. As such, TAC sufficiently demonstrated TAC's eligibility to avail itself of the applicable religious organization exemption criteria in Chapter 151B, to give preference in employment to those of the same "discipline, faith, internal organization or ecclesiastical rule, custom, or law which are calculated by such organization to promote the religious principles for which it is established or maintained." M.G.L. c. 151B, §1(5).

Similarly, regarding the Visiting Committee's concerns about student conduct and dismissal, TAC clarified that they do not have a student code of conduct that targets any protected classes, nor does their code of conduct define sexual misconduct in a way that prohibits same-sex sexual relations. However, citing to Chapter 151B, TAC stated that as a religious institution, it will be defining and handling matters constituting "sexual misconduct" of any nature on a case-by-case basis with sanctions/ discipline, if any,

imposed only “as necessary to promote the religious principles for which TAC is established and maintained.” It was noted that state law does not appear to bar TAC, as a religious institution, from defining and handling what is deemed to be “sexual misconduct” in a way intended to promote the institution’s religious tenets; however, DHE Legal Counsel also noted potential ambiguities in the proposed approach and therefore suggested that TAC be clear with students on behavior expectations through policy implementation and orientation processes. In addition, DHE Legal Counsel required TAC to make clarifications to the student handbook, including clarifications to the appeals process in disciplinary proceedings. Finally, TAC was also required to develop and adopt a robust anti-harassment policy that would prohibit harassment of any members of the TAC community based on protected characteristics as listed in 610 CMR 2.07(3)(j), to ensure the safety and wellbeing of all members of the community.

As a result of these communications, TAC made changes to its application and submitted revised policies and financial documents so that it would be in compliance with 610 CMR 2.07.

PUBLIC HEARING

The required public hearing will be held on October 16, 2018 at the Department of Higher Education, located at One Ashburton Place in Boston, Massachusetts.

STAFF ANALYSIS AND RECOMMENDATION

DHE staff, including Academic Affairs staff, Legal Counsel and Administrative and Finance staff, have thoroughly reviewed all documents submitted with the petition for degree granting authority, two Visiting Committee reports and recommendations, and the petitioner’s response, as well as subsequent communications between the DHE’s and the petitioners’ Legal Counsel. Staff recommend that TAC be approved for initial conditional authorization. The conditions specified are primarily based on the fact that criteria in 610 CMR 2.07(3) relating to faculty and could not be evaluated, and criteria 610 CMR 2.07(3)(f) regarding “past, present and future financial stability,” warrants close monitoring.

Staff find that Thomas Aquinas College’s proposal meets the requirements outlined in 610 CMR 2.07, with the conditions specified. Recommendation is for approval of the College’s petition for initial, conditional authorization to operate in the Commonwealth of Massachusetts as a foreign corporation and to offer the Bachelor of Arts in Liberal Arts degree.

Attachment A: Curriculum

Required Courses in the Major (Total # courses required = 47)		
Course Number	Course Title	Credit Hours
1 st Semester	Theology I: Sacred Scripture	3
1 st Semester	Philosophy I: Logic	3
1 st Semester	Natural Science I: Biology, Natural History, and Measurement	3
1 st Semester	Mathematics I: Euclidean Geometry	4
1 st Semester	Language I: Latin and English Grammar	3
1 st Semester	Seminar I: Ancient Greek Philosophy, Literature and History	2
2 nd Semester	Theology I: Sacred Scripture	3
2 nd Semester	Philosophy I: Logic	3
2 nd Semester	Natural Science I: Biology, Natural History, and Measurement	3
2 nd Semester	Mathematics I: Euclidean Geometry	4
2 nd Semester	Language I: Latin and English Grammar	3
2 nd Semester	Seminar I: Ancient Greek Philosophy, Literature and History	2
	TOTAL CREDIT HOURS YEAR 1	36
1 st Semester	Theology II: Patristic Theology	3
1 st Semester	Philosophy II: Natural Philosophy	3
1 st Semester	Natural Science II: Atomic Theory	3
1 st Semester	Mathematics II: Ancient and Modern Astronomy	4
1 st Semester	Language II: Latin and English Grammar	3
1 st Semester	Seminar II: Ancient Roman and Medieval Philosophy, Literature and History	2
2 nd Semester	Theology II: Patristic Theology	3
2 nd Semester	Philosophy II: Natural Philosophy	3
2 nd Semester	Natural Science II: Atomic Theory	3
2 nd Semester	Mathematics II: Ancient and Modern Astronomy	4
2 nd Semester	Language II: Latin and English Grammar	3
2 nd Semester	Seminar II: Ancient Roman and Medieval Philosophy, Literature and History	2
	TOTAL CREDIT HOURS YEAR 2	36

1 st Semester	Theology III: Aquinas - Science of Theology, Essence of God, Law	3
1 st Semester	Philosophy III: Ethics and Political Philosophy	3
1 st Semester	Natural Science III: Mathematical Physics – Galileo and Newton	4
1 st Semester	Mathematics III: Analytic Geometry and Calculus	3
1 st Semester	Music: Theories of Tuning and Tonality	2
1 st Semester	Seminar III: Early Modern Philosophy, Literature, and History	4
2 nd Semester	Theology III: Aquinas - Science of Theology, Essence of God, Law	3
2 nd Semester	Philosophy III: Ethics and Political Philosophy	3
2 nd Semester	Natural Science III: Mathematical Physics – Galileo and Newton	4
2 nd Semester	Mathematics III: Analytic Geometry and Calculus	3
2 nd Semester	Music: Theories of Tuning and Tonality	2
2 nd Semester	Seminar III: Early Modern Philosophy, Literature, and History	4
	TOTAL CREDIT HOURS YEAR 3	38
1 st Semester	Theology IV: Aquinas – The Trinity and the Sacraments	3
1 st Semester	Philosophy IV: Natural Philosophy and Metaphysics	3
1 st Semester	Natural Science IV: Optics, Electromagnetism, and Evolution	4
1 st Semester	Mathematics IV: Number Theory, Non-Euclidean Geometry, and Relativity	3
1 st Semester	Seminar IV: Late Modern Philosophy, Literature, and Theology	4
2 nd Semester	Theology IV: Aquinas – The Trinity and the Sacraments	3
2 nd Semester	Philosophy IV: Natural Philosophy and Metaphysics	3
2 nd Semester	Natural Science IV: Optics, Electromagnetism, and Evolution	4
2 nd Semester	Mathematics IV: Number Theory, Non-Euclidean Geometry, and Relativity	3
2 nd Semester	Seminar IV: Late Modern Philosophy, Literature, and Theology	4
2 nd Semester	Senior Thesis: Written and Defended	2
	TOTAL CREDIT HOURS YEAR 4	36
	Sub Total Required Credits	146
	Sub Total Elective Credits	0
General Education Courses (Total # courses required = 0) NOT APPLICABLE		
Curriculum Summary		
Total number of courses required for the degree		47

Total credit hours required for degree	146
<i>Prerequisites, Concentration or Other Requirements:</i>	

Attachment B: Budget

Thomas Aquinas College						
Northfield Campus						
Five Year Plan						
Year	1	2	3	4	5	6
	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
Operational (Revenue)/Expenses						
Revenue						
Tuition	-	-	(899,300)	(1,758,100)	(2,571,000)	(3,386,900)
Room and Board	-	-	(291,800)	(570,700)	(834,400)	(1,103,900)
High School Program Tuition	-	(21,100)	(31,600)	(42,100)	(42,100)	(42,100)
High School Program Room and Board	-	(14,000)	(21,100)	(28,100)	(28,100)	(28,100)
Financial Aid	-	-	565,600	1,109,500	1,628,200	2,152,100
Net Revenue	-	(35,100)	(678,200)	(1,289,500)	(1,847,400)	(2,408,900)
Expenses						
Plant Operation	557,000	1,114,000	1,136,300	1,159,000	1,182,200	1,205,800
Office Expenses	25,000	50,000	51,000	52,000	53,000	54,100
State Approval	10,000	4,000	4,100	4,200	4,300	4,400
Accreditation	10,000	10,000	10,200	10,400	10,600	10,800
New Teaching Faculty	-	-	393,600	710,500	1,046,100	1,401,100
Costs associated with moving new faculty	-	-	48,000	36,700	37,400	38,100
Travel and Temporary moves	9,000	18,000	30,000	30,700	31,400	32,100
Lab equipment and Supplies	-	-	5,200	5,300	5,400	5,500
Lecture Series - No Fiscal Impact	-	-	-	-	-	-
Student Books	-	-	16,900	33,100	48,500	64,000
High School Program Instruction Expense	-	21,100	31,600	42,100	42,100	42,100
High School Program Auxiliary Enterprises Expens	-	14,000	21,100	28,100	28,100	28,100
Food Service	-	-	199,700	276,800	349,800	424,300
Athletic Equipment	-	10,000	5,100	5,200	5,300	5,400
Two Campus Vehicles - operating expense	-	-	4,700	4,800	4,900	5,000
Administrative Staff - Resident Assistants	-	-	160,000	163,200	166,500	169,800
Administrative Staff - Chaplain	-	-	28,000	28,600	29,200	29,800
Administrative Staff - Business Office	27,500	56,100	57,200	58,300	59,500	60,700
Administrative Staff - Development	82,500	112,200	114,400	116,700	119,000	121,400
Swimming Pool	-	4,200	25,000	25,500	26,000	26,500
Nurse and Counselor	-	-	5,000	9,700	13,900	17,900
Graduation	-	-	-	-	-	60,000
Total Expenses	721,000	1,413,600	2,347,100	2,800,900	3,263,200	3,806,900
Net Operational (Revenue)/Expenses	721,000	1,378,500	1,668,900	1,511,400	1,415,800	1,398,000
Capital Expenditures						
Library Books	-	-	50,000	25,000	25,000	25,000
Office Furniture and Classroom Furniture	-	37,600	29,200	29,800	30,400	31,000
Start up Renovations	-	50,000	-	-	-	-
Two Campus Vehicles	-	-	30,000	-	-	-
Dorm furniture and Kitchen Equipment	-	-	18,000	16,500	15,000	14,500
Total Capital Expenditures	-	87,600	127,200	71,300	70,400	70,500
Gifts Required	721,000	1,466,100	1,796,100	1,582,700	1,486,200	1,468,500

Appendix C: Faculty

Name <i>If faculty member has not yet been hired, write: Not Yet Hired.</i>	Degree and Field	Title	Full- or Part-time, or adjunct, at the institution
Kaiser, Thomas J.	B.A., Thomas Aquinas College, 1975; C. Phil., University of California, Los Angeles, 1980; Ph.D., biology, University of California, Los Angeles, 1986; Instructor in Philosophy, Niagara University, 1975; California Graduate Fellow, 1977–80, Teaching Assistant 1979, Teaching Associate, 1979–80, Teaching Fellow, 1980–82, Biology, University of California, Los Angeles; Tutor, Thomas Aquinas College, 1982–.	Associate Dean and Senior Tutor	Full-time
Augros, Michael A.	B.A., Thomas Aquinas College, 1992; M.A., philosophy, Boston College, 1993; Ph.D., philosophy, Boston College, 1995; Bradley Fellow, 1992-1994; Teaching Fellow, Department of Philosophy, Boston College, 1994-1995; Associate Professor of Philosophy, North American campus of the Pontifical University Regina Apostolorum, 1998 to 2009; Vice-President, Institute for the Study of Nature 2006-; President's Council, The Society for Aristotelian Studies, 2007-; Tutor, Thomas Aquinas College 1995-1998, 2009-.	Senior Tutor	Full-time
Wodzinski, Phillip D.	B.A., philosophy, Xavier University, 1993; M.A., political science, Boston College, 1996; Ph.D., political science, Boston College, 2009; Graduate Fellowship, Institute for the Study of Politics and Religion (Boston College), 1994-98; Teaching Assistant, Boston College, 1998; Summer Research Stipend, Olin Foundation, 1998; German Culture Research Scholarship, Goethe-Institut Rothenburg, 1999; Graduate	Tutor	Full-time

	Fellowship, Institute of Medieval Philosophy and Theology (Boston College), 1999-2000; Teaching Fellow, Boston College, 2000-01; Research Assistant, Harvard Medical School, 2001-02; Tutor, Thomas Aquinas College, 2002-.		
Gardner, Patrick M.	B.A., Harvard University, 2001; M.M.S. (medieval studies), University of Notre Dame, 2003; Ph.D., medieval studies, University of Notre Dame, 2009; Instructor/Adjunct Assistant Professor, University of Notre Dame, 2006–2010; Bradley Fellow, University of Notre Dame, 2007–08; Jefferson Postdoctoral Fellowship, The University of Texas at Austin, 2010–12; Tutor, Thomas Aquinas College, 2012–	Tutor	Full-time
Tutors 5 – 37 Not Yet Hired	Prospective Tutors will have doctoral degrees or be active doctoral candidates for degrees in a variety of disciplines including: philosophy, history of science, astronomy, physics, biology, theology, medieval studies, history, literature, engineering, and political science.	Tutor	Full-time