

BOARD OF HIGHER EDUCATION

June 14, 2016
9:00 a.m.

Worcester State University
May Street Auditorium
280 May Street
Worcester, MA 01602

Meeting Minutes

A meeting of the Board of Higher Education (BHE) was held on Tuesday, June 14, 2016 in the May Street Auditorium at Worcester State University, 280 May Street, Worcester, Massachusetts.

The following Board Members were present:

Chris Gabrieli, Chair
Sheila Harrity, Vice-Chair
Nancy Hoffman
Tom Hopcroft
Don Irving
Robert Johnson
J.D. LaRock
James Peyser, Secretary of Education
Henry Thomas
Owen Wiggins, Voting Student Member
Jazhiel Chase, Non-voting Student Member

Carlos E. Santiago, Commissioner and Secretary to the Board

The follow Board members were absent:

Dani Monroe
Fernando Reimers
Paul Toner

I. CALL TO ORDER

Chairman Chris Gabrieli called the meeting of the Board of Higher Education (BHE) to order at 9:19 a.m.

II. WELCOME

Barry Maloney, President, Worcester State University
List of Documents Submitted by President Maloney
June 14, 2016 Power Point

President Maloney welcomed and thanked everyone on the Board for the opportunity to host and speak today. He began his remarks by describing program changes occurring

at Worcester State University (WSU) with the goal of improving access and affordability. He continued his remarks by highlighting ongoing campus efforts around closing achievement gaps, such as the work of the Latino Education Institute (LEI). He described how LEI has improved college completion rates. President Maloney noted that WSU hit the target goal of increasing graduation rates by one percent on an annual basis. President Maloney concluded his remarks by showing a welcome video from WSU.

III. ACCEPTANCE OF MINUTES

Chairman Gabrieli brought forth a motion to accept the minutes of the April 26, 2016, Special BHE meeting. The motion was seconded and the minutes were approved unanimously by all Board members present.

Chairman Gabrieli brought forth a motion to accept the minutes of the May 3, 2016, BHE meeting. The motion was seconded and the minutes were approved unanimously by all Board members present.

IV. PUBLIC PARTICIPATION

None

V. CHAIRMAN'S REMARKS

Chairman Gabrieli began by recognizing campus commencement events. He continued by thanking Student Board Members, Owen Wiggins and Jazhiel Chase for their contributions and presented them each with a small gift to commemorate their service on the Board. Board Member Nancy Hoffman also wanted to thank Owen Wiggins for his contributions to date on the Board and on his campus. Chairman Gabrieli concluded his remarks by noting that later on during the meeting he will take some time to acknowledge two retiring Presidents, Ira Rubenzahl and William Messner.

VI. COMMISSIONER'S REMARKS

Commissioner Santiago began by thanking President Maloney and all of the WSU staff for hosting the meeting. Before beginning his remarks the Commissioner acknowledged and welcomed the Presidents in attendance: President Kennedy, President Asquino, President Gentile, President Roberson, President Torrecilha, President Glenn, and President Cevallos. He also recognized the attendance of Vincent Pedone, Executive Officer for the State Universities and Bill Hart, Executive Office for the Community Colleges. Lastly, he acknowledged and welcomed former Board Member, Stacey Luster, who was also in attendance.

The Commissioner took a moment to thank the student board members for their commitment to the Board and public higher education. He then provided an update on his regional visits and thanked the campuses for their hospitalities during these visits.

Commissioner Santiago also spoke about the recent Vision Project report release

which was hosted at the The Boston Foundation. He recounted the presentation in detail and discussed the special emphasis on the “Big 3,” progress on metrics, demographic changes, degree shortfall, and creating better alignment with K-12. The Commissioner detailed three initiatives that reflect efforts aligned with the Vision Project goals: the Commonwealth Commitment, STEM Starter Academy, and 100 Males to College. He provided an overview of each initiative and concluded his remarks with a brief video presentation.

VII. SECRETARY OF EDUCATION’S REMARKS

Secretary of Education Jim Peyser stated that he did not have any remarks.

VIII. REPORTS FROM PRESIDENTS

Community College Presidents’ Report – Northern Essex Community College President Dr. Lane Glenn

List of Documents Submitted by President Glenn

None

President Glenn brought greetings from the Community College segment. He began his remarks by noting the completion of their Presidents’ retreat last week and provided an overview of topics discussed: improving transfer, resources, and extending strategic partnerships. He highlighted that a common theme in the conversation was the importance of data.

President Glenn also discussed efforts funded by the Trade Adjustment Assistance Community College Career Training (TAACCCT) Round IV grant to create guided pathways to align curriculum to employee needs. He continued with an overview of the student employment data tracking system and thanked President Pat Gentile, North Shore Community College, for leading these conversations across the segment.

President Glenn also provided comment on the Board’s Campus Safety and Violence Prevention report. He thanked the Board for taking a focused look at this important issued, but cautioned that a “one-size-fits-all” approach would not be effective during implementation given varying differences across the campuses.

President Glenn highlighted that many of the community colleges will be celebrating their 50 years. He then congratulated everyone for their support and leadership. He concluded his remarks by stating that President John Cox, Cape Cod Community College, would be the new representative for the community college segment next year.

State University Presidents’ Report – Worcester State University President Barry Maloney

List of Documents Submitted by President Maloney

None

President Maloney brought greetings from the State University segment. He began by acknowledging President Javier Cevallos, Framingham State University, as the new segmental leader. Additionally, he welcomed President David Nelson, Massachusetts College of Art and Design, who joined on June 1st, which meant that the Council of Presidents was settled without any current member being an Interim President.

President Maloney highlighted the support for PACE initiatives. Additionally, he noted that the new Chair for PACE would be President Fred Clark. He also thanked President William Messner for chairing the group for the past two years.

President Maloney noted that they will continue to partner with UMass for the Undergraduate Online Research Conference at UMass Boston. He continued his remarks by stating that the Council of Presidents will meet during the summer to discuss strategic planning; he invited all Board members to attend. Lastly, in terms of budget, President Maloney noted that the decision of whether or not to support the funding level required for collective bargaining agreements was a critical issue and is currently up to the senate.

IX. REPORT FROM STUDENT ADVISORY COUNCIL

Student Member Owen Wiggins thanked Chairman Gabrieli and Board Member Chase for all the support throughout the year. He announced that the Student Advisory Council met and selected next year's BHE Student Member who is from Mount Wachusett Community College.

X. MOTIONS

List of Documents Used:

AAC 16-26 through 16-37

FAAP 16-28 through 16-33

June 14, 2016 BHE Power Point

A. Academic Affairs

Chairman Gabrieli turned the meeting over to Committee Chair Nancy Hoffman. Board member Hoffman summarized the motions that were listed on the consent agenda (AAC 16-31), which pertained to renewing certain institutions' membership in the Commonwealth Honors Program, and adding one new institution, Roxbury Community College, to the program.

There being no discussion, the following motion was moved, seconded and approved as follows, with all Board members present voting in favor:

AAC 16-31 Consent Agenda – AAC 16-26 through 16-30

MOVED: The Board of Higher Education approves the following motions on a consent agenda:

- AAC 16-26 Establishment of Roxbury Community College in the Commonwealth Honors Program
- AAC 16-27 Renewal of Bunker Hill Community College membership in the Commonwealth Honors Program
- AAC 16-28 Renewal of Cape Cod Community College membership in the Commonwealth Honors Program
- AAC 16-29 Renewal of the University of Massachusetts Lowell membership in the Commonwealth Honors Program
- AAC 16-30 Renewal of Westfield State University membership in the Commonwealth Honors Program

Authority: Article III, Section 6, By-Laws

Contact: Winifred M. Hagan, Ed.D.
Associate Commissioner for Academic Affairs and Student Success

Committee Chair Hoffman continued by providing an overview of motions listed in the next consent agenda, AAC Motion 16-36. There being no discussion, the following motion was moved, seconded and approved as follows, with all Board members present voting in favor:

AAC 16-36 Consent Agenda – AAC 16-32 through 16-35

MOVED: The Board of Higher Education approves the following motions on a consent agenda:

- AAC 16-32 Massachusetts Bay Community College – Associate in Science in Cybersecurity
- AAC 16-33 University of Massachusetts Boston – Bachelor of Arts in International Relations
- AAC 16-34 University of Massachusetts Boston – Master of Arts in International Relations
- AAC 16-35 University of Massachusetts Lowell – Bachelor of Science in Pharmaceutical Science

Authority: Article III, Section 6, By-Laws

Contact: Winifred M. Hagan, Ed.D., Associate Commissioner for Academic Affairs & Student Success

Committee Chair Hoffman continued by providing an overview of AAC

Motion 16-37, noting that the revocation is due to the fact that the School of the Museum of Fine Arts is merging into its long time educational partner, Tufts University. There being no discussion, the following motion was moved, seconded and approved as follows, with all Board members present voting in favor:

AAC 16-37 Revocation of School of Museum of Fine Arts degree granting authority

MOVED: The Board hereby revokes the legal authority of School of the Museum of Fine Arts to operate and grant degrees in the Commonwealth of Massachusetts effective July 1, 2016.

Authority: Massachusetts General Laws Chapter 69, Section 30 et seq.

Contact: Winifred M. Hagan, Ed.D., Associate Commissioner for Academic Affairs and Student Success

B. Fiscal Affairs and Administrative Policy

Chairman Gabrieli turned the meeting over to FAAP Committee Chair Tom Hopcroft. Board member Hopcroft provided an update of the business brought before the FAAP Committee meeting last week. He provided an overview of the first motion, FAAP 16-28. There being no discussion, the following motion was brought forth, seconded and unanimously approved by all Board members present:

FAAP 16-28 Approval of Massachusetts State College Building Authority project

MOVED: MASSACHUSETTS STATE COLLEGE BUILDING AUTHORITY
LOOP ROAD PROJECT
MASSACHUSETTS MARITIME ACADEMY

1. The Commissioner of the System of Public Higher Education (the "Commissioner") is authorized and directed in the name and on behalf of the Board of Higher Education (the "Board") to make a written request to the Massachusetts State College Building Authority (the "Authority") that the Authority initiate the projects described in EXHIBIT A attached hereto.

2. Bonds issued by the Authority to finance the projects for which a request is hereby authorized may be issued together with or separately from bonds issued to carry out other projects of the Authority for which the Board authorizes a request.

3. The Commissioner and all other officers of the Board, each acting singly, are authorized to request the Commissioner of Administration to approve in writing the initiation by the Authority of the projects for which

a request is hereby authorized, and to do such other things and to take such other action as the officer so acting shall, as conclusively evidenced by the taking of such action, deem necessary or desirable to be done or taken to carry into effect the matters hereby authorized.

4. The Board and the Commonwealth of Massachusetts, acting by and through the Board, declare their official intent under §1.150-2(d)(1) and (e) of the Treasury Regulations as follows:

The Board reasonably expects that there shall be reimbursed from the proceeds of bonds issued by the Authority, expenditures (including expenditures made within the last 60 days) temporarily advanced by the Commonwealth (including within such term the Board and the State Universities) for the projects for which a written request is hereby authorized, the maximum principal amount of such bonds expected to be issued, all or a portion of the proceeds of which are reasonably expected to be used for such reimbursement purposes, being \$2,400,000.

Authority: Massachusetts General Laws Chapter 15A, Section 6

Contact: Sean P. Nelson, Deputy Commissioner for Administration & Finance
Fiscal and Administrative Policy

Committee Chair Hopcroft provided an overview of the next motion, FAAP 16-29. There being no discussion, the following motion was brought forth, seconded and unanimously approved by all Board members present:

FAAP 16-29 Confirmation of the Massachusetts 403(B) Elective Deferral Savings Plan Named Fiduciaries and Authorized Signatories

MOVED: Be it resolved, that the Board of Higher Education hereby identifies the following as Named Fiduciaries of the Massachusetts 403(b) Elective Deferral Savings Plan:

Commissioner of Higher Education

Deputy Commissioner for Administration and Finance of the Department of Higher Education

Director, Retirement Plans Group (Dept. of Higher Education)

Be it also resolved that the Board of Higher Education hereby identifies the following as Authorized Signatories for the Massachusetts 403(b) Elective Deferral Savings Plan

Commissioner of Higher Education

Deputy Commissioner for Administration and Finance of the Department of Higher Education
Authority: Massachusetts General Laws Chapter 15 Section 18A
Contact: Sean P. Nelson, Deputy Commissioner for Administration and Finance

Committee Chair Hopcroft provided an overview of FAAPmotion 16-30. There being no discussion, the following motion was brought forth, seconded and unanimously approved by all Board members present:

FAAP 16-30 Confirmation of the Massachusetts Optional Retirement Program Named Fiduciaries and Authorized Signatories

MOVED: Be it resolved, that the Board of Higher Education hereby identifies the following as Named Fiduciaries of the Massachusetts Optional Retirement Program:

Commissioner of Higher Education

Deputy Commissioner for Administration and Finance of the Department of Higher Education

Director, Retirement Plans Group (Dept. of Higher Education)

Be it also resolved that the Board of Higher Education hereby identifies the following as Authorized Signatories for the Massachusetts Optional Retirement Program:

Commissioner of Higher Education

Deputy Commissioner for Administration and Finance of the Department of Higher Education

Authority: Massachusetts General Laws Chapter 15A, Section 40

Contact: Sean P. Nelson, Deputy Commissioner for Administration and Finance

Committee Chair Hopcroft provided an overview of the FAAP 16-31, adding that the amendment was mainly technical and brought before the Committee in order to advance the goals of the Commonwealth Commitment.

There being no discussion, the following motion was brought forth, seconded and unanimously approved by all Board members present:

FAAP 16-31 Amendment to Previously Approved Motion for Amended Guidelines Regarding the MassTransfer Tuition Credit Program

MOVED:

The Board of Higher Education hereby repeals FAAP 16-15 relative to the amended guidelines regarding the MassTransfer Tuition Credit program as approved by the Board on January 26, 2016 and replaces it with the text below and new attachment.

For reasons set forth in the background document, the Board of Higher Education (BHE) hereby adopts the attached amended Guidelines for the MassTransfer Tuition Credit Program. These guidelines will go into effect beginning on June 30, 2016.

Authority: Massachusetts General Laws, Chapter 15A, Section 9 (i) and 19

Contact: Dr. Clantha McCurdy, Senior Deputy Commissioner, Access and Student Financial Assistance
Sean P. Nelson, Deputy Commissioner, Administration and Finance

Committee Chair Hopcroft briefly described the conversation that took place during the FAAP Committee meeting the previous week, noting that DHE staff gave a detailed presentation on the proposed changes to the non-unit professional (NUPs) policies. Commissioner Santiago stated that the recommendations were discussed with a committee represented by campus leadership and human resources staff. The Commissioner noted that some of the proposed changes would better align the NUPs policies at state universities and community colleges with the UMass system and other New England states.

There being no further discussion, the following motion was brought forth, seconded and unanimously approved by all Board members present:

FAAP 16-32 Amended Leave Policies for Non-Unit Professional at Community Colleges and State Universities

MOVED:

As identified in the background document, the Board of Higher Education (BHE) hereby adopts the proposed changes for the leave policies for non-unit professionals at community colleges and state universities and authorizes the Department to effectuate said changes in the respective employee handbooks;

The Board further directs the Department to implement the proposed oversight and accountability measures, as specified in the background document, in order to better inform any future compensation or benefit changes for personnel.

The BHE directs the Commissioner to report back to the BHE in the Fall of 2016 on the Department's progress in implementing the proposed changes and other recommendations set forth herein.

Authority: M.G.L. c. 15A, § 6 and 9

Contact: Nate Mackinnon, Assistant Commissioner & Chief of Staff;
Sean Nelson, Deputy Commissioner for Administration and Finance

Committee Chair Hopcroft presented the following motion and explained the policy. Commissioner Santiago stated that during the FAAP committee meeting last week he was directed to vet the policy with local board chairs and to report back to the Board the results of those efforts. He stated that he circulated the policy to state university and community college board chairs on June 8th, and most responses were positive, with no significant objections. Some asked for more time to review the policy, and others suggested that the Commissioner's pre-approval authority was excessive. One comment asked that the policy be amended to make it clear that it did not apply to interim presidents; the proposed amendment was incorporated into the version before the board today. Board Member Hoffman inquired if more time was needed to allow for a fuller discussion. The general consensus was to move forward with the vote, as there were no significant, substantive objections, and the Board could always revisit the policy after a reasonable implementation period.

There being no further discussion, the following motion was brought forth, seconded and unanimously approved by all Board members present:

FAAP 16-33 Approval of Guidelines and Procedures for Transitional and Post-Presidential Employment Agreements for State University and Community College Presidents

MOVED: The Board of Higher Education approves the attached Guidelines and Procedures for Transitional, and Post-Presidential Employment Agreements for State University and Community College Presidents, and delegates to the Commissioner the authority to act on behalf of the Board of Higher Education as specified therein.

Authority: G.L. c. 15A, § 9, 6

Contact: Constantia T. Papanikolaou, General Counsel

C. Strategic Planning Committee

Chairman Gabrieli noted that he will present on behalf of Strategic Planning Committee Chair Fernando Reimers who was unable to attend today but who conveyed support for the upcoming motions. The Chairman provided an overview of two motions, SPC 16-01 and SPC

16-02. He then turned the meeting over to Commissioner Santiago.

Commissioner Santiago stated that it was brought to his attention that the North Shore Community College (NSCC) strategic plan was inadvertently not included in the board packet. He apologized for not providing this document to the Board in advance. He acknowledged that the mission statement was included in the Board mailing but not the strategic plan. He noted that members of the Strategic Planning Committee had the opportunity to review the plan and had given their full support. The Commissioner then read a statement from Committee Chair, Fernando Reimers.

Board Member J.D. LaRock took a moment to thank President Gentile and the NSCC staff for their work on the plan, Mr. LaRock shared his own thoughts of the strategic plan, highlighting points such as strengths and weaknesses, the use of data, and their alignment to the Vision Project goals.

There being no further discussion, Chairman Gabrieli stated SPC Motions 16-01 and 16-02 would be tabled, and the Commissioner will consider those motions under his summer delegation of authority, with the contingency that the Commissioner will mail the materials to all BHE members and provide sufficient time for members to provide feedback. In addition, the Chairman noted that in order to maintain compliance with open meeting laws all emails from Board members to the Commissioner with feedback will be public records.

D. Board of Higher Education

Chairman Gabrieli provided an overview of BHE motion 16-09 which delegates to the Commissioner the authority to act on matters on behalf of the Board during the Board's summer recess. Any actions taken on behalf of the Board would be done in consultation with the Board Chair or the Vice Chair. The Commissioner will report back to the Board on his exercise of such authority during the next regularly scheduled Board meeting in the Fall. There being no discussion, the following motion was brought forth, seconded and unanimously approved by all Board members present:

BHE 16-09 Summer Delegation of Authority to the Commissioner

MOVED: The Board of Higher Education delegates to the Commissioner until the next regularly scheduled meeting of the Board its authority to take such action, in consultation with and upon the advice of the Chair or Vice Chair of the Board, as is deemed necessary or desirable.

Authority: Massachusetts General Laws Chapter 15A, Section 6

Contact: Constantia T. Papanikolaou, General Counsel

Chairman Gabrieli turned the meeting over to Commissioner Santiago to provide a brief on BHE motion 16-10. The Commissioner provided an overview of what initiated the report and all the work that has been accomplished since. Before turning the meeting over to DHE General Counsel, Constantia Papanikolaou for a presentation, the Commissioner stated he supported the report.

- **Campus Safety and Violence Prevention Report**

List of Documents Used:

- *June 14, 2016 Power Point: Campus Safety and Violence Prevention Task Force*
- *Securing our Future: Best Practice Recommendations for Campus Safety and Violence Prevention, TSG Solutions, Inc. (June 2016)*

Constantia Papanikolaou thanked the Commissioner and stated that the report is the work product of a 33-member Task Force assembled by the Department, and drafted by a consultant, TSG Solutions, Inc. Joining her today were three members of the consultant team who will go over the report and recommendations. However, before turning the floor over to the consultants, General Counsel Papanikolaou provided the Board with background and context. She began by noting that few issues affecting higher education have captured as much recent national attention as campus violence in general, and campus sexual assault in particular. Although sexual assault on campus is not a new issue, it has garnered renewed national attention because of many recent converging factors, including: the proliferation of new federal policies and initiatives, the multitude of recent, high-profile campus sexual violence cases; increased investigations and enforcement activities against institutions initiated by federal oversight agencies; and stark national statistics that 1 in 5 undergraduate women has experienced sexual violence during college.

In recognition of this, during its September 2015 Board retreat, the Board set as a priority for this fiscal year providing focused attention to the issue of campus sexual violence. To that end, the Board directed the Commissioner to coordinate a statewide effort to strengthen campus policies around sexual assault and to review the Board's own existing policies on campus security and violence prevention, which at present are limited to active shooter incidents. Armed with a legislative earmark, in January of this year, the Commissioner established a Task Force and hired a consultant, TSG Solutions, to conduct this assessment and to make recommendations. The Task Force has completed its work and has developed a series of recommendations to help enhance efforts to

properly identify, prevent and respond to campus violence in general, with a special focus on campus sexual violence and emerging technologies. General Counsel Papanikolaou noted that the Task Force report and recommendations benefited from the full participation of broad stakeholder representation including campus presidents, Title IX Coordinators, campus police officers, and state agency representatives from the Attorney General's Office, the Executive Office of Public Safety and Security, the Department of Public Health, to name a few. She added that the Board was represented on the Task Force by Board Members Dani Monroe and Fernando Reimers, who co-chaired the effort. General Counsel Papanikolaou turned the meeting over to Amanda Bothelo from TSG solutions, the consultants who assisted the Task Force with the report.

Amanda Bothelo, the project manager, introduced the other members from TSG Solutions: Matthew Rushton, Jennifer Davis, and Scott Deegan. She gave a PowerPoint presentation which included a detailed overview of the Report. Topics covered included, the project approach, essential sections of the report, themes, key findings and recommendations. Ms. Bothelo noted that the study was based on a mix of all segments. She provided an overview of the recommendations that were divided into three categories: cross-sectional, active shooter, and sexual violence. Matthew Rushton summarized the active shooter recommendations and findings and Jennifer Davis summarized the sexual violence recommendations and findings.

General Counsel Papanikolaou opened the meeting up for discussion or questions before concluding the presentation and turning to the vote on the motion.

Board member Johnson commended everyone for their work. Board member Irving inquired about the level of preparation of certain campuses. Ms. Bothelo elaborated on the six different visits conducted to both public and private institutions and noted that they were all found at varying levels, which is why the recommendations need to be broader.

This led to a lengthy discussion among Board members discussing best practices, enhanced training, social media, and raising awareness. Board Member Hoffman was curious to know whether there was a campus that was doing the training but also including the educational component. In that regard, Board member LaRock stated it would be beneficial to look at a specific institution that have these best practices in place. Chairman Gabrieli noted the importance of conducting campus climate surveys and asked if the Board could make that recommendation mandatory. General Counsel stated that the Board

had broad authority under the section of its statute which addresses strategic planning, but added that there was pending legislation on the topic which would create a commission to oversee the development of a standard, comprehensive climate survey to be used by both public and private institutions. The Department was following the legislation carefully and if it does not pass the Board can revisit the question of whether and to what degree it can make campus climate surveys mandatory.

There being no further discussion, Chairman Gabrieli made a motion to approve BHE 16-10. The following motion was brought forth, seconded and unanimously approved by all Board members present:

BHE 16-10 *Acceptance of Campus Safety and Violence Prevention Task Force Report: Securing Our Future: Best Practice Recommendations For Campus Safety and Violence Prevention*

MOVED: The Board of Higher Education hereby accepts the Campus Safety and Violence Prevention Task Force report entitled, *Securing Our Future: Best Practice Recommendations for Campus Safety and Violence Prevention*, dated June 2016, as prepared by TSG Solutions, Inc.

The Board further directs the Commissioner to work with the institutions to coordinate efforts to implement the recommendations and secure resources.

Authority: M.G.L. c. 15A, section 6 and 9; Chapter 46 of the Acts of 2016 (7066-1000)

Contact: Constantia T. Papanikolaou, General Counsel

XI. OTHER BUSINESS

List of Documents Used:

Resolution for President William Messner

Resolution for President Ira Rubenzahl

Chair Gabrieli stated that he would now like to take the time to recognize two Community College Presidents, William Messner and Ira Rubenzahl, who are retiring.

- William Messner

Chairman Gabrieli began recognizing President William Messner, who served at Holyoke Community College and was stepping down after 30 years of service as a community college leader. He then read a resolution commending President Messner's tenure and achievements. President Messner thanked everyone and stated it's been an honor to serve the Commonwealth, the community college

segment and Holyoke Community College.

- Ira Rubenzahl

Chairman Gabrieli then recognized President Ira Rubenzahl, who has served as Springfield Technical Community College's president for 12 years. He read a resolution commending President Rubenzahl's distinguished career achievements. President Rubenzahl thanked everyone and stated that it had also been an honor for him to serve as President.

XII. PRESENTATIONS

- **State Authorization Reciprocity Agreements (SARA)**

List of Documents Used:

March 8, 2016 Power Point

Written Testimony from Chancellor Moloney

Written Testimony from AGO

Chairman Gabrieli continued with the final agenda item and turned the meeting over to the Commissioner for a presentation on the State Authorization Reciprocity Agreement (SARA). The Commissioner provided an overview of the topic and emphasized that no resolution would be offered, but that staff and others were prepared to deliver an informational presentation. He then turned the meeting over to General Counsel Constantia Papanikolaou and Director of Trustee Relations Michael Mizzoni.

Director Mizzoni provided an overview of SARA, discussing in detail the origin, providing a summary of the agreement and elaborating on some of the benefits as well as some of the concerns. General Counsel Papanikolaou then welcomed various stakeholders to present their views: Gabrielle Viator, Assistant Attorney General & Senior Policy Advisor from the Office of Attorney General; Margaret Mattes, Policy Associate from The Century Foundation; Michael Alexander, President of Lasell College (representing AICUM) and John Cunningham, CEO of UMass Online and Vice President of Academic Affairs for the University of Massachusetts.

Assistant Attorney General Viator thanked everyone for the opportunity to address the Board. She began her remarks by stating that Massachusetts has been a leader in higher education, and that the Attorney General's Office understood what an opportunity it would be to have scaled access to other institutions. However, she urged awareness around unfair and deceptive practices and emphasized the priority around consumer protection. Ms. Viator listed pending several law suits against institutions that have engaged in predatory and deceptive practices. Additionally, she noted that consumer protection is more critical than ever now, especially with the proliferation of online learning. She concluded her remarks by stating that joining SARA would

leave students vulnerable to institutions that mislead with deceptive practices and the Attorney General's Office would not be able to enforce their consumer protection laws.

Ms. Mattes thanked everyone for the opportunity to address the Board and provided her professional and educational background. She discussed leading discussions in New York on SARA and submitted that the agreement protected colleges, not consumers. Additionally, she noted that the growth of online learning has provided numerous options for students but also has provided them with more risk. She concluded her remarks by stating that if Massachusetts entered into the agreement, it will lose its leverage to address consumer protection issues, and would be reliant on standards established in other states.

Board Member Nancy Hoffman left the meeting at 12:32 p.m.

President Michael Alexander stated he was grateful for the opportunity to address the Board. He provided an overview of his own experiences as President of Lasell College for the past nine years; specifically he focused on the 30 applications the institution has completed in order to provide online learning to students in 30 different states. He stated that the institution has been unable to gain approval in the other 20 states due to a lack of resources to pay fees or an inability to comply with local regulations. He concluded his remarks by stating that not entering into the agreement dampens the ability of campuses to grow and prohibits students from joining certain programs.

Vice President John Cunningham thanked everyone for the opportunity to address the Board. He noted that Chancellor Moloney submitted a letter in advance. He continued his remarks by highlighting that UMass Online is present in 47 states. He stated that although SARA is not optimal, it provides everyone with a reference point to begin examining things. He shared UMass' concerns for active military students who move around frequently, students who have internships in other states and even students who have co-ops across the nation. Vice President Cunningham concluded his remarks by recounting a situation when they were informed that UMass had a handful of students in a state where UMass was not compliant and were urged to cease and desist. Keeping the benefit of the students in mind they did not want to discontinue them in the middle of a course, so they paid the penalty fees to allow the students to finish the course.

General Counsel Papanikolaou opened the meeting for questions from the Board and a lengthy discussion among Board members followed. Board Member Robert Johnson stated we all want to do what is in the best interest of students and that a solution should be reached where institutions are enabled to participate in SARA. He stated that institutions are at a competitive disadvantage and that it would be naive of us not to come up with a solution. He encouraged the board to figure this out.

Secretary Peyser asked whether the Attorney General could assert authority to act against a college based on implied, general authority of the Attorney General under the consumer protection statute, without specific reference to the proprietary regulations. Assistant Attorney General Viator responded that while some enforcement was possible the affirmative obligations on for profit schools under the regulations would be nullified.

Board Member Thomas stated that he was persuaded by the comments made by the Attorney General in that it seemed as though in an effort to have administrative convenience we would be giving up a lot of ground on consumer protection. He suggested that perhaps a solution would be to have our own version of SARA. He added that he was very concerned about loosening up rules on the for-profit industry at this time because of the potential impact on minority students. Student members Wiggins and Chase expressed agreement stating that they were concerned about the impact of SARA would have on existing protections in place for students.

Secretary Jim Peyser left the meeting at 12:52 p.m.

Board Member Don Irving said he was curious to know how many states have joined SARA. General Counsel Papanikolaou stated that she believed approximately 40 states have either joined the agreement or have enacted legislation which would allow for the possibility. Lastly, Board Member Henry Thomas and others expressed an inclination to consider a hybrid model of SARA where consumer protection was a top priority.

Chairman Gabrieli concluded the presentation by stating that the goal for today was to give the Board a sense of the complexity of the issue. The Board may need to take a stance in the near future, although the legislature has not passed a law authorizing the BHE to enter into SARA, a necessary step to join. The Chairman thanked all the presenters for their time and concluded the presentation.

KIII. ADJOURNMENT

There being no further business, Chair Gabrieli adjourned the meeting at 1:01 p.m.

Respectfully submitted,
Carlos E. Santiago
Commissioner of the Department and
Secretary to the Board