

**Massachusetts Board of Higher Education  
Academic Affairs Committee Meeting Minutes  
November 29, 2016**

The November 29, 2016 meeting of the Academic Affairs Committee was held on the 21<sup>st</sup> floor, Conference Room 3, One Ashburton Place, Boston, Massachusetts.

Committee Members Present: Committee Chair Nancy Hoffman; Board Chair Chris Gabrieli; Robert Johnson; Sheila Harrity; and Fernando Reimers.

Committee Members Absent: J.D. LaRock; Henry Thomas, Student Board Member Jasson Alvarado Gomez

Department Staff Present: Commissioner Carlos Santiago; Deputy Commissioner for Academic Affairs and Student Success Patricia Marshall; Robert Awkward; Stacy Bougie; Kate Flanagan; Winifred Hagan; Jonathan Keller; Susan Lane; Nate Mackinnon; Clantha McCurdy; Constantia Papanikolaou; Brendan Peltier; Elena Quiroz-Livanis; Kristen Stone; Angela Williams; Christine Williams; Franny Wood.

**I. CALL TO ORDER**

Committee Chair Hoffman called the meeting to order at 10:03 a.m.

**II. ACCEPTANCE OF MINUTES**

On a motion duly made and seconded, the minutes of the October 4, 2016 meeting of the Academic Affairs Committee was unanimously approved.

**III. COMMITTEE CHAIR'S REMARKS**

Chair Hoffman chose to hold her remarks until more people were present. She welcomed those in attendance and asked those at the table to introduce themselves for the audience and quickly moved forward with the agenda.

**IV. COMMISSIONER'S REMARKS**

Commissioner Santiago stated that he would hold his remarks for the next Board meeting.

**V. DEPUTY COMMISSIONER FOR ACADEMIC AFFAIRS REMARKS**

Deputy Commissioner Patricia Marshall remarked upon the success of the well-attended Mass Transfer Pathways Fall Conference focused on art, education and engineering. She also mentioned the Multi-State Collaborative to Advance Quality Student Learning in which Massachusetts participates and highlighted that there are currently 11 institutions participating in this initiative. Dr. Marshall informed committee members that the Commissioner has

created an ad hoc committee on Police Education and Training which has been charged with making recommendations regarding the existing requirements for PCIPP program approval. She also announced that the Edward M. Kennedy Institute has offered to host the annual conference on Civic Learning and Engagement.

## VI. MOTIONS

### List of documents used:

*AAC Meeting PowerPoint, November 29, 2016*

*AAC Motions 17-04 through 17-07 new program motions and new institution approval*

*AAC 17-08 Statewide Reverse Transfer Agreement update*

*AAC 17-09 Receipt of Report Issued by the Special Commission on Interstate Reciprocity Agreements*

The following motion was brought forward and seconded.

**A. AAC 17-04                      Massachusetts College of Art and Design  
Bachelor of Fine Arts in a Studio Area/Master of Arts in  
Teaching and Master of Art in Art Education**

Associate Commissioner Hagan presented the program.

Board member Reimers asked MassArt representatives (including Dr. Ken Strickland, Provost, Dan Serig, Associate Vice President for Academic Affairs , and Prof. Lois Hetland of the Art Education Department) to say more about the nature of their relationship with clinical teachers in the area and longevity with alumni across Massachusetts. MassArt representatives highlighted memoranda of understanding with the Boston Public Schools, the institution's emphasis on urban education, and a variety of touch points with both current students and alumni that are included in the program. Prof. Serig cited the role played by alumni in advising, and he responded that fifty percent of the Massachusetts Arts Foundation members are MassArt alumni, which is indicative of a strong relationship with alumni across the state.

Committee Chair Hoffman remarked that the proposal was very strong, in keeping with MassArt's reputation. Dr. Hoffman also commented on the volatility of funding for art education and asked what students will learn about policy and advocacy for the arts. Dr. Hetland responded that although there is no course in the program that addresses this particular issue, policy and advocacy for the arts are addressed in course content and learned through practice teaching.

Dr. Reimers highlighted the important role that the arts play in developing empathy and asked if MassArt has considered offering certificates and/or stackable credentials. Representatives from MassArt referenced their Teacher Institute and other collaborative professional development opportunities offered by the institution.

Dr. Hagan read and explained the outcomes of the program

The following motion was duly made, seconded and approved unanimously by all board members present:

**AAC 17-04 APPLICATION OF MASSACHUSETTS COLLEGE OF ART AND DESIGN TO AWARD THE BACHELOR OF FINE ARTS IN A STUDIO AREA/MASTER OF ARTS IN TEACHING AND MASTER OF ART IN ART EDUCATION**

**MOVED:** The Board of Higher Education hereby approves the application of the **Massachusetts College of Art and Design** to award the **Bachelor of Fine Arts in a Studio Area/Master of Arts in Teaching** and **Master of Art in Art Education**.

Upon graduating the first class for these programs, Massachusetts College of Art and Design shall submit to the Board a status report addressing its success in reaching program goals as stated in the application and in the areas of enrollment, curriculum, faculty resources, and program effectiveness.

Authority: Massachusetts General Laws Chapter 15A, §9(b).

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

**B. AAC 17-05 University of Massachusetts Boston  
Bachelor of Arts in Environmental Studies & Sustainability**

Associate Commissioner Hagan presented the program. Chair Gabrieli joined the meeting at approximately 10:25.

Board member Reimers commented on the huge disconnect that often exists between science and human behavior and asked if the institution is thinking about issues related to environmental studies and sustainability in a broader context.

Provost Winston Langley stated that the program includes a specific lab that focuses on climate change. He also highlighted the interdisciplinary nature of the program and its broad underlying philosophical approach by emphasizing collaborations with other programs, such as the master's program in urban planning. Board members Sheila Harrity and Robert Johnson joined the meeting at approximately 10:35.

Chair Hoffman asked about the state of internships and if they are paid or unpaid, as it would be difficult for students who cannot give up summer jobs to participate in unpaid internships for the entire summer.

Provost Langley responded that because it can become a financial burden, students are not required to pursue internships. However, they have signed memoranda of understanding with the National Park Service and the EPA. Institutional partnerships also include a standing arrangement with the New England Aquarium.

On a motion duly made and seconded, the following motion was approved unanimously by all board members present:

**AAC 17-05 APPLICATION OF THE UNIVERSITY OF MASSACHUSETTS BOSTON TO AWARD THE BACHELOR OF ARTS IN ENVIRONMENTAL STUDIES AND SUSTAINABILITY**

**MOVED:** The Board of Higher Education hereby approves the application of the **University of Massachusetts Boston** to award the **Bachelor of Arts in Environmental Studies & Sustainability**

Upon graduating the first class for this program, the University shall submit to the Board a status report addressing its success in reaching program goals as stated in the application and in the areas of enrollment, curriculum, faculty resources, and program effectiveness.

Authority: Massachusetts General Laws Chapter 15A, §9(b).

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

**C. AAC 17-06 Approval of Academic Affairs Committee Motions 17-04 and 17-05 on a Consent Agenda**

The following motion was brought forth, seconded and unanimously approved:

**AAC 17-06 CONSENT AGENDA**

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

AAC 17-04 Massachusetts College of Art and Design  
Bachelor of Arts in Studio Area/Master of Arts in Teaching and Master of Art in Art Education

AAC 17-05 University of Massachusetts Boston  
Bachelor of Arts in Environmental Studies & Sustainability

Authority: Article III, Section 6, By-Laws

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

**D. AAC 17-07 SATTLE COLLEGE – NEW INSTITUTION  
BACHELOR OF SCIENCE IN BUSINESS  
BACHELOR OF SCIENCE IN COMPUTER SCIENCE  
BACHELOR OF SCIENCE IN HUMAN BIOLOGY  
BACHELOR OF ARTS IN BIBLICAL AND RELIGIOUS STUDIES  
BACHELOR OF ARTS IN HISTORY**

Committee Chair Hoffman introduced the next matter, noting that it is an application to establish a new non-profit degree-granting institution in Massachusetts.

Deputy Commissioner Marshall presented the motion for approval, describing the institution's mission and intent, the visiting committee's reports, and the institution's responses. She outlined several issues addressed by DHE staff during the review process, including two legal issues related to Sattler College's financial viability and its expressed intent to offer preference in employment to those who share a belief in Sattler College's founding religious precepts. Both legal issues were referred to DHE legal counsel, and the ensuing discussions with Sattler College's legal representatives resulted in significant modifications to the application so that it would be in compliance with 610 CMR 2.07.

Board Chair Gabrieli began the discussion by stressing that the Board has an enhanced level of responsibility when approving new institutions, since the BHE is the only thing that stands in the way of the institution opening, and BHE approval amounts to an assurance of the institution's quality since there is no NEASC accreditation at this time. He highlighted the need for the Board to have a broader context regarding the approval of new institutions and the importance of being well-informed on the Board's regulatory approach. He asked when the Board last approved a new institution and asked general questions related to accreditation, federal financial aid, and Title IX. Atlantic Union College (in 2013) and Northeast Maritime Institute (in 2014) were cited as recent examples of new institutions approved by the Board.

Sattler College President James Radford mentioned that if Sattler College is approved, it would then initiate the process for NEASC accreditation.

Chair Hoffman raised a concern about approving the institution without having information about faculty credentials. It was noted that since this is a new institution most of the faculty have not yet been hired, so the motion accounts for this by requiring Sattler College to submit the credentials of faculty hired to teach in each of the degree programs as it gets up and running.

Board member Johnson strongly encouraged annual reviews of the institution and indicated that said reviews should include student outcomes and fiscal stability. DHE General Counsel Papanikolaou stated that routine checks within a new institution's first five years of operation are typically required by BHE regulations, but that the motion could be amended to specifically require periodic reviews and annual reports.

Chair Gabrieli commented on the innovative use of the Open edX system and characterized Sattler College as "next generation." He strongly encouraged an annual review of the institution that would include student outcomes, fiscal stability, and non-discrimination.

Chair Hoffman shared her concern with non-discrimination in hiring on the basis of both religion and gender. She was also concerned that pairing students with professors of the same gender for the discipleship program would be biased against female students, particularly if the institution is not able to hire enough female faculty members to participate in the discipleship program. General Counsel Papanikolaou responded by noting that Chair Hoffman's line of questions touched upon the central legal issue that DHE staff have been analyzing over the past several months. She stated that the BHE regulations prohibit "illegal" discrimination, but that the institution has made a sufficient showing that it is a religious institution such that it would likely be eligible to claim a "ministerial exception" in certain hiring decisions. She added that the ministerial exception is an application of the First Amendment right to free exercise of religion and allows religious institutions to take into account an employee's religious beliefs if the

employee will have “ministerial” duties as part of his or her job responsibilities. The institution will be limiting its application of the ministerial exception—and therefore the religious preference in hiring—to those faculty and administrators participating in the proposed discipleship program, and it will be making this narrowly tailored exception clear in its employee manuals. BHE’s approval of this application would not constitute an absolute determination that the religious preference in hiring proposed by Sattler College is legal, but instead a conclusion that it is more likely than not that Sattler College could be found by a court to be able to avail itself of the ministerial exception. With regard to Chair Hoffman’s gender discrimination concerns, General Counsel Papanikolaou responded that Sattler College had represented that the gender-based design of the discipleship program is integral to the institution’s religious doctrine and founding precepts and, as such, some deference is warranted. However, she added that it is uncertain whether this plan would pass legal muster under a Title IX analysis, but since Sattler College is not seeking eligibility for Title IV funding at this time, it is not subject to the provisions of Title IX. She noted that this could change in the future, after Sattler College seeks and obtains NEASC accreditation, and that the DHE will continue to watch the issue closely.

Sattler College’s founder Finny Kuruvilla added that the institution intends to comply with all laws in regards to discrimination, and it will do everything it can to maintain its goal of a 50/50 gender balance in its student body.

Board member Reimers asked questions regarding the unique value added by the institution, and support for online students and career placement. Dr. Kuruvilla mentioned the importance of the “3C’s: Cost, Character, and Core.” He said that, right now, Sattler College has an affordable \$9,000 annual tuition, and that it hopes to lower that over time to \$4,000. He also commented on its proposed office of career placement.

Deputy Commissioner Marshall summarized the motion, noting that recommendation is for approval of the College’s petition for initial authorization to incorporate with conditions. The conditional authorization is based, in part, on the fact that criteria in 610 CMR 2.07(3) related to faculty and fiscal resources could not be fully evaluated, as this is a new institution.

It was agreed that a new motion with a reporting requirement would be drafted and put before the Board at the full Board meeting.

The committee agreed to approve the motion AAC 17-07, subject to the requested amendments, so as to move it forward for consideration at next week’s full Board meeting. Chair Gabrieli also asked that DHE staff be prepared to give a brief presentation to the full Board on the regulatory standards used in reviewing and approving an application for a new institution. On a motion duly made and seconded, the motion AAC 17-07, as verbally amended, was unanimously approved.

#### **E. AAC 17-08 Statewide Reverse Transfer Agreement**

Commissioner Santiago introduced the motion and said the new statewide reverse transfer policy was building upon prior work. The new agreement is part of a statewide approach to build a comprehensive, unified system of transfer. Once the policy is adopted by the Board, staff will then begin implementing the new policy. He then turned it over to Elena Quiroz-Livanis, Special Assistant to the Commissioner and Director of Postsecondary Success Strategies. Ms. Quiroz-Livanis reminded AAC members that approximately 50% of community college students that transfer to public four-year institutions do so prior to earning their associates degree. In order to

discourage students from transferring too early, the policy will only be applied to students who have earned at least 30 credits at a public two-year institution.

Ms. Quiroz-Livanis discussed how statewide meetings with admissions counselors and registrars from all three segments helped in the development of the policy and its guidelines. With the guidelines complete, it is now a matter of operationalizing the policy and giving campuses the tools they needed to successfully execute the new agreement. Board member Harrity asked about data collection, and Ms. Quiroz-Livanis said that a new flag would be created so that community colleges could report when they have conferred an associate degree to a reverse transfer student. Ms. Harrity asked if students could apply to private institutions, and Ms. Quiroz-Livanis stated that the policy only focused on public institutions. Private institutions could develop similar agreements with community colleges if they were interested.

The following motion to adopt the Statewide Reverse Transfer Agreement was duly made, seconded and unanimously approved:

#### **AAC 17-08 STATEWIDE POLICY ON REVERSE TRANSFER**

**MOVED:** The Board of Higher Education hereby adopts the attached statewide Reverse Transfer Agreement and charges the Commissioner to implement the Reverse Transfer Pathway by Fall 2017.

**Authority:** Massachusetts General Laws Chapter 15A, § 9(b), (u) and (v)

**Contact:** Dr. Patricia A. Marshall, Deputy Commissioner for Academic Affairs and Student Success  
Elena Quiroz-Livanis, Special Assistant to the Commissioner and Director of Postsecondary Strategies

#### **F. AAC 17-09 Receipt of Report Issued by the Special Commission on Interstate Reciprocity Agreements**

General Counsel Papanikolaou gave a brief PowerPoint presentation on the October 31, 2016 report issued by the Special Commission on Interstate Reciprocity Agreements (SCIRA). She reviewed the charge and membership of this legislatively-mandated special commission, noting that it was chaired by the Secretary of Education and consisted of 16 members, including the Commissioner and a representative from the Attorney General's Office. General Counsel Papanikolaou reviewed the report structure and its recommendations. For added context to help understand the recommendations, she also provided general background information on the federal state authorization requirement and the multi-state reciprocity movement, including the existing State Authorization Reciprocity Agreement (SARA).

Committee Chair Hoffman moved that the report be received, Board Chair Gabrieli seconded the motion; AAC 17-09 passed unanimously. Commissioner Santiago highlighted the work that Secretary Peyser and the DHE staff have done to help promote this process.

**MOVED:** The BHE receives the October 31, 2106 report issued by the Special Commission on Interstate Reciprocity Agreements (the Special Commission). The BHE expresses its appreciation to the Special Commission members for their work. The BHE takes the report under advisement and directs the Commissioner to report back to the BHE

periodically as the discussions continue to unfold at the federal and state level.

Authority: Outside Section 187 of the Fiscal Year 2017 Budget, ch. 133 of the Acts of 2016; M.G.L. c. 69, §§ 30-31.

Contact: Constantia T. Papanikolaou, General Counsel

Discussion of the program approval process was tabled until the next AAC meeting.

## **VII. ADJOURNMENT**

The meeting was adjourned by Chair Hoffman at 11:55 a.m.