

**Massachusetts Board of Higher Education  
ACADEMIC AFFAIRS COMMITTEE**

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April 30, 2019  
11:00 a.m.

One Ashburton Place, 21st Floor  
Conference Room 1  
Boston, Massachusetts

**Meeting Minutes**

Committee Members Present:	Committee Chair Nancy Hoffman; Secretary of Education James Peyser; Fernando Reimers; and Student Board Member Kush Patel.
Committee Members Absent:	Board Chair Chris Gabrieli; Vice Chair, Sheila Harrity; Commissioner Carlos Santiago (non-voting member).
Department Staff Present:	Robert Awkward; Cynthia Brown; Ignacio Chaparro; Keith Connors; Winifred Hagan; Patricia Marshall; Constantia Papanikolaou; Kristen Stone; and Ashley Wisneski.

**I. CALL TO ORDER**

Committee Chair Nancy Hoffman called the meeting to order at 11:08 a.m.

**II. ACCEPTANCE OF MINUTES**

On a motion duly made and seconded, the minutes from the March 5, 2019 meeting of the Academic Affairs Committee were unanimously approved.

**III. REMARKS**

Committee Chair Hoffman welcomed all meeting attendees, including a group of students visiting from Harvard. She briefly addressed the visiting students to review the typical meeting proceedings, and explained that today's meeting agenda was unusual due to the lack of program approval motions.

Deputy Commissioner Patricia Marshall announced the release of the FY20 Performance Incentive Fund (PIF) RFP and provided details. The FY20 RFP only seeks consortium grants with award amounts of up to \$250K; it advances the BHE's equity focus through the promotion of three goal categories: 1) improving outcomes through the low-income male/ and males of color initiative; 2) new approaches to assessing demonstrated knowledge, skills and competencies; and 3) transforming student success and empowering classroom and campus leadership. She stated the targeted award release date is early August.

**IV. Presentations**

## **A. Open Educational Resources**

Deputy Commissioner Marshall introduced the presentation by inviting Dr. Robert Awkward, who served as DHE staff to the Open Educational Resources (OER) Working Group, to the table. She said he would use his time to discuss the group's preliminary findings and initial recommendations. The OER Working Group plans to present formal recommendations to the Committee during the June meeting.

Deputy Commissioner Marshall introduced Dr. Awkward's presentation by letting the Committee know that the OER Working Group's report would describe the multi-pronged strategy used to support and expand OER at MA public colleges and universities. This strategy includes the use of PIF dollars to support statewide professional development for faculty, the support of a campus-based OER initiative at Salem State University (also funded by PIF), and the creation of the working group charged with providing recommendations on expanding the use of OER at our public colleges and universities.

Deputy Commissioner Marshall reminded the Committee that the OER initiative resulted from the Committee's responsiveness to a resolution brought forward by the Student Advisory Committee, as well as the Board's commitment to affordability, equity, and student success.

Deputy Commissioner Marshall concluded her introduction by informing the Committee that the OER work is receiving national attention. She mentioned how Nicole Allen, the Director of Education for the Scholarly Publishing and Academic Resources Coalition (SPARC), describes the process and approach in Massachusetts as an exemplar for state action. Deputy Commissioner Marshall also thanked Marilyn Billings, head of UMass Amherst's Office of Scholarly Communication and Susan Tashjian, Coordinator of Instructional Technology at Northern Essex Community College, for their leadership as the co-chairs of the working group.

Dr. Awkward provided an overview of the OER Working Group process, the structure of the subcommittees, and the OER Prevalence Survey.

Secretary Peyser inquired how the student savings included in the OER Prevalence Survey were calculated. Dr. Awkward explained that there are several different methodologies in place for tracking savings, but, for the purposes of this initial survey, the calculation was not standardized. Deputy Commissioner Marshall informed the Committee that SPARC has standardized the calculation for OER savings and that we might consider adopting their formula in the future.

Committee Chair Hoffman asked Student Board Member Kush Patel if he has benefitted from OER. Student Board Member Patel said he had not yet directly benefitted from a class taught using OER. He added that UMass Boston currently has no labeling/identification system for courses using OER, making it challenging for students to make informed decisions. He also stated that UMass Boston is finding it challenging to identify grant funds for the development of OER.

Secretary Peyser asked if the chart on slide 20, regarding high enrollment courses that use OER, represented individual courses or course sections. Dr. Awkward replied the data represented individual courses.

Committee Chair Hoffman asked about the current number of national OER resource banks. Dr. Awkward replied that Open Stax and Creative Commons were the best-known major resource banks. He added that although he did not know how many repositories currently exist, he understands the number has increased because of new meta finders. Committee Chair Hoffman wondered how these OER sites present their resource materials and how the materials are best accessed. Dr. Awkward said the materials are often categorized by academic subject and course content (e.g., biology, accounting, world languages, etc.). Committee Chair Hoffman wondered how faculty would go about finding the resources and go about rating their quality. Deputy Commissioner Marshall replied that tools exist to assist faculty with the curation and evaluation of course materials and that these two topics have been included as part of our statewide professional development efforts.

Board Member Patel asked if the faculty participating in OER material development would be reporting on their successes and on the most useful resources. Dr. Awkward affirmed that faculty will be required to evaluate resources and to summarize how the resources fulfill their course needs, etc. Board Member Patel heard that the typical faculty responses to creating OER materials were negative until they learned how these materials help students, particularly economically disadvantaged students. This story had him wondering if students were invited to the faculty learning sessions with the objective of the students impressing upon the faculty the importance of OER. Dr. Awkward said that since the faculty professional development sessions focused on the curation of course materials, student voices were included as part of the OER working group.

After summarizing the OER Prevalence Survey, Dr. Awkward presented the preliminary recommendations of the OER Working Group in greater detail. His presentation included recommendations organized under the following broad categories: 1) Establish Statewide Coordination & Support; 2) Increase Funding Targeted to OER; 3) Designate OER Course in Course Schedules; 4) Issue Statewide Policy to Encourage Greater Use of OER; 5) Support & Encourage the Use of OER in Faculty Tenure & Promotion Decisions; 6) Increase Funding to Address Technology Challenges; 7) Encourage & Support Continued Student Advocacy of OER; 8) Actively Promote the Use of OER for Graduate & Continuing Education to Meet Business Community Workforce Development Needs

Secretary Peyser asked why the grant programs pay faculty stipends to create resources for their courses. Dr. Awkward replied that the reason lies in the fact that faculty are not required to use OER, so the monetary incentive is powerful and is key to expanding the use of OER. Secretary Peyser said he understood this reasoning but felt it was the duty of faculty to create resources for their courses that provide the optimal learning experience for students. Deputy Commissioner Marshall added that it takes a lot of time for faculty to curate OER materials to replace current textbooks and ancillary materials and that this is often activity that occurs during the summer months when faculty are off contract.

Board Member Reimers thanked Dr. Awkward and his team for their good work. He expressed concerns around the final recommendations, stating that they seemed more like the collation of five brainstorming sessions than a coordinated strategy. He stated that there were too many final recommendations, and it would be more effective to focus on one or two high-quality, high-impact strategies. As examples, he recommended the use of MOOC's and the alignment of the OER initiative with MassTransfer Pathways as ways to really move the needle in this area. He also stated that some of the recommendations were too prescriptive and that they might have the opposite effect of discouraging faculty buy-in. Board Member Reimers also agreed with Secretary Peyser's concerns regarding paying faculty stipends to create OER.

## **V. Discussion**

### **A. Delegated Authority for Approval of Teach-Out Plans**

Committee Chair Hoffman turned the meeting over to Deputy Commissioner Marshall to lead the next discussion regarding delegated authority for approving teach-out plans. Deputy Commissioner Marshall defined what Massachusetts means by “Teach-Out,” reviewed the success of recent teach-outs, explained why the formal delegation of teach-out authority to the Commissioner is needed, provided and overview of the key elements of delegated authority for teach-outs and, explained how institutions would qualify for teach-out authority.

Secretary Peyser asked about the potential criteria for eligibility, citing the example of Cape Cod Community College (CCCC) taking over Mount Ida’s Funeral Services Program. He expressed concern that CCCC would not have met the definition of a “related program.” Dr. Hagan said teach-out plans often depend on the accepting institution and with Mount Ida there was a partial acceptance of their faculty by Cape Cod Community College. Additionally, the definition of eligibility states “having many of the proposed teach out program’s core and elective credits derived from course credits of up to three previously approved programs at the closing institution or at the teach out institution.” Secretary Peyser recommended that the eligibility criteria be expanded to include cases in which the receiving institutions imports a program and the faculty from another institution. Dr. Hagan emphasized that the eligibility criteria related to three existing programs apply to the approved programs at the closing institution as well since these programs were also approved by the BHE.

Committee Chair Hoffman asked how an “accepting” institution goes about managing a teach-out and what happens when the last student in a cohort completes their courses. Dr. Hagan stated that teach-out program approval terminates when the last cohort of students completes the program.

Committee Chair Hoffman expressed concern regarding the approval of an entirely internal process for authorizing teach-outs due to the high level of public interest in institutional closures. Deputy Commissioner Marshall suggested that a possible solution would be for staff to report back to the Board on teach-out approvals. She stated that this would enable the Board to respond in a timely manner and to meet the needs of students displaced by institutional closures.

Board Member Reimers asked why the DHE should incur the student costs of teach-outs and why not the closing institutions. Both Deputy Commissioner and Associate Commissioner Hagan both strongly agreed that the cost burden should be shifted to the closing institution. Currently close out costs are not even remotely being covered by the closing institution. Deputy Commissioner Marshall gave examples of other states and how they handle institutional closures.

Board Member Reimers asked about the relationship between the Department and the Attorney General’s Office (AGO) around institutional closures and mergers. He wondered if anyone oversaw, in a thoughtful way, mergers so that the interests of students were protected. Deputy Commissioner Marshall said that part of the AGO’s role is to handle the dissolution of the closing charity and the distribution of charitable assets. General Counsel, Constantia Papanikolaou added that the AGO is the enforcement arm of the DHE’s legal authority and that the DHE works closely with the AGO on matters related to closures to protect student interests,

and identified examples of how this has worked in the past, including during the Mount Ida closure. Committee Member Reimers wondered why the DHE or the Commonwealth does not force the failed institutions to sell real estate to support student financial aid and costs student are left burdened with during an institutional closure. General Counsel Papanikolau acknowledged Board Member Reimers' thoughtful suggestions but noted that his suggested actions are currently beyond the DHE's statutory authority.

**VI. OTHER BUSINESS:**

There was no other business.

**VII. ADJOURNMENT:**

On a motion duly made and seconded, the meeting adjourned at 11:38 a.m.