

## BOARD OF HIGHER EDUCATION

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January 10, 2020  
10:00 a.m.

Massachusetts Department of Higher Education  
One Ashburton Place  
21<sup>st</sup> Floor, Conference Rooms 1 and 2  
Boston, Massachusetts

### Meeting Minutes

A meeting of the Board of Higher Education (BHE) was held on Friday, January 10, 2020 in the 21<sup>st</sup> Floor Conference Room at the Massachusetts Department of Higher Education at One Ashburton Place in Boston, Massachusetts.

#### **The following Board Members were present:**

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

Kush Patel, non-voting student advisor, UMASS segment  
Carlos E. Santiago, Commissioner and Secretary to the Board

#### **The follow Board members were absent:**

Alex Cortez  
Anna Grady, non-voting student advisor, State University segment

### **I. CALL TO ORDER**

Chair Gabrieli called the meeting to order at 10:06 a.m. He stated that this is a rescheduled meeting from the December 17 meeting at Mt. Wachusett Community College that was postponed due to poor weather.

## **II. PUBLIC PARTICIPATION**

Chair Gabrieli reported that there were no requests for public participation.

## **III. WELCOME**

### List of documents used:

*Massachusetts Community College Council of Presidents remarks: Patricia Gentile, North Shore Community College*

*Massachusetts State University Council of Presidents remarks: Richard Lapidus, Fitchburg State*

Chair Gabrieli explained that today's meeting is abbreviated and there will be no formal remarks. The Council of Presidents have submitted written remarks which were included in the meeting materials.

## **IV. ACCEPTANCE OF MINUTES**

Chair Gabrieli brought forth a motion to accept the minutes from the October 22, 2019 meeting. General Counsel Papanikolaou offered a correction to the minutes: Fitchburg State President Lapidus delivered the Council of Presidents remarks. The motion was seconded and the minutes were approved, subject to the correction, by all Board members present.

Board members O'Brien and Christensen arrived at 10:09 a.m.

## **V. MOTIONS**

### List of documents used:

*AAC 20-08 through 20-09*

*FAAP 20-09 through 20-10*

*BHE 20-02*

*PowerPoint Presentation on FY21 Budget Recommendation*

*PowerPoint Presentation on BHE Approval and Adoption of FARM Regulations*

### **A. Academic Affairs Committee**

Chair Gabrieli stated that the BHE is in transition with committee membership and structure and as such, he chaired the committee meetings in December. At the AAC meeting, DHE staff provided an overview of key initiatives, including the Equity Agenda, New Program Review Process, Common Assessment, the Police Career Incentive Pay Program, and Open Educational Resources. There were also two motions, including the first approval of a letter of intent under the new program review process and a motion related to the State Authorization and Reciprocity Agreement (SARA) regulations.

Chair Gabrieli then asked for a motion for approval of AAC 20-08: Approval of Letter of Intent and Authorization for Fast Track Review of Bachelor of Science in Veterinary Technology at the University of Massachusetts Amherst. The BHE engaged in a brief discussion. Board member

LaRock remarked that he would be interested in an analysis of public higher education veterinary and veterinary tech programs to make a more informed assessment of the Tufts University Veterinary subsidy by the Legislature. He said that it was his understanding that the historical reason for that subsidy was that a public option was not available, but with this expansion, is it worth a reconsideration to have a complete picture. Secretary Peyser remarked that the Tufts subsidy is for a veterinary school and not for training veterinary techs, which is an important distinction. Board member Pagliuca remarked that the motion had a lot of narrative content without a lot of numbers on the ROI. The Commissioner clarified that the AAC has recently adopted a new academic program approval process that focuses more on strategic decisions rather than the minutia of the numbers. Board member Pagliuca asked if there will be a review process on how effective the new approval process is. The Commissioner responded that yes, there will be and Deputy Commissioner Marshall is charged with this task. Vice Chair Harrity remarked that vocational schools and community colleges offer veterinary tech programs and this program allows students to continue on this track, which is in high demand.

There being no further discussion, Chair Gabrieli called for a vote on AAC 20-08, which was approved unanimously by all board members present.

**AAC 20-08      APPROVAL OF LETTER OF INTENT OF THE UNIVERSITY OF MASSACHUSETTS AMHERST TO AWARD THE BACHELOR OF SCIENCE IN VETERINARY TECHNOLOGY AND AUTHORIZATION FOR FAST TRACK REVIEW**

**VOTED**            The Board of Higher Education (BHE) has evaluated the Letter of Intent of the **University of Massachusetts Amherst** to award the **Bachelor of Science in Veterinary Technology** and has determined that the proposal aligns with BHE criteria. Accordingly, the BHE authorizes the Commissioner to review the program and to make a final determination on degree granting authority pursuant to the Fast Track review protocol.

**Authority**        Massachusetts General Laws Chapter 15A, Section 9(b); AAC 18-40

**Contact**         Winifred M. Hagan, Ed.D., Senior Associate Commissioner for Strategic Planning and Public Program Approval

Chair Gabrieli then asked for a motion for approval on AAC 20-09: Approval of Amendments to 610 CMR 12.00: Operation of Massachusetts Degree-Granting Institutions Under the State Authorization Reciprocity Agreement (SARA). He remarked that SARA includes 49 states and that California is the only holdout. AAC 20-09 has minor amendments that are necessary because the SARA amendments change over time. On a motion duly made and seconded, AAC 20-09 was approved unanimously by all board members present, without discussion.

**AAC 20-09      APPROVAL OF AMENDMENTS TO 610 CMR 12.00: OPERATION OF MASSACHUSETTS DEGREE-GRANTING INSTITUTIONS UNDER THE STATE AUTHORIZATION RECIPROCITY AGREEMENT (SARA)**

**VOTED**            The Board of Higher Education hereby authorizes the Commissioner to proceed in accordance with the Administrative Procedure Act, M.G.L. c. 30A, § 3 and solicit public comment on the proposed amendments to existing regulation 610 CMR 12.00: Operation of Massachusetts Degree-Granting Institutions Under the State Authorization Reciprocity Agreement (SARA).

**Authority**        M.G.L. c. 15A, § 9, as amended by 2017 Mass. Acts ch. 47, § 10; M.G.L. c. 69, § 31A, as amended by 2017 Mass. Acts ch. 47, § 36; M.G.L. c. 15A, § 41; M.G.L. c. 30A; 950 CMR 20.00

**Contact**         Constantia T. Papanikolaou, Chief Legal Counsel  
Ashley Wisneski, Deputy General Counsel

**B.    Fiscal Affairs and Administrative Policy**

Chair Gabrieli remarked that there was a lively FAAP meeting in December, mostly related to the budget. The FAAP Committee also heard a proposal to create an Investment Committee, to be comprised of DHE staff members and others as designated by the Commissioner, to select and monitor the investment offerings in the Plan. The creation of the Investment Committee, and its adherence to an updated Investment Policy Statement, will enable the Department to execute the responsibilities associated with the maintenance of a bona fide retirement plan in a more prudent manner, in keeping with its and the BHE's fiduciary duty. He then called a motion for approval of FAAP 20-09: Establishment of an Investment Committee for the Optional Retirement Program (ORP). The BHE engaged in a brief discussion. Board member Toner remarked that he hopes that participants actually in the ORP will be on the Committee. Board member Pagliuca asked if it makes sense to explicitly state that all things being equal, should there be a nod to institutions based in Massachusetts since we have so many money management institutions in the state already, and it is good for the economy. Secretary Peyser responded that it would be necessary to consult with legal staff on regulations for that within the context of procurement and other requirements. Deputy Commissioner Simard responded that the Massachusetts General Laws require us to have no fewer than two institutions. We currently have TIAA, which is prevalent among institutions of higher education and Fidelity, which is local. There are statutory requirements with which we must comply.

Board member Conforme joined the meeting at 10:24.

There being no further discussion, Chair Gabrieli called for a vote on FAAP 20-09, Establishment of an Investment Committee for the Optional Retirement Program, which was approved unanimously by all members present.

**FAAP 20-09 ESTABLISHMENT OF AN INVESTMENT COMMITTEE FOR THE OPTIONAL RETIREMENT PROGRAM**

**VOTED** The Board of Higher Education hereby approves the Committee Charter establishing an investment committee for the Optional Retirement Program. The Board of Higher Education also hereby approves the Investment Policy Statement for said Committee.

**Authority** M.G.L. c. 15A, Sections 6 and 40; 610 CMR 11

**Contact** Thomas J. Simard, Deputy Commissioner for Administration and Finance

Chair Gabrieli recognized Board member Conforme, who had recently joined the meeting and invited all BHE members to introduce themselves. He stated that the next motion involves the BHE's FY2021 Budget proposal, and noted that Secretary Peyser will abstain on this vote, because pursuant to the BHE's enabling legislation, the budget request will be sent to him. In addition to the actual monetary recommendations, this budget proposal includes some strategic views within the narrative, as it does seem prudent for the BHE to express a multi-year strategic perspective for public higher education. He remarked that the presence of that language is extraordinary and represents a significant and constructive departure from our past practice. He then turned the meeting over to Commissioner Santiago.

Commissioner Santiago stated that he has asked Deputy Commissioner Simard to join him in this presentation to review the details, while he will provide a broader context. Commissioner Santiago referenced the larger goal of the Equity Agenda, noting that Massachusetts is not the first state to do this. There are four states that have designated equity is the highest goal of their state, designated as Talent Innovation and Equity ("TIE") states by the Lumina Foundation, and Massachusetts seeks to be the 5<sup>th</sup> state with the TIE designation. He noted that we are currently in conversation with Lumina on this. In reference to the budget, he wants to highlight Virginia, the most recent TIE state and just this week, their Governor put forth a budget designating \$145 million in support of their own Equity Agenda. Many of their budget elements are not all that different from ours. Virginia addresses affordability in a way that is more expansive than we do, covering family income up to \$100,000 so they get into the middle class. They also address more than just the cost of instruction, but the cost of attendance which includes things like childcare, housing, and transportation. Additionally, students that qualify receive \$1000 per semester, so students can work fewer part time jobs. Another program that funds support services will award institutions \$400 per student that must be invested in students if their students meet certain benchmarks. This is a recognition that other costs of attendance have to be addressed. The Commissioner continued stating, as a reminder, that Massachusetts is the education state, but we also have the largest gaps. He concluded by stating that we should keep in mind that other states are moving in this

direction and this budget proposal is our attempt to reflect the goals that this BHE has set in terms of equity.

The Commissioner continued the presentation by highlighting the key structures of the Equity Agenda. Affordability is a key element which is addressed through the MASSGrant Plus programs. Other elements include policy innovations, funded by the new innovation fund, which includes things such as Open Educational Resources (OER), student supports, culturally relevant pedagogy, and campus climate. All six of these areas have to be addressed for us to achieve our goals.

The Commissioner turned the presentation over to Deputy Commissioner Simard. Deputy Commissioner Simard remarked that it is important to recognize that the budget reflects the BHE's statutory responsibility, and that the narrative addresses both quantitative and qualitative aspects. He stated that we have arrived at a point that our historical-based budgets have left us as at a disadvantage due to a number of factors including the Great Recession. He noted that he was glad the Commissioner referenced the MASSGrant Plus program, and encouraged the BHE to read the preparatory statement in the budget, which calls on us collectively to work on a sustainable and strategic budget strategy moving forward.

Deputy Commissioner Simard continued with an overview of the affordability element, highlighting the \$10 million increase in the state scholarship line item to cover an expansion of the MASSGrant Plus program to Pell-eligible state university students. He noted that MASSGrant Plus is currently limited to community college students and costs approximately \$7 million.

He continued the presentation with an overview of the policy innovations element, which includes an increase of \$2.25 million for the creation and expansion of Early College programs. He noted there has been a significant increase in Early College participation and some of the costs of instruction are subsidized in part by the dual enrollment line item.

He continued with an overview of student supports, noting that there was not a dedicated line item specifically for student supports, so our conversation led us to rethink how we calculate the funding formulas that are both foundation and performance based. Campuses should have access to fixed and flexible supports, and this \$8.23 million the proposed increase would support academic advising, career services, transfer advising, internships, resources to address basic needs and early warning indicators.

Chair Gabrieli remarked that as we move more towards a strategic review, several campuses have pilot programs in this area, so we have an opportunity for randomized controls for evidence here. He referenced the City University of New York Accelerated Study in Associate Programs (CUNY ASAP) program, which is currently being replicated in Ohio. Deputy Commissioner Simard remarked that DHE staff have reviewed what elements of ASAP could work here in Massachusetts, and we are interested in seeing to what extent that model has been replicated and been successful. Board member Pagliuca asked for some more

information on ASAP. Assistant Commissioner Quiroz-Livanis responded that ASAP is a comprehensive program intended to provide wrap-around support services and remove financial barriers to attending college. The main elements include a developmental education redesign, subway passes, last-dollar financial aid, and personalized advising. She noted the research suggests the program is most effective for students who intend to earn associate degrees, but not necessarily baccalaureate degrees..

Deputy Commissioner Simard continued the presentation with an overview of campus climate and culturally responsive pedagogy. The key investment for these elements is the performance management set aside, which funds a number of programs such as credit for prior learning, and competency based learning. Department staff agreed that increased funding in this line item would be the most optimal way to make the appropriate course corrections, and the proposal is to increase funding by \$2.45 million. To add some context to this requested increase, this fund was once at \$7.5 million, and within the total amount of funds for public higher education, and that the entire DHE is less than 10% of all higher education funds, this fund is the only way the Commissioner and the Department team can influence change. He concluded the presentation by noting that the other elements of the budget request include core commitments at maintenance funding levels.

At the conclusion of the presentation, the BHE engaged in a spirited discussion. Board member Pagliuca remarked that she is representing a private institution on this Board and one in particular that serves the target population of the equity agenda, Benjamin Franklin Institute of Technology. She stated that they have many students who apply but do not enroll because of economic need and they would not have access to these funds. She asked if there is any way for there to be funding available for those at risk students to enroll in private institutions, especially for those who enroll in curricula that are not offered in the public sector. The Commissioner responded that the state scholarship line item has been approximately \$100 million for many years, and 38% of that goes to students in private institutions. The \$7 million increase from the Governor was to support the neediest students in the public sector, and was limited to students in our community colleges, which is where we felt the neediest students are concentrated. Board member La Rock added that students enrolled in the private sector are also able to receive Gilbert Grand funds. Board member Pagliuca responded that she is advocating for funds for institutions that are doing great work; not necessarily BFIT but any institution offering programs not in the public sector. Chair Gabrieli asked her to clarify is this an amendment, or just a general strategic discussion. She responded that it was a general strategic discussion and was not requesting an amendment.

Board member Pagliuca asked if Early College programs are serving students who would have already gone to college anyway. Chair Gabrieli responded by referencing data from North Carolina, and clarified that the intent is to benefit all students, and not just the ones going on to college anyway, and that this is one of the first K-12/Higher Ed initiatives that has evaluative data supporting it. Board member Pagliuca responded that if our goal is equity, we do not

necessarily want to just increase our numbers overall. Chair Gabrieli responded that our partner high schools are in Gateway Cities and not in the suburbs.

Board member O'Brien asked if there are funds in this budget to support BHE 20-02, the motion on financial assessment and risk monitoring of institutions. Deputy Commissioner Simard confirmed that there are requested funds in the administration line item to support BHE 20-02 for staff and non-staff costs. Board member O'Brien responded that he thinks expectations are going to be high, and he suggested not being shy about asking for funds for this matter. He additionally remarked that he does not see the next steps, or data and analytics for 5 and 10 years out regarding demographic changes and what that will look like. He suggested that the BHE start to look forward on the upcoming changes and have some early analytic work in this budget. Commissioner Santiago responded that the Department is addressing this through the Performance Management System, but that he shared these concerns about demographic changes.

Board member La Rock thanked Deputy Commissioner Simard for the presentation. He stated that he supports the addition to the state scholarship accounts and to direct operating aid for institutions. He remarked that as a local trustee chair having done the NSCC budget for the last year, even with these additions, we will find ourselves at the college needing to increase tuition and fees because of the decline of tuition revenue due to declining enrollment. He continued, stating that he is considering how the BHE should be thinking of this forthcoming demographic shift and enrollment decline as we build the budget. At NSCC, we do that as sunsetting programs and not filling positions. In terms of enrollment decline, there should be some state standard, and an exploration of what might that be.

Board member Mattera remarked that this this is a very useful discussion, similar to the FAAP discussion at the December meeting. The discussion longer term enrollments is important, as we also focus on short term, unmet need. He stated that at the FAAP meeting he made a motion, which he subsequently withdrew, to fully fund unmet need in this budget request. He stated that he is not interested in redoing that, but rather, he is interested in creating the narrative around the need; the BHE needs to aspire to meet students' financial need through increases in financial aid or else we will lose more students who cannot afford to attend. He encouraged Department and BHE leadership to continue advocating to the Legislature to fully fund that critical need.

Board member Conforme remarked that she commends the increase in dual enrollment funds and asked for an example of an initiative funded through the performance innovative fund. Commissioner Santiago identified the MassTransfer program as an example. Chair Gabrieli stressed the importance of supporting the ability of students to transfer credits earned in Early College programs; that is a critical component of the program because the majority of students do not go on to enroll in the institution of the Early College partner, so they have to be able to transfer those credits earned.

Board member Toner remarked that he is fully in support of the motion and that we are budgeting for the system we have in front of us. He hopes there will be an opportunity to have a two day long retreat on this. It is necessary to have a conversation about where we see higher education going. He believes that we are currently just tweaking around the edges to get a few more kids through, but there is a huge segment of students in the middle that we are missing. We are doing well at either end, but there is a swath of students and families in the middle that are really questioning the value of higher education and we really ought to think about our path forward.

Secretary Peyser stated that we have high aspirations and are currently in the “fix it first” mode, doing things such as repairing buildings that are falling down. He reinforced what other BHE members have stated-- that we are already in a different era with rapid changes. We are struggling with incremental change. To return to the unmet need conversation-- and thinking about getting from “point a and point b”-- affordability and financial aid is one piece of getting students to the finish line, but not the only available tool and we ought to be thinking about this more comprehensively.

There being no further discussion, Chair Gabrieli called for a vote on FAAP 20-10, Approval of the BHE Fiscal Year 2021 Budget. All board members present voted in favor, which the exception of Secretary Peyser, who abstained.

**FAAP 20-10 APPROVAL OF THE BOARD OF HIGHER EDUCATION FISCAL YEAR 2021 BUDGET**

**VOTED** The Board of Higher Education hereby adopts the attached Board of Higher Education operating budget recommendation for Fiscal Year 2021 and further authorizes the Commissioner to submit the Board’s budget recommendation to the Secretary of Education

**Authority:** Massachusetts General Laws Chapter 15A, Section 6, 9 and 15B

**Contact:** Thomas J. Simard, Deputy Commissioner for Administration and Finance

**C. Board of Higher Education**

Chair Gabrieli stated that the next presentation is on the approval and adoption of 610 CMR 610: Financial Assessment and Risk Monitoring of Institutions of Higher Education. He provided a brief summary of the history of the work, dating back to the abrupt closure of Mt. Ida College in April 2018, and the work over the past year. He invited Chief Legal Counsel Papanikolaou to provide a presentation on the motion.

Chief Legal Counsel Papanikolaou began by setting the context for the discussion, stating that today the BHE will be asked to consider proposed revisions to the set of regulations that will govern the BHE and the Department’s annual financial screening and assessments of private institutions of higher education (IHE). At its June 18<sup>th</sup> meeting, the BHE voted to authorize the

Department to solicit public comment on this set of regulations. Since that time, the Department did engage in an extensive public comment period, and the Governor also signed (in November 2019) a very important piece of legislation that established minimum statutory requirements for the BHE's conduct of these financial assessments of private IHEs. The final regulations before the BHE today for approval and adoption include enhancements and clarifications suggested through the public comment process, and also revisions intended to align the regulations with the new law.

Chief Legal Counsel Papanikolaou then summarized the scope and purpose of 610 CMR 13, noting that right now, there are 95 private institutions in Massachusetts, including the 21 IHEs chartered pre-1943 by the legislature before the creation of the BHE. All 95 private IHEs would be subject to the regulations. In its broadest sense, the purpose of the regulations is to establish standards and processes to permit the BHE, acting by and through the Commissioner and the Department, to identify, through an annual screening process, IHEs at risk of imminent closure, to assess and monitor these institutions and to require contingency planning and timely public notification.

She continued with an overview of the regulations, which include annual screening and determination of financial status stages. The annual screening will include measures to eliminate false positives, and processes to notify institutions of the screening results and methodology. The regulations then require institutions identified as "may be at risk" to submit risk mitigation plans, which must include information on an institution's known liabilities and risks, along with contingency closing plans. At this stage, the Commissioner makes a determination of whether an IHE is indeed at risk of imminent closure, and whether the institution will therefore be subject to a public notification requirement, in addition to monitoring and contingency closure planning. Consistent with the new law, this section of the regulations allows the DHE to accept screenings conducted by the accreditor.

Chief Legal Counsel Papanikolaou continued by highlighting the differences between the final regulations and what was presented to the BHE in June, including a new, stand-alone section on contingency closure planning/ public notification which includes more specificity on what must be included in a contingency closure plan to help students complete their programs of study. The confidentiality section of the regulations has also been tweaked to align with the new law which makes it very clear that all information made or received by the BHE or the Department in furtherance of this work is exempt from public records law and will be maintained as confidential. The section on sanctions has remained essentially the same, however, we will be coming back to the Board at a later date with a proposal on how to add fines to the list of permissible sanctions.

Chief Legal Counsel Papanikolaou continued summarizing the public comments received and the resulting changes. She noted that the Department received many requests to add host communities to the stakeholder notification requirements, and also received many comments asking for greater collaboration and information sharing with the accreditor. Comments

received from the Attorney General's Office included a request to expand upon the minimum, mandatory requirements in a closing plan (for example, by adding closed school discharge notifications), and to enhance the public notification requirements by including prospective students to the stakeholders who must receive notification if an institution is deemed "at risk," (e.g., through clear marketing materials).

Regarding the new law which enacted in November 2019, Chief Legal Counsel Papanikolaou stated that the new law aligned closely with the spirit and the intent of the draft regulations. As a result, no major, substantive changes to the draft regulations were required. However, to ensure that the processes in statute and regulation could not be read to conflict in any way, a number of technical, organizational and other edits are recommended.

Regarding next steps, DHE staff will continue to work with NECHE on the MOU, and will prepare any necessary attendant policies for consideration, hopefully for review at the next BHE meeting, if all goes according to plan. After final BHE approval of the regulations, we will file with the Secretary of State's office so the regulations can be in place immediately after BHE approval of the policies and MOU. Meanwhile, Deputy Commissioner Simard and other Department staff will continue to test the metrics on financial screening and institutions will be monitored under our current regulations, 610 CMR 2. Assuming the MOU with NECHE is approved and signed in February, we will receive the first data set in March, and going forward, we will provide the BHE with periodic updates.

Commissioner Santiago responded that he wished to address the MOU with NECHE. Two weeks from today, the U.S. Department of Education (USDOE) has called a meeting with "the triad," which includes the accreditors and regulators. A select number of states has been invited to have a conversation on this issue, and there are many eyes on what Massachusetts is doing because there are so many private institutions here. We have submitted a draft MOU to our regional accreditor and we will come back to the BHE when we are close to an agreement. We have not had a history of working closely with the accreditor, and in many respects, they would prefer we stay out of their business. However, we need work together and better align our work, and we want more transparency. The law allows the regional accreditor to do the initial screening. However, if the screenings are not accurate, it is ultimately our responsibility. Our focus is on students, and ensuring that students are notified in a timely way of IHE financial difficulties so they can continue their academic careers elsewhere. He concluded his comments by stating that he hopes this opens up a new perspective on how regional accreditors can work with state agencies.

After the presentation, the BHE engaged in a discussion. Board member O'Brien remarked that this is a great body of work, and he applauds the Commissioner and the staff. He advised caution that an advisory committee could leak information, and asked if they could be exempt from open meeting law. He additionally stated that expectations for these regulations are high and the public may already believe this has been underway. He remarked that he is concerned that another closure could happen between now and when this gets going and that people

should recognize that this is ongoing effort. Board member Pagliuca asked if there is a portal through which someone at an institution could communicate with the DHE, noting that people at an institution will know there is a potential crisis long before NECHE knows. The Commissioner responded that we have some examples of how the process worked well; Newbury College was an institution that was open and we knew early that they would be closing. Board member O'Brien remarked that he has mentioned this before but he suggested there be a confidential channel of communication to bring concerns forward.

Board member Mattera asked if there is a provision on the underlying statute on trustee training. Chief Legal Counsel Papanikolaou responded that there are two separate provisions in the new law on training- one for trustees of public institutions and one for trustees of private IHEs. For private IHE's, the statute requires trustees to be trained every four years, and the DHE is working with AICUM on this provision which will probably result in an annual IHE certification requirement. For public higher education trustees, the training requirements are more specific and the BHE is required to develop and deliver the training, in consultation with state partners such as the Inspector General's Office (IGO) and the Attorney General's Office. In addition, the BHE must track the trustee training, which must be completed once every four years. We are working closely with the IGO and our other state partners to develop and deliver this trustee training, with the goal of offering the first comprehensive training this summer.

Secretary Peyser remarked that he wanted to pause and note this watershed moment in regard to the authority of the BHE in offering protections to our students who are both residents and visiting. It is a major change. He additionally acknowledged the leadership and hard work the Department and Department staff in getting this done, the collaboration with AICUM and the AGO, and the work with the legislature. He remarked that the regulations have struck the right balance with fairness to the students and to the institutions. This is a big deal and success has many fathers and mothers, and he is very grateful for all of the work.

Chair Gabrieli thanked the Secretary and noted that he has been instrumental in this too. He additionally thanked Board members Mattera and Cortez for their early work on the THESIS working group, as well.

There being no further discussion, Chair Gabrieli called for a vote on BHE 20-02, Approval and Adoption of 610 CMR 13.00: Financial Assessment and Risk Monitoring of Institutions of Higher Education. All members present voted in favor unanimously.

**BHE 20-02<sup>1</sup> APPROVAL AND ADOPTION OF 610 CMR 13.00: FINANCIAL ASSESSMENT AND RISK MONITORING OF INSTITUTIONS OF HIGHER EDUCATION**

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<sup>1</sup> While the motion number of the document considered by the Board for this agenda item during January 10, 2020 meeting was BHE 20-02, the actual motion document number has since been updated to BHE 20-03 to correct a

**VOTED** The Board of Higher Education (BHE), having solicited and reviewed public comment in accordance with the Administrative Procedure Act, M.G.L. c. 30A, § 3, hereby adopts the following regulations: Financial Assessment and Risk Monitoring of Institutions of Higher Education, to be codified at 610 CMR 13.00.

The BHE directs the Commissioner to develop an implementation plan and policy, including a proposed Memorandum of Understanding (MOU) with the New England Commission of Higher Education (NECHE) consistent with statutory and regulatory requirements, for BHE consideration and at its next regularly scheduled board meeting.

**Authority** M.G.L. c. 69, § 31B; M.G.L. c. 15A, § 9; M.G.L. c. 30A, § 3; and 950 CMR 20.00

**Contact** Carlos E. Santiago, Commissioner  
Constantia T. Papanikolaou, Chief Legal Counsel  
Thomas J. Simard, Deputy Commissioner for Administration & Finance

## **VI. OTHER BUSINESS**

Student member Velozo invited the BHE to a luncheon after the next meeting with members of the Student Advisory Council. She also stated that students from Cape Cod Community College were interested in discussing requirements for serving as a student trustee, including the statutory requirement to be a full-time student.

## **VII. ADJOURNMENT**

There being no further business, Chair Gabrieli adjourned the meeting at 12:09 p.m.

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

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motion sequencing error. All future references hereto will be BHE 20-03, to prevent confusion with the BHE 20-02 floor motion adopted on October 22, 2019.