

BOARD OF HIGHER EDUCATION

October 21, 2014

9:00 a.m.

Bristol Community College
Commonwealth College Center (G Building)
Ryckebusch Faculty Staff Lounge
777 Elsbree Street
Fall River, MA

Minutes

A meeting of the Board of Higher Education (BHE) was held at Bristol Community College in Fall River, Massachusetts.

The following Board Members were present:

Charles F. Desmond, Chair
Louis Ricciardi, Vice Chair
Maura Banta
Nancy Hoffman
Stacey Deboise Luster
Tom Hopcroft
Glenn Gabbard, Designee for Secretary Matthew Malone
Nathan Gregoire
Keith Peden
Fernando Reimers
Henry Thomas
Paul Toner

The following Board Members were absent:

Dani Monroe

I. CALL TO ORDER

Chair Charles Desmond called the meeting to order at 9:05 a.m.

II. WELCOME

Jack Sbrega, President, Bristol Community College

List of Documents Used:
PowerPoint Presentation

President Jack Sbrega welcomed the Board of Higher Education (BHE) on behalf of Bristol Community College (BCC) and its Board of Trustees. He then gave a PowerPoint presentation highlighting the institution's many accomplishments and announced that BCC would be celebrating its 50th Anniversary starting in April. President Sbrega noted that the Vision Project and the campus' strategic plan have a strong influence on the President's Goals and Objectives and he was proud to be associated with the initiative. He added that Commissioner Freeland

has been a unifying force in public higher education. President Sbrega also described a number of new capital projects at BCC and stated that he supported the Community College Funding Formula and believed that the state needs to continue on this path.

III. ACCEPTANCE OF MINUTES

Chair Desmond brought forth a motion to accept the minutes of the June 7, 2014 BHE meeting. The motion was seconded and the minutes were approved. Board members Maura Banta and Tom Hopcroft abstained.

IV. CHAIRMAN'S REMARKS

Chair Desmond introduced the two new BHE members, Maura Banta and Tom Hopcroft. Board member Banta is IBM's Director of Citizenship Initiatives in Education and chaired the Massachusetts Board of Elementary and Secondary Education from 2008-2014 under an appointment by Governor Patrick. She said she was interested in better aligning the work of the Department of Elementary and Secondary Education (DESE) and DHE.

Board member Hopcroft is President and CEO of the Mass Technology Leadership Council, Inc., a business association that addresses the critical leadership issues of innovative technology and technology-enabled companies. Board member Hopcroft said he was excited to join the BHE and to assist in increasing workforce alignment.

Chair Desmond also introduced the new BHE student trustee, Nathan Gregoire, Mr. Gregoire was recently appointed to the BHE by the Governor, but he had not taken the oath of office at the time and therefore, would not be voting. Board member Gregoire said he was thankful for the opportunity to serve and that he looked forward to representing the students of the Commonwealth. The remaining Board members then introduced themselves.

Chair Desmond informed attendees that Commissioner Richard Freeland announced that he would be stepping down as Commissioner effective at the end of this academic year. Chair Desmond thanked Commissioner Freeland for his service and praised his work and his vision to build a top national system of higher education. He said while we are very happy for the Commissioner capping off a tremendous career in higher education, we are also very sad he will no longer be with us.

Commissioner Freeland thanked Chair Desmond and said he loves this work and working with his colleagues at the DHE, the BHE, and the campuses, and that it is a true labor of love. Commissioner Freeland said that growing up in the 1960s was extremely influential in his decision to work in higher education and it drew his attention to the fact that the country he was living in had a lot more oppression and discrimination than he ever thought as a child. He thought to himself, where do you get a lever to positively change some of those issues and the answer for him was public higher education. He spoke of his background and experiences at the University of Massachusetts Boston and Northeastern University. However, nowhere in his 45 years in higher education did he feel that there was an institution so close to this mission than DHE. He was leaving with a sense of satisfaction that a lot has been accomplished, but there was still much to be done.

Chair Desmond thanked Commissioner Freeland for his remarks and his

outstanding service, and stated that the BHE will need to turn its attention to finding and appointing a new commissioner, who will undoubtedly have big shoes to fill. To this end, Chair Desmond brought forth a motion to establish a search committee comprised of representatives from across public higher education as well as external stakeholders and BHE members. He noted that this committee would be advisory to the Board, as the BHE holds the ultimate responsibility for selecting a commissioner, subject to the approval of the Secretary. The motion was moved, seconded and unanimously approved as follows:

BHE 15-04 CREATION OF AN AD HOC COMMITTEE OF THE BOARD OF HIGHER EDUCATION TO SEARCH FOR A NEW COMMISSIONER

- MOVED:** The Chairman of the Board of Higher Education is authorized to create an ad hoc committee for the purposes of conducting a national search for a new Commissioner. The search committee shall serve in an advisory capacity to the Board of Higher Education, which has the statutory authority to appoint the Commissioner, subject to the approval of the Secretary of Education. The committee shall:
1. Develop a statement of desired qualifications for the position of Commissioner that will guide the search and selection process and be shared with candidates and nomination sources.
 2. Adopt a timetable for the search that will permit the appointee to begin by June 1, 2015, or as soon thereafter as is possible.
 3. Conduct an active national search to attract highly qualified candidates.
 4. Periodically report to the Board of Higher Education about the progress of the search.
 5. Observe strict confidentiality in the conduct of the search while also adhering to Massachusetts Open Meeting Law. Any member of the Search Committee who breaches confidentiality may be removed from the Committee without replacement.
 6. Bring forth the names of three or four finalist candidates to the Board of Higher Education, which retains the right to select and appoint the Commissioner, subject to the approval of the Secretary of Education.

The membership of the committee shall be determined by the Chairman of the Board of Higher Education.

Authority: M.G.L. c. 15A, §6; BHE By-Laws, Article I, Section 3(d) and Article III

Contact: Constantia T. Papanikolaou, General Counsel

Chair Desmond brought forth the following motion and stated that it was a follow-up to a conversation that the BHE had at their annual retreat in September. The

motion establishes an ad hoc committee to the BHE and charges the committee to establish timetables and processes for the BHE review of institutional strategic plans.

The motion was moved, seconded and unanimously approved as follows:

BHE 15-03 CREATION OF AN AD HOC COMMITTEE OF THE BOARD OF HIGHER EDUCATION ON INSTITUTION STRATEGIC PLAN REVIEW

MOVED: The Chairman of the Board of Higher Education is authorized to create an ad hoc committee on institution strategic plan review. The committee shall:

1. For campus strategic plan review in 2014-15: establish a timetable and process for discussion and review of at least five campus strategic plans, representing both community colleges and universities. BHE discussion of strategic plans during this pilot year will focus on two things: first, campus work to advance the goals of the Vision Project and the PACE collaborative initiative; second, how the BHE can most effectively interact with campuses in a comprehensive review of strategic plans beginning in 2015-16.

2. For campus strategic plan review in 2015-16 and beyond: create by March 2015, in consultation with campus leaders, a template or rubric for campus strategic plans; articulate by March 2015 a process and timetable for formal BHE review of campus-level strategic plans beginning in 2015-16; and articulate by June 2015 the means by which the BHE will monitor the progress of individual campuses in achieving their strategic planning goals.

The membership of the committee shall be determined by the Chairman of the Board of Higher Education.

Authority: M.G.L. c. 15A, §§9(f), 9(l) and 22(l); BHE By-Laws, Article I, Section 3(d) and Article III.

Contact: Constantia T. Papanikolaou, General Counsel
Anne Perkins, Associate Commissioner for Academic Affairs

V. COMMISSIONER'S REMARKS

Before Chair Desmond turned the meeting over to Commissioner Freeland, he announced that the U.S Department of Labor has awarded our 15 Community Colleges a \$20 million four year grant for round four of the Trade Adjustment Assistance Community College and Career Training (TAACCCT). Pronounced "TACT" workforce program. This builds on the success of the round one grant award and the Complete College America Guided Pathways in STEM program.

Commissioner Freeland thanked Chair Desmond for recognizing the grant award and the work of the Community Colleges. He also thanked President Sbrega for hosting and Presidents Ellen Kennedy and Daniel Asquino for attending and recognized Bill Hart and Vincent Pedone, Executive Officers for the Community

College Council of Presidents and State University Council of Presidents, respectively. He also welcomed the two new Board members.

Commissioner Freeland asked everyone to turn their attention to the BHE Priorities for Academic Year 2014-15 briefing document. At the beginning of each academic year, the BHE establishes priorities to guide its own work and that of the Department of Higher Education. The four priorities include further development of the Vision Project, management of fiscal resources, improved use of performance metrics and data, and further development of interactions between BHE and campuses.

VI. SECRETARY OF EDUCATION'S REMARKS

Chair Desmond thanked Commissioner Freeland and turned the meeting to Dr. Glenn Gabbard, Secretary of Education designee. Dr. Gabbard thanked President Sbrega for hosting the BHE meeting, and extended congratulations to the Commissioner and thanked him for his stewardship and commitment to equality and social justice.

VII. REPORTS FROM PRESIDENTS

Community College Presidents' Report – Quinsigamond Community College President Gail Carberry

List of Documents Submitted by President Carberry

None

President Carberry said she was pleased to represent the community colleges and the largest segment of students in the public higher education system. She thanked Commissioner Freeland for his leadership, support, and advocacy.

President Carberry spoke of the segment's efforts to collaboratively address the growth of completions in stackable programming in the Commonwealth, and in particular efforts on the Transformation Agenda, which was funded by a (TAACCCT) Department of Labor Grant.

The Transformation Agenda brought together all Massachusetts' community colleges; the Commonwealth's higher education, economic development, adult basic education (ABE), and workforce development systems; and industry stakeholders to transform delivery of industry-aligned education and training programs. Through accelerated programs linked closely to industry needs, the Transformation Agenda is removing barriers, reducing time to completion and meeting student and employer needs. Across the state's 15 community colleges, 152 programs have been developed or redesigned in six industries: healthcare, advanced manufacturing, information technology, biotechnology, clean energy and financial services.

The 15 community colleges were recently awarded a second DOL grant to scale up Complete College America's Guided Pathways to Success methodology. She said this work is integrated with the Academic Transfer Pathways Initiative that Senior Deputy Commissioner Carlos Santiago is leading with representatives from across the campuses. The shared goal continues to be reducing the barriers that prevent students from efficiently entering, persisting and completing the appropriate certificate or degree along a stackable STEM Pathway

**State University Presidents' Report – Bridgewater State University
President Dana Mohler-Faria**

List of Documents Submitted by President Mohler-Faria

None

President Dana Mohler-Faria thanked President Sbrega for hosting, and shared a brief story about a student he met recently who had been faced with and overcame many obstacles in his life, but was not able to attend Bridgewater State University (BSU). He called President Sbrega to see if there was anything he could do to help. As a result of President Sbrega's support, the student is now attending Bristol Community College. The campuses are driven by equity, justice, and fairness. President Mohler-Faria thanked President Sbrega for his partnership.

President Mohler-Faria announced that this year President Barry Maloney of Worcester State University would be chair of the State University Council of Presidents, and he welcomed two new Presidents, Javier Cevallos at Framingham State University and Interim President Kurt Steinberg at Massachusetts College of Art and Design. He thanked the BHE for their guidance and advocacy. He said that his tenure at BSU has been a humbling experience and that the growth, the expansion, the student success is something we would have never imagined in 20 years and for that he thanked Commissioner Freeland.

VIII. REPORT FROM STUDENT ADVISORY COUNCIL

Chair Desmond thanked both Presidents Carberry and Mohler-Faria and asked Board member Gregoire to report on the Student Advisory Council. Mr. Gregoire said that the September 25th meeting focused on goal setting and elections. One major goal was to increase campus involvement and the group also discussed sexual assault programs on the various campuses. The Council's next meeting was scheduled for October 23rd and they will vote on Segmental Advisors at that time.

IX. MOTIONS

Before moving on to Committee updates, Commissioner Freeland reported on actions he took this summer pursuant to the BHE's delegation of summer authority. He said he approved a request to name a science building after President Robert Antonucci at Fitchburg State University once he retires, and that provisional approval was given to an aviation academic program at Cape Cod Community College, which was essential for the institution to be able to move forward with grant funding relative to a construction project at Barnstable airport.

List of Documents Used:

AAC Motions 15-01 to 15-12

FAAP Motions 15-01 to 15-12

A. Academic Affairs

Chair Desmond explained that Committee Chair Nancy Hoffman was unable to attend the Academic Affairs Committee meeting on October 14th and that he chaired the meeting in her absence. He gave a brief overview of the programs that were approved.

The following motion was moved, seconded and unanimously approved as follows:

AAC 15-10 CONSENT AGENDA

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

- AAC 15-01 Massasoit Community College
Associate in Science in Engineering
- AAC 15-02 University of Massachusetts Boston
Doctor of Philosophy in Applied Physics
- AAC 15-03 University of Massachusetts Dartmouth
Bachelor of Science in Data Science
Master of Science in Data Science
- AAC 15-04 University of Massachusetts Dartmouth
Master of Science in Healthcare Management
- AAC 15-05 University of Massachusetts Dartmouth
Doctor of Philosophy in Chemistry and Biochemistry
- AAC 15-06 University of Massachusetts Lowell
Master of Science in Finance
- AAC 15-07 University of Massachusetts Lowell
Doctor of Philosophy in Applied Psychology and
Prevention Science
- AAC 15-08 University of Massachusetts Lowell
Doctor of Philosophy in Education
- AAC 15-09 Northeast Maritime Institute, Inc.
Associate in Applied Science in Nautical Science

Authority: Article III, Section 6, By-Laws

Contact: Winifred M. Hagan, Ed.D., Director for Educator Policy

The following motion was moved, seconded and unanimously approved as follows:

**AAC 15-11 Criminal Justice Program
Cape Cod Community College**

MOVED: The Board of Higher Education approves the **Cape Cod Community College Associate in Science in Criminal Justice Program** under the *Guidelines for Criminal Justice and Law Enforcement Academic Programs*. The program has been found to meet or exceed all quality standards established by the *Guidelines*.

As required in the Guidelines, each institution shall submit two copies, including one electronic copy, of a report to the Board annually, certifying that each program is being maintained and operated within the provisions and spirit of the criteria and guidelines set forth by the *Guidelines*.

Authority: Chapter 41, Section 108L (as amended)

Contact: Winifred M. Hagan, Ed.D., Director for Educator Policy

The following motion was moved, seconded and unanimously approved as follows:

AAC 15-12 Approval of Bunker Hill Community College Revised Mission Statement

MOVED: The Board of Higher Education approves the following motions on a consent agenda: The Board of Higher Education hereby approves the request of **Bunker Hill Community College** to revise the College's mission statement to read as follows:

Vision Statement

Bunker Hill Community College empowers and inspires students, faculty, and staff diverse in identities, experiences and ideas to make meaningful contributions to our local and global communities. The College embodies a spirit of inquiry, critical thought, inclusive excellence, and lifelong learning.

Mission Statement

Bunker Hill Community College serves as an educational and economic asset for the Commonwealth of Massachusetts by offering associate degrees and certificate programs that prepare students for further education and fulfilling careers. Our students reflect our diverse local and global community, and the College integrates the strengths of many cultures, age groups, lifestyles and learning styles into the life of the institution. The College provides inclusive and affordable access to higher education, supports the success of all students, and forges vibrant partnerships and pathways with educational institutions, community organizations, and local businesses and industries.

Values Statement

Bunker Hill Community College Trustees, Faculty, Staff and Students embody the highest academic and institutional integrity through their commitment to:

*Access and Success
Excellence and Innovation
Economic and Social Justice
Inclusiveness and Equity
Civic Engagement and Service
Kindness and Respect
Accountability and Transparency*

Authority: Massachusetts General Laws Chapter 15A, Sections 7, 9(e), and 22(n)

Contact: Carlos E. Santiago, Ph.D., Senior Deputy Commissioner for Academic Affairs

B. Fiscal Affairs and Administrative Policy

Chair Desmond turned the meeting over to Board member Stacey Debois Luster, who gave an overview of the Fiscal Affairs and Administrative Policy meeting. She briefly summarized the MSCBA motions and thanked Ed Edelman from the Massachusetts State College Building Authority (MSCBA) for his presentation to the FAAP committee. Vice Chair Louis Ricciardi requested additional information on the background for the MSCBA funding motions, which Board member Luster provided.

The following motion was moved, seconded and unanimously approved as follows:

FAAP 15-10 CONSENT AGENDA

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

- FAAP 15-01 Approval of Massachusetts State College Building Authority Residence Hall Renewal And Adaption Project, Bridgewater State University
- FAAP 15-02 Approval of Massachusetts State College Building Authority Hammond Campus Center Renovation, Fitchburg State University
- FAAP 15-03 Approval of Massachusetts State College Building Authority Student Activity Project, Framingham State University
- FAAP 15-04 Approval of Massachusetts State College Building Authority New Residence Hall Project, Framingham State University
- FAAP 15-05 Approval of Massachusetts State College Building Authority Student Activity Project, Framingham State University
- FAAP 15-06 Approval of Massachusetts State College Building Authority Academic Project, Massachusetts College Of Art And Design
- FAAP 15-07 Approval of Massachusetts State College Building Authority Student Activity Project, Salem State University
- FAAP 15-08 Approval of Massachusetts State College Building Authority Residence Hall Renewal And Adaption Project, Westfield State University
- FAAP 15-09 Approval of Massachusetts State College Building Authority Student Activity Project, Westfield State University

Authority: Massachusetts General Laws Chapter 15A, Section 6

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

The following motion was moved, seconded and unanimously approved as follows:

FAAP 15-11 Approval of Massachusetts State College Building Authority Revenue Bond Refunding

MOVED: MASSACHUSETTS STATE COLLEGE BUILDING AUTHORITY

The Massachusetts State College Building Authority is hereby authorized to issue refunding bonds to refund certain of its outstanding bonds, as described on the attachment, provided the aggregate net present value savings achieved from the refunding is no less than four percent (4%) of the par amount of refunded bonds, and the Commissioner is hereby authorized and directed, in the name and on behalf of the Board of Higher Education, to approve in writing the issuance by said Authority of bonds for such refunding purpose.

Authority: Massachusetts General Laws Chapter 15A, Section 6

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

The following motion was moved, seconded and unanimously approved as follows:

FAAP 15-12 Approval of Naming of Middlesex Community College's Main Campus Building in the City of Lowell

MOVED: The Board of Higher Education hereby approves the September 18, 2014 request of the Middlesex Community College Board of Trustees to name the college's main city of Lowell campus building the "Dr. Carole A. Cowan Center" in honor of outgoing President Carole Cowan.

Authority: Section 9(m) of Chapter 15A of the Massachusetts General Laws

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

C. Board of Higher Education

*List of Documents Used:
BHE Motions 15-01 and 15-02
October 21, 2014 BHE PowerPoint*

Chair Desmond said the Executive Committee felt strongly that Commissioner Freeland has done a great job leading the DHE and brought forth a motion to approve his FY2014 performance evaluation. The following motion was moved, seconded and unanimously approved as follows:

BHE 15-02 Commissioner's FY2014 Performance Evaluation

MOVED: The Board of Higher Education hereby approves the Commissioner's FY 2014 performance as highly effective, as recommended by the Executive Committee. Further, that the Board approves a salary increase for the Commissioner of 3 percent,

effective July 1, 2014.

Authority: Massachusetts General Laws Chapter 15A, Sections 9(q) and 21

Contact: Constantia T. Papanikolaou, General Counsel

Chair Desmond then brought forth BHE motion 15-01 and asked General Counsel Constantia Papanikolaou to lead the presentation and panel discussion on a Resolution Regarding Campus Sexual Violence. General Counsel Papanikolaou introduced the panel members, who included Quinsigamond Community College (QCC) President Gail Carberry, Massasoit Community College (MCC) President Charles Wall, Salem State University President Patricia Meservey, Fitchburg State University (FSU) Interim Assistant Vice President Jannette McMenemy, and UMass Amherst Vice Chancellor of Student Affairs and Campus Live Enku Gelaye. She explained that the group would discuss best practices currently being implemented and challenges facing our public campuses as they address campus sexual violence before the BHE is asked to vote on BHE Motion 15-01.

General Counsel Papanikolaou began by noting that at its September retreat the BHE set as a priority this year a concerted focus on addressing campus sexual violence by engaging in a dialogue with the campuses to learn more about current and proposed practices, and by exploring, in collaboration with the campuses, the development or endorsement of a statement of policies and procedures to govern campus responses. She said that today's discussion is intended to initiate this process.

General Counsel Papanikolaou provided a brief overview of the national and state context for this discussion. She pointed out that there has been a spike in national attention on sexual assaults on college campuses due to many factors, including: national data which suggests that one in five women experience some type of sexual assault while in college; increased federal enforcement activity for alleged Title IX violations in the handling of complaints, resulting in 85 institution under investigation; and the development of new research-based prevention and response models. She then briefly reviewed the federal regulatory framework in this area, as well as recent Title IX guidance and other federal legislation and guidance—all of which is calling upon campus administrators to respond more aggressively to identifying, preventing, reporting and responding to campus sexual violence.

As the federal government's focus on campus sexual assaults continues, the issue is also increasingly commanding the attention of policy makers at the state level, with several states proposing or passing legislation in this area, convening national leaders and hosting summits or conducting task force reviews of state policies and procedures. General Counsel Papanikolaou gave examples of other states' responses, and concluded by reviewing efforts currently underway in Massachusetts, including work underway by the Governor's Council on Sexual and Domestic Violence and efforts by the Commonwealth's public institutions at the segmental level to update existing Affirmative Action plans. She also referenced the BHE's existing 2008 best practices document on "Campus Violence Prevention and Response," the scope of which is mainly limited to preventing and responding to an active shooter, and therefore suggested that this document should be revisited and updated.

Commissioner Freeland thanked General Counsel Papanikolaou and turned the meeting over to the presenters. Presidents Carberry provided an overview of the

efforts of the Community Colleges to address this issue. She noted that the Community Colleges have updated their Affirmative Action policy to address new federal requirements. Regarding challenges, she highlighted the importance of faculty and staff training, but noted collective bargaining concerns in quickly implementing trainings. She also identified technical conflicts with the state's Rape Shield law and federal reporting requirements, as well as issues involving consent of persons with impaired cognitive function. President Wall then provided a focused discussion on best practices in the area of campus response, noting that just last month MCC received two reports of sexual assault which allegedly occurred on campus. Through MCC's use of Crisis Leadership Teams MCC was able to quickly respond to and investigate the matter; arrests were made in both cases, and the victims were offered appropriate support services. President Wall stated that communication was key in any successful response effort, and then went into detail on how the Crisis Leadership Teams at MCC work.

General Counsel Papanikolaou thanked Presidents Carberry and Wall and turned the meeting over to President Meservey and Interim Vice President McMenemy to hear from the State Universities. President Meservey said she appreciated the attention of policy makers and the BHE on these issues and said it was important to have open discussions on all of the campuses. The State Universities have had long-standing policies to address these issues and have been working together across campuses to have a common understanding. Regarding challenges, she highlighted continuing concerns regarding alcohol and consent, and the importance of teaching students about the responsible use of alcohol. She also referenced the importance due process, and not losing sight of maintaining a balanced approach as we tackle these issues.

Interim Vice President McMenemy spoke to "best practices" on behalf of the State University segment by discussing the Fitchburg Antiviolence Education Program (FAVE)—a prevention program which began in March 2010 when a group of administrators, faculty, and staff came together to develop a comprehensive program to support survivors of violence. The program falls under the Office of Academic Affairs and the project team is made up of different sectors within the campus. Among other things, all incoming students participate in a 75-minute bystander program and this is just one of several prevention initiatives at FSU. Board member Gregoire stated that he has been a part of the training and has been an orientation leader for the past three years.

General Counsel Papanikolaou thanked President Meservey and Interim Vice President McMenemy and turned to Vice Chancellor Gelaye who spoke on behalf of UMass Amherst. Vice Chancellor Gelaye said one of the most important aspects of this work is preventive in nature and that everyone at UMass Amherst is deeply engaged in the conversation. She summarized the "UMatter at UMass" campaign, highlighted that training is especially important, and stated that UMass Amherst has a high quality bystander intervention program. Vice Chancellor Gelaye shared the different way in which prevention information is making its way across campus and said it was critical to teach students how to assist one another and to make sure they have access to the resources they need should they experience any type of violence.

Board members then had the opportunity to ask questions and make comments. After brief discussion, Chair Desmond reiterated that the BHE has zero tolerance for sexual violence and asked Board members to turn their attention to BHE Motion 15-01. General Counsel summarized the motion and Chair Desmond

called for a vote. Board member Thomas asked to be recognized. He thanked the presenters and said there were many common components across the segments. He suggested, however, that rather than having a siloed approach, the BHE should come up with a statewide policy to address this issue and asked whether the language should be added to the motion to allow for this. General Counsel Papanikolaou pointed out existing language in the motion which asks the Commissioner and DHE staff to “coordinate current efforts underway at the segmental level... make sure that innovative, evidence-based practices are used throughout the Massachusetts public higher education system.” President Meserve noted that the State Universities are currently working together to develop a segmental policy and procedure on sexual assault prevention and response, and expressed concern that this process not be delayed by requiring statewide policy at this time. General Counsel Papanikolaou added that the campuses are currently under a legal mandates to make a “good faith effort” to comply with new federal requirements and as a result the BHE may want to consider a phased approach which allows for the approval and implementation of the updated segmental affirmative action plans in December, with the understanding that the institutions will continue to work together towards a statewide set of policy statements. She also noted that the motion also asks the Commissioner to review the BHE’s current’ 2008 guidelines on campus violence and prevention and suggested that perhaps through that process a common set of principles will be formed. There was general consensus that the motion should not be amended at this time, but instead that the minutes should reflect that BHE’s expectation that Department staff and the campuses will work together towards achieving a single statewide policy.

The following motion was moved, seconded and unanimously approved as follows:

BHE 15-01 Resolution Regarding Campus Sexual Violence

MOVED: The Board of Higher Education (the Board) recognizes that the ability to teach and learn is inseparable from the maintenance of a safe learning environment.

The Board further recognizes that sexual violence on college and university campuses is a pressing matter of national importance, and that sexual violence, including stalking, dating violence, domestic violence, harassment and sexual assault, continues to be a serious moral, as well as public health issue, which can have devastating effects on individual victims, as well as serious, negative consequences for colleges and universities.

The Board hereby declares that it has zero tolerance for sexual violence, and that it is committed to helping the Commonwealth’s public higher education institutions create and maintain environments that are free from sexual violence.

The Board recognizes and commends the State Universities, the Community Colleges and the University of Massachusetts for work done to date to ensure that their campus policies and practices maintain compliance with federal laws and ethical standards. To ensure that the system of public higher education continues to maintain the highest standards of preventing, identifying, reporting

and responding to sexual violence Board therefore issues this call for action and resolves as follows:

1. The Board hereby directs the Commissioner and his staff to support and coordinate current efforts underway at the segmental level to strengthen campus policies and practices on campus sexual violence. The Board further asks representatives from the State Universities, the Community Colleges and the University of Massachusetts to share best practices and continue to review and improve upon ongoing efforts to make sure that innovative, evidence-based practices are used throughout the Massachusetts public higher education system.
2. The Board recognizes that the State Universities and the Community Colleges are presently updating their current respective segmental affirmative action plans in accordance with new federal requirements. The Board expresses a strong preference for commonality in the proposed segmental plans, consistent with relevant variations in the nature of individual campuses. The Board hereby requests that proposed updates to the segmental affirmative action plans be submitted to the Board for review and approval in December, 2014.

The Board hereby directs the Commissioner to review the Board's current best practice guidelines on campus violence prevention and response and report back to the BHE no later than December 2014 on whether and how the Board's existing guidelines could be updated and improved to appropriately help campuses prevent, identify, report and respond to sexual violence and assault.

Authority: M.G.L. c. 15A, §9(u) and (w)

Contact: Constantia T. Papanikolaou, General Counsel

X. PRESENTATIONS

Early Enrollment Report: The Latest Enrollment Figures for the Current Semester

List of Documents Used:
October 21, 2014 BHE PowerPoint

Chair Desmond turned the meeting over to Senior Associate Commissioner Jonathan Keller for a presentation on the early enrollment report and Board members Paul Toner and Fernando Reimers excused themselves. Senior Associate Commissioner Keller reported that it was the first-time in a decade the Commonwealth has seen a system-wide decline in enrollment and early reports showed a decline in enrollment in both the Community Colleges and the State Universities. He said only five campuses have grown more than one percent in the past year and that the decline in enrollment in Community Colleges ranges from -.01% to -8.8% and from -0.4% to -7.6% in the State Universities.

Projections were based on census data and enrollment trends to develop the different enrollment scenarios in Massachusetts. Senior Associate Commissioner Keller said the enrollment projections could change if the BHE implemented certain strategies, which are highlighted in the third Vision Project report.

Chair Desmond stated that the issues raised were important and Board member Thomas said it was critical to align with the Department of Early Education and Care and DESE. Vice Chair Ricciardi said that there was also a need to address capacity issues at the campuses.

Dr. Gabbard asked if the same type of decline was reflected in the private sector and was told that it was. He said it was important that all three education agencies are involved to address the issues and Senior Deputy Commissioner Santiago confirmed that DHE staff will be working closely with the other two education agencies.

XI. OTHER BUSINESS

None

XII. PUBLIC PARTICIPATION

None

XIII. ADJOURNMENT

There being no further business, Chair Desmond adjourned the meeting at 12:22 p.m.

Respectfully submitted,
Richard M. Freeland, Ph.D.
Commissioner of the Department
and Secretary to the Board