APPROVAL OF MEMBERSHIP OF THE COMMISSIONER SEARCH ADVISORY COUNCIL

MOVED: The Executive Committee, on behalf of Board of Higher Education and pursuant to its delegated authority set forth in BHE 22-36 approves the membership of the Commissioner Search Advisory Council, as listed in Attachment A, subject to confirmation of the prospective appointees’ willingness and ability to serve. The Chair will report back to the Executive Committee with the final roster for ratification, as set forth herein.

VOTED: Motion adopted by Executive Committee 3/3/2022.

Authority: M.G.L. c. 15A, §6; BHE By-Laws, Article III, Section 2.
Contact: Constantia T. Papanikolaou, General Counsel
**Background**

The Board of Higher Education (BHE or Board) is charged with the responsibility to select and appoint, subject to the approval of the secretary, the Commissioner\(^1\) of the Board’s executive agency, the Department of Higher Education. M.G.L. c. 15 A, §6.

The BHE’s By-Laws establish the organizational and governance process pursuant to which the BHE agrees to conduct and advance the duties, powers, and responsibilities of the Board. To that end, the By-Laws allow for the establishment of committees and, if non-BHE member participation is warranted, advisory councils to help advance and inform the BHE’s work. *BHE By-Laws, Article III.*

The process for establishing an advisory council is clearly laid out in the BHE By-Laws, and the accompanying BHE motion which implemented the By-Laws (BHE 22-02). The By-Laws provide that “the Chair, with the approval of the Board, may appoint advisory councils as may be deemed necessary to advise the Board and Department” on matters pertinent to the Board. *BHE By-Laws, Article III, Section 2(a).* The By-Laws further provide that the “membership, charge and duration of the advisory councils shall be recommended by the Chair, in consultation with the Commissioner, and subject to board approval.” *BHE By-Laws, Article III, Section 2(b).*

During its February 1, 2022 meeting, the BHE established a “Board of Higher Education Commissioner Search Advisory Council” for the purpose of advising and assisting the Board in the conduct of a national search for the next Commissioner of the Department of Higher Education. BHE 22-36. While the Board established the charge and duration for the new Advisory Council, the Board “authorized and delegated to the Executive Committee approval of Advisory Council membership,” subject to certain guiding principles. BHE 22-36. Specifically, to help guide the Executive Committee in dutifully exercising this delegated authority, the Board stated that such delegated authority was subject to the following guiding principles:

- The Executive Committee in furtherance of its organizational and governance role will review membership proposed by the Chair and approve the final slate of BHE and non-BHE membership. BHE members and others who wish to nominate members for the Chair’s consideration shall submit the nominee’s CV and either the nominee’s statement of interest and/or a letter of support to Chief Legal Counsel Dena Papanikolaou at cpapanikolaou@dhe.mass.edu by 5:00 p.m. on Tuesday, February 15. In exercising this authority, the Executive Committee will be guided by the principles established in BHE 22-02:

  - the process shall be open and transparent;
  - the BHE will strive for diversity and geographic balance (*BHE By-Laws, Article III, Section 2(c)*); and

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\(^1\) The Commissioner is the “executive and administrative head” of the Department of Higher Education. M.G.L. c. 15A, § 6.
BHE will seek to establish a reasonable balance of members representing stakeholder interests, content experience and expertise. ([BHE By-Laws, Article III, Section 2(c)].)

Chief Legal Counsel Papanikolaou reports that she did not receive any nominations for appointment to the Advisory Council, from either BHE members or other stakeholders, as of the date of the BHE mailing.

The proposed slate of membership prepared and presented by the Chair of the BHE for Executive Committee review and approval is attached in a separate document as “Attachment A.”

Upon the Executive Committee’s approval of the slate, the Chair of the BHE will extend formal invitations to members to serve. The appointments are contingent upon each member accepting the appointment, reviewing and confirming the time commitments, and completing an ethics review, which includes the filing any necessary conflict of interest disclosures with the Executive Committee. To the extent that any of the proposed members are unable or unwilling to serve, Chair Gabrieli may propose substitutions, if necessary. The Chair will provide the Executive Committee with the final list of members for ratification by the Executive Committee before the first meeting of the Advisory Council.

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2 For ease of reference, the full charge, as approved by the BHE in BHE 22-36, is attached to this motion as “Attachment B.”
Attachment A to BHE 22-39

BHE Chair Chris Gabrieli’s Proposed slate of membership for the BHE’s Commissioner Search Advisory Council is hereby submitted for Executive Committee review and approval in accordance with the Executive Committee’s delegated authority established in BHE 22-36 and is as follows:

BHE Members
- Chris Gabrieli, BHE Chair and Chair of the Commissioner’s Search Advisory Council
- Secretary of Education James Peyser
- Paul Toner, J.D. (Labor)
- Paul Mattera J.D. (State University Segmental Member)
- Bill Walczak (Community College Segmental Member)
- Veronica Conforme

Non-BHE Members
- David Podell, Ph.D. – President, Massachusetts Bay Community College, and Community College Council of Presidents Representative
- Bob Pura, Ph.D. – President Emeritus, Greenfield Community College
- Mary Grant, Ph.D. – President, Massachusetts College of Art and Design, and State University Council of Presidents Representative
- Pat Meservey, Ph.D. – President Emeritus, Salem State University
- Dana Mohler-Faria, Ed.D. – President Emeritus, Bridgewater State University
- Katherine Newman, Ph.D. – System Chancellor for Academic Affairs, University of Massachusetts President’s Office, and University of Massachusetts Representative
- Jorgo Gushi – Community College Student Segmental Advisor, Board of Higher Education, and Student, Quinsigamond Community College and Worcester Polytechnic Institute
- Adrian Haugabrook, Ph.D. – Executive Vice President and Managing Director of Social Impact Collective, Southern New Hampshire University
- Marjorie Ringrose, Ph.D. – Director of Education, The Richard and Susan Smith Family Foundation
- Katherine Craven – Chair, Board of Elementary and Secondary Education, and Chief Administrative/Financial Officer, Babson College
- Francesca Purcell, Ph.D. – Faculty Director, Harvard Graduate School of Education
- Aisha Francis, Ph.D. – President, Benjamin Franklin Institute of Technology
- Scott Jenkins – Strategy Director for State Policy, Lumina Foundation
- Michael Horn – Senior Strategist, Guild Education
- Juana Matias, J.D. – Chief Operating Officer, MassINC
- Leldamy Correa – Chief of Staff, Department of Elementary and Secondary Education
- Elena Quiroz-Livanis – Chief of Staff and Assistant Commissioner for Academic Policy & Student Success, Department of Higher Education
BHE Motion 22-36 granted approval of the Board of Higher Education for the Chair to appoint a
time-limited, ad hoc advisory council to assist and advise the Board in its search for the next
Commissioner of the Department of Higher Education in accordance with the following charge,
membership structure, and duration:

- **Name:** Board of Higher Education Commissioner Search Advisory Council

- **Charge:** The BHE Commissioner Search Advisory Council will assist the Board in
  conducting a national search for the next Commissioner of the Department of
  Higher Education. The Council shall serve in an advisory capacity to the Board, which
  has the statutory authority to appoint the Commissioner, subject to the approval of
  the Secretary of Education. The Council shall work with an external search consultant
  retained by the BHE and shall:

  - Finalize 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.
  - Conduct an active national search to attract highly qualified and diverse
    candidates.
  - The Chair of the Council shall periodically report to the Board about the progress
    of the search.
  - Bring forth the names of three to five finalist candidates to the Board, which
    retains the right to select and appoint the Commissioner, subject to the approval
    of the Secretary of Education.
  - Observe strict confidentiality in the conduct of the search, while also adhering to
    Massachusetts Open Meeting Law. Any member of the Council who breaches
    confidentiality may be removed from the Council without replacement.
  - The Council’s members will sign a code of ethics and non-disclosure agreement
    which, among other things, requires members to promptly disclose all conflicts of
    interest—real, potential or apparent—to the chair of the Council or the entire
    Council, as may be warranted by the circumstances.
  - The Chair of the Council and/or their designee will be the sole spokesperson for
    the Council to the Board, campus constituencies and other stakeholders, the
    news media, and the broader external community.

- **BHE Membership and Non-BHE Membership:** The Chair of the BHE shall chair the
  advisory council. The Executive Committee in furtherance of its organizational and
  governance role will review membership proposed by the Chair and approve the final
  slate of BHE and non-BHE membership. BHE members and others who wish to
nominate members for the Chair’s consideration shall submit the nominee’s CV and either the nominee’s statement of interest and/or a letter of support to Chief Legal Counsel Dena Papanikolaou at cpapanikolaou@dhe.mass.edu by 5:00 p.m. on Tuesday, February 15. In exercising this authority, the Executive Committee will be guided by the principles established in BHE 22-02:

- the process shall be open and transparent;
- the BHE will strive for diversity and geographic balance (BHE By-Laws, Article III, Section 2(c)); and
- the BHE will seek to establish a reasonable balance of members representing stakeholder interests, content experience and expertise. (BHE By-Laws, Article III, Section 2(c)).

➢ DHE staff support: Chief of Staff Elena Quiroz-Livanis

➢ Duration and Meeting Structure: Working with the external search consultant, the Advisory Council will adopt a timetable and meeting cadence for the search that will permit the appointee to begin by July 1, 2022, or as soon thereafter as is possible. The Council should be convened no later than mid-February and the Board should be positioned to select the Commissioner no later than mid-May. The Advisory Council’s responsibilities will be satisfied and cease when the Council advances three to five candidates to the Board for consideration, and the Council will be discharged upon the conclusion of the search.