

**Massachusetts Board of Higher Education
EXECUTIVE COMMITTEE**

June 13, 2022
2:30 p.m.- 4:00 p.m.

The June 13, 2022 meeting of the Executive Committee of the Board of Higher Education (“BHE” or “the Board”) was held virtually on the web-conference platform Zoom.

Meeting Minutes

Committee Members Present:	BHE Chair Chris Gabrieli; Patty Eppinger; and Bill Walczak.
Committee Members Absent:	Vice-Chair Sheila Harrity; Veronica Conforme; and Commissioner Carlos Santiago (non-voting, ex officio).
Other BHE Members Present:	Cindy Mack (non-voting student advisor)
Department Staff Present:	Constantia Papanikolaou; Elena Quiroz-Livanis.

I. CALL TO ORDER

Board Chair Chris Gabrieli called the meeting to order at 2:38 p.m. Roll call attendance was taken (see above for attendance roster).

II. DISCUSSION

List of Material's Used

BHE Motions 22-53 through 22-64; PowerPoint Presentation

Chair Gabrieli began the meeting by proposing a motion to approve minutes. Upon a motion duly made and seconded, the motion to approve the Executive Committee minutes for April 25th was approved unanimously by all members present, by roll call vote.

Chair Gabrieli advised that the agenda consisted of motions for four Letters of Intent, three Commonwealth Honors Program renewals, Middlesex Community College

Strategic Plan, Financial Review and Risk Monitoring, and Campus Strategic Planning Guidelines.

Chair Gabrieli introduced BHE Motion 22-53 Approval of Letter of Intent of Fitchburg State University to Award the Bachelor of Arts and Bachelor of Science in Digital Media Innovation and Authorization for Fast Track Review. Chair Gabrieli asked if there were any questions or comments. Hearing none, Chair Gabrieli called for a motion to approve BHE 22-53. Upon a motion duly made and seconded, the motion was approved unanimously by all members present, by roll call vote.

Chair Gabrieli introduced BHE Motion 22-54 Approval of Letter of Intent of Framingham State University to Award the Bachelor of Science in Fashion Merchandising and Authorization for Fast Track Review. Chair Gabrieli asked if there was any discussion. Hearing none, he then called for a motion to approve BHE 22-54. Upon a motion duly made and seconded, the motion was approved unanimously by all members present, by roll call vote.

Chair Gabrieli introduced BHE Motion 22-55 Approval of Letter of Intent Massasoit to Award the Associate of Arts in Black Studies and Authorization for Fast Track Review. Committee member Walczak commented that the program was a great idea. Hearing no further discussion, Chair Gabrieli called for a motion to approve BHE 22-55. Upon a motion duly made and seconded, the motion was approved unanimously by all members present, by roll call vote.

Chair Gabrieli introduced BHE Motion 22-56 Approval of Letter of Intent of Westfield State University to Award the Bachelor of Science in Data Science and Authorization for Fast Track Review. Chair Gabrieli asked if there were any questions or comments. Hearing none, Chair Gabrieli called for a motion to approve BHE 22-56. Upon a motion duly made and seconded, the motion was approved unanimously by all members present, by roll call vote.

Next, Chair Gabrieli presented BHE Motion 22-57 which bundles and places 22-53 to 22-56 on a consent agenda for approval during the next BHE meeting. Upon a motion duly made and seconded, the motion was approved unanimously by all members present, by roll call vote.

Chair Gabrieli introduced the next set of motions that involved approval of three separate Commonwealth Honors Program proposals from Cape Cod Community College, Holyoke Community College and Mount Wachusett Community College, respectively. He then presented BHE Motion 22-61 which approves, bundles and places

22-58 to 22-60 on a consent agenda for approval during the next BHE meeting. Upon a motion duly made and seconded, the motion was approved unanimously by all members present, by roll call vote.

Chair Gabrieli introduced BHE Motion 22-62 Approval of Middlesex Community College Strategic Plan. Committee member Walczak commented that the Strategic Planning Advisory Council handles everything differently now, as they focus on guidelines and plans for the future. He also commented that one of the recommendations was to consider the idea of having a committee for Strategic Planning to better handle issues. Middlesex Community College's President, Phill Sisson, commented that he and Interim Provost and Vice President for Academic and Student Affairs Arlene Rodriguez are excited about equity at its core, and has been working on graphics to be available to staff and faculty for better understanding on the interplay and interrelationship between the four strategic elements of the plan and the pillars of that work. Hearing no further discussion, Chair Gabrieli called for a motion to approve BHE 22-62. Upon a motion duly made and seconded, the motion was approved unanimously by all members present, by roll call vote.

Chair Gabrieli introduced BHE Motion 22-63 Authorization for Commissioner to Solicit Public Comment on Proposed Regulatory Amendments to 610 CMR 13.00: Financial Review and Risk Monitoring of Institutions of Higher Education. Chief Legal Counsel Papanikolaou presented the *Financial Assessment and Risk Monitoring (FARM) Regulatory Amendments: Public Comment Authorization* presentation and advised the committee members that the FARM team is looking for authorization to solicit public comment on proposed regulatory amendments to 610 CMR 13.00.

Chief Counsel Papanikolaou advised the committee members that that the purpose of the proposed amendments is to establish new criteria to implement and enforce certain statutory provisions, codify existing reporting and certification procedural requirements, and make minor technical edits. Ms. Papanikolaou gave a brief background of the MA FARM Law informing the committee members that all Massachusetts-based, private higher education institutions that are located in Massachusetts and authorized to grant degrees must be annually screened and assessed to determine whether they are "at risk of imminent closure." She further informed the committee members that the statutory responsibility to act on this is vested in the BHE and executed by the DHE staff and Commissioner; this also includes a delegation of the screening process to an accreditor (NECHE) through a memorandum of understanding (MOU). She added that the law also requires that institutions must notify BHE of any "known financial liabilities or risks," annually post their audited financial statements, and ensure their trustees receive

instruction and training at least once every four years on fiduciary duty and financial metrics.

Chief Counsel Papanikolaou provided a timeline overview and advised that the proposed edits consisted of adding clarity by codifying existing requirements related to reporting and attestation procedures, giving the DHE the ability to levy fines on IHEs for legal non-compliances, and implementing the statutory requirement that institutions deemed at “risk of imminent closure” must furnish a bond with surety or letter of credit to cover the costs of student deposits and record maintenance should an institution close. She concluded her presentation by providing the timeline and next steps.

Committee member Walczak asked if there was any opposition that has been expressed; she replied no, not to date. She added that the document was circulated to representatives from the Association of Independent Colleges and Universities of Massachusetts (AICUM), and they provided some informal comments that helped inform the drafting process. She further noted that when it comes to the sections on fines and sureties, they are anticipating receiving questions during the public comment period. Chief Counsel Papanikolaou added that the ability to issue fines will help with implementation and enforcement, and the surety requirement is not optional. The statute requires the BHE through DHE to make sure that each institution sufficiently sets aside funding to cover the costs of student deposit and maintenance of records. Chair Gabrieli asked what happens if it becomes controversial. She replied that they would bring back to the Board the list of comments received and whether the DHE accepted or rejected the comments; the Board will have an opportunity to weigh in and assess whether DHE unreasonably decided to not incorporate a comment that was received that the DHE found unreasonable. Chair Gabrieli called a motion to approve BHE 22-63. Upon a motion duly made and seconded, the motion was approved unanimously by all members present, by roll call vote.

Chair Gabrieli moved on to Advisory Council updates and asked Committee member Eppinger for an update on the Academic Affairs and Student Success (AA&SS) Advisory Council. Committee member Eppinger advised the council members that AA&SS received updates on the SAT optional pilot and Mass Teach. She advised that they learned that test optional is a step toward more equitable admissions but was also aware that certain programs would still require test data. She added that some policies need clarification, such as the 3.0 GPA cliff. She advised that the next steps are to clarify some of the admissions issues and the Department is still working on the racial equity audit of all admission components. She moved on to discuss Mass Teach advising that the goal of the program is to increase STEM teacher representation, particularly teacher

diversity. She continued by stating that it is a program of the National Science Foundation, and the intent is to encourage STEM professionals and STEM students to teach math and science in grades K-12. She advised that Berkshire Community College, Holyoke Community College, Quinsigamond Community College, MCLA, Westfield State University, Worcester State University, Bristol Community College, Massasoit Community College, Mount Wachusett Community College, Bridgewater State University, Fitchburg State University, UMass Amherst, and Springfield Tech Community College are involved in the program.

Next, Chair Gabrieli requested an updated from the Strategic Planning Advisory Council (SPAC). Committee member Walczak advised the SPAC council members that he has a motion for approval. He discussed about the importance of understanding the broadly defined BHE statewide goals, the touchpoints of the draft strategic plans to make sure the process is preserved and turning SPAC into a committee. He commented on regional collaboration with State Universities and Community Colleges that participated in each other's strategic planning, which he thought was a great idea. He also spoke about the Presidents wanting to change the timelines for certifications. He commented further about reviewing and revising the guidelines, as well as including a glossary of the strategic planning process for terms such as "equity agenda." He also spoke on encouraging the participation of the UMass system in the strategic planning process, and to review and revise the public higher education segmental mission statements.

Committee Member Walczak presented BHE Motion 22-64, Approval of Strategic Planning Advisory Council Recommendations. He stated that this motion will ask the Board to accept and approve the Strategic Planning Advisory Council's June 6, 2022 recommendations, and authorize the Commissioner to incorporate the recommended revisions into the Board's Campus Strategic Planning Handbook for implementation during Academic Year 2022-2023. The Board would further commit to conducting the reviews recommended by the Advisory Council in Recommendation VIII and IX during AY2022-2023, which shall include a preliminary discussion on logistics during the Board's next Annual Meeting. A motion was called to approve BHE 22-64, and the motion was duly seconded. The floor was then open for discussion.

Chair Gabrieli asked if they were voting now to establish a strategic planning committee. Chief of Legal Counsel Papanikolaou advised that they are giving a nod of approval to the committee concept and recommended that if the Board supports this approach, it should be codified at the Board retreat. Chair Gabrieli voiced his confusion about the specifics for the proposed strategic planning committee. Senior Associate Commissioner for Strategic Planning Winifred Hagan stated that Presidents and SPAC members

commented that there is a void where there used to be a formative feedback mechanism in place; the Board would form some type of mechanism to fill that gap. Chair Gabrieli spoke on the purpose of the Advisory Councils and expressed concerns about the conflicts that could come with forming a committee. He advised that the motion should be amended to be heard at the Board's next annual retreat and discussed the nuances and complexities that could be potentially caused by turning the Strategic Planning Advisory Council into a committee. Senior Associate Commissioner Hagan asked if it was the Board's expectation to bridge the gap while the deliberations are happening, as there is more strategic planning that will be happening this summer. Chair Gabrieli replied that he does not have an answer for that right now but will speak to Committee member Walczak about what can be done in the interim. Committee member Walczak asked how many strategic plans will come through during the summer. Winifred replied that she knows of one will come through soon, and a couple of others that will come through in October. She expressed concern that there isn't a body that will provide the formative feedback and there is no reason to hold the campus back because of that. Committee Walczak hopes that the issue is settled by October.

Chief Legal Counsel Papanikolaou suggested amended language to the proposed motion that would make it clear that recommendation 3 would not be implemented immediately and rather would be taken up by the BHE during the Board's annual retreat. Chair Gabrieli agreed with that approach and asked legal counsel to restate the motion. Chief Counsel Papanikolaou provided the amended language for the motion, stating that the following language would be added: "The BHE accepts and approves the advisory council's recommendations, authorizes the Commissioner to incorporate the advisory council's recommended revisions 1, 2, 4-6, provided that recommendation 3 shall be taking up for consideration no later than the BHE's next annual retreat." She advised that the last part of the motion will stay the same. Upon a motion duly made and seconded, the motion was approved unanimously as follows (amended language is underlined) by all members present, by roll call vote:

BHE 22-64 APPROVAL OF STRATEGIC PLANNING ADVISORY COUNCIL RECOMMENDATIONS

AS VOTED by the Executive Committee: The Board of Higher Education (Board) accepts and approves the Strategic Planning Advisory Council's (the Advisory Council) June 6, 2022 recommendations, and authorizes the Commissioner to incorporate the Advisory Council's recommended revisions I, II, and IV through VII into the Board's Campus Strategic Planning

Handbook for implementation during Academic Year 2022-2023. Provided that Recommendation III shall be taken up by the Board for consideration no later than the Board's next Annual Meeting.

The Board further commits to conducting the reviews recommended by the Advisory Council in Recommendations VIII and IX during AY2022-2023, which shall include a preliminary discussion on logistics during the Board's next Annual Meeting.

Chair Gabrieli concluded the meeting by providing an update on the Commissioner Search advising that the profile for the search is posted and available on the BHE website and search firm website. He also advised that Interviews will begin in early August, finalists will move forward to a public interview in late August, and the public vote will take place a few days later. He is anticipating on voting for a new Commissioner by Labor Day.

III. OTHER BUSINESS

There was no other business.

IV. ADJOURNMENT

On a motion duly made and seconded, the meeting adjourned at 3:45 p.m.