

**BOARD OF HIGHER EDUCATION
REQUEST FOR BOARD ACTION**

NO.: BHE 25-26

BOARD DATE: January 29, 2025

RESCISSION OF BHE MOTION 22-03 (ESTABLISHMENT OF BOARD OF HIGHER EDUCATION ADVISORY COUNCILS)

MOVED: The Board of Higher Education (Board) hereby rescinds BHE Motion 22-03 (September 22, 2021) which established the charges and membership of the following four Advisory Councils:

- Finance and Administrative Policy (FAAP)
- Academic Affairs and Student Success (AA&SS)
- Strategic Planning
- Evidence Based Policy Making (EBPM)

The Board further approves the use of an *ad hoc* Task Force approach, as needed, to advise the Board on matters within the jurisdiction of the Board; provided that said ad hoc Task Forces shall be established consistent with Article III, Section 3 of the By-Laws, and as provided in the attached Background Statement.

VOTED: Motion adopted by the BHE on 01/29/2025

Authority: Massachusetts General Laws Chapter 15A, Section 4; BHE By-Laws Article I, Section 3 and Article III. (as amended by BHE 21-49); [BHE Motion 23-03 \(September 22, 2021\)](#).

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Background

The Board of Higher Education (BHE or Board) By-Laws establish the BHE's governance and procedural structure and form the foundation of how the BHE functions, to the extent that such matters are not otherwise addressed in the Massachusetts General Laws.

During its June 22, 2021 meeting, the BHE amended its By-Laws to, among other things, eliminate Standing Committees and allow for the establishment of Advisory Councils, upon the Board Chair's recommendation and subject to Board approval of the charges and membership of any proposed Advisory Councils. See [BHE Motion 21-49 \(June 22, 2021\)](#); [BHE By-Laws](#).

As amended in June 2021, the By-Laws currently provide the Board with three options on whether and how to create sub-bodies that may help advise¹ the Board on specific matters that fall within the Board's jurisdiction and help advance the Board's work: Committees, Advisory Councils, and *ad hoc* Task Forces. *BHE By-Laws, Article III*. The By-Laws allow for significant flexibility on how the Board operates, as the Board may use any combination of the three to help advance and advise on its work, or none².

During the BHE's September 22, 2021 Retreat the BHE approved the establishment of the following four Advisory Councils, via [BHE Motion 22-03](#):

- Finance and Administrative Policy (FAAP);
- Academic Affairs and Student Success (AA&SS);
- Strategic Planning; and
- Evidence Based Policy Making (EBPM).

This motion seeks to rescind the Advisory Councils established in BHE 22-03 and endorse the use of an *ad hoc* Task Force model going forward.

¹ As contemplated in the By-Laws, the three sub-bodies do not have delegated authority to take action on behalf of the Board and are advisory in nature. Pursuant to the BHE's enabling legislation, a quorum of the Board is seven, and seven affirmative votes are necessary for any action to be taken. *M.G.L. c. 15A, § 4(g)*. Therefore, any sub-body of the Board which consists of fewer than seven members cannot take action on behalf of the Board.

² The BHE's enabling statute requires that the BHE "shall have an executive committee," but does not otherwise mandate the use of other committees or sub-bodies to conduct its work. *M.G.L. c. 15A, § 4(b)*.

The process for establishing *ad hoc* Task Forces is set forth in Article IV, Section 3 of the By-Laws, as follows:

Section 3. Task Forces

There shall be such task forces as the Chairperson shall from time to time establish. Task forces shall be appointed on an ad hoc basis and in appointing task forces, the Chairperson shall state their respective purposes and missions. The Chairperson shall appoint the members and the chair of each task force

Consistent with the Open Meeting Law and transparency expectations, the respective purposes and mission of each Task Force established by the Chair would be stated during a properly noticed BHE meeting, and the establishment (or any amendment thereof) of each Task Force would therefore be memorialized in the minutes of said meeting.

Chair Gabrieli will promulgate guidelines for Task Force appointments by the BHE Chair and will at least annually review the effectiveness and process with the Executive Committee and BHE. In general, every Task Force will be expected to have at least one BHE member as a Chair or Co-Chair and to include members who bring expertise, stakeholder perspective, geographic and demographic diversity and a willingness to devote time to the service of the Commonwealth through active participation on that Task Force.