

BHE Annual Meeting

September 22, 2021



MASSACHUSETTS
Department of
Higher Education

Meeting Agenda and Objectives

- Build Community Among the Board
- Share Update on Lumina TIE Goals
- Discuss FY22 Equity Agenda Priorities
- Participate in an Equity Agenda Focus Group
- Establish Advisory Councils
- Engage in Professional Development

State Population Goals

Lumina TIE Goal Update

State Population Goals

1. High-Quality Certificate & Higher

**% of Massachusetts residents ages 25–64
who hold a high-quality certificate or higher**

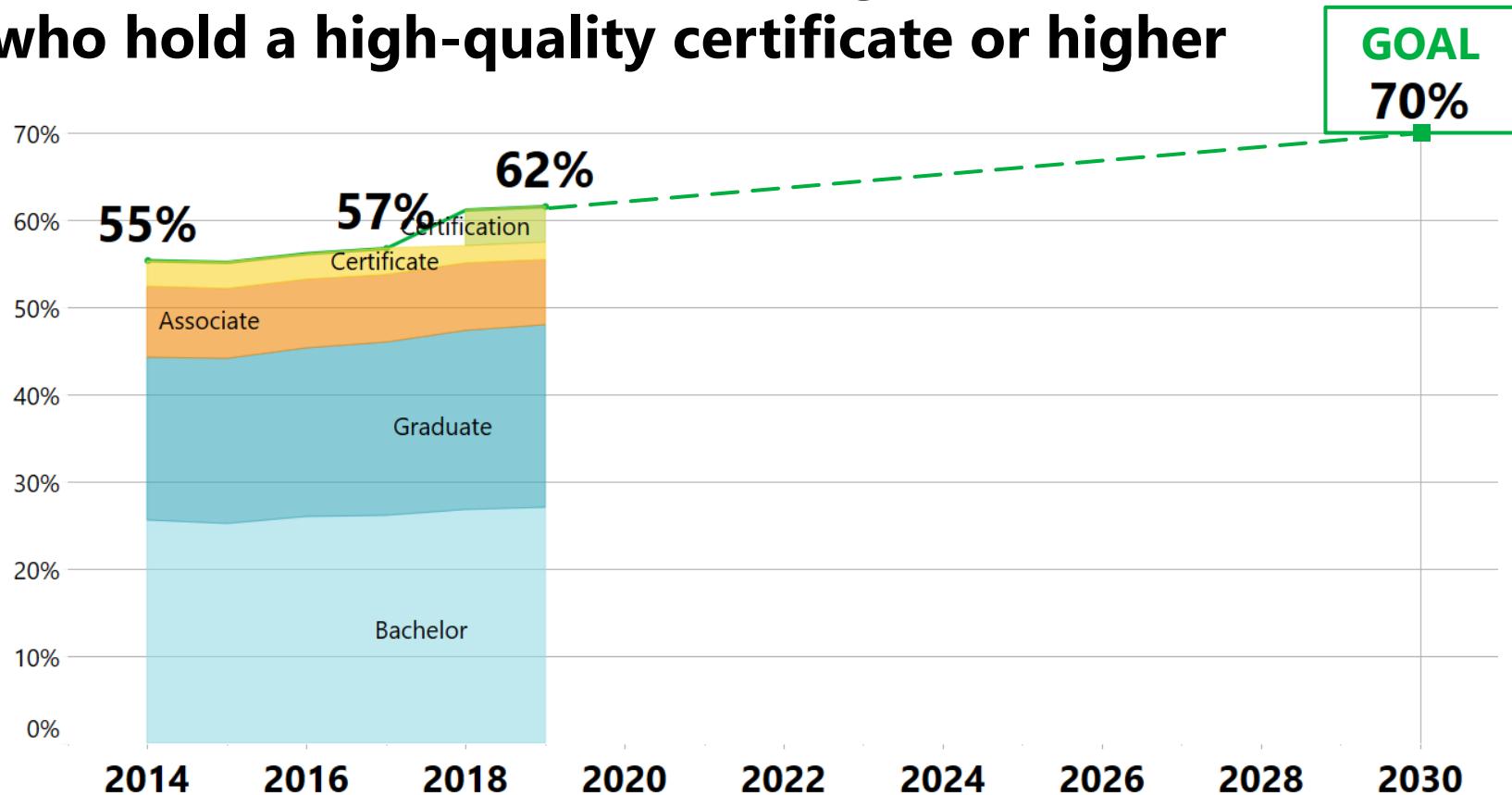


- **Source:** Lumina Foundation, *Stronger Nation* annual reports; most recently published in August 2021
 - Lumina data sources:
 - Associate degree & higher: U.S. Census Bureau
 - High-quality certificate: Lumina/Georgetown Center for Education and Workforce analysis of U.S. Census Bureau and IPEDS data
 - *Note: "High-quality" means earnings of graduates are 20% higher than earnings of adults with only a HS diploma*
- ✓ **TIE Grant Requirement:** Set a goal on this metric to achieve by 2030

State Population Goals

1. High-Quality Certificate & Higher

**% of Massachusetts residents ages 25–64
who hold a high-quality certificate or higher**



Note: In the August 2021 update of *Stronger Nation*, Lumina introduced a new category of credentials—industry-recognized certifications—in their attainment calculations, but these data are only available for 2018 and 2019.

State Population Goals

2. Equity in Associate Degree & Higher

% of Mass. residents ages 25–64 who hold an associate degree or higher—by race/ethnicity

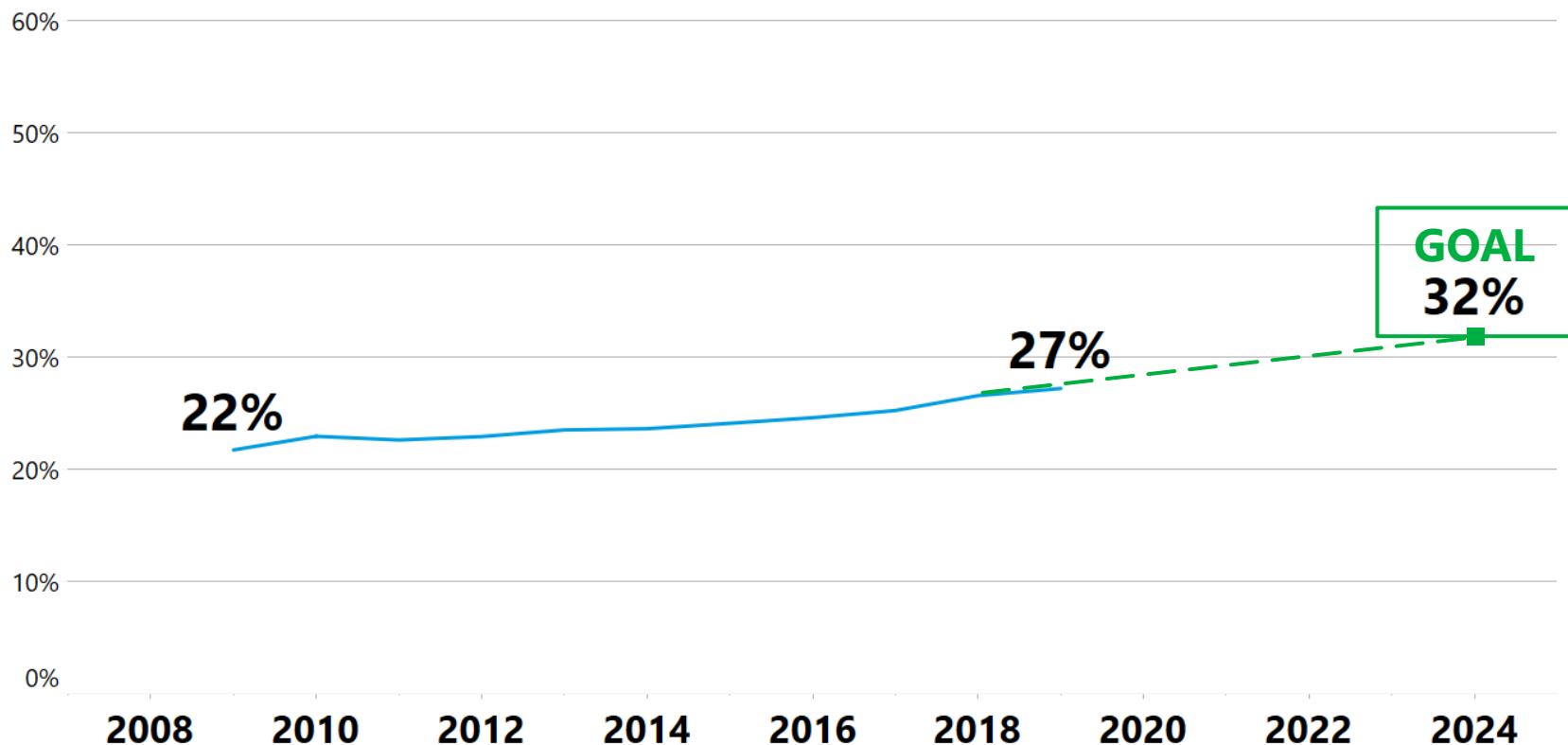


- **Source:** Lumina Foundation, *Stronger Nation* annual reports; most recently published in August 2021
 - Lumina data sources:
 - Associate degree & higher: U.S. Census Bureau
 - *Note: High-quality certificate data is excluded because it does not allow for disaggregation by race/ethnicity*
- ✓ **TIE Grant Requirement:** Set a goal to increase these rates for African American & Latinx residents by 5 percentage points by 2024 (the end of the grant period)

State Population Goals

2. Equity in Associate Degree & Higher

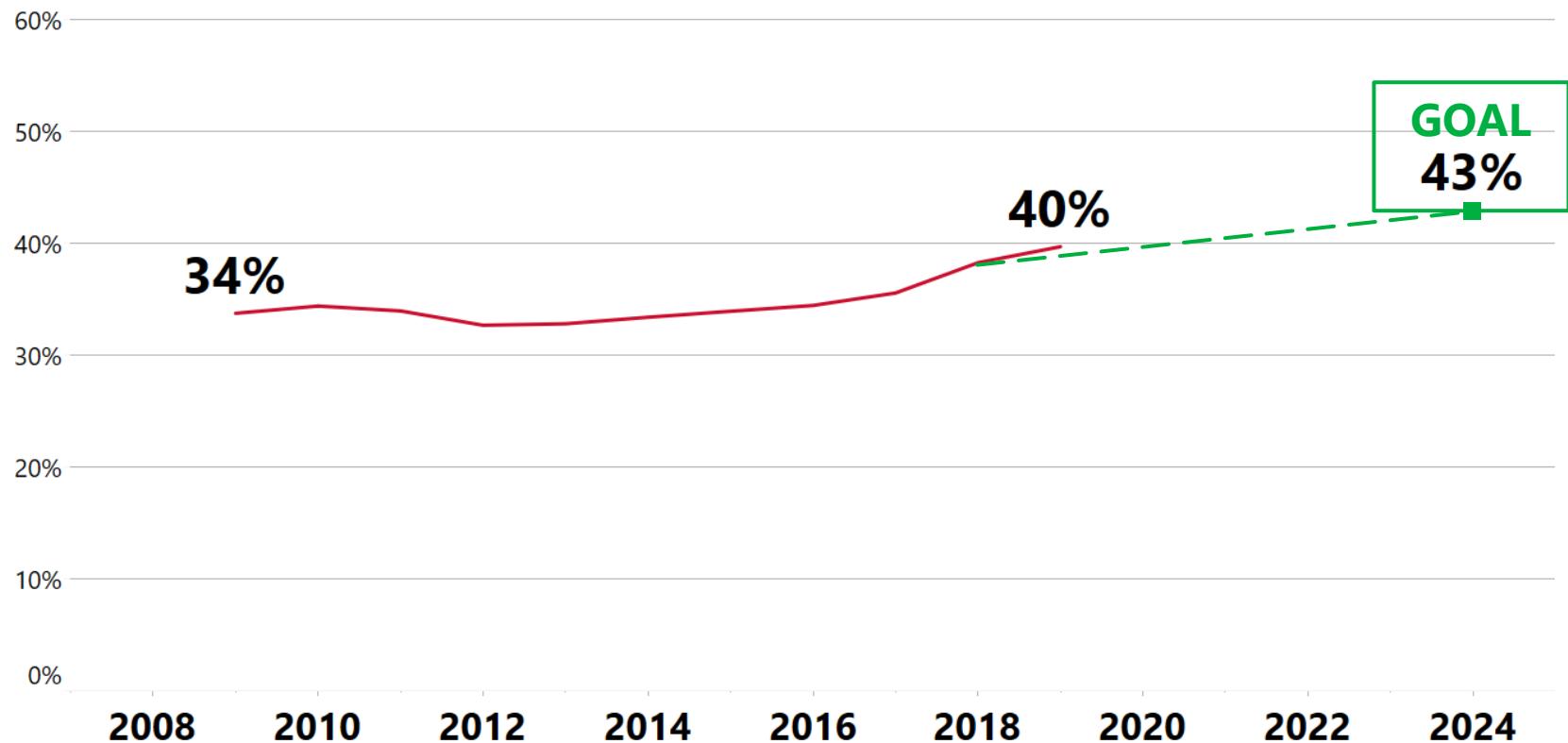
% of Mass. residents ages 25–64 who hold an associate degree or higher—Latinx



State Population Goals

2. Equity in Associate Degree & Higher

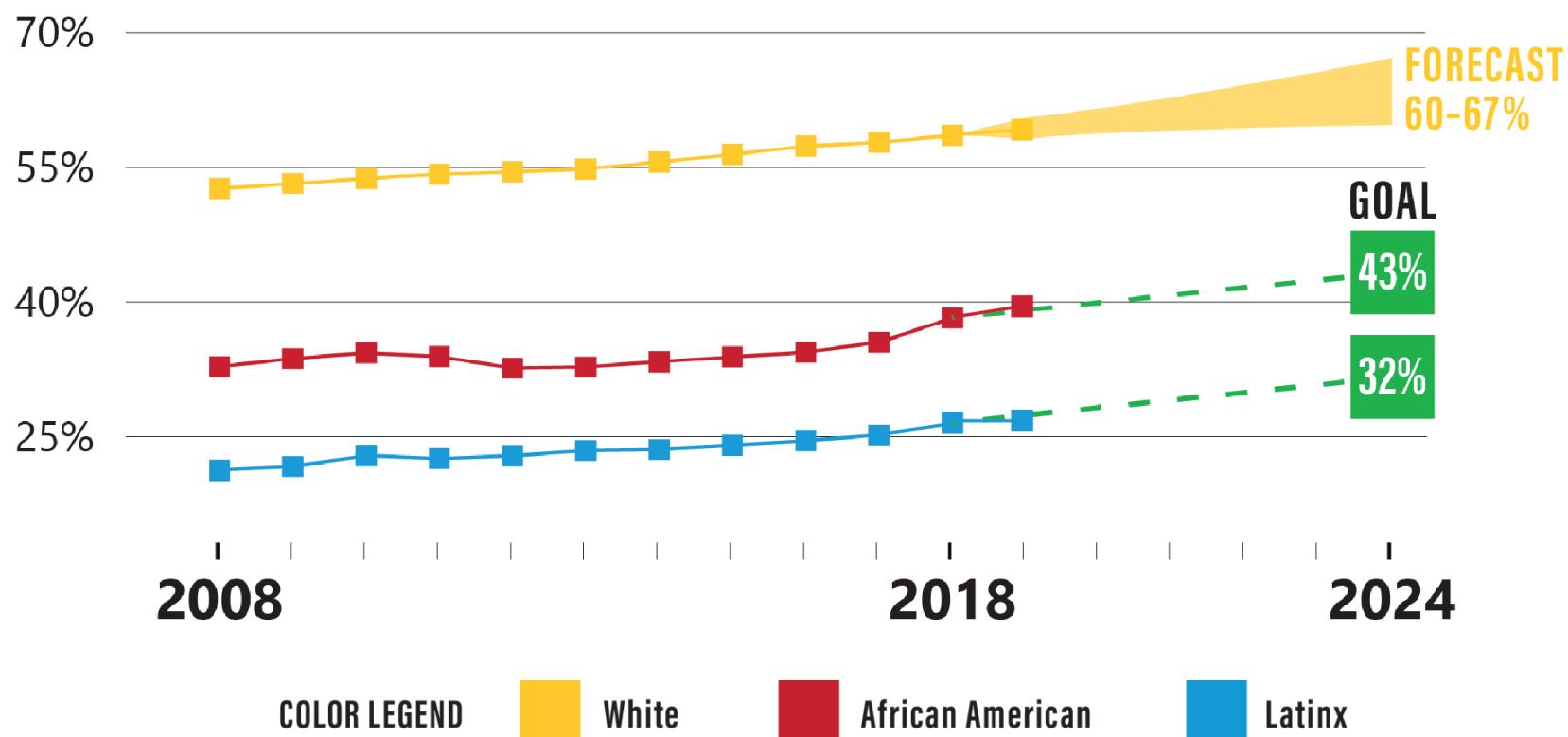
% of Mass. residents ages 25–64 who hold an associate degree or higher—African American



State Population Goals

2. Equity in Associate Degree & Higher

Context: Achieving goal may mean **progress in reducing disparities**, along with increased rates for each subgroup



Massachusetts Public Higher Education Goals

Lumina TIE Goal Update

Massachusetts Public Higher Education Goals

3. Equity in Public Higher Ed Completion

- **Significance of Public Higher Ed Completion Metric**

- Area in which BHE policy decisions have the most direct impact
- Majority of students of color in postsecondary education in Massachusetts attend public institutions

% of Massachusetts postsecondary students enrolled in public higher ed (FY2018):

62%

of African American undergraduates

61%

of Latinx undergraduates

54%

of White undergraduates

Source: U.S. Department of Education (IPEDS)

Massachusetts Public Higher Education Goals

3. Equity in Public Higher Ed Completion

**% of students completing credential
after first enrolling in Mass. public
higher education—by race/ethnicity**

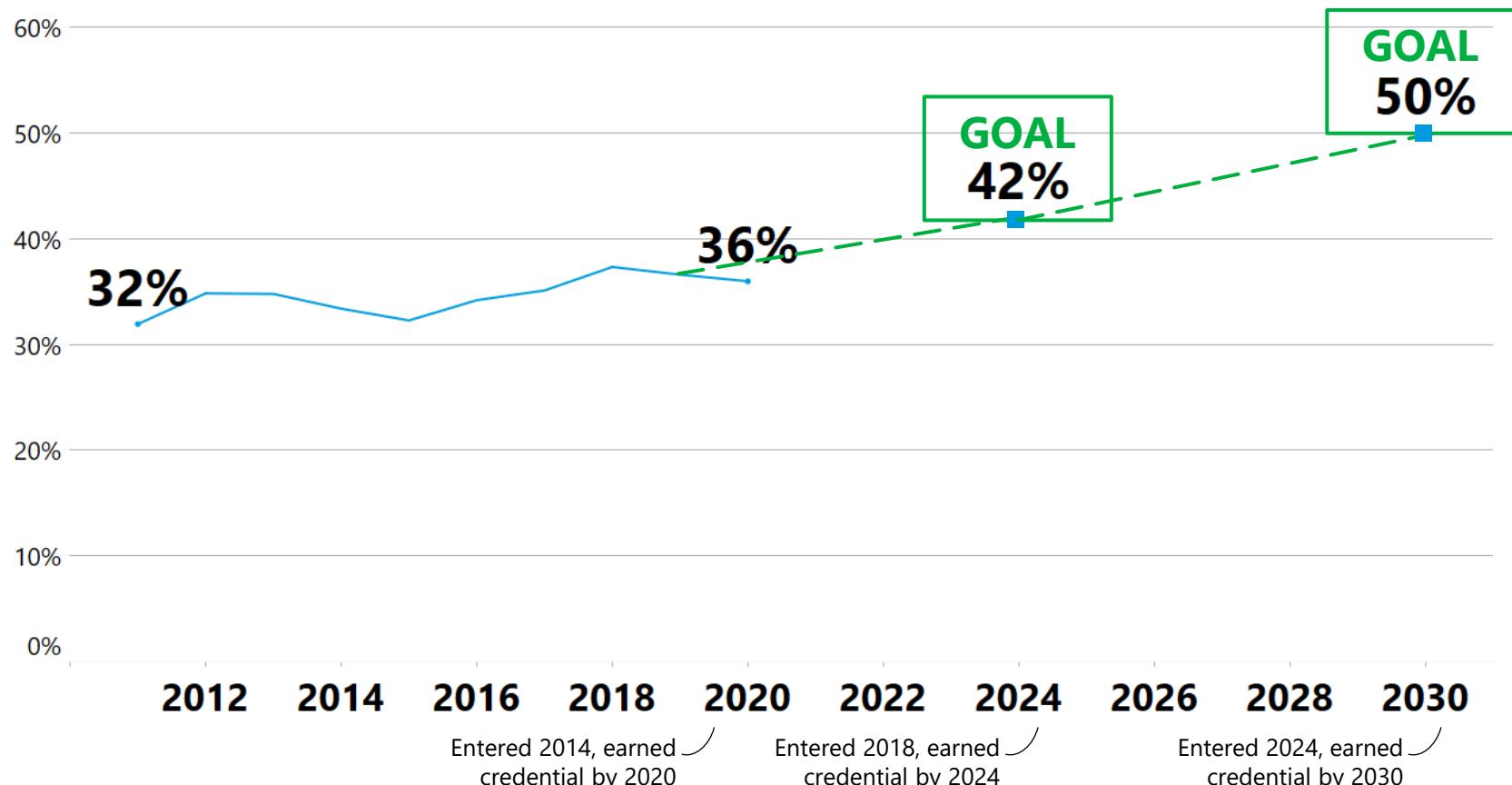


- **Source:** Mass. Department of Higher Education (HEIRS), National Student Clearinghouse
 - Cohort: All students who enter Mass. public higher education as **first-time undergraduates or new transfer students**, either **full- or part-time**
 - Desired Outcome: Students graduate with a **certificate or degree** within **six years from any institution in U.S.**, public or private
 - Note: Agnostic of which segment/institution the student initially attended—**one metric for whole system**
- ✓ **TIE Grant Requirement:** Set an aspirational goal to achieve by 2024
- ✓ **Additional Goal:** DHE also elected to set an aspirational goal to achieve by 2030, to represent the cohorts that will enroll after the implementation of the full resources of the TIE grant

Massachusetts Public Higher Education Goals

3. Equity in Public Higher Ed Completion

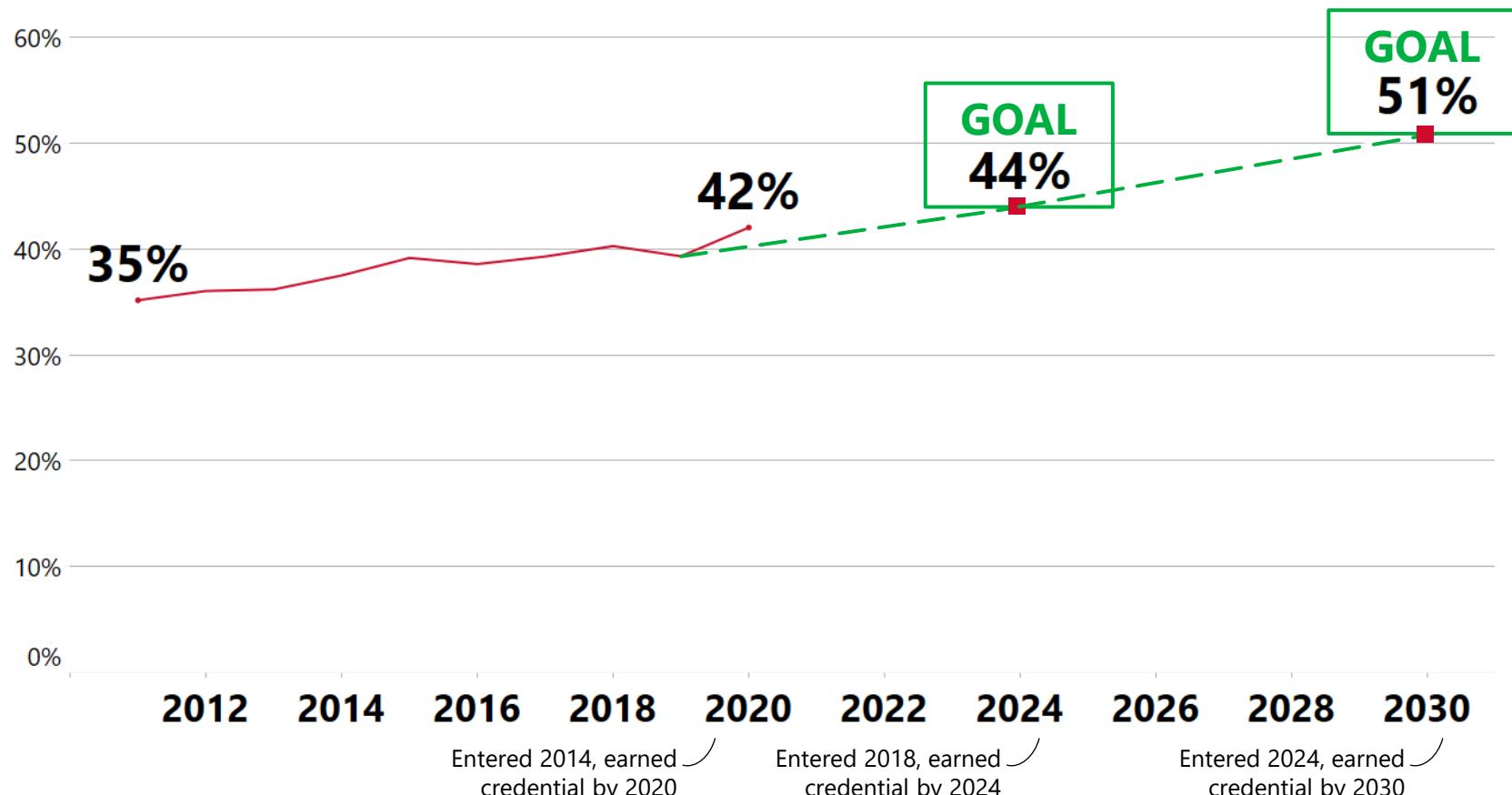
% of students completing credential after first enrolling in Mass. public higher education—Latinx



Massachusetts Public Higher Education Goals

3. Equity in Public Higher Ed Completion

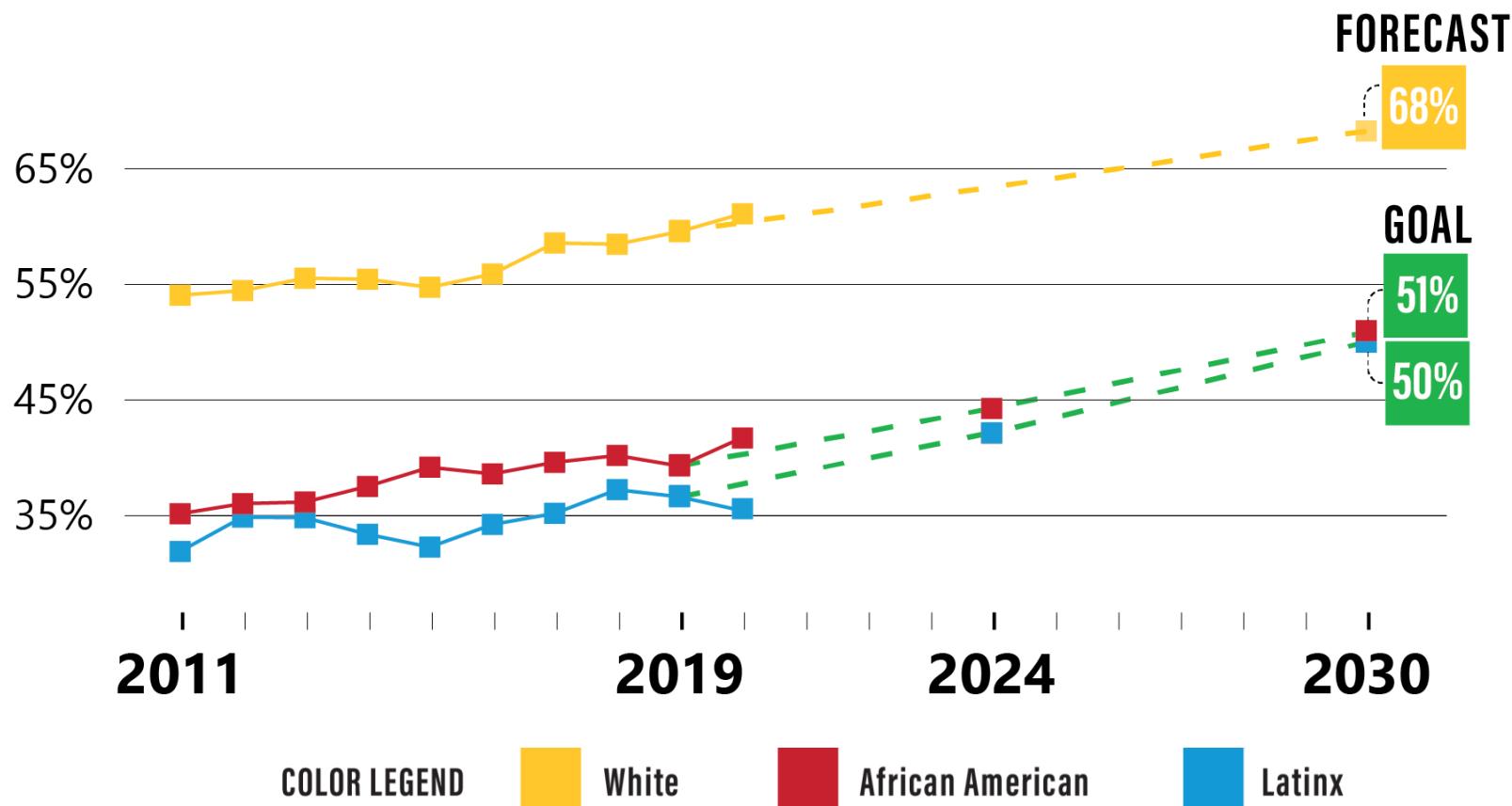
% of students completing credential after first enrolling in Mass. public higher education—African American



Massachusetts Public Higher Education Goals

3. Equity in Public Higher Ed Completion

Context: Achieving the modest 2030 goal would mean a **reduced but still very significant projected disparities**



Massachusetts Public Higher Education Goals

4. Equity in First-Year Success

Short-Term Reporting

While pursuing these long-term goals, DHE will also track and report on racial/ethnic gaps in first-year success metrics incorporated into PMRS, including:

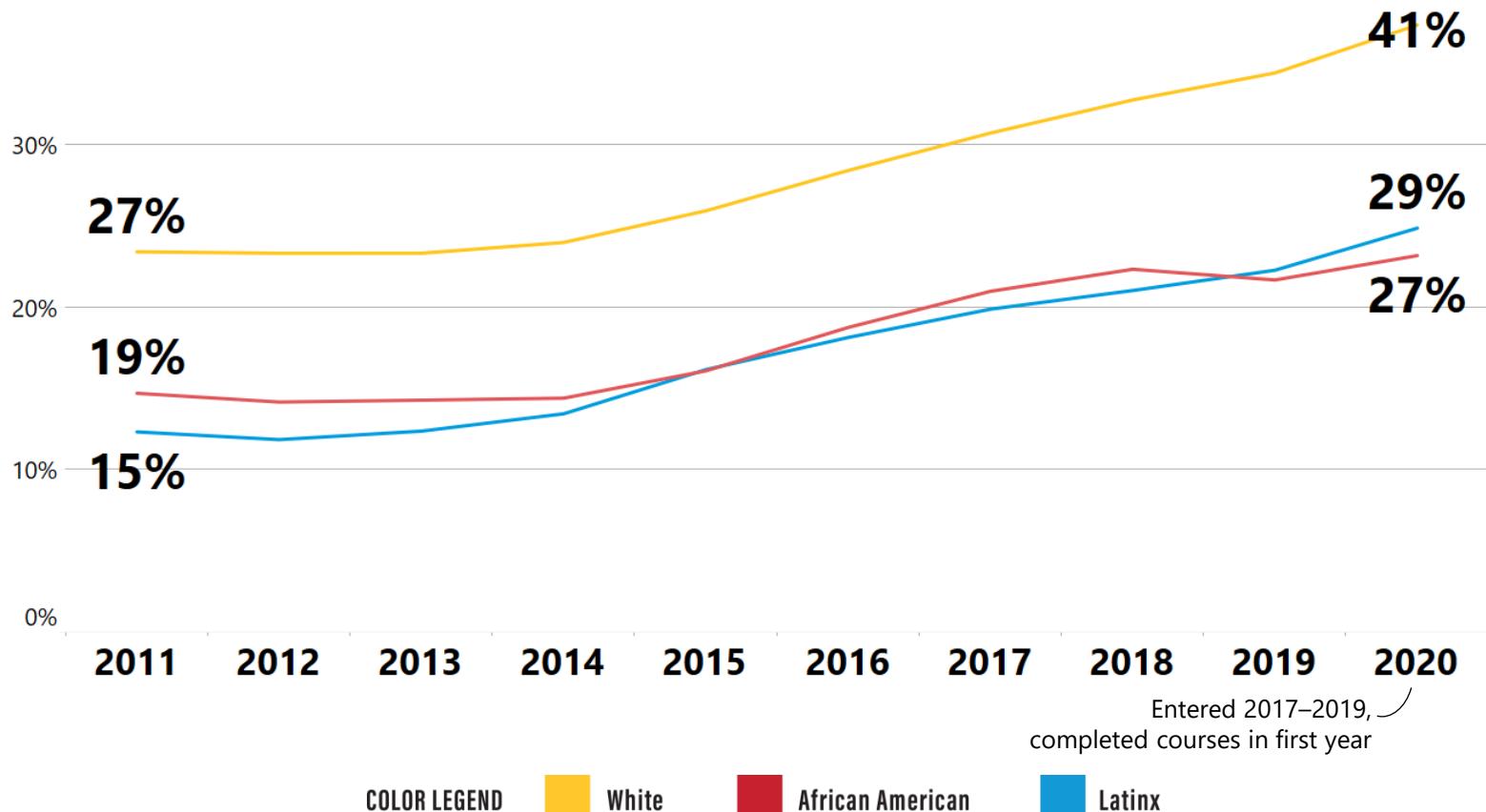
- **Completion of college-level math and English in the first year:** % of first-time, full-time, degree-seeking students completing college-level math and English during their first year
- **On-time credit accumulation:** % of first-time, degree-seeking students completing their expected number of credits during their first year (At least 24 for full-time, at least 12 for part-time)
- **Persistence to a second year of postsecondary education:** % of first-time, full-time, degree-seeking students returning to the same institution or transferring to another institution the year after initial enrollment

Source: Massachusetts Department of Higher Education (HEIRS)

Massachusetts Public Higher Education Goals

4. Equity in First-Year Success

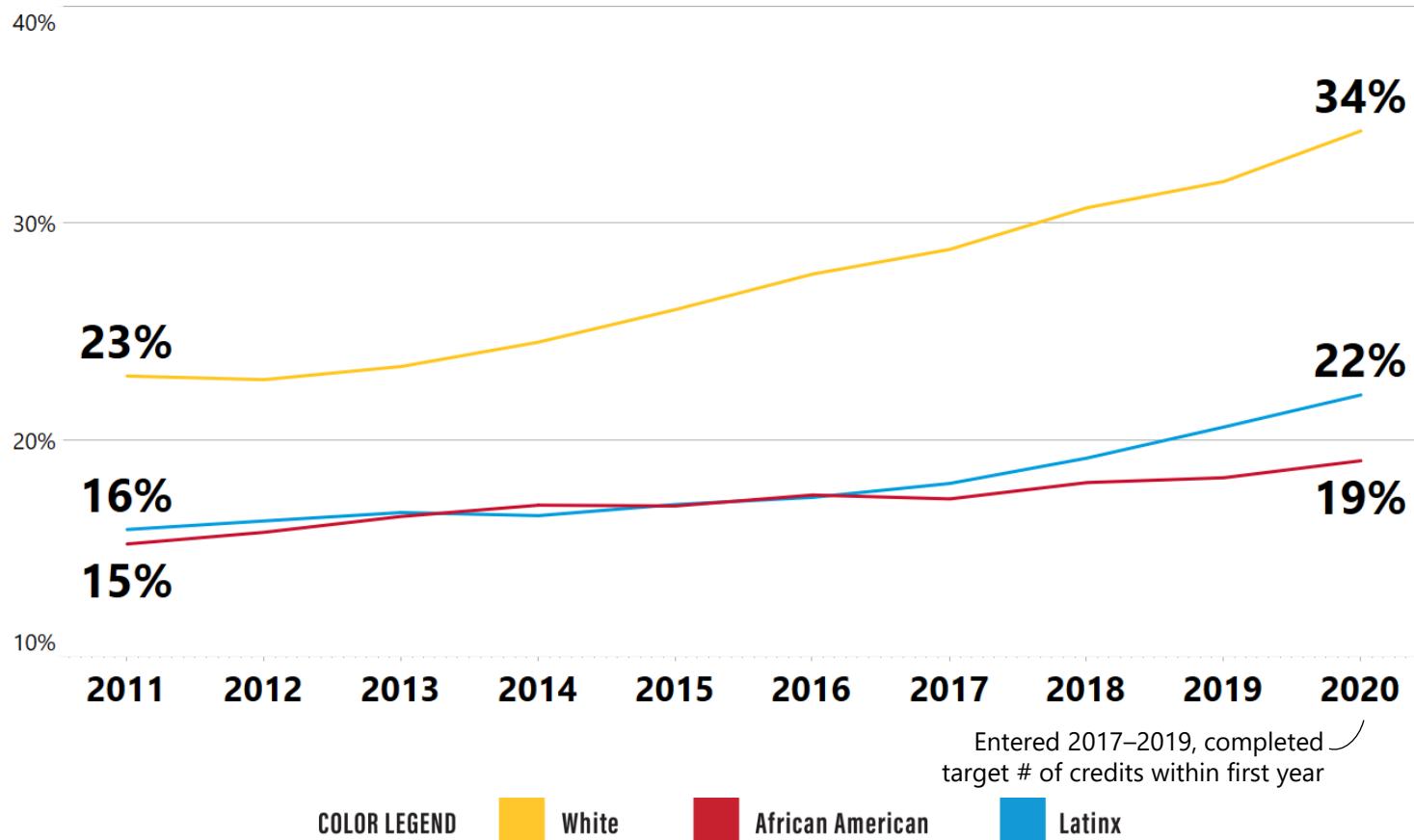
Community Colleges—Completion of college-level math and English in first year (full-time students, three-year rolling averages)



Massachusetts Public Higher Education Goals

4. Equity in First-Year Success

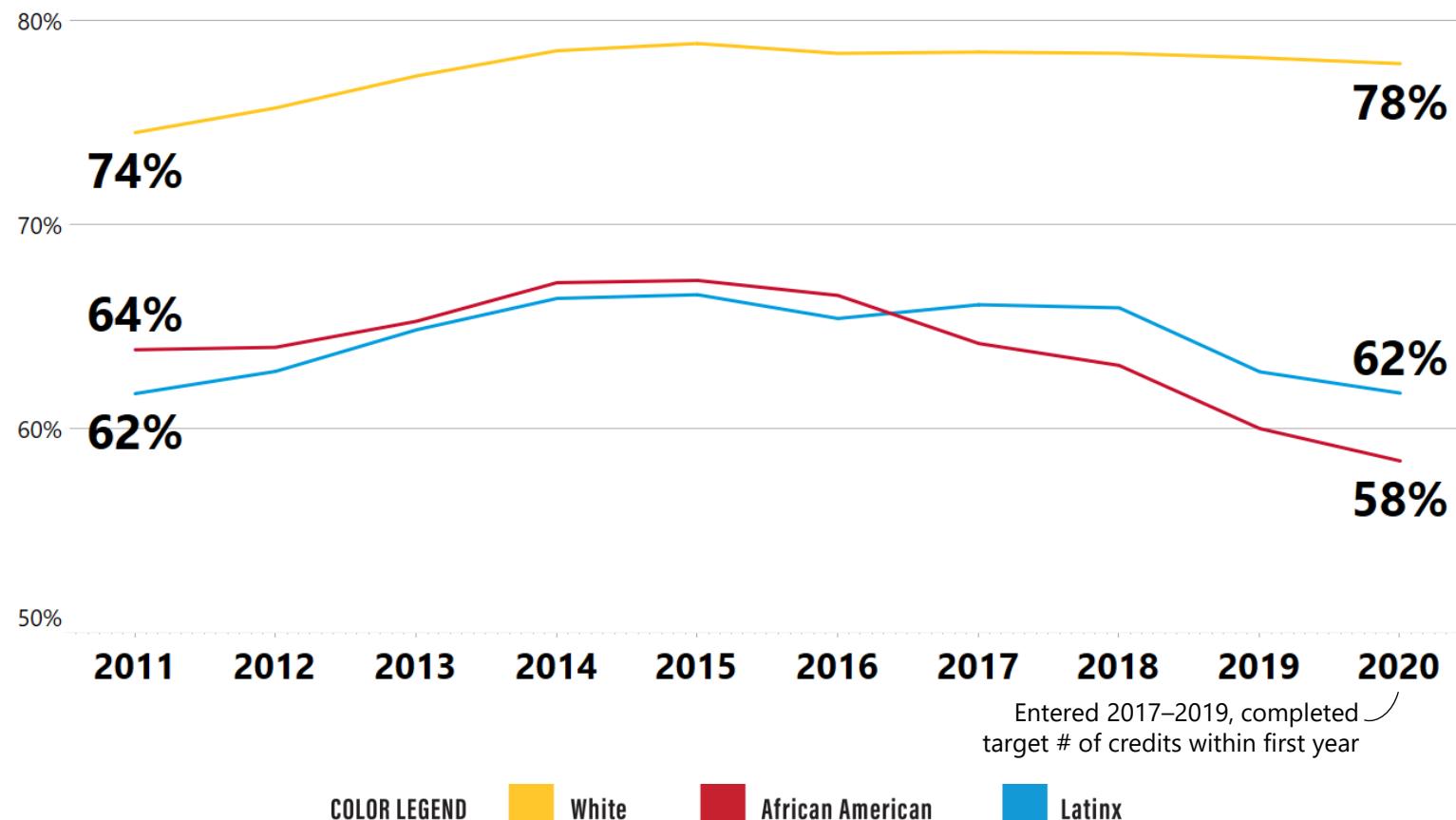
Community Colleges—On-time credit accumulation in first year (three-year rolling averages)



Massachusetts Public Higher Education Goals

4. Equity in First-Year Success

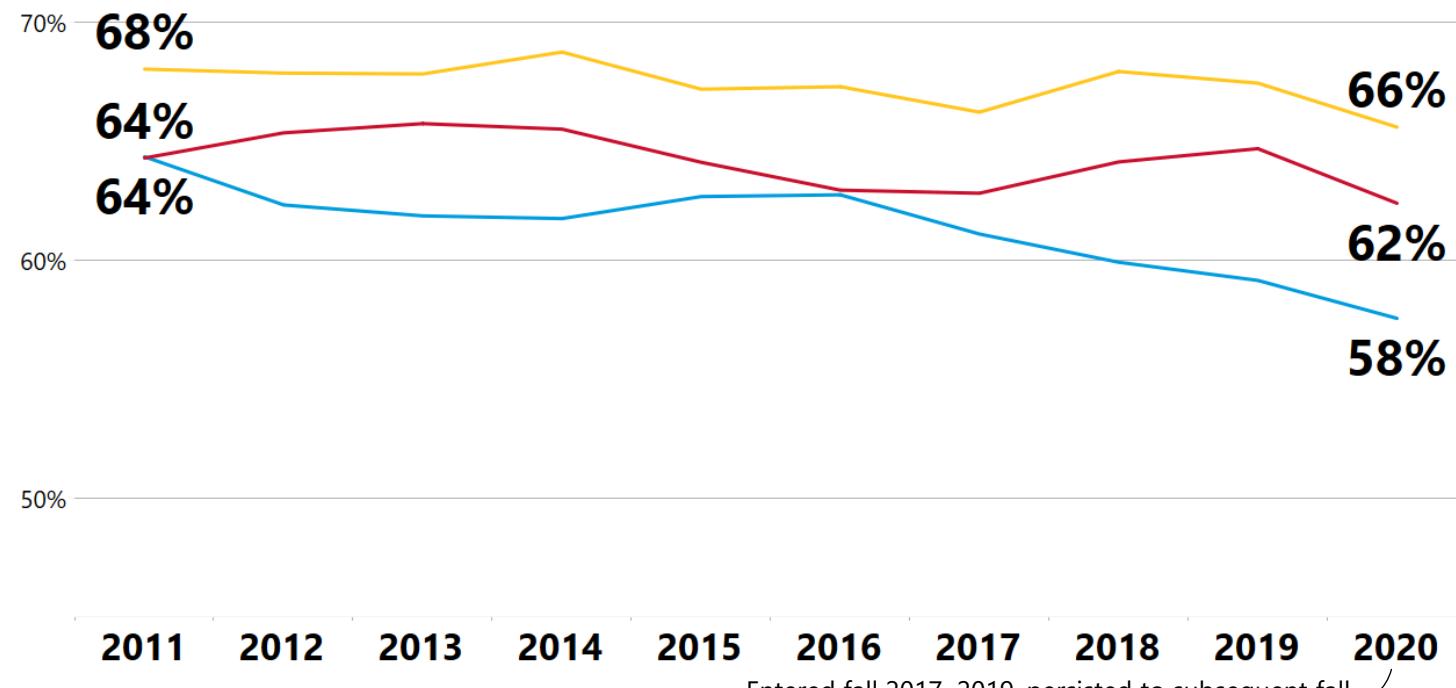
State Universities—On-time credit accumulation in first year (three-year rolling averages)



Massachusetts Public Higher Education Goals

4. Equity in First-Year Success

Community Colleges—Persistence to a second year of postsecondary education (three-year rolling averages)



COLOR LEGEND

White

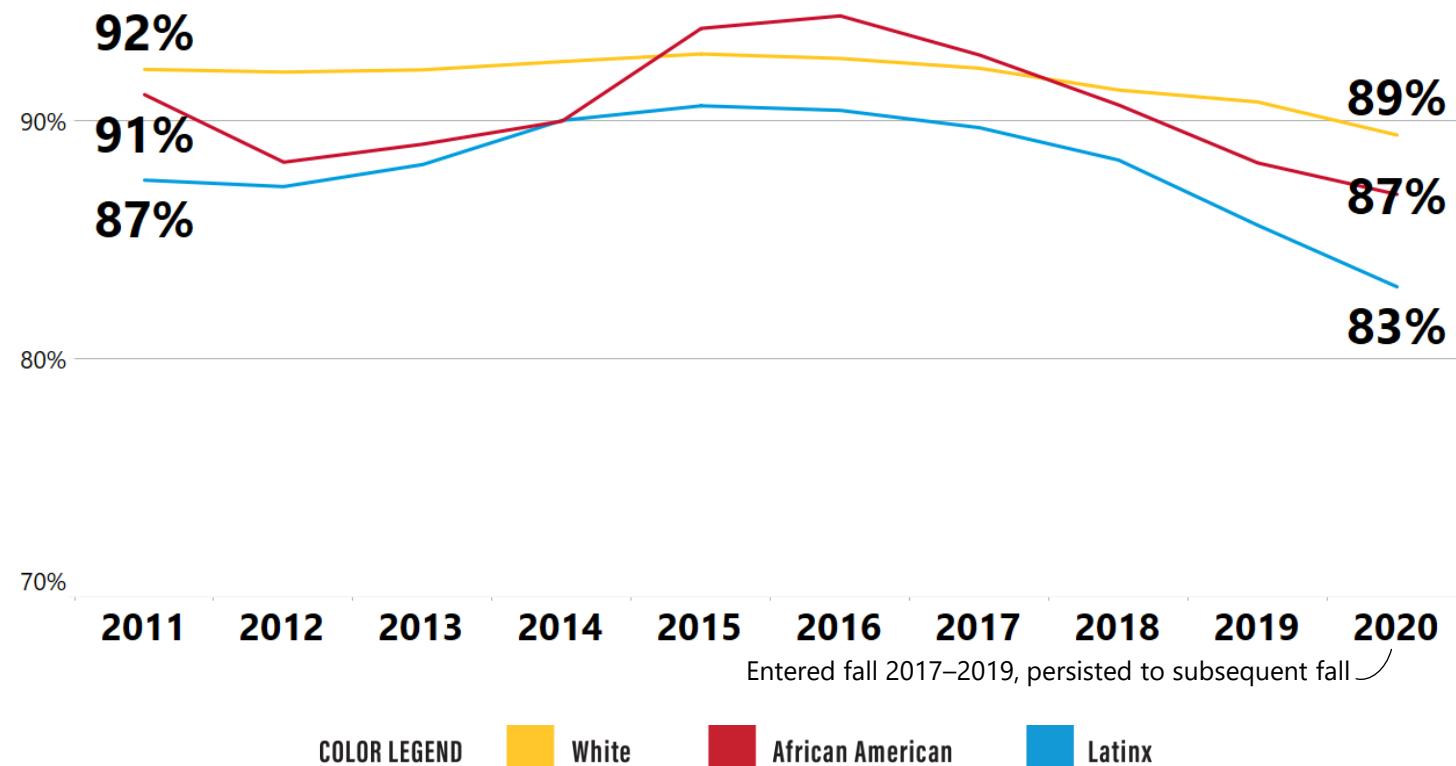
African American

Latinx

Massachusetts Public Higher Education Goals

4. Equity in First-Year Success

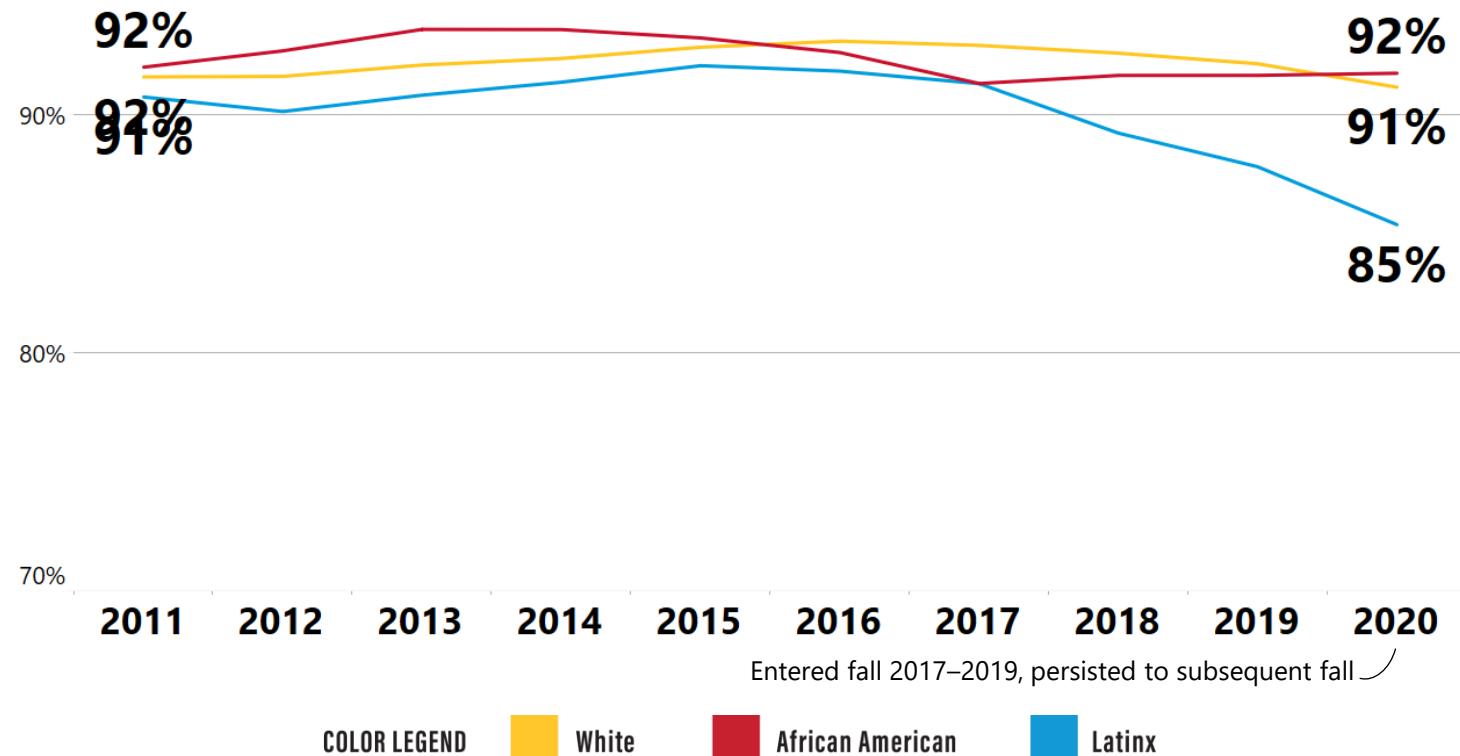
State Universities—Persistence to a second year of postsecondary education (three-year rolling averages)



Massachusetts Public Higher Education Goals

4. Equity in First-Year Success

UMass—Persistence to a second year of postsecondary education (three-year rolling averages)



The Equity Agenda

FY22 Priorities

The Equity Agenda

Equity Principles

Racial equity:

- Is the **top policy and performance priority** for the Department of Higher Education
- Will be achieved **when race no longer determines one's outcomes** in the Massachusetts public higher education system
- Must be **embedded** system-wide and permeate the Department's structure, culture, and policies
- Requires the use of **asset-based language** to minimize the threat of harm, deficit, and stereotype reinforcement
 - *"Asset-based language" defines people by their aspirations and contributions, rather than the systemic barriers and challenges they face*
- Requires **acknowledgement, remedy, and repair** of policies and practices which have excluded or created barriers

The Equity Agenda

Equity Principles

We must:

- Recognize that **clarity** in language, goals, and measures is vital to racially equitable practices
- Promote **culturally sustainable campus climates** in which all students can thrive and are regarded in the totality of their human dignity
 - *"Culturally sustainable" means recognizing, maintaining, and developing cultural identity and diversity, as they are assets, not weaknesses (Ladson-Billings, 1995; Paris, 2012)*
- Create and cultivate an **inclusive environment** to encourage the support and participation of relevant stakeholders
- Acknowledge the **experience and knowledge** of people of color, and seek to engage people of color in the pursuit of racial equity in meaningful ways
- Incentivize the development and support the implementation of **equity-minded, evidence-based solutions**

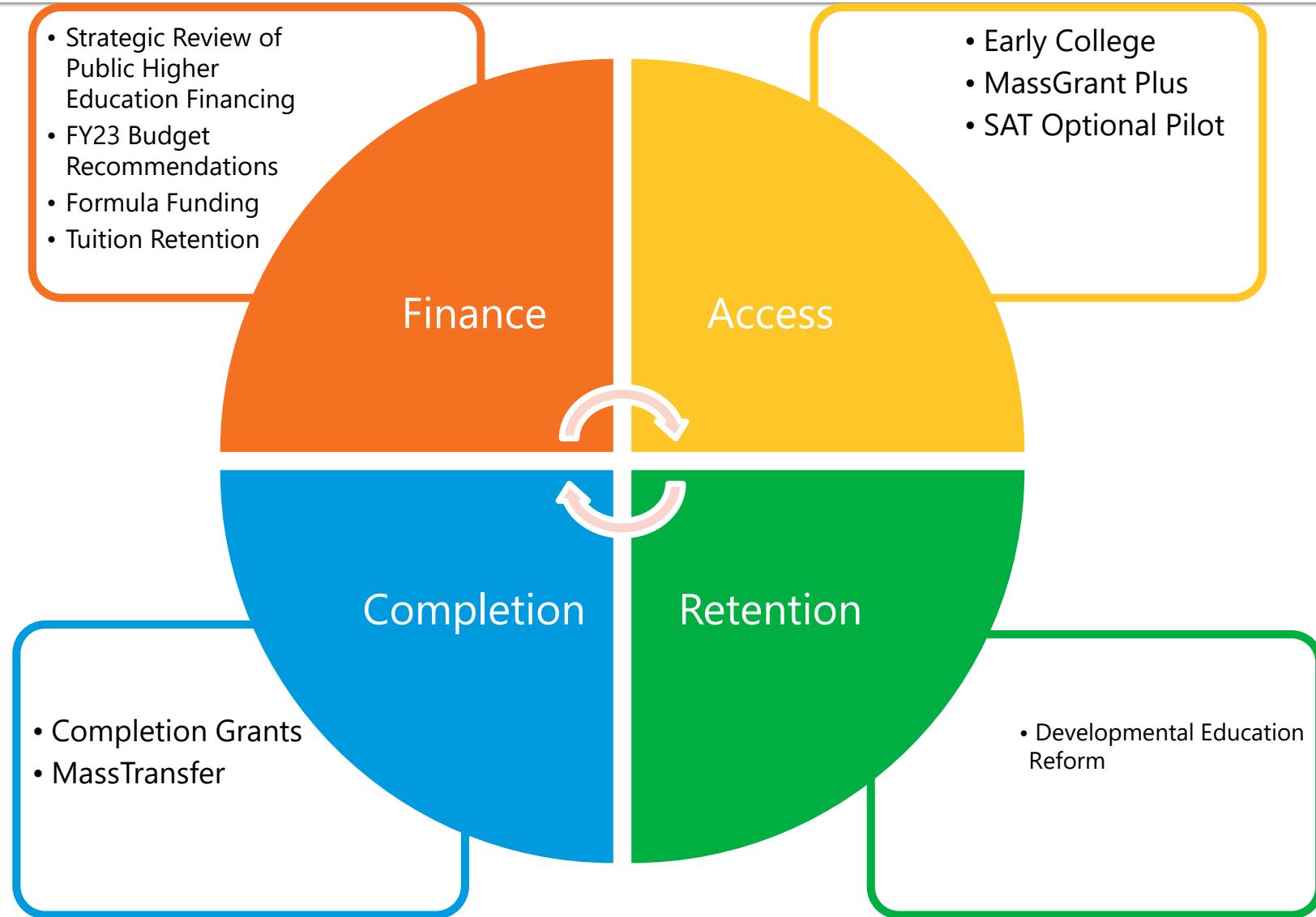
Equity Agenda

FY22 Policy Priorities

Building on the work of the New Undergraduate Experience, the Program & Policy Audit, and feedback from the Board at the August 23 Special Meeting, DHE staff have identified the following policy levers as priorities for FY22.

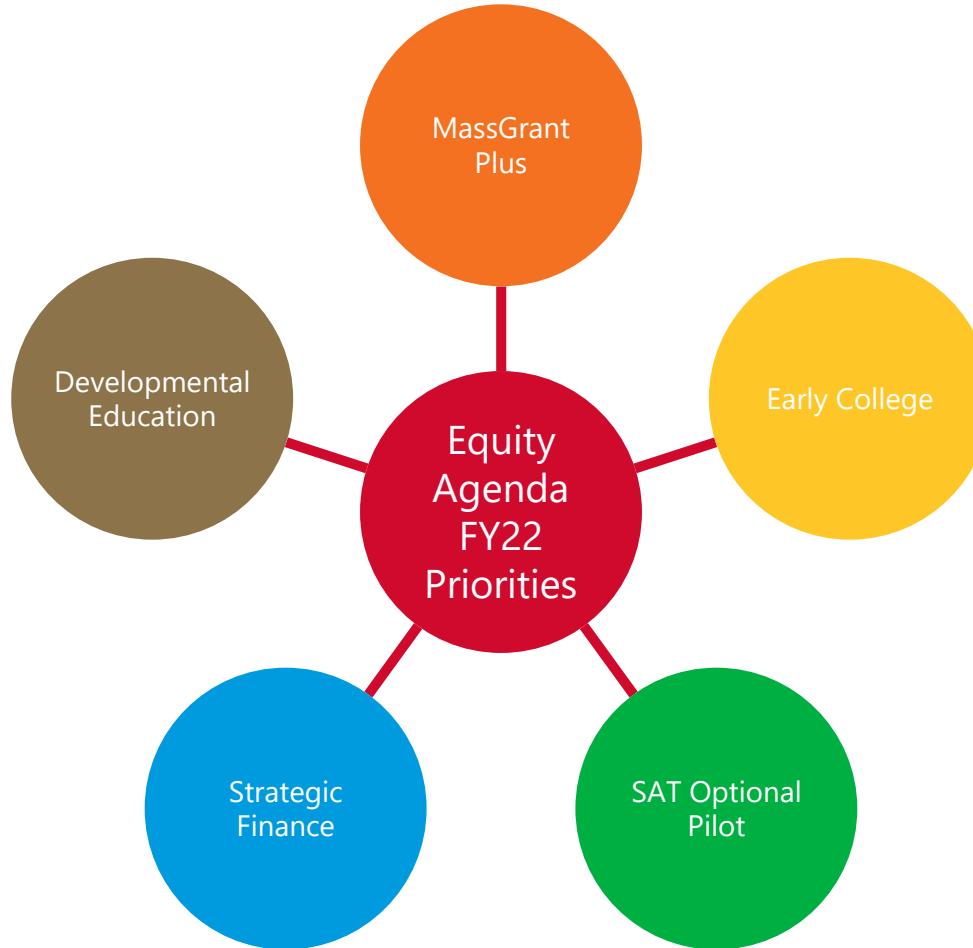
Equity Agenda

Potential Policy Levers



Equity Agenda

FY22 Policy Priorities



Expand Early College

Designated Early College Programs

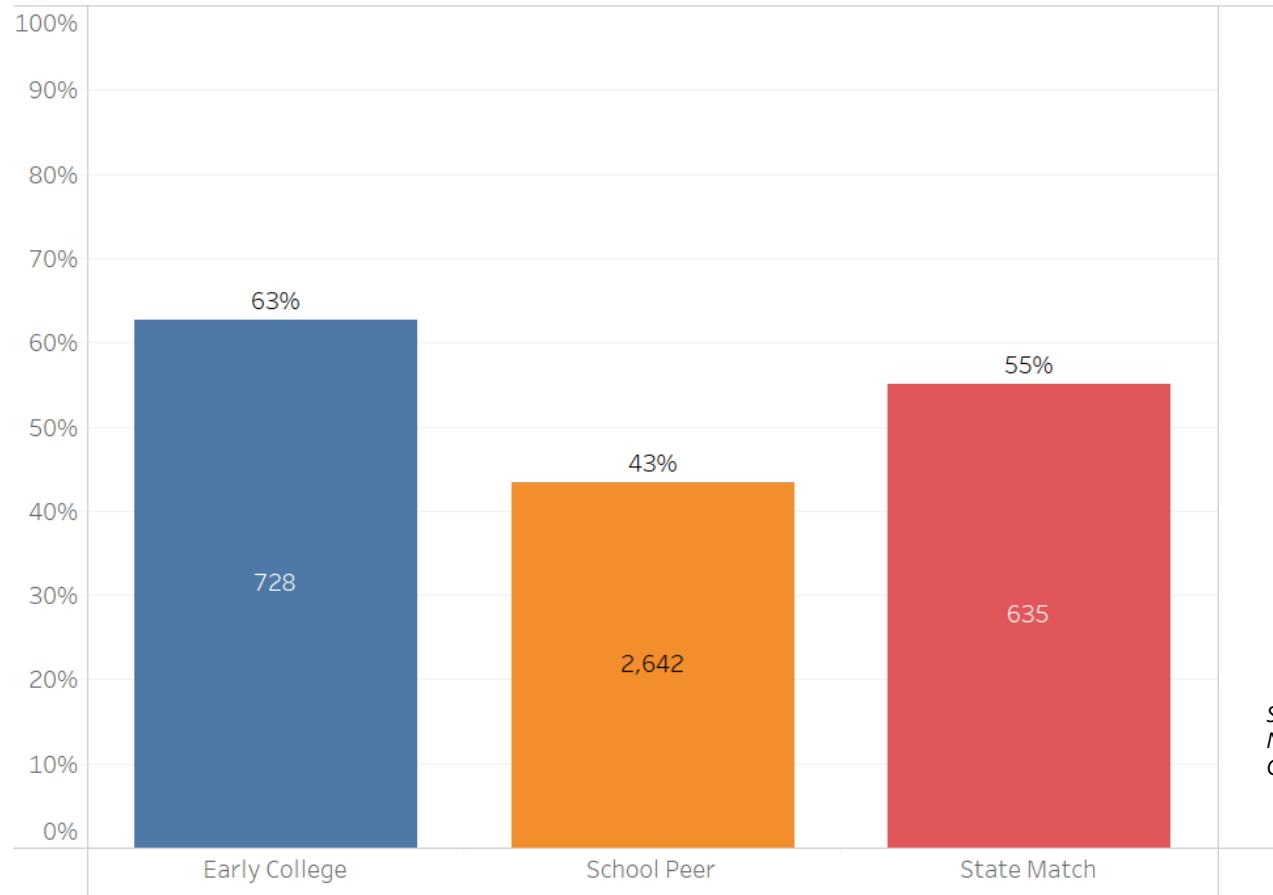
- In AY21:
 - 23 Designated Early College programs
 - 8 new programs for AY22
 - Now 31 total programs
 - 42 high schools and 22 IHE's
 - 11 of 15 cc's and 6 of 9 state universities
 - EC in 50% of all high schools in Gateway cities
 - 2,800 students in Fall 20, 4,500 students projected for '21
 - 2/3 (61%) of EC students are Black or Latinx

Equity Agenda FY22 Priorities

EC increases college attendance

EC students attend college at higher rate than school and matched peers

2020 College Enrollment Within 6 Months of Graduating High School:



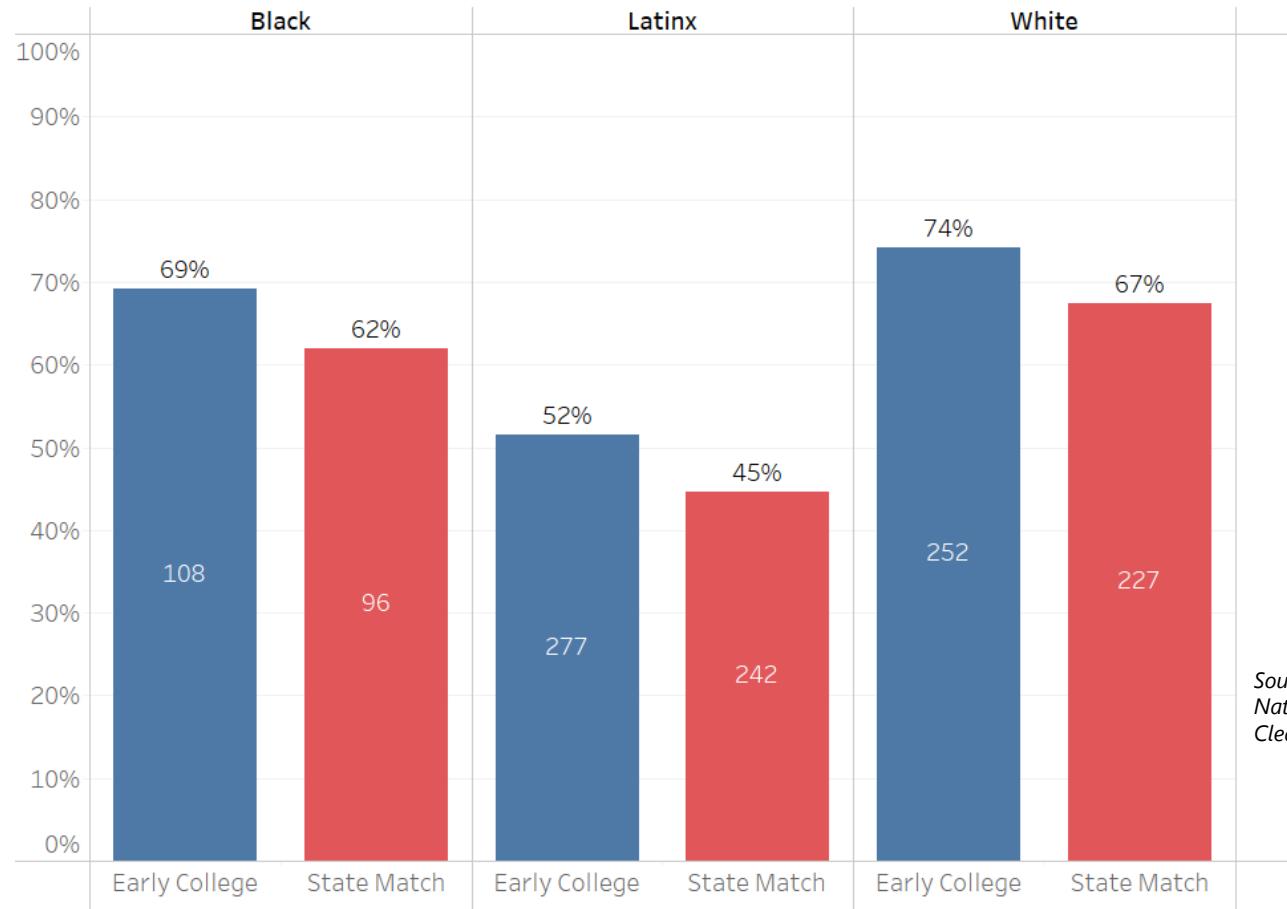
Source:
National Student
Clearinghouse

Equity Agenda FY22 Priorities

Outcomes consistent by race

The positive difference in college enrollment remains across racial groups

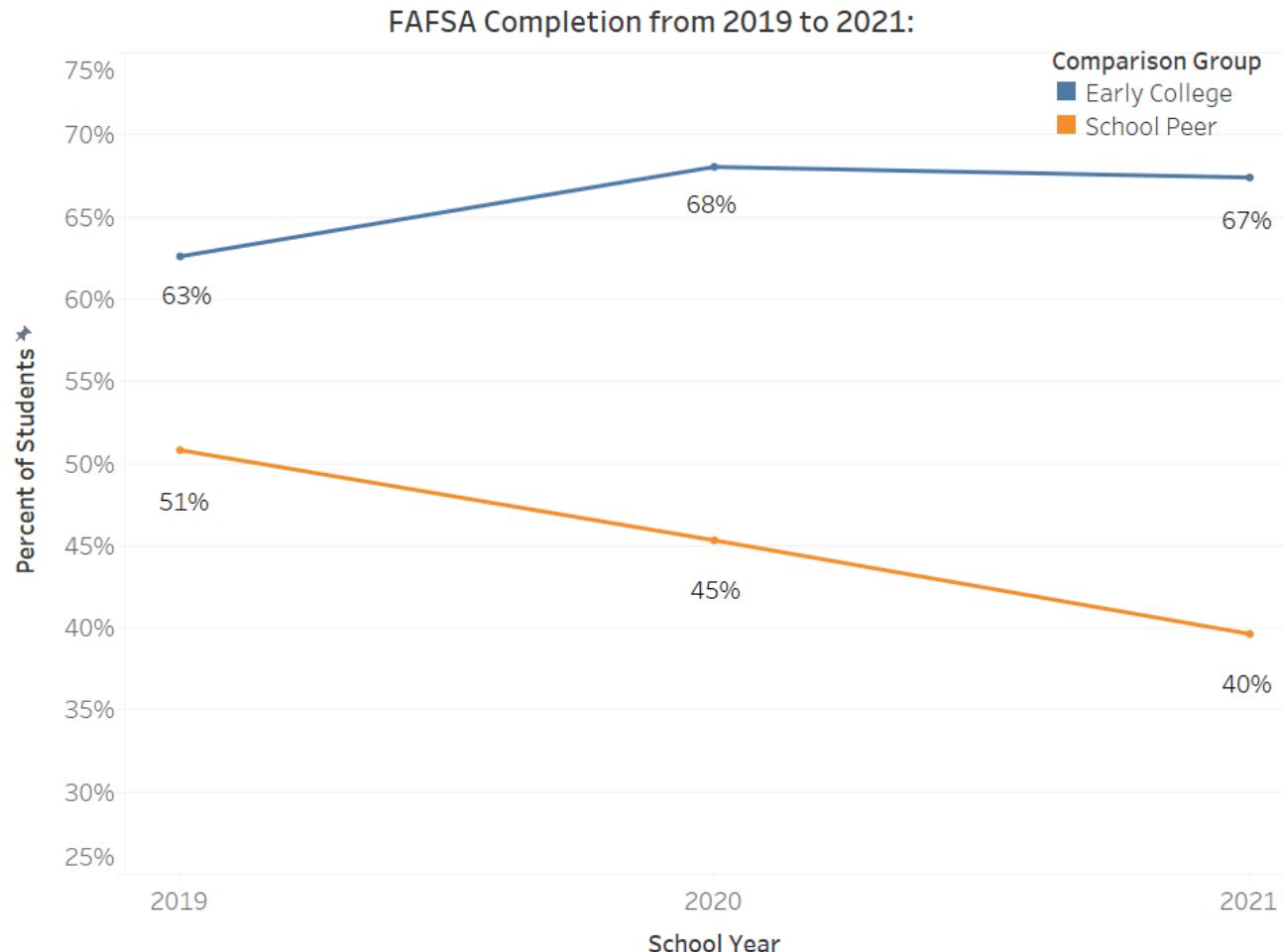
2020 College Enrollment Within 6 Months of Graduating H.S. by Race:



Equity Agenda FY22 Priorities

FAFSA Completion Rates

FAFSA completion rates remain steady for Early College participants



Legislative Investment FY22

- Significant Increase in EC Funding
- DHE: CDEP line increase of \$5M for EC courses
- EOE: Early College line doubled in funding to \$5M
- DESE: EC is a focus of significant federal and state K-12 investments/ESSER funds

Equity Agenda – FY22 Priorities

FY22 Strategy

- Continue to support sustainability and growth of existing programs through extensive technical support and community of practice
- Continue to support internal capacity to grow the community of practice, data analysis, and program evaluation.
- Continue to support prospective programs.
- Continue to support implementation of new programs.
- Support Early College innovation, growth, and improvement
 - Benchmarking Study to identify long-term expansion constraining factors and opportunities
 - Invest resources in existing programs to increase scale
 - Invest resources to support planning of large scale immersive early college models

SAT Admissions Requirement: From Pilot to Policy

Equity Agenda – FY22 Priorities

Test Policies

Test required

- SAT/ACT required for admission

Test optional

- SAT/ACT not required for admission but may be submitted for consideration

Test flexible

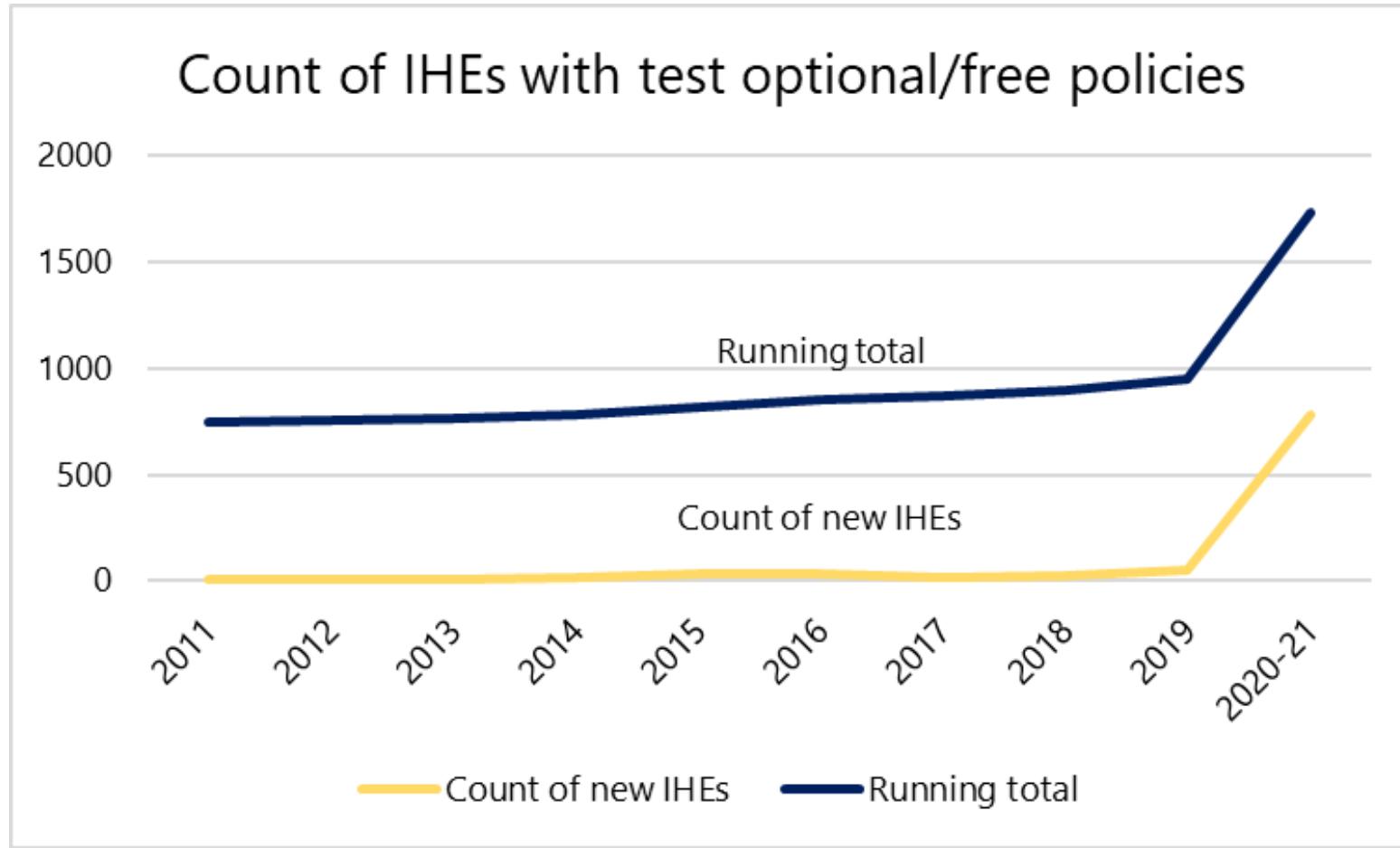
- Other standardized test score may be submitted in lieu of SAT/ACT (e.g., SAT subject test)

Test free

- Standardized test scores not accepted for consideration for admission

Equity Agenda – FY22 Priorities

Nationwide Policy Adoption 2011-21

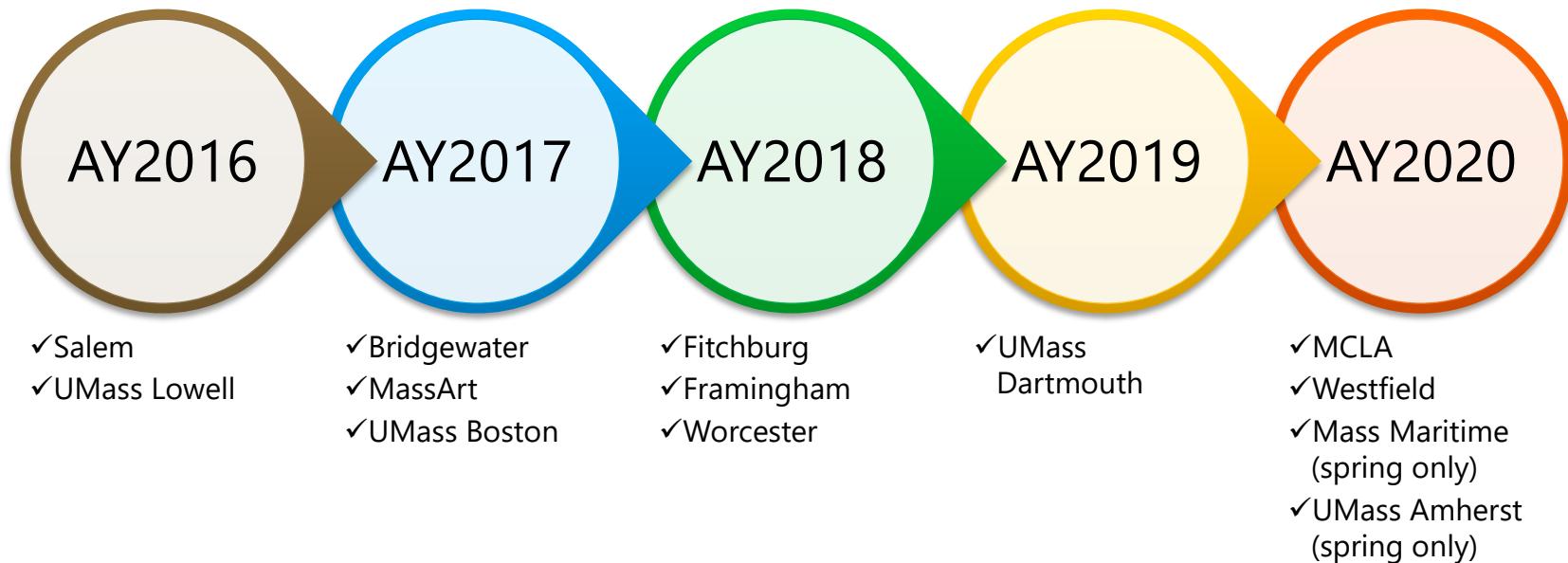


Source: FairTest National Center for Fair & Open Testing.

Equity Agenda – FY22 Priorities

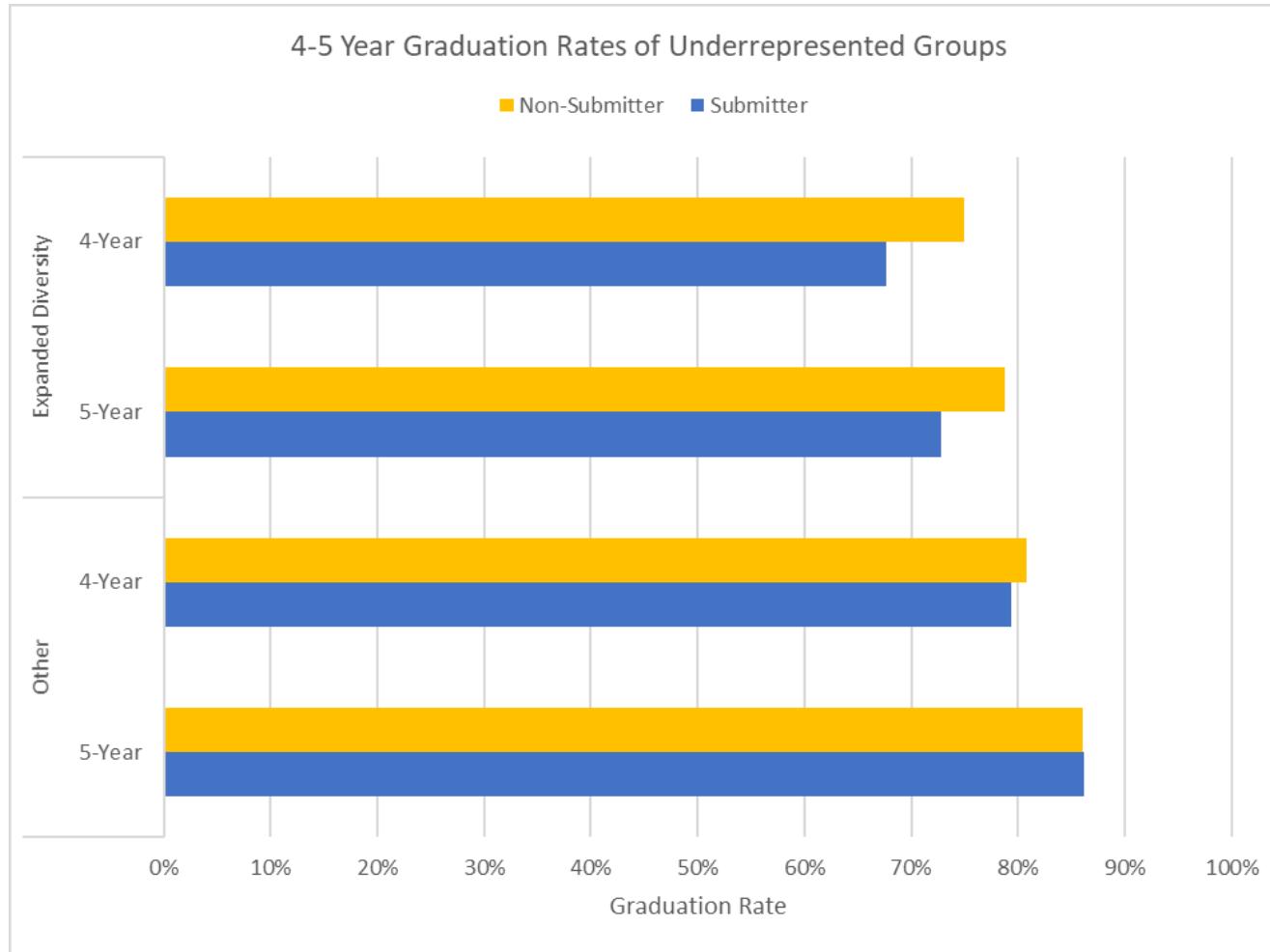
MA Test Optional Pilot

All baccalaureate institutions have now implemented the test optional pilot



Equity Agenda – FY22 Priorities

Graduation Rates



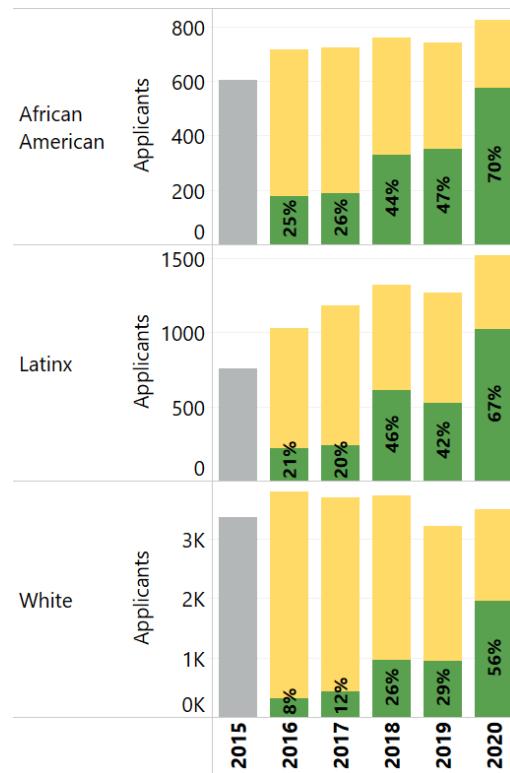
Source: NACAC.

Equity Agenda – FY22 Priorities

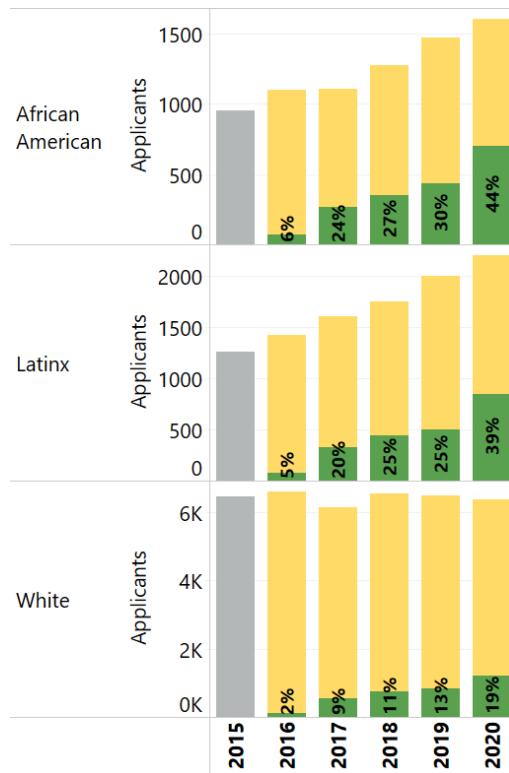
MA SAT Optional Pilot Programs

Looking at three institutions with more mature pilots, total applications are up significantly among African American and Latinx students in many cases, and the share of students choosing not to submit scores (green) is also increasing:

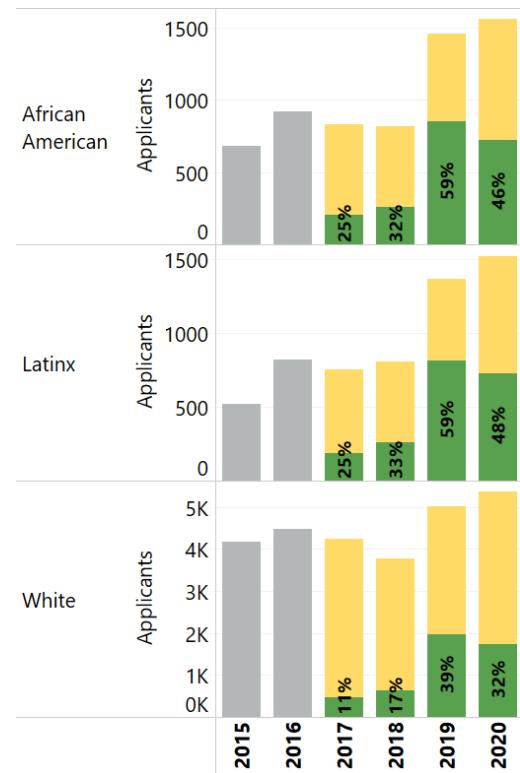
Salem State



UMass Lowell



Bridgewater State



Next Steps: FY22 Workplan

- Presentations to AA&SS student advisory council regarding national trends
- Data collection and evaluation, including case studies
- Review of the success of MA institution pilots
- External evaluation of the pilots

Increase Affordability

Equity Agenda

FY22 Areas of Priority – Financial Aid

College Affordability: Closing the Unmet Need Gap

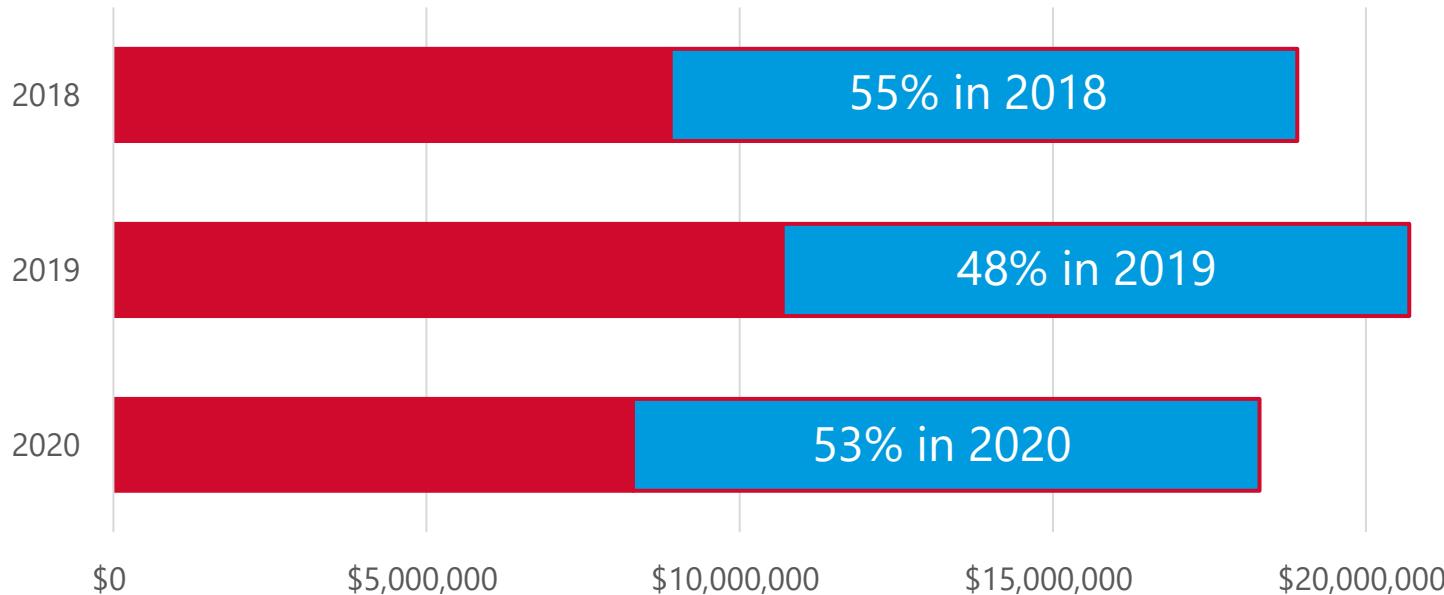
Two programs are targeted to impact college affordability for public college students, MassGrant and MassGrant Plus. Our focus today is on the latter.

- **MASSGrant Plus**
 - **Continue funding MASSGrant Plus for community college students**
 - Provides resources for tuition/fees and modest book allowance
 - Data shows modest gains in reduction of unmet need – attributable to MASSGrant Plus (and perhaps other factors)
 - 24% of eligible students with unmet need in FY18
 - 21% of eligible students with unmet need in FY19
 - 16% of eligible students with unmet need in FY20
 - **Expand MASSGrant Plus to State University Students**
 - Prioritize MASSGrant Plus for Pell Eligible students
 - Last dollar award for direct costs (tuition/fees, books & supplies)
 - FY20 unmet need for Pell eligible students exceeded \$18 million
 - Proposed \$10m appropriation could substantially impact unmet need

Increase Affordability

Proposed \$10m increase in MassGrant Plus appropriation for state university students would substantially reduce unmet need

For Pell-eligible state university students, \$10m would have reduced total unmet need (on tuition, fees, books & supplies) by:



Next Steps: FY22 Workplan

- Modify/refine program guidelines
- Finalize allocation formula and related tasks
- Conduct program implementation meetings with campus representatives
- Continue data collection and analysis for future program refinement

Eliminate Non-credit Bearing Standalone Developmental Education Courses

Equity Agenda – FY22 Priorities

Eliminate Non-credit Bearing Standalone Developmental Education Courses

- Nationally, Black and Latinx students are much more likely to be placed into Developmental Education and more likely to be impacted by negative outcomes including financial cost of courses not tied to a degree, delayed access to credit-bearing courses, and stigma that a student is “not ready” for college.
- Reforms that have taken place nationally and in Massachusetts include co-requisite courses, course placement using multiple measures instead of relying on one standardized test.
 - Case Study: Florida’s Senate Bill 1720 allowed students to enter directly into college-level courses. A 2020 study found that cohorts after the reform were more likely to not only enroll directly in gateway courses, but also successfully complete the course (Park-Gaghan et al.).
 - Researchers found that the reform had exponentially positive impacts for institutions in their quest to better support Black and Latinx students (Park-Gaghan et al., 2020)

MA's Three-Pronged Approach

MA's Three-Pronged Approach

Developmental Education

Multiple Assessment
& Placement
Measures

Mathematics
Pathways

Co-requisite Support

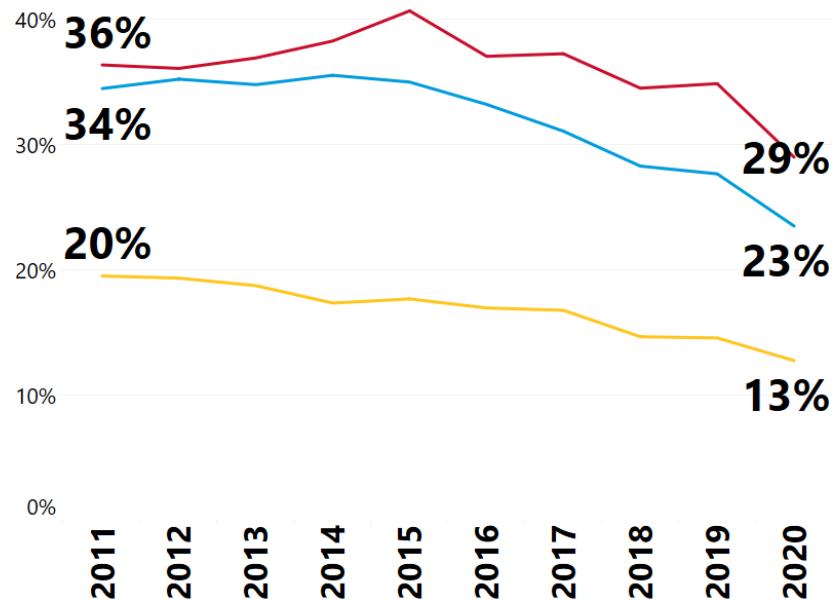
Early data from a DHE assessment for revised placement policy indicates that, in 2019, completion rates for Black and Latinx students in gateway, credit-bearing math and English courses jumped five percentage points.

Equity Agenda – FY22 Priorities

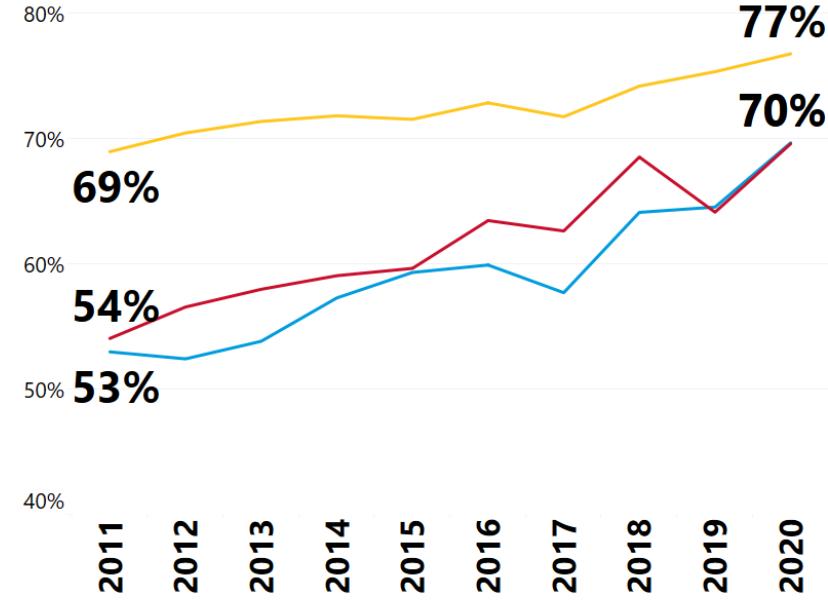
Eliminate Non-credit Bearing Standalone Developmental Education Courses

Community Colleges—Enrollment in English in first year (full-time students)

Enrollment in Developmental English



Enrollment in College-Level English



COLOR LEGEND



White African American

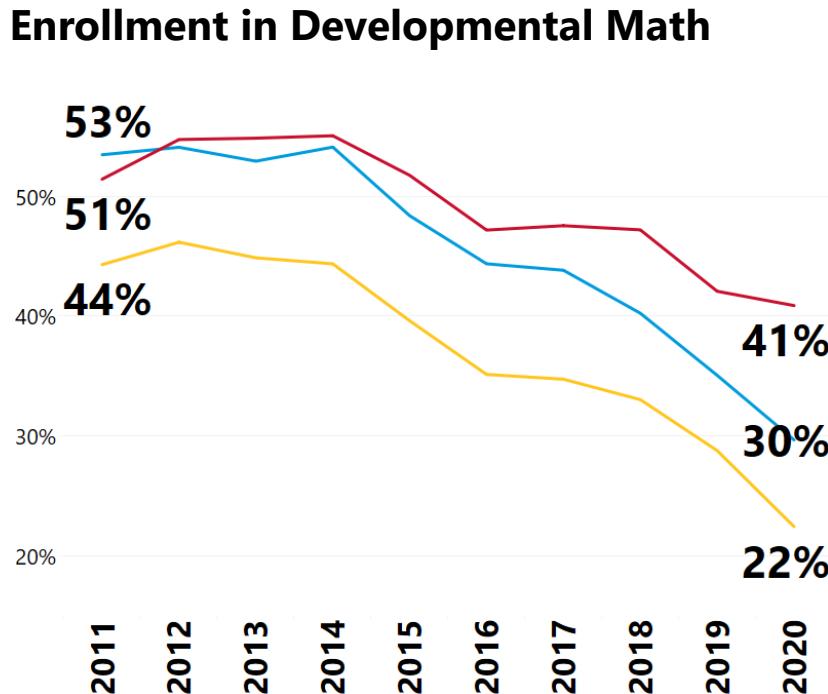


Latinx

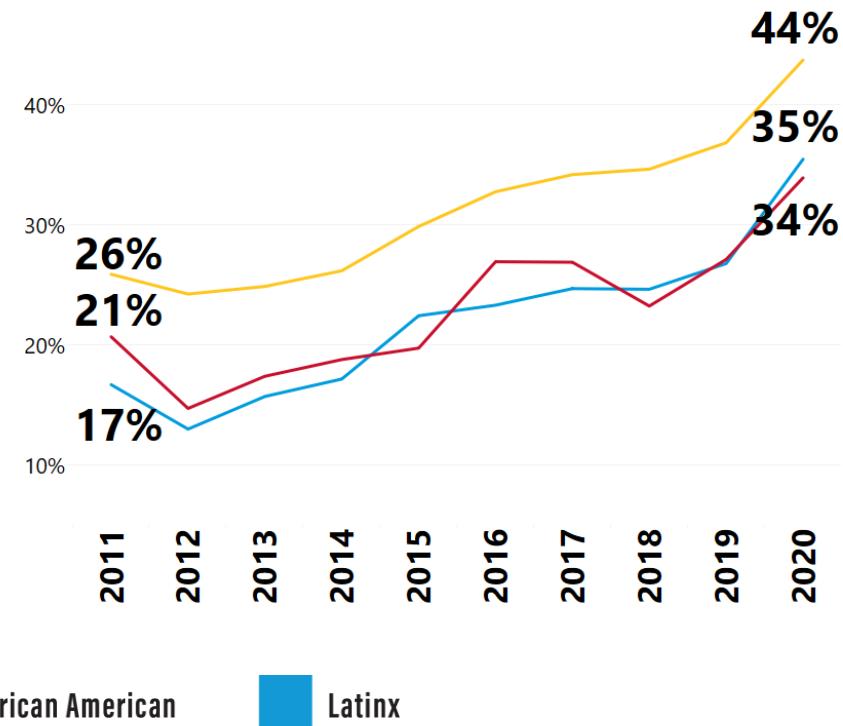
Equity Agenda – FY22 Priorities

Eliminate Non-credit Bearing Standalone Developmental Education Courses

Community Colleges—Enrollment in math in first year (full-time students)



Enrollment in College-Level Math



Next Steps: FY22 Workplan

- Revive the statewide Developmental Education Advisory Board and charge the group to partner with DHE staff to develop an equity-minded policy to eliminate standalone non-credit bearing developmental education courses.
- Develop equity-minded implementation guidelines once policy is adopted by the Board.
- Refine success metric to better track progress.

Strategic Finance

Equity Agenda

FY22 Areas of Priority – Finance

Formula Funding (Section 15b of MGL Chapter 15a)

- Funded at 2% of college and university base appropriations for second consecutive fiscal year.
- \$5.8M and \$6.3M for the SU and CC segments, respectively
- FY21 distributions ranged between 1.5% and 2.5% of line-item funding
- Opportunity to more closely align base budget and outcome metrics with Equity principles and goals

Equity Agenda

FY22 Areas of Priority – Finance

FAAP Advisory Council

- BHE budget recommendations for FY21 cited commitment to a **strategic** approach to funding public higher education – delayed due to pandemic
- Public investment in higher education should be aligned with and supportive of the Equity Agenda and promote innovation, efficiency, and student outcomes.
- Opportunity in FY22 to study and recommend a strategic funding framework that aligns with the BHE's values and vision for the future of higher education in Massachusetts

Equity Agenda

FY22 Areas of Priority – Finance

Strategic Review of Public Higher Education Financing

RFR issued to solicit proposals from experienced consultants to:

- Provide a current state review and analysis of how public higher education in Massachusetts is financed
- Provide a comparative analysis with other states
- Provide analyses of the potential impacts of demographic changes, COVID-19 and federal policy changes
- Provide initial findings and final report on analysis of student-level impacts
- Provide initial findings and final report on analyses of how alternative approaches might impact students, campuses, the workforce and the Commonwealth

Discussion Breakouts

Discussions by Advisory Council

Strategic Plan for Racial Equity

Development of the Strategic Plan

The Strategic Plan will be developed in partnership with all the Commonwealth's key stakeholders and using the inputs outlined below:

Environmental Scan

- System-Wide Data Analysis
- System-Wide Survey
- Stakeholder Interviews and Focus Groups

NUE Report

Stakeholder Input via Strategy Labs & Review Sessions

Leading Best Practices

Statewide Strategic Plan for Racial Equity

Strategic Plan Milestones (1 of 2)

The following provides more details on the critical milestones for developing the Strategic Plan, outside of the NUE Report milestones, that the Deloitte Team is supporting the DHE with:

Statewide Strategic Plan for Racial Equity		
Milestone	Description	Timing
Data Analyses	Conducting analyses on various system-wide and individual institution-level data to further explore the current state of the public higher education system as it relates to the Black and Latinx student experience	8/2 – 10/8/2021
Survey Pilot deployment	Gathering feedback on the survey in advance of system-wide deployment from stakeholders across the system, including union representatives	8/30 – 9/10/2021
Stakeholder Interviews and focus groups	Conducting 15 interviews with BHE, DHE, and NUE group members as well as six focus groups with a cross-section of campus administrators to gather feedback on the eventual Strategic Plan and to understand what individual institutions are already doing to improve equity	9/22 and 10/4 - 15/2021
System-wide survey deployment	Deploying a survey to all public higher education institutions to gather student, faculty, and staff feedback	9/22 - 10/8/2021
Compiled Environmental Scanning Document	Developing a report that shares the qualitative and quantitative results of the data analyses, interviews and focus groups, and survey and makes preliminary recommendations for key areas of focus to drive the content of the Strategic Plan	11/5/2021

Strategic Plan Milestones (2 of 2)

The following provides more details on the critical milestones for developing the Strategic Plan, outside of the NUE Report milestones, that the Deloitte Team is supporting the DHE with:

Statewide Strategic Plan for Racial Equity		
Milestone	Description	Timing
Strategy Lab Sessions	Conducting an immersive Strategy Labs to validate and reflect on the Environmental Scan results, formulate a mission and vision, and define actionable solutions for the Strategic Plan	Week of 11/15/2021
Draft 2024-2034 Strategic Plan	Developing the draft Strategic Plan with focus on racial equity that includes findings, observations, and strategic priorities. It will identify goals, specific actions, and metrics in order to provide clear direction to all system stakeholders.	12/17/2021
15 Strategic Plan Review Sessions	Conducting review sessions of the draft plan with key stakeholders	12/13/2021 – 4/22/2022
Final 2023-2034 Strategic Plan and Communications Materials	Incorporating feedback from strategy plan review sessions to finalize the Strategic Plan and accompanying Communications Materials related to the Strategic Plan	4/29/2022

Environmental Scan – Draft Research Questions

Data Categories	Initial Research Questions
Relevant demographics and educational attainment with special attention to racially minoritized students	<ul style="list-style-type: none"> • What are Massachusetts' Black and Latinx students' backgrounds when it comes to family income, geographic locations, and high school academic preparation?
Educational pathways including enrollment, retention, and completion with special attention to racially minoritized students	<ul style="list-style-type: none"> • How many Black and Latinx students does MA's public higher education system attract (via application); how many does the system accept?; How many does the system enroll? • What percentage of Black and Latinx students did institutions support past their first year? • What percentage of Black and Latinx students did institutions support to complete their programs? • What degrees institutions award to Black and Latinx students complete?
Pathway Partnerships (transfer, prior credentials, neurodiversity)	<ul style="list-style-type: none"> • How many Black and Latinx students does the system transfer from one system to another each year? • For those Black and Latinx students that the system transfers from one institution to another, how do their retention and completion rates compare to those who are not transfers? • For those who participated in Early College and MAICEI, how do their retention and completion rates compare to those who did not come through those programs? • How do Black and Latinx adult learners' retention and completion rates compare to those students who come directly from high school? What degrees do adult learners complete?

Environmental Scan – Draft Research Questions

Data Categories	Initial Research Questions
The Commonwealth's economy, including workforce supply and demand with a special focus on careers and jobs that pay family-sustaining wages.	<ul style="list-style-type: none"> • What will the in-demand skills and jobs in Massachusetts with family-sustaining wages be in the coming years? • Do the institutions support Black and Latinx students with gaining access to these jobs?
Affordability, financing, and return on investment and other value metrics of higher education through tuition, state funding, and other sources.	<ul style="list-style-type: none"> • What are the current trends with tuition prices? • How much unmet need do Black and Latinx students have? • How much debt do Black and Latinx students have upon graduation? • How much scholarship money do institutions provide Black and Latinx students compared to White students?
Campus climate at public institutions and levels of belonging	<ul style="list-style-type: none"> • Do institutions support Black and Latinx students in helping them feel that they belong? • Does the system provide Black and Latinx students with the support they need?
Clear outreach, evidence of welcoming curricular and co-curricular experiences for racially minoritized students	<ul style="list-style-type: none"> • Do institutions have programming that specifically targets Black and Latinx students? If so, what is it?
Faculty Characteristics and Qualifications	<ul style="list-style-type: none"> • To what extent are faculty aware of and feel they have access to equity-minded best practices? • What percentage of faculty is Black? Latinx?
Participatory Governance and Organization	<ul style="list-style-type: none"> • Do institutions provide Black and Latinx students with a voice in institutional decision making?

Massachusetts Public Higher Education System-Wide Survey

Input from student, faculty, and staff is critical to the development of the Strategic Plan. In order to obtain input from these groups, DHE and Deloitte plan to conduct a system-wide survey. Participation in the survey is voluntary.

Survey Details:

- The **goals** of the survey are to:
 - Assess the extent to which faculty is aware of and feels they can access and leverage equity leading practices in their pedagogical and assessment practices
 - Assess the extent to which staff is aware of and feels they can access and leverage equity leading practices in their work
 - Assess the extent to which faculty and staff of color feel that they have the resources they need to succeed
 - Understand student perceptions along critical moments of their journey in the system such as their experiences with Admissions & Enrollment, Financial Aid, Student Support Services, Student Life, and in the classroom
 - Gather ideas from all groups on how to improve equity in the system
- Questions will include **mostly Likert scale-based questions with one write-in answer question.** Demographic questions regarding sex, race, LGBTQIA+, and institution will be asked **but are not mandatory to complete.**
- The survey responses will be **completely anonymous; no PII will be collected.** Responses will be **housed on Deloitte's server,** analyzed **only by Deloitte practitioners,** and **shared with the DHE at the aggregate level only.**

Implementation of New By Laws: Establishment and Annual Review of Governance

Establishment and Annual Review of Governance

Two Motions:

- **BHE 22-03:** Establishes four advisory councils; approves charges and membership; and approves guiding principles for nomination process.
- **BHE 22-04:** Establishes Executive Committee membership; and approves Vice-Chair appointment.

Advisory Councils- Guiding Principles for Implementation

Goal: to continue to improve Board governance and functioning.

Proposal (as codified): Create “a new form of primary working group” which would:

- seek to supplement BHE/DHE expertise and resources by including non-BHE members;
- be a “place where key issues could be discussed at much greater depth than we have time for at meetings of the whole BHE;”
- add to the critical mass of civic leadership engaged in higher education, and prepare (cultivate) broader pool of citizens to serve as BHE members;
- be “advisory” limited to making recommendations to BHE (no votes) with clear boundaries which do not impinge upon BHE's governing responsibilities; and
- not prohibit BHE from creating more committees, task forces or other advisory councils to undertake the necessary work.

Advisory Councils- Approach

Proposed Approach	Create 3 <i>standing</i> Advisory Councils to replace (eliminate) AAC/ FAAP/ Strategic Planning committees.
Membership	BHE and Non-BHE members
Meeting Cadence	2 weeks before each BHE Meeting
Agenda Items	<p>Only policy/ strategic matters, as assigned, for comment or recommendation to full BHE</p> <p><i>Core Function motions</i> handled directly by BHE (w/ videos) and bundled during BHE meeting; consent agenda process obsolete</p> <p>Purely ministerial matters delegated to Commissioner</p>
EC/ Consent Agendas	<i>Executive Committee</i> meets regularly (in between council meetings and BHE meeting 6x/year), reviews agendas and potentially refers matters to a committee of the whole (e.g., complex or controversial matters), or the BHE, or a council.

Advisory Councils

	Renamed as	BHE Membership*	Non-BHE Membership
FAAP Committee	Finance and Administrative Policy Advisory Council	Veronica Conforme, Co-Chair <i>Paul Mattera</i> <i>Paul Toner</i> <i>Mike O'Brien</i> <i>Bill Walczak</i>	<i>JD LaRock, Co-Chair</i>
AAC Committee	Academic Affairs and Student Success Advisory Council	Patty Eppinger, Chair Sheila Harrity, Co-Chair <i>Judy Pagliuca</i> <i>Paul Toner</i> <i>Student Member</i>	
Strategic Planning Committee	Strategic Planning Advisory Council	Bill Walczak Co-Chair <i>Other members, TBD</i>	<i>Francesca Purcell, Co-Chair</i>
EBPM Task Force	Evidence Based Policy Making Advisory Council	Chris Gabrieli, Chair Ann Christensen Alex Cortez	

BHE Committees

Committees	Rename	BHE Membership*	Non-BHE Membership
Executive Committee <i>M.G.L. c. 15A, section 4(b)</i>	N/A	Chris Gabrieli, Chair Sheila Harrity, Vice Chair <i>Veronica Conforme</i> <i>Patty Eppinger</i> <i>Bill Walczak</i>	N/A
Early College Joint (BESE) Committee <i>BHE 17-06, establishes committee and composition</i>	N/A	<ul style="list-style-type: none"> • BHE Chair, Ex Officio, Co-Chair • BESE Chair, Ex Officio, Co-Chair • Secretary of Education, Ex Officio • One BHE member (<i>Paul Toner</i>) • One BESE member (<i>Matt Hills</i>) <p>DHE and DESE Commissioners are non-voting members</p>	N/A

* BHE will vote on EC membership; By-Laws state EC will consist of Chair, Vice-Chair and "at least" two other members who also serve as chairs of a council/ committee.

Non-BHE Membership: Nomination Process

- The process shall be open and transparent.
 - All nominations accompanied by the nominee's CV and either nominee's statement of interest or a letter of support from the person nominating.
 - formal nomination solicitation process for BHE members.
 - Commissioner will establish a means to receive stakeholder nominations.
- The BHE will strive for diversity and geographic balance.
 - *BHE By-Laws, Article III, Section 2(c).*
- BHE will seek to establish reasonable balance of members representing stakeholder interests, content experience, and expertise.
 - *BHE By-Laws, Article III, Section 2(c).*
- Executive Committee, in governance role, will help screen applicants/nominees and formulate recommendations for appointment.
 - *BHE By-Laws, Article III, Section 1(a)(i).*

Establishment of Advisory Councils

BHE Motion 22-03

MOVED: The Board of Higher Education hereby approves the establishment of the following four Advisory Councils, in accordance with the charges and membership set forth in *Attachment A*:

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

Provided further that the Board may add additional members to the Advisory Councils at an appropriate pace, and as needed from time-to-time, subject to a nomination process consistent with the guiding principles set forth herein.

Executive Committee Membership and Vice-Chair BHE Motion 22-04

MOVED: For fiscal year 2022 (AY2021-2022) the BHE renews and approves the appointment of Sheila Harrity as BHE Vice-Chair.

The BHE further approves the BHE Executive Committee membership as follows:

- Chris Gabrieli, Chair of the BHE (and Chair of the Executive Committee)
- Sheila Harrity, Vice-Chair of the BHE
- Veronica Conforme, BHE Chair of the Finance and Administrative Policy Advisory Council
- Patty Eppinger, BHE Co-Chair of the AA&SS Advisory Council
- Bill Walczak, BHE Chair of the Strategic Planning Advisory Council

Focus Group

Legal Orientation Refresh for Members

BHE Orientation Refresh- Overview

- Overview
- BHE Meetings & Operations
 - Statutory requirements (# meetings; quorum; # absences);
 - OML
 - Public Records
- BHE Professional and Statutory Roles and Responsibilities and Conduct (Powers and Duties)
 - Conflict of Interest conduct and responsibilities;
 - Statutory powers and duties (Private/ Public Higher Ed)
 - Fiduciary Duties
- Resources
 - Materials- virtual “Board Binder”
 - Mandatory Online training- Conflict of Interest Law
 - Optional online resources

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Goals- Board Efficacy

- Understand the legal framework within which you operate
- Know your statutory and ethical responsibilities
- Uphold fiduciary principles and act in best interest of BHE
- Promote transparency and accountability.
- Promote being a “Consequential” (active) board member

BHE Meetings and Operations

BHE Procedure- Board Meetings and Operations

- 13 Members
 - 9 members appointed by Governor, including 1 Student
 - Secretary of Education (ex officio)
 - 3 Segmental [SU/CC/UMass] Representatives (elected by peers)
- Quorum= 7 Members
 - And 7 affirmative votes of members needed for anything to pass
- BHE Must Meet 6 times Annually
 - At least once every 2 months, excluding July and August
- Minimum Attendance Requirement
 - Can not miss more than 3 regularly scheduled meetings
 - Automatic removal/ vacancy if 4 meetings missed
- BHE Member Reimbursement- Allowed for necessary expenses
- Board Operations
 - Meetings are subject to Open Meeting law*
 - Annual meeting to review board governance and operations (*new*)

BHE Operations- Rights of Board Members

- Parliamentary Procedure
- Majority vote decides- (7 affirmative votes)
- Rights of the minority must be protected
- All members have equal rights privileges
- Full and free discussion of every proposition presented
- Right to know the meaning of each question and what its effect will be
- All meetings must be characterized by fairness & good faith

BHE Operations- Responsibilities: Be a “Consequential” Board Member

- **Be present**-- attend and actively participate in board and committee/ council meetings
- **Be engaged** in the board, school, community
- Bring **your knowledge** and expertise to the table and be prepared to share it with other members
- Keep **learning**-- be an active listener and **ask questions**
- **Consider** issues from the viewpoints of all stakeholders (students, faculty, taxpayers, parents, employers, community, government)
- **Understand** the framework in which you are working:
 - Culture of shared governance
 - Open meeting law
 - Ethics law

--AGB, "Consequential Boards: Adding Value Where it Matters Most"

BHE Operations- Open Meeting Law (Tab 3)

- Requirements
 - Meetings of the Board must be open to the public
 - Notices posted publicly (48 hours notice)
 - Board maintains and makes publicly available accurate written records
- Purpose- Eliminate secrecy surrounding deliberations upon which public policy is based
- Application– communications among quorum of public body on any matter within its jurisdiction.
- Enforcement– Court order requiring future compliance or invalidating any action taken at meeting where the law was violated.

BHE Operations- Open Meeting Law

- Application— any *communication among quorum* of public body on any matter within its jurisdiction must be conducted during noticed meeting.
- Includes: Verbal or non-verbal exchanges (emails, texts)
- Does not include
 - Purely administrative matters (e.g., scheduling)
 - DHE staff member communication with BHE members to share info/answer Qs
 - Chance meetings or Social gatherings
 - On site- inspections
 - Individual communications (under certain circumstances) (**Provided!**)
- **Provided (!) such communications:**
 - do not request or suggest BHE members discuss or attempt to arrive at any decision on public business
 - such communications are not meant to subvert letter or spirit of law (e.g., serial communications/ phone trees)

BHE Operations- Public Records Law

- Every record made or received by state employee is presumed to be public record, unless specific exemption applies.
- Includes computer records/ emails/ texts
- Examples of exemptions:
 - Attorney/ client privileged documents
 - Records exempt by statute (e.g., the FARM legislation)
 - Personnel records (unwarranted invasion of privacy)
 - Home address/ personal email of employee
 - Deliberative Process/ investigatory exemption
- General Rules:
 - Presume communication not exempt- careful what you write
 - Use your state email address for BHE business

BHE Operations- State Email Addresses

- Electronic records are public records
 - Includes emails, texts on both private or government- issued phones or accounts
- Use of personal email by government officials while conducting government business renders the emails public records (unless exempt)
 - Subject to search, redaction, disclosure, if asked
- Records retention laws
 - Government records continue to be property of government office even after people leave service
 - Offsite storage, inefficient
- *Benefit: BHE “intranet” will be created (SharePoint).

BHE Responsibilities & Conduct-Conflict of Interest Law

- Members are subject to c. 268A Conflict of Interest Law
- Purpose: Ensure integrity and promote public trust in State Government
- Five general areas
 - Gifts and gratuities
 - Self-Dealing and Financial Interests
 - Unwarranted Privileges
 - Use of Confidential Information
 - Inherently Incompatible Activities

BHE Responsibilities & Conduct-Conflict of Interest Law

Two General Rules:

- Avoid situations or conduct which create a *reasonable impression* of favoritism or bias, including any impression that:
 - A person may have improperly influenced you; or
 - You may have benefited from a favor; or
 - You are likely to act or fail to act because of kinship, rank, position or undue influence of a person or self-dealing.
- When in doubt, file a disclosure statement

*Review all agenda items; ask questions

Conflict of Interest Law- Mandatory Training

- Law requires all state employees, including special state employees to complete online training program once every 2 years.
- Next week- link to online training session with instructions.
- BHE members on multiple public boards- only need to take training once/ 2 years.

Resources

Additional Resources

- BHE Access to the 8 Public Higher Ed Trustee Training Modules on Blackboard:
 - Open meeting law
 - Public records law
 - Conflict of interest law
 - State procurement laws
 - State finance provisions under chapter 29
 - Fraud prevention
 - Fiduciary responsibilities
 - Governance
- BHE Intranet (SharePoint)-with state email address
 - Will post the "BHE Board Binder"
 - Link to Statutory Authority Summaries
 - Other resources, AGB articles

Overview and Comparison: Legislative Authority of BHE and Local Boards

[https://www.mass.edu/
/bhe/higheredauthori
ty.asp](https://www.mass.edu/bhe/higheredauthority.asp)

Higher Ed Authority Overview

Massachusetts Board of Higher Education
University of Massachusetts Board of Trustees
Community College and State University
Boards of Trustees

*Includes citations to Massachusetts General Laws
Prepared by the Massachusetts Department of Higher Education
Updated January 2013*

Overview and Comparison

Comparison of Major Authority: General

Board of Trustees of University of Massachusetts	Massachusetts Board of Higher Education	Boards of Trustees of Community Colleges and State Universities
Submit five-year master plan to BHE and Secretary of Education for approval. <i>Ch. 15A, §9(l); Ch. 75 §1A(l)</i>	Analyze present and future goals, needs, and requirements of public higher education and establish goals to achieve a well coordinated quality system of public higher education in the Commonwealth. <i>Ch. 15A, §9(c)</i>	
	The institutional five-year master plans for public higher education are submitted to the BHE and the Secretary of Education for review and approval.	Submit five-year master plan to BHE and Secretary of Education for approval. <i>Ch. 15A, §9(l) and §22(l)</i>
	Prepare a five-year master plan for public higher education, subject to the approval of the Secretary of Education, taking into account the BHE's analysis of present and future goals, needs and requirements of public higher education, and the five-year plans submitted by individual boards of trustees. <i>Ch. 15A, §9(f) and (c)</i>	

MA Private Higher Education System

- Institutional authorization/ Program approval
 - State law- Any entity organized after 1943 that seeks to operate in MA and offer degrees or courses leading to degree must be authorized/ approved by BHE
 - Federal Law- Post-secondary institutions wanting to receive Title IV funds must be authorized in each state where they operate
- Regulate use of word “college” or “university”
- Conduct IHE Annual Financial Assessments- All private IHEs (**new***)
- SARA administrator
 - MA institutions wishing to operate in other states under NC-SARA reciprocity agreement must be authorized by BHE
- State financial aid administration (\$120M)
 - Authority to set participation requirements
 - Vast majority of private IHEs- including all pre-1943s- participate
- Campus Safety and Violence Prevention (**new***)

Next Annual Meeting-PD

- Think about other PD that may be more helpful
- AGB consultants
- Formal Board Self-Assessments
- Reps from AGO/ Ethics
- Fiduciary Duty
- Strategic planning experts

Questions?