



RHODE ISLAND BOARD OF GOVERNORS FOR HIGHER EDUCATION

A regular meeting of the Rhode Island Board of Governors for Higher Education was held on Monday, September 26, 2011, at the Community College of Rhode Island, Vincent A. Cullen Field House, Warwick, Rhode Island. Chair Lorne Adrain declared a quorum present and called the meeting to order at 5:47 p.m.

Present: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Tessa Constant, William Maaia, Eva-Marie Mancuso, Jane Sherman, Thomas Rockett, Michael Tikoian, and John Walsh

Absent: George Caruolo and Joseph White

1. ACCEPTANCE OF THE AGENDA

Chair Adrain offered a motion that Items 3, 6, 7, 8a, 8b, 8d, 8e, 8f, 9, 10, and 11 be rescheduled to the next scheduled board meeting.

On a motion duly made by Joan Abrams and seconded by Eva-Marie Mancuso it was

VOTED: That the Board of Governors for Higher Education reschedule Items 3, 6, 7, 8a, 8d, 8e, 8f, 9, 10, and 11 to the next scheduled board meeting.

Vote: 11 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Tessa Constant, William Maaia, Eva-Marie Mancuso, Jane Sherman, Thomas Rockett, Michael Tikoian, and John Walsh

NAYS: 0

On a motion duly made by John Walsh and Antonio Barajas it was

VOTED: That the Board of Governors for Higher Education approve the agenda as modified by the last motion.

Vote: 11 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Tessa Constant, William Maaia, Eva-Marie Mancuso, Jane Sherman, Thomas Rockett, Michael Tikoian, and John Walsh

NAYS: 0

2. APPROVAL OF THE MINUTES

On a motion duly made by Michael Tikoian and seconded by Eva-Marie Mancuso it was

VOTED: That the Board of Governors for Higher Education approve the minutes of the August 22, 2011 meeting.

Vote: 11 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Tessa Constant, William Maaia, Eva-Marie Mancuso, Jane Sherman, Thomas Rockett, Michael Tikoian, and John Walsh

NAYS: 0

3. COMMUNICATIONS/ANNOUNCEMENTS *(Rescheduled to next Board meeting.)*

4. REPORT OF THE CHAIR

Chair Adrain introduced himself and welcomed everyone to this evening's meeting. He thanked everyone for their interest in the work of the Board, in particular the issue of in-state tuition for undocumented students. The evening's agenda was adjusted so that the Board would focus mainly on this question. He added that the Board is comprised of thoughtful people from many backgrounds, and many perspectives who are here to serve their community as volunteers. He has been most impressed with the openness to and consideration of different opinions and with the thoughtfulness and decision making. He acknowledged his faith and trust in the collective wisdom and judgment of the group and what they apply to decisions that come before them. The Board is here today to listen to you and then consider your comments as they fulfill their decision making responsibilities.

The Chair took a few minutes of this issue for the upcoming open forum portion of the agenda. First, he felt it might be helpful to understand how this quest came to the board and the considerations in arriving on a decision on this issue. This is a question that has been raised many times in many places over the years and as recently as last fall as the previous board was completing their service. The previous board left the question open and it became one of the issues that the current board came into issue with. How will the Board approach the question? First and foremost it should be understood that consideration of this question is guided and inspired by the mission of the Board of Governors for Higher Education for Rhode Island:

"The mission of the Rhode Island Board of Governors for Higher Education is to provide an excellent, efficient, accessible and affordable system of higher education designed to improve the overall educational attainment of Rhode Islanders and thereby enrich the intellectual, economic, social and cultural life of the state, its residents, and its communities."

This Board has the responsibility of two central purposes; one to advance the attainment of higher levels of education in the general population of the state, and in so doing serve the best long-term interests of the state and its people. This group has to consider fairness as well. Fairness is a very tricky issue and can be interpreted differently in many different ways. What is

fair to one can feel grossly unfair to others. Twelve other states allow in-state tuition for undocumented students. None of these states are just like Rhode Island but as you might imagine the policy for and against such a policy is quite similar across the board. Governor Mancuso's committee has reviewed and learned from these other states and her committee's recommendation is formed by this learning.

Chair Adrain thanked Governor Mancuso and her committee members for their efforts in researching the question, deliberating on it, and bringing it to the Board. He also thanked the members of the legislature, the colleges, community groups and the Office of Higher Education for their assistance in that research.

Chair Adrain explained that the Board of Governors by-laws limit open forum to 30 minutes, but many people have asked to be heard and we would like to give everyone who signed up to speak an opportunity to do so. In order for the Board to hear from everyone who has signed up to speak, Chair Adrain limited the time to speak to two minutes per speaker. He asked that if what you plan to say has already been said, please simply indicate that and the next person who signed in will be called to speak.

Members of the Board will give each speaker their full attention. He asked that the Board members not respond to questions or comments, but simply listen and consider comments and questions in their deliberations later in the meeting.

5. OPEN FORUM

Over 150 individuals signed up to show their support either in support or opposition to the Board's proposal to change the current student residency policy regarding tuition and fees, 84 individuals addressed the Board:

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| 1. Michael Rice, URI Faculty Senate Executive Committee | In Favor |
| 2. Evelyn Gillis, Ocean State Action | In Favor |
| 3. Peter Nightingale | In Favor |
| 4. Marta Martinez, Coalition of Advocates for Student Opportunities | In Favor |
| 5. Robert Carothers, Past URI President, Board of Regents member | In Favor |
| 6. Amanda Pereira, Students for CASO | In Favor |
| 7. Kara Cebulko, Asst. Professor at Providence College | In Favor |
| 8. James Sheehan, Senator, District 36 | Opposed |
| 9. Marc Cote, Senator, District 24 | Opposed |
| 10. Roberto Gonzalez. Coalition of Advocates for Student Opportunities | In Favor* |
| 11. Stephanie Geller, Rhode Island Kids Count | In Favor* |
| 12. John DePetro | Opposed |
| 13. Al Gemma, Former RI State Representative | Opposed |
| 14. Terry Gorman, Rhode Islanders for Immigration Law Enforcement | Opposed* |
| 15. Peter Palumbo, Representative, District 16 | Opposed |
| 16. Roland Lavallee | Opposed |
| 17. Matthew Guerra | Opposed |
| 18. Stephen Forleo, Professor at CCRI | in Favor |
| 19. Delores Issler, Ocean State Tea Party in Action | Opposed |
| 20. Doreen Costa, Representative, District 31 | Opposed |
| 21. Mark Zaccaria | Opposed |
| 22. Kathy Santos | Opposed |
| 23. Emilie Aries, Ocean State Action | In Favor |

24. Bruno Tassoni	Opposed
25. Glen Shibley, Senator, District 33	Opposed
26. Raymond McKay, President, RI Republican Assembly	Opposed
27. Alice Losasso	Opposed
28. Harry Staley, President, RI Statewide Coalition	Opposed
29. Jennifer Atack	Opposed
30. Margaret Rogers	Opposed
31. Anastasia Williams, Representative, District 9	In Favor
32. Carolyn Medeiros, Executive Director, Alliance for Safe Communities	Opposed
33. Lyn Jennings, Ocean State Tea Party in Action	Opposed
34. Julia Cole, Rhode Islanders for Immigration Law Enforcement	Opposed
35. Cathleen Griffeth	Opposed
36. Josephine Simeone	Opposed
37. Ronald Valiquette	Opposed
38. James McGuire	Opposed
39. Mario Bueno, Progreso Latino	In Favor
40. Pablo Rodriguez	In Favor
41. John Arcaro	Opposed
42. Pauline Campbell	Opposed
43. Victor Capellan, Asst. Deputy Superintendent, Central Falls Schools	In Favor
44. Carolyn Sheehan, Blackstone Academy Charter School	In Favor
45. Cristian Giraldo, Blackstone Academy Charter School	In Favor
46. Michelle DePlante, International Institute of Rhode Island	In Favor
47. Karen Gareau	Opposed
48. Nicole Ginzberg	In Favor
49. Lisa Blais, Ocean State Tea Party in Action	Opposed
50. Domenick Fabrizio	Opposed
51. Bill Perry	Opposed
52. Ann Cordeiro	Opposed
53. Linda Pease	Opposed
54. Scott Fitzgerald	Opposed
55. Roy Dempsey	Opposed
56. Kathleen Brueckner	In Favor
57. Michael Puyana	Opposed
58. Lois Rowe	In Favor
59. Joseph Pires	Opposed
60. Chuck Rowe	In Favor
61. Lisa Benvie	Opposed
62. Rev. James Keller	In Favor
63. Cindy Lancaster, Guidance Counsellor, Cumberland, RI	In Favor
64. Grace Diaz, Representative, District 11	In Favor
65. Roberta Padula-McFerran	Opposed
66. Sandra Cano	In Favor
67. James Diossa, Central Falls City Councilor	In Favor
68. Andrea Molina	In Favor
69. Antonio Albizures-Lopes	In Favor
70. Kendra Cornejo	In Favor
71. Efrain Trujillo	In Favor
72. Barbara Allen	In Favor
73. Patrick Mannix	Opposed
74. Patricia Martinez, Executive Director for Family Support and Student Development at Central Falls High School	In Favor

75. Mark Gabriele	Opposed
76. Matthew Gunnip, Co-President of the Master of Social Work Student Organization at Rhode Island College	In Favor*
77. Patrick Murray	Opposed
78. Gary Trott	Opposed
79. Ronald Rawlinson	Opposed
80. Cristina Cabrera	In Favor
81. Tony Mendez, NPMZ Radio	In Favor
82. Scott Slater, Representative, District 10	In Favor
83. Joseph Golomboski	Opposed
84. Mary Ann Kish	Opposed

*In addition to their oral testimony, these individuals provided the Board with written testimony. Their handouts have been incorporated into this evening's testimony and are attached hereto and marked as follows:

- Document No. 1 – Testimony of Roberto Gonzales, Esquire
- Document No. 2 – Testimony of Stephanie Geller, RI Kids Count
- Document No. 3 – Testimony of Terry Gorham, Rhode Islanders
For Immigration Law Enforcement
- Document No. 4 – Petition to Offer In-State Tuition to Undocumented
Rhode Island Students submitted by Matthew Gunnip,
Co-President of the Master of Social Work Student
Organization at Rhode Island College

6. **REPORT OF THE COMMISSIONER** (*Rescheduled to next Board meeting.*)
7. **NEW BUSINESS** (*Rescheduled to next Board meeting.*)
8. **BOG COMMITTEE REPORTS and RELATED CONSENT AGENDA**
 - a. **Academic and Student Affairs** (*Rescheduled to next Board meeting.*)
 - b. **Facilities, Finance and Management** (*Rescheduled to next Board meeting.*)
 - c. **Government Relations**

Chair Adrain called on Eva-Marie Mancuso, Chair of the Government Relations Committee to present this report.

Governor Mancuso began by stating that she spent several hours over the last week with anyone who was interested in listening to the facts associated with this issue. While she spoke with talk show hosts and gave interviews, she does not believe that rhetoric is important when making monumental policy decisions.

The policy change before the Board this evening is not new. It has been reviewed and studied. The Board of Governors for Higher Education amended its tuition policy in 1971, 1980, 1993, 1995, 2003 and 2009. At no time was the authority of the Board to make policy changes questioned.

She spoke of Chair Adrain's challenge the Board to "think outside the box" and make education affordable to all Rhode Islanders. The policy change to allow undocumented students to pay in-state tuition is a fair and logical extension of existing policy. The Board's Government Relations Committee looked at the issue on July 27, 2011. On that date, the Committee voted unanimously, after hearing from academics, advocates and students on the issue. On July 27th, the issue was vetted out in Committee for the first time and at that point the Committee voted to change the policy subject to studying the legal ramifications and wording on the policy itself. Last week, the Government Relations Committee of the Board moved to change the policy.

Since 1972, the Supreme Court of the United States has mandated public education for K-12, for all children regardless of citizenship. Currently, upon completing the 12th grade, these children are treated differently because they must pay the out-of-state tuition to attend institutions of higher education and are not eligible for financial aid. Allowing more qualified Rhode Island students to continue their education will benefit the Rhode Island economy, as college graduates make more money and pay more taxes.

Governor Mancuso stated that to qualify for in-state tuition, undocumented students must meet certain criteria:

- attend a Rhode Island high school for at least three years and remain in Rhode Island
- graduate from a Rhode Island high school or receive a GED from Rhode Island
- if the student is not a US Citizen and does not have lawful immigration status, he or she has filed an affidavit with the institution stating the student has filed an application for lawful immigration status or will file an application as soon as he or she is eligible to do so.

The Government Relations Committee recommends that the Board of Governors for Higher Education approve these proposed changes to the Board of Governors existing student residency policy.

On a motion duly made by Joan Abrams and seconded by John Walsh it was

VOTED:	That	the Board of Governors for Higher Education approve the changes to the Board's current Student Residency Policy (S-5.0) regarding tuition and fees as set forth by Governor Mancuso and as provided in enclosure 8c1.
	Vote:	11 members voted in the affirmative, and 0 members voted in the negative as follows:
	YEAS:	Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Tessa Constant, William Maaia, Eva-Marie Mancuso, Jane Sherman, Thomas Rockett, Michael Tikoian, and John Walsh
	NAYS:	0

At this time, Chair Adrain opened the meeting for discussion and comments.

Governor Maaia suggested that the documents submitted by the individual speakers be marked as public documents and be included in the record regardless of the outcome.

Governor Constant shared her thoughts with the Board. She stated that the basic human rights are food, water, oxygen and also education. If passed, this policy will allow a young adult an opportunity to be self-reliant, to improve their situation, to become qualified employees of Rhode Island and contribute to the state. She would like to see more done in an effort to stop the legislature from making cuts to higher education, but rather to fund it. She expressed her full support of this proposal.

Lastly, Governor Beretta moved that the proposal be amended to include a sentence stating that the failure of a student to file an application for lawful immigration status as soon as he or she is eligible will result in the forfeiture of future in-state tuition rates. At Chair Adrain's request, Governor Beretta re-read the motion for the Board's approval as follows *"The failure of a student to file an application for lawful immigration status as soon as he or she is eligible will result in a forfeiture of in-state tuition rates in the future."*

On a motion duly made by Amy Beretta and seconded by Antonio Barajas it was

VOTED: That the Board of Governors for Higher Education amend the proposal to include:
"The failure of a student to file an application for lawful immigration status as soon as he or she is eligible will result in a forfeiture of in-state tuition rates in the future."

Vote: 11 members voted in the affirmative, and 0 members voted in the negative as follows:

YEAS: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Tessa Constant, William Maaia, Eva-Marie Mancuso, Jane Sherman, Thomas Rockett, Michael Tikoian, and John Walsh

NAYS: 0

After offering an opportunity for any further questions or comments, Governor Mancuso turned the meeting over to Chair Adrain for a vote.

On Item 8c, "Approval of Changes to the RIBGHE's Current Student Residency Policy (S-5.0) Regarding Tuition and Fees" as set forth by Committee Chair Mancuso and in the documents provided in enclosure 8c1 and as amended, Chair Adrain called for a roll call vote on the proposal:

Governor Constant: aye
Governor Beretta: aye
Governor Rockett: aye
Governor Barajas: aye
Governor Mancuso: aye
Governor Tikoian: aye
Governor Sherman: aye
Governor Walsh: aye
Governor Abrams: aye
Governor Maaia: aye
Governor Adrain: aye

Chair Adrain stated "the ayes have it and the motion passes."

- d. **Personnel** (*Rescheduled to next Board meeting.*)
 - e. **Quality, Continuous Improvement and Innovation** (*Rescheduled to next Board meeting.*)
 - f. **Student Advisory** (*Rescheduled to next Board meeting.*)
- 9. **ADDITIONAL CONSENT AGENDA** (*Rescheduled to next Board meeting.*)
 - 10. **PRESIDENT'S REPORTS** (*Rescheduled to next Board meeting.*)
 - 11. **UNFINISHED BUSINESS** (*Rescheduled to next Board meeting.*)
 - 12. **EXECUTIVE SESSION**

Chair Lorne indicated that he would entertain a motion to enter into executive session pursuant to R.I.G.L. §42-46-5(a)(1) to discuss Item 12c, discussion and approval regarding the outstanding terms of President Carriuolo's 2011-2014 contract.

The Chair stated that President Carriuolo was notified, in writing, of her right to proceed in open session pursuant to R.I.G.L. §42-46-5(a)(1). She did not object to proceeding in closed session.

On a motion duly made by Jane Sherman and seconded by Michael Tikoian it was

VOTED:	That	the Board of Governors for Higher Education convene in executive session pursuant to R.I.G.L. §42-46-5(a)(1) for the reasons set forth above.
	Vote:	11 members voted in the affirmative, and 0 members voted in the negative as follows:
	YEAS:	Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Tessa Constant, William Maaia, Eva-Marie Mancuso, Jane Sherman, Thomas Rockett, Michael Tikoian, and John Walsh
	NAYS:	0

After a short break, the Board convened in Executive Session at 9:20 p.m.

All non-Board members in the audience were excused with the exception of Ray M. Di Pasquale, Commissioner and President of the Community College of Rhode Island; Ronald Cavallaro, General Counsel for the Board and Anne Marie Coleman, Director of Labor Relations.

The Board reconvened in open session at 9:57 p.m.

On a motion duly made by Michael Tikoian and seconded by John Walsh it was

VOTED: That the Board of Governors for Higher Education seal the minutes of the executive session held this evening.

Vote: 11 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Tessa Constant, William Maaia, Eva-Marie Mancuso, Jane Sherman, Thomas Rockett, Michael Tikoian, and John Walsh

NAYS: 0

13. NEXT MEETINGS

Tuesday, November 1, 2011, 5:30 p.m. at the Community College of Rhode Island
Board Room 4090, Warwick

Monday, December 5, 2011, 5:30 p.m. at Rhode Island College, Student Union
Ballroom, Providence, Rhode Island.

14. ADJOURNMENT:

On a motion duly made by Thomas Rockett and seconded by Antonio Barajas it was

VOTED: That the Board of Governors for Higher Education adjourn.

Vote: 11 members voted in the affirmative, and 0 members voted in the negative as follows:

YEAS: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Tessa Constant, William Maaia, Eva-Marie Mancuso, Jane Sherman, Thomas Rockett, Michael Tikoian, and John Walsh

NAYS: 0

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Jane Sherman, Secretary