



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 24, 2012, at the Community College of Rhode Island, Warwick, Rhode Island. Chair Lorne Adrain declared a quorum present and called the meeting to order at 5:36 p.m.

Present: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Eva-Marie Mancuso, Jane Sherman, Michael Tikoian, and John Walsh

Absent: George Caruolo, Tessa Constant, William Maaia, Thomas Rockett, and Joseph White

1. ACCEPTANCE OF THE AGENDA

On a motion duly made by Amy Beretta and seconded by Jane Sherman it was

VOTED: That the Board of Governors for Higher Education accept the agenda for the meeting of September 24, 2012.

Vote: 7 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Lorne Adrain, Antonio Barajas, Amy Beretta, Eva-Marie Mancuso, Jane Sherman, Michael Tikoian, and John Walsh

NAYS: 0

2. APPROVAL OF THE MINUTES

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

VOTED: That the Board of Governors for Higher Education approve the minutes of the August 20, 2012 meeting.

Vote: 7 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Lorne Adrain, Antonio Barajas, Amy Beretta, Eva-Marie Mancuso, Jane Sherman, Michael Tikoian, and John Walsh

NAYS: 0

3. COMMUNICATIONS/ANNOUNCEMENTS

None.

4. REPORT OF THE CHAIR

Chair Adrain welcomed everyone to tonight's meeting and thanked President Di Pasquale and the CCRI staff for hosting the Board this evening.

The Chair asked that the Board move the presentation regarding Ameresco to the front of the Agenda to accommodate their representatives.

Commissioner Di Pasquale stated that he was very pleased with the work that Ameresco is conducting on the energy audit and the improvements being worked on at CCRI. He turned the meeting over to Bob Shea, the Vice President for Business Affairs for an in depth explanation of the work being done by Ameresco.

Mr. Shea introduced Ameresco's representatives, Mr. Kleo Taliadouros and Mike Daigneault. Mr. Daigneault is a graduate of the University of Rhode Island. He began at Ameresco while a student at the University of Rhode Island and is now the Vice President for Development. Mr. Daigneault's experience highlights the importance of student internships.

After a competitive bidding process, Ameresco was awarded the project. Ameresco and the College are now about a year and a half into their public/private partnership. Ameresco is a mature industry, for which energy is their only business. For CCRI, this was the only way the College was going to address the depreciated items at its physical plant. There is no upfront capital investment required. Ameresco's engineering professional staff designs all of the conservation measures and guarantees the savings over a 15 year period. These savings will pay for the project. The total cost of the project is \$14.8 million. When the project was initially started, it was estimated at \$15.5 million. Without consultation, the State Budget Office cut funding to the College to \$11.1 million. After Ameresco conducted their investment grade audit, they valued the actual project need at \$19.5 million. Vice President Shea indicated that the College is looking into areas to pay for the \$5 million additional dollars needed. The total savings in energy over the 15 year length of the project is \$21 million.

5. OPEN FORUM

Chair Adrain noted that three individuals had signed up to speak during open forum.

Frank Annunziato, Executive Director, University of Rhode Island, Chapter of the American Association of University Professors (AAUP). Mr. Annunziato stated that the AAUP represents the 700 full-time faculty members at the University. On their behalf, he addressed that Board with respect to the unfair labor practice charge, the new complaint that the State Labor Relations Board has issued against this Board. Mr. Annunziato shared the following facts with the Board: on November 1, 2011, the Board of Governors voted to raise tuition for students at the University of Rhode Island by 9% for fiscal year 2012-2013. This action was taken while the Board of Governors and the AAUP were negotiating a collective bargaining agreement. Those negotiations began on March 26, 2011. On February 2, 2012, a Tentative Agreement was reached at the bargaining table and the parties reduced it to writing and agreed that both parties would ratify the contract on March 19, 2012. The AAUP kept its word – the Board of

Governors did not. The Board of Governors then scheduled a special meeting to ratify the contract on April 2, 2012. This meeting was cancelled on Friday, March 30th, 2012. On April 5th, the Providence Journal's headline said that Governor Chaffee was not in favor of the negotiated pay raises at the state colleges. Governor Chaffee said the 3% raise was excessive even though all the other state employees had already received a 3% raise and even though later on the Governor offered a 3% raise to other state employees together with the Board of Governors' employees. The AAUP then asked to meet with the Chair and the Commissioner three times and three times received no response.

On May 7, 2012, the Board rejected the contract by a 7-5 vote. Several Board members stated that they did not want to raise tuition, even though the Board already had raised tuition on November 1, 2011. The AAUP was then forced to raise an Unfair Labor Practice Charge with the Rhode Island State Board of Labor Relations. The Board of Governor's response to that was to hire an outside counsel to represent the Board, to pay all kinds of money to do that, and to vote on May 31st that the entire Board must vote with respect to this Unfair Labor Practice Charge on all non-perfunctory issues. ~~Another~~In other words, saying the Board did not even trust themselves to handle this problem. On September 5, 2012, the State Board of Labor Relations issued a unanimous complaint against the Board of Governors. All management, as well as labor members voted in favor of this Complaint. Not one management representative voted in the Board's favor. The State Board of Labor Relations has scheduled a hearing on this Complaint for October 23, 2012. The AAUP's attorney intends to depose all seven members of the Board who voted against the contract. The attorney will find out what each Board member knew and when they knew it and why the Board did what it did.

Mr. Annunziato continued, indicating that the Board of Governors is scheduled to go out of business on December 31, 2012. He believes that since the Board has continued to act, in the Union's opinion, dishonorably and unfairly, and in violation of state law, one must conclude that the Board of Governors are stalling so that their successor Board of Education will be forced to handle a problem that this Board has created. He added that the Board of Governors still has time to behave responsibly. On behalf of the 700 full-time faculty at URI, he asked the Board to ratify the contract that the Board authorized its negotiator to make. Let's not make any further legal actions, the Board of Governors cannot win at the State Labor Relations Board, the Board's actions were that outrageous.

Mr. Annunziato ended with a note that he was taught that when he made a mess, he had to clean it up. He and his wife have taught that to their daughters. The Board of Governors and only the Board of Governors has made this mess. He asked that the Board act like mature adults and clean up the mess by ratifying the contract.

Professor Sandy Hicks, is the Vice President of the AAUP and also works in the School of Education, College of Human Sciences and Services at the University. Professor Hicks asked the Board to reconsider their vote. She believes that everyone entered into the negotiation process in good faith. There seemed to have been no sign to anyone that going forward there would be anything but a vote in support of what has already been a long negotiation process. There were some real concerns about the contract that the AAUP ultimately had agreed to. She doesn't begin to understand how the AAUP and the Board are where they are at right now. To her, it seems a bit unreasonable and odd. Professor Hicks agrees with her colleagues that there seems to be no reason why that contract could not have gone forward and be voted upon. Again, she encourages the Board to rethink the contract. To vote as the independent committee that it is. Professor Hicks encourage the Board to forget what the Governor said in an uninformed time, and probably now knows better about what the

status of the finances at the University are and who we are. In closing, she asked that the Board vote on the justice of the fact that they negotiated the contract, sent individuals to have those negotiations thinking that they were negotiating on the Board's behalf, and then to have it go to where it is now, is incomprehensible.

Peter Larson, Chair of the Faculty Senate at the University of Rhode Island. Mr. Larson addressed the Board to show his support of the requested change to the Overhead Policy and Regulation on Indirect Cost Recovery at the University of Rhode Island. Mr. Larson explained that the Senate leadership has had discussions with the University's administration concerning this policy and urges the Board to accept the proposal.

6. REPORT OF THE COMMISSIONER

Commissioner Di Pasquale stated that the 2014 Operating Budget will be discussed on Thursday at the Facilities, Finance, and Management Committee meeting. Each of the institutions will share their presentation. Within that budget, there are serious cuts that must be discussed and the repercussion of what that means to higher education in the future. After the Committee's review and recommendation, the Board will review it at its October 29, 2012 meeting. If acted upon, it will be reported to the State Budget Office and eventually included in the Governor's submission to the General Assembly.

The tuition waiver audit which is being conducted under the supervision of the state Bureau of Audits is underway. This audit is examining both employee and statutory tuition waivers. The final report is expected sometime in October. We also are concluding our external audit which is scheduled to close for September 27, 2012, and this report will also be given at the Facilities, Finance, and Management Committee as well.

The Capital Improvement budget passed by the Board was discussed at the Department of Administration's recent meeting. Upon the approval of the Board at its August meeting, the capital budget was submitted to the State Budget Office for inclusion in the State's Capital Improvement plan prepared by the Governor for submission and consideration by the legislature.

Commissioner Di Pasquale shared with the Board a copy of an Op-ed piece to be submitted to the Providence Journal. This piece positions the three institutions of the State's public higher education system as a timeless asset to the state, especially in terms of their contribution to the economic recovery, and it will be followed by two more Op-ed placements: a discussion of the current mission and philosophy of the higher education system; and a discussion of a future vision for the system.

7. NEW BUSINESS

a. **Recommendation for the Approval of the Acquisition of Allen Harbor property from the U.S. Department of Education via the Federal Surplus Procedures.**

Associate Commissioner Susan LaPanne recalled that at the Board's January 2012 meeting, the Board gave the University permission to go forward with its application to obtain the property located at Allen Harbor at Quonset point through the Federal Surplus Procedures with the United States Department of Education. Those negotiations have continued and

concluded with the award of that property through this program to the University of Rhode Island for zero cost. Attached to Item 7a is a copy of the Quitclaim Deed that has been negotiated between the University and the U.S. Department of ~~education~~Education. Upon approval from the Board, this matter will be forwarded to the State Properties Committee for its approval.

On a motion duly made by John Walsh and seconded by Amy Beretta it was

VOTED: That the Board of Governors for Higher Education approves the acquisition of the Allen Harbor Property by the University of Rhode Island from the U.S. Department of Education via Federal Surplus Procedures subject to the approval of the State Properties Committee.

Vote: 8 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Eva-Marie Mancuso, Jane Sherman, Michael Tikoian, and John Walsh

NAYS: 0

b. Approval of a Change to the RIBGHE's Overhead Policy and Regulation on Indirect Cost Recovery at URI.

President Dooley presented the Board with a copy of the proposed changes to the existing policy. He included a brief description of some of his remarks from the last meeting with regard to the principal roles and purposes of the University's use of recovered F & A. These funds accompany the University's research activity won competitively by the University's faculty. President Dooley feels that the current policy, which lays out in some detail how the funds were to be spent, served the Board and the University well for a number of years. The proposed revisions does not reflect a critique of that policy so much as it does a growing awareness that we need a policy that allows more flexibility and a policy that is administered primarily from the campus with more oversight. President Dooley reviewed with the Board the proposed URI OH Distribution with the new policy versus the current OH distribution for FY 2013. The new policy allows for roughly 10% of the cost to be ~~reinvesting~~reinvested in sponsored research at the University to maintain the program and grow it over time. That critical reinvestment is absolutely essential. The new policy will also allow the University to review the allocations annually with the research council and report to the Board and the Faculty Senate. This will ensure institutional accountability, transparency, and responsibility in said report outlining how the funds were allocated and invested to support its research programs and goals.

Governor Walsh addressed number 3 which outlines the shared governance between the university and the Faculty Senate leadership. These percentages will be revisited every year. Governor Walsh commented that on what the discussions were like between President Dooley, the University's administration and the Faculty Senate while trying to reach an agreement, and he did not think he was venturing too far into thinking that the Faculty Senate probably supported the new policy because of President Dooley's work and that of his staff. Governor Walsh asked what happens down the road if Dr. Dooley is no longer the University's

President and there is a different president who has a different understanding of what shared governance is with the Faculty Senate, and the ratios change dramatically. How does the Faculty Senate respond to that?

President Dooley responded that a process had been put together in writing on how this would go on an annual basis. This process has been approved by the Faculty Senate and has the full support of the administration. It will become part of the University's management in terms of how this will be done. President Dooley explained that these funds support a lot of activity and need to be looked at on an annual basis in the same way that other parts of the University's total operation are reviewed.

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

VOTED: That the Board of Governors for Higher Education approves and adopts the proposed revision to the Board of Governors' Overhead Policy and Regulations on Indirect Cost Recovery at URI.

Vote: 8 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Eva-Marie Mancuso, Jane Sherman, Michael Tikoian, and John Walsh

NAYS: 0

8. BOG COMMITTEE REPORTS and RELATED CONSENT AGENDA

a. Academic and Student Affairs

1. Approval of URI's Proposal to Offer the B.S. in Psychology

Chair Walsh reported that the Academic and Student Affairs Committee met on August 24, 2012. The Committee approved one new program at the University of Rhode Island, a B.S. in Psychology. This approval was based on the condition that the system transfer plans and a joint admission agreement be completed. The Committee's review found that the University provided a clear rationale for the benefits of offering the new degree program and determine that the new major is likely to attract additional students to the University.

On a motion duly made by John Walsh and seconded by Jane Sherman it was

VOTED: That the Board of Governors for Higher Education approve the proposal to offer the Bachelor of Science degree in Psychology at the University of Rhode Island, upon the condition that system transfer plans and a Joint Admission Agreement plan be completed no later than November 1, 2012.

Vote: 8 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Eva-Marie Mancuso, Jane Sherman, Michael Tikoian, and John Walsh

NAYS: 0

b. Facilities, Finance and Management

Chair Tikoian announced that the next meeting of the Facilities, Finance and Management Committee is scheduled for Thursday, September 27th at CCRI. The Committee will review the operating budgets for the next fiscal year. Everyone's attendance is appreciated.

c. Government Relations

Chair Mancuso indicated that there was no report of the Government Relations Committee.

d. Personnel

Governor Mancuso reported that the Personnel Committee has been very busy conducting the annual reviews of the three presidents. The Committee is also in the process of completing the contract renewal evaluation for Commissioner Di Pasquale as President of the Community College effective July 1, 2013. The proposed contract will be available for the Board's review and vote at the Board's October meeting.

e. Quality, Continuous Improvement and Innovation

Chair Beretta indicated that she has sent draft metrics to the institutions. The Committee has scheduled meetings with all three institutions to review the draft metrics. The ASAC Committee has been invited to participate and hopefully a report to the full Board will be made at its November meeting.

f. Student Advisory

No report was given.

9. ADDITIONAL CONSENT AGENDA

a. Approval of Awarding of Degrees at the University of Rhode Island

President Dooley presented the University's request for the awarding of degrees there.

On a motion duly made by Amy Beretta and seconded by Eva-Marie Mancuso it was

**VOTED:
(Item 9a)**

That the Board of Governors for Higher Education approves the awarding of undergraduate and graduate degrees to the candidates who will have completed their requirements at the conclusion of the Summer 2012 semester and who will be approved by the faculty of the University of Rhode Island.

Vote: 8 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Eva-Marie Mancuso, Jane Sherman, Michael Tikoian, and John Walsh

NAYS: 0

b. Request of Personnel Review Committee at URI and RIC

Anne Marie Coleman, Assistant Vice President for Human Resources at the University presented five items for approval on the Agenda. The first two are from the University of Rhode Island, they are two former Assistant Director positions for Student Life which the University is looking to move to a Director level.

At Rhode Island College, the PRC has approved the College's request to establish three new classifications: the Director of Athletics and Recreation & Assistant Vice President of Administration, an Associate Director of Communications, and the Educational Support Facilitator for the Learning for Life Program.

On a motion made by Amy Beretta and seconded by Jane Sherman it was

VOTED:

(Item 9b) THAT the Board of Governors for Higher Education approves the Personnel Review Committee's recommendations as follows:

At the University of Rhode Island:

Reclassify two positions:

- Assistant Director, Student Life/Disability Services (Grade 13)(\$58,870 -- \$74,315) to Director, Student Life/Disability Services (Grade 14)(\$55,493 - \$118,801);
- Reclassify Assistant Director, Student Life/Judicial & Commuter Affairs (Grade 13) (\$58,870) -- \$74,315) to Director, Student Life/Disability Services (Grade 14) (\$55,493 - \$118,801);

At Rhode Island College:

Establish three new classifications:

- Director of Athletics and Recreation & Assistant Vice President, Administration (BOG, Grade 18) (\$75,146 - \$163,350);
- Associate Director, Communications (BOG, Grade 13) (\$51,502 - \$109,718); and
- Educational Support Facilitator, Learning for Life Program (BOG, Grade 7) (\$32,625 - \$68,473).

Vote: 8 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Eva-Marie Mancuso, Jane Sherman, Michael Tikoian, and John Walsh

NAYS: 0

10. PRESIDENTS' REPORTS

a. Community College of Rhode Island

President Di Pasquale was pleased to introduce Dr. Lois Wims. Dr. Wims has accepted the position of Dean of Arts and Humanities and Social Sciences, the College's largest division. Dr. Wims is a native Rhode Islander who was the first and only female police officer to serve Central Falls from 1977 to 1985. She has worked in higher education for more than 27 years, most recently as Dean of Social and Behavioral Science at Mercy College in Dobbs Ferry, New York. Dr. Wims holds a Doctorate in Psychology from the University of Rhode Island, a Master's in Criminal Justice from Salve Regina and a Bachelor's Degree from Bryant College.

President Di Pasquale announced that Vice President Lela Morgan will be stepping down after 46 years of service to the Community College of Rhode Island. VP Morgan has held a variety of positions at the College, having most recently been appointed by President Di Pasquale as Vice President for Academic Affairs.

Enrollment at the College as of this morning is 17,884. This number represents a very small decrease – only nine students – from last fall's enrollment. The College's satellite campus in Westerly has seen an increase of 4.5 percent. Distance learning also has increased by nearly 3 percent; more than 6,000 students are taking a distance learning class this fall.

President Di Pasquale announced that Debate Watch 2012, a national program that gives citizens a direct voice in the political campaign process, will be held at the Community College on Wednesday, October 3rd. All are invited to attend.

President Di Pasquale's written report included an update on the College's Fall Classic Golf Tournament. This year's event raised a record-breaking \$43,000 for student financial support. The success of this tournament can be directly attributed to the generosity of the College's sponsors. Since the tournament began 18 years ago, nearly \$400,000 has been raised to help students with scholarship assistance, textbook purchases and a variety of other

forms of financial assistance.

His report also announced the hiring of Mr. Joseph April as the new Associate Vice President for Institutional Advancement and College Relations. Mr. April has worked in higher education for more than 17 years. He has helped to shape the development, community partnerships, and alumni efforts for a number of institutions similar in size and scope to CCRI, and will be a valuable addition to the College's Office of Institutional Advancement.

b. University of Rhode Island

President Dooley announced that there are many celebrations being held this fall at the University. There will be a grand opening of the brand new College of Pharmacy building, the Alton Jones Campus just celebrated its 50th anniversary, and coming up there is a brand new dormitory that will be opening over the Columbus Day weekend. In December, the University will open the second half of the College of Pharmacy building. This basement facility includes a certified manufacturing process fully outfitted by state-of-the-art industry standards for manufacturing pharmaceuticals. The facility will be a revenue generator as well as a training site for students in preparing them to go on to a growing part of the United States economy in pharmaceuticals and biotech products.

c. Rhode Island College

President Carriuolo announced that this was a good year for research at Rhode Island College. The College has received over \$10 million in grants. She recognized that the College is not a research institution and does not compete with research institutions, but for a research institution of its size over \$10 million is excellent.

With respect to the graduation rate of Hispanic students at the College, the Education Trust released two reports. The first listed RIC as number 10 on the list of the top 25 public institutions nationally that closed the gap on graduation rates between white and Hispanic students from 2004 to 2010. In a separate report, the College ranked 20th out of 25 public institutions nationally with gains in Hispanic student graduation rates between 2004 and 2010. A few weeks ago the Washington Monthly rankings placed RIC 2nd in the state among college's of its type in regard to providing an education and benefits to the public.

President Carriuolo spoke on the upcoming bond issue to appear on the November ballot, "Question 3", a \$50 million referendum that will allow the College to renovate and modernize its two largest general education buildings on campus, Gaige Hall and Craig Lee (\$44 million), and renovate, upgrade and expand the small portion of Fogarty Life Science building devoted to nursing and allied health programs (\$6 million). In her written report, President Carriuolo indicated that the modest renovation to Fogarty does not preclude a joint URI-RIC nursing building in downtown Providence.

11. UNFINISHED BUSINESS

None.

12. EXECUTIVE SESSION

Chair Adrain indicated that he would entertain a motion to enter into executive session to discuss an update on Litigation - ULP Complaint (AAUP) pursuant to R.I.G.L. §42-46-5(a)(2); Update on Collective Bargaining pursuant to R.I.G.L. §42-46-5(a)(2) – Driver's Education Association, Part-Time Faculty United, and RIC Adjunct Faculty; Potential Litigation, pursuant to R.I.G.L. §42-46-5(a)(2); Annual Report on All Pending Litigation (all cases pending in U.S. District Court, Rhode Island Supreme Court, Rhode Island Superior Court, and all matters pending before RICHR) pursuant to R.I.G.L. §42-46-5(a)(2).

On a motion duly made by Jane Sherman and seconded by Eva-Marie Mancuso 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)(2) for the reasons set forth above.

Vote: 8 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Eva-Marie Mancuso, Jane Sherman, Michael Tikoian, and John Walsh

NAYS: 0

After a short break, the Board convened in Executive Session at 6:57 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; University of Rhode Island President David M. Dooley; Rhode Island College President Nancy Carriuolo; Ronald Cavallaro, General Counsel for the Board; Anne Marie Coleman, Director of Labor Relations; Michael Trainor, Special Assistant to the Commissioner, Susan LaPanne, Associate Commissioner for Finance & Management, Deborah Grossman-Garber, Associate Commissioner for Academic Planning & Policy and Michael Chittick, Esquire, Adler, Pollock & Sheehan.

The Board reconvened in open session at 7:55 p.m.

On a motion duly made by Joan Abrams and seconded by Antonio Barajas it was

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

Vote: 8 members voted in the affirmative and 0 members voted in the negative as follows:

YEAS: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta, Eva-Marie Mancuso, Jane Sherman, Michael Tikoian, and John Walsh

NAYS: 0

13. NEXT MEETINGS

Monday, October 29, 2012, 5:30 p.m. at Rhode Island College
Student Ballroom, Providence

Monday, December 10, 2012 (revised from December 3rd)
Community College of Rhode Island
Board Room 4090, Warwick

14. ADJOURNMENT:

On a motion duly made by Eva-Marie Mancuso and seconded by Antonio Barajas it was

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

Vote: 8 members voted in the affirmative and 0 members
voted in the negative as follows:

YEAS: Lorne Adrain, Joan Abrams, Antonio Barajas, Amy Beretta,
Eva-Marie Mancuso, Jane Sherman, Michael Tikoian, and
John Walsh

NAYS: 0

The meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Jane Sherman, Secretary