



Enclosure 3a.  
January 13, 2016

## Minutes of the Council on Postsecondary Education Meeting

Wednesday, December 2, 2015, 5:30 p.m.  
Community College of Rhode Island  
400 East Avenue, Room 4090  
Warwick, Rhode Island 02886

The Council on Postsecondary Education met on Wednesday, December 2, 2015, at CCRI in Room 4090 in Warwick, RI. At 5:32 p.m. Chair William Foulkes called the meeting to order and asked for the roll to be taken.

**Present:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John Rainone, John J. Smith Jr., and Dr. Jeffery Williams.

**Absent:**

### 1. ACCEPTANCE OF THE AGENDA

Chair Foulkes entertained a motion to amend the agenda and move item 7i to 7a.

On a motion duly made by Mr. Smith and seconded by Mr. Duffy, it was

**VOTED:**                   **THAT** The Council on Postsecondary Education amend the agenda and move 7i to 7a.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

Chair Foulkes entertained a motion to accept agenda for December 2, 2015, as amended. On a motion duly made by Mr. Smith and seconded by Mr. Williams, it was

**VOTED:**                   **THAT** The Council on Postsecondary Education accept the agenda for the meeting of December 2, 2015 as presented and amended.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

## 2. OPEN FORUM

Chair Foulkes reported that 11 speakers had signed up to speak at Open Forum and entertained a motion to allow each speaker three minutes to speak.

On a motion duly made by Mr. Izzo and seconded by Mr. Smith, it was

**VOTED:**                   **THAT** The Council on Postsecondary Education allow each speaker three minutes to speak in open forum.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

Four people spoke regarding the selection of the new president of CCRI, and seven spoke in support of President Carriuolo's tenure at RIC.

### 3. APPROVAL OF THE MINUTES

#### **Minutes of the Council on Postsecondary Education's October 14, 2015 Meeting:**

On a motion duly made by Mr. Rafanelli and seconded by Mr. Smith, it was

**VOTED:**               **THAT** The Council on Postsecondary Education approve the minutes for the meeting of October 14, 2015.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

#### **Minutes of the Council on Postsecondary Education's November 20, 2015 Meeting:**

On a motion duly made by Mr. Rafanelli and seconded by Ms. Ouellette, it was

**VOTED:**               **THAT** The Council on Postsecondary Education approve the minutes for the meeting of November 20, 2015.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

#### **4. REPORTS FROM THE CHAIRS AND COMMITTEES**

##### **Chair Barbara Cottam**

Chair Cottam reported that she attended an event at Francis J. Varieur School in Pawtucket celebrating their Blue Ribbon Award. She was impressed how many parents and teachers came back at night to celebrate this national recognition for the school. The Superintendent recognized how special the Principal was and has placed the Principal in another school to replicate the success.

##### **Chair Bill Foulkes**

Chair Foulkes gave an update on the search process for the new president of CCRI. He thanked everyone at CCRI, the staff and Deb Zielinski for her tireless efforts. He thanked everyone for attending the forums on Friday, November 20, 2015, at CCRI, noting that there was standing room only.

He also thanked the Postsecondary Council members for dedicating their morning on November 20<sup>th</sup> to interviewing the candidates. He stated that the Council has enormous responsibility in this selection. They have put in countless hours in participation on thinking the decision through.

##### **Finance and Facilities Committee**

###### **Chair Michael Bernstein**

Chair Bernstein noted that significant items are ongoing before the Committee and that the next meeting would be on Wednesday, December 16, 2015. He asked Dr. Susan LaPanne to give an update.

Dr. Susan LaPanne reported that the final financial statement for RIHEAA for June 2015 is under final audit review. She also noted that the three institutions are undergoing A133 Reports and she will send out information to Committee members as soon as possible.

##### **Personnel Committee**

###### **Chair Kerry Rafanelli**

Chair Rafanelli reported that the next Personnel Committee meeting will be held on Wednesday, December 16, 2015, where they will be reviewing President David Dooley.

Chair Rafanelli reported that they meet on November 18, 2015, to conduct the evaluation of President Carriuolo. The committee conducted the evaluation in Executive Session. They will be sending President Carriuolo a follow-up letter in the upcoming weeks.

## 5. COMMISSIONER'S REPORT

Commissioner Purcell deferred report, noting that there were no notices of new programs for any of the institutions.

## 6. PRESIDENTS' REPORTS

### a) University of Rhode Island - Update from last report and current events.

Standing in for President Dooley, Provost Donald DeHayes asked everyone to refer to the report in their packets, noting several updates:

- On November 19, 2015, the French Section of URI's Department of Modern and Classical Languages and Literatures organized the URI Vigil for Peace and Remembrance. More than 1,000 faculty, staff and students participated in the vigil.
- On November 2, 2015, Paula Grammas was named Executive Director for the George and Anne Ryan Institute for Neuroscience. In addition a recent MOU among URI, Brown University, Care of New England, and the Veterans Administration Hospital reflects a commitment to collaborate on neuroscience research.

### b) Rhode Island College - Update from last report and current events.

President Carriuolo gave the following update on items related to Rhode Island College:

- Rhode Island College is launching a new Institute for Education in Healthcare, designed to train current and future healthcare professionals. The partnership is focused on collaborative, interdisciplinary learning.
- The Champlin Foundations have awarded Rhode Island College a \$375,000 grant to renovate the introductory biology laboratory and adjacent preparation rooms in the Fogarty Life Science Building.
- On October 29, 2015, RIC and the Rhode Island Jump\$tart Coalition hosted a teacher training workshop on personal finance. Sponsored by Fidelity Investments, the workshop offered 80 K-12 teachers' opportunities to interact with financial experts and to share their teaching plans.
- Rhode Island College, together with a dozen industry partners, has been awarded a Real Jobs RI implementation grant from the R.I. Department of Labor and Training that will provide \$150,000 in annual funding for three years.

Titled "Healthy Jobs for Rhode Island," RIC's grant involves a multi-strand workforce training plan to recruit and retain paraprofessional health care workers. The industry partners have committed to hiring 70 paraprofessionals trained through the program, with that number expected to increase in the future.

**c) Community College of Rhode Island - Update from last report and current events.**

Standing in for President DiPasquale, General Counsel Ronald Cavallaro reported the following updates:

- The Champlin Foundations have awarded CCRI \$324,180 to establish a high-fidelity, multidisciplinary clinical simulation center at the Flanagan Campus for students studying nursing and allied health. He stated that equipment has been purchased to help students develop their skills.
- The CCRI Foundation will host its signature fundraising event "Changing Lives: A Cultural Celebration through Food and Entertainment," at 6:00 p.m. on December 3, 2015, at Rhodes on the Pawtuxet in Cranston. Proceeds from this event will be used to connect students with their dreams.
- The CCRI Players will perform David Mamet's "American Buffalo" in the auditorium at the Liston Campus in Providence this week.
- On October 29, 2015, CCRI signed a memorandum of understanding with the University of Rhode Island that will provide CCRI nursing students in their last semester guaranteed admission into URI's Bachelor of Science in nursing degree program.

Senator Izzo asked whether the CCRI/URI Nursing Partnership, is an arrangement in addition to the existing articulation agreement? General Counsel Cavallaro answered, that it was in addition to the existing agreement. Provost DeHayes said it makes it a seamless transition for someone with an Associate's degree in nursing at CCRI to transfer in the Bachelor's degree program at URI.

The question was also asked if it pertains to RIC. Dean Williams answered that the agreement is different than RIC's agreement but RIC does accept the CCRI students in a different way.

**7. ACTION ITEMS.**

**7a amended. Lease Agreement for the Town of Narragansett & URI 95 Middlebridge Road, Narragansett County of South County, State of Rhode Island.**

In keeping with the vote to amend the agenda and move item 7i to item 7a, the Council took up the matter of acceptance of a lease agreement for a parcel of Real Estate located at 95 Middlebridge Road, Narragansett between the Town of Narragansett and the Council on Postsecondary Education/University of Rhode Island.

Commissioner Purcell deferred to URI General Counsel, Louis Saccoccio.

Mr. Saccoccio informed the Council that the University of Rhode Island, on behalf of the Council, is requesting permission to enter into a lease agreement with the town of Narragansett for space at 95 Middlebridge Road, Narragansett, RI, to provide an appropriate place for the Women's Varsity Crew Team. These premises will provide access to the water, land, and building north of the bridge and directly across from the kayaking operation on Narrow River. This space provides a significant upgrade from the current space.

The initial term of this lease will be for the period beginning December 2, 2015 until its termination on June 30, 2017 with options to renew for successive one (1) year periods thereafter.

The University has agreed to pay \$20,000 per year with an agreed amount of \$10,000 for the initial seven (7) month period ending on June 30, 2016 for these premises.

On a motion duly made by Mr. Rafanelli and seconded by Mr. Izzo, it was:

**VOTED:**                   **THAT** The Council on Postsecondary Education approve the lease between the Council/ University of Rhode Island and the Town of Narragansett for the premises located at 95 Middlebridge Road, Narragansett. Upon approval, the lease will be brought to the State Properties Committee for its review and approval as required.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

**7a1. Approval of Proposed Amendment to Bylaws, Article V (Seal)-TABLED**

Commissioner Purcell recommended tabling this item, citing recent conversations with stakeholders from the Council on Elementary and Secondary Education.

On a motion duly made by Mr. Smith and seconded by Mr. Rafanelli, it was

**VOTED:**                   **THAT** The Council on Postsecondary Education table the motion to approve the proposed amendment to the Bylaws, Article V.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

**7a2. Approval of a proposed seal for the Council on Postsecondary Education.**

Given the previous vote, it was necessary to table the motion regarding the proposal seal, the vote for which depended on approving the amendment to the Bylaws.

**Motion 7a2:** (TABLED)

On a motion duly made by Mr. Smith and seconded by Mr. Rafanelli, it was:

**VOTED: THAT** The Council on Postsecondary Education table the motion to approve a proposed seal for the Council on Postsecondary Education.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

**7b1. Approval of Proposed Amendments to the "Student Complaint Policy."**

Following discussion at the October 14<sup>th</sup> meeting, Dr. Michael Walker-Jones reviewed changes to the Council's "Student Complaint Policy." As the State Authorization Reciprocity Agreement (SARA) portal agency for Rhode Island, the OPC/CPE has the authority and responsibility to resolve student and other complaints involving Rhode Island's SARA-approved institutions. As such, the current CPE student complaint procedure needs to be amended to reflect these responsibilities and comply with SARA requirements.

Dr. Walker-Jones summarized the proposed amendments to "Student Complaint Procedure" as follows: Section I of the document remains substantially unchanged, with superficial editing only. Section II represents a substantial addition to the current CPE procedure to include the necessary SARA provisions. He referred the Council to the enclosure for specific wording.

On a motion duly made by Mr. Rafanelli and seconded by Mr. Smith, it was:

**VOTED: THAT** The Council on Postsecondary Education approve the proposed amendments to the "Student Complaint Procedure," as presented; and

**THAT** The Council on Postsecondary Education direct the Office of the Postsecondary Commissioner to make this procedure a mandatory part of all SARA-approved institutional agreements, and as such direct that the SARA-approved institutions provide notification to their students regarding this procedure.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

**7b2. Approval of the Amendments to the Council's "Distance Learning Policy."**

Dr. Walker-Jones then reviewed proposed amendments to the Council's "Distance Learning Policy," reflecting the monitoring responsibilities to be assumed by OPC/CPE as the SARA portal agency for Rhode Island. The proposed SARA distance learning provision is a mandatory component for all SARA portal states and needs approval by the Council on Postsecondary Education in order for Rhode Island to become a SARA portal state. Dr. Walker-Jones indicated that the amendments update the policy to reflect the CPE as governing entity, clarify the definition for physical presence for distance learning under SARA, and specify the responsibilities for CPE/OPC as the SARA portal agency. He referred the Council members to the enclosure for specific and wording of the revised policy.

On a motion duly made by Ms. Ouellette and seconded by Mr. Izzo, it was:

**VOTED: THAT** The Council on Postsecondary Education approve the proposed amendments to the “Distance Learning Policy,” as presented.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

### **7c1. Approval of RI-SARA and Related Fees for Distance Learning.**

Dr. Walker-Jones proposed the following fee structure as part of Rhode Island’s participation in SARA:

Rhode Island – SARA (RI-SARA) initial fees for in-state institutions:

- \$3,500 -- Enrolled FTE – under 2,500
- \$6,000 -- Enrolled FTE – 2,500 – 9,999
- \$8,500 -- Enrolled FTE – 10,000 or more

Rhode Island – SARA annual renewal fees for in-state institutions:

- \$1,500 -- Enrolled FTE – under 2,500
- \$4,000 -- Enrolled FTE – 2,500 – 9,999
- \$6,000 -- Enrolled FTE – 10,000 or more

He noted that OPC anticipates the following expenses related to its role as the portal agency for SARA:

- Creating website content and ongoing support
- Handling student complaints related to RI-SARA institutions
- Fielding questions and providing responses to non-SARA institutions
- Processing first-time and renewal applications for RI-SARA
- Overall burden rate for service (administrative cost)

As presented during the Council meeting on October 14<sup>th</sup> and during the Finance and Facilities Committee meeting on November 12<sup>th</sup>, the Council may approve fees as part of the RI-SARA application process in order to make sure the program is self-sustaining.

On a motion duly made by Mr. Smith and seconded by Mr. Duffy, it was:

**VOTED:**                    **THAT** The Council on Postsecondary Education-approve the fee structure for those institutions whose first-time and renewal applications are approved for Rhode Island-State Authorization Reciprocity Agreement authorization (RI-SARA), as presented.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

## **7c2. Approval of Proposed Directive to Deposit and Use Fees for Program Support**

Dr. Walker-Jones recommended that the OPC retain in an account with the RI General Treasurer all fees collected as part of the SARA review or any program review and use these fees exclusively to support the full range of SARA and other program review operations. He indicated that OPC anticipates a number of expenses related to program review activities and that retaining the fees is necessary in order to ensure that these programs become self-sufficient, rather than supported via the general fund and thus add to the State's tax burden.

On a motion duly made by Mr. Izzo and seconded by Mr. Rafanelli, it was:

**VOTED:**                   **THAT** The Council on Postsecondary Education direct the Office of the Postsecondary Commissioner to deposit RI-SARA institutional fees and any other program review fees into an account kept by the Rhode Island General Treasurer, as permitted by RIGL § 16-59-18, in order to support the operation of any and all program reviews, applications, and renewals carried out by the Office of the Postsecondary Commissioner.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

**7d. Acceptance of the audited financial statements for URI, RIC, and CCRI for the Fiscal Year Ended June 30, 2015.**

Dr. Susan LaPanne stated the Finance and Facilities Committee is recommending that the full Council accept the three institutional financial statements as audited with clean opinions.

At the Finance Committee Meeting, Mr. David Dilulis, who is the external accountant, and the principal with O'Connor and Drew, presented all the required disclosures to the Finance Committee with a number of questions and conversation related to the way the audits were produced and the audit reports that were delivered to the Council members. Accepting these reports would allow them to be used for bond compliance and any other kinds of financial issues that the institutions have.

Dr. LaPanne thanked publicly the three controllers at the three institutions, Sharon Bell at URI, Sharon Picard at CCRI, and Melissa Sousa at RIC.

O'Connor and Drew, P.C., has issued the financial statements for the University of Rhode Island, Rhode Island College, and the Community College of Rhode Island for the fiscal year ended June 30, 2015, which will be included as component units in the State of Rhode Island's financial statements for the fiscal year ended June 30, 2015.

In addition to the completed financial audits, O'Connor and Drew will also complete the A-133 audits and provide management letters for the three institutions which will be presented to the Board at a later date. The A-133 audits are required for institutions that receive federal funds covered under OMB Circular A-133 and the deadline for these reports is November 30, 2014. Each of the institutions' major federal programs is reviewed for compliance with laws, regulations, contracts, and grants applicable to these federal programs. The management letters provide comments by O'Connor and Drew on the internal controls and operational matters of each institution.

These financial statements reflect the inclusion of the Governmental Accounting Standards Board (GASB) Statement #68 - Accounting and Financial Reporting for Pensions - An Amendment of GASB Statement No. 27. This statement requires that all financial statements for years beginning on or after June 15, 2014 reflect any unpaid liabilities for Defined Benefit Retirement Plans. While the Council on Postsecondary Education has had its own retirement plan since 1971 which is a Defined Contribution Plan and is fully funded, the Council employs many individuals who selected the State's pension plan when that selection was an option for them. Dr. LaPanne noted that the obligations for unfunded liabilities related to these employees are reflected in the statements as follows:

Prior Period Adjustment at 6/30/2015	
University of Rhode Island	\$101,690,807
Rhode Island College	36,110,443
Community College of Rhode Island	26,584,468
DHEA Division of OPC	3,025,755
<b>TOTAL</b>	<b>\$167,411,473</b>

She indicated that the Finance and Facilities Committee has received the required disclosures from the external auditors, who were present to provide the Council members with any additional information or clarification they may need.

Senator Izzo asked whether all three institutions had received a clean letter for their audits. David Dilulis, Audit Principal of O'Connor and Drew, P.C., said yes.

As Chair of the Finance and Facilities Committee, Mr. Bernstein thanked everyone for their hard work and efforts.

On a motion duly made by Mr. Rafanelli and seconded by Mr. Duffy, it was:

**VOTED:**                   **THAT** The Council on Postsecondary Education accept the Audited Financial Statements for the University of Rhode Island, Rhode Island College, and the Community College of Rhode Island for the Fiscal Year Ended June 30, 2015.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

**7e. Approval of the Awarding of Tenure at the Community College of Rhode Island.**

The System Personnel Review Committee reviewed the request from President Ray M. DiPasquale and recommended approval for the granting of tenure to the faculty members Emily Cumiskey and James Miller, Ph.D. President DiPasquale's request indicated that both met the requirements for tenure at the Community College of Rhode Island effective January 1, 2016.

On a motion duly made by Mr. Bernstein and seconded by Mr. Rafanelli, it was:

**VOTED:**                   **THAT** The Council on Postsecondary Education-  
approve the System Personnel Review  
Committee's recommendation and award tenure  
at CCRI to:  
Emily Cummiskey (Nursing)  
James Miller, Ph.D. (Social Sciences)

**VOTE:** 9 members voted in the affirmative and no  
members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis  
Duffy, William Foulkes, Senator Thomas Izzo,  
Judith Ouellette, Kerry Rafanelli, John J. Smith  
Jr., and Dr. Jeffery Williams.

**NAYS:** 0

**7f. Approval of Tenure at the Rank of Professor with Initial Appointment as Dean  
in the College of Business Administration at the University of Rhode Island.**

The System Personnel Review Committee reviewed the request from President David Dooley and recommended approval for the granting of tenure at the rank of Professor for Maling Ebrahimpour, Ph.D. Dr. Ebrahimpour was appointed as the new the Dean of the College of Business Administration effective September 6, 2015.

On a motion duly made by Mr. Duffy and seconded by Mr. Bernstein, it was:

**VOTED:**                   **THAT** The Council on Postsecondary Education-  
approve of the System Personnel Review  
Committee's recommendation and award tenure  
at URI to:  
Maling Ebrahimpour, Ph.D. (Business)

**VOTE:** 9 members voted in the affirmative and no  
members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis  
Duffy, William Foulkes, Senator Thomas Izzo,  
Judith Ouellette, Kerry Rafanelli, John J. Smith  
Jr., and Dr. Jeffery Williams.

**NAYS:** 0

**7g. Discussion and approval of the referral to the Commissioner of Postsecondary Education of the *Petition in the Nature of a Complaint to the Council on Postsecondary Education*, filed by three students against Rhode Island College, regarding the use of the HESI Examination in its nursing program.**

General Counsel Ron Cavallaro gave an overview of the matter and explained issues regarding the Council's jurisdiction. Last month, Council Chair Foulkes received a letter from Robinson & Clapham, Attorneys at Law and an accompanying *Petition in the Nature of a Complaint to the Council on Postsecondary Education* as filed on behalf of three named students against Rhode Island College. (These students' names have been omitted here due to concerns regarding the confidentiality requirements of the federal Family Educational Rights and Privacy Act and its accompanying regulations [FERPA] as well as other applicable state and/or federal confidentiality requirements.)

This Complaint takes issue with the way the HESI Exit Examination (E<sup>2</sup>) is used in, and the amount that it counts towards, a nursing student's final grade in the "Transition to Professional Nursing Practice" course (N375) in RIC's nursing program. (Two of the named students were allegedly dismissed from the RIC nursing program due to their HESI Exit Examination scores, and the other named student was allegedly required to retake the N375 course in the Fall.) It is also alleged that two of the named students did not receive an accommodation regarding this examination based upon their disabilities and their accommodation plans at the college.

The Complaint further alleges that RIC's use of the HESI Exit Examination in this manner "worked a significant change to the graduation requirements for students in the basic baccalaureate nursing program...", and that this change should have been approved by either the Board of Education or the Council on Postsecondary Education.

As such, this *Petition in the Nature of a Complaint to the Council on Postsecondary Education* may in fact present issues that are outside of the Council's statutory jurisdiction, and fall within the jurisdiction of the college and its President.

Mr. Cavallaro noted that at first glance this seemed to be an institutional matter, and he recommended that the Council refer the Petition to Commissioner Purcell so that he could explore the question of jurisdiction and provide an answer to the Council.

Mr. Bernstein asked whether taking up this matter would create an exception to the jurisdiction. General Council Ron Cavallaro said no, that the issue of jurisdiction is what is under review. Once that has been determined, the Commissioner would come back to the Council with recommendations for how to proceed.

On a motion duly made by Mr. Duffy and seconded by Ms. Ouellette, it was:

**VOTED:**                   **THAT** The Council on Postsecondary Education refer the *Petition in the Nature of a Complaint to the Council on Postsecondary Education* filed by three named students against Rhode Island College to the Commissioner on Postsecondary Education so that he may review the issues presented, including the issue of the Council's jurisdiction over this matter, and provide and recommendation to the Council for its action at a future meeting.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

**7h1. Request of the System Personnel Review Committee (SPRC) New Position-Benefits Specialist-Work Incentives Planning and Assistance at Rhode Island College.**

Ms. Anne Marie Coleman explained the following SPRC requests for new positions at Rhode Island College. Regarding the Benefits Specialist-Work Incentives Planning and Assistance, the Paul V. Sherlock Center at RIC is collaborating with several state and private agencies to implement the Consent Agreement between the State of Rhode Island and the United States Department of Justice to increase access to employment for individuals with disabilities. Providing counseling about work incentives is a critical component of that effort. The Benefits Specialist – Work Incentives Planning and Assistance provides work incentives planning and assistance to beneficiaries who receive Social Security Disability Benefits.

The Benefits Specialist – Work Incentives Planning and Assistance is responsible for counseling and educating beneficiaries, individually or in groups about how employment will affect their current benefits (which can also include public and private health insurance as well as other federal, state, and/or local benefits received) so that

individuals may make informed choices towards employment and self-sufficiency. This is a three-year, grant-funded position.

### **7h2. Request of the System Personnel Review committee (SPRC)-Business Administrator (RICDIAMC).**

The Rhode Island College Design, Innovation and Advanced Manufacturing Center (RICDIAMC) is an educational resource focused on employing transformational technologies to serve the needs of business and industry through education and training opportunities and to build the STEM pipeline of future professionals.

The Business Administrator will establish new workforce training policies by working with businesses and government leaders, and educators; facilitate conversations with business and government leaders and educators in creating advanced manufacturing workforce training curricula; and coordinate interactions with high schools, employers and labor organizations interested in creating new workforce training programs and apprenticeships.

### **7h3. Request of the System Personnel Review committee (SPRC)-Access to Integrated Employment Specialist.**

The United States Department of Justice reached a Consent Agreement with the State of Rhode Island in 2014 to increase access to integrated employment for adolescents and adults with intellectual disabilities. The Paul V. Sherlock Center on Disabilities at Rhode Island College was specifically named to administer a Conversion Institute to provide training and technical assistance to provider agencies regarding strategies for increasing access to integrated employment. The position of Access to Integrated Employment Specialist is listed in the functions of the Conversion Institute.

Similarly, the Paul V. Sherlock Center on Disabilities at Rhode Island College recently received a 1.95 million dollar grant from the US Department of Education to develop an integrated Transition and Postsecondary Education Program for Adolescents and Adults with Intellectual Disability of Rhode Island College. One of the core requirements of the grant is to promote a series of self-determination and career discovery experiences that will increase each participant's access to integrated employment. This position will coordinate that component of the grant.

On a motion duly made by Mr. Duffy and seconded by Mr. Smith, it was:

**VOTED:**                   **THAT** The Council on Postsecondary Education approve the System Personnel Review Committee's recommendations regarding:

- 1) Benefits Specialist-Work Incentives Planning and Assistance
- 2) Business Administrator (RICDIAMC)
- 3) Access to Integrated Employment Specialist.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

**7j. Discussion and recommendation for approval of a Request for Exemption from the University of Rhode Island's conflict of Interest Management Committee (CIMC) in accordance with the terms of the Rhode Island Public Private Partnership Act.**

General Counsel Lou Saccoccio gave an overview of the request. He introduced Ted Myatt, the Director of Research and Economic Development, at the University of Rhode Island. Mr. Myers explained that Walter Besio, Ph.D., has created a company called CREmedical Corporation at the University of Rhode Island Research Foundation and has a medical licensing agreement with Dr. Besio, and has given him a window of 54 months to bring it to market and commercialize that technology. The Research Foundation took back a 10% equity interest in that company.

Dr. Besio continues to be a researcher at that University of Rhode Island. Recently he received a \$3 million grant from the National Science Foundation at the University of Rhode Island.

Dr. Susan LaPanne explained that there are documents in the Council members' packets explaining the Council's policy and the University's procedure and policy related to this matter and we decided to put these in the packets for a permanent file that the University follows.

General Counsel Ronald Cavallaro explained that once the matter is approved by the Council, it is forwarded to the state Ethics Commission for its approval.

Mr. Bernstein stated that everything appears to be in order. He says it is a lot of work for complicated issues. Mr. Bernstein asked General Counsel Lou Saccoccio if he is comfortable with everything and the General Counsel said yes.

On a motion duly made by Mr. Duffy and seconded by Mr. Williams, it was:

**VOTED:**                   **THAT** The Council on Postsecondary Education approve the exemption regarding Walter Besio, Ph.D., in accordance with the terms of the Rhode Island Public Private Partnership Act. Upon approval by the Council, this request will be forwarded to the Rhode Island Ethics Commission for examination and approval per RIGL § 16-59-26(h).

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

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At 6:52 p.m. Chair William Foulkes entertained a motion to enter into Executive Session for the following:

- 8a) Update of pending litigation: *Michele L Ciancola, et al vs. University of Rhode Island*, et al, C.A. No. PC 12-4045 in the Providence County Superior Court, pursuant to RIGL §42-46-5(a)(2).

- 8b) Update on Collective Bargaining pursuant to RIGL §42-46-5 (a)(2) - Ratification of Collective Bargaining Agreements with the following:
- The American Association of University Professors (URI)
  - The Marine Professionals Association (URI)
  - URI Physician's Association/NEARI
  - CCRI Faculty Association/NEARI
- 8c) Discussion regarding the three finalists and the appointment of the new CCRI President pursuant to RIGL 42-46-5 (a)(1).

The Chair noted for the record that the three finalists have been notified of their right to have this discussion held in Open Session, and that no objections to proceeding in Executive Session have been received.

On a motion duly made by Mr. Rafanelli and seconded by Mr. Williams, it was

**VOTED:**                    **THAT** The Council on Postsecondary Education convene in executive session pursuant to R.I.G.L. §42-46-5(a)(2) for the reasons set forth above.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

All non-Council members in the audience were excused with the exception of:

- Dr. Purcell, Commissioner of Postsecondary Education;
- Dr. Susan LaPanne, Associate Commissioner, Finance & Management
- Anne Marie Coleman, Director of Labor Relations for the Council;
- Ron Cavallaro, General Counsel;
- Provost Donald DeHayes, URI
- Dr. Nancy Carriuolo, President, RIC
- Lisa Shevlin, Executive Assistant.

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The Council reconvened in Open Session at 9:00 p.m.

On a motion duly made by Mr. Duffy and seconded by Mr. Izzo, it was:

**VOTED:**                   **THAT** The Council on Postsecondary Education seal the minutes of the executive session held on December 2, 2015.

**VOTE:** 9 members voted in the affirmative and 0 members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

## **9. ADDITIONAL ACTION ITEMS**

### **9a. Ratification of Collective Bargaining Agreement with the American Association of University Professors (URI).**

On a motion duly made by Mr. Rafanelli and seconded by Mr. Duffy, it was:

**VOTED:**                   **THAT** The Council on Postsecondary Education ratify the Collective Bargaining Agreement with the American Association of University Professors (URI) as presented.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

**9b. Ratification of Collective Bargaining Agreement with the Marine Professionals Association at (URI).**

On a motion duly made by Ms. Ouellette and seconded by Mr. Duffy, it was:

**VOTED:**                   **THAT** The Council on Postsecondary Education ratify the Collective Bargaining Agreement with Marine Professionals Association at URI, as presented.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

**9c. Ratification of collective bargaining agreement with the URI Physicians' Association/NEARI.**

On a motion duly made by Mr. Bernstein and seconded by Mr. Smith, it was:

**VOTED:**                   **THAT** The Council on Postsecondary Education ratify the Collective Bargaining Agreement with the URI Physicians' Association/ NEARI, as presented.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

**9d1. Appointment of the new president of the Community College of Rhode Island.**

On a motion duly made by Mr. Rafanelli and seconded by Mr. Smith, it was:

**VOTED:**               **THAT** The Council on Postsecondary Education appoint Meghan Hughes as the new president of the Community College of Rhode Island.

**VOTE:** 7 members voted in the affirmative and 2 members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** Senator Thomas Izzo, Judy Ouellette

**9d2. Authorization of the Council Chair to negotiate an employment contract with the new president of CCRI, subject to approval by the Council.**

On a motion duly made by Mr. Bernstein and seconded by Mr. Smith, it was:

**VOTED:**               **THAT** The Council on Postsecondary Education authorize the Chair to negotiate an employment contract with the new President of CCRI, subject to approval by the Council.

**VOTE:** 9 members voted in the affirmative and 0 members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, John J. Smith Jr., and Dr. Jeffery Williams.

**NAYS:** 0

## 10. UPCOMING MEETINGS

- a) The next meeting of the Committees of the Council on Postsecondary Education will be held on Wednesday, December 16, 2015 at 5:30 p.m., 560 Jefferson Boulevard, Warwick, Rhode Island.
- b) The next meeting of the Council on Postsecondary Education is scheduled for Wednesday, January 13, 2016, at 5:30 p.m. at CCRI, Warwick, in Room 4090.
- c) The following meeting of the Committees of the Council on Postsecondary Education will be held on Wednesday, January 27, 2016, at 5:30 p.m. at 560 Jefferson Boulevard, Warwick, Rhode Island.

## 11. ADJOURNMENT

On a motion duly made by Mr. Rafanelli and seconded by Mr. Smith, it was:

**VOTED:**                    **THAT** The Council on Postsecondary Education adjourn its meeting.

**VOTE:** 9 members voted in the affirmative and no members voted in the negative as follows:

**YEAS:** Michael Bernstein, Barbara Cottam, Dennis Duffy, William Foulkes, Senator Thomas Izzo, Judith Ouellette, Kerry Rafanelli, and John J. Smith Jr.

**NAYS:** 0

The meeting adjourned at 9:03 p.m.