



**Council on Postsecondary Education Meeting  
Wednesday, August 5, 2020, 4:30 p.m.**

**PURSUANT TO GOVERNOR RAIMONDO'S EXECUTIVE ORDER  
20-53, THIS MEETING WAS BE HELD REMOTELY.**

**MINUTES**

Chair Timothy DelGiudice called this remote meeting to order at 4:35 p.m. and acknowledged that a quorum was present via the Zoom webinar platform. He noted a call-in number for anyone experiencing technical difficulties.

Council on Postsecondary Education members participating remotely:

Timothy DelGiudice, Chair, Council on Postsecondary Education  
Barbara Cottam, Chair, Board of Education (joined meeting at 4:40 p.m.)  
Dennis Duffy (joined meeting at 5:30 p.m.)  
Rachelle Green  
Thomas Izzo  
Michael Mello  
Marianne Monte  
Jeffery Williams (joined meeting at 5:00 p.m.)

Rhode Island Office of the Postsecondary Commissioner (RIOPC) staff participating remotely:

Ronald Cavallaro, Esq., Acting Commissioner, General Counsel  
Anne Marie Coleman, Director of Labor Relations  
Susan Mansolillo, Chief Financial Officer  
Dr. Tammy Warner, Assistant Commissioner, Academic and Student Affairs  
Amy Grzybowski, Executive Director, Westerly Education Center  
Jhanay Davis, Public Information and Communications Specialist  
Lynn Owens, Assistant to the Commissioner  
Kristine Zayko, Esq., Husch Blackwell, Outside Counsel

Community College of Rhode Island (CCRI) participants:

Dr. Rosemary Costigan, Vice President, Academic Affairs  
Sara Enright, Vice President, Student Affairs/Chief Outcomes Officer  
Alix Ogden, Associate Vice President, Administration  
Amy Kempe, Director, Marketing and Communications

Rhode Island College (RIC) participants:

Dr. Frank Sánchez, President  
Clark Greene, Executive Director for Strategic Initiatives, Chief of Staff  
Stephen Nedder, Vice President, Administration and Finance  
Robert Eaton, Director of Budget  
Dr. Helen Tate, Provost/Vice President, Academic Affairs  
Dr. Sue Pearlmuter, Former Provost/Vice President, Academic Affairs

Chair DelGiudice noted that public access was provided to attendees of this Zoom webinar in compliance with the Open Meetings Act and the provisions of the Executive Order, and provided contact information for those experiencing technical difficulties. He also noted that prior to the Council entering Executive Session, attendees would be placed on hold and the meeting would be locked. The Chair went on to share that at the conclusion of the Executive Session, the Council would return to Open Session and resume public access. He then mentioned that videos of the Open Sessions would be posted on the RIOPC Facebook page following the meeting.

## **1. Acceptance of the Agenda**

Chair DelGiudice called for a motion that the Council on Postsecondary Education accept the agenda for the meeting of August 5, 2020.

On a motion duly made by Mr. Mello and seconded by Ms. Green, it was

VOTED:        THAT        The Council on Postsecondary Education accepts the agenda for the meeting of August 5, 2020.

VOTE:         5 members voted in the affirmative and 0 members voted in the negative.

YEAS:         Timothy DelGiudice, Rachelle Green, Thomas Izzo, Michael Mello, and Marianne Monte.

NAYS:         0

ABSTAINS:    0

Council members Cottam, Duffy, and Williams were not present for the vote.

## **2. Approval of the Minutes**

A. Minutes of the June 17, 2020 meeting.

Chair DelGiudice called for a motion that the Council on Postsecondary Education approve the minutes of the meeting that took place on June 17, 2020, as presented.

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On a motion duly made by Ms. Monte and seconded by Mr. Mello, it was

VOTED: THAT The Council on Postsecondary Education approves the minutes of the meeting that took place on June 17, 2020, as presented.

VOTE: 5 members voted in the affirmative and 0 members voted in the negative.

YEAS: Timothy DelGiudice, Rachelle Green, Thomas Izzo, Michael Mello, and Marianne Monte.

NAYS: 0

ABSTAINS: 0

Council members Cottam, Duffy, and Williams were not present for the vote.

B. Minutes of the July 22, 2020 special meeting.

Chair DelGiudice called for a motion that the Council on Postsecondary Education approve the minutes of the special meeting that took place on July 22, 2020, as presented.

On a motion duly made by Ms. Monte and seconded by Mr. Mello, it was

VOTED: THAT The Council on Postsecondary Education approves the minutes of the special meeting that took place on July 22, 2020, as presented.

VOTE: 5 members voted in the affirmative and 0 members voted in the negative.

YEAS: Timothy DelGiudice, Rachelle Green, Thomas Izzo, Michael Mello, and Marianne Monte.

NAYS: 0

ABSTAINS: 0

Council members Cottam, Duffy, and Williams were not present for the vote.

### **3. Reports from the Chairs**

- A. Council on Postsecondary Education – Updates and issues affecting local and national higher education.

Chair DelGiudice deferred his time to the Presidents for their reports.

- B. Board of Education – Updates and issues affecting local and national PK-20 education.

No report.

### **4. Report from the Commissioner**

- A. Updates and issues affecting local and national higher education.

No report.

- B. Acting Commissioner Cavallaro read into the record the following notices of programmatic changes that were submitted by the Community College of Rhode Island and reviewed by RIOPC. He confirmed that the changes are within the role and scope of the programs and that Council approval is not required.

- I. From the Community College of Rhode Island:

- a. Establishment of an Associate of Science Degree in Advanced Manufacturing and Design
    - b. Establishment of an Associate of Science Degree in Networking Technology
    - c. Establishment of a Certificate in Administrative Support Specialist
    - d. Establishment of a Certificate in Data Analytics
    - e. Establishment of a Certificate in Mathematics
    - f. Establishment of a Certificate in Medical Insurance Billing and Coding

Barbara Cottam joined the meeting via Zoom at 4:40 p.m.

Jeffery Williams joined the meeting via Zoom at 5:03 p.m.

### **5. Reports from the Presidents**

- A. Community College of Rhode Island - Updates and issues affecting local and national higher education, and notification regarding the College's decision not to charge certain student fees during the Fall Semester 2020.

Vice President Rosemary Costigan presented on behalf of President Hughes. She reported that CCRI has waived certain student fees for the Fall 2020 semester. As the majority of Fall 2020 courses will be delivered remotely at CCRI, a “Faculty Fall Readiness Initiative” was developed. Over 219 full-time and 193 part-time faculty participated in professional development training sessions to improve preparedness of faculty to deliver courses remotely.

Vice President Costigan noted that, as of Monday, August 3, CCRI had enrolled nearly 10,000 students for the Fall 2020 semester, down by 23% as compared to the same day last year. CCRI estimates that enrollment will be off compared to last year by 10-20%. Efforts to support enrollment include outreach (extensive advertising and text messaging to students), engagement (including drop-in virtual advising and enhanced learning self-service options), and financial support (increased scholarship funding). The school continues to monitor its financial position and awaits information on federal funding and state appropriations.

In response to Council inquiry, Vice President Enright noted that for every 10% reduction in enrollment, there is a loss of \$6 million in annual revenue.

CCRI’s report included a link to the College’s Virtual Town Hall which was held the previous week. Over 450 faculty and staff members joined the nearly two-hour Virtual Town Hall to hear an update on the Fall 2020 Campus Plan, including academic affairs, enrollment and the financial status of the college.

- B. Rhode Island College- Updates and issues affecting local and national higher education, and notification regarding the College’s decision not to charge certain student fees during the Fall Semester 2020.

President Sánchez presented a PowerPoint outlining Fall 2020 reopening plans, student enrollment, budget overview including fees and financial aid, and the start of construction at the Horace Mann building.

As noted in President Sánchez’ presentation, classes will resume on August 31<sup>st</sup>, with most classes offered online (synchronous, asynchronous, or hybrid). The residential community will be restricted to 45% occupancy. There will be limited opportunities for student-athletes and in accordance with health and safety protocols.

President Sánchez outlined the ten fundamental elements for a healthy campus community at RIC including communication and signage emphasizing social distancing, good hygiene and required face coverings. Other elements include physical space alterations, increased cleaning and disinfecting, required visual-verbal screening, testing protocol, contact tracing, and supportive quarantine and isolation.

The President noted that overall enrollment for Fall 2020 is down 12.9% compared to this time last year (undergraduate enrollment is down 13.5%, graduate enrollment is down 9.5%).

Turning to the budget, President Sánchez itemized steps taken to reduce RIC's operating budget by 14%. Reduction in certain student fees and aid adjustments were noted.

President Sánchez celebrated the start of work at the Horace Mann building, with occupancy scheduled for early spring 2022.

Dennis Duffy joined the meeting via Zoom at 5:30 p.m.

## **6. Discussion Item**

- A. Discussion regarding proposed amendments to the Council's Sexual Harassment and Sexual Violence Policy n.k.a. the Title IX Sexual Harassment Policy and Procedures, and the Nondiscrimination Policy and Complaint Procedures.

Acting Commissioner and General Council Ronald Cavallaro introduced Kristine Zayko, attorney with Husch Blackwell, who has been working with colleges and universities throughout the country, including CCRI, RIC and URI, to deal with the new Title IX regulations that were issued by the Department of Education, to help us work through proposed amendments to the Council's existing sexual harassment and sexual violence policies. He explained that in May of this year, the U.S. Department of Education issued new (final) regulations on campus sexual assault under Title IX, the federal law that prohibits sex discrimination at federally funded institutions. Colleges and universities are required to comply with these regulations by August 14, 2020, although a lawsuit has been filed seeking an injunction to delay/extend this deadline due to issues including the short time period given for implementation and the difficulty involved with implementation due to the COVID-19 pandemic.

Acting Commissioner Cavallaro noted that these regulations, which have the force of law, replace the guidance that was issued during the Obama administration and remove and/or modify many of the procedural requirements that were mandated under the prior "Dear Colleague Letters" issued in 2011 and 2014 (which were used in the drafting of the Council's current policy). These new regulations require schools to provide either or both parties a trained advisor upon request, and allow these advisors to cross-examine parties and witnesses involved. The "preponderance of evidence" standard of proof is no longer mandated, and Title IX officials at institutions now have the option to use either a "preponderance of evidence" standard or a "clear and convincing" standard, which is a higher burden of proof. The regulations also indicate that colleges are only obligated to respond to reports of sexual harassment that occurred off-campus if the location is in use by an officially recognized student or institution organization.

Acting Commissioner Cavallaro stated that these new regulatory changes and requirements only apply to campus sexual assault under Title IX, so the Council's current policy has now been split into two separate policies. One policy is Title IX specific, and the other policy addresses all other forms of sex-based discrimination,

including sex-based Harassment that does not rise to the level of Sexual Harassment as defined in the Title IX Sexual Harassment Policy.

In addition, these proposed amendments include the new regulatory requirements and also address issues regarding the practical application of the Council's current policy that have been identified by the Title IX officers and student affairs staff at the colleges. The proposed amendments were drafted by Attorney Zayko, with the assistance of a team assembled by RIOPC including the Title IX officers, Student Affairs, Human Resources, and Finance and Facilities staff at RIC and CCRI, as well as the Director of Labor Relations and the General Counsel at the Office.

Attorney Zayko confirmed that the non-discrimination policy and procedures encompasses all forms of prohibited harassment and discrimination, not just the sex discrimination that falls outside of the other policy, providing a uniform process for addressing all forms of discrimination.

Answering a question about response time, Attorney Zayko confirmed that the response time has been reduced while still allowing a reasonable period to respond. Additionally, she noted that, while each school is allowed to identify their own process to address student sexual issues, changes to the policy bring more consistency and uniformity to how these things will be approached under the new process than is in the existing process.

In response to Council inquiry, Acting Commissioner and General Counsel Cavallaro noted that the advisor and hearing officer must be trained to the extent that they can address cross examination and evidentiary matters. Schools must provide (and fund) those trained advisors.

Acting Commissioner Cavallaro advised the Council that this matter is on the agenda for notification and initial discussion purposes only. It will be on the agenda as an action item (for discussion and a vote) at the next Council meeting.

## **7. Action Items**

### **A. Approval of the Awarding of Faculty Tenure at Rhode Island College.**

President Sánchez noted that one faculty member's name was inadvertently left off of the original tenure list considered and approved at the June 17, 2020 Council meeting.

Chair DelGiudice called for a motion to approve the awarding of Faculty Tenure at Rhode Island College effective July 1, 2020, as presented.

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

VOTED: THAT The Council on Postsecondary Education approves the Awarding of Faculty Tenure at Rhode Island College effective July 1, 2020, as presented.

VOTE: 8 members voted in the affirmative and 0 members  
voted in the negative.

YEAS: Timothy DelGiudice, Barbara Cottam, Dennis Duffy,  
Rachelle Green, Thomas Izzo, Michael Mello, Marianne  
Monte, and Jeffery Williams

NAYS: 0

ABSTAINS: 0

B. Approval/Ratification of Amendments to Fall 2020 Student Fees at Rhode Island College.

President Sánchez noted that fee adjustments for the Fall 2020 semester include a reduced Athletics fee, Fine Arts fee, Dining fee, and Student Union fee. Chair DelGiudice noted that procedurally, the Council must approve any amendments to rates. As this was a time sensitive request made by RIC in between scheduled Council meetings, the Chair approved the adjustments prior to this meeting.

Chair DelGiudice called for a motion that the Council on Postsecondary Education approve and ratify the amendments to the Fall 2020 Student Fees at Rhode Island College.

On a motion duly made by Ms. Monte and seconded by Mr. Mello, it was

VOTED: THAT The Council on Postsecondary Education approves and ratifies the amendments to the Fall 2020 Student Fees at Rhode Island College.

VOTE: 8 members voted in the affirmative and 0 members  
voted in the negative.

YEAS: Timothy DelGiudice, Barbara Cottam, Dennis Duffy,  
Rachelle Green, Thomas Izzo, Michael Mello, Marianne  
Monte, and Jeffery Williams

NAYS: 0

ABSTAINS: 0

C. Approval/Ratification of an Amendment to the Memorandum of Agreement Creating a COVID-19 Incident Command System, regarding the Lease Agreement with the City of Central Falls for property at 934 Dexter Street, Central Falls, Rhode Island.

Chair DelGiudice noted that because this was a time sensitive issue, he signed the Memorandum of Agreement out of cycle.

Acting Commissioner Cavallaro stated that this amendment curtails the earlier amendment to the lease, whereby the lease was put on hold and a COVID-19 response center was set up at the location. As of August 1, the original lease resumed and the building returned to its intended purpose prior to COVID activity.

Chair DelGiudice called for a motion that the Council on Postsecondary Education ratify an amendment to the memorandum of agreement, creating a COVID-19 Incident Command System, regarding the lease agreement with the City of Central Falls for property at 934 Dexter Street in Central Falls, Rhode Island.

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

VOTED: THAT The Council on Postsecondary Education ratifies the amendment to the memorandum of agreement, creating a COVID-19 Incident Command System, regarding the lease agreement with the City of Central Falls for property at 934 Dexter Street in Central Falls, Rhode Island.

VOTE: 8 members voted in the affirmative and 0 members voted in the negative.

YEAS: Timothy DelGiudice, Barbara Cottam, Dennis Duffy, Rachelle Green, Thomas Izzo, Michael Mello, Marianne Monte, and Jeffery Williams

NAYS: 0

ABSTAINS: 0

## 8. Executive Session

Chair DelGiudice advised attendees that they would be placed on hold for the duration of the Executive Session; the hold will be released once the Council is back in Open Session.

Chair DelGiudice called for a motion that the Council on Postsecondary Education enter into executive session for the following items:

- A. Discussion regarding collective bargaining – all bargaining units, pursuant to R.I.G.L. §42-46-5(a)(2) and
- B. Discussion regarding potential litigation, pursuant to R.I.G.L. §42-46-5(a)(2).

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

VOTED: THAT The Council on Postsecondary Education enter into Executive Session for the following items:

- A. Discussion regarding collective bargaining – all bargaining units, pursuant to R.I.G.L. §42-46-5(a)(2) and
- B. Discussion regarding potential litigation, pursuant to R.I.G.L. §42-46-5(a)(2).

VOTE: 8 members voted in the affirmative and 0 members voted in the negative.

YEAS: Timothy DelGiudice, Barbara Cottam, Dennis Duffy, Rachelle Green, Thomas Izzo, Michael Mello, Marianne Monte, and Jeffery Williams

NAYS: 0

ABSTAINS: 0

The Council entered Executive Session at 5:51 p.m. Virtual public access was paused.

The Council reconvened in Open Session at 6:31 p.m. Virtual public access resumed.

Chair DelGiudice thanked attendees for their patience while on hold during the Council's Executive Session. He confirmed that the Council was back in Open Session.

Chair DelGiudice called for a motion that the Council on Postsecondary Education seal the minutes of the Executive Session held on August 5, 2020.

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

VOTED: THAT The Council on Postsecondary Education seal the minutes of the Executive Session held on August 5, 2020.

VOTE: 8 members voted in the affirmative and 0 members voted in the negative.

YEAS: Timothy DelGiudice, Dennis Duffy, Rachelle Green, Thomas Izzo, Michael Mello, Marianne Monte, and Jeffery Williams.

NAYS: 0

ABSTAINS: 0

**9. Additional Action Items**

- A. Authorization to the Presidents regarding personnel and/or pay plan action for Council non-classified, non-union employees.

Chair DelGiudice called for a motion that the Council on Postsecondary Education authorize the presidents to take pay plan action for Council non-classified, non-union employees as follows:

At Rhode Island College:

- 10% reduction in salary for the president
- 7.5% reduction in salary for the vice president
- 5% reduction in salary for the associate vice presidents
- 5% reduction in salary for the deans

At the Community College of Rhode Island:

- 10% reduction in salary for the president
- 7.5% reduction in salary for the vice presidents
- 5% reduction in salary for the associate vice presidents

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

VOTED: THAT The Council on Postsecondary Education authorizes the presidents to take pay plan action for Council non-classified, non-union employees as follows:

At Rhode Island College:

- 10% reduction in salary for the president
- 7.5% reduction in salary for the vice president
- 5% reduction in salary for the associate vice presidents
- 5% reduction in salary for the deans

At the Community College of Rhode Island:

- 10% reduction in salary for the president
- 7.5% reduction in salary for the vice presidents
- 5% reduction in salary for the associate vice presidents

VOTE: 8 members voted in the affirmative and 0 members voted in the negative.

YEAS: Timothy DelGiudice, Dennis Duffy, Rachelle Green, Thomas Izzo, Michael Mello, Marianne Monte, and Jeffery Williams.

NAYS: 0

ABSTAINS: 0

B. Approval/Ratification of an extension of the RIC/AFT Contract

Chair DelGiudice called for a motion that the Council on Postsecondary Education approve the extension of the Rhode Island College/AFT contract, as presented in executive session.

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

VOTED: THAT The Council on Postsecondary Education approves the extension of the Rhode Island College/AFT contract, as presented.

VOTE: 8 members voted in the affirmative and 0 members voted in the negative.

YEAS: Timothy DelGiudice, Dennis Duffy, Rachelle Green, Thomas Izzo, Michael Mello, Marianne Monte, and Jeffery Williams.

NAYS: 0

ABSTAINS: 0

**10. Upcoming Meeting**

A. The next regular meeting of the Council on Postsecondary Education is scheduled for September 16, 2020 at 5:30 p.m.

**11. Adjourn**

Chair DelGiudice called for a motion to adjourn tonight's meeting.

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

VOTED: THAT The Council on Postsecondary Education adjourn the meeting of August 5, 2020.

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

YEAS: Timothy DelGiudice, Barbara Cottam, Dennis Duffy, Thomas Izzo, Rachelle Green, Michael Mello, Marianne Monte, and Jeffery Williams.

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NAYS: 0

ABSTAINS: 0

The meeting adjourned at 6:37 p.m.