



Special Meeting of the Council on Postsecondary Education
Tuesday, July 9, 2024

Rhode Island College
600 Mount Pleasant Avenue
Providence, RI 02908, Gaige Hall, Room 200
Meeting Minutes

Chair David Caprio called this meeting to order at 5:44 p.m. and acknowledged that a quorum was present.

Council on Postsecondary Education members present:

David Caprio, Chair, Council on Postsecondary Education
Dennis Duffy
Michael Grey
Thomas Izzo
Marcy Reyes
Michael Mello
Jeffery Williams
Ana Duarte Spencer

Council on Postsecondary Education members absent:

Rachelle Green
Lawrence Purtill

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

Shannon Gilkey, Commissioner
Molly Kapstein Cote, Chief Policy Officer
Ronald Cavallaro, Esq., General Counsel
Anne Marie Coleman, Assistant Commissioner of Human Resources Labor Relations
Zachary Saul, Chief Financial Officer
Beth Bailey, Chief Communications Officer
Jackie Xiong, Executive Assistant to the Commissioner, Special Liaison to the Council on Postsecondary Education

Rhode Island College staff present:

Jack Warner, President

Sara Enright, Interim Vice President for Administration and Finance
Jenifer Giroux VP of Corporate Relations & Professional Studies
Clark Greene, Senior Advisor to the President & Chief of Staff

Community College of Rhode Island staff present:

Rosemary Costigan, Interim President
Amy Kempe, Executive Director, Marketing, Communications & External Affairs,
Newport County Campus Leader
Rich Sullivan, Vice President, Administration & Finance

Other Attendees:

Robert Stolzman, Legal Counsel (Adler Pollock & Sheehan P.C.)
Kara DiPaola, Assistant Director Office of Civil Rights and Title IX Coordinator (CCRI)
Ashely Ruderman, Director of Institutional Equity and Title IX Coordinator (RIC)
Kristine Zayko, Senior Counsel, Husch Blackwell (Virtually)

1. Acceptance of the Agenda

Chair Caprio asked for a motion to accept the agenda for the meeting of July 9, 2024.

On a motion duly made by Jeffery Willaims and seconded by Michael Mello, it was

VOTED:	THAT	The Council on Postsecondary Education a accept the agenda for the meeting of July 9, 2024.
	VOTE:	7 members voted in the affirmative and 0 members voted in the negative.
	YEAS:	David Caprio, Dennis Duffy, Michael Grey, Thomas Izzo, Michael Mello, Marcy Reyes, and Jeffery Williams.
	NAYS:	0
	ABSTAINS:	0

2. Approval of the minutes

A. Minutes of the June 26, 2024, CPE Meeting.

Chair Caprio asked for a motion to approve the minutes of the meeting that took place on June 26, 2024.

On a motion duly made by Thomas Izzo and seconded by Michael Mello, it was:

VOTED:	THAT	The Council on Postsecondary Education approve
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the minutes of the meeting that took place on June 26, 2024, as presented.

VOTE: 6 members voted in the affirmative and 0 members voted in the negative.

YEAS: David Caprio, Michael Grey, Thomas Izzo, Michael Mello, Marcy Reyes, and Jeffery Williams.

NAYS: 0

ABSTAINS: Dennis Duffy

3. Action Items

- A. Approval of the facilities use and license agreement by and between Rhode Island College by and through its governing council, the Rhode Island Council on Postsecondary Education, and the Rhode Island Department of Labor and Training for the use of space at the Rhode Island College Workforce Development Hub located at 934 Dexter Street, Central Falls, Rhode Island.

On a motion duly made by Michael Mello and seconded by Thomas Izzo, it was:

VOTED: THAT The Council on Postsecondary Education approve the facilities use and license agreement by and between Rhode Island College by and through its governing council, the Rhode Island Council on Postsecondary Education, and the Rhode Island Department of Labor and Training for the use of space at the Rhode Island College Workforce Development Hub located at 934 Dexter Street, Central Falls, Rhode Island.

VOTE: 7 members voted in the affirmative and 0 members voted in the negative.

YEAS: David Caprio, Dennis Duffy, Michael Grey, Thomas Izzo, Michael Mello, Marcy Reyes, and Jeffery Williams.

NAYS : 0

ABSTAINS: 0

- B. Approval of the proposed new Council on Postsecondary Education 2024 Title IX Sex Discrimination Policy and Procedure.

Chair Caprio called upon Chief Policy Officer, Molly Kapstein Cote, to discuss Action Item 3B, 3C, and 3D regarding the proposed Title IX Policy.

Ms. Kapstein Cote provided an overview of the proposed 2024 Title IX Policy and suggested changes. She briefed the Council on the new federal regulations. The proposed policy, she indicated, is focused on creating a fair, transparent process for Title IX complaints, reducing trauma for all parties by having decision makers, rather than lawyers, ask questions during hearings. This approach was described to maintain due process and ensure that all evidence and objections are considered throughout the resolution process.

Council Member Jeffery Williams inquired about the advisors and decision makers mentioned in the proposed policy. Ms. Kapstein Cote responded that an advisor could be an individual of choice and a decision maker would include an appointed individual recruited from a vice president level (or above). Council Member Williams then inquired about potential involvement from civil authorities to which Ms. Kapstein Cote responded that it is determined by and if the complainant chooses to take the case to authorities.

Council Member Dennis Duffy commented on the current regulations of the Title IX Policy. He shared his concerns with the new provisions, as he believed the previous policy aligned with both past and present regulations, including the new passive roles of advisors, the inability to cross examine and make objections, and the restrictions on hearsay.

Chair Caprio asked for clarification regarding the use and involvement of attorneys during hearings, to which Council Member Duffy responded that the proposed language included that an advisor may be an attorney.

Council Member Thomas Izzo commented about the potential disadvantage to an individual who cannot afford legal representation from an attorney, and Council Member Marcy Reyes spoke on adhering to regulations but also ensuring fairness from the Council's moral responsibility standpoint.

Chair Caprio asked for clarification on whether all parties are allowed legal representation to which Ms. Kapstein Cote confirmed, yes.

Council Member Mike Grey inquired about the volume of complaints being received by the public institutions. Ms. Kapstein Cote and Director of Institutional Equity and Title IX Coordinator at Rhode Island College, Ashely Ruderman both responded that the information could not be disclosed due to privacy and confidentiality.

Council Member Reyes inquired about the implications of changing the policy to ensure that both parties in a dispute have access to legal representation, and, what resources would be needed for the school and CCRI to provide such representation. General Counsel Ronald Cavallaro briefed the Council on the possible resources and costs that would be involved with such a change.

Senior Counsel Kristine Zayko gave a brief overview of her experience serving as a decision maker and confirmed that the regulations permit decision makers to

determine the weight of such testimony. She indicated that the Council's revised language was consistent with practices observed at other schools.

Council Member Michael Mello asked for clarification on Council Member Duffy's requests for change in the proposed policy as it reflected the existing policy from 2020. Ms. Kapstein Cote responded the new regulations were proposed by the U.S. Department of Education because the 2020 regulations were seen as too restrictive and as limiting schools' discretion in handling complaints.

A motion was duly made by Mike Grey and seconded by Thomas Izzo:

THAT The Council on Postsecondary Education approve the proposed new Council on Postsecondary Education 2024 Title IX Sex Discrimination Policy and Procedure.

Chair Caprio asked if there were any amendments.

On a motion duly made by Dennis Duffy and seconded by Michael Mello, it was:

VOTED: THAT The Council on Postsecondary Education amend the proposed new Council on Postsecondary Education 2024 Title IX Sex Discrimination Policy and Procedure, to restore the current protections on the limiting of use of hearsay.

VOTE: 7 members voted in the affirmative and 0 members voted in the negative.

YEAS: David Caprio, Dennis Duffy, Michael Grey, Thomas Izzo, Michael Mello, Marcy Reyes, and Jeffery Williams.

NAYS : 0

ABSTAINS: 0

Chair Caprio asked if there were any further amendments.

On a motion duly made by Dennis Duffy and seconded by Michael Mello, it was:

VOTED: THAT The Council on Postsecondary Education move to amend the proposed new Council on Postsecondary Education 2024 Title IX Sex Discrimination Policy and Procedure, to restore the current provisions for cross examination and objections to testimony by the party advisor, and to do the corresponding change that provides that the passive role is except

for the questioning of witnesses or raising of contemporary objections during a hearing.

VOTE: 3 members voted in the affirmative and 4 members voted in the negative.

YEAS: David Caprio, Dennis Duffy, and Michael Mello.

NAYS : Michael Grey, Thomas Izzo, Marcy Reyes, and Jeffery Williams.

ABSTAINS: 0

The motion failed.

Chair Caprio then asked for a motion that the Council on Postsecondary Education approve the proposed amendments to the Council on Postsecondary Education Title IX Sexual Harassment Policy and Procedure, as amended.

On a motion duly made by Thomas Izzo and seconded by Mike Grey, it was:

VOTED: THAT The Council on Postsecondary Education approve the Council on Postsecondary Education approve the proposed amendments to the Council on Postsecondary Education Title IX Sexual Harassment Policy and Procedure, as amended.

VOTE: 6 members voted in the affirmative and 1 member voted in the negative.

YEAS: David Caprio, Michael Grey, Thomas Izzo, Michael Mello, Marcy Reyes, and Jeffery Williams.

NAYS : Dennis Duffy

ABSTAINS: 0

C. Approval of the Proposed Amendments to Council on Postsecondary Education Title IX Sexual Harassment Policy and Procedures (S17 and P17).

On a motion duly made by Thomas Izzo and seconded by Mike Grey, it was:

VOTED: THAT The Council on Postsecondary Education approve the Proposed Amendments to Council on Postsecondary Education Title IX Sexual Harassment Policy and Procedures (S17 and P17).

VOTE: 7 members voted in the affirmative and 0 members voted in the negative.

YEAS: David Caprio, Dennis Duffy, Rachelle Green, Michael Grey, Thomas Izzo, Lawrence Purtill, and Jeffery Williams.

NAYS : 0

ABSTAINS: 0

D. Approval of the Proposed new Council on Postsecondary Education Pregnancy Policy.

On a motion duly made by Thomas Izzo and seconded by Mike Grey, it was:

VOTED: THAT The Council on Postsecondary Education approve the Proposed new Council on Postsecondary Education Pregnancy Policy.

VOTE: 7 members voted in the affirmative and 0 members voted in the negative.

YEAS: David Caprio, Dennis Duffy, Rachelle Green, Michael Grey, Thomas Izzo, Lawrence Purtill, and Jeffery Williams.

NAYS : 0

ABSTAINS: 0

4. Executive Session

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

B. Discussion regarding potential litigation, pursuant to R.I.G.L. §42-46-5(a)(2).

The Council did not vote to enter into, and did not enter into Executive Session

5. Next Meeting

Chair Caprio stated that the next Council on Postsecondary Education meeting will be on August 21, 2024, at 5:30 PM at the Community College of Rhode Island.

6. Adjourn

Council Member Mello called for a motion to adjourn the meeting.

On a motion duly made by Michael Mello and seconded by Dennis Duffy, it was:

VOTED: THAT The Council on Postsecondary adjourn the meeting on July 9, 2024.

VOTE: 6 members voted in the affirmative and 0 members voted in the negative.

YEAS: David Caprio, Rachelle Green, Michael Grey, Thomas Izzo, Lawrence Purtill, and Jeffery Williams.

NAYS: 0

ABSTAINS: 0

The meeting adjourned at 7:03 PM.