



**START HERE. GO ANYWHERE.**

**MassBay Board of Trustees Full Board Meeting  
Tuesday, June 11, 2019  
Alumni Board Room, Wellesley Hills Campus  
Minutes**

**Board Members Present:** Tim Clifford, Jamie Hoag, Dan Juliani, Matt Kahn, Pam Lassiter, Sandy Lish, Tom Peisch, Diane Schmalensee, Brian Sherry, Liliana Silva

**Others Present:** Elizabeth Blumberg, Vice President for Student Development and Dean of Students; Karen Britton, Executive Director, Office of the President; Neil Buckley, Vice President for Administration and Finance; Lynne Davis, Dean of Health Sciences; Joe DeLisle, Director of Facilities; Marcus Edward, Associate Vice President for Finance and Administration; Lynn Hunter, Vice President for Academic Affairs and Provost; Courtney Jackson, Vice President of Institutional Effectiveness and Strategic Initiatives; Chitra Javdekar, Dean of STEM; Nina Keery, Interim Dean of Humanities & Social Sciences; Amy Letteney, Development Officer, Office of Institutional Advancement & Alumni Relations; Lisa MacDonald, Director of Equity Compliance; Brianne Miers, Director of Marketing and Institutional Communications; Lynn Moore, Chief Diversity Officer; Susan Maggioni, Dean of Business & Professional Studies; Robert O'Connell, Associate Professor, STEM; Joe O'Neill, Coordinator of Disability Resources; David Podell, President; Mary Shia, Vice President for Institutional Advancement & Alumni Relations; Lisa Slavin, Assistant Vice President for Enrollment Management; and Richard Williams, Associate Dean for Student Success

**CALL TO ORDER & INTRODUCTIONS**

**Establishment of Quorum and Introductions**

Chair Peisch called the meeting to order and established that a quorum was present. He welcomed new Trustee Liliana Silva and new Student Trustee Brian Sherry. He congratulated everyone involved in the wonderful Commencement in May and expressed hope that more Trustees will attend next year.

**REVIEW AND APPROVAL OF MAY 21, 2019, MEETING MINUTES**

**MOTION** – Trustee Kahn moved to approve the amended minutes of the May 21, 2019, meeting and Trustee Juliani seconded. The motion passed with one abstention by Trustee Lassiter who was not present at the meeting.

**FINANCE, COMPLIANCE, PERSONNEL AND AUDIT ITEMS**

**FINANCE ITEMS**

**Update on the College's Finances as of May 31, 2019**

Vice President Buckley provided an update on College finances from his previous update at the May Board meeting. He reported that Mass Bay's finances as of the end of April are on budget and continue to track positively in May. On the revenue side, the College based its projected FY2019 operating budget on a 7.4% enrollment decline. Actual enrollment results are likely to be closer to a 6% year-to-date decline by the end of FY2019.

The College has also received special unexpected payments from the State including reimbursement from the Mass Rehab Commission for student interpreter services and shared revenue from the Wellesley campus roof cell phone towers. These one-time extra funds in FY2019 covered a portion of the Enrollment Center renovations. President Podell acknowledged the work of Assistant Vice President Slavin and Vice President Buckley and their teams on this project, and encouraged everyone to visit the renovated Center.

In terms of the College's year-end finances, Vice President Buckley had reported at the May meeting that the College would have an end-of-year surplus between \$245,000 and \$835,000. The College now expects to end the year at the high end of that range.

He reviewed key financial statement balance sheet items for FY2019 as of May on pages 4, 5 and 6 of the binder.

In FY2020, student enrollment is projected to continue to decline due to overall demographics, and an improved economy with low unemployment. The suspension of admission to the Associate Degree of Nursing program will also affect the number of pre-Nursing students who enroll. Despite contractual salary increases, overall operating expenses continue to decline.

Vice President Buckley further reported that Mass Bay's projected state FY2020 appropriation is in line with the FY2020 budget proposals of the Governor, Senate, and House. The State appropriation for FY2020 will be known in late summer. The State will hopefully provide supplemental funds for MCCC faculty/professional staff salary increases in the coming year.

## **Contracts Report**

Renovations to the north and west side parking lots will be taking place over the summer, funded by a State capital allocation. The renovations also includes significant campus ADA improvements.

## **PERSONNEL ITEMS**

### **Personnel Actions and Recruitment Reports**

President Podell reviewed the Personnel Actions and Recruitment reports. The faculty searches are mostly nearing completion.

## **ENROLLMENT REPORT**

Assistant Vice President Slavin reported that, although it is still early in the process, Fall 2019 enrollment is down 4% in headcount and 2% in FTE. It is still early. Enrollment, Marketing, and Student Development offices are reaching out to current students who have not enrolled yet. New students will begin to register later this month when a series of New Student Orientation programs will begin. The second six week summer session begins on Monday, July 8, 2019.

## **FOUNDATION REPORT**

President Podell reported that a divergence of goals with the Foundation appears to be resolving. The Foundation has been focusing on raising funds for scholarships, while the College is focusing on a capital campaign for the Framingham building and other items. Last night, after a presentation by the College's campaign consultant, Janet Nolan, the Foundation members appeared to be in support of the capital campaign and perceive how the capital campaign will enlarge the donor base, helping fundraising for scholarships in the future. Donations can be made for over the course of several years. Chair Peisch reminded attendees that the two Memoranda of Understanding signed two years ago helped bring the two groups closer together in their goals.

## **BOARD COMMITTEE REPORTS**

### **Presidential Evaluation**

The Committee Chair distributed the Executive Summary and Committee Member Schmalensee reviewed the results of a survey the committee conducted. Overall, the results are highly complimentary for President Podell. Comments from both internal and external constituencies were positive, with his highest score in the area of Leadership. Key concerns are a permanent home for the Framingham campus and stabilization of the Nursing program. Chair Peisch thanked the Committee and Trustees for their work and participation in this process.

**MOTION** –Trustee Hoag moved that President Podell receive the maximum allowable increase for the 2019 Performance Evaluation cycle and Trustee Lassiter seconded. The motion passed unanimously.

## **SPECIAL REPORTS**

### **Title IX**

Lisa MacDonald, Director of Equity Compliance, Title IX Coordinator, Affirmative Action Officer and ADA/504 Coordinator, made a presentation entitled *Title IX: Hypothetically Speaking, Your Role, and Where We Are in 2019*. She also distributed resource card for staff. A copy of her presentation is attached.

### **Strategic Plan Update**

President Podell presented his Year One Update of the Strategic Plan, 2018-2022. A summary of the College's progress is also attached. The College approaches Year Two with energy and external support. The College is in the process of applying for a big Performance Incentive Grant (PIF) grant – a consortium to address the Equity Agenda with FSU, Framingham High and Keefe Tech. We are applying for every opportunity to get resources in order to pursue equity initiatives. Trustee Silva suggested reaching out to professionals who went directly to work after high school, who may now wish to benefit from a college education. The Trustees praised the presentation and work of President Podell and the entire MassBay staff. President Podell indicated it has been a huge group effort by committed people to get to this point.

## **EXECUTIVE REPORTS**

### **Student Trustee**

Student Trustee Sherry reported that Student Government Association is in transition over the summer. New Senators are connecting with former ones.

### **Board Chair**

Chair Peisch reported that there is no meeting until September, unless one is needed over the summer regarding the Framingham campus. He asked that all Trustees put the date of 2020 Commencement on their calendars – May 21, 2020.

## President

President Podell reported the following:

\*He expects that we will hear from the Governor's Office about the Framingham campus by the end of June. A new lease for the Farley School must be completed this week in order for it to go before the Framingham School Committee on June 29.

\*Faculty are still on "Work to Rule", but he expects the contractual disagreements to be resolved shortly, and faculty to return to previous status.

\*The Metrowest Health Foundation has awarded MassBay a \$29,763 grant to support re-design of the Associate Degree in Nursing curriculum and closer alignment with the Framingham State University Bachelor of Science in Nursing program.

\*The Board of Registration in Nursing will meet in the late fall to consider granting us permission to re-open admission to the ADN program for Fall 2020. This would follow a site visit in early fall. Given the timing of the BORN meeting, which is late in the College's typical admission cycle, the College can expect that the Fall 2020 class may be smaller than hoped. However, the steps being taken are designed to strengthen and enlarge the program over the long term. The College is currently searching for two new full-time faculty to start in Fall 2019 and will later search for another to start in Fall 2020.

## COMMUNICATIONS

The May 2019 Clery and State Police Reports were reviewed.

## ADJOURNMENT

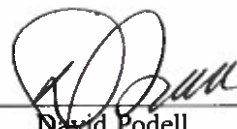
**MOTION** – Trustee Lassiter moved to adjourn the meeting and Trustee Clifford seconded. The motion passed unanimously.

The meeting adjourned at 9:55 AM.



Thomas E. Pelsch  
Chairman  
Board of Trustees

9/10/19  
Date



David Podell  
President  
MassBay Community College

9/10/19  
Date

# **Title IX: Hypothetically speaking, Your role, and where we are in 2019**

**Lisa MacDonald  
Director of Equity Compliance  
Title IX Coordinator, Affirmative Action Officer,  
and ADA/504 Coordinator**

UNIVERSITY  
OF HARTFORD



BABSON



 **MASSBAY**  
COMMUNITY COLLEGE

*Your dreams. Our mission.*

# DISCLAIMER

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- ▶ Some of the content provided here may be *difficult* for participants to remain present based on one's individual experiences and background. If you need to leave the room or remove yourself from the discussion, either for part of, or for the remainder of the presentation, please feel free to do so at any time.



# PRESENTATIONS/INFORMATION SHARING (350 PARTICIPANTS SINCE AUGUST 2018)

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- ▶ Professional Development Day
- ▶ President's Cabinet
- ▶ New Employee and New Faculty Orientations
- ▶ AFSCME Professional Development Day
- ▶ Ed Coaches for Transitional Scholars Program
- ▶ Athletics and Coaching Staff
- ▶ Library and Academic Achievement Center
- ▶ Division Meetings
  - Automotive Technology
  - EMS/EMT
- ▶ Individualized Meetings with Faculty and Staff
- ▶ Student Government Association
- ▶ Orientation Leaders (upcoming on 6/18/2019)



# OVERVIEW

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- ▶ This session aims to provide you with the following:
  - What is Title IX?
  - College policies and practices on addressing Sexual Harassment and Sexual Violence
  - Real World: MassBay/Myths and Misconceptions
  - **Your role as a member of the MassBay Community**
  - Best practices
  - Hypothetical scenarios and FAQs
  - Resources and Referral Information

## REAL WORLD: MASS BAY

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**“Title IX, are we still doing that?”**

# WHAT IS TITLE IX?

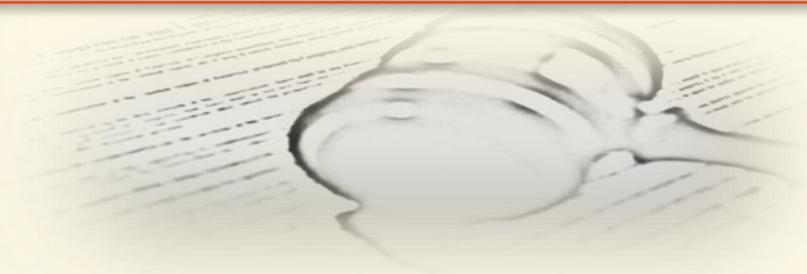
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- ▶ **Title IX of the Education Amendments of 1972:**
  - **“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”**
  - Prohibits discrimination on the basis of sex/gender

# LEGALLY PROTECTED CATEGORIES

## (STATE AND FEDERAL)

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- ▶ Race
- ▶ Creed
- ▶ Religion
- ▶ Color
- ▶ Gender
- ▶ Gender Identity
- ▶ Sexual Orientation
- ▶ Age
- ▶ Disability
- ▶ Genetic Information
- ▶ Maternity Leave
- ▶ Military Service
- ▶ National Origin



## REAL WORLD: MASSBAY

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**“I don’t get it. If Title IX  
went into law in 1972,  
why is this now ‘a thing’?”**

# RECENT HISTORY LESSON: PART 1

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- ▶ April 4, 2011: Office of Civil Rights sent a 19 page “Dear Colleague Letter”
  - There’s a problem;
  - You’re likely not doing enough;
  - Your federal funding is at stake



# OUR CAMPUS POLICIES



# POLICY ON AFFIRMATIVE ACTION, EQUAL OPPORTUNITY AND DIVERSITY

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- ▶ What is it?
- ▶ Who does it pertain to?
- ▶ Where can I find it?

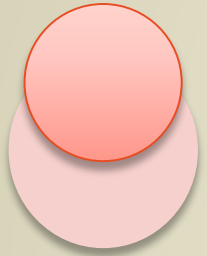
# SEXUAL HARASSMENT

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Sexual Harassment is defined as sexual advances, requests for favors, and verbal or physical conduct of a sexual nature when.....

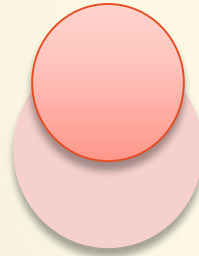
# TWO TYPES OF HARASSMENT

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## Quid Pro Quo “This for that”

Person is to submit to a request for sexual favors in exchange for an academic or job benefit or to avoid an academic or job detriment.



## Hostile Environment

Verbal or physical conduct that relates to a protected category.

- Unwelcome
- Severe or pervasive
- Unreasonably interferes
- Creates an intimidating or hostile environment

# SEXUAL VIOLENCE

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- ▶ Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.
  - Rape
  - Sexual Assault
    - Fondling, Incest, Statutory Rape
  - Sexual Exploitation
  - Aiding in the Commission of Sexual Violence
  - Dating Violence
  - Domestic Violence
  - Stalking



# AN ALLEGATION OF SEXUAL ASSAULT

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- ▶ Two questions need to be answered:

QUESTION #1:

Was there effective consent between the involved parties?

QUESTIONS #2:

Was there the ability to provide effective consent?

# WHAT IS EFFECTIVE CONSENT?

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- ▶ Mutual understandable words and actions that can be withdrawn at anytime
- ▶ Consent is not possible when force, coercion, threats, or duress is used
- ▶ Consent is not possible when a person is incapacitated or impaired
  - Includes impairment due to the use of alcohol or other drugs or
  - Being asleep or unconscious
- ▶ Silence or absence of resistance does not imply consent



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# INVESTIGATIONS



# *HOW IS IT OK THAT A COLLEGE, AND SPECIFICALLY YOU, INVESTIGATE SEX CRIMES?*

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- ▶ Educational process, not a legal one
- ▶ Terminology
  - Violations vs. Crimes
  - Reporting Party vs. Victim
  - Responding Party vs. Accused or Perpetrator
  - Responsible vs. Guilty
  - Outcome vs. Sentence
- ▶ What if the case doesn't go to court?.....

# 98% OF CASES

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For every 100 Rapes Committed\*:

- ▶ 19 are reported to the police
- ▶ 7 result in prosecution
- ▶ 3 result in conviction
- ▶ 2 result in incarceration
- ▶ Which means that 98% of cases, the perpetrator doesn't spend a single day in jail

\*Victim Rights Law Center, Boston

# OTHER CONSIDERATIONS IN CRIMINAL INVESTIGATIONS

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- ▶ When the case does not go forward
- ▶ When the case gets thrown out
- ▶ When stories change
- ▶ When someone is found not guilty
- ▶ And so on.....

## REAL WORLD: MASSBAY

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“How do we (MassBay) need to respond when someone reports that they are a victim of sexual harassment or sexual misconduct in order to be in compliance?”

# WHAT DO WE HAVE TO DO?

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- ▶ Once a school knows or reasonably should know have known that an alleged incident occurred, a school must:
- ▶ **INVESTIGATE** what occurred;
- ▶ Take prompt and effective steps to **END** the harm;
- ▶ **PREVENT** its recurrence;
- ▶ **REMEDY** its effects
- ▶ It does not matter whether or not the allegation is the subject of a criminal investigation.
- ▶ A school must take steps to protect the complainant as necessary, including interim steps taken prior to the final outcome of the investigation.

# INVESTIGATING AT MASSBAY

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- ▶ Team investigator model
- ▶ Investigators are staff members that are
  - Impartial fact finders
  - Certified via training on a regular basis (at least once a year)
- ▶ Investigator team meets with parties individually (reporting, responding, witnesses, etc.) until all fact finding is completed and a determination can be made



# INVESTIGATORS

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- ▶ Joshua Cheney, Asst. Dean of Students
- ▶ Samaria Stallings, Dir. of Human Resources
  
- ▶ Laura Brown, Dir. of Grants
- ▶ Adam Nelson, Dir. of Athletics
- ▶ Dan Pace, Associate Dir. of Human Resources
- ▶ Sarah Salerno, Dir. of Academic and Transfer Advising

# RECENT HISTORY LESSON PART II

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- ▶ **September 17, 2017, Department of Education rescinds 2011 and 2014 guidance**
  - Preponderance of Evidence standard not required
  - Appeal rights not mandatory for reporting party
  - Mediation as a form of resolution
  
- ▶ **November 16, 2018, Department of Education releases new regulations**
  - 60 day public comment period through January 29, 2019
  - Date TBD as to when new regulations take effect
  
- ▶ **Regardless, the fundamentals of Title IX do not change!**

# REAL WORLD: MASSBAY

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“So what *am* / supposed to do if someone comes to me and tells me ‘something happened’ to them?”

# CONFIDENTIAL OR RESPONSIBLE?

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- ▶ Public Safety
- ▶ Dean of Students
- ▶ Counseling Services
- ▶ Disability Resources
- ▶ Title IX Coordinator
- ▶ Athletic coaches
- ▶ Academic Advising
- ▶ Faculty members
  - Currently teaching the student
  - Currently not teaching the student
- ▶ Union Representatives
- ▶ Human Resources

# WHAT'S A "RESPONSIBLE EMPLOYEE"?

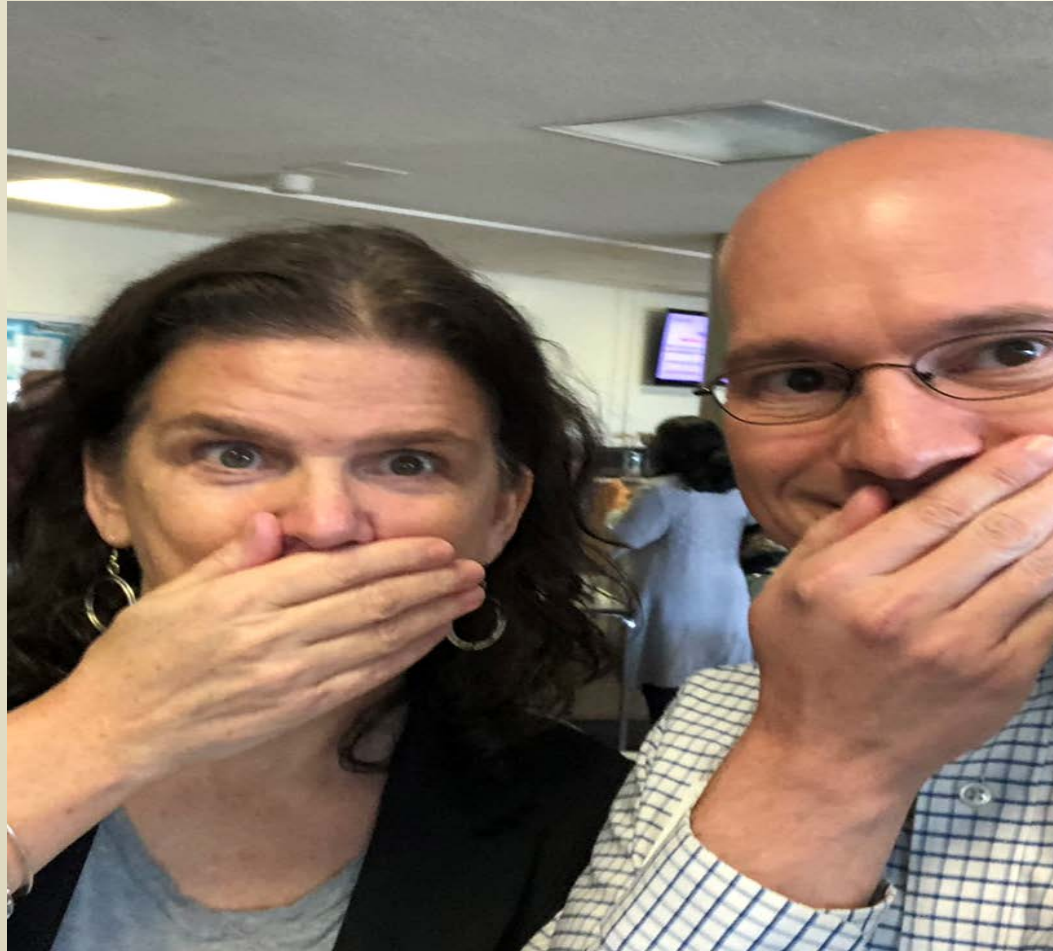


# RESPONSIBLE EMPLOYEE: TITLE IX

- ▶ Has the **authority** to take action to REDRESS the harassment,
- ▶ has the **duty** to report harassment or other types of misconduct to appropriate officials,
- ▶ a student could REASONABLY BELIEVE this person has this **authority or duty**.
- ▶ The only people that are EMPLOYED BY MassBay who are not responsible employees are those that directly work for Counseling Services.
- ▶ What if I am a licensed counselors or psychologist?



# AND IF YOU'RE STILL WONDERING...





# WE CAN ALWAYS TALK IN HYPOTHETICALS

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“If *someone* said *this* to *me*, what would *someone in your position* do next?”

# AN EXAMPLE OF WHAT TO SAY:

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“Thank you for sharing this with me. I want to let you know that I will need to contact Lisa MacDonald, Director of Equity Compliance. She is the person on campus who needs to know about these types of incidents and can help support students, give you options for what you can do or not do, and coordinate next steps.”

# WHO TO NOTIFY

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**Harassment, Discrimination,  
and Sex-based misconduct  
involving students**



**Lisa MacDonald, Dir.  
Of Equity  
Compliance**

or

**Josh Cheney, Asst.  
Dean for Student  
Development**

**Harassment, Discrimination,  
and Sex-based misconduct  
involving faculty or staff**



**Lisa MacDonald, Dir.  
Of Equity  
Compliance**

or

**Samaria Stallings,  
Director of Human  
Resources**

# SYSTEMS ARE WORKING!

## (AUGUST 2018–JUNE 2019)

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- ▶ 53 Referrals/Intakes
  - 24 Title IX
  - 17 Affirmative Action
  - 12 ADA/504
- ▶ 18 Formal Investigations
  - 6 Title IX
  - 7 Affirmative Action
  - 5 ADA/504

# ANY QUESTIONS, PLEASE CONTACT:



## **Lisa MacDonald**

Director of Equity Compliance  
Title IX Coordinator  
Affirmative Action Officer  
ADA/504 Coordinator

(781) 239-3147

[lmacdonald@massbay.edu](mailto:lmacdonald@massbay.edu)

Office: 430A

Hours: Monday–Friday  
8:30am–4:30pm

## **Josh Cheney**

Assistant Dean of Students  
Office of Student  
Deputy Title IX Coordinator

## **Samaria Stallings**

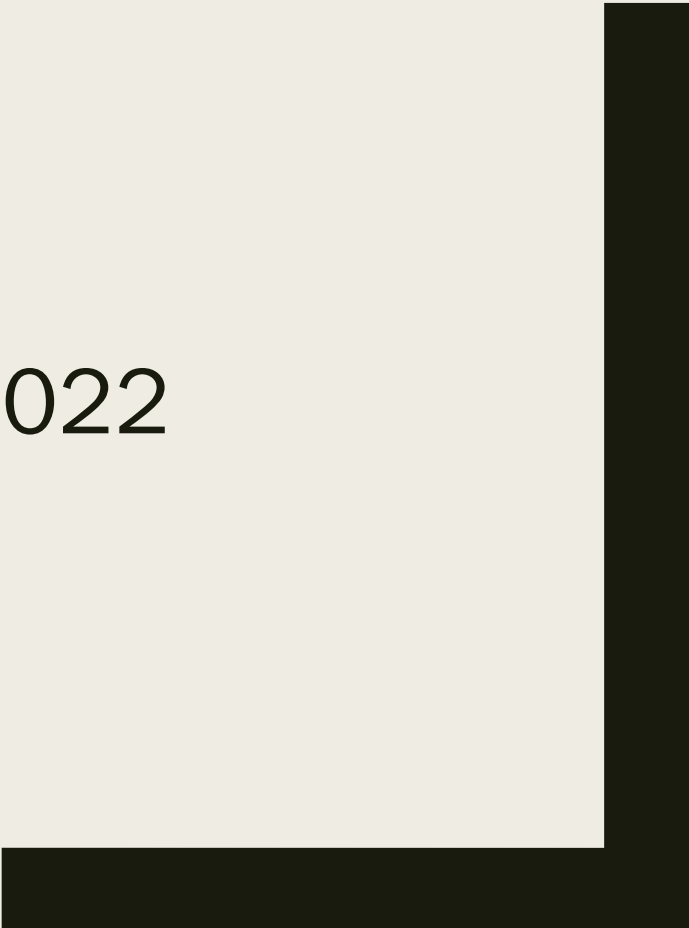
Director of Human Resources  
Human Resources  
Deputy Title IX Coordinator



# STRATEGIC PLAN, 2018-2022

Year One Update

6/11/19



# Goal 1: Improve retention and degree completion rates.

- MassBay leads the community colleges in completion rate (up from 47 to 49%).
- Fall-to-spring retention rate increased from 77% to 80%.
- Three-year graduation rate increased from 17% to 19%.
- Transfer rate increased from 24 to 26%.

## Supporting activities:

- Academies (guided pathways) model
- “MyMap” advising tool
- Academic coaching introduced early
- New design for The Enrollment Center



## Goal 2: Increase the percentage of math students who have completed a college-level math course in 2 years.

- Students completing college-level math in the first year increased from 20% to 22%.
- MassBay moved up to the middle in community college rankings.

### Supporting activities:

- Development of co-requisite math courses
- Summer AIM Program (we did not offer a Winter AIM, as originally planned): 52% exited into college-level math, 22% into higher-level of developmental math; 90% enrolled in math in fall (compared to 60% of non-participants)
- Redesigned Math Study Center
- Math Anxiety workshops

## Goal 3: Improve academic outcomes for underserved groups.

- Black females have highest rate of six-year achievement
- Success rates for Black females and Hispanic males and females dropped 1-3 percentage points

### Supporting activities:

- We created a Young Women of Color program (earlier than planned)
- Sharp increase in programming for students and staff
- The Equity Agenda has become a college-wide priority

Goal 4: Based on national data describing prevalence of trauma and adversity increase academic success of students by improving pedagogical and service relationships with students using brain-based trauma-informed best practices, as well as addressing the needs of students with food insecurity.

- The Institute for Trauma, Adversity, and Resilience in Higher Education trained faculty and made conference presentations.
- The Student Nourishment and Care Committee (SNACC) oversaw multiple strategies to meet students' food insecurity.

# Goal 5: Maintain enrollment, despite downward projections.

- Enrollment declined by 5.6% from last year.

## Supporting activities:

- Expanded early college offerings and activities of the College Planning Collaborative
- Increased marketing via media and social media
- Introduced Computed Tomography program; discontinued several programs.
- New high school articulations (early)
- New TRAIN grant-funded program, with MassHire, in CompTIA A+.
- Strengthened Automotive programs with new Dean, recruiter, and equipment
- New transportation strategy planned

## Goal 6: Increase online offerings

- 14 new online courses developed
- MassBay admitted into SARA (state reciprocity agreement)
- Our online and hybrid courses increased from 17% to 19%

## Goal 7: Better prepare students for their roles as citizens in a diverse environment.

- Cultural diversity programming increased significantly.
- We increased community engagement by offering a series of volunteer opportunities.
- Students (as well as employees) participated in Title IX workshops.

## Goal 8: Refine curriculum to meet employer needs and occupational projections.

- Added advisory board in Allied Health, biotech, BMS, and cybersecurity
- Received TRAIN grant with MassHire to prepare computer user-support personnel

## Goal 9: Improve the professional experience of faculty and staff

- Strengthened Professional Development days, created a two-day orientation for new employees, offered staff training based on “StrengthsFinders” and “Lunch and Learn” events
- Offered three faculty learning communities, one for new faculty and two for adjunct faculty. Topics included: Confronting Challenges in the Classroom, Retention Strategies for At Risk Students, Campus Diversity and Equity, Supporting Students with Disabilities, Best Practices in Community College Teaching
- Established the Diversity, Equity, and Inclusion Team



## Goal 10: Increase the racial and ethnic diversity of the faculty

- We appointed three new faculty who are people of color.

Supporting activity:

- Members of the Executive Team and Affirmative Action Committee received extensive training on searching for diversity.

## Goal 11: Establish a long-term facility for the health science programs.

- We received a pledge of \$500,000, with an additional \$500,000 match.
- We entered the “quiet phase” of the capital campaign.

Goal 12: Build a Student Recreation and Fitness Center on the Wellesley campus to address students' athletic and recreational needs and to serve as a tool for recruitment and retention.

- An architect was selected and preliminary designs were made, but further action is deferred until the Framingham building progresses.

Goal 13: Improve the College's infrastructure

- Completed the installation of air conditioning on the 3<sup>rd</sup> and 4<sup>th</sup> floors, Wellesley.
- Improved technology through use of updates of existing systems; piloted new software; updated desktops, laptops, and servers; replaced phone system; and provided training sessions.

## Goal 14: Improve readiness to respond to public safety emergencies.

- Filled open campus police positions and made the force more diverse.
- Introduced culturally sensitive curriculum in training.
- Board decided to arm campus police.
- Offered several programs to members of the community to promote safety.