

BOARD OF GOVERNORS FOR HIGHER EDUCATION

Minutes of the Meeting
December 21, 2005

Department of Higher Education
Hartford, CT

Members Present: W. Aniskovich, W. Bevacqua, D. Brennan, J. Gatling, H. Penner, J. Reynolds, F. Ridley,

Members Absent: B. Flaherty, P. McCann Vissepó, A. Vertefeuille

Members of the Public: E. Lopez, CSU; E. Melendez, Office of the AG; A. Sturtz CSU; G. Ragosta, CCIC; B. Richards, HCC

1. Call to Order

H. Penner called the meeting to order at 11:58 a.m.

2. Approval of Minutes

J. Gatling moved and W. Bevacqua seconded the motion to approve the minutes of the November 16, 2005 meeting. The motion passed unanimously.

3. Public Participation

None.

4. Report of the Board Chairman

Chairman Penner welcomed William Aniskovich of Branford as a new member of the Board. W. Aniskovich was appointed by Senator Louis DeLuca, Senate Republican Leader. H. Penner noted that W. Aniskovich is the Chief Executive Officer for Stonington Behavioral Health, Inc. of New London and served seven terms in the Connecticut General Assembly serving the 12th Senate district. H. Penner swore in W. Aniskovich.

H. Penner thanked Department staff for providing reports and updates to the Board members on several academic and finance issues as well as degrees conferred.

5. Report of the Commissioner

V. Lewis reported that the Connecticut State University system has chosen a new chancellor and was pleased to note that Dr. David Carter, President of Eastern Connecticut State University, will be assuming that position early next year.

V. Lewis stated that the chief executive officers of the constituent units of higher education endorsed the cost containment report. The study identified ten areas where savings can be achieved.

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V. Lewis shared with Board members a copy of a memorandum sent to her and the chief executive officers of the constituent units by the co-chairs of the Higher Education and Employment Advancement Committee regarding the annual reporting of higher education accountability.

6. Commissioner's Consent Calendar

D. Brennan moved and J. Gatling seconded the motion to approve the extended Commissioner's Consent Calendar, consisting of the following:

- a) Northwestern Connecticut Community College – modification of a program in Fine Arts-Visual Communication Option and change the title to Animation and Video Arts, leading to an Associate in Science degree

RESOLVED that the Board of Governors for Higher Education approve the modification of a program in Fine Arts--Visual Communication Option and the change of the title to Animation and Video Arts, leading to an Associate in Science (A.S.) degree, offered by Northwestern Connecticut Community College.

- b) Quinnipiac University – approval of a program modification to add a Post-Master's Certificate: Forensic Nurse Clinical Specialist, to the University's current Master of Science in Nursing/Nurse Practitioner program

RESOLVED that the Board of Governors for Higher Education approve a program modification to add a Post-Master's Certificate: Forensic Nurse Clinical Specialist to Quinnipiac University's current Master of Science in Nursing/Nurse Practitioner (M.S.N./N.P.) program. It is further resolved that this approval be for a period of time concurrent with institutional accreditation.

- c) University of New Haven – accreditation of a program in Information Technology, leading to the Bachelor of Science degree

RESOLVED that the Board of Governors for Higher Education accredit a program in Information Technology, leading to the Bachelor of Science (B.S.) degree, offered by the University of New Haven, for a period of time concurrent with institutional accreditation.

- d) Goodwin College – licensure of a program in Respiratory Care, leading to the Associate of Science degree

RESOLVED that the Board of Governors for Higher Education license a program in Respiratory Care, leading to the Associate of Science (A.S.) degree, offered by Goodwin College, for a period of two years, until December 31, 2007.

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e) Post University – reaccreditation of the University

RESOLVED that the Board of Governors for Higher Education grant accreditation to Post University until December 31, 2010.

It is also resolved, as part of this accreditation, that the Board of Governors require the University to submit to the Department of Higher Education, for review by the Board of Governors, the following documents and reports:

* Its progress report in Fall 2006, in which the University will detail its success in clarifying its mission, developing and implementing a new strategic planning process based on that mission, and assuring the University's financial stability. That Fall 2006 progress report, submitted to the Department of Higher Education, should include copies of the University's audited financial statement and management letters for fiscal years 2005 and 2006.

* Its progress report in Fall 2007, in which the University will assess its general financial performance, including enrollment goals, debt service obligations, capital budgeting related to deferred maintenance, and financial ratios; its organizational governance as it relates to the roles and responsibilities of the CEO and president and the relationship between the Board of Directors and the Board of Trustees; and program evaluation and assessment of student learning outcomes. That Fall 2007 progress report, submitted to the Department of Higher Education, should include the University's audited financial statement and management letter for fiscal 2007 and the Commission's finance and enrollment data forms.

It is also resolved that the Board of Governors require the Department of Higher Education to participate in the Fall 2007 focused visit conducted by the New England Association of Schools and Colleges and to receive copies of all findings, reports, and recommendations concerning that visit. Those findings, reports and recommendations will be presented to the Board of Governors for review.

Finally, it is resolved that the Board of Governors require the University to submit a copy of its fifth-year Interim Report to the Department of Higher Education in Spring 2010, together with all findings, reports and recommendations made by the New England Association of Schools and Colleges concerning that Interim Report.

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- f) University of Connecticut – accreditation of a program in Business and Technology, leading to the Bachelor of Science degree at the University of Connecticut, Stamford

RESOLVED that the Board of Governors for Higher Education accredit a program in Business and Technology, leading to the Bachelor of Science (B.S.) degree, offered by the University of Connecticut in Stamford, for a period of time concurrent with institutional accreditation.

- g) University of Connecticut – accreditation of a program in Biodiversity and Conservation Biology, leading to joint Bachelor of Science/Master of Science degrees

RESOLVED that the Board of Governors for Higher Education accredit a program in Biodiversity and Conservation Biology, leading to the Bachelor of Science and Master of Science (B.S./M.S.) degrees, offered by the University of Connecticut, for a period of time concurrent with institutional accreditation.

- h) Board of Governors Discretionary Fund

RESOLVED that the Board of Governors for Higher Education approve the Board of Governors Discretionary Fund Policy as presented in Exhibit A.

- i) Review of Commissioner's contract

RESOLVED that the Board of Governors for Higher Education; subject to its responsibilities as contained in Section 10a-5 of the Connecticut General Statutes to select and employ a commissioner of higher education, to fix terms and conditions of employment and to fix compensation for the position; approve the offer of a continuing contract to Commissioner Valerie F. Lewis with a compensation adjustment as detailed in Exhibit A, effective retroactively to July 1, 2005.

- j) New System Level Performance Indicator – Research Intensity

RESOLVED that the Board of Governors for Higher Education endorse Research Intensity (Academic Research and Development Expenditures per \$1,000 of Gross State Product) as a new System Level Measure under Goal 4 – Economic Development of the Higher Education Accountability Program.

The motion passed unanimously.

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7. Report of the Standing Advisory Committee

G. Ragosta informed Board members that the Standing Advisory Committee is discussing the issue of student advising and an inventory or database of articulation agreements.

8. Other Business

- a) Proposed Final Decision: Galen Institute v. Department of Higher Education
BOG – 2005-001

H. Penner introduced Emily Melendez, Assistant Attorney General and noted that Atty. Melendez is available to the Board to provide any legal advice regarding this decision should the members wish to seek her assistance. Mr. Penner then provided the following statement:

“Good afternoon. My name is Harry Penner, and I am Chairperson of the State of Connecticut’s Board of Governors for Higher Education. Before us today for consideration is the *Proposed Final Decision* in the matter of Galen Institute, LLC (“Galen”) and the Department of Higher Education, Case No. BOG-2005-001. With me today are other members of the Board of Governors for Higher Education. Assistant Attorney General Emily Melendez is also here today and will provide the Board with any legal advice that it might request.

Pursuant to Connecticut General Statutes Section 10a-22e and Section 10a-22k-8 of the Regulations of Connecticut State Agencies, Mr. James Lattanzio, on behalf of Galen Institute, LLC, requested a hearing based upon the following alleged actions by the Department of Higher Education: (1) denial of Galen’s request to change the location of its Wethersfield campus to Willimantic, CT ; (2) denial of Galen’s revisions to its programs; and (3) denial of Galen’s request to change the location of its Stamford campus to another location in Stamford, CT. The Board of Governor’s appointed a hearing officer to hear this matter. The hearing officer’s Proposed Final Decision was issued on October 17, 2005.

The regulations governing this matter provide that if the Board as a whole has not conducted the hearing, we must provide the parties an opportunity to make oral statements regarding the Proposed Final Decision. Both parties received written notice of this matter being placed on the Board’s agenda, of the opportunity to file written briefs on the hearing officer’s Proposed Final Decision, and of the opportunity to make an oral statement in response to the Proposed Final Decision. I will note that NO EVIDENCE can be introduced during oral statements from the parties and that remarks shall not exceed 15 minutes.

After each party has made their statement, if any, Board members will have the opportunity to ask questions regarding the matters that were the subject of the hearing. The parties are to respond only to the question asked.

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The Board of Governors for Higher Education has the authority to take one of the following actions on the Proposed Final Decision:

1. Accept the recommendation of the hearing officer;
2. Accept only the factual findings of the hearing officer and make an independent decision as to whether the Administrative Complaint should be resolved in favor of the Department of Higher Education; or
3. Remand the matter back to the hearing officer for further consideration, articulation, and or further recommendations.

A resolution has been prepared and is included in the Board's material in the event that the Board of Governors selects option 1. If the Board of Governors wishes to consider adopting options 2 or 3, or requires any other legal advice, Assistant Attorney General Emily Melendez, will be available to advise us further.

Prior to discussing the matter, a Motion to Accept and Adopt the Proposed Final Decision will be made, and seconded, and discussion will follow.

At the conclusion of the Board's discussion, a roll call vote will be taken. An affirmative vote of a majority of the Board present and voting will be necessary to take action upon the Proposed Final Decision.

I will note for the record that each member of the Board has been provided with a copy of the:

1. Administrative Complaint dated August 14, 2005; and
2. *Proposed Final Decision in BOG 2005-001, Galen Institute, LLC v. Dept. of Higher Education*, submitted by Hearing Officer David Biklen, dated October 17, 2005.

Neither Galen Institute nor the Department of Higher Education filed a brief in response to the Proposed Final Decision. The transcript and exhibits of the hearing in this matter were available for review by Board members."

H. Penner asked if Board members had any questions regarding his statement. There were no questions from Board members.

H. Penner asked if there was a representative for Galen Institute present and if so, to please identify themselves for the record. There were no representatives from Galen Institute present. H. Penner asked if there was a representative for the Department of Higher Education and if so, to please identify themselves for the record. Commissioner Valerie Lewis identified herself as the representative for the Department of Higher Education and declined to make any comments.

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There being no further discussion, W. Bevacqua moved and J. Gatling seconded the motion that the Board of Governors for Higher Education, in accord with Conn. Gen. Stat. § 4-179, accepts and adopts the findings of fact and proposed final decision set forth in the Proposed Final Decision in Galen Institute, L.L.C. v. Department of Higher Education dated October 17, 2005, submitted by Hearing Officer David Biklen. The motion passed unanimously. (see Attachment A)

9. Adjournment

J. Gatling moved and J. Reynolds seconded the motion to adjourn at 12:16 p.m.

Respectfully submitted,

Constance Fraser
Secretary

**BOARD OF GOVERNORS FOR HIGHER EDUCATION
HARTFORD**

TO BE PROPOSED:

December 21, 2005

RESOLVED, That the Board of Governors for Higher Education, in accord with Conn. Gen. Stat. § 4-179, accepts and adopts the findings of fact and proposed final decision set forth in the Proposed Final Decision in Galen Institute, L.L.C. v. Department of Higher Education dated October 17, 2005, submitted by Hearing Officer David Biklen.

Roll Call Vote

	<u>In Favor</u>	<u>Oppose</u>	<u>Abstain</u>	<u>Absent</u>
William Ansikovich	✓			
William A. Bevacqua	✓			
Dorthea E. Brennan	✓			
Brian J. Flaherty				✓
James H. Gatling	✓			
Harry H. Penner	✓			
Jean E. Reynolds	✓			
Frank W. Ridley	✓			
Albert B. Vertefeuille				✓
Patricia McCann Vissepo				✓

Approved by a vote of 7 this 21st day of December, 2005.

Signed: _____
Constance Fraser
Secretary

ACADEMIC AFFAIRS AND PLANNING

Minutes of the Meeting

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Committee

Members Present: H. Penner, J. Reynolds, F. Ridley

Committee

Members Absent: A. Vertefeuille, P. McCann Vissepo

Other BGHE

Members Present: W. Aniskovich, W. Bevacqua, D. Brennan, J. Gatling

1. Call to Order

F. Ridley called the meeting to order at 11:00 a.m. and asked that all members of the Board serve as members of the Academic Affairs and Planning Committee for the day.

2. Approval of the Academic Affairs Committee Minutes for the November 16, 2005 Meeting

On a motion made by F. Ridley, seconded by W. Bevacqua, the Committee voted to approve the minutes of the November 16, 2005 meeting. The motion passed unanimously.

3. Commissioner's Consent Calendar

On a motion made by W. Bevacqua, seconded by J. Gatling, the Committee unanimously voted that the following items be forwarded to the full Board's Consent Calendar.

a. Northwestern Connecticut Community College – Modification of a program in Fine Arts-Visual Communication Option and change the title to Animation and Video arts, leading to an Associate in Science degree

b. Quinnipiac University – Approval of a program modification to add a Post-Master's Certificate: Forensic Nurse Clinical Specialist, to the University's current Master of Science in Nursing/Nurse Practitioner (M.S.N./N.P.) program

c. University of New Haven – Accreditation of a program in Information Technology, leading to the Bachelor of Science degree

4. Action Items

a. Goodwin College – Licensure of a program in Respiratory Care, leading to the Associate of Science degree

J. Zdanys reviewed the staff report and introduced President Mark Scheinberg, Ann Clark, Vice President of Administration and Academic Affairs, Janet Jefford, Director of Curriculum Planning, and Tracey Jackson, Director of Clinical Education, who represented the College.

After discussion, W. Bevacqua moved that the Board of Governors for Higher Education license a program in Respiratory Care, leading to the Associate of Science degree, offered by Goodwin College, for a period of two years, until December 31, 2007, and to forward the item to the Commissioner's Consent Calendar. J. Reynolds seconded; the motion passed unanimously.

b. Post University – Reaccreditation of the University

J. Zdanys reviewed the staff report and introduced President Jon Jay DeTemple, Thomas Samph, Chief Executive Officer, and Patricia Sanders, Vice President of Academic Affairs, who represented the University.

After discussion, J. Reynolds moved to grant accreditation to Post University until December 31, 2010. Ms. Reynolds also moved, as part of this accreditation, that the Board of Governors require the University to submit to the Department of Higher Education, for review by the Board of Governors, the following documents and reports:

* Its progress report in Fall 2006, in which the University will detail its success in clarifying its mission, developing and implementing a new strategic planning process based on that mission, and assuring the University's financial stability. That Fall 2006 progress report, submitted to the Department of Higher Education, should include copies of the University's audited financial statement and management letters for fiscal years 2005 and 2006.

* Its progress report in Fall 2007, in which the University will assess its general financial performance, including enrollment goals, debt service obligations, capital budgeting related to deferred maintenance, and financial ratios; its organizational governance as it relates to the roles and responsibilities of the CEO and president and the relationship between the Board of Directors and the Board of Trustees; and program evaluation and assessment of student learning outcomes. That Fall 2007 progress report, submitted to the Department of Higher Education, should include the University's audited financial statement and management letter for fiscal 2007 and the Commission's finance and enrollment data forms.

Ms. Reynolds also moved that the Board of Governors require the Department of Higher Education to participate in the Fall 2007 focused visit conducted by the New England Association of Schools and Colleges and to receive copies of all findings, reports, and recommendations concerning that visit. Those findings, reports and recommendations will be presented to the Board of Governors for review.

In addition, Ms. Reynolds moved that the Board of Governors require the University to submit a copy of its fifth-year Interim Report to the Department of Higher Education in Spring 2010, together with all findings, reports and recommendations made by the New England Association

of Schools and Colleges concerning that Interim Report, and to forward the item to the Commissioner's Consent Calendar. J. Gatling seconded; the motion passed unanimously.

c. University of Connecticut – Accreditation of a program in Business and Technology, leading to the Bachelor of Science degree at the University of Connecticut - Stamford

J. Zdanys reviewed the staff report and introduced Dr. Suman Singha, Vice Provost for Academic Affairs, and Jeffrey Rummel, Associate Dean, who represented the University.

The Board expressed concerns regarding the length of time between licensure and accreditation. D. Brennan requested that the Department add a section to the monthly update indicating licensed programs that are due to expire. After a brief explanation by Dr. Singha, D. Brennan moved to accredit a program in Business and Technology, leading to the Bachelor of Science degree, offered by the University of Connecticut in Stamford, for a period of time concurrent with institutional accreditation, and to forward the item to the Commissioner's Consent Calendar. H. Penner seconded; the motion passed unanimously.

d. University of Connecticut – Accreditation of a program in Biodiversity and Conservation Biology, leading to joint Bachelor of Science/Master of Science degrees

J. Zdanys reviewed the staff report and introduced Dr. Suman Singha, Vice Provost for Academic Affairs, and Professor Eric Schultz, who represented the University.

The Board expressed concerns regarding the length of time between licensure and accreditation. After a brief explanation by Dr. Singha, J. Reynolds moved to accredit a program in Biodiversity and Conservation Biology, leading to Bachelor of Science and Master of Science degrees, offered by the University of Connecticut, for a period of time concurrent with institutional accreditation, and to forward the item to the Commissioner's Consent Calendar. J. Gatling seconded; the motion passed unanimously.

5. Progress Reports

a. Briarwood College – Progress report to the New England Association of Schools and Colleges

J. Zdanys reviewed the progress report, noting the steps taken by the College to meet the New England Association of Schools and Colleges recommendations.

b. Gibbs College – Progress report for a program in Digital Film Making and Multimedia, leading to the Associate of Applied Science degree

J. Zdanys reviewed the progress report, noting that the College has added "ethics in filmmaking" lectures and course content to its current course offerings for this program and that the College has reorganized its current general education curriculum.

6. Information Items

J. Zdanys presented the Board with new brochures which are part of a new public relations campaign for iCONN.

J. Zdanys reviewed the monthly update.

7. Other Business

Minutes of the ACA meeting November 17, 2005

8. Adjournment

The meeting adjourned at 11:58 a.m.

Respectfully submitted,

Jonas Zdanys, Secretary