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<td>BOARD OF TRUSTEES</td>
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POWERS, OBLIGATIONS AND DUTIES IN SUMMARY FORM

The following sections of Chapter 15A have been highlighted as they specifically reference the powers, obligations and duties of the College’s Board of Trustees. As this information is presented in summary form, please refer to the entire section as contained in the statute when considering issues related to a particular section. (Section I of this manual.)

SECTION 21 - Board of Trustees For Section 5 Institutions; Membership; Qualifications; Tenure; and Vacancies.

Membership

There shall be a board of trustees consisting of eleven members for each of the institutions. Each board shall elect a chairperson.

One member of the board shall be a full-time undergraduate student member from said institution, and ten members shall be appointed by the governor, at least one of whom shall be an alumnus of said institution and one of whom shall be elected thereto by the alumni association of said institution.

Each student member shall be elected by the student body for a one year term, and shall be eligible for re-election for as long as said student remains a full-time undergraduate student.

Restrictions

No member of the board of trustees shall be a member of the Board of Higher Education (BHE). No member of a board of trustees shall be principally employed with in the public higher education system of the Commonwealth.

No more than one-third of the members shall be principally employed by the Commonwealth.

Appointments and Vacancies

Members shall be appointed to serve for five year terms, but no member shall be appointed for more than two consecutive terms. Any vacancy shall be filled for the duration of the term, in the same manner as the prior appointment.

If a member is absent from four regular meetings in any calendar year, exclusive of July or August, that person’s membership on the board shall terminate and a vacancy shall be deemed to exist.

Compensation

Members of the board shall serve without compensation but may be reimbursed for all expenses reasonably incurred in the performance of their duties.

Responsibilities

Each board of trustees shall from time to time advise the BHE on admissions programs, labor relations and program approval for its institution.

SECTION 22 - Powers and Duties of Board of Trustees
Each board of trustees of a community college or state college shall be responsible for establishing those policies necessary for the administrative management of personnel, staff services and the general business of the institution under its authority.

**Duties**

1. Cause to be prepared and submit to BHE estimates of maintenance and capital outlay budgets for the institution.
2. Establish all fees at the institution subject to guidelines established by the BHE. Fees established shall be retained by the board in a revolving fund or funds and shall be expended as the board may direct. *(See Trust Fund section).*
3. Appoint, transfer, dismiss, promote and award tenure to all personnel of the institution.
4. Manage and keep in repair all property, real and personal, owned or occupied by the institution.
5. Seek, accept and administer for faculty research, programmatic and institutional purposes grants, gifts and trusts from private foundations, corporations, federal agencies, alumnae and other sources which may be disbursed at the direction of the board.
6. Implement and evaluate affirmative action policies and programs.
7. Establish, implement and evaluate student services and policies.
8. Recommend to the BHE admission standards and instructional programs for the institution, including all major and degree programs.
9. Have authority to transfer funds within and among subsidiary accounts allocated to the said institution by the BHE.
10. Establish and operate programs, including summer and evening programs.
11. Award degrees in fields approved by the BHE; either independently or in conjunction with other institutions and the BHE.
12. Submit a five year master plan to the BHE. The plan shall be updated annually on or before the first Wednesday of December of each year.
13. Submit financial data and an annual institutional spending plan to the BHE for review. The plan shall include an account of spending from all revenue sources, including but not limited to, trust funds.
14. Develop a mission statement for the institution consistent with identified missions of the system of public higher education as a whole, as well as the identified mission of the category of institution within which the institution operates. The mission statement shall be forwarded to the BHE for its approval. After approval, the board of trustees shall make the mission statement available to the public.
15. Submit an institutional self-assessment report to the BHE, which the board of trustees shall make public and available to the institution. The assessment report shall be used to foster improvement at the institution by the board of trustees and shall include information relative to the institution's progress in fulfilling its mission. The report shall be submitted every two years.

**Delegation**

The board of trustees may delegate to the president of the institution any of the powers and responsibilities listed above.

**Liability**

The Commonwealth shall indemnify a trustee of a community college against loss by reason of the liability to pay damages to a party for any claim against the trustee arising out of any official judgment, decision, or conduct of the trustee. Provided however, that the trustee has acted in good faith and without malice. The defense or settlement of such a claim must be made by the Attorney General or his designee for the Commonwealth to indemnify the trustee.
In addition to the above, each member of the Cape Cod Community College Board of Trustees, as well as each College administrator, is covered by a nonprofit organization liability insurance policy the College has with the Marsh Advantage America.

This policy will indemnify the Insured for Loss as a result of civil Claims made against the Insureds by reason of a Wrongful Act. Wrongful Act means, Any act, error, or omission of an insured constituting a breach of a duty imposed by law or a breach of an Employment Contract.

The Limits of Liability is $3,000,000 for each loss and aggregate for each policy year with a Retention of $5,000 for each loss. A copy of this policy is available from the Executive Vice President of Administration & Finance.

SECTION 23 - Board of Trustees: Estimate for Institution’s Ordinary Maintenance and Revenues

Each board of trustees shall periodically prepare and submit to BHE an estimate, in detail, for the ordinary maintenance of its institution, including the salaries of all officers and employees of said institution and all revenues of the institution and any other such information as the Board of Higher Education may require.

SECTION 24 - Board of Trustees Authorized Purchases

Each board of trustees shall have the authority to make any purchase or purchases in the amount of two thousand dollars ($2,000) or less, and to purchase without limitation of amount library books and periodicals, educational and scientific supplies and equipment, printing and binding, emergency repairs and replacement parts, and perishable items, without recourse to any other state board, bureau, department or commission. All colleges shall follow modern methods of purchasing and shall, wherever practicable, invite competitive bids. A board of trustees shall have the right to review all bids received on any said board’s requisitions to make binding recommendations on the award of the contract based on the judgment of the board as to which of the bids best meet said board’s specification on which the bids were received.

SECTION 37 - Foundations Created for Public Institutions of Higher Education; Governing Boards; Annual Reports; Audits

What is a Foundation?

(a) A Foundation is defined as: (a) either (i) a corporation within the meaning of clause (c) of section two of chapter one hundred and eighty and subject to the provisions of said chapter one hundred and eighty, except as herein provided, or (ii) a public charitable trust constituted and operating as such and subject to the requirements of law governing such trusts, except as herein provided; (b) organized and operated exclusively for the benefit of an institution of public higher education; and (c) certified by the board of trustees of the institution which it supports to be operating in a manner consistent with the goals and policies of the institution.

Lack of Certification as a Foundation

(b) A corporation or trust which is not certified as provided herein, or whose certification has been revoked by the board of trustees of the institution which it supports, shall not use the name of such institution (i) for fundraising without written permission of the board of trustees of such institution, or (ii) in the name of such corporation or trust.
Membership of Governing Board of Foundation

(c) Each foundation shall have a governing board to oversee its operation. In no event shall institutional trustees and employees constitute one-half or more of the voting members of such foundation’s governing board. The governing board of such foundation shall annually file a list of the members and officers of such board with the institution’s board of trustees.

Trustees’ Authorization for Facilities and Personnel Use

(d) The board of trustees of an institution which a foundation supports is authorized to permit the use without compensation of facilities and personnel services of the institution by the foundation; provided, however, that in no event shall an employee of the institution spend more than twenty-five percent of his work hours engaged in services for a foundation.

Accepting Gifts from a Foundation

(e) All gifts from a foundation to an institution shall be approved for acceptance by the board of trustees in accordance with applicable institutional policies. A person soliciting funds or any other thing of value on behalf of a foundation from a person, firm, corporation or other entity shall, at the time of the solicitation, clearly and conspicuously disclose to the potential donor that the donations are to be provided to the foundation and not to an institution and that the donor may request in writing that the donor’s identity not be publicly disclosed.

Annual Report

(f) Each foundation shall provide an annual report of its financial accounts prepared in accordance with generally accepted accounting principles to the board of trustees of the institution which it supports. The board of trustees may require any supplemental data relative to the operations of the foundation. The identity of donors who wish to remain anonymous shall be protected and anonymity of such donors shall be maintained in all audit reports. The annual financial report when received by a board of trustees shall be considered a public record as defined in clause twenty-sixth of section seven of chapter four.

Audits

(g) The state auditor shall have the authority, upon request by the institution or upon his own initiative, to audit transfers to or expenditures from foundation accounts of public funds, use of employees paid with public funds to staff the foundation and the existence of contracts or agreements between a foundation and an institution.

Foundations are not Agencies of the Commonwealth

(h) A foundation certified by an institution’s board of trustees under the provisions of this section shall not be deemed to be an agency, board, bureau, department, division, commission, authority or other subdivision of the Commonwealth. Members of the governing boards of a foundation who are not already state employees shall not be considered to be state employees for the purposes of chapters two hundred and sixty-eight A and two hundred and sixty-eight B.
ARTICLE I. ORGANIZATION & OFFICERS OF THE BOARD OF TRUSTEES

Section 1. Composition and Functions of the Board

The composition, duties, functions, powers and responsibilities of the Board of Trustees shall be as provided and authorized by the General Laws and the Acts of the General Court as in effect from time to time.

Section 2. Officers of the Board

The officers shall consist of a Chairman, a Vice Chairman, and a Secretary, all of whom shall be elected by ballot at the annual meeting of the Board held in June of each calendar year; the officers shall constitute the Executive Committee. No person shall serve for more than two (2) consecutive one-year terms in each office.

The officers shall serve until their successors have been elected and sworn to the duties of their respective offices.

Section 3. The Chairman of the Board of Trustees shall have the following duties:

a. To preside at all meetings of the Board of Trustees.
b. To call regular and special meetings of the Board of Trustees. (See Article II, Section 3)
c. To serve ex officio, with voting power, as a member of all ad hoc committees of the Board of Trustees.
d. To serve as the alternate member of the Finance & Personnel Committee.
e. To appoint ad hoc committees from time to time, a nominating committee and other special committees of the Board of Trustees, and the Chairmen thereof.
f. To sign all necessary legal instruments approved by the Board.
g. To report to the Governor and the Higher Education Coordinating Council the name of any Trustee whose failure to attend meetings is excessive in accordance with Chapter 15A, Section 21.

Section 4. The Vice Chairman of the Board of Trustees shall have the following duties:

a. To perform the duties of the Chairman of the Board of Trustees at his/her request or in case of his/her absence or incapacity.
b. To serve as Chairman of the Finance and Personnel Committee of the Board.

Section 5. The Secretary of the Board of Trustees shall have the following duties:

a. To oversee the maintenance of records of the meetings of the Board of Trustees and special committees thereof.
b. To perform the duties of the Chairman of the Board of Trustees in the absence of both the Chairman and the Vice Chairman.
Section 6. The Executive Committee

The duties of the Executive Committee shall consist of the following:

a. Meet with the President, and any necessary support personnel as needed for the purpose of discussing college matters.

b. Act for the Board of Trustees in situations of emergency as determined by the Chairman subject to telephone approval of the required number of Trustees.

ARTICLE II. MEETINGS OF THE BOARD

Section 1. Annual and Regular Meetings

The annual meeting of the Board of Trustees shall be held in June of each calendar year. Regular meetings shall be held at least once in each calendar month unless the Board of Trustees shall otherwise determine. The time and place of such meetings may be fixed by the Board of Trustees or by the Chairman of the Board of Trustees. In the absence of the Chairman, the Vice Chairman and the Secretary of the Board of Trustees at any meeting, a majority of the Trustees at that meeting may appoint a Chairman pro tempore of the Board for the conduct of that meeting.

Section 2. Special Meetings

Special meetings of the Board may be held at any time and at any place when called: (1) by the Chairman of the Board of Trustees, or (2) by petition of any five Trustees given in writing to the Secretary specifying the time, place and purposes of the meeting.

Section 3. Notice of Meetings

Written notice, including the agenda of each regular and special meeting of the Board of Trustees, shall be given by the recording secretary to each Trustee by mail at least five working days prior to the date fixed for the meeting. The notice, including the agenda, shall state the time and place of the meeting, and for special meetings the purposes for which it has been called.

Section 4. Quorum

The number of Trustees to constitute a quorum for the transaction of business shall be six (6) or such other number as is fixed by law, but a less number may adjourn any meeting from time to time, and the meeting may be held as adjourned without further notice. If a vacancy(s) should occur on the Board of Trustees, during the interim of no replacement a quorum shall consist of five (5).

Section 5. Board of Trustees' Agenda

No item shall be included in the agenda for a regular meeting except upon consideration and recommendation by the Chairman of the Board and President; provided, that at any regular meeting the Chairman of the Board of Trustees and the President of the College and any Trustee upon majority vote of said Board, shall be entitled to present matters to the Board of Trustees for its consideration.
Section 6. Order of Business

Unless otherwise determined by the Chairman of the Board of Trustees the following shall be the order of business at meetings of the Board of Trustees:

I. Call to Order
II. Consideration of Minutes of Prior Meeting
III. Chairman of the Board's Report
IV. Report of the Finance & Personnel Committee
V. Reports of Special Committees (Ad Hoc Committees)
VI. Report of Nominating Committee (at annual meeting)
VII. President's Report
VIII. Status of Pending Actions
IX. Other Business

Section 7. General Operational Procedure of the Board. Practice of the Board of Trustees

The practice of the Board of Trustees shall be in general to act upon matters recommended by the President and/or members of the Board and after due consideration by the Trustees as a whole, establish policy or directive on the matter.

(a) Finance & Personnel Committee

A Finance & Personnel Committee shall be appointed by the Chairman at the annual meeting. The Chairman of the Committee shall be the Vice Chairman of the Board, and two additional Trustees appointed by the Chairman of the Board. The Board Chairman shall serve as the alternate member of the Committee and vote if one of the members is absent. The Board Chairman shall ensure that the Committee always has at least one member as a carryover from the previous year, when making the appointments. The President, Chief Fiscal Officer and others as relevant, shall attend Committee meetings.

Charge of the Finance & Personnel Committee

The Committee shall review all financial matters, including budget transfers, spending and capital and state maintenance budgets, and special fund budgets prior to recommending action to the full Board. The Committee shall review all reports and communications from auditors, whether state or federal auditors, or independent auditors hired by the College. The Committee shall also review all personnel actions as well as any major personnel reorganizations planned by the President. The trust fund reports, both quarterly and annually, are to be reviewed by this committee.

The Finance & Personnel Committee shall meet monthly as called by the Committee Chairman.

(b) Ad Hoc Committees

From time to time the Chairman may appoint ad hoc committees to study the question or policy before the Board. Such temporary committees if they desire, will have the assistance of administrative officers of the College as designated by the President. The Board may, after due consideration, act on the recommendations of such special committees if such action is required.
Section 8. Executive Sessions

By vote of a majority of the Trustees present at any meeting, the Board may enter into executive session, closed to the public. The vote shall be taken by roll call and the purpose of the session and the reasons why it is to be confidential shall be announced in advance of the vote. The presiding officer shall state before the executive session if the Board will reconvene after the executive session. The records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive session shall be recorded votes and shall become a part of the record of said executive session. Upon request of any member of the Board, any vote taken in its executive session shall be verified by a roll call.

Executive sessions may be held only for the following purposes:

(a) To discuss the reputation and character, physical condition or mental health rather than the professional competence of an individual. An open meeting shall be held if the individual involved requests in writing that the meeting be open.
(b) To consider the discipline or dismissal of, or to hear complaints or charges brought against, an officer, employee, or individual. An open meeting shall be held if the individual involved requests in writing that the meeting be open.
(c) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental impact on the bargaining or litigating position of the College.
(d) To discuss the deployment of security personnel or devices.
(e) To consider allegations of criminal misconduct.
(f) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the College and a person, firm or corporation.
(g) To comply with the provisions of any general or special law of federal grant-in-aid requirements.
(h) To consider the award of honorary degrees and awards.

Section 9. Community Participation

All community communications to the Board of Trustees and requests to present these communications to the Board of Trustees, shall be addressed to the Board of Trustees or to the President of the College. Citizens wishing to present any matters of concern to the College shall make their request in written form indicating the nature of their request to the Board of Trustees at least five (5) working days prior to the regular meeting of the Board. The Board may in case of emergency and by majority vote give visitors who have not presented a written request an opportunity to present matters of concern to the Board. In all cases, regular or emergency, the Chairperson shall allow a visitor a reasonable amount of time for presentation, but discretion shall be used by the Chairperson in not allowing an unusual amount of time by any one speaker; time allocation in most cases shall not exceed five (5) minutes.

ARTICLE III.

Members of the Nominating Committee are not disqualified from being nominated to serve as Officers.
ARTICLE IV.

These By-Laws may be amended at any regular or special meeting by a two-thirds vote of members present and voting, due notice of such amendment having been given in the call to the meeting.

ARTICLE V.

Robert's Rules of Order shall govern the parliamentary procedures of the Board of Trustees insofar as these Rules are compatible with the laws of the Commonwealth of Massachusetts.

Board Approval
October 17, 1996
January 27, 1994
January 1, 1989
November 15, 1988
January 18, 1983
October 20, 1981
March 17, 1981
CAMPAIGN FINANCE

The following section of Chapter 55 applies specifically to appointed officials:

1. Prohibition on Solicitation of Contributions in Public Buildings

Section 14 of the law specifically prohibits anyone from soliciting political contributions in a building occupied for state, county, or municipal purposes. The prohibition applies to all public employees, elected and appointed officials, members of the general public and anyone else who enters a public building. Fundraising activity for any candidate or political committee, whether at the federal, state, county or local level, is similarly prohibited.

The following activities are examples of activities that may not take place in a public building.

1. Asking for or receiving contributions to any political committee or candidate;

2. Using a public building as a return address for contributions or using a phone number in the building as a contact for buying tickets to a fundraiser; or

3. Posting an advertisement or a circular selling tickets to a fundraiser or otherwise seeking contributions.

2. Prohibition on Use of Public Resources for Political Purposes

The law further prohibits the use of public resources for political purposes. Specifically, public resources may not be used for any political purpose whatsoever, including support or opposition of ballot questions, political campaign purposes, including the promotion of a candidate or any political committee or party.

Public resources are defined as anything that is paid for with public money, whether raised through taxes or fees. This includes:

1. Staff time;

2. Office and other equipment (copy machines, faxes, telephones, computers);

3. Public buildings; or

4. State, county or municipal seals. This means using public seals on items such as letterhead or envelopes for political campaign purposes is prohibited.

(The above was provided by General Counsel in the Board of Trustees Resource Manual issued June 2001.)
CONDUCT OF PUBLIC OFFICIALS

The State Ethics Law, found at MGL, Chapter 268A, covers all public employees, both state and municipal. The definition of state employee includes all persons performing services for a state agency, with or without compensation. Trustees fall within a sub-category of state employees, which is special state employees. Special state employees are state employees who do not earn compensation and who are not elected officials. The following sections of Chapter 268A have been highlighted for your consideration. These sections may have specific applicability to Trustees.

SECTION 3 - Gifts, offers or promises for acts performed or to be performed; corruption of witnesses; solicitation of gifts.

Section 3 prohibits trustees from seeking or accepting anything of substantial value in return for any official actions.

SECTION 4 - Other compensation; offer, gift, receipt or request; acting as agent or attorney for other than state; legislators; special state employees.

Section 4 prohibits a trustee from acting as a representative for anyone in relation to any matter in which the commonwealth or a state agency is a party or has a direct and substantial interest.

SECTION 6 - Financial interest of state employee, relative or associates; disclosure.

Section 6 prohibits trustees from participating in any matter in which the trustee, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest. In short and simple terms, this means that a trustee may not participate in any College decisions that would financially benefit the trustee, his/her immediate family, his/her partners, or his/her business. If a trustee or his/her family, etc., does have a financial interest in a College matter, the trustee may be granted permission to participate nonetheless if the Governor and the State Ethics Commission make a written determination that the interest is not so substantial as to be deemed likely to affect the integrity of the services of the trustee.

SECTION 7 - Financial interest in contracts of state agency; application of section.

Section 7 prohibits a trustee from having a direct or indirect financial interest in a contract made by a state agency, in which the Commonwealth or a state agency is an interested party. A financial interest does not include ownership of less than one percent of the stock of a corporation. There is also an exemption procedure under this Section, but as the exemptions are more complicated than under Section 67, General Counsel’s office recommends that any particular situations be discussed with counsel. There are also exemptions for teaching in state educational institutions and for employment on a part-time basis at certain types of mental health, public health, or correctional facilities.

SECTION 23 - Supplemental provisions; standards of conduct.

Section 23 is a catch-all section which is primarily concerned with the appearance of impropriety. The State Ethics Commission has issued a number of opinions based on this section. It prohibits employment that is inherently incompatible with the duties of the trustee and prohibits giving the appearance that the trustee is subject to undue influence in the performance of his/her trustee duties.
SECTION 23A - Trustees of public institutions of higher learning; prohibited positions.

Section 23A prohibits a trustee from being appointed to a position with his/her college for a period of three years after the termination of his/her services as a trustee. This prohibition is only for one year for the student trustee. A student trustee is also permitted to hold part-time employment at the College while he/she is a student trustee.

(The above was provided by General Counsel in the Board of Trustees Resource Manual issued June 2001.)
COMMON EXAMPLES OF CONFLICT SITUATIONS

1. **May the College employ a trustee’s spouse or other family members?**

   The College may not ordinarily employ the spouse, parents, children, brothers, or sisters of a trustee unless the Governor and the State Ethics Commission have approved such hiring, in accordance with the standards set forth in Section 6.

2. **May the president of a bank that holds College funds serve as a trustee of that College?**

   Under Section 7, although the College has a contract with the bank, the president is not deemed to have a financial interest in that contract, assuming that his/her salary is not dependent on the level of College funds held.

   Under Section 23, however, the president would be prohibited from serving as trustee. Section 23 prohibits a trustee from using his/her official position to secure unwarranted privileges or exemptions for the trustee or others and from pursuing a course of conduct that will raise suspicion among the public that the trustee is likely to be engaged in acts that are in violation of his/her trust. If the president is a trustee, this will create an impression that the College’s investment decisions will be unduly influenced by the president.

3. **May trustees accept gifts in connection with their official positions?**

   Section 3 prohibits a trustee from seeking or accepting anything of substantial value in return for any official actions, whether or not there was any corrupt intent in the gift. The Supreme Judicial Court has deemed $50 to be of substantial value.

4. **May a trustee submit a bid on a College RFP?**

   Generally, a trustee may not directly or indirectly have a financial interest in a contract with the College. There is a factual determination to be made whether a trustee has a financial interest and this must be made on a case-by-case basis.

5. **May a trustee work for a company that does business with the College after his/her term expires?**

   The conflict of interest law applies in certain circumstances even after a trustee ceases to be a trustee. For example, a trustee who made recommendations on and decisions pertaining to one of the College’s RFP’s may not, after his/her term expires, work under the contract with the College for the company that was awarded the bid. If there is a successor bid and the company is again awarded the contract, the trustee may then work for the company under the College contract as this would be considered a new contract, in which the former trustee did not participate.

6. **May a trustee teach in the College’s Division of Continuing Education?**

   Section 7 of Chapter 268A provides that state employees may teach part-time, provided that such employee does not participate in, or have official responsibility for, the financial management of such educational institution... A trustee clearly has official responsibility for the financial management of the College and would be prohibited from teaching.

   (The above examples were provided by General Counsel in the Board of Trustees Resource Manual issued June 2001.)
GENERAL RECORDS SCHEDULE FOR COMMUNITY COLLEGES

In 1989, the Secretary of State’s Office developed a comprehensive disposal schedule for public records held and maintained by the Community Colleges of the Commonwealth. As the Community Colleges’ Boards of Trustees possess certain public records, the schedule shall be consulted prior to disposing any Board records. In particular, the schedule specifies disposal guidelines related to Board meeting minutes, bylaws, and general correspondence.

1. **Jurisdiction**

   As holders of public records, community colleges are entitled to make use of the services provided through the Office of the Secretary of State. This also implies an obligation on the part of the colleges, since disposition of their records is governed by the Records Conservation Board (MGL, chapter 30, section 42). This Board, composed of the state librarian, the state archivist, and representatives of the supervisor of public records, the attorney general, the state comptroller, and the secretary of administration and finance, is empowered to set standards for the management and preservation of [state] records, and to establish schedules for the destruction ... [or] transfer to the archives... of records no longer needed for current business.

2. **Definitions**

   The statutory definition of records is extremely broad. It includes:

   All books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority established by the general court to serve a public purpose. (MGL, chapter 30, section 42)

   Two points bear emphasizing. (1) The statutory definition is not limited to conventional paper records. It includes machine readable records, microforms, and optical disc as well as their hard-copy, eye-readable counterparts. Records in these media must also be scheduled, and standards for their disposition approved, by the Records Conservation Board. (2) Community colleges, as part of the system of higher education described in MGL, chapter 15A, section 3, are authorities established...to serve a public purpose whose records are governed by statutes concerning public records (chiefly MGL, chapter 66, chapter 66A, and chapter 4, section 7, clause 26).

   The vast majority of records held by any state agency are public records. That is, they may be inspected and copied by members of the general public. Certain records, however, are exempt from public disclosure by statute. The most pertinent state statute in this regard is MGL, chapter 66A, the Fair Information Practices Act, which governs records containing personal data. This statute applies most obviously to student records. Other specific exemptions which may be applicable are listed in MGL chapter 4, section 7, clause 26 (e.g., medical records). Questions regarding these exemptions should be directed to the Office of the Secretary of State, Public Records Division (617-727-2832).

   Disposition, in the context of records management, does not simply mean destruction. A better synonym would be outcome. A disposal schedule of active usefulness, to their final outcome, which may be: transfer to another medium (eg., paper or machine-readable record to microform); destruction; or transfer to archives for permanent retention. Retention periods are based upon such factors as: potential audit function, potential value in litigation as indicated by a pertinent statute of limitations, or administrative reference value. Finally, a record will be
designated permanent if it has long-term informational or evidential value. Such records are valuable because they document the function of their creator, or contain information about persons, places, things, or events which may be useful in research, or otherwise document the activity of an institution as a steward of the public trust.

Approval of a disposal schedule is merely an approval of a plan of action. It is not approval to implement that plan. This must be sought through submission of destruction or transfer permission requests to the Records Conservation Board. (This procedure will be outlined in section 5 of this preface.) This serves a twofold purpose: to provide an audit trail for the agency should records disposition practices come into question; and to allow the Board to monitor disposition activity among state agencies as a whole.

3. **The Community College Survey**

The schedules which follow are the result of surveys undertaken at the request of North Shore Community College in Beverly. Its president at that time became concerned with the potential historical value of records held by the college as it approached its twentieth anniversary late in 1984. An archival committee, chaired by a long-time faculty member learned that as a state agency, NSCC was eligible for assistance from the Office of the Secretary of State.

Records analysts, operating out of the Archives of the Commonwealth, undertook a comprehensive survey of NSCC’s institutional records. The administrative divisions of the college were treated as organization tools for development of disposal schedules. This work was completed in the spring of 1987.

4. **Principles and Assumptions**

Certain principles governed the survey work which are important keys to understanding the nature of the final product.

1) It is assumed that each community college will maintain its own archives.
2) The Survey, and the resulting schedules, should both identify materials which should be deposited in the college archives and set standards for retention of other, non-archival, records.
3) Each schedule, upon approval by the Records Conservation Board, sets standards which are applicable to any public community college in the Commonwealth of Massachusetts. Local variations in institutional structures do not effect the standards which have been approved.
4) Certain materials, chiefly administrative or financial forms, which have been previously listed on disposal schedules with application to all state agencies (D.S. 16/64, 17/76, and 58/87) are not listed again in these schedules. Community colleges should make use of the standards already approved for such records.
5) It is assumed that all community college records will ultimately be either destroyed on site or transferred to the college archives. An exception is made in the case of obsolete personnel files, due to the lengthy retention period required for these records. These may be transferred to the State Records Center.
6) The records of private college foundations and the personal papers of individual faculty members are considered to be exempt from public records law. The disposition of these records is governed solely by the discretion of their creators and holders.

5. **Implementing Disposal Schedules**

Transfers to the college archives need not be approved by the Records Conservation Board. The Board regards these as purely internal transactions within the college. Individual community colleges may develop their own receipt forms which will be sufficient for this
purpose. Also, college archives are not limited to accepting only materials which have been listed on a disposal schedule.

Destruction of records, however, must be approved by the Records Conservation Board. This is obtained when the Board approves a properly completed Destruction Permission Request (Form RCB-2). Information completed by the college on this form should include the approximate volume of records for which destruction is proposed, the series title provided on the disposal schedule (individual folder headings should not be listed), the disposal schedule number, and the inclusive dates of the material involved. Receipt of a copy of this form, signed by the chairman and secretary of the Board, constitutes authorization to destroy listed material.

The Board meets on the first Wednesday of the month. To be considered on the agenda for an upcoming meeting, forms should be received by the Board at least two weeks in advance. Approvals are signed and mailed during the week following the monthly meeting. Keeping this timetable in mind, the first two weeks of any given month are the best time to review and weed files.

All minutes are permanent records. The college archives should hold complete series of minutes of all faculty committees. The archival copy should be on 100% rang bond paper, as per MGL, chapter 66, section 3. All other copies may be destroyed by their recipients without recourse to the Records Conservation Board. This procedure also applies to all records designed Mint Copy to Archives.

Obsolete personnel records are the only series described in these disposal schedules which are eligible for transfer to the State Records Center. Other series may be transferred, however, on a case-by-case basis, at the discretion of the Records Conservation Board.

Transfers may be accomplished upon the approval of a properly completed Transfer Permission Request (Form RCB-2T) by the Records Conservation Board. Information provided by the college on this form should include the approximate volume of records for which transfer is proposed, the series title provided on the disposal schedule, the disposal schedule number, inclusive dates for the material involved, and a designation indicating whether or not the records are exempt from disclosure. (Personnel files are in fact exempt from disclosure by terms of MGL chapter 66A; they should be designated B in the appropriate column on Form RCB-2T).

Some items listed on these schedules have the condition subject to archival review cited as part of their final disposition. This means that a qualified person should review the material prior to its destruction. Material deemed to be of value may be preserved for transfer to the college archives. Normally, this review is undertaken by a staff member of the State Archives. In this case, however, an archival review may be conducted by a person designated by the college. In either case, a written weeding plan should be developed to document what has been done with files that are reviewed.

Microfilm, or other types of microform, has been noted fairly conservatively throughout these schedules. This reflects practices at NSCC at the time of the survey project. Colleges are encouraged to explore further possible applications of microfilm as a medium for long-term retention of information. Properly processed microfilm or fiche, produced in accordance with state regulations (950 CMR 39.00) may be expected to last 100 years or more. (Computer tape and floppy disc, on the other hand, have a shelf-life of less than ten years under optimal conditions. Use of these media for long-term storage of information is not appropriate.)

Additional microfilm applications will require some adjustment to the schedules. This is a minor point compared with the benefits possible through a well-thought-out microfilm program.
<table>
<thead>
<tr>
<th>Item #</th>
<th>Series Title &amp; Description</th>
<th>Purpose of Series</th>
<th>Duplicates</th>
<th>Office Retention</th>
<th>Final Disposition &amp; Conditions</th>
<th>Total Retention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item #1</td>
<td>Minutes</td>
<td>Records of meetings and decisions</td>
<td>Distributed to members.</td>
<td>Transfer at will</td>
<td>College Archives - one mint copy</td>
<td>Permanent - one mint copy.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Copy to be forwarded to State Archives</td>
<td></td>
<td>Destruction - all others</td>
<td>Destruction at will - all others</td>
</tr>
<tr>
<td>Item #2</td>
<td>BYLAWS</td>
<td>Rules adopted by Trustees governing operations.</td>
<td>Distributed to members.</td>
<td>5 years</td>
<td>College Archives</td>
<td>Permanent</td>
</tr>
<tr>
<td>Item #3</td>
<td>Correspondence</td>
<td>Communications with general public, within Board of Trustees, or with Board of Higher Education</td>
<td>None noted</td>
<td>2 years</td>
<td>College Archives, after archival review</td>
<td>Permanent, after Archival Review</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Copy to be forwarded to State Archives</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SCHEDULE FOR COMMUNITY COLLEGES/BOARD OF TRUSTEES
PUBLIC RECORDS
Mass. General Laws, Chapter 66 & Chapter 4, Section 7(26)

There is a presumption in the Commonwealth that all documents created or maintained by a state agency are Public Records. Public records shall mean all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the Commonwealth, or of any political subdivision thereof, unless such materials or data fall with the exemptions listed below. Every government record is presumed to be public unless it is subject to an exemption.

Records must generally be produced within ten (10) days of receiving a request.

The definition of Public Records does not distinguish between traditional paper records and computer stored records. The Public Records Law applies to government records generated, received, or maintained electronically, including electronic mail, computer cards, tapes or diskettes.

The twelve (12) exemptions to the Public Records Law are as follows:

1) Documents which are specifically or by necessary implication exempted from disclosure by statute.

The statute must expressly state that the information sought shall not be a public record or similar phrasing, or the statute must expressly limit the dissemination of the record to a defined group of individuals or entities.

2) Those records which are related solely to internal personnel rules and practices of the government unit, provided however, that such records shall be withheld only to the extent that proper performance of necessary governmental functions requires such withholding.

3) Personnel or medical files or information; also any other material or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy.

This is the most frequently invoked exception. Public employees have a diminished expectation of privacy in matters relating to their public employment. Consequently, the public will have greater access to personnel information which relates to an individual’s public employment, such as salary, dates of employment, and benefits received.

Records that do not involve personnel or medical records may be exempt if they contain intimate details of a highly personal nature. Information that has been classified as intimate details of a highly personal nature include marital status, paternity, substance abuse, government assistance, family disputes, and reputation.

4) Inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency; but this subclause shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or be based.

This exemption is intended to avoid release of materials which could taint the deliberative process if prematurely disclosed. Therefore, it is limited to recommendations on legal and policy matters found within an ongoing deliberative process.

Purely factual matters used in the development of policy are always subject to disclosure.

5) Notebooks and other materials prepared by an employee of the Commonwealth which are
personal to him and not maintained as part of the files of the governmental unit.

Examples include personal reflections on work-related activities and notes created by an employee to assist him in preparing reports for other employees or the files of the governmental entity.

Notes which have been shared with someone else CANNOT be personal to their creator. Therefore, the exemption does not apply to materials which are shared with others.

6) Investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest.

This exemption allows investigative officials to withhold materials which could compromise investigative efforts if disclosed. It is also designed to allow investigative officials to provide an assurance of confidentiality to private citizens so that they will speak openly about matters under investigation.

7) Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy and upon a promise of confidentiality; but this subclause shall not apply to information submitted as required by law or as a condition of receiving a governmental contract or other benefit.

To be exempt, trade secrets and commercial or financial information must be provided voluntarily, upon an assurance of confidentiality and solely to assist the government in the development of policy.

8) Proposals and bids to enter into any contract or agreement until the time for the opening of bids in the case of proposals or bids to be opened publicly, and until the time for the receipt of bids or proposals has expired in all other cases; and inter-agency or intra-agency communications made in connection with an evaluation process for reviewing bids or proposals, prior to a decision to enter into negotiations with or toward a contract to a particular person.

This exemption is designed to ensure the integrity of processes used by government to procure goods and services by allowing a custodian to withhold the proposals of early bidders from other interested parties.

1) Appraisals of real property acquired or to be acquired until: (1) a final agreement is entered into; or (2) any litigation relative to such appraisal has been terminated; or (3) the time within which to commence such litigation has expired.

This exemption allows state agencies to be in the same position in a land deal as any private party.

10) The names and addresses of any persons contained in, or referred to in, any applications for any licenses to carry or possess firearms issued pursuant to Chapter 140 or any firearms identification cards issued pursuant to said chapter and the names and addresses on sales or transfers of any firearms, rifles, shotguns, or machine guns or ammunition therefore, as defined in Chapter 140 and the names and addresses on said licenses or cards.

This exemption prevents individuals with devious motives from ascertaining who possesses firearms.
12) Questions and answers, scoring keys and sheets and other materials used to develop, administer or score a test, examination or assessment instrument; provided however, that such materials are intended to be used for another test, examination or assessment instrument.

This exemption ensures that no one who takes an examination can gain an advantage by using the Public Records Law to access the questions and answers of upcoming tests.

13) Contracts for hospital or related health care services between (i) any hospital, clinic or other health care facility operated by a unit state, county or municipal government and (ii) a health maintenance organization arrangement approved under chapter 176 I, a non-profit hospital service corporation or medical service corporation organized pursuant to chapter 176A and chapter 176B, respectively, a health insurance corporation licensed under chapter 175 or any legal entity that is self insured and provides health care benefits to its employees.

(From General Counsel’s Board of Trustees Resource Manual; June 2001)
MEETINGS OF THE BOARD

MEETINGS

All meetings of the Board of Trustees are held in accordance with the "Open Meeting Law" (Chapter 303 of the Acts of 1975, which took effect January 1, 1976; see The Law, Section I, Page 67). All committees of the Board, regardless of the number of people serving on the committee, must abide by the Open Meeting Law.

In accordance with the By-Laws of the Board (Section II, Page 6), Robert’s Rules of Order shall govern the parliamentary procedures of the Board insofar as these Rules are compatible with the laws of the Commonwealth of Massachusetts. A copy of Robert’s Rules of Order is located in the credenza in the Board Room.

MINUTES OF MEETINGS

Accurate records of all Board meetings, specifying the date, time, place, members present or absent and action taken at each meeting including executive sessions must be kept. These records must be made available to the public except to the extent that publication would defeat the lawful purpose of the executive session in question. Votes taken in such executive sessions must be recorded by roll call votes and become part of the record of the executive session.

The original, signed minutes of all meetings of the Board of Trustees, including committee meetings of the Board, are on file in the Office of the President of the College. Copies of approved minutes of full Board meetings are sent to the Chancellor of the Board of Higher Education and are on file in the College Library.

If a Board meeting has been tape recorded for the purpose of backup for the secretary taking notes, the following applies:

Once the minutes have been written and accepted by the board or commission, audio tapes used to prepare minutes may be erased or re-recorded without the prior permission of the Supervisor of Public Records for local government records, or the Records Conservation Board for records of the executive branch (pursuant to G.L. c. 66, s. 8, and c. 30, s. 42, respectively), provided that there is no outstanding public records request or litigation involving the tapes.

M.G.L.A., Chapter 4, ‘7, clause twenty-six includes recorded tapes in the definition of a public record. Unless someone has asked for a copy of the tapes or the tapes are the subject of litigation, they may be destroyed once the minutes have been approved.

In accordance with the Superintendent of Public Records the minutes must be created in written format using specified paper and inks. See G.L. c. 66, ss. 3-4 (1990 ed.); Executive Order 293 (mandating the use of permanent paper for executive branch records and publications of enduring value).

All meeting records, whether existing in the form of stenographic or longhand notes, or audio or video format, are public records at the moment of their creation. See G.L. c. 4, s. 7(26) 1990 ed.) (Defining public records to include all data in whatever form made by public officials). Therefore, meeting records, with the exception of executive session records, are subject to mandatory disclosure upon request. See G.L. c. 39, s. 23B (1990 ed.); G.L. c. 34, s. 34, s. 9G (1990 ed.); G.L. c. 30A, s. 11A 2 (1990 ed.) (Respectively providing that minutes of municipal, county, and state
executive sessions are not subject to immediate mandatory disclosure). Questions concerning the creation and retention of meeting minutes in written format should be directed to the Records Management Unit, Massachusetts Archives at Columbia Point, 220 Morrissey Blvd., Boston, MA 02125, (617) 727-2816.

Questions concerning access to meeting records should be directed to the Public Records Division, 1 Ashburton Place, Room 1719, Boston, MA 02108, (617) 727-2832.
OPEN MEETING LAW

Meetings of institutional boards of trustees are governed by the state's open meeting law, which specifies the following procedures regarding notice of meetings, public access to meetings, holding executive sessions, and record keeping requirements. The following is in accordance with the provisions of Chapter 303 of the Acts of 1975, which took effect January 1, 1976.

A. **Give Notice of All Meetings.** At least forty-eight (48) hours before every meeting, boards must file notice of meeting date, time and place with the Secretary of State with a copy to the Executive Office for Administration and Finance. (In computing the forty-eight (48) hours, Saturdays are counted, but not Sundays or legal holidays.) Both offices have established routine procedures for receiving this type of notice.

B. **Allow Public Access to All Meetings.** All meetings must be open to the public and any person must be allowed to attend. Any person may record open meetings on tape.

C. **Holding Executive Sessions.** Executive sessions may be held for these reasons:

1. To discuss a person's reputation, character, physical condition or mental health (but not professional competence). Also, the person to be discussed in executive session must be given forty-eight (48) hours written notice before the executive session. If the person chooses to allow the executive session, he or she has the right to be present at the session while being discussed, to have a lawyer present (but not participate) and to speak on his or her own behalf;

2. To consider the disciplining or firing of or to hear complaints or charges against a person. This person would have the same rights as those outlined in paragraph C(1);

3. To discuss strategy involving collective bargaining or litigation where an open meeting would injure the Trustees' position;

4. To conduct collective bargaining sessions;

5. To discuss deployment of security personnel or equipment;

6. To investigate charges of criminal misconduct or to discuss the filing of criminal complaints;

7. To consider real estate transactions where an open meeting would prejudice the Trustees' or another party's negotiating position; and

8. To comply with the requirements of particular laws or federal grants-in-aid.

Before meeting in executive session, a Board must:

a. Meet in open session for which proper notice has been given;

b. Vote to meet in executive session. The vote must be by roll call and entered into the meeting's minutes;

c. State the reason for the executive session; and
d. State whether the meeting will reconvene in open session when the executive session ends.

D. Keep Accurate Records. Accurate records must be kept of meetings, including their date, time and place; which Trustees did or did not attend; and all action taken, including that taken in executive session. These records are available to the public; but records of executive session may be non-public as long as this publication would defeat the executive session's purpose. All votes taken in executive session must be by roll call and be included in the session's minutes.

It is also important to note that three or more registered voters, the Attorney General or appropriate district attorney may seek a court order compelling Trustees to comply with the above requirement, to invalidate action they took at a meeting which did not follow these requirements, or to make their records public.

Note: The General Counsel to the Community Colleges has advised that ALL COMMITTEES OF THE BOARD, regardless of the number of people serving on the committee, must abide by the Open Meeting Law.

Refer to The Law, Section I, Pages 71-74 for the complete Open Meeting Law.
TRUSTEES’ HOME ADDRESSES

Massachusetts General Laws, Chapter 4, Section 7, cl.26 provides that “public records shall mean all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by an officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the Commonwealth, or of any political subdivision thereof, or of any authority established by the general court to service a public purpose, unless such materials or data fall within the following exemptions in that they are:

   (c) personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy...“.

The Supreme Judicial Curt has held that public employees’ names and home addresses do not fall within the above exemption from the definition of "public records" in that public employees have a diminished expectation of privacy, and their names and addresses are available from other sources.

Massachusetts General Laws, Chapter 268A, Section 7 (g) defines "state employee" as a person performing services for or holding an office, position, employment, or membership in a state agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent or consultant basis ....

A member of the Board of Trustee would most likely fall within this definition of state or public employee. Thus, a trustee would probably be considered a public employee for purposes of state public records law.

Massachusetts General Laws, Chapter 66, Section 10 requires every person having custody of any public record to permit the public inspection thereof. The Supreme Judicial Court has held that this provision requires the disclosure of home addresses of public employees.

In addition, it is the position of the Secretary of State's Public Records Division that trustees of state institutions are public employees and that their home addresses are accessible under the public records law. In fact, the Secretary of State's office keeps on file all names and home addresses of gubernatorial appointees and allows the public access to such information.

Finally, under Massachusetts General Laws, Chapter 7, Section 30, The Department of Personnel Administration is required to keep a record, open to public inspection, showing among other information the name and residence of certain officials and employees of the Commonwealth of whom the Trustees seem to be included.

Thus, in the future the College should divulge the names and home addresses of the Board of Trustees if requested to do so.

(per Community College Counsel ... December 5, 1985)
TRUSTEE TRAVEL

Trustees are encouraged to attend workshops, seminars and meetings that will help them fulfill their responsibilities and obligations.

The President and Board Chair shall review and sign all Board members’ travel expense reimbursement requests.

Trustees will abide by Administrative Procedures regarding travel on College business as follows:

1. All travel arrangements are made by staff in the President’s Office.

2. Transportation - includes air, rail, bus, boat, mileage, automobile rental and taxi (type chosen must be the most economical mode by the usually traveled route). If travel is via automobile, the State rate of reimbursement per mile is used.

3. Lodging - reasonable actual amount for single occupancy.

4. Meals - receipts required, actual and reasonable.

5. Additional Costs - the actual cost of registration, fees, official convention luncheons, banquets, etc. will be paid.

6. Receipts - required for all expenses to be reimbursed. These receipts should be submitted directly to the President=s office.

7. Expenditure Report - must be submitted within 14 calendar days following completion of trip.
Summary of the Open Meeting Law
(Chapter Four, Section Two)

The Massachusetts Open Meeting Law which became effective January 1, 1976, is applicable to the Regents and each institutional trustee board in the public higher education system. The law states that all meetings of a governmental body shall be open to the public, and specifically prohibits a quorum of a governmental body from meeting in private for the purpose of deciding on or deliberating toward a decision on any matter except as specifically allowed by statute. This prohibition applies to such official board meetings, but does not apply to chance or social meetings of board members. The law does permit a meeting to be closed to the public, however, if the governmental body decides that an executive session would be appropriate.

Except in an emergency, all meetings subject to the Open Meeting Law must be publicized by filing a notice with the Secretary of State with a copy to the Executive Office for Administration and Finance at least 48 hours prior to the meeting. This notice must include the date, time, and place of the meeting.

Governmental bodies subject to the Open Meeting Law must maintain accurate records of their meetings, specifying the date, time, place, members present or absent and action taken at each meeting including executive sessions. These records must be made available to the public except to the extent that publication would defeat the lawful purpose of the executive session in question. Votes taken in such executive sessions must be recorded roll call votes and become part of the record of the executive session.

Meetings subject to the law may be recorded by any person in attendance by means of a tape recorder or similar audio device, so long as such recording does not interfere with the conduct of the meeting. This right does not apply, however, to executive sessions.

A complaint against a governmental body can be brought by three or more registered voters, the Attorney General, or by the local District Attorney. The order of notice on such a complaint must be heard by any justice of the local superior court or by any justice of the Massachusetts Supreme Judicial Court no later than ten days after its filing. Violation of any of the provisions of this statute may cause actions taken at the meetings to become invalidated by the court, provided the complaint is filed within 21 days of the date when such actions are made public. A court could also require that records of the meeting be made public, unless it determines that the maintenance of secrecy is required.

All governmental officials, upon election or appointment to a governmental body, must be furnished by the State Secretary with a copy of the Open Meeting Law, M.G.L. c. 30A s11A 2. Such officials must sign a written acknowledgment verifying receipt of this statute.
Executive Sessions (Chapter Four, Section Three)

Executive sessions may not be held until the governmental body has satisfied several requirements. The governmental body must first hold an open session and public notice requirements must be met as more fully explained above in section two. A majority of the members of the governmental body must vote to go into an executive session, and each member's vote must be recorded on a roll call vote which is entered in the minutes of the meeting. Lastly, the presiding officer must cite the purpose for the executive session, and must state whether the open session will re-convene after the executive session. The law permits an executive session only for seven exceptional purposes:

1. to discuss the reputation, character, physical condition or mental health of an individual.

2. to consider the discipline or dismissal of, or to hear charges against a public officer, employee, staff member, or individual.

3. to discuss strategy with respect to collective bargaining.

4. to discuss the deployment of security personnel or devices.

5. to investigate charges of criminal misconduct or criminal complaints.

6. to consider the purchase, exchange, lease, or value of real property.

7. to comply with provisions of any general or special law or federal grant in aid requirements.

If an executive session is held under either of the first two exceptions, the individual being discussed has the right to be present at the session, to have counsel present, and to speak on his/her own behalf. In addition, the individual involved must be notified in writing by the governmental body at least 48 hours prior to the proposed executive session.
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(4/30/07)