



SENATE, NO. 2190

AN ACT TO MAKE PERMANENT THE SPECIAL STATUS OF MASSART

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Massachusetts College of Art -legislation

2 Chapter 15A of the General laws, as appearing in the 2003 Official Edition, is amended by
3 inserting the following new section after Section 22A:

4 Section 22A. Massachusetts College of Art is defined as a specialized college of art and design
5 within the public system of higher education in Massachusetts. The name of the college shall be
6 changed to Massachusetts College of Art and Design.

7 Sub-section 1. Powers and Duties of the Board of Trustees of Massachusetts College of Art

8 Notwithstanding any law to the contrary, the Board of Trustees of Massachusetts College of Art
9 and Design shall:

- 10 (a) establish the mission and those policies necessary to carry out that mission and establish
11 policies for the administrative management of personnel, staff services and the general
12 business of the institution under its authority;

- 13 (b) fix and retain all tuition and fees charged by the college;
- 14 (c) set admission standards for said institution, provided that the number of undergraduate
15 degree candidates who are Massachusetts residents enrolled on October 1, 2003 and
16 each subsequent year thereafter shall be no less than the number of Massachusetts
17 residents enrolled on October 1, 2002;
- 18 (d) establish instructional programs for said institution, including all major and degree
19 programs;
- 20 (e) appoint, transfer, dismiss, promote and award tenure to all personnel of said institution;
- 21 (f) appoint, set compensation and enter into a contract with the president;
- 22 (g) manage and keep in repair all property, real and personal, owned or occupied by said
23 institution;
- 24 (h) seek, accept and administer faculty research, programmatic and institutional purposes
25 grants, gifts and trusts from private foundations, corporations, federal agencies, alumnae
26 and other sources, which shall be administered under the provisions of section two C of
27 chapter twenty nine and may be disbursed at the direction of the Board of Trustees
28 pursuant to its authority;
- 29 (i) implement and evaluate affirmative action policies and programs;
- 30 (j) establish, implement and evaluate student services and policies;
- 31 (k) establish and operate programs, including but not limited to summer and evening
32 programs, in accordance with the degree authority conferred under the provisions of this
33 chapter;
- 34 (l) award degrees through the doctoral level in fields approved by the Board of Higher
35 Education, either independently or in conjunction with other institutions, in accordance

36 with actions of the Boards of Trustees of said other institutions and the Board of Higher
37 Education;

38 (m) develop a long range plan embracing an entrepreneurial model which leverages the
39 potential to expand the mission and profile of the college to a more national focus. Such
40 plans shall include, but not be limited to, budget and enrollment projections for each
41 year, projections for total student charges for each year, projections for in-state and out-
42 of-state enrollments for each year and plans to ensure continuing access to the institution
43 by residents of the Commonwealth and affirmative action policies and programs that
44 affirm the need for and a commitment to maintaining and increasing access for
45 economically disadvantaged and minority students.

46 Sub-section 2. Board of Trustees: additional members

47 Notwithstanding any law to the contrary, in order to discharge the enhanced responsibilities
48 of the Board, the membership of the Board of Trustees of Massachusetts College of Art and
49 Design will be expanded by four (4) additional members appointed by the Governor from a
50 list of candidates identified by the Board of Trustees who have expertise in areas needed by
51 the College. Each member shall be appointed for a five (5) year term, but no member shall
52 serve for more than 2 full terms.

53 Sub-section 3: Fiscal matters

54 Notwithstanding any law to the contrary:

55 (a) the Board of Trustees of Massachusetts College of Art and Design shall establish all
56 fees at said institution. Said fees established under the provisions of this section shall be
57 retained by the Board of Trustees in a revolving fund or funds and shall be expended as
58 the Board may direct, provided that the foregoing shall not authorize any action in

59 contravention of the requirements of Section 1 of Article LXIII of the Amendments to
60 the Constitution. For the purposes of this and other related chapters of the general laws
61 said fees and tuition shall be considered monies of the state and said fund or funds shall
62 be subject to annual audit by the state auditor;

63 (b) the Board of Trustees of Massachusetts College of Art and Design shall establish and
64 retain all tuition. Such tuition charges shall be retained in a tuition retention fund and
65 moneys therein shall be expended as the Board of Trustees may direct, for the
66 administration and maintenance including the costs of personnel;

67 (c) notwithstanding any general or special law to the contrary, all tuition and fees received
68 by the Board of Trustees of Massachusetts College of Art and Design shall be retained
69 by the Board of Trustees of that institution in a revolving trust fund or funds and shall be
70 expended as the Board of the institution may direct. Any balance in the trust funds at
71 the close of the fiscal year shall be available for expenditure in subsequent fiscal years
72 and shall not revert to the General Fund;

73 (d) notwithstanding any general or special law to the contrary, for employees of
74 Massachusetts College of Art and Design who are paid from tuition retained pursuant to
75 this section, fringe benefits shall be funded as if those employees' salaries were
76 supported by state appropriations;

77 (e) the Trustees shall have authority to transfer funds within and among the subsidiary
78 accounts allocated to said institution;

79 (f) the Trustees shall fix rents for the residence halls, provided that the rents are sufficient
80 to meet obligations for debt payments and services provided by the Massachusetts State
81 College Building Authority;

82 (g) the Trustees shall develop financial data and an annual institutional spending plan.

83 Said plan shall include an account of spending from all revenue sources including but
84 not limited to trust funds.

85 Sub-section 4: Reports, records, audits:

86 Notwithstanding any law to the contrary, the Trustees shall

87 (a) undertake annually an independent audit and file same with the Joint Committee on
88 Higher Education, the House and Senate Committees on Ways and Means, and the
89 Auditor General of the Commonwealth;

90 (b) shall file a report annually which shall include but not be limited to performance
91 standards, admission rates, number of Massachusetts students admitted and graduated
92 and other information requested by the legislature with the Joint Committee on Higher
93 Education and the Board of Higher Education. The college will not be subject to a
94 performance measurement system otherwise established by the Board of Higher
95 Education.