

HOUSE No. 3814

The Commonwealth of Massachusetts

PRESENTED BY:

Ronald Mariano

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to Quincy College.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-----------------------|-----------------------------|
| <i>Ronald Mariano</i> | <i>3rd Norfolk</i> |
| <i>Tackey Chan</i> | <i>2nd Norfolk</i> |
| <i>Bruce J. Ayers</i> | <i>1st Norfolk</i> |
| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> |

HOUSE No. 3814

By Mr. Mariano of Quincy, a petition (accompanied by bill, House, No. 3814) of Ronald Mariano and others (with the approval of the mayor and city council) for legislation to clarify the governance and structure of Quincy College as a municipal college and department of the city of Quincy. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to Quincy College.

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. Notwithstanding any general or special law, rule or regulation to the
2 contrary Quincy College, which is now a municipal college and department within the city of
3 Quincy, shall be authorized to take the following steps, so as to insure its continued and
4 operation in a manner sufficient to meet the accreditation requirements of the New England
5 Association of Schools and Colleges. First, Quincy College may establish an operations account,
6 to be known as the “Quincy College Operations Account.” This special account shall be
7 maintained by Quincy College in a banking institution which has a place of business located in
8 the city of Quincy. Into this special account shall be deposited all tuition fees for the enrollment
9 of students in said college, all incidental fees for the enrollment of students in said college and all
10 monies received by said city from the commonwealth as school and other financial assistance
11 allocable to said college.

12 The special account shall be maintained separate from all other accounts of the city of
13 Quincy, shall not be subject to municipal oversight by the city’s Treasurer except as herein
14 provided, and all expenditures from such special account shall be made by the president of
15 Quincy College under the direction of the board of governors of Quincy College and with the
16 advice of the vice president of administration and finance of Quincy College. The account and
17 expenditures shall not be subject to oversight and appropriation by the City Council. The funds
18 within the special account shall be used solely for the operation, and maintenance of the college
19 and provision of capital equipment for the college.

20 Appropriations from time to time may be made by said city into said special account for
21 the purpose of providing additional financial assistance for said college and donations from
22 private sources may be received and deposited into such account. The president of Quincy
23 College under the direction of the board of governors and with the advice of the vice president of
24 administration and finance shall be authorized to invest the monies in said special account and
25 the interest accruing shall inure to the benefit of Quincy College. Such special account shall be
26 maintained in accordance with generally accepted accounting principles and shall be audited
27 annually by a certified public accountant.

28 The director of municipal finance of the city of Quincy or his designee may at any time
29 audit such special account.

30 The president of Quincy College shall file with the mayor, the city council, Quincy
31 College board of governors and the director of municipal finance of said city and the bureau of
32 accounts, a written report relative to such special account within 120 days after the books are
33 closed for each fiscal year. Such report shall include a financial statement relating to the
34 operation, maintenance, capital equipment and properties of said college. The city council of
35 said city may review and comment upon such report and may file such review with the state
36 auditor.

37 SECTION 2.

38 (a) Quincy College shall compensate the city of Quincy for the actual cost of mandatory
39 services provided to the college by the city. The payment shall be due and payable annually, and
40 in no event later than June 1. For the purposes of this subsection "mandatory services" shall
41 mean work, service, or time spent by a city employee for the benefit of Quincy College as
42 required by any federal, state special or general law, regulation or municipal charter or ordinance
43 provision. For the purposes of this law the services shall not include legal services provided by
44 the city employees beyond legal services associated with the standard review of college contracts
45 or outside legal services, governed by subsection (b).

46 (b) Notwithstanding any special or general law, rule or regulation to the contrary, the
47 president of Quincy College, with the approval of the board of governors, may employ legal
48 counsel for the general purposes of the college. If the college president, with the approval of the
49 mayor, chooses to utilize a city attorney to provide legal services beyond the standard review of
50 college contracts or legal services provided to the college by its own counsel, or if the city is
51 required to defend itself in connection with a claim or suit brought against or arising solely out of
52 actions or omissions of the college, the college shall reimburse the city on an hourly basis for the
53 legal services rendered in that regard only.

54 (c) Nothing in this section is intended to alter or affect the payment of obligations of
55 Quincy College or the city of Quincy with respect to non-service costs incurred by the city on

56 behalf of the college, including but not limited to any direct or indirect personnel costs such as
57 workers' compensation, unemployment, insurance or pension benefits, and the costs of goods.

58 SECTION 3.

59 All employees and members of the Board of Governors of Quincy College shall be
60 deemed public employees for the purposes of Chapter 258 of the General Laws as Quincy
61 College remains an enterprise department of the city of Quincy.

62 SECTION 4.

63 Notwithstanding any general or special law, rule or regulation to the contrary, any person
64 who becomes an employee of Quincy College shall be eligible for membership in the teachers'
65 retirement system or the city of Quincy retirement system, depending on the employee's title and
66 classification; provided, however, that said person is employed on the basis of not less than half
67 time service as a professional teacher, administrator, including the president of Quincy College,
68 psychologist, counselor, social worker or guidance and placement professional, or said person is,
69 a member of the teachers' retirement system.

70 SECTION 5.

71 The board of governors of Quincy College shall oversee and govern the college and as an
72 enterprise department of the city of Quincy. The Quincy College board of governors shall
73 appoint a president to act as the chief executive officer. Said board shall manage and operate
74 Quincy College pursuant to the terms of this act, pursuant to chapter 71 of the General Laws and
75 pursuant to section 30 of chapter 69 of the General Laws.

76 The governors shall be appointed by a board of governors appointing council made up of
77 2 members of the Quincy School Committee, selected by its vice-chair, 2 members of the Quincy
78 City Council, selected by its president, 5 members selected by the chairperson of the Quincy
79 College Board of Governors, 1 of whom shall be an alumnus or alumna of Quincy College, and 1
80 of whom shall be a current student at Quincy College, and 2 individuals selected by the Mayor of
81 the city of Quincy. The board of governors shall consist of 13 members. At least 1 governor
82 shall be an alumna or alumnus of the college. No more than 6 governors shall reside outside
83 Quincy, excluding any residential requirement for an alumna or alumnus; provided, however,
84 that at least 2 governors shall reside in Plymouth County. Each governor shall serve a 6 year
85 term and be eligible for reappointment provided that no governor shall serve more than 12 years.

86 SECTION 6.

87 The governors and their employees shall be subject to the provisions of chapter 150E of
88 the General Laws. For purposes of said chapter 150E, the board of governors of Quincy College
89 shall be deemed the public employer of the college's employees. The president of Quincy
90 College or his designee shall act as the bargaining agent in all collective bargaining with Quincy

91 College employees. The employees represented by their respective bargaining associations,
92 units, organization or affiliates shall continue to be represented by those associations, units,
93 organization or affiliates for collective bargaining purposes pursuant to said chapter 150E until
94 such time as they elect otherwise or another unit is certified to represent the employees in
95 accordance with chapter 150E.

96 SECTION 7.

97 On or before April first of each and every year, the president of Quincy College shall
98 submit to the Quincy College board of governors an annual itemized budget for Quincy College.
99 Said budget shall contain estimates of college revenues and recommendations for proposed
100 expenditures for the ensuing fiscal year.

101 The board of governors shall hold a public hearing on the annual budget as submitted by
102 the college president at which time all interested persons shall be given an opportunity to be
103 heard on the proposed expenditures or any item there.

104 The approved budget shall govern the expenditures of Quincy College during the fiscal
105 year. No expenditures shall be incurred in excess of those shown in the approved budget;
106 provided, however, that the budget from time to time may be amended by the preparation and
107 submission of a proposed supplementary budget by the college president to the Quincy College
108 board of governors.

109 SECTION 8.

110 Notwithstanding any general or special law, rule or regulation to the contrary, during the
111 first 3 years of a teacher's service at Quincy College, the teacher shall be deemed a nontenured
112 teacher. A nontenured teacher shall be defined as and have such right as a teacher without
113 professional teacher status under chapter 71 of the General Laws.

114 A nontenured teacher shall be notified in writing on or before May 30 whenever such
115 person is not be employed for the following academic year. Unless the notice is given as
116 provided in this section, a nontenured teacher shall be considered to be appointed for the
117 following academic year.

118 SECTION 9.

119 Notwithstanding any general or special law, rule or regulation to the contrary, a teacher
120 who has served at Quincy College for the 3 previous consecutive academic years shall be
121 considered to have achieved instructor status.

122 Instructors may be dismissed using the criteria and process for teachers with professional
123 teacher status in section 42 of chapter 71 of the General Laws.

124 Instructors may be subject to nonrenewal at the end of their fourth, fifth or sixth
125 consecutive academic years by notification in writing on or before May 30. Instructors shall not
126 be nonrenewed except for good cause.

127 SECTION 10.

128 Notwithstanding any general or special law, rule or regulation to the contrary, a teacher
129 who has served at Quincy College for the 6 previous consecutive academic years shall be
130 considered a professor and shall be entitled to all rights and privileges provided to teachers with
131 professional teacher status in chapter 71 of the General Laws.

132 SECTION 11.

133 Notwithstanding any general or special law, rule or regulation to the contrary, Quincy
134 College may enter into leases for real property not to exceed 99 years, upon approval of its board
135 of governors. The president of Quincy College shall have authority to execute all agreements in
136 this regard and bind the college to same.

137 In the event that Quincy College may own real property in its own name, the city, acting
138 through the mayor shall convey to Quincy College all ownership and title to Saville Hall located
139 at 28-36 Saville Avenue, in said city of Quincy, and shall neither demand nor request nor be
140 entitled to any further or subsequent consideration for the transfer.

141 If Quincy College, upon the recommendation of the college president and a two-thirds
142 vote of the board of governors of the college, determines that it no longer has a use for Saville
143 Hall and declares the property to be surplus and available for disposition, the property shall first
144 be offered for transfer to the city of Quincy and the city, acting through the mayor and upon a
145 two-thirds vote of the city council may acquire the general charge and exclusive custody and
146 control of Saville Hall from the college for fair market consideration. If within 60 days of the
147 vote of the board of governors to declare the property to be surplus and available for disposition,
148 the city and the college cannot agree on fair market consideration, then either party may refer the
149 matter to binding arbitration, without objection from the other party, before ADR, Inc. or any
150 other comparable mediation entity.

151 SECTION 12.

152 Notwithstanding any general or special law, rule or regulation to the contrary, Quincy
153 College is authorized to operate auxiliary enterprises including but not limited to a bookstore,
154 athletic facility, and food service operations.

155 SECTION 13.

156 Notwithstanding any general or special law, rule or regulation to the contrary, Quincy
157 College shall be authorized to purchase goods and services without the approval of the

158 purchasing agent of the city. The college shall be subject to all procurement laws, rules and
159 regulations.

160 SECTION 14.

161 Chapters 313 of the acts of 1981, 256 of the acts of 1988, 53 of the acts of 1994, 306 of
162 the acts of 1994, 153 of the acts of 2002, 332 of the acts of 2006 and section 375 of chapter 194
163 of the acts of 1998 are repealed.

164 SECTION 15.

165 This act shall take effect upon its passage.