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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO THE GOVERNANCE OF THE UNIVERSITY OF RHODE ISLAND

Introduced By: Representatives Mattiello, Shekarchi, Craven, McEntee, and Phillips

Date Introduced: June 04, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings and intent. The general assembly hereby finds and
2 declares that:

3 (1) The University of Rhode Island has become a public research university educating
4 more than eighteen thousand (18,000) students annually, and offering opportunities to study in
5 more than ninety (90) bachelor's degree, more than seventy (70) graduate degree, and more than
6 twenty (20) certificate and non-degree programs.

7 (2) The aspirations of high school graduates and their families require the continuous
8 innovation and transformation of the university and its academic programs.

9 (3) The shrinking and shifting demographics of high school graduates in the region
10 coupled with the increased competitiveness of the higher education marketplace requires the
11 university to be strategic, nimble and innovative in its recruitment, financial aid and academic
12 offerings in order to be successful.

13 (4) The University of Rhode Island's peer institutions and aspirational competitor
14 institutions have governing bodies solely dedicated to the success of their mission and focus on
15 these higher education trends and best practices for their public research university, and

16 (5) The University of Rhode Island would benefit from having a Board of Trustees
17 entirely committed to exploring opportunities, addressing challenges, and creating new economic
18 opportunities and partnerships for the university.

19 (6) The general assembly finds that the establishment of a University of Rhode Island

1 board of trustees is necessary to effectuate these goals for the governance and support of the
2 University of Rhode Island.

3 SECTION 2. Sections 16-32-2, 16-32-2.1, 16-32-5, 16-32-9, 16-32-10, 16-32-11, 16-32-
4 12, 16-32-15, 16-32-25 and 16-32-26 of the General Laws in Chapter 16-32 entitled "University
5 of Rhode Island [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" are
6 hereby amended to read as follows:

7 **16-32-2. ~~Continuation of powers of board.~~ Board of Trustees established.**

8 ~~The change in name shall in no way affect the powers and duties of the board of~~
9 ~~governors for higher education defined in chapter 59 of this title; and the board of governors for~~
10 ~~higher education shall be responsible for the control, management, and operation of the~~
11 ~~University of Rhode Island in the same manner as previously it was responsible for the control,~~
12 ~~management, and operation of it under the name of Rhode Island State College.~~

13 (a) There is hereby created a board of trustees for the University of Rhode Island,
14 sometimes referred to as the "board" or "board of trustees", which shall be and is constituted a
15 public corporation, empowered to sue and be sued in its own name, and to exercise all the
16 powers, in addition to those specifically enumerated in this chapter, usually appertaining to public
17 corporations entrusted with control of postsecondary educational institutions and functions. Upon
18 its organization, the board shall be vested with the legal title to all property, real and personal,
19 now owned by and/or under the control or in custody of the council on postsecondary education
20 for the use of the University of Rhode Island including all its departments, divisions, and
21 branches.

22 (b) The board is empowered to hold and operate the property in trust for the state; to
23 acquire, hold, and dispose of the property and other like property as deemed necessary for the
24 execution of its corporate purposes. The board is made successor to all powers, rights, duties, and
25 privileges formerly belonging to the council on postsecondary education pertaining to
26 postsecondary education and the board of governors for higher education.

27 (c) The board shall be the employer of record for the university. It shall retain all
28 authority formerly vested in the council on postsecondary education and the board of education
29 regarding the employment of faculty and staff at the public higher education institutions. The
30 board shall appoint the president of the university and shall review their performance on an
31 annual basis.

32 (d) The board shall make rules and regulations for the control and use of all public
33 properties and highways under its care, and for violations of those rules and regulations;
34 penalties, up to one hundred dollars (\$100) and costs for any one offense, may be imposed by any

district court or police court in the city or town where the violation occurs; and, in general, the board shall take all actions necessary for the proper execution of the powers and duties granted to, and imposed upon, the board by the terms of this chapter.

(e) The board shall make rules and regulations pursuant to chapter 2 of title 37 to implement its responsibilities as a public agency for procurement purposes as defined in § 37-2-7(16).

(f) The board shall evaluate data on which to base performance of the university as described in subsection (g) of this section which shall be defined by the president of the university. These measures may include and incorporate outcomes or goals from multiple, previous years. The lack of information from previous years, however, will not affect the use of performance-based measures.

(g) The University of Rhode Island shall have unique measures consistent with its purpose, role, scope, and mission. The board shall provide faculty and students an opportunity to provide input on the development of performance measures.

(1) The performance-based measures shall include, but not be limited to, the following metrics:

(i) The number and percentage, including growth in relation to enrollment and prior years of bachelor's degrees awarded to first-time, full-time students within four (4) years and six (6) years, including summer graduates;

(ii) The number of degrees awarded that are tied to Rhode Island's high demand, high-wage employment opportunities consistent with the institution's mission;

(iii) One metric that applies only to the university, in consultation with the president, which shall consider faculty, staff and student input; and

(iv) Any other metrics that are deemed appropriate by the board.

(2) Weight may be assigned to any of the aforementioned metrics to reinforce the mission of the university, the economic needs of the state, and the socio-economic status of the students.

(h) The board shall hold the university accountable for developing and implementing transfer pathways for students from the Community College of Rhode Island and Rhode Island College.

16-32-2.1. Additional powers of the President of the University.

In addition to any powers granted to the president of the University of Rhode Island by law or regulation, and consistent with shared governance practices, in conformity with § 16-32-10, the president shall have the following additional powers and duties:

(a) To create, and consolidate departments, divisions, programs, and courses of study

1 within the university ~~with the assistance of the commissioner of postsecondary education within~~
2 and the approved role and scope of the president's authority adopted by the ~~council on~~
3 ~~postsecondary education pursuant to § 16-59-4~~ board of trustees. Any new or proposed
4 eliminations of departments, divisions, programs or courses of study that are outside the role and
5 scope approved by the ~~council~~ board shall require the review and approval of the ~~council on~~
6 ~~postsecondary education~~ board.

7 (b) To adopt a budget for the university and submit it to the ~~council on postsecondary~~
8 ~~education~~ board of trustees for approval.

9 (c) To be responsible for the general management of property of the university.

10 (d) To recommend to the ~~council on postsecondary education, after consultation with the~~
11 ~~commissioner of postsecondary education~~ board of trustees, tables of organization for the
12 university.

13 (e) To submit to the ~~office of postsecondary commissioner~~ board of trustees and to
14 compile and analyze the following information for presentation to the ~~council on postsecondary~~
15 ~~education and the board of education~~ board annually by May 1st the following:

16 (1) A detailed departmental breakdown of all faculty members employed at the university
17 by rank (including all professors, associate professors, assistant professors, lecturers, and
18 instructors) and tenure (tenured and non-tenured, and other) and by race (African American,
19 Hispanic, Native American, and Asian) and gender.

20 (2) A detailed report on current student enrollments for each class at the university by
21 race and gender, by academic department, and by outreach program (e.g. talent development),
22 guaranteed admissions program, and the current levels of funding and staff support for each of
23 these programs.

24 ~~(3) A report on the current status of the African and Afro-American studies programs at~~
25 ~~the university and a five (5) year budgetary history of the programs along with projections for~~
26 ~~budgetary support for the next two (2) years.~~

27 ~~(4)~~(3) A plan for recruitment of African American and Hispanic faculty into tenure track
28 positions at the university with specific reference to and planned involvement with the New
29 England higher education's minority faculty recruitment and development plan.

30 ~~(5)~~(4) Copies of the report shall be furnished to the ~~council of postsecondary education~~
31 ~~and the board of education~~ board of trustees.

32 (f) To assist the board of trustees in preparation and maintenance of a three (3) year
33 strategic funding plan for the university; to assist the board in the preparation and presentation
34 annually to the state budget officer in accordance with § 35-3-4 of a total university budget.

1 (g) To monitor, publish, and report to the board of trustees the level of performance on all
2 metrics of the universities set forth in § 16-32-2 and in accordance with this chapter. The
3 president shall revise the metrics at a time when performance has reached a level pre-defined by
4 the board. Future metrics may further goals identified by the board, the board of education and
5 the governor's workforce board, and the purpose and mission of the university. The university
6 shall publish its performance on all of its associated metrics prescribed in this chapter on its
7 website.

8 **16-32-5. Authority over experiment station.**

9 The ~~board of governors for higher education~~ board of trustees shall have authority over
10 the experiment station of the university located in the town of South Kingstown.

11 **16-32-9. Annual appropriations.**

12 (a) The general assembly shall annually appropriate any sum as it may deem sufficient
13 for the purpose of defraying the expenses of the university, the appropriation to be expended
14 under the direction of the trustees and officers of the university. The state controller is authorized
15 and directed to draw his or her orders upon the general treasurer for the payment of the
16 appropriations or so much of the sums that are necessary for the purposes appropriated, upon the
17 receipt by him or her of proper vouchers as the board of trustees may by rule provide. The board
18 shall receive, review, and adjust the budget for the university and present the budget under the
19 requirements of § 35-3-4.

20 (b) Any tuition or fee increase schedules in effect for the university shall be received by
21 the board of trustees for allocation for the fiscal year for which state appropriations are made to
22 the board by the general assembly; provided that no further increases may be made by the board
23 for the year for which appropriations are made.

24 (c) All housing, dining, and other auxiliary facilities at the university shall be self-
25 supporting and no funds shall be appropriated by the general assembly to pay operating expenses,
26 including principal and interest on debt services, and overhead expenses for the facilities.

27 (d) The additional costs to achieve self-supporting status shall be by the implementation
28 of a fee schedule of all housing, dining, and other auxiliary facilities, including but not limited to,
29 operating expenses, principal, and interest on debt services, and overhead expenses.

30 **16-32-10. Award of degrees -- Curriculum and government.**

31 The board of trustees, with the approval of the president and a committee of the faculty of
32 the university, shall award academic degrees and diplomas and confer honors in the same manner
33 as is customary in American colleges. It shall also be the duty of the president and a committee of
34 the faculty, with the approval of the ~~board of governors for higher education~~ board of trustees, to

1 arrange courses of study conforming to all acts of Congress, and prescribe any qualifications for
2 the admission of students and any rules of study, exercise, discipline, and government as the
3 president and committee may deem proper.

4 **16-32-11. Power to guarantee loans.**

5 The ~~board of governors for higher education~~ [board of trustees](#) is authorized and
6 empowered to carry out the provisions of §§ 16-32-12 through 16-32-14 in regard to the guaranty
7 of loans made to societies and students at the university.

8 **16-32-12. Acquisition of land -- Guaranty of loans to societies of students.**

9 The ~~board of governors for higher education~~ [board of trustees](#) is authorized and
10 empowered on behalf of the University of Rhode Island to acquire land and also to guarantee in
11 the name of the state approved loans made to societies of students at the university, for the
12 purchase or construction, upon lands owned by the university, of society houses which shall serve
13 as student dormitories. Any loans approved, upon default, shall become state obligations in the
14 same manner as any state bond.

15 **16-32-15. Assumption of defaulted obligations -- Lien on property.**

16 Whenever default is made on the part of a society in the payment of loans guaranteed
17 under the provisions of § 16-32-12, or any part of them, the ~~board of governors for higher~~
18 ~~education~~ [board of trustees](#) is authorized to assume the obligation and to make required payments
19 on principal and interest from any of the appropriations available for the University of Rhode
20 Island. In the event of a default, in cases where that board assumes the obligation of a society, the
21 state shall have a lien subject to any mortgages or encumbrances existing at the time on any and
22 all property of the society. The lien may be released after the reimbursement to the state of all
23 payments made on behalf of the society, plus accrued interest.

24 **16-32-25. Establishment of college of pharmacy fund.**

25 All money received pursuant to the provisions of chapter 3644 of the Public Laws of
26 1956 shall be deemed to be trust funds to be held by the general treasurer or by the University of
27 Rhode Island Foundation, as provided in § 16-32-26, in a special fund the income of which shall
28 be made available to the ~~board of governors for higher education~~ [board of trustees](#) to be applied
29 by it solely for use as scholarship grants in the field of pharmacy and allied sciences, in any
30 manner and under any conditions as the board of governors for higher education may determine.
31 The board of governors for higher education is authorized and empowered, from time to time, as
32 occasion may require, to draw on the general treasurer or on the University of Rhode Island
33 Foundation, for the annual income of the fund, or so much of this amount as may be necessary, to
34 carry out this objective.

1 **16-32-26. Management of college of pharmacy fund.**

2 (a) The general treasurer shall have the care and management of the fund with full power
3 to regulate the custody and safekeeping of all money and evidences of property belonging to the
4 fund. The treasurer shall deposit, subject to his or her order, to the use of this fund, all dividends,
5 interest, or income arising from it, in any bank or banks, trust company or trust companies, in
6 which funds of the state may be lawfully kept. The treasurer may invest and reinvest, in his or her
7 discretion, the money in the fund at any time and the dividends, interest, and income in any
8 securities or investments in which the deposits in savings banks and participation deposits in
9 banks and trust companies may be legally invested. The treasurer may change and vary the
10 investments from time to time, and he or she may sell and dispose of any investments made,
11 when necessary to meet the draft of the ~~board of governors for higher education~~ [board of trustees](#)
12 as provided in § 16-32-25.

13 (b) The general treasurer shall, upon the order of the governor to do so, transfer to the
14 University of Rhode Island Foundation created by act of the general assembly at its January 1957
15 session all money and evidences of property comprising the fund, and then his or her duties with
16 respect to the fund shall cease, and the foundation shall after this hold and administer the fund
17 with all the powers and subject to all the duties imposed upon it by the act of the general
18 assembly with respect to other funds held by the foundation; provided, that the fund shall be held
19 by the foundation as a special fund and shall not be mingled with other funds held by the
20 foundation, and the net income of the fund shall be devoted exclusively to the object specified in
21 § 16-32-25.

22 SECTION 3. Sections 16-32.1-2 and 16-32.1-8 of the General Laws in Chapter 16-32.1
23 entitled "The University of Rhode Island Research Foundation Act [See Title 16 Chapter 97 - The
24 Rhode Island Board of Education Act]" are hereby amended to read as follows:

25 **16-32.1-2. Creation and powers.**

26 (a) There is hereby authorized, created and established a public corporation having a legal
27 existence distinct from the state and not constituting a department of state government, to be
28 known as the University of Rhode Island Research Foundation, with such powers as are set forth
29 in this chapter, for the purposes of the development of scientific research, technology,
30 commercialization of intellectual property and such other purposes as may be necessary to
31 develop, promote and enhance scientific research and technology at the University of Rhode
32 Island.

33 (b) The research foundation is authorized, created and established for the benefit of the
34 University of Rhode Island and shall be organized exclusively for charitable, educational and

1 scientific purposes of the University of Rhode Island within the meaning of § 501(c)(3) of the
2 Internal Revenue Code with the following powers and purposes:

3 (1) To aid and assist the University of Rhode Island in the establishment, development
4 and fostering of scientific research and technology which will further the learning opportunities,
5 programs, services and enterprises of the University and of the state of Rhode Island;

6 (2) To assist in providing research programs at the University of Rhode Island which will
7 provide for the advancement of education and educational programs at the University of Rhode
8 Island and which will provide for opportunities to individuals for learning and training in subjects
9 useful to the individual and beneficial to the community;

10 (3) To promote, encourage and foster the education and training services, scientific
11 investigations, technology development and technology commercialization at the University of
12 Rhode Island;

13 (4) To pursue, obtain and protect intellectual property rights (including patents,
14 trademarks, tangible materials and copyrights) in and to all valuable intellectual property flowing
15 from or belonging to the University of Rhode Island and to administer such intellectual property
16 in conformity with applicable state and federal laws;

17 (5) To carry on any other lawful purpose within the meaning of § 501(c)(3) of the
18 Internal Revenue Code in connection with its purposes.

19 (c) The research foundation and its corporate existence shall continue until terminated by
20 law or until the corporation shall cease entirely and continuously to conduct or be involved in any
21 business or transactions in furtherance of its purposes. Upon termination of the research
22 foundation and its corporate existence, all of its rights, assets and properties shall pass to and be
23 vested in the ~~board of governors for higher education~~ [board of trustees](#) for the benefit of the
24 University of Rhode Island.

25 **16-32.1-8. Annual report and audit.**

26 The research foundation shall submit to the ~~board of governors for higher education~~
27 [board of trustees](#) an audited report of its activities for the preceding fiscal year. The report shall
28 set forth a complete operating and financial statement covering the research foundation operations
29 during the preceding fiscal year. The research foundation shall cause an independent audit of its
30 books and accounts to be made at least once each fiscal year.

31 SECTION 4. Chapter 16-32 of the General Laws entitled "University of Rhode Island
32 [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended by
33 adding thereto the following sections:

34 **16-32-2.2. Appointment and removal of the board of trustees.**

1 (a) There is hereby established a board of trustees for the University of Rhode Island
2 consisting of seventeen (17) members. The governor shall appoint the members, with the advice
3 and consent of the senate, to serve on the board of trustees, until the expiration of their term and
4 their successor is appointed. In addition, the president of the University of Rhode Island shall
5 appoint one faculty member and one student member who shall be a full-time student in good
6 standing at the university and who shall both serve in a non-voting, ex officio capacity for a
7 single two (2) year term. Six (6) of the members initially appointed pursuant to this section shall
8 serve terms of three (3) years; seven (7) members initially appointed pursuant to this section shall
9 serve terms of two (2) years; and, four (4) members initially appointed pursuant to this section
10 shall serve terms of one year. Thirteen (13) voting members of the board shall constitute a
11 quorum and the vote of a majority of those present and voting shall be required for action.

12 (b) After the initial terms of appointment have expired, the governor shall appoint six (6)
13 members with the advice and consent of the senate to serve as members of the board of trustees
14 with two (2) members appointed for a term of three (3) years; with two (2) members appointed
15 for a term of two (2) years and with two (2) members appointed for a term of one year and shall
16 be eligible to be reappointed to a term of two (2) years. The remaining eleven (11) voting
17 members shall be self-perpetuating members appointed by the board pursuant to rules adopted by
18 the board regarding the nomination and appointment of members and shall serve terms as defined
19 by the board pursuant to the adopted rules and be eligible for reappointment.

20 (c) A majority of the board shall elect the chair of the board on an annual basis from
21 among the seventeen (17) voting board members pursuant to rules and regulations adopted by the
22 board establishing the procedure for electing a chair.

23 (d) Public members of the board shall be removable by the appointing authority of the
24 member for cause only, and removal solely for partisan or personal reasons unrelated to capacity
25 or fitness for the office shall be unlawful. No removal shall be made for any cause except after
26 ten (10) days' notice in writing of specific charges, with opportunity for the member to be present
27 in person and with counsel at a public hearing before the appointing authority, to introduce
28 witnesses and documentary evidence in his or her own defense, and to confront and cross-
29 examine adversary witnesses; and appeal shall lie to the superior court from the governor's
30 determination.

31 **16-32-32. Exemption from provisions of administrative procedures act.**

32 The provisions of the administrative procedures act, chapter 35 of title 42, shall not apply
33 to this chapter.

34 **16-32-33. Receipts from sources other than appropriations.**

1 (a) Notwithstanding any general laws to the contrary, all receipts from all sources other
2 than state appropriations shall not be deposited into the general fund of the state, but shall be
3 deposited by the general treasurer of the state into a restricted account for the benefit of the board
4 of trustees, and shall be paid out by the treasurer upon the order of the board, without the
5 necessity of appropriation or re-appropriation by the general assembly.

6 (b) The board of trustees shall ensure that the university has a structure in place to
7 prohibit the university from accepting funds that would interfere with or restrict academic
8 freedom at the university. Nothing contained in this subsection shall be construed in a way as to
9 prohibit a donor from earmarking funds for a particular purpose or use including, but not limited
10 to, research, scholarships, construction, or development.

11 **16-32-34. Fiscal accounts -- Receipts -- Petty cash funds.**

12 (a) The treasurer of the University of Rhode Island, as appointed by the board of trustees,
13 shall:

14 (1) Keep an accurate account of his or her receipts and expenditures, which shall be
15 audited by the state controller; and

16 (2) Turn over to the general treasurer at monthly intervals all sums of money received by
17 him or her during the preceding month which shall be credited to the proper accounts and funds
18 by the general treasurer.

19 (b) The state controller shall establish an imprest fund or petty cash fund for the use of
20 the treasurer of the university for expenditures of any nature as may be approved by the state
21 controller.

22 **16-32-35. Audit of expenditures.**

23 The pre-audit of all expenditures under authority of the board by the state controller
24 provided for in § 35-6-1 shall be purely ministerial, concerned only with the legality of the
25 expenditure and the availability of the funds, and in no event shall the state controller interpose
26 his or her judgment regarding the wisdom or expediency of any item or items of expenditure.

27 **16-32-36. Freedom from budget and lease control by other agencies.**

28 In order that the board of trustees may control the personnel and equipment of the
29 university in the interest of educational efficiency, the board and the university are exempt from
30 the provisions of § 35-3-1(a)(5) relating to the employment of personnel, and from any provision
31 of § 42-20-8 which relates to the director of administration.

32 **16-32-37. Applicability of merit system -- Teacher certification -- List of positions**
33 **transferable to classified service.**

34 (a) The appointment, promotion, salaries, tenure, and dismissal of administrative,

1 instructional, and research employees, and secretarial employees not exceeding ten (10) in
2 number, and armed university police officers shall not be subject in any manner or degree to
3 control by the state personnel administrator or by any officer or board other than the board of
4 trustees. The certification of teachers at the University of Rhode Island is abolished, except for
5 teachers who elect to come or remain under it.

6 (b) All positions that are exempt from the merit system law, chapter 4 of title 36, which
7 become vacant or that are to be established, must be forwarded to the state personnel
8 administrator, who shall determine whether the position(s) in question shall remain in the board
9 of trustees non-classified service or be established in the classified service of the state.

10 (c) No position presently in the classified service of the state subject to the merit system
11 law, chapter 4 of title 36, shall be changed or modified so as to establish the position in the board
12 of trustees non-classified service.

13 (d) Faculty positions, presidents, vice presidents, deans, assistant deans, and student
14 employees of the university shall not be covered by the preceding provisions and shall remain in
15 the non-classified service of the board.

16 **16-32-38. Permanent status for non-classified employees.**

17 All non-classified employees of the board of trustees who shall have twenty (20) years,
18 not necessarily consecutive, of service credit, these credits having been earned in either the
19 classified, non-classified, or unclassified service or any combination of these, shall be deemed to
20 have acquired full status in their positions as the status is defined by § 36-4-59 with the base entry
21 date prior to August 8, 1996; provided, that this provision shall not apply to faculty employed by
22 the board nor shall it apply to non-classified employees who have acquired tenure as faculty.

23 **16-32-39. Longevity payments -- Non-classified employees.**

24 (a) The non-classified employees of the board of trustees, except for faculty employees
25 and except for non-classified employees already receiving longevity increases, shall be entitled to
26 a longevity payment in the amount of five percent (5%) of base salary after ten (10) years of
27 service and increasing to a total of ten percent (10%) of base salary after twenty (20) years of
28 service. The provisions of this section will apply only to employees with a pay grade under
29 nineteen (19). The longevity payments shall not be included in base salary.

30 (b) The board of trustees is authorized to promulgate regulations implementing the
31 provisions of this section.

32 (c) Beginning on July 1, 2011, notwithstanding any rule, regulation, or provision of the
33 public laws or general laws to the contrary, there shall be no further longevity increases for
34 employees of the board of trustees; provided, however, for employees with longevity provisions

1 pursuant to a collective bargaining agreement in effect on June 1, 2011, longevity increases shall
2 cease beginning on July 1, 2011 or beginning upon the expiration of the applicable collective
3 bargaining agreement, whichever occurs later. To the extent an employee has previously accrued
4 longevity payments, the amount of the longevity payment earned by the employee for the last pay
5 period in June, 2011 shall be added to the employee's base salary as of June 30, 2011, or in the
6 case of an employee with longevity provisions pursuant to a collective bargaining agreement in
7 effect on June 1, 2011, the amount of the longevity payment earned by the employee for the latter
8 of the last pay period in June or the last pay period prior to the expiration of the applicable
9 collective bargaining agreement shall be added to the employee's base salary as of June 30, 2011
10 or upon the expiration of the applicable collective bargaining agreement, whichever occurs later.

11 **16-32-40. Appointment of campus police.**

12 (a) The board of trustees may appoint one or more persons who may act as police officers
13 upon the property and highways of the university subject to the control of the board and upon the
14 streets and highways immediately adjacent to those lands. The campus police officers shall
15 protect the property of the university, suppress nuisances and disturbances and breaches of the
16 peace, and enforce laws and regulations for the preservation of good order. They shall have the
17 same powers and authority as that conferred upon municipal police officers, including the power
18 to arrest persons for violations of state criminal statutes or for violations of city or town
19 ordinances of the city or town in which the institution is located. They shall be required to attend
20 and successfully complete the municipal police training academy before they shall be allowed to
21 carry firearms. Additionally, any campus police officer observing the violation of any rule or
22 regulation of the board adopted pursuant to this chapter, including, but not limited to, parking and
23 traffic regulations, may issue a summons in the manner and form set forth in §§ 31-27-12 or 31-
24 41.1-1 returnable to the district court, the police court of the city or town where the violation
25 occurs, or the traffic tribunal as provided by law.

26 (b) Notwithstanding any other provision of law, all fines and penalties recovered for
27 violation of rules and regulations made under authority of this section shall be accounted for by
28 the appropriate authority, which shall forward all fines or penalties for nonmoving traffic
29 violations to the general treasurer for use by the college or university on whose campus the
30 citation or violation was issued in accordance with § 16-32-27.

31 **16-32-41. Conflicts of interest.**

32 No member of the board of trustees shall be employed in any position under the
33 jurisdiction of the board, nor contract in any manner for any purpose with the board; nor shall the
34 board purchase, sell, or lease any land, property, or supplies from or to any firm or business

association of which any member of the board is owner, part owner, or officer or director. No person related by consanguinity or affinity in the first degree to any member of the board shall be employed in any capacity under the board's jurisdiction.

SECTION 5. Sections 16-59-1, 16-59-6, 16-59-13, 16-59-18, 16-59-19, 16-59-22 and 16-59-26 of the General Laws in Chapter 16-59 entitled "Council on Postsecondary Education [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" are hereby amended to read as follows:

16-59-1. Council on Postsecondary Education established.

(a) There is created a council on postsecondary education, sometimes referred to as the "council", which shall be and is constituted a public corporation, empowered to sue and be sued in its own name, and to exercise all the powers, in addition to those specifically enumerated in this chapter, usually appertaining to public corporations entrusted with control of postsecondary educational institutions and functions. Upon its organization the council shall be invested with the legal title (in trust for the state) to all property, real and personal, now owned by and/or under the control or in custody of the board of regents for education for the use of ~~the University of Rhode Island,~~ Rhode Island College, Community College of Rhode Island and the system of community colleges of Rhode Island including all departments, divisions, and branches of these.

(b) The council is empowered to hold and operate the property in trust for the state; to acquire, hold, and dispose of the property and other like property as deemed necessary for the execution of its corporate purposes. The council is made successor to all powers, rights, duties, and privileges formerly belonging to the board of regents for education pertaining to postsecondary education and the board of governors for higher education.

(c) The council shall be the employer of record for ~~higher education~~ Rhode Island College and the Community College of Rhode Island and the office of postsecondary education. It shall retain all authority formerly vested in the board of education regarding the employment of faculty and staff at ~~the public higher education institutions~~ Rhode Island College and the Community College of Rhode Island.

(d) The council shall be the governing body for the Rhode Island division of higher education assistance and shall retain all authority formerly vested in the higher education assistance authority board of directors pursuant to § 16-57-7; however, any debts, liabilities, or obligations of the council that result from its status as such governing body shall be payable solely from the revenues or assets of reserve funds set forth and established by the prior Rhode Island higher education assistance authority and/or the Rhode Island division of higher education assistance created pursuant to chapter 57 of this title, and not from any assets or property held by

1 the council on public higher education pursuant to this chapter.

2 (e) The council on postsecondary education shall be the employer of record for the
3 division of higher education assistance.

4 [\(f\) The council on postsecondary education shall have authority pursuant to this chapter](#)
5 [of the University of Rhode Island until the board of trustees of the University of Rhode Island has](#)
6 [been established pursuant to § 16-32-2.2 and all members have been duly appointed and](#)
7 [confirmed.](#)

8 **16-59-6. Commissioner of postsecondary education.**

9 The council on postsecondary education, with approval of the board, shall appoint a
10 commissioner of postsecondary education, who shall serve at the pleasure of the council,
11 provided that his or her initial engagement by the council shall be for a period of not more than
12 three (3) years. For the purpose of appointing, retaining, or dismissing a commissioner of
13 postsecondary education, the governor shall serve as an additional voting member of the council.
14 The position of commissioner shall be in the unclassified service of the state and he or she shall
15 serve as the chief executive officer of the council on postsecondary education, the chief
16 administrative officer of the office of postsecondary commissioner, and the executive director of
17 the division of higher education assistance. The commissioner of postsecondary education shall
18 have any duties that are defined in this section and in this title and other additional duties as may
19 be determined by the council, and shall perform any other duties as may be vested in him or her
20 by law. In addition to these duties and general supervision of the office of postsecondary
21 commissioner and the appointment of the several officers and employees of the office, it shall be
22 the duty of the commissioner of postsecondary education:

23 (1) To develop and implement a systematic program of information gathering,
24 processing, and analysis addressed to every aspect of higher education in the state, especially as
25 that information relates to current and future educational needs.

26 (2) To prepare a strategic plan for higher education in the state aligned with the goals of
27 the board of education's strategic plan; to coordinate the goals and objectives of the higher public
28 education sector with the goals of the council on elementary and secondary education and
29 activities of the independent higher education sector where feasible.

30 (3) To communicate with, and seek the advice of those concerned with, and affected by
31 the board of education's and council's determinations.

32 (4) To implement broad policy as it pertains to the goals and objectives established by the
33 board of education and council on postsecondary education; to promote better coordination
34 between higher public education in the state, independent higher education in the state as

1 provided in subdivision (10) of this section, and pre k-12 education; to assist in the preparation of
2 the budget for public higher education; and to be responsible, upon direction of the council, for
3 the allocation of appropriations, the acquisition, holding, disposition of property.

4 (5) To be responsible for the coordination of the various higher educational functions of
5 the state so that maximum efficiency and economy can be achieved.

6 (6) To assist the board of education in preparation and maintenance of a five-year (5)
7 strategic funding plan for higher education; to assist the council in the preparation and
8 presentation annually to the state budget officer in accordance with § 35-3-4 of a total, public
9 higher educational budget.

10 (7) To recommend to the council on postsecondary education, after consultation with the
11 presidents, a clear and definitive mission for each ~~public institution of higher learning~~ [college](#).

12 (8) To annually recommend to the council on postsecondary education, after consultation
13 with the presidents, the creation, abolition, retention, or consolidation of departments, divisions,
14 programs, and courses of study within the public colleges ~~and universities~~ to eliminate
15 unnecessary duplication in public higher education, to address the future needs of public higher
16 education in the state, and to advance proposals recommended by the presidents of the public
17 colleges ~~and universities~~ pursuant to §§ ~~16-32-2.1~~, 16-33-2.1 and 16-33.1-2.1.

18 (9) To supervise the operations of the office of postsecondary commissioner, including
19 the division of higher education assistance, and any other additional duties and responsibilities
20 that may be assigned by the council.

21 (10) To perform the duties vested in the council with relation to independent higher
22 educational institutions within the state under the terms of chapter 40 of this title and any other
23 laws that affect independent higher education in the state.

24 (11) To be responsible for the administration of policies, rules, and regulations of the
25 council on postsecondary education with relation to the entire field of higher education within the
26 state, not specifically granted to any other department, board, or agency and not incompatible
27 with law.

28 (12) To prepare standard accounting procedures for public higher education and all public
29 colleges ~~and universities~~.

30 (13) To carry out the policies and directives of the board of education and the council on
31 postsecondary education through the office of postsecondary commissioner and through
32 utilization of the resources of the public ~~institutions of higher learning~~ [colleges](#).

33 (14) To enter into interstate reciprocity agreements regarding the provision of
34 postsecondary distance education; to administer such agreements; to approve or disapprove

1 applications to voluntarily participate in such agreements from postsecondary institutions that
2 have their principal place of business in Rhode Island; and to establish annual fees, with the
3 approval of the council on postsecondary education, for aforesaid applications to participate in an
4 interstate postsecondary distance education reciprocity agreement.

5 (15) To the extent necessary for participation, and to the extent required and stated in any
6 distance learning reciprocity agreement, to implement procedures to address complaints received
7 from out-of-state students in connection with, or related to, any Rhode Island postsecondary
8 institution, public or private, that has been approved to participate in said reciprocity agreement.

9 (16) To exercise all powers and duties of the division of higher education assistance as
10 set forth under the terms of chapter 57 of this title.

11 **16-59-13. Definitions.**

12 Where in this chapter the phrase "public colleges" or "public institutions of higher
13 learning" or "public tax supported institutions of higher learning" or words of similar import are
14 used they shall be taken to mean ~~the University of Rhode Island,~~ Rhode Island College, and
15 Community College of Rhode Island, or any other of these public colleges, public institutions of
16 higher learning, or public tax supported institutions of higher learning which may be created,
17 individually or collectively, as appropriate.

18 **16-59-18. Receipts from sources other than appropriations.**

19 (a) All receipts from all sources other than state appropriations shall not be covered into
20 the general fund of the state, but shall be kept by the general treasurer of the state in a separate
21 fund for the board of governors for higher education, and shall be paid out by the treasurer upon
22 the order of the board, without the necessity of appropriation or re-appropriation by the general
23 assembly.

24 (b) The board of governors of higher education shall ensure that state colleges ~~and~~
25 ~~universities~~ have a structure in place to prohibit these colleges ~~and universities~~ from accepting
26 funds that would interfere with or restrict academic freedom at the state colleges ~~and universities~~.
27 Nothing contained in this subsection shall be construed in a way as to prohibit a donor from
28 earmarking funds for a particular purpose or use including but not limited to research,
29 scholarships, construction, or development.

30 **16-59-19. Fiscal accounts -- Receipts -- Petty cash funds.**

31 The treasurer of ~~the University of Rhode Island, and the treasurer of the~~ Rhode Island
32 College to be appointed by the board of governors for higher education, shall ~~each~~ keep an
33 accurate account of his or her receipts and expenditures which shall be audited by the state
34 controller in accordance with law. The treasurer of each college shall turn over to the general

1 treasurer at monthly intervals all sums of money received by him or her during the preceding
2 month which shall be credited to the proper accounts and funds by the general treasurer. The state
3 controller shall establish an imprest fund or petty cash fund for the use of the treasurer of each of
4 the colleges for expenditures of any nature as may be approved by the state controller.

5 **16-59-22. Applicability of merit system -- Teacher certification -- List of positions**
6 **transferable to classified service.**

7 (a) The appointment, promotion, salaries, tenure, and dismissal of administrative,
8 instructional, and research employees, and secretarial employees not exceeding ten (10) in
9 number, and armed college ~~and university~~ police officers of the state colleges shall not be subject
10 in any manner or degree to control by the personnel administrator or by any officer or board other
11 than the council on postsecondary education. ~~The certification of teachers at the University of~~
12 ~~Rhode Island is abolished, except for teachers who elect to come or remain under it.~~

13 (b) All positions that are exempt from the merit system law, chapter 4 of title 36, which
14 become vacant or that are to be established, must be forwarded to the personnel administrator,
15 who, in consultation with the deputy assistant commissioner of education in charge of personnel
16 and labor relations, shall determine whether the position(s) in question shall remain in the council
17 on postsecondary education non-classified service or be established in the classified service of the
18 state.

19 (c) No position presently in the classified service of the state subject to the merit system
20 law, chapter 4 of title 36, shall be changed or modified so as to establish the position in the
21 council on postsecondary education non-classified service.

22 (d) Faculty positions, presidents, vice presidents, deans, assistant deans, and student
23 employees of the higher-education institutions shall not be covered by the preceding provisions
24 and shall remain in the council on postsecondary education non-classified service.

25 **16-59-26. The public and private partnership in education.**

26 (a) Purpose. The state of Rhode Island recognizes that research is a primary mission of an
27 institution of higher education. While carrying out its research mission, the state further
28 recognizes that inventions of value to the public will be made by persons working in its public
29 institutions of higher education. The marketing of these inventions will contribute to job creation
30 and to the overall economic well-being of the state of Rhode Island and the nation. It is
31 accordingly the policy of the state to encourage such inventors and inventions and to take
32 appropriate steps to aid the inventor and ensure that the public receives the benefit. In facilitating
33 this policy, the state recognizes the need for cooperation between governmental agencies, private
34 industries, and the inventors themselves.

(b) Definitions. The following words and phrases used in § 16-59-26 have the following meaning:

(1) "Conflict of interest policies and procedures relating to research and development" refers to policies and procedures adopted by the Rhode Island board of governors for higher education, [or as it pertains to the University of Rhode Island or the board of trustees](#) in consultation with the Rhode Island ethics commission, and approved by the Rhode Island ethics commission;

(2) "Relationship" includes any interest, service, employment, gift, or other benefit or relationship;

(3) "Research or development" means basic or applied research or development, including:

(i) The development or marketing of university-owned technology;

(ii) The acquisition of services of an official or employee, by an entity for research and development purposes;

(iii) Participation in state economic development programs; or

(iv) The development or marketing of any technology on the premises of a public institution of higher education by an official or employee of the institution.

(c) Policy.

(1) The Rhode Island board of governors for higher education, [or as it pertains to the University of Rhode Island or the board of trustees](#), shall develop conflict of interest policies and procedures based on the purposes expressed in art. 3, § 7 of the Constitution of the State of Rhode Island, § 36-14-1, and in this section.

(2) The Rhode Island board of governors for higher education, [or as it pertains to the University of Rhode Island or the board of trustees](#) shall consult with the Rhode Island ethics commission in developing these policies and procedures and shall submit them to the Rhode Island ethics commission for approval in order to insure conformity with the purposes expressed in art. 3, § 7 of the Constitution of the State of Rhode Island, § 36-14-1, and in this section.

(d) Policy standards. The policies and procedures adopted by the board of governors for higher education, [or as it pertains to the University of Rhode Island or the board of trustees](#), under subsection (c) of this section shall:

(1) Require disclosure of any interest in, or employment by, or other relationship with an entity for which an exemption under this section is claimed, on a form filed with the ethics commission and the Rhode Island board of governors for higher education, [or as it pertains to the University of Rhode Island or the board of trustees](#), and maintained as a public record at the

1 commission offices, the office of higher education, and at the interested public institution of
2 higher education;

3 (2) Require review of all disclosures by a designated official or officials, who shall
4 determine what further information must be disclosed and what restrictions shall be imposed by
5 the Rhode Island board of governors for higher education, [or as it pertains to the University of](#)
6 [Rhode Island or the board of trustees](#), to manage, reduce, or eliminate any actual or potential
7 conflict of interest;

8 (3) Include guidelines to ensure that interests and employment for which an exemption
9 under this section is claimed do not improperly give an advantage to entities in which the interests
10 or employment are maintained, lead to misuse of institution students or employees for the benefit
11 of entities in which the interests or employment are maintained, or otherwise interfere with the
12 duties and responsibilities of the exempt official or employee;

13 (4) Require approval by the president of the public institution of higher education of any
14 interest or employment for which an exemption is claimed under this section; and

15 (5) Require approval by the Rhode Island board of governors for higher education, [or as](#)
16 [it pertains to the University of Rhode Island or the board of trustees](#).

17 (e) Relationship permitted. An official or employee at a public institution of higher
18 education may have a relationship, that would otherwise be prohibited by the Rhode Island Code
19 of Ethics in Government, with an entity engaged in research or development, or with an entity
20 having a direct interest in the outcome of research or development, only if the Rhode Island
21 Board of governors for higher education, [or as it pertains to the University of Rhode Island or the](#)
22 [board of trustees](#), has adopted policies and procedures in accordance with this section, and the
23 official or employee has complied with the policies and procedures. If the provisions of this
24 section are not met, the official or employee is not exempt from any relevant provisions of the
25 Rhode Island Code of Ethics in Government.

26 (f) Annual reporting. The board of governors for higher education, [or as it pertains to the](#)
27 [University of Rhode Island or the board of trustees](#), shall report annually to the governor, the
28 president of the senate and the speaker of the house of representatives, and the ethics commission
29 the number of approvals granted under this section and how the conflict of interest policies and
30 procedures adopted pursuant to this section have been implemented in the preceding year.

31 (g) Person not eligible. An official or employee who is a president, or vice-president at a
32 public institution of higher education in Rhode Island may not receive an exemption under this
33 section.

34 (h) Ethics commission review. The board of governors for higher education, [or as it](#)

1 [pertains to the University of Rhode Island or the board of trustees](#), shall promptly notify the ethics
2 commission in writing of any exemption that is granted under this section. If the ethics
3 commission disagrees with an exemption that is granted pursuant to this section and the conflict
4 of interest policies and procedures relating to research and development adopted by the board of
5 governors for higher education, within thirty (30) calendar days after the receipt of the notice
6 described in this section, the ethics commission shall notify the board of governors for higher
7 education reason for its concern. Upon receipt of such notice from the ethics commission, the
8 board of governors for higher education, [or as it pertains to the University of Rhode Island or the](#)
9 [board of trustees](#) shall cause the matter to be re-examined at an open and public meeting pursuant
10 to § 42-46-1 et seq.

11 SECTION 6. Section 16-59-28 of the General Laws in Chapter 16-59 entitled "Council
12 on Postsecondary Education [See Title 16 Chapter 97 - The Rhode Island Board of Education
13 Act]" is hereby repealed.

14 ~~**16-59-28. "Bachelors Degree in Three" program.**~~

15 ~~(a) The Rhode Island board of governors for higher education shall establish and~~
16 ~~administer the "Bachelors Degree in Three" program. The board shall:~~

17 ~~(1) Establish guidelines for the "Bachelors Degree in Three" program.~~

18 ~~(2) Collaborate with the board of regents for elementary and secondary education to~~
19 ~~establish a seamless credit transfer system for high school students and other policies that might~~
20 ~~facilitate student participation in such a program.~~

21 ~~(3) Identify and propose any necessary changes to academic courses of study, support~~
22 ~~services, financial aid, and other policies and resources at the University of Rhode Island, Rhode~~
23 ~~Island College and the Community College of Rhode Island to ensure greater opportunities for~~
24 ~~students to complete bachelors degree programs in three (3) years.~~

25 ~~(4) Identify potential costs of the program, including costs to students, to the institutions,~~
26 ~~and to school districts, identify possible sources of external grant funding for a pilot program, and~~
27 ~~propose a funding structure for the program.~~

28 ~~(5) Investigate accreditation issues and federal financial aid rules that may be implicated~~
29 ~~by the program.~~

30 ~~(6) Identify units at the University of Rhode Island, Rhode Island College, and the~~
31 ~~Community College of Rhode Island that will assume administrative responsibility for the~~
32 ~~program.~~

33 ~~(7) Design, undertake and evaluate a three (3) year pilot program that will serve as a~~
34 ~~model for full scale implementation.~~

1 ~~(b) The board shall present an initial report, recommendations and timeline to the general~~
2 ~~assembly on or by February 1, 2011, and the pilot program will begin with the fall academic~~
3 ~~semester of 2011.~~

4 SECTION 7. Section 16-97-7 of the General Laws in Chapter 16-97 entitled "The Rhode
5 Island Board of Education Act" is hereby amended to read as follows:

6 **16-97-7. Tuition waivers -- Disclosure as a prerequisite to receipt.**

7 Notwithstanding any other provision of law, no employee of the state board of education,
8 or the board of trustees for the University of Rhode Island, his or her spouse, domestic partner or
9 dependent, shall receive a tuition waiver as a result of employment status with the state board of
10 education, or the board of trustees for the University of Rhode Island without first consenting to
11 the public disclosure of the existence and amount of the waiver. This section shall apply to any
12 tuition waivers, including, but not limited to, any such waiver at the Community College of
13 Rhode Island, Rhode Island College, and/or the University of Rhode Island.

14 SECTION 8. Section 16-101-1 of the General Laws in Chapter 16-101 entitled
15 "Academic Credit For Military Service" is hereby amended to read as follows:

16 **16-101-1. Academic credit for military service.**

17 (a) State public higher education institutions in the state shall honor the military training,
18 experience, correspondence courses and occupations of an individual who has served in the
19 military or armed forces of the United States by allowing academic credits that meet the standards
20 of the American Council on Education or equivalent standards for awarding academic credit, if
21 the award of the educational credit is based upon the institution's admission standards and its role,
22 scope, and mission. The board of education shall adopt policies or regulations requiring each
23 institution to award educational credits to a student enrolled in the institution, based upon the
24 student's military training or service when academically appropriate.

25 (b) The board of trustees for the University of Rhode Island, in consultation with the
26 president and the faculty senate, shall adopt policies or regulations requiring each institution to
27 award educational credits to a student enrolled at the university, based upon the student's military
28 training or service when academically appropriate.

29 SECTION 9. Sections 16-106-4 and 16-106-6 of the General Laws in Chapter 16-106
30 entitled "The Performance Incentive Funding Act of 2016" are hereby amended to read as
31 follows:

32 ~~**16-106-4. Performance incentive funding -- Rhode Island College and University of**~~
33 ~~**Rhode Island. Performance incentive funding -- Rhode Island College.**~~

34 (a) Beginning in FY 2018, funding for Rhode Island College ("RIC") ~~and the University~~

1 ~~of Rhode Island ("URI")~~ shall include a performance-based component utilizing all additional
2 allocations of otherwise unrestricted, higher-education general revenue greater than the base
3 amount received pursuant to the FY 2016 budget as enacted, of total unrestricted state higher-
4 education funding.

5 (b) Data on which to base performance measures as described in subsection (c) shall be
6 defined by the commissioner of postsecondary education, in consultation with the council on
7 postsecondary education. Measures shall begin to be collected in FY 2017.

8 These measures may include and incorporate outcomes or goals from multiple, previous
9 years. The lack of information from previous years, however, will not affect the use of
10 performance-based measures.

11 (c) Rhode Island College ~~and the University of Rhode Island~~ shall ~~each~~ have unique
12 measures consistent with ~~each institution's~~ its purpose, role, scope, and mission. The
13 performance-based measures shall include the following metrics:

14 (1) The number and percentage, including growth in relation to enrollment and prior
15 years of bachelor's degrees awarded to first-time, full-time students within four (4) years and six
16 (6) years, including summer graduates;

17 (2) The number of degrees awarded that are tied to Rhode Island's high demand, high-
18 wage employment opportunities consistent with the institution's mission;

19 (3) One measure that applies only to RIC, as agreed to by the commissioner of
20 postsecondary education and the president of RIC, who shall consider faculty, staff, and student
21 input; ~~and one measure that applies only to URI, as agreed to by the commissioner of~~
22 ~~postsecondary education and the president of URI, who shall consider faculty, staff and student~~
23 ~~input;~~ and

24 (4) Any other measures that are deemed appropriate by the council of postsecondary
25 education.

26 (d) Weight may be assigned to any of the aforementioned metrics to ~~either or both of the~~
27 ~~institutions to~~ reinforce the ~~missions~~ mission of RIC ~~and URI, respectively~~, the economic needs
28 of the state, and the socio-economic status of the students. The commissioner may consider the
29 ~~institutions'~~ institution's improvements in said metrics when determining whether it has satisfied
30 the annual measure despite not reaching the overall goal.

31 (e) The commissioner shall provide faculty and students an opportunity to provide input
32 on the development of performance measures.

33 **16-106-6. Accountability -- Authority to revise and transparency.**

34 (a) The commissioner of postsecondary education shall monitor, publish, and report to

1 the council on postsecondary education the level of performance on all metrics identified in
2 accordance with this chapter for the Community College of Rhode Island, and Rhode Island
3 College, ~~and the University of Rhode Island.~~

4 (b) The commissioner of postsecondary education, in consultation with the council of
5 postsecondary education, shall revise the metrics at a time when performance has reached a pre-
6 defined level. Future metrics shall further goals identified by the board of education and the
7 governor's workforce board, and the applicable purpose and mission of the institution of higher
8 education to which they apply.

9 (c) Each public higher-education institution shall publish its performance on all of its
10 associated metrics prescribed in this chapter on its website.

11 SECTION 10. Section 35-4-23.1 of the General Laws in Chapter 35-4 entitled "State
12 Funds" is hereby amended to read as follows:

13 **35-4-23.1. Indirect cost recoveries by state agencies.**

14 All state agencies shall apply for recovery of indirect costs when recovery is permissible
15 under federal statute and grant regulations. All funds received for indirect costs recovery shall be
16 turned over to the general treasurer and shall be placed in a restricted account in each agency for
17 the specific purposes designated through the annual budget process. The agency shall, through the
18 annual budget process, report to the general assembly the estimated amount of federal indirect
19 cost recoveries for the next fiscal year, together with the intended use of the funds. Nothing
20 contained in this section, however, shall conflict with the powers and duties granted the board of
21 governors for higher education and the board of regents for elementary and secondary education
22 in chapters 59 and 60 of title 16, [and the board of trustees for the University of Rhode Island as](#)
23 [provided in chapter 32 of title 16.](#)

24 SECTION 11. Section 37-2-7 of the General Laws in Chapter 37-2 entitled "State
25 Purchases" is hereby amended to read as follows:

26 **37-2-7. Definitions.**

27 The words defined in this section have the meanings set forth below whenever they
28 appear in this chapter, unless the context in which they are used clearly requires a different
29 meaning or a different definition is prescribed for a particular section, group of sections, or
30 provision:

31 (1) "Business" means any corporation, partnership, individual, sole proprietorship, joint
32 stock company, joint venture, or any other legal entity through which business is conducted.

33 (2) "Change order" means a written authorization signed by the purchasing agent
34 directing or allowing the contractor to proceed with changes, alterations, or modifications to the

- 1 terms, conditions, or scope of work on a previously awarded contract
- 2 (3) "Chief purchasing officer" shall mean: (i) for a state agency, the director of the
3 department of administration, and (ii) for a public agency, the executive director or the chief
4 operational officer of the agency.
- 5 (4) "Construction" means the process of building, altering, repairing, improving, or
6 demolishing any public structures or building, or other public improvements of any kind to any
7 public real property. It does not include the routine maintenance or repair of existing structures,
8 buildings, or real property performed by salaried employees of the state of Rhode Island in the
9 usual course of their jobs.
- 10 (5) "Contract" means all types of agreements, including grants and orders, for the
11 purchase or disposal of supplies, services, construction, or any other item. It includes awards;
12 contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive type; contracts providing for
13 the issuance of job or task orders; leases; letter contracts; purchase orders; and construction
14 management contracts. It also includes supplemental agreements with respect to any of the
15 foregoing. "Contract" does not include labor contracts with employees of state agencies.
- 16 (6) "Contract amendment" means any written alteration in the specifications, delivery
17 point, rate of delivery, contract period, price, quantity, or other contract provisions of any existing
18 contract, whether accomplished by unilateral action in accordance with a contract provision, or by
19 mutual action of the parties to the contract. It includes bilateral actions, such as supplemental
20 agreements, and unilateral actions, such as change orders, administrative changes, notices of
21 termination, and notices of the exercise of a contract option.
- 22 (7) "Contractor" means any person having a contract with a governmental body.
- 23 (8) "Data" means recorded information, regardless of form or characteristic.
- 24 (9) "Designee" means a duly authorized representative of a person holding a superior
25 position.
- 26 (10) "Employee" means an individual drawing a salary from a state governmental entity.
- 27 (11) "State governmental entity" means any entity created as a legislative body or a
28 public or state agency by the general assembly or constitution of this state, except for municipal,
29 regional, or county governmental entities.
- 30 (12) "May" means permissive.
- 31 (13) "Negotiation" means contracting by either the method set forth in §§ 37-2-19, 37-2-
32 20, or 37-2-21.
- 33 (14) "Person" means any business, individual, organization, or group of individuals.
- 34 (15) "Procurement" means the purchasing, buying, renting, leasing, or otherwise

1 obtaining of any supplies, services, or construction. It also includes all functions that pertain to
2 the obtaining of any supply, service, or construction item, including a description of
3 requirements, selection and solicitation of sources, preparation, and award of contract, and all
4 phases of contract administration.

5 (16) "Public agency" shall mean the Rhode Island industrial recreational building
6 authority, the Rhode Island commerce corporation, the Rhode Island industrial facilities
7 corporation, the Rhode Island refunding bond authority, the Rhode Island housing and mortgage
8 finance corporation, the Rhode Island resource recovery corporation, the Rhode Island public
9 transit authority, the Rhode Island student loan authority, the Howard development corporation,
10 the water resources board corporate, the Rhode Island health and education building corporation,
11 the Rhode Island turnpike and bridge authority, the Blackstone Valley district commission, the
12 Narragansett Bay water quality management district commission, the Rhode Island
13 telecommunications authority, the convention center authority, the Channel 36 foundation, the
14 Rhode Island lottery commission their successors and assigns, any other body corporate and
15 politic which has been or will be created or established within this state excepting cities and
16 towns, [the University of Rhode Island board of trustees for all purchases which are funded by](#)
17 [restricted, sponsored, or auxiliary monies](#), and the council on postsecondary education for all
18 purchases which are funded by restricted, sponsored, or auxiliary monies.

19 (17) "Purchase request" or "purchase requisition" means that document whereby a using
20 agency requests that a contract be entered into to obtain goods and/or services for a specified
21 need, and may include, but is not limited to, the technical description of the requested item,
22 delivery requirements, transportation mode request, criteria for evaluation of proposals, and/or
23 preparation of suggested sources of supply, and information supplied for the making of any
24 written determination and finding required by § 37-2-6.

25 (18) "Purchasing agency" means any state governmental entity which is authorized by
26 this chapter, its implementing regulations, or by way of delegation from the chief purchasing
27 officer to contract on its own behalf rather than through the central contracting authority of the
28 chief purchasing officer.

29 (19) "Purchasing agent" means any person authorized by a governmental entity in
30 accordance with procedures prescribed by regulations, to enter into and administer contracts and
31 make written determinations and findings with respect to contracts. The term also includes an
32 authorized representative acting within the limits of authority. "Purchasing agent" also means the
33 person appointed in accordance with § 37-2-1.

34 (20) "Services" means the rendering, by a contractor, of its time and effort rather than the

1 furnishing of a specific end product, other than reports which are merely incidental to the required
2 performance of services. "Services" does not include labor contracts with employees of state
3 agencies.

4 (21) "Shall" means imperative.

5 (22) "State" means the state of Rhode Island and any of its departments or agencies and
6 public agencies.

7 (23) "Supplemental agreement" means any contract modification which is accomplished
8 by the mutual action of the parties.

9 (24) "Supplies" means all property, including, but not limited to, leases of real property,
10 printing, and insurance, except land or permanent interest in land.

11 (25) "Using agency" means any state governmental entity which utilizes any supplies,
12 services, or construction purchased under this chapter.

13 (26) As used in § 37-2-59, "architect" or "engineer" services means those professional
14 services within the scope of practice of architecture, professional engineering, or registered land
15 surveying pertaining to construction, as defined by the laws of this state. "Consultant" means any
16 person with whom the state and/or a public agency has a contract which contract provides for the
17 person to give direction or information as regards a particular area of knowledge in which the
18 person is a specialist and/or has expertise.

19 (27) For purposes of §§ 37-2-62 -- 37-2-70, "directors" means those members of a public
20 agency appointed pursuant to a statute who comprise the governing authority of the board,
21 commission, authority, and/or corporation.

22 (28) "State agency" means any department, commission, council, board, bureau,
23 committee, institution, or other governmental entity of the executive or judicial branch of this
24 state not otherwise established as a body corporate and politic, and includes, without limitation,
25 the council on postsecondary education except for purchases which are funded by restricted,
26 sponsored, or auxiliary moneys, [the University of Rhode Island board of trustees for all purchases](#)
27 [which are funded by restricted, sponsored, or auxiliary monies](#), and the council on elementary and
28 secondary education.

29 (29) "Governmental entity" means any department, commission, council, board, bureau,
30 committee, institution, legislative body, agency, or government corporation of the executive,
31 legislative, or judicial branches of state, federal, and/or local governments.

32 (30) "Construction management at-risk" or "construction management at-risk services" or
33 "construction management at-risk delivery method" is a construction method wherein a
34 construction manager at-risk provides a range of preconstruction services and construction

1 management services which may include cost estimation and consultation regarding the design of
2 the building project, the preparation and coordination of bid packages, scheduling, cost control,
3 and value engineering, acting as the general contractor during the construction, detailing the trade
4 contractor scope of work, holding the trade contracts and other contracts, evaluating trade
5 contractors and subcontractors, and providing management and construction services, all at a
6 guaranteed maximum price, which shall represent the maximum amount to be paid by the using
7 agency for the building project, including the cost of work, the general conditions and the fee
8 payable to the construction management at-risk firm.

9 (31) "Construction manager at-risk" or "construction management at-risk firm" is a
10 person or business experienced in construction that has the ability to evaluate and to implement
11 drawings and specifications as they affect time, cost and quality of construction and the ability to
12 coordinate and deliver the construction of the project within a guaranteed maximum price, which
13 shall represent the maximum amount to be paid by the using agency for the building project,
14 including the cost of the work, the general conditions and the fee payable to the construction
15 management at-risk firm. The construction manager at-risk provides consultation services during
16 the preconstruction and construction phases of the project. The project engineer, architect or
17 owner's program manager may not serve as the construction manager at-risk.

18 (32) "Owner's program manager" shall be an entity engaged to provide project
19 management services on behalf of a state agency for the construction and supervision of the
20 construction of a building project. The owner's program manager acts as the owner's agent in all
21 aspects of the construction project, including, but not limited to, architectural programming,
22 planning, design, construction, and the selection and procurement of an appropriate construction
23 delivery method. The owner's program manager shall have at least seven (7) years experience in
24 the construction and supervision of construction of buildings of similar size and complexity. The
25 owner's program manager shall not have been employed during the preceding year by the design
26 firm, the construction firm, and/or the subcontractors associated with the project.

27 SECTION 12. This act shall take effect on February 1, 2020.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO THE GOVERNANCE OF THE UNIVERSITY OF RHODE ISLAND

1 This act would: (1) Establish a board of trustees for the University of Rhode Island and
2 establish its powers and duties; (2) Establish provisions of the transfer of URI research foundation
3 authority to the board of governors for higher education if the research foundation were
4 dissolved; (3) Remove authority of the council on postsecondary education over URI; (4) Repeal
5 the bachelor's degree in three program; (5) Require disclosure of tuition waivers; (6) Require the
6 board of trustees to set rules for the awarding of credits to students at URI based on military
7 training; (7) Authorize the board of trustees to retain direct costs instead of being reverted to a
8 restricted receipt account; and (8) Add the board of trustees to the definitions of public agency
9 and state agency for state purchasing matters.
10 This act would take effect on February 1, 2020.

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