

# 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 adoption of the accompanying bill:

An Act relative to Quincy College.

---

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ronald Mariano</i>	<i>3rd Norfolk</i>	<i>12/4/2013</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>12/6/2013</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>12/12/2013</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>12/6/2013</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

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

#### SECTION 7.

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

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

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

#### SECTION 8.

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

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

#### SECTION 9.

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

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

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

#### SECTION 10.

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

#### SECTION 11.

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

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

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

#### SECTION 12.

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

#### SECTION 13.

Notwithstanding any general or special law, rule or regulation to the contrary, Quincy 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.