SENATE . . . . . No. 2153

Senate, Wednesday, May 21, 2014 – Text of the Senate amendment (Senator Keenan) to the House Bill relative to Quincy College (House, No. 3814).

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

SECTION 1. Chapter 313 of the acts of 1981 is hereby repealed.

SECTION 2. Chapter 256 of the acts of 1988 is hereby repealed.

SECTION 3. Section 1 and sections 3 to 23, inclusive, of chapter 53 of the acts of 1994 are hereby repealed.

SECTION 4. The first paragraph of section 2 of said chapter 53, as amended by section 2 of chapter 332 of the acts of 2006, is hereby further amended by striking out the first subparagraph and inserting in place thereof the following subparagraph:-

At least 1 governor shall be a graduate of the college. Not more than 6 governors shall reside outside the city of Quincy, excluding any residential requirement for graduates; provided, however, that at least 2 governors shall reside in Plymouth county. Each governor shall serve a 6-year term and shall be eligible for reappointment; provided, however, that no governor shall serve for more than 12 years.

SECTION 5. Said first paragraph of said section 2 of said chapter 53, as so amended, is hereby further amended by striking out the fifth subparagraph.

SECTION 6. Chapter 306 of the acts of 1994 is hereby repealed.

SECTION 7. Section 375 of chapter 194 of the acts of 1998 is hereby repealed.

SECTION 8. Chapter 153 of the acts of 2002 is hereby repealed.

SECTION 9. Section 1 of chapter 332 of the acts of 2006 is hereby repealed.

SECTION 10. Notwithstanding any general or special law to the contrary, Quincy College, a municipal college and department within the city of Quincy, may, to insure its continued operation in a manner sufficient to meet the accreditation requirements of the New England Association of Schools and Colleges, establish a Quincy College Operations Account.

The account shall be maintained by the college in a banking institution which has a place of business in the city of Quincy. All tuition fees for the enrollment of students in the college, all incidental fees for the enrollment of students in the college and all monies received by the city from the commonwealth as school and other financial assistance allocable to the college shall be deposited into the account.

The account shall be maintained separate and apart from all other accounts of the city and shall not be subject to municipal oversight by the city treasurer, except as herein provided. All expenditures from the account shall be made by the president of the college under the direction of the board of governors of the college, and with the advice of the vice president of administration and finance of the college. The account and expenditures therefrom shall not be subject to oversight and appropriation by the city council of the city of Quincy. The funds in the account shall be used solely for the operation and maintenance of the college and for capital equipment for the college.

Appropriations may be made by the city of Quincy from time to time into the account to provide additional financial assistance for the college and donations from private sources may be received and deposited into the account. The president of the college under the direction of the board of governors and with the advice of the vice president of administration and finance, may invest the monies in the account and the interest accruing therefrom shall inure to the benefit of the college. The special account shall be maintained in accordance with generally accepted accounting principles and shall be audited annually by a certified public accountant.

The director of municipal finance or the director's designee may audit the account at any time.

The president of the college shall file with the mayor, the city council, the director of municipal finance, the board of governors and the bureau of accounts a written report relative to the account within 120 days after the close of each fiscal year. The report shall include a financial statement relating to the operation, maintenance, capital equipment and properties of the college. The city council may review and comment on the report and may file such review with the state auditor.

SECTION 11. (a) Quincy College shall compensate the city of Quincy for the actual cost of mandatory services provided to the college by the city. The payment shall be due and payable annually, not later than June 1. For the purposes of this subsection "mandatory services" shall mean work, service or time spent by a city employee for the benefit of the college as required by any federal or state law or municipal charter or ordinance. "Mandatory services" shall not include legal services provided by city employees beyond legal services associated with the standard review of college contracts or outside legal services pursuant to subsection (b).

(b) Notwithstanding any general or special law to the contrary, the president of Quincy College, with the approval of the board of governors, may employ legal counsel for the general

purposes of the college. If the president, with the approval of the mayor, chooses to utilize a city attorney to provide legal services beyond the standard review of college contracts or legal services provided to the college by its own counsel or if the city is required to defend itself in connection with a claim or suit brought against or arising solely out of actions or omissions of the college, the college shall reimburse the city on an hourly basis for those legal services rendered.

(c) Nothing in this section shall alter or affect the payment of obligations of Quincy College or the city of Quincy with respect to non-service costs incurred by the city on behalf of the college including, but not limited to, any direct or indirect personnel costs such as workers' compensation, unemployment, insurance or pension benefits, or the costs of goods.

SECTION 12. All employees and members of the board of governors of Quincy College shall be considered public employees for the purposes of chapter 258 of the General Laws.

SECTION 13. Notwithstanding any general or special law to the contrary, any person who becomes an employee of Quincy College shall be eligible for membership in the teachers' retirement system or the retirement system of the city of Quincy, depending on the employee's title and classification; provided, however, that any such person shall be employed on the basis of not less than half time service as a professional teacher, administrator, including the president of the college, psychologist, counselor, social worker or guidance and placement professional, or such person is a member of the teachers' retirement system.

SECTION 14. The board of governors of Quincy College shall oversee and govern the college as an enterprise department of the city of Quincy. The board of governors shall appoint a president to act as the chief executive officer. The board of governors shall manage and operate the college pursuant to this act, section 30 of chapter 69 of the General Laws and chapter 71 of the General Laws.

SECTION 15. The board of governors of Quincy College and its employees shall be subject to chapter 150E of the General Laws. For the purposes of said chapter 150E, the board of governors shall be the public employer of the college's employees. The president of Quincy College or the president's designee shall act as the bargaining agent in all collective bargaining with employees of the college. The employees represented by their respective bargaining associations, units, organizations or affiliates shall continue to be represented by those associations, units, organizations 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 said chapter 150E.

SECTION 16. Annually, not later than April 1, the president of Quincy College shall submit to the board of governors an annual itemized budget for the college. The budget shall contain estimates of college revenues and recommendations for proposed expenditures for the ensuing fiscal year.

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

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

104 SECTION 17. Notwithstanding any general or special law to the contrary, during the first
105 3 years of a teacher's service at Quincy College, the teacher shall be deemed to be a nontenured
106 teacher. A nontenured teacher shall be defined as and have the same rights as a teacher without
107 professional teacher status under chapter 71 of the General Laws.

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

112 SECTION 18. Notwithstanding any general or special law to the contrary, a teacher who
113 has served at Quincy College for the 3 previous consecutive academic years shall be considered
114 to have achieved instructor status.

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

117 Instructors may be subject to nonrenewal at the end of their fourth, fifth or sixth
118 consecutive academic year by notification in writing on or before May 30; provided, however,
119 that instructors shall only be nonrenewed for good cause.

120 SECTION 19. Notwithstanding any general or special law to the contrary, a teacher who
121 has served at Quincy College for 6 previous consecutive academic years shall be considered a
122 professor and shall be entitled to all of the rights and privileges provided to teachers with
123 professional teacher status in chapter 71 of the General Laws.

124 SECTION 20. Notwithstanding any general or special law to the contrary, Quincy
125 College may enter into leases for real property not to exceed 99 years upon approval of its board
126 of governors. The president of the college or the president's designee shall execute all
127 agreements in this regard and bind the college to the same.

128 If the college owns real property in its own name, the city, acting through the mayor shall
129 convey to the college all ownership and title to Saville Hall located on Saville avenue and the
130 city shall not demand, request or be entitled to any further or subsequent consideration for the
131 transfer.

132 If the college, upon the recommendation of the president and a 2/3 vote of the board of
133 governors, determines that it no longer has a use for Saville Hall and declares the property to be
134 surplus and available for disposition, the property shall first be offered to the city of Quincy and
135 the city, acting through the mayor and upon a 2/3 vote of the city council, may acquire the
136 general charge and exclusive custody and control of Saville Hall for its fair market value. If
137 within 60 days after the vote of the board of governors to declare the property to be surplus and
138 available for disposition, the city and the college fail to agree on the fair market value, then
139 either party may refer the matter to binding arbitration before a mediation entity and the other
140 party shall have no right to object to such referral.

141 SECTION 21. Notwithstanding any general or special law to the contrary, Quincy
142 College may operate auxiliary enterprises including, but not limited to, a bookstore, athletic
143 facility and food service operation.

144 SECTION 22. Notwithstanding any general or special law to the contrary, Quincy
145 College may purchase goods and services without the approval of the purchasing agent of the
146 city of Quincy. The college shall be subject to state procurement laws and to any ordinances, by-
147 laws, rules or regulations of the city of Quincy relative to procurement.

148 SECTION 23. This act shall take effect upon its passage.