



NEW JERSEY

Association of State Colleges and Universities

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Assembly Bill No. 4640
Assembly Higher Education Committee
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The state colleges and universities oppose Assembly Bill No. 4640, which would require members of the governing boards of public institutions of higher education to complete a training program regarding the responsibilities, duties, and roles of a governing board member. The Secretary of Higher Education would prescribe the subject matter of the training program.

The state colleges and universities strongly support education and training for their trustees, but the institutions themselves—not the Secretary of Higher Education—should provide those services, because many of the important issues facing trustees are specific to an institution’s mission. The primacy of the role of the institution in trustee training is embedded in New Jersey law. Under legislation signed over seven years ago ([P.L. 2009, c. 308 .PDF](#); C.18A:3B-62), the senior public colleges and universities are required to provide information, orientation, and training to each of its governing board members on the legal and ethical responsibilities of a member of the governing board.

Ethical responsibilities are also established by law. Trustees of our institutions are “special state officers” under the New Jersey Conflicts of Interest Law (C. 52:13D-12 et seq.), which prohibits self-dealing and requires specific ethics training for college and university trustees (<http://www.nj.gov/ethics/training/trustee/presentation.html>). Moreover, Executive Order Nos. 24 and 26 (2010) require our trustees to file conflict of interest forms.

Experts on higher-education governance agree that trustee education should take place within an institutional context. A [report](#) issued in 2014 by the National Commission on College and University Board Governance emphasized that “boards must focus on their distinct fiduciary role: to oversee the assets of the institution that the board holds in trust for the public.” In fact, in a recent [study](#) of board-development activities, new and veteran trustees indicated that if the board-development information “was not contextualized and made relevant to their specific roles at the institution, they found it difficult to comprehend.” A single orientation day at the beginning of their term was frequently found to be “overwhelming and confusing.”

Strong orientation programs focus on the specifics of a particular institution. For example, at our institutions, trustees typically receive an orientation where they meet with the president and other officers. In addition to institutional structure, much of the training provided by institutions focuses on campus-specific issues. Strategic planning materials are particularly important. Institutions also guide trustees toward information central to the committees on which they will serve, such as finance, student affairs, or institutional development.

Training provided by institutions also covers a broad range of legal, financial, and ethical issues. Trustees receive handbooks consisting of statutory, regulatory and institutional policy

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Kean University
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materials, which explain such important topics as conflicts of interest, financial disclosure, open public meetings, and open public records. University counsel is present when trustees meet to provide guidance on laws and regulations related to their deliberations and actions.

National organizations, like the Association of Governing Boards of Universities and Colleges, also offer important training programs that many of our institutions' trustees attend.

The training of trustees occurs not only at the beginning of an appointment, but over a long period of time. Most trustees, whether in public or private colleges, report that minimally, the first year—and often the first two years—of trusteeship are a critical part of the learning process. Measuring and posting online the “seat time” or “clock hours” for trustee education—as required under Section 1.e.(2)—is irrelevant to any meaningful measure of training and development. As noted above, it takes years to learn how to function effectively as a board member, and new board members are always being mentored in informal ways by their board peers who have longer service, and by university officers. That mentoring is some of the best training board members get, and it cannot be quantified.

The trustees serving on state college and university boards have undergone a rigorous vetting process by the Governor's office, the Senate Judiciary Committee, and the institution and its Board of Trustees. Many are attorneys. Many have deep experience in financial matters. Many hold CEO or other high-ranking positions in major corporations. Many have long experience of serving on both corporate and nonprofit boards. Our trustees typically give long years of outstanding and dedicated service to the boards of our institutions.

Long-established law in New Jersey puts the responsibility for trustee education and training where it belongs: with the institutions themselves. The proposed legislation unnecessarily duplicates and is inconsistent with existing law.