

New Jersey  
State College/University Trustees'  
Reference Guide  
(Sixth Edition)

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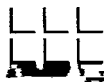
New Jersey Association of  
State Colleges and Universities  
150 West State Street, Trenton, New Jersey 08608

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NEW JERSEY

# Association of State Colleges and Universities

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November 2006

During the mid-1980s, enactment of the State College Autonomy Laws broadened and deepened the role of what were then the nine state colleges in order to better meet the need for higher education in the state. The laws placed greater authority and responsibility on institutional trustee boards. To assist trustees in their newly expanded roles, the New Jersey Association of State Colleges and Universities (ASCU), formerly the New Jersey State College Governing Boards Association, developed the *New Jersey State College/University Trustee's Reference Guide*. First published in 1987, the *Guide* offers trustees ready access to information on the

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### PREFACE



## Preface

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Over the past two decades, from the 1986 State College Autonomy Laws through statutory changes in 2006, a transformation has taken place in which higher education governance in New Jersey has become increasingly decentralized. Within the past twenty years, authority for decision-making — in such areas as personnel, budget execution, program development, purchasing and contracting — has shifted significantly from state government to state college/university trustee boards. As a result, campus trustee boards are now held more accountable by the public and by state lawmakers for the performance of their institutions.

State college trustee boards must have a working knowledge of their responsibilities under the Autonomy Laws, the 1994 and 1999 restructuring laws, and other statutes and regulations governing trustee board actions. This ***Reference Guide*** provides governing board members with a broad view of their duties and responsibilities within the context of campus-based and state-level policy, legislative processes and collective bargaining. The document is designed as a practical resource for trustees.

This ***Guide*** is not an encyclopedic treatment of all of the information and complex processes that trustees must come to understand in order to exercise their important role as stewards of the institutions. It is not a legal treatise to which trustees may turn for definitive counsel when difficult decisions arise. *It does aspire to be a useful reference point for trustees as they learn and exercise their important duties.*

The ***New Jersey State College/University Trustees' Reference Guide*** is periodically updated to assist trustees in understanding current statutes, regulations and state policies. Accordingly, this latest edition of the ***Guide*** is published to inform trustees of recent changes in state-level higher education relationships.

I wish to thank the members of the New Jersey Association of State Colleges and Universities, both past and present, who have contributed in the preparation of this ***Reference Guide*** over the years.

Darryl G. Greer, Executive Director/CEO  
New Jersey Association of  
State Colleges and Universities

## **SECTION I: General Responsibilities of State College/University Trustees as Reflected in National Literature**

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### **State College/University Governance**

While most of New Jersey's state colleges and universities, having been established prior to 1930, enjoy a rich educational tradition, the governance of these institutions by lay trustees is a historically recent phenomenon. Under statutes which preceded the Higher Education Act of 1966, the state teachers' colleges were excluded from the laws governing higher education. Instead, the colleges were governed by a chapter of the New Jersey Statutes Annotated (NJSA) concerning primary and secondary education, entitled "Particular State Schools." Like elementary and secondary schools, management of the schools was entrusted to the Commissioner of Education, whose authority extended even to prescribing courses of study.

Since the mid-1960s, state college/university trustee boards have refined their role as governing bodies. With the enactment of the Higher Education Act of 1966, coupled with the State College Autonomy Laws of 1986, the Higher Education Restructuring Act of 1994, and further restructuring in 1999, New Jersey's teachers' colleges have been transformed into colleges and universities with a high degree of self-governance, maintained for the purposes of providing





**7. Preserving Institutional Autonomy**

The privilege of self-governance was not easily achieved, and it cannot be maintained without vigorous efforts by trustees. Beyond protecting their independent authorities over campus academic and fiscal policies, trustees should actively attempt to preserve self-governance of their respective institutions.

**8. Enhancing the Institution's Public Image**

Just as the board of trustees must interpret the campus to the community, so too must they interpret the community to the campus. Trustees represent the community at-large, and often strengthen the institution by lending their names to it as active supporters. When called upon to defend the institution publicly, trustees should not hesitate to offer their public support.

**9. Staying Informed and Assessing Board Performance**

In the fulfillment of the previous eight responsibilities, it is imperative that trustees be well informed. Trustees need to understand not only the institution's particular educational mission, but also prospective challenges and opportunities related to fulfilling that mission. Staying informed in a constantly changing environment requires an active effort.

## **SECTION II: Statutory and Regulatory Powers and Duties of State College/University Trustees**

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### **The State College Autonomy Laws of 1986**

By enacting the State College Autonomy Laws (P.L.1986, c.42, 43), the legislature emphasized that it is in the best interest of the state for state colleges/universities to be given a high degree of self-governance. The legislature found that the decentralization of authority and decision-making — from state government to state college/university boards of trustees and administrators — would enhance the concept of accountability and ensure that the conduct of the institutions would remain free of political partisanship.

Accordingly, the implementation of autonomy signaled a significant shift of operational and administrative authorities, previously under state purview, to local trustee boards. By law, the complete transfer of these authorities to local boards occurred over a three-year (1986-1989) transitional phase.

The autonomy statutes gave significant and meaningful fiscal freedom from state rules and regulations. Provided that actions were consistent with the state's appropriations law and applicable Board of Higher Education regulation and policy, the state colleges/universities could administer their own budgets and funds. Institutions could also accept grants and contributions, manage their own property, invest institutional funds, and retain unexpended balances at fiscal year's end for use in subsequent years. Further, the law accentuated each institution's degree of autonomy in establishing academic programs and departments, fixing tuition and fees, and naming the institution.

The nine state colleges and universities are affected by many state statutes; however, NJSA Title18A provides for specific trustee authorities for governing the institutions.

### **The Higher Education Restructuring Act of 1994**

The Higher Education Restructuring Act (P.L.1994, c.48) represents a further shift in New Jersey higher education coordination away from a centralized, bureaucratic model of decision-making towards a more decentralized, collaborative approach. The effective date of the Act (July 1, 1994) saw the elimination of the state Department and Board of Higher Education, along with the creation of a less-regulatory Commission on Higher Education and Presidents' Council. As significantly, the Act increased the authority and responsibilities of institutional trustee governing boards.

Trustees should become familiar with the new and ongoing laws which govern board organizational matters, including the composition of board membership, structure and meeting requirements. The following summary provides trustees with an overview of statutory matters

relating to membership and board structure. The statutes can be accessed online through the New Jersey legislature’s website: <http://www.njleg.state.nj.us>, under “Laws and Constitution.”

## **Statutory Requirements for Board Membership and Structure**

### **1. Membership Generally**

A state college/university trustee board shall consist of the following members: seven to fifteen lay citizens (the exact number to be determined by each board), two students from the institution, and the college/university president. [NJSA 18A:64-3 and NJSA 18A:64-3.1.]

#### **Lay Member Representation**

Lay members must be citizens of the state, except for up to three alumni who are not New Jersey citizens. Appointments shall be made by the governor with the advice and consent of the state Senate. Each board of trustees shall recommend potential new members to the governor. [NJSA 18A:64-3.] Recommendations shall be made with regard to the mission of the institution and the diversity of the community served. [NJSA 18A:3B-6.e.]

#### **Student Representation**

Each state college/university trustee board has two student members (one voting and one non-voting). The student trustees must be full-time, regularly enrolled students in good academic standing, and serve for two consecutive one-year terms. [NJSA 18A:64-3.1.]

#### **College/University President Representation**

The state college/university president is an *ex officio* member of the board of trustees without a vote. [NJSA 18A:64-6.g.]

### **2. Organization**

Trustee boards meet and organize annually at a regular meeting held during the second week in September. At this meeting, a chair, vice chair and any other officers deemed necessary by the board are elected. [NJSA 18A:64-4.]

### **3. Meetings**

A state college/university trustee board is constituted as a public body organized under New Jersey law and collectively empowered as a voting body to perform a public governmental function affecting citizen rights and to expend public funds. As such, trustee meetings are governed by the Open Public Meetings Act. [NJSA 10:4-6 *et seq.*]

### **4. Oath of Allegiance**

All members appointed to state college/university trustee boards are required to take an oath of allegiance to the United States and New Jersey constitutions and the governments of the United States and New Jersey. [NJSA 41:1-1 *et seq.*]

### **5. Term of Office**

Duly appointed lay board members serve for six-year terms beginning on July 1 and ending on June 30. There are no statutory limitations on the number of terms a trustee may serve. Each member serves until a qualified successor is appointed, and vacancies are filled for the remainder of any unexpired term. Any trustee board member may be removed by the governor “for cause upon notice and opportunity to be heard.” [NJSA 18A:64-3.]

**6. Trustee Member Compensation**

Board members serve without compensation but are entitled to reimbursement for all reasonable and necessary expenses. [NJSA 18A:64-5.]

**7. Trustee Defense and Indemnification**

Traditionally, the state's Attorney General (AG) has served as counsel to the state colleges and universities. However, provisions in the restructuring legislation allowed campus trustee boards to hire outside counsel, with the stipulation that boards electing not to utilize the Attorney General's office for tort claims cases must so decide by mid-September 1994 [NJSA 18A:3B-6.h.]. In a prior legal opinion, the AG declared that state college/university

**3. Institutional Organization**

The trustee board determines policies for the organization, administration and development of the college/university. [NJSA 18A:64-6.c.]

**4. Institutional Bylaws**

After consultation with the president and faculty, the trustee board may adopt bylaws with appropriate rules, regulations and guidelines necessary for the administration and operation of the college/university. [NJSA 18A:64-6.m.]

**5. Institutional Plan**

Upon recommendation of the president, the trustee board formulates the college/university's institutional plan. [NJSA 18A:3B-6.a.]

**6. Accountability**

Generally, the trustee board is accountable to the public for fulfilling the institution's mission and statewide goals, and for effective management of the institution. [NJSA 18A:3B-6.i.]

## **Budget and Financial Matters**

Each state college/university trustee board studies the educational and financial needs of the institution. More importantly, the trustee board reviews the institution's operating budget, and endorses the institution's annual budget request to the State Treasury.

The following discussion summarizes specific powers and duties associated with budget and fiscal responsibilities of state college/university trustees.

**1. Budget Preparation**

The trustee board reviews and approves the institution's operating budget and presents its annual budget request to the state Treasury Department's Division of Budget and

#### **4. Transfer of Budget Funds**

Consistent with the provisions of the state's budget and Appropriations Act, the trustee board may direct and control expenditures and transfers of state appropriations and tuition revenue. The board reports the transfer of specific funds to the Department of the Treasury. The trustee board directs and controls expenditures of funds received from other sources in accordance with the terms of any applicable trust, gift or bequest. [NJSA 18A:64-6.f.]

#### **5. Contractual Agreements**

Under the State College Contract Law [NJSA 18A:64-52 *et seq.*], the trustee board may enter into contracts and agreements for the purchase of lands, buildings, equipment, and services deemed necessary for the effective operation of the college/university. The law establishes procedures by which state colleges/universities may purchase or contract for any work, materials or supplies. [NJSA 18A:64-6.k.]

The State Colleges Contracts Law allows boards of trustees to enter contracts without public advertising for bids for contracts that fall below a specified threshold (\$26,200 in 2006), which is adjusted for inflation every two years. Contracts exceeding the threshold must be publicly bid, or awarded without public bid by resolution of the board, if the contract is for particular goods or services specified in the State Contracts Law.

Under the State College Contract Law, the trustee board may award contracts and agreements for construction work or materials or supplies to the lowest bidder whose bid will be most advantageous to the institution. [NJSA 18A:64-6.w.]

The trustee board may employ architects and secure bids for the construction of buildings and equipment, make contracts for construction and supervise the work. [NJSA 18A:64-6.r.]

**10. College/University Property**

The trustee board may acquire by gift, purchase, condemnation or otherwise, and may own, lease, dispose of, use or operate real or personal property, as necessary for the effective operation of the institution [NJSA 18A:64-6.q.]

**11. Property Management and Maintenance**

The trustee board may set policy to manage, maintain and provide for the payment of all charges and expenses of college/university property. [NJSA 18A:64-6.s.]

**12. Borrow Money**

The trustee board may borrow money for the institution's needs as necessary. Money

The governor, through the Office of Employee Relations (OER), serves as the “public employer” with respect to all matters of collective bargaining and labor negotiations. (See also **Section III.**)

The following section provides a brief summary of powers and duties of trustees related to personnel matters.

**1. Presidential Appointment**

In accordance with the provisions of the state's budget and Appropriations Act, the trustee board may appoint and set the compensation level of the college/university president. [NJSA 18A:64-6.g.] Language in recent appropriations



## **Academic and Student Life Matters**

Important authority relating to academic and student life matters is vested in the boards of trustees of the state colleges/universities. These powers and duties include the authority to establish admission standards, determine educational curriculum, and grant diplomas and degrees. Additionally, the trustee board may authorize any new program, educational department or school as deemed necessary to the institution's mission. Typically, such actions are taken only after thoughtful consideration by faculty and academic administrators, and upon the president's recommendation. The following summary outlines these powers and duties.

### **1. Admissions**

The trustee board has the authority to establish admission standards and requirements.



**Standards for Eligibility**

Two students serve on each state college/university board of trustees: one as a voting member, the other as a nonvoting alternate. To qualify for service as a student representative on a state college/university board of trustees, the person must be:

- \* a full-time regularly matriculated student;

unintentional, injurious action causes harm, which could have been prevented through the exercise

any benefit from the institution. The executive order also prohibits board members from owning more than one percent of the profits or assets of an entity that does business with their institution.

The executive order requires trustees to file a conflicts of interest form annually with the State Ethics Commission. The form asks, among other questions:

- § Do you or any immediate family member do business with your university or college?
- § Are you or any member of your immediate family employed by, or do you receive or derive any compensation or benefit, financial or otherwise, from any firm, association or partnership that does business with your university or college?
- § Do you own or control more than one percent of the profits or assets of any firm, association or partnership that does business with your university or college?

The form defines “do business with” to mean providing or receiving any goods or services or otherwise engaging in a transaction i

### **SECTION III: The Effect of State Government Processes on State College/University Trusteeship**

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In New Jersey, higher education includes 57 colleges and universities, and 400,000 students, and is arrayed in various segments. They are:

- § The state college/university group – The College of New Jersey, Kean University, Montclair State University, New Jersey City University, Ramapo College of New Jersey, The Richard Stockton College of New Jersey, Rowan University, Thomas Edison State College, and William Paterson University;
- § Three public research universities – Rutgers University, the University of Medicine and Dentistry of New Jersey (UMDNJ) and the New Jersey Institute of Technology (NJIT);
- § Nineteen community colleges;
- § Fourteen independent colleges and universities;
- § Several proprietary institutions; and
- § Several special-purpose religious institutions.

As previously noted, the 1986 Autonomy Laws, the 1994 Higher Education Restructuring Act, and other laws governing state colleges/universities grant to local trustee boards a significant degree of fiscal and operational independence from state government. Nevertheless, the institutions and their respective trustee boards continue to interact with a number of entities, including:

- § the Commission on Higher Education and the Presidents' Council (state-level coordination of higher education);
- § the New Jersey Association of State Colleges and Universities (advocacy and joint agreements);
- § the Office of Employee Relations within the governor's office

## **The New Jersey Commission on Higher Education**

Established by the Higher Education Restructuring Act, the New Jersey Commission on Higher Education, along with the New Jersey Presidents' Council, has authority for coordination of higher education in New Jersey. The Commission is composed of eleven members, as follows:

- § six members appointed by the governor with the advice and consent of the Senate;
- § two members appointed by the governor upon recommendations from the Senate president and the Assembly speaker (one each);
- § the chair of the Presidents' Council (*ex officio*);
- § one faculty member from an institution of higher education, appointed by the governor with the advice and consent of the Senate; and
- §

of the institution, but which are determined by the New Jersey Presidents' Council to be unduly duplicative or expensive;

- g. Reviewing requests for State support from the institutions in relation to the mission of the institution and statewide goals and proposing a coordinated budget policy statement to the governor and legislature;







Appropriations Act, which is sent to the governor for final approval. The governor may line-item veto certain budget items in the Act, but may not add any further budget items not already approved by the legislature.

The state's constitution requires both that the governor sign the Appropriations Act into law by July 1, and that the fiscal year's projected total revenue is sufficient to cover appropriated funds. Once the budget is signed into law, appropriated funds are provided to the various agencies of state government.

All state colleges/universities receive state funds appropriated for each institution's operation in twelve equal installments on the first day of each month, except Thomas Edison State College, which receives its appropriation on a quarterly installment basis. [NJSA 18A:64-18.1.]

## **The Legislative Process in New Jersey**

New Jersey state government, like that of the United States, is divided among three equal branches: the legislative, the executive, and the judicial. The principal function of the legislature is to enact the state's laws and to appropriate public funds. The executive branch (governor and state departments and agencies) implements and enforces the programs established by law. The judiciary (the state's system of courts) settles legal disputes, punishes violators of the law and acts as final authority on the meaning and constitutionality of laws.

### **Legislators and Legislative Districts**

The legislature consists of a 40-member Senate and an 80-member General Assembly. Legislators are elected from 40 legislative districts of substantially equal population. The voters in each district elect one Senator and two members of the General Assembly. The Senate and



other units of state government on legislative matters. OLS offers a wide range of services to the legislature which include: budget and finance, legislative counsel, public information, data management and state auditing.

Trustees, as members of the public, may obtain assistance from OLS relative to the status of legislation, schedules for house sessions and meeting dates for committee hearings.

### **Legislative Powers**

The primary function and, indeed, the power of the legislature is its authority to enact state laws. A proposal to make a new law, or to change or repeal an existing law, is presented to the legislature as a bill. To become law, a bill must pass both houses by majority vote and be approved by the governor.

Another important power of the legislature is its authority to propose amendments to the state's constitution for submission to the voters. A proposed constitutional amendment must pass by a vote of three-fifths of the members of each house (24 votes in the Senate and 48 votes in the Assembly). No action by the governor is required. If passed, the proposed amendment is placed on the ballot in November for a public vote. A constitutional amendment may also be presented to the voters if the legislature passes it in two consecutive years by a majority vote.

Other powers of the legislature include authority of the Senate to approve the governor's appointments of judges and other state officials, including trustees of the senior public colleges and universities. The legislature also ratifies amendments to the United States Constitution, appoints the state auditor, judges the elections and qualifications of its members, and has the authority to conduct impeachment proceedings against state officials.

### **The Labor Relations Process in New Jersey**

Labor relations, together with matters of collective negotiations at the state colleges/universities, fall within the jurisdiction of the governor who represents the state as public employer under the New Jersey Employer-Employee Relations Act. [NJSA 34:13A-1 *et seq.*] Enacted primarily to foster labor peace between public employers and employees, the 1968 Act, in concert with subsequent administrative agency and judicial decisions, has established the framework of public sector collective negotiations in New Jersey.

### **The New Jersey Employer-Employee Relations Act**

The following section provides a summary of the major provisions of the state's Employer-

4. A union is responsible for representing the interests of all unit employees without discrimination and without regard to union membership.
5. Unions and the state must meet at reasonable times and negotiate in good faith with respect to grievances and terms and conditions of employment of employees.
6. When a union and the state reach agreement on terms and conditions of employment, those terms and conditions are placed in a signed contract by the parties. A copy of the appropriate contract is available to each state employee.

## **PURPOSE**

The principal purpose of the New Jersey Employer-Employee Relations Act is to foster labor peace between public employers and employees. The Act provides that nonmanagerial and nonconfidential public employees, organized under a community of interest, may unite for the purpose of negotiating terms and conditions of employment with their public employer. The Act also provides a framework for negotiations and establishes a mechanism to resolve disputes which cannot be resolved by negotiation.

## **DEFINITION OF TERMS**

The term “public employer” includes the State of New Jersey and any subdivision thereof, including counties and municipalities, school districts, authorities, boards and commissions. The state colleges and universities, by virtue of their boards of trustees, are included under this definition. The State of New Jersey, as represented by the governor, is the public employer of state college/university personnel. Labor negotiations for these employees are conducted by the governor’s Office of Employee Relations (OER) on behalf of the state colleges and universities. Furthermore, all contract disputes before the Public Employment Relations Commission (PERC) are conducted by the Attorney General’s office and OER on behalf of the state colleges and universities.

The term “public employee” is quite broad and includes each person in the service of a public employer, except elected officials, members of boards and commissions, managerial executives and confidential employees. A “managerial employee” is defined as one who formulates management policies and practices or directs the effectuation of such policies and practices. A “confidential employee” is one who has access to information involved in the collective negotiations process, such that it would be inappropriate for that individual to be a member of a negotiations unit. Managerial and confidential employees have no guaranteed right to join or participate in employee organizations under the Act.

## **Negotiations Units within the State Colleges/Universities**

Under the Act, public employees at the state colleges/universities are members of statewide “negotiations units.” These negotiations units are represented by the following unions:

- the International Federation of Professional and Technical Engineers (IFPTE), which represents employees in the Operations, Maintenance, Service and Crafts units, and the Inspection and Security Unit;
- the American Federation of State, County and Municipal Employees (AFSCME), which represents employees in the Health Care and Rehabilitation Services Unit;



## **Public Employment Relations Commission**

The Public Employment Relations Commission (PERC) is an administrative agency established under the Act to make policy and promulgate regulations designed to implement the provisions of the Act. The commission's seven members are appointed by the governor with the advice and consent of the Senate: two members are representatives of public employers, two members are representatives of public employee organizations, and three members are representatives of the general public, including the appointee who is designated as the chairperson.

PERC exercises authority in four major areas:

1. **Unfair Practices:** to hear and determine charges filed by unions, public employers or individual public employees, that certain prescribed rights granted under the Act have been violated.
2. **Representation:** to determine which employees should be grouped together for inclusion in the appropriate negotiations unit for collective negotiations. Certain public employees are



## **The Contract Negotiations Process**

The state, as “public employer” under the New Jersey Employer-Employee Relations Act, is represented by the governor. The governor’s Office of Employee Relations (OER) is authorized to negotiate all labor contracts with the various unions representing public employees. OER is also responsible for the administration and policy interpretations of labor agreements.

The Higher Education Restructuring Act of 1994 provides for formal state college/university representation on the negotiations team. Accordingly, one representative recommended by the state colleges/universities is designated by the governor as a member of the negotiating team.

Typically, the contract between the state and the AFT is negotiated every three or four years. The current contract expires on June 30, 2007. The state college/university management team minimally includes a state college/university representative and an OER representative. The OER representative serves as chief spokesperson for the management team. The faculty union’s team consists primarily of the AFT president and staff, in addition to local campus union presidents representing faculty, non-teaching professionals and librarians, and adjuncts in a separate unit. The AFT president serves as the union’s chief spokesperson.

The negotiations process formally commences with each team preparing its proposals for



with the authority; and the executive director of the authority, or designee, who shall be an *ex officio*, non-voting member of the board.

The seven public members, including the lender member, are appointed by the governor with the advice and consent of the Senate. No more than four of the public members may be members of the same political party. The institutional representatives are nominated by the respective institution in the case of Rutgers, New Jersey Institute of Technology, and University of Medicine and Dentistry of New Jersey. The remaining institutional representatives are nominated by the respective sector association. Institutional representatives are appointed by the governor with the advice and consent of the Senate.

The student members are the individuals that the Student Advisory Committee elects as its chairperson and vice-chairperson. The Student Advisory Committee shall be created by the board to include students from all collegiate institutional sectors.

Public and institutional members of the board shall serve a term of four years and until a successor is appointed and qualified. Student members shall serve a term of office not to exceed two years. Any vacancy in the membership of the board, occurring otherwise than by expiration of term, shall be filled in the same manner as the original appointment or election was made, but for the unexpired term only.

### **Executive Director**

class and then maintain a 3.0 GPA in county college. Students must first apply for all other available federal and state grant aid.

Starting in the fall of 2006, NJ STARS students who complete their associate's degree within five semesters become eligible for an NJ STARS II scholarship at a public four-year college or university in New Jersey. The state provides \$4,000 per year towards tuition and approved fees, and the participating institution covers the balance. As with the original NJ STARS program, students must first apply for all other available federal and state grant aid. Eligibility for an NJ STARS II scholarship does not guarantee admission at a four-year institution.

### **Educational Opportunity Fund (EOF)**

The New Jersey Educational Opportunity Fund (EOF) was created in 1968 to help students from economically and educationally disadvantaged backgrounds obtain a college education. EOF provides supplemental financial aid to help cover college costs – such as books, fees, room and board – that are not covered by the state's TAG program. EOF supports an array of campus-based outreach and support services at 28 public and 13 independent institutions. In 2005, the EOF program worked through HESAA to distribute grants totaling almost \$22 million to over 13,000 eligible students.

Operating under the general supervision of the Commission on Higher Education, EOF is governed by an eight-member board of directors, who are appointed by the governor. The board sets policy, approves regulations for program operation and student eligibility, develops an annual budget request, and supports EOF programs at public and independent colleges and universities. The EOF board also supervises a small graduate grant program, as well as the C. Clyde Ferguson Law and the Martin Luther King Physician-Dentistry programs.

## **New Jersey Educational Facilities Authority (EFA)**

### **Legislative History**

In 1966, the New Jersey legislature enacted the New Jersey Educational Facilities Authority Law. [NJSA 18A:72A-1 *et seq.*] Enactment of the law was in response to a “serious public emergency,” which found a lack of financial commitment to the construction of dormitories and educational facilities at public and private institutions of higher education in New Jersey. Thus, state resources were necessary to meet the tremendous demand for higher educational opportunities.

### **Purpose of the EFA**

The EFA is a public corporate body empowered to borrow money and issue bonds with which to construct educational facilities at public and private colleges and universities in New Jersey.

### **Membership and Term of Office**

The Educational Facilities Authority (EFA) consists of seven members, including the chair of the Commission on Higher Education.

Citizen members appointed by the governor may be removed for cause after a public hearing. Any vacancy among members appointed by the governor is filled by appointment for the unexpired term only.

### **Compensation and Conflict of Interest**

Members serve without compensation, but are

2. Pledge and assign funds of the state college/university to the payment of agreements made with EFA.

### **Bond Funds**

The EFA has issued bonds to help institutions of higher education in New Jersey pay for several different kinds of capital needs. These include:

1. **The Higher Education Equipment Leasing Fund of 1993**, which financed the purchase of scientific, engineering, technical, computer, communications and instructional equipment;



The Association typically plays a role in labor negotiations. While the governor's Office of Employee Relations is chief negotiator for the state colleges/universities, the governor designates – upon recommendation by the state colleges and universities – one representative of the state college sector as a member of the negotiating team. The governor has traditionally designated the Association as the state colleges/universities' representative.

## **Governance**

The Association is governed by an eighteen-member board, consisting of a trustee and the president from each of the nine institutions. The presidents serve as *ex officio*, nonvoting members of the board. Trustee members are appointed by, and serve at the pleasure of, their respective boards. The Association's board meets four times annually, with additional meetings called as needed. The Association's expenses are defrayed by membership dues, in accordance with state law and associational bylaws. (*Appendix A*)

### **Association Staff**

Executive Director/CEO	Darryl G. Greer, Ph.D.
Director of Government Relations	Michael W. Klein, Esq.
Associate Director, Policy Research & Fiscal Affairs	Linda L. Lashley
Director, Co(-)592i7P9t7nmrlAppendieinhrect	



**APPENDIX:           New Jersey Association of State Colleges and  
Universities: Bylaws**

*ARTICLE III*

**Section 1:   Members**

The Association shall consist of nine (9) voting members to be appointed as follows:

One member from each of the member institutions' trustee boards. In addition, the presidents of the member institutions shall serve as *ex officio* nonvoting members.

**Section 2:   Alternate Membership**

In the absence of an institutional voting member, an alternate member of the board may serve as a voting member.



## **ARTICLE VII: Committees**

The Association may establish committees to carry out the purposes of the Association.

## **ARTICLE VIII: Meetings**

### **Section 1: Regular Meetings**

Meetings of the Association shall be held on a regular basis as determined by the Association with a minimum of fourteen (14) days' notice. Reasonable efforts shall be employed to provide an agenda as soon as possible.

### **Section 2: Special Meetings**

Special meetings may be called by the chair or executive committee or shall be called upon written request by a majority of the Association's voting membership. Members shall receive at least twenty-four (24) hours' notice of such special meetings with the reason for the meeting. Matters voted upon at a special meeting shall be limited to those announced in the notice.

### **Section 3: Public Notice of Meetings**

All Association meetings shall adhere to the principles embodied in New Jersey's "Open Public Meetings Act," Public Law 1975, Chapter 231.

### **Section 4: Parliamentary Authority**

The rules contained in *Robert's Rules of Order Revised* shall govern the Association in all cases to which they are applicable, and in which they are not inconsistent with these bylaws.

## **ARTICLE IX: Membership Dues**

For purposes of defraying the expenses of the Association, the state colleges/universities shall pay the necessary expenses incurred by the members and shall appropriate annually such sums for dues as may be assessed by the Association. The assessment shall be made only upon a two-thirds vote of the membership present at the meeting, after notice of the taking of that vote shall have been given to each state college/university in writing at least sixty (60) days before the meeting of the Association. Dues shall be assessed upon a graduated scale according to the size of each member institution. **betsrwwncto II Dues**

## Notes

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