

Welcome to the Board

A Manual for
New Jersey
Community College
Trustees

2005

**C** NEW JERSEY COUNCIL OF
County Colleges





“The remarkable expansion in community colleges...is something which has really had a major positive effect on our workforce.”

*~ Alan Greenspan
Chairman of the Federal Reserve*

“Community colleges have an important role to play in making certain we have the skilled workers ready to help businesses take advantage of all the opportunities in the Digital Age.”

*~ Bill Gates
CEO, Microsoft*

“Support your community colleges! They are the unsung, under-funded backbone of America’s all-important lifelong learning network.”

*~ Tom Peters
Author and Management Guru*

“The invention of the community college is the greatest innovation of 20th century American higher education.”

*~ Clark Kerr
President Emeritus, University of California, Berkeley*



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Welcome

This booklet discusses your responsibilities as a member of a New Jersey community college board of trustees. We hope you find it informative.

As a newly appointed trustee, you are embarking on an exciting undertaking that will make you a part of the life of your community college, and your community college very much a part of your life. Serving as a community college trustee will involve you in an institution that improves the lives of the people of your community. It is an important responsibility. You are to be commended for your willingness to donate your time for the good of your fellow citizens.

“A public office is a public trust” is a maxim that underscores the title of the office you now hold. You are an official who holds the resources, property, and future of a local community college in trust for the citizens of your community.

Although in a strict financial sense you will not be compensated for your job as a trustee, in a larger sense you will get enormous dividends from your service to the college. As a trustee of a learning institution, you will learn and grow in many ways, along with the students.

The new trustee faces a challenging period of orientation to the board, the college, and the art of trusteeship. The New Jersey Council of County Colleges, the state association for New Jersey’s 19 community colleges, speaks for the colleges at the state level and exists, in part, to help you be the very best trustee you can be. We look forward to a long and mutually beneficial relationship between you and New Jersey’s community colleges.

Dr. Lawrence A. Nespoli
President
New Jersey Council of County Colleges

Some History

Community colleges are still viewed by many as “the new kids on the block.” Compared to some private colleges and universities that were founded over 400 years ago, our history is quite recent. The public community college movement in the United States started in the years after World War II.

In 1962, the New Jersey Legislature created the framework for a statewide system of public community colleges*. Both the state and the counties in which they are located provide financial support.

The first four community colleges began operations in fall 1966, and 10 more opened their doors before the end of the decade. Three were established during the 1970s, and the last two in 1982.

Today, the state’s 21 counties operate 19 community colleges. In two cases, two counties jointly sponsor one college (Atlantic and Cape May sponsor Atlantic Cape Community College; Hunterdon and Somerset sponsor Raritan Valley Community College).

An Overview of New Jersey's Community Colleges

THE COMPREHENSIVE MISSION: While some states have either vocational institutes or transfer-oriented junior colleges, New Jersey has embraced the principle of comprehensive community colleges. This is a statewide mandate for all community colleges to respond fully to the educational, cultural, and community needs of their respective counties.

New Jersey’s comprehensive community colleges prepare students to enter four-year institutions, train them to assume skilled positions in New Jersey’s workforce, and offer many other programs that enrich the quality of life for county residents.

The colleges offer a wide array of associate degree programs including both transfer and occupational curricula, and certificate programs in various occupational fields, as well as noncredit courses that serve students’ careers or general interests.

Community service and cultural programs are also part of the comprehensive community college mission.

ACCESS AND AFFORDABILITY: New Jersey’s community colleges are open-access institutions, permitting anyone with a high school diploma or its equivalent or anyone over the age of 18 to enroll. As such, community colleges have played the key role in expanding higher education opportunities throughout the state.

When the Legislature created New Jersey’s community college system, the goal was to keep tuition as low as possible to provide educational opportunity to economically disadvantaged students.

Affordability continues to be the cornerstone of the community college mission. Throughout the 1990s, many New Jersey community colleges froze tuition for several years in a row. More recently, modest annual increases have been the norm. For the past ten years, the average year-to-year tuition increase at New Jersey’s community colleges has been less than 3 percent. This kind of tuition relief for students is unprecedented in New Jersey and even nationally.

ENROLLMENTS: Community colleges are the fastest growing and by far the largest provider of higher education in the state. They now enroll over 200,000 credit students each year plus an additional 100,000 students in noncredit programs plus an additional 50,000 employees in customized training programs – for a total annual enrollment of about 350,000 New Jerseyans throughout the state.

STUDENT PROFILES: New Jersey community college student bodies have more “nontraditional” students including minorities, women, older adults, and part-time students. Many of these nontraditional students are the first in their families to go to college.

With nearly 90 percent of community college students attending their home-county colleges, these institutions serve primarily local populations. Students who enroll at community colleges outside their county generally do so when they want to pursue programs not offered at their home campus.

INSTRUCTIONAL PROGRAMS: New Jersey community colleges offer more than 450 programs leading to the Associate in Arts (A.A.), Associate in Science (A.S.), or Associate in Applied Science (A.A.S.) degree, as well as more than 300 certificate programs.

In instances where a particular program is unavailable in the home county, state law permits a system of “charge back” whereby the home county provides funding so that the student may enroll in that program at a neighboring college at the in-county tuition rate.

Many community college degree and certificate programs are in occupational/technical fields. These programs prepare graduates for immediate employment. Other community college programs provide college credits for transfer to a senior institution and further study. Business and health professions account for about one-quarter and one-fifth, respectively, of all community college graduates.

Community colleges also offer hundreds of continuing education (noncredit) professional and certification programs. Examples include Real Estate Appraisal, Advanced Web Development, Financial Planning and Terrorism Risk Assessment.

Community colleges also offer customized training to businesses large and small throughout the state – that is, the colleges customize the training based on what businesses need for their employees. In short, through customized training, community colleges develop whatever programs the companies need.

RETURN ON INVESTMENT: Investing in community colleges is good for students, good for taxpayers, and good for the state. Students who complete an associate degree will earn nearly \$400,000 more in additional lifetime income over the course of their careers. And a recent statewide economic impact study found that for every dollar of tax money invested in New Jersey’s community colleges, over \$18 dollars in overall benefits are returned throughout the state. Stated another way, the rate of return on tax money invested in community colleges is an impressive 14 percent. In short, the state actually makes money by funding community colleges – that is, the colleges put more money back into the state treasury than they take out.

Community College Compact

Community colleges are a wonderful success story in New Jersey. However, for much of their history, they were not directly connected to the state's agenda. States like North Carolina and others have for years fully engaged community colleges in their jobs creation and business attraction initiatives. New Jersey needed to do the same.

Executive Order No. 81 (2003) created the New Jersey Community College Compact. The purpose of the Compact is to fully deploy New Jersey's community colleges in support of the state's education, workforce and economic development priorities.

The Compact is an important breakthrough for the State of New Jersey and community colleges. It establishes a statewide partnership that for the first time places the statewide resources of New Jersey's community colleges squarely in support of the state's priorities.

The unprecedented collaboration between the State of New Jersey and community colleges established by Executive Order No. 81 (2003) has led to many important statewide successes. All of these successes have one important thing in common – the ability of community colleges to get things done as a statewide team in statewide ways.

NEW PATHWAYS TO TEACHING IN NEW

JERSEY: Working with the New Jersey Department of Education, community colleges developed New Pathways to Teaching in New Jersey, an alternate route teacher certification program. Career changers who want to become teachers can now go to their local community college for this new continuing education program. Upon successful completion of the program, individuals can complete their certification process with the Department of Education. And those who want to pursue graduate education can earn up to 15 credits toward a Master of Arts in Teaching at New Jersey City University.

NEW JERSEY COMMUNITY COLLEGE CONSORTIUM FOR WORKFORCE

DEVELOPMENT: Working with the New Jersey Department of Labor and Workforce Development, community colleges created a new statewide consortium to improve the delivery of customized training to businesses throughout the state. Companies with multiple sites in multiple counties can now access the statewide resources of New Jersey's 19 community colleges and 60+ campuses through this one consortium office.

DIVISION OF YOUTH AND FAMILY SERVICES

(DYFS) TRAINING: Working with the New Jersey Department of Human Services, the community college workforce consortium is delivering a new Certificate in Child Protective Services to thousands of DYFS employees throughout the state.

APPRENTICESHIP PROGRAM: Working with the New Jersey Department of Labor and Workforce Development, community colleges are developing a statewide model for awarding college credits for registered apprenticeships in the building and construction trades.

BUSINESS ATTRACTION PROGRAMS: Working with the New Jersey Commerce, Economic Growth, and Tourism Commission, community colleges are now directly participating in the state's business attraction programs. When state officials meet with businesses looking to move to New Jersey, community colleges are now at the table as an important part of the state's recruitment team. The colleges' training experts are making important contributions in bringing companies (and jobs) to the state.

ENTREPRENEUR PROGRAM: Working with the New Jersey Commerce, Economic Growth, and Tourism Commission, community colleges are offering a new Entrepreneur Certificate Program to individuals who are interested in starting a small business. Small businesses account for about half of the new jobs created in New Jersey each year.

An Overview of New Jersey's System of Higher Education

New Jersey's 19 community colleges form a sector within the state's higher education system that includes 12 other public and 25 private institutions. The other public colleges and universities include three research universities (Rutgers University, New Jersey Institute of Technology, and the University of Medicine and Dentistry of New Jersey), nine state colleges/teaching universities, and 25 private institutions (14 senior colleges and universities receiving state aid, eight religious institutions, and three degree-granting proprietary institutions).

THE NEW JERSEY HIGHER EDUCATION RESTRUCTURING ACT OF 1994: This state law abolished the State Board and Department of Higher Education. For almost 30 years the State Board and Department had broad regulatory authority over New Jersey's

colleges and universities. Dissolving these state entities reduced the extent of state control over institutional matters, removed a level of bureaucratic review, and introduced a new entrepreneurial spirit to New Jersey's colleges and universities. Most importantly, the restructured system gave increased autonomy, responsibility, and accountability to local trustees.


The 1994 restructuring act also created the Commission on Higher Education as the new state-level coordinating agency for New Jersey's system of higher education, and the Presidents' Council as a new systemwide advisory body. It also gave many new responsibilities to boards of trustees and to the New Jersey Council of County Colleges, the state association for New Jersey's 19 community colleges.

COMMISSION ON HIGHER EDUCATION: The Commission comprises six members appointed by the Governor with consent of the Senate; one member appointed by the Governor upon the recommendation of the Senate President, with consent of the Senate; one member appointed by the Governor upon the recommendation of the Speaker of the Assembly, with consent of the Senate; one faculty member appointed by the Governor, with consent of the Senate; two students appointed by the Governor; the chair of the Presidents' Council, ex-officio; the chair of the Higher Education Student Assistance Authority, ex-officio; and the executive director of the Commission, ex-officio and nonvoting.

The Commission's primary responsibilities include: systemwide planning, research, and advocacy; final decisions on institutional licensure and mission changes; policy recommendations for higher education initiatives and an annual system wide budget policy statement; and, upon referral from the New Jersey Presidents' Council, decisions on new academic programs that exceed an institution's mission or are unduly costly or duplicative.

In exercising its institutional licensure responsibility, the Commission ordinarily accepts the judgment of the Middle States Association (MSA) with respect to New Jersey college and university accreditation. Commission staff members accompany Middle States teams on site visits only in certain circumstances.

PRESIDENTS' COUNCIL: The New Jersey Presidents' Council consists of the presidents of the state's public and private institutions of higher education that receive state aid. The presidents of the two proprietary schools that enroll the largest numbers of students in state licensed degree programs also serve as members of the Council, ex officio, to represent the interests of all such schools in New Jersey. The presidents of the two institutions that prepare students for careers in the field of religion that enroll the largest number of students in state-



licensed degree programs also serve as members of the Council, ex officio, to represent the interests of all such schools. In all, the Presidents' Council consists of 49 voting members.

The Presidents' Council's responsibilities include: reviewing and commenting on new academic programs; providing research and public information on higher education; advising the Commission on planning, institutional licensure, and mission as well as costly or duplicative new academic programs; making recommendations on statewide higher education issues, state aid, and student assistance; and encouraging regional and cooperative programs and transfer articulation agreements.

The Presidents' Council's activities are largely guided by a 14-member Executive Board consisting of five community college presidents, three research university presidents, three state college/teaching university presidents, and three nonpublic institution presidents.

BOARDS OF TRUSTEES: Trustee boards provide broad leadership and approve policies to govern their institutions. The boards have much more responsibility under the 1994 restructuring act than they previously did under the State Board and Department of Higher Education. Trustee responsibilities now include setting student tuition and fees, establishing admissions standards and degree requirements, investing institutional funds, and overseeing legal affairs. Boards of Trustees also have full authority over academic programs, personnel decisions, and capital (physical plant) initiatives.

Under restructuring, institutional trustee boards have sole and final authority in several matters that formerly were subject to various state review or approval processes. Contracting for services, materials, and supplies is one example of how the restructuring act eliminated unnecessary state oversight of community colleges. A 1982 statute, the County College Contracts Law, governs procurement procedures for community colleges. Until 1994, this law included provisions also subjecting the colleges to regulations by the former Board of Higher Education. The restructuring act repealed these unnecessary additional requirements.

THE NEW JERSEY COUNCIL OF COUNTY COLLEGES: A 1967 law established the New Jersey Council of County Colleges to advise state-level policy makers on matters affecting community colleges. A 1990 law made the Council a trustee-headed nonprofit corporation whose primary purpose was to serve as the state-level advocacy organization for New Jersey's 19 community colleges.

Under the 1994 restructuring act, the Council was given new coordinating responsibilities including submitting a statewide budget request for community colleges, developing the formula for distributing state aid among the colleges, and recommending state capital appropriations among the 19 community colleges.

All community college trustee board chairs (or their designees) and all community college presidents are members of the Council. A seven-person Executive Committee consisting of four trustees and three presidents, with a trustee serving as the Council Chair, guides the Council's activities.

Funding

STATE FUNDING: State aid to each community college is based on a formula, developed by the New Jersey Council of County Colleges and approved by the State Treasurer, that provides foundation funding for each institution plus funding based on enrollments.

The state also provides funding for certain employee fringe benefits. For example, the state pays pension costs related to community college employees who are eligible for the TIAA-CREF plan.

New Jersey's community colleges were founded on the basic funding principle of one-third, one-third, one-third – that is, one-third funding from the state, one-third funding from the counties, and one-third funding from tuition. The Commission on Higher Education, the New Jersey Presidents' Council, and the New Jersey Council of County Colleges have consistently endorsed this funding plan for community colleges.

As recently as the mid-1990s, the state share had dropped well below the one third goal – to about 20 percent. Several years of state funding increases pushed the state share up to about 30 percent. But more recently, level state funding in combination with rapid enrollment growth has resulted in the following estimated funding shares:

State:	28 percent
Counties:	28 percent
Tuition:	44 percent

COUNTY FUNDING: Each New Jersey county has a board of school estimate (typically three freeholders and two trustees) that determines the overall budget for its community college. The freeholder board then collects and appropriates the necessary amount in the same manner as for other county purposes.

TUITION: Each board of trustees has final authority for setting tuition and fees each year. The board is required by law to hold a public hearing before approving tuition increases. Tuition at New Jersey's community colleges ranged from a low of \$66 per credit to a high of \$87.75 per credit in Fall 2004.

CAPITAL FUNDING: For capital funding to community colleges, known as the "Chapter 12" program, the Council of County Colleges recommends new construction and renovation projects for approval by the State Treasurer. Upon approval by the Treasurer, counties issue the bonds, and the state then reimburses the counties for half of the annual debt service on the bonds.

The Chapter 12 program is a revolving fund. That is, as principle on the bonds is retired each year, it can be reissued for new capital projects.

This has been a very successful program for community colleges. Over the past ten years, about \$500 million has been allocated for capital projects at New Jersey's community colleges. Most recently, the Legislature increased the Chapter 12 program by another \$200 million in 2004 – the single largest increase in the history of the program.

STUDENT FINANCIAL AID: There are a number of federal and state programs that provide financial aid for community college students. Two New Jersey programs deserve a special mention.

NJ STARS, approved by the Legislature in 2004 and the first program of its kind in the country, provides full community college tuition and fees scholarships to high school students who graduate in the top 20 percent of their class. Over 1,100 NJ STARS students enrolled in community colleges in the Fall 2004 semester.

Part-time Tuition Aid Grants (TAG), approved by the Legislature in 2003, provides financial aid for students who enroll at community colleges as part-time students (taking six to 11 credits per semester). Over 10,000 part-time students received these grants in 2004-2005.

Trustee Duties and Responsibilities

The duties and responsibilities of a community college board of trustees are spelled out in state law. One of the first things a new board member should do is become familiar with the portion of state law that deals with community colleges. This is commonly called the New Jersey Statutes Annotated. Community college trustee responsibilities are specified in the county college portion of the statute (18A:64A-12) as well as in the 1994 higher education restructuring legislation (18A:3B-6).

While no one list can include all of the responsibilities you will have as a board member, some of the major ones are:

- Defining the role and mission of the college
- Evaluating institutional performance
- Approving college facilities plans
- Establishing tuition rates
- Hiring the president
- Evaluating the president
- Establishing institutional budgets and approving contracts and expenditures
- Setting the tone for institutional leadership
- Representing the community to the college and the college to the community

One of Eleven

As a community college trustee, you are one member of an eleven-member board.* Under state law, a county's board of chosen freeholders appoints eight members of a community college's board of trustees, the Governor appoints two, and the county superintendent of schools serves ex officio. The student body elects from the graduating class a nonvoting representative to the board.

* Note: Atlantic Cape Community College and Raritan Valley Community College, because they each serve two counties, have 15 trustees. Union County College, in addition to having 11 trustees, has a 28 member Board of Governors.

All trustees of public institutions of higher education serve on a voluntary basis. All voting board members have equal rights and responsibilities.

All decisions made by boards of trustees must be made by a vote in a public meeting. Away from the boardroom, each board member speaks only as an individual and cannot make comments for the board as a whole.

Remember that board members cannot act as individuals, but only as a board. This means that even though you may sometimes disagree with what becomes board policy, once it is adopted by the board you will bear some responsibility for implementation of that policy. As decisions are made, you are expected to speak openly for your point of view. But once the decision is final, you should support the position of the board.

Effective trusteeship requires the ability to function as part of a team. A team functions best when members support each other publicly, even though there might have been different points of view as a decision was being reached.

Officers of the Board

Under New Jersey statute, (18A:64A-10), boards elect their officers at an organizational meeting each Fall. The statute says the board shall elect one of its members as chairperson and another member as vice-chairperson. The board may also elect other officers as it deems necessary.

ROLE OF THE CHAIRPERSON: As the chosen leader of the board of trustees, the chairperson fills a unique role. Duties of the chairperson include presiding at meetings and taking responsibility for their orderly conduct. The chairperson should know parliamentary procedure and use it to assist the board in moving quickly and efficiently through the meeting's agenda.

The chairperson must see that all board members who wish to speak are given the opportunity to do so. The chairperson guides the discussion and must see that college staff supplies any needed information. The chairperson consults often with the president as the agenda is put together.

Different boards have different approaches on the length of time the chairperson should serve. Some boards believe the board should continue with an experienced chairperson; other boards believe in regularly electing a different chairperson so that the experience of being chairperson helps develop board members.

The President

Perhaps the most important responsibility of the board is to employ its chief executive officer, the president. It is the president who is responsible for the administration of the college. The president acts as academic leader, representative of the college in the community, top manager, and chief advisor to the board. As the most visible employee, the president represents the college to all of its many constituents.

The relationship between the board and the president should be open and mutually supportive. Without a shared sense of purpose between the board and the president, and without mutual respect and trust, a college will experience difficult times.

The president should be the major source of information and recommendations channeled to the board. As chief executive officer, the president must be responsible for all administrative recommendations that are brought to the board. While it is necessary to delegate authority in most matters, the president alone is responsible for the recommendations coming to the board from staff.

For this reason, board members should be sensitive to the president's need to be the link between trustees and administrative staff. By coordinating information and requests, the president can clarify questions and monitor the accuracy of reports. When trustees have a question or suggestion, it is wise to call the president first.

Presidents strive to be sensitive to the goals and concerns of the board and to act in accordance with its wishes. In most instances, recommendations made by the president will be acceptable to the board of trustees. Once the board makes policy decisions and the administration has been directed to carry out those policies, the president and other employees have the right to expect support from the board of trustees.

The presidency of an institution of higher education is a very difficult job. Demands are made on the president's time around the clock, and presidential decisions are constantly tested and challenged. Presidents need the strong support of their boards if they are to lead their institutions effectively.

The Difference Between Policy-making and Administration

Boards of trustees are responsible for making policy, and staffs are responsible for administering the college. The basis of this belief is in the nature of the two jobs. Board members are part-time volunteers. The system works best when part-time volunteers set general policies as representatives of the community, but leave it to the president and staff members to establish procedures and make decisions that carry out those policies on a day-to-day basis.

Sometimes, however, it is difficult to clearly draw the line between policy-making and administrative matters. Deciding the appropriate roles of the trustees and the president must ultimately rest with the people who are involved at the local level. Past practice, local tradition, and the personalities of board members and administrators all play a role in this determination.

Generally, however, it can be said that the board should take the larger perspective. It functions most effectively when day-to-day details are left to the president and the staff.

The Attorney and the Auditor

Two people of particular importance to the board are its attorney and its auditor. While both work at the direction of the president, both have a very special obligation to protect the interest of the board.

You should expect to receive legal opinions and auditor's reports on a regular basis. Boards that ignore management letters from their auditors or that act contrary to the legal advice from their attorneys often do so at serious consequences and potential liabilities.

The Students and the Faculty

Underlying all of your decisions as a trustee should be a concern for the welfare of the students who come to your community college for education and training. These students are of all ages and backgrounds, with a variety of life situations and personal or career goals.

Students are at your college because they want new opportunities in their lives. They want to improve themselves, and they believe that the community college is the best way to achieve their goals.

Faculty work with you to help the students reach their potential. As the core of your academic work force, faculty serve both as role models and as providers of knowledge.

Of all the employees at the college, it is the faculty who are most directly responsible for fulfilling the college's primary mission. Periodically, the board should review all policies regarding the hiring and evaluation of teachers. In addition, the board should support efforts to reward excellence in teaching.

The Open Public Meetings Act

The New Jersey Open Public Meetings Act was enacted in 1975. This law requires that the public and press receive advance notice of, and be given the right to attend, all meetings of public bodies. Failure to comply with this law may result in voiding of actions taken by a public body, personal liability on the part of participating public officials, or court rulings mandating compliance with the law. County college boards of trustees are subject to the Open Public Meetings Act.

While the public has the right to be present at a meeting, the board of trustees retains the right to determine whether the public may speak and if so what reasonable limitations it will impose on public participation.

Within seven days following its annual organization meeting, the board of trustees must prominently post, mail to at least two designated newspapers, and file with the county clerk an Annual Notice of the schedule (and any revisions) of the time and place of its regular meetings. For any meetings not included in the Annual Notice, the board of trustees must provide 48-hour notice of the time, date, location, and agenda of the noticed meeting.

At the beginning of each board of trustees meeting, the presiding officer must announce publicly, and have entered into the minutes, a statement of the manner in which adequate notice of the meeting was provided.

The Open Public Meetings Act sets forth circumstances where the public interest or personal privacy interests of individuals require that matters be discussed in sessions closed to the public. Except where otherwise permitted or directed by statute, the final vote must be taken in public session. Closed session discussion is permitted where the subject matter:

- by law or court rule requires confidentiality;
- cannot be made public without impairing a right to receive federal funds;
- would constitute an unwarranted invasion of individual privacy;
- concerns collective bargaining;
- concerns the purchase, lease, or acquisition of real property with public funds, the setting of banking rates or investment of public funds, and release of the information could adversely affect the public interest;
- concerns tactics and techniques utilized to protect the safety and property of the public;
- concerns pending or anticipated litigation or contract negotiations, as well as matters falling under the attorney-client privilege; and
- concerns the employment, appointment, termination, or disciplining of a prospective or current public officer or employee unless the affected individual requests in writing that the matter be discussed in public.

Before the public can be excluded from a meeting, the board of trustees must adopt a resolution at a public portion of a meeting, stating the time and place that the closed session will be convened, the general nature of the subjects to be discussed, and the time or circumstances under which the matter can be disclosed to the public.

The Open Public Meetings Act also requires that reasonably comprehensible minutes be kept of all meetings of the board of trustees including closed sessions. The minimum contents of minutes should include:

- the time and place of the meeting;
- the names of the persons present;
- the statement of compliance with the Notice requirements of the Act;
- the subjects considered at the meeting;
- a brief description of any actions taken; and
- the vote of each member on any items voted upon.

Actions taken by the board of trustees at meetings not held in accordance with the Open Public Meetings Act can be set aside by a legal action. Law enforcement officials may bring an action seeking to impose fines against any person who knowingly violates the act. The fine for the first offense is \$100 and \$500 for the second offense. If a trustee, believing that a meeting is in violation of the act, places in the record a statement of his/her reasons for this belief, the trustee may continue to participate in the meeting without fear of being fined under the act.

The Open Public Records Act

The New Jersey Open Public Records Act (OPRA) was enacted in 2002. This law significantly expanded the rights of public access to records of public agencies including county colleges. Unless otherwise exempt by statute, executive order, court rule or federal law, the public has the right to inspect, receive or copy all records that an official of a public entity has made, maintained, kept on file or that has been received in the course of his or the public entity's official business. This definition includes written and printed material, photographs, microfilm, data processed documents, sound recordings, and information that is transmitted or stored electronically, including e-mail.

Records exempt from public access include:

- Inter-agency or intra-agency advisory, consultative, or deliberative material.
- Trade secrets and proprietary commercial or financial information.
- Records within the attorney-client privilege.
- Records which, if disclosed, would jeopardize computer security.
- Records which, if disclosed, would jeopardize the security of facilities or persons.
- Security measures and surveillance techniques.
- Information which would give an advantage to competitors or bidders.
- Information exchanged between representatives of public employers and public employees in connection with any grievance or collective negotiations.
- Communications between a public agency and its insurance carrier or risk management office.
- Disclosure of social security number, credit card number, unlisted telephone number or drivers license number unless such information is required by law to be disclosed.
- Pedagogical, scholarly or academic research conducted under the auspices of a public higher education institution.
- Test questions, scoring keys and other examination data pertaining to the administration of an examination for employment or academic examination.
- Records of pursuit of charitable contributions or identity of donors if the donor requires anonymity.
- Valuable or rare collections of books or documents where the gift is conditioned upon limited public access.
- Information contained on individual admission applications.
- Information concerning student records or grievance or disciplinary proceedings against a student.

In general, the custodian of the record must make the same available within seven days of receipt of request for access. OPRA provides procedures for determination of disputes con-

cerning denial of access and it provides sanctions against the custodian of the record, including civil penalties, where the custodian is found to have unreasonably denied access. Written and electronic communications between trustees and college officials are subject to disclosure unless the circumstances giving rise to the communication establishes that the communication falls within the intra-agency advisory, consultative, or deliberative exclusion or any of the other exclusions listed above.

Financial Disclosure Statement

The New Jersey Local Government Ethics Law requires officers of county colleges to annually file a financial disclosure statement with the Local Finance Board (LFB) of the Division of Local Government Services within the New Jersey Department of Community Affairs. The LFB provides the form of the Financial Disclosure Statement that must be filed by April 30th of each year.

An “officer” of the county college means any person, whether compensated or not, whether part-time or full-time, serving on the governing body (the board of trustees), or who is a managerial executive or confidential employee of the college.

The Financial Disclosure Statement includes (for the preceding calendar year):

- Each source of income exceeding \$2,000 received by the officer or a member of his immediate family. Disclosure of the amount of income is not required.
- Each source of fees and honorariums having an aggregate amount exceeding \$250 received from any single source by the officer or his immediate family,
- Each source of gifts, reimbursements, or prepaid expenses having an aggregate value in excess of \$400 received from any single source, excluding relatives.
- The name and address of all business organizations in which the officer or a member of the immediate family had an interest.
- The address and brief description of all real property in New Jersey in which the officer or a member of the immediate family held an interest.

“Member of the immediate family” means a spouse or dependent child of the officer residing in the same household.

Collective Bargaining

New Jersey has collective bargaining laws for public employees, including those working at public community colleges.

All community colleges are now involved in some form of collective bargaining. No matter what the state of collective bargaining in your county, this is an important subject with which you should become familiar.

Collective bargaining is important because it governs your relationship with your employees, affects the resources available for running the college, and has many legal ramifications with which a newly appointed trustee may not be familiar. You should spend time with your administrators and attorney reviewing collective bargaining issues and your college's practices in this area.

Most seasoned trustees will agree that collective bargaining is one of the most sensitive (and challenging) issues that trustees and presidents must deal with in New Jersey. Especially during contract negotiations, it is critical for the board to function as a team and to fully support the administration in the negotiations with employee organizations.

Governmental Relations

Because state and county governments affect much of what community college trustees do, and because the state and counties provide funding expended by community college boards, it is necessary that each college maintain solid working relationships with its state legislators and county government officials.

At the state level, the New Jersey Council of County Colleges serves community colleges by representing their general legislative and budgetary interests in Trenton. The Council supplies information and testimony to legislators and their staffs, monitors legislative activity, provides updates to trustees and presidents, and generally coordinates all government relations activities for New Jersey's 19 community colleges at the state level.

At the local level, it is essential that trustees and presidents know their legislators and freeholders, and constantly keep them abreast of developments at the college.

Some trustees might ask why trustees? Why should trustees be involved in these activities with legislators and freeholders? Isn't this the responsibility of presidents and senior staff members? The answer is yes, presidents and staff members must of course be active in state and county politics. But there is nothing quite as effective as trustee participation in government affairs.

Presidents, to some extent, will always be seen as "hired guns" – they are paid to advocate for their colleges. When trustees, on the other hand, give freely of their time and energy to advocate for their colleges, the impact can be very powerful.

The good news for community college trustees is that our colleges have more political potential than any other colleges. "All politics is local" is a phrase frequently heard in Trenton. Applied to higher education, this means that legislators (and obviously freeholders) will always be concerned first and foremost with their local college. This is a tremendous advantage for community colleges, since there are more community colleges in more legislative districts than any other sector of higher education.

How do community colleges convert this political potential into real political influence? Here are a few suggestions for trustees to keep in mind when communicating with legislators (and freeholders) within their local communities:

- **KEEP LEGISLATORS INFORMED** – Trustees should keep in touch with legislators even when community college priorities are not being considered. Legislators are bombarded with hundreds of requests during each legislative session. They will look more favorably on those requests that come from individuals who have taken the time to get to know them on an ongoing basis.
- **INVITE LEGISLATORS TO CAMPUS** – The academic calendar presents countless opportunities to get legislators involved in campus activities. Commencement is the obvious example, but there are many others such as inviting legislators to groundbreaking ceremonies and awards ceremonies, and encouraging legislators to serve as guest lecturers.

- **BE BRIEF** – Legislators have hundreds of issues on their desks, and will always appreciate your recognition of that fact. Thus, you will always help your cause by being brief and direct.
- **FOLLOW-UP & THANK-YOUS** – Make sure to follow-up in writing or with a phone call to re-acquaint legislators with your issue. Also thank the legislator for his/her time and attention especially if he/she has been helpful.

Trustee Ambassadors

The New Jersey Council of County Colleges has established a statewide Trustee Ambassador Program to identify and assist trustees who are especially interested in participating in state-level community college activities. Trustee Ambassador activities typically include:

- Trustee Ambassador Days in Trenton
- Meetings with state legislators
- Meetings with members of the NJ Congressional Delegation
- Providing regular “Trustee Ambassador Reports” at local board meetings

If you are interested in serving as a Trustee Ambassador for your college, please call your college president or the Council.

Doing Your Homework

Good board members stay informed about their college. You will be expected to participate in some events and will also be invited to many others. Each college has community luncheons, lecture programs, athletic contests, political events, and dramatic presentations at which the attendance of board members is encouraged. At certain special events, such as commencement or nurse-capping ceremonies, trustees are often expected to be present.

When you attend campus events, you may be approached with suggestions for the board or criticisms of the college.

Experienced trustees advise that a board member should listen carefully and report such conversations to the president.

Trustees should be careful not to commit themselves or their boards to any specific course of action.

In addition to attending campus events, trustees have the responsibility to keep informed about proposals and recommendations that the administration presents. You will probably receive a packet of materials regularly, prior to each board meeting. The well-informed trustee reads this material well before the meeting.

Should questions arise, the best procedure is to contact your president before the board meeting to make him/her aware of your questions. If the president is not able to answer your questions at that time, at least he/she will have been alerted so that the correct research and information can be provided at the board meeting.

A good relationship between presidents and trustees eliminates surprises. Good administrators do not bring “walk-in” items to board meetings. Similarly, good trustees make presidents aware of concerns and questions early enough so that answers can be thoroughly prepared.

You should expect to do a certain amount of reading about the field of education to improve your understanding of the many different policy matters that will be discussed during your time on the board. One of the best sources of current news in the field of higher education is a weekly newspaper called the *Chronicle of Higher Education*. It contains in-depth news and analyses of higher education issues as well as a large section devoted to listings of current job openings in the field.

Two other newspapers of special interest to community colleges are the bi-weekly *Community College Times*, published by the American Association of Community Colleges, and the independent *Community College Week*. Both focus solely on community college issues and feature opinion columns, legislative updates, and job listings.

If your college does not provide you with copies of these publications, or similar ones, you should let your president know if you are interested in receiving them.

Associations

Several non-profit associations are of interest to community college trustees. You will probably find that your school belongs to some or all of the following groups:

NEW JERSEY COUNCIL OF COUNTY

COLLEGES: The Council is New Jersey's community college advocate in Trenton. In addition, it sponsors seminars and conferences for trustees. The Council also serves as an information source, providing a trustee newsletter, membership and legislative directories, legislative analyses and alerts, and other material designed to keep trustees well informed. Each board of trustees is represented at Council meetings by the Chairperson (or a designated alternate) and the president.

At the national level, two groups are particularly worthy of community college membership. Each association plays an important role in higher education. Membership in these associations is very beneficial to your local board. You will find that communication with other trustees from around the nation increases your understanding of your role and your effectiveness on the board.

ASSOCIATION OF COMMUNITY COLLEGE

TRUSTEES (ACCT): This group performs many of the same functions at the national level that the New Jersey Council of County Colleges performs at the state level. ACCT regularly publishes a newsletter called the ACCT Advisor, produces a quarterly magazine that features papers on trusteeship written by trustees, and hosts regional and national meetings that offer educational seminars.

AMERICAN ASSOCIATION OF COMMUNITY

COLLEGES (AACC): This is a national umbrella organization in which trustees, presidents, and other interested persons join together to promote the community college movement. More than 50 years old, AACC publishes a bi-weekly newspaper and a monthly magazine devoted solely to community colleges. The group also sponsors regional and national meetings that include trustee-oriented workshops.

Asking Questions


This Trustee Manual was designed to answer some basic questions about effective trusteeship. But it only touches the surface. It will take time for you to develop the background and understanding needed for complete familiarity with the community college movement and the many issues facing New Jersey's community colleges in the new millennium.

One of the best ways for you to learn is to ask questions. If you don't understand the budget or a proposed policy or program, ask questions. You are the final decision-making authority on your college campus, and you will bear the responsibility for the decisions that are made. Make sure you understand what you are doing and why it is being done.

Your president will welcome the opportunity to help you keep informed. In addition, your peers at the New Jersey Council of County Colleges stand ready to provide help and guidance. Informative seminars are available, using the expertise of community college leaders from around the state and nation. Regular meetings of the Council are open for you to attend.

Feel free to call the Council at any time for more information at 609-392-3434. Fax us at 609-392-8158 and send email to info@njccc.org. Also, visit our Web site: www.njccc.org.

We look forward to hearing from you.



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