



Session Handouts

Fundamentals of Trusteeship

September 23, 2014 Trustees Conference

Contents

- 1. Fundamentals of Trusteeship**
(Dr. Merrill Schwartz's PowerPoint presentation)
- 2. Fundamentals of Trusteeship - Massachusetts**
(Mike Mizzoni's PowerPoint presentation)
- 3. Excerpt from Effective Governing Boards**
(An AGB publication)
- 4. Building Effective Boards At Public Institutions**
(An AGB publication)
- 5. Higher Ed Authority Overview**
(A DHE publication)

Fundamentals of Trusteeship

2014 Massachusetts Statewide Trustee Conference

September 23, 2014

Merrill P. Schwartz, AGB



AGENDA

- Trustees as Fiduciaries
- Ten Fundamental Responsibilities
- Board Accountability
- High Performing Boards
- Q and A, Discussion



Trustees as Fiduciaries

- **Fiduciary** – One who holds some asset(s) in trust for another and is charged to act beneficially on behalf of the other in managing that asset.
- **The Asset** – The college/university you govern, including mission & identity, property, human resources & educational product.
- **For Whom** – Founders and sponsors, students and families, donors, alumni, (the public)



Fiduciary Duties

- **Duty of Care**
 - Act in good faith for best interests of institution
 - Act reasonably, competently and prudently
- **Duty of Loyalty**
 - Put interest(s) of institution above all else
 - Do not act from self interest; no self-dealing
 - Conflict of loyalty
- **Duty of Obedience**
 - Obligation to advance mission
 - Duty to act ethically and consistent with mission
- **Serve a Public Purpose**



Ten Fundamental Responsibilities of Effective Governing Boards

1. Ensure that the institution's mission is kept current and is aligned with public purposes. In the case of a multicampus system, ensure the alignment of each campus's mission with the system's vision and public purposes.
2. Select a chief executive to lead the institution.
3. Support and periodically assess the performance of the chief executive and establish and review the chief executive's compensation.



Fundamental Responsibilities

4. Charge the chief executive with the task of leading a strategic planning process, participate in that process, approve the strategic plan, and monitor its progress.
5. Ensure the institution's fiscal integrity, preserve and protect its assets for posterity, and engage in fundraising and philanthropy.
6. Ensure the educational quality of the institution and its academic programs.



Fundamental Responsibilities

7. Preserve and protect institutional autonomy, academic freedom, and the public purposes of higher education.
8. Ensure that institutional policies and processes are current and properly implemented.
9. In concert with senior administration, engage regularly with the institution's major constituencies.



Fundamental Responsibilities

10. **Conduct the board's business in an exemplary fashion** and with appropriate transparency, adhering to the highest ethical standards and complying with applicable open-meeting and public-records laws; **ensure the currency of board governance policies and practices**; and periodically **assess the performance of the board**, its committees, and its members.



Board Accountability

Boards are accountable:

- To and for the mission and heritage of their institution/system;
- To the legitimate and relevant interests that various constituencies represent;
- To the public interest and the public trust; and
- To and for the transcendent values that guide and shape American higher education:
 - self-regulation and autonomy
 - academic freedom
 - shared governance



Implementing Board Accountability

- Ensure the Mission
- Select, Support and Assess the President
- Oversee Fiscal Integrity—Plan, Preserve, and Protect
- Ensure Educational Quality and Success
- Bridge and Buffer
- Monitor Board Performance



High Performing Boards

- Change adept and innovative
- Thought partners with CEO
- Nurture a culture of engagement and openness
- Forward and critical thinking
- Engage in meaningful deliberation, with appropriate skepticism
- Creative and inquiring
- Apply risk assessment
- Focus on strategy (and alternatives)
- Maintain confidentiality
- Assess value drivers
- Monitor revenues and resource allocation
- Self-reflective



**Questions? Comments?
Discussion?**

Visit www.agb.org
for additional resources.



Fundamentals of Trusteeship



Welcome

Michael Mizzoni

Deputy General Counsel
Department and Board of Higher Education

Session Outcomes

- Greater understanding of Legal Context for Trustee Work, Roles and Responsibilities
 - What is the role of the BHE?
 - What is the role of the trustees?
 - What is the role of the campus president?

Higher Education Governance



Legislative Authority

- **M.G.L. c. 15A:** Powers, obligations and duties of Boards of Trustees, and the Board and Department of Higher Education
- **Also:**
 - **M.G.L. c. 73** - State Universities and community colleges
 - **M.G.L. c. 75** - University of Massachusetts

M.G.L. Chapter 15A

“It is hereby declared to be the policy of the commonwealth to provide, foster and support institutions of public higher education that are of the highest quality, responsive to the academic, technical and economic needs of the commonwealth and its citizens, and accountable to its citizens through lay boards, in the form of the board of higher education and the boards of trustees of each of the system’s institutions.”

Role of the BHE

- The BHE is responsible for defining the mission of and coordinating the Commonwealth's system of public higher education and its institutions.
- The BHE's enabling legislation also includes several specific governance and oversight responsibilities.

Examples of BHE Legislative Responsibilities

- Analyze present and future goals, needs and requirements of public higher education
- Establish goals to achieve well-coordinated, quality system
- Establish coordination among post secondary public institutions
- Resolve conflicts of policies or operations
- Approve 5-year master plans, & develop a 5-year system master plan
- Develop performance measurement system and funding formulas
- Approve mission statements
- Approve admissions standards and affirmative action plans
- Approve presidential appointments and removals
- Approve and fix presidential compensation
- Define and authorize new functions or programs;
- Set tuition rates (campuses set fees)
- Collect, analyze and maintain data from institutions
- Coordinate activities and engage in advocacy

Role of Boards of Trustees

- Boards are “responsible for establishing those policies necessary for the administrative management of personnel, staff services and general business of the institution”

Examples of Duties and Powers of Local Boards: M.G.L. c. 15A, § 21 & 22

- **Each board shall:**
 - Develop a mission statement
 - Prepare maintenance and capital budgets
 - Manage and keep in repair all property
 - Establish fees
 - Appoint, transfer, dismiss, promote and award tenure
 - Seek, accept and administer grants, gifts and trusts
 - Implement and evaluate affirmative action policies and programs
 - Establish, implement and evaluate student services
 - Recommend to the BHE admission standards
 - Have authority to transfer funds within and among subsidiary accounts
 - Establish/operate programs in accordance with degree conferring authority
 - Submit a 5-year master plan to the BHE
 - Submit financial data as required
 - Submit an annual institutional spending plan
 - Submit an institutional self-assessment report
- Appoint & remove the CEO (with the approval of the BHE)

Overview and Comparison: Legislative Authority of BHE and Local Boards

Higher Ed Authority Overview

Massachusetts Board of Higher Education
University of Massachusetts Board of Trustees
Community College and State University
Boards of Trustees

*Includes citations to Massachusetts General Laws
Prepared by the Massachusetts Department of Higher Education
Updated January 2013*

Overview and Comparison:

Comparison of Major Authority: General

Board of Trustees of University of Massachusetts	Massachusetts Board of Higher Education	Boards of Trustees of Community Colleges and State Universities
<p>Submit five-year master plan to BHE and Secretary of Education for approval. <i>Ch. 15A, §9(l); Ch. 75 §1A(l)</i></p>	<p>Analyze present and future goals, needs, and requirements of public higher education and establish goals to achieve a well coordinated quality system of public higher education in the Commonwealth. <i>Ch. 15A, §9(e)</i></p> <p>The institutional five-year master plans for public higher education are submitted to the BHE and the Secretary of Education for review and approval.</p> <p>Prepare a five-year master plan for public higher education, subject to the approval of the Secretary of Education, taking into account the BHE's analysis of present and future goals, needs and requirements of public higher education, and the five-year plans submitted by individual boards of trustees. <i>Ch. 15A, §9(f) and (c)</i></p>	<p>Submit five-year master plan to BHE and Secretary of Education for approval. <i>Ch. 15A, §9(l) and §22(l)</i></p>

Trustee Responsibilities

- Advance educational mission
- Oversee policies and plans
- Measure results
- Ensure sound financial management
- Advance philanthropic goals
- Actively participate in board and committee meetings
- Review strategic plans

Trustee Responsibilities (continued)

- Assist in determining the composition of the board
- Make support public and visible
- Steward the mission and values
- Put the institution first, before personal interests

Board Duties: Deliver and Sustain the Mission

Fulfill the mission

- **DELIVER:** Are we delivering on our promise?

Ensure long-term viability

- **SUSTAIN:** Will we exist and succeed "forever?"

Other laws, policies or procedures (examples)

- **Federal Laws**
 - Title IV
 - Clery Act
 - FERPA
 - Title IX
- **State Laws**
 - Ethics/Conflict of Interest
 - Open Meeting
 - Public Records
 - Campaign Finance
- **Accreditation Standards**
- **State Policies/Procedure**
 - BHE Standards for Expenditures of trust funds
 - BHE Policies on Presidential search, selection, appointment, evaluation & removal
 - Comptroller, DCAM, etc.
- **Institutional Policies**
 - Board By-Laws
 - Travel Policies
 - Budget Approval Processes
 - Institutional Strategic Plan

- Questions?
 - When in doubt, reach out to your Legal Counsel and ask
or
 - Send an email to Jennifer Perkins in the Office of Trustee Relations
- Resources: Trustee Web Corner -
www.mass.edu/trustees

Fundamentals of Trusteeship

Excerpts from *Effective Governing Boards*, an AGB publication

Expectations of those who serve on college boards –

“...a high level of commitment to the institution and its welfare, a commitment to the broad public interest, observance of the highest ethical standards and principles of fiscal integrity, a readiness to explore challenges with fellow board members and seek consensus and an appreciation of the vital difference between a board’s role in shaping policy and monitoring result and a president’s or chancellor’s role in implementing such policy.”

Universally Shared Responsibilities

“Board members should:

1. respect the public trust they hold and ensure that the public purposes of higher education are served. They must balance the needs of the institution and the state, pursuing what is best for the public they serve and the institution they govern.
2. serve as advocates for the value of public higher education. They should focus on ways colleges and universities can enhance the quality of life for citizens by providing needed educational services, access and equity and bring their resources to bear in addressing current and future challenges facing the state and its communities.
3. reflect in their deliberations and decision the interests of the institution whose destiny they guide, however forceful may seem competing personal interests or the inappropriate dictates of a public official or body from which their authority derives. The board’s role is preserving the college’s or university’s autonomy, determining its needs and pursuing its interests.
4. speak publically with a single voice even on the most contentious issues. Disparate opinions should not be stifled or suppressed, but the public advocacy of a consensus position is important. No responsibility of a public board member is more imperative or more difficult to attain.”

Source: *Effective Governing Boards: A Guide for Members of Governing Boards of Public Colleges, Universities and Systems*, an AGB publication. Reproduced with permission.

10 Basic Responsibilities of a Governing Board

1. “Ensure that the institution’s mission is kept current and is aligned with public purposes.
2. Select a chief executive to lead the institution
3. Support and periodically assess the performance of the chief executive and establish and review the chief executive’s compensation.
4. Charge the chief executive with the task of leading a strategic planning process, participate in that process, approve the strategic plan and monitor its progress.
5. Ensure the institutions fiscal integrity, preserve and protect its assets for posterity and engage in fundraising and philanthropy.
6. Ensure the educational quality of the institution and its academic programs.
7. Preserve and protect institutional autonomy, academic freedom and the public purposes of higher education.
8. Ensure that institutional policies and processes are current and properly implemented.
9. In concert with senior administration, engage regularly with the institution’s major constituencies.
10. Conduct the board’s business in an exemplary fashion and with appropriate transparency, adhering to the highest ethical standards and complying with applicable open-meeting and public records laws; ensure the currency of board governance policies and practices; and periodically assess the performance of the boards, its committees and its members.”

Source: *“Effective Governing Boards: A Guide for Members of Governing Boards of Public Colleges, Universities and Systems”*, an AGB publication. Reproduced with permission.

11 Hallmarks of an Effective Board

“An effective public board:

1. understands and respects the vital difference between governing and managing, and it nurtures and supports presidential leadership.
2. always balances the institution’s interests and welfare with the needs and priorities of the state.
3. balances advocacy and oversight.
4. observes and imposes the highest ethical standards and avoids even an appearance of conflict of interest.
5. even when sharply divided, speaks with one voice.
6. listens to and learns from the institution’s constituencies without giving any of them a veto.
7. nurtures and enhances the legacy of the institution.
8. recognizes its special responsibility to students for the quality and value of their educational experience.
9. represents and advocates for the institution in the larger community.
10. commits itself and the institution to due process and academic freedom for faculty and students
11. commits adequate time and energy not only to its basic tasks but also to the enjoyment of the board experience.”

Source: *“Effective Governing Boards: A Guide for Members of Governing Boards of Public Colleges, Universities and Systems”*, an AGB publication. Reproduced with permission.

Building Effective Boards At Public Institutions

BY MERRILL P. SCHWARTZ

Governing boards of publicly supported colleges and universities differ from one another in myriad ways—size, history, structure, method of selection, length of term, and legal power or authority. Yet each such board and all its members bear a singular responsibility to citizens, taxpayers, students, faculty, staff, and alumni to guide and steward postsecondary education in the public interest. That mission requires the commitment of increasingly scarce resources through which public academic institutions serve the needs of the state and local governments that support them and enhance the quality of life for the citizens of their states. Trusteeship in the public sector is highly visible, both because of inherently high levels of public interest and because public boards are subject to open-meeting and public-records laws. Such visibility also helps public trustees serve as vigorous advocates for the needs and goals of the institutions they govern and as a public voice for this vital sector of society.

Introduction, *Effective Governing Boards: A Guide for Members of Governing Boards of Public Colleges, Universities and Systems*, AGB, 2010

While the formal authority of a governing board lies within the corporate body, how individual members comport themselves contributes to a board's overall effectiveness.

This recent publication is designed to provide an overview and clarify the fiduciary responsibilities for which boards are held accountable.

It reminds board members that while the formal authority of a governing board lies within the corporate body, how individual members comport themselves contributes to a board's overall effectiveness. The guide is intended to aid both experienced and new board members.

The core of the document is an updated list of the board's fundamental responsibilities and a list of exemplary practices, "Hallmarks of an Effective Board," (included below). The list of basic responsibilities may be used at an orientation or retreat to stimulate and inform discussion among board members, as well as with the president and other key administrators. (A version for private colleges was published in 2009.)

Fundamental Responsibilities

The fiduciary role of the governing board of a public college, university, or system has many facets. Most notably, a board should recognize and accept the following basic responsibilities to:

1. Ensure that the mission of the institution (with "institution" here referring to the campus or system, whichever is appropriate) is kept current and is aligned with public purposes. In the case of a multi-campus system, ensure the alignment of each campus's mission with the system's vision and public purposes.
2. Select a chief executive to lead the institution.
3. Support and periodically assess the performance of the chief executive and establish and review the chief executive's compensation.
4. Charge the chief executive with the task of leading a strategic-planning process, participate in that process, approve the strategic plan, and monitor its progress.
5. Ensure the institution's fiscal integrity, preserve and protect its assets for posterity, and engage in fundraising and philanthropy.
6. Ensure the educational quality of the institution and its academic programs.
7. Preserve and protect institutional autonomy, academic freedom, and the public purposes of higher education.
8. Ensure that institutional policies and processes are current and properly implemented.
9. In concert with senior administration, engage regularly with the institution's major constituencies.
10. Conduct the board's business in an exemplary fashion and with appropriate transparency, adhering to the highest ethical standards and complying with applicable open-meeting and public-records laws; ensure the currency of board governance policies and practices; and periodically assess the performance of the board, its committees, and its members.

Hallmarks of an Effective Board

The effectiveness of a governing board can be judged in many ways. One possible standard is that the board should get the credit (or the blame) for the institution's success (or failure). Yet so simplistic a measure misses many subtleties and may often be wrong—for example, when the institution thrives despite an ineffectual board or falters despite heroic efforts by an energetic and committed board. A more sensitive set of criteria is needed for guiding board conduct and assessing the effectiveness of the board as a fiduciary body, divorced from the ebb and flow of the institution for which it bears ultimate responsibility. Fundamentally, a board must set high standards and understand its responsibilities, which can be encapsulated as follows:

1. An effective board understands and respects the vital difference between governing and managing, and it nurtures and supports presidential leadership.
2. An effective public board always balances the institution's interests and welfare with the needs and priorities of the state.
3. An effective public board balances advocacy and oversight.
4. An effective board observes and imposes the highest ethical standards and avoids even an appearance of conflict of interest.
5. An effective board, even when sharply divided, speaks with one voice.
6. An effective board listens to and learns from the institution's constituencies without giving any of them a veto.
7. An effective board nurtures and enhances the legacy of the institution.
8. An effective board recognizes its special responsibility to students for the quality and value of their educational experience.
9. An effective board represents and advocates for the institution in the larger community.
10. An effective board commits itself and the institution to due process and academic freedom for faculty and students.
11. An effective board commits adequate time

and energy not only to its basic tasks, but also to the enjoyment of the board experience.

The guide describes each of these standards of excellence and can be useful in evaluating board performance and identifying areas in which improvement or board education is needed. Even good boards will recognize one or more areas that continue to present challenges, such as supporting a decision that was not unanimous. Creating a climate of accountability, as well as collegiality, should be a concern of the board chair and the institution's chief executive. The list of hallmarks of an effective board could be the focus of a board-building discussion at a retreat, focusing on those areas that present the greatest interest or concern. A high-functioning and well-informed board respects and understands its own responsibilities, as well as those of the administration and faculty.

Writing in the *Harvard Business Review* on "What Makes Great Boards Great," Jeffrey A. Sonnenfeld, a Yale dean and management professor, asserted: "Good board governance can't be legislated, but it can be built over time." Although his advice was directed at companies, his tips can also provide useful insights for leaders of higher-education boards, including:

"Evaluate the board's performance. Examine [board members'] confidence in the integrity of the enterprise, the quality of the discussions at board meetings, the credibility of reports, the use of constructive professional conflict, the level of interpersonal cohesion, and the degree of knowledge. In evaluating individuals, go beyond reputations, résumés, and skills to look at initiative, roles and participation in discussions, and energy levels."

Merrill P. Schwartz is AGB's director of research (mschwartz@agb.org).



Creating a climate of accountability as well as collegiality should be a concern of the board chair and the institution's chief executive.

Higher Ed Authority Overview

Massachusetts Board of Higher Education

University of Massachusetts Board of Trustees

Community College and State University
Boards of Trustees

Includes citations to Massachusetts General Laws

Prepared by the Massachusetts Department of Higher Education

Updated January 2013

Mission Statements

Massachusetts Board of Higher Education

The mission of the Board of Higher Education is to ensure that Massachusetts residents have the opportunity to benefit from a higher education that enriches their lives and advances their contributions to the civic life, economic development, and social progress of the Commonwealth. To that end, the programs and services of Massachusetts higher education must meet standards of quality commensurate with the benefits it promises and must be truly accessible to the people of the Commonwealth in all their diversity.

Massachusetts Public Higher Education System

Massachusetts Public Higher Education is a SYSTEM with a distinguished past, increasing and measurable accomplishments, and dedicated to being recognized as having one of the nation's most outstanding array of institutions. It comprises 15 community colleges, nine state universities, and five campuses of the University of Massachusetts. The system exists to provide accessible, affordable, relevant, and rigorous programs that adapt to meet changing individual and societal needs for education and employment. The public system is committed to continuous improvement and accountability in all aspects of teaching and learning. The Board of Higher Education, together with each respective Board of Trustees, expects all students, faculty, and staff to be held to exacting standards in the performance of their roles and responsibilities.

University of Massachusetts

The University's mission is to provide an affordable education of high quality and conduct programs of research and public service that advance our knowledge and improve the lives of the people of the Commonwealth.

State Universities

There are six comprehensive state universities—Bridgewater State University, Fitchburg State University, Framingham State University, Salem State University, Westfield State University, and Worcester State University—and three specialized institutions—Massachusetts College of Art and Design, Massachusetts College of Liberal Arts, and Massachusetts Maritime Academy. All state universities integrate liberal arts and sciences programs with professional education, and the three specialized institutions also focus on academic areas identified in their names.

Each state university places a special emphasis on teaching and lifelong learning and promotes a campus life that fosters intellectual, social, and ethical development. Committed to excellence in instruction and to providing responsive, innovative, and educational programs of high quality, they seek to develop each student's critical thinking, quantitative, technological, oral, and written communication skills, and practical appreciation of the arts, sciences, and humanities as they affect good citizenship and an improved quality of life. The state universities provide a campus environment where the ideas, values, perspectives, and contributions of all students are respected.

Massachusetts state universities are strategically located to facilitate access to baccalaureate and master's degree programs for Commonwealth residents who meet their high standards for admission. In recognition of their responsibilities to Massachusetts taxpayers to manage their resources efficiently and to maintain tuition and fees at a level as low as possible, each state university has a distinctive academic focus based upon its established strengths and regional and state needs. Each state university is a leader and resource for the community and contributes to the region's cultural, environmental, and economic development.

Community Colleges

The fifteen Massachusetts Community Colleges offer open access to high quality, affordable academic programs, including associate degree and certificate programs. They are committed to excellence in teaching and learning and provide academic preparation for transfer to four-year institutions, career preparation for entry into high demand occupational fields, developmental coursework, and lifelong learning opportunities.

Community colleges have a special responsibility for workforce development and through partnerships with business and industry, provide job training, retraining, certification, and skills improvement. In addition, they assume primary responsibility, in the public system, for offering developmental courses, programs, and other educational services for individuals who seek to develop the skills needed to pursue college-level study or enter the workforce.

Rooted in their communities, the colleges serve as community leaders, identifying opportunities and solutions to community problems and contributing to the region's intellectual, cultural, and economic development. They collaborate with elementary and secondary education and work to ensure a smooth transition from secondary to post-secondary education. Through partnerships with baccalaureate institutions, they help to promote an efficient system of public higher education.

The community colleges offer an environment where the ideas and contributions of all students are respected. Academic and personal support services are provided to ensure that all students have an opportunity to achieve academic and career success. No eligible student shall be deprived of the opportunity for a community college education in Massachusetts because of an inability to pay tuition and fees.

Comparison of Major Authority: General

Board of Trustees of University of Massachusetts	Massachusetts Board of Higher Education	Boards of Trustees of Community Colleges and State Universities
	Analyze present and future goals, needs, and requirements of public higher education and establish goals to achieve a well coordinated quality system of public higher education in the Commonwealth. <i>Ch. 15A, §9(c)</i>	
Submit five-year master plan to BHE and Secretary of Education for approval. <i>Ch. 15A, §9(l); Ch. 75 §1A(l)</i>	The institutional five-year master plans for public higher education are submitted to the BHE and the Secretary of Education for review and approval.	Submit five-year master plan to BHE and Secretary of Education for approval. <i>Ch. 15A, §9(l) and §22(l)</i>
	Prepare a five-year master plan for public higher education, subject to the approval of the Secretary of Education, taking into account the BHE's analysis of present and future goals, needs and requirements of public higher education, and the five-year plans submitted by individual boards of trustees. <i>Ch. 15A, §9(f) and (c)</i>	
Develop and submit institutional mission statements for approval by the BHE and the Secretary of Education. <i>Ch. 75, §1A(n)</i>	The institutional mission statements are submitted to the BHE and the Secretary of Education for review and approval. <i>Ch. 15A, §7</i>	Develop and submit institutional mission statements for approval by the BHE and the Secretary of Education. <i>Ch. 15A, §22(n)</i>
	Develop mission statement for the overall system of public higher education and segmental mission statements for approval by the Secretary of Education. <i>Ch. 15A, §7</i>	
Develop a performance measurement system for the University, in consultation with the Secretary and the Board of Higher Education. <i>Ch. 15A, §7A</i>	Develop a performance measurement system in consultation with the institutions and the Secretary (for the state and community colleges). <i>Ch. 15A, §7A and §22(0)</i>	
The University board of trustees shall have all authority, responsibility, rights, privileges, powers and duties customarily and traditionally exercised by governing boards of higher education institutions and shall not be subject to other state entities except as specified in statute. <i>Ch. 75, §1</i>		
Establish policies for administrative management of staff services, and general business of university. <i>Ch. 75, §1</i>		Establish policies for administrative management of staff services, and general business of institution. <i>Ch. 15A, §22(c)</i>

Board of Trustees of University of Massachusetts	Massachusetts Board of Higher Education	Boards of Trustees of Community Colleges and State Universities
	Coordinate activities among the public institutions, and engage in advocacy on their behalf. <i>Ch. 15A, §5 and §42</i>	
	Collect, analyze and maintain data from institutions of public higher education as may be relevant to the discharge of its purposes, functions, and duties. <i>Ch. 15A, §9(s)</i>	
	Coordinate among postsecondary institutions, public or private, and resolve conflicts of policies or operations arising in public higher education. <i>Ch. 15A, §9(u)</i>	

Comparison of Major Authority: Fiscal Affairs

Board of Trustees of University of Massachusetts	Massachusetts Board of Higher Education	Boards of Trustees of Community Colleges and State Universities
Submit recommendations for tuition rates to BHE for approval. <i>Ch. 15A, §9(i)</i>	Set tuition rate for state and community colleges. For UMass, approve tuition rate adopted by UMass Board of Trustees. <i>Ch. 15A, §9(i)</i>	
Establish all fees. <i>Ch. 75, §1(a), (b)</i>	No authority.	Establish all fees. <i>Ch.15A, §22(b)</i>
Prepare estimates and requests for the Secretary to use in maintenance and capital outlay requests. <i>Ch. 75, §1A (q)</i>	The Secretary of Education shall submit budget requests for the system of public institutions of higher education in accordance with legislatively prescribed procedures. <i>Ch. 15A, §15 and §15B</i>	Prepare estimates and requests for the Secretary and BHE to use in maintenance and capital outlay requests. <i>Ch. 15A, §22(a)</i>
Have overall responsibility for property, real and personal, owned or occupied by the University. <i>Ch. 75, §1A(d)</i>	Have overall responsibility for the property real and personal, owned or occupied by the BHE, the state colleges, and the community colleges. <i>Ch. 15A, §9(m)</i>	
Apply to BHE for BHE to submit applications to HEFA to undertake projects for the University. <i>Ch. 15A, §9(aa)</i>	Submit written applications to HEFA requesting they undertake projects on behalf of one or more public institutions of higher education in accordance with legislative prescribed procedures. <i>Ch. 15A, §9(aa)</i>	
Approve charges established by the University of Massachusetts Building Authority for use of Authority buildings. <i>Ch. 75 App., §1-9</i>	Approve charges established by the State College Building Authority for use of Authority buildings. <i>Ch. 73 App., §1-9</i>	

Comparison of Major Authority: Academic and Student Affairs

Board of Trustees of University of Massachusetts	Massachusetts Board of Higher Education	Boards of Trustees of Community Colleges and State Universities
Subject to general authority of the Secretary and the BHE, establish, locate, support, consolidate or abolish classes, courses, curricula, departments, divisions, schools or colleges. <i>Ch. 75, §2</i>	Define and authorize new functions or new programs, consolidate, discontinue or transfer existing functions, educational activities and programs. <i>Ch. 15A, §9(b)</i>	
Submit admission standards and program standards to BHE/subject to disapproval by BHE. <i>Ch. 75, §2</i>	Require boards of trustees to submit admission standards and program standards, which shall be published by the Board if not disapproved. <i>Ch. 15A, §9(b)</i>	Submit admission standards and program standards to BHE subject to disapproval by BHE. <i>Ch. 15A, §22(h)</i>
Subject to BHE authorization, offer degree programs and award degrees, submit program approval requests to BHE. <i>Ch. 75, §1a and §1k</i>	Confer degree powers on public institutions. <i>Ch. 15A, §9(a)</i>	Subject to BHE authorization offer degree programs and award degrees, submit program approval requests to BHE. <i>Ch. 15A, §22(j), (k)</i>
Establish and operate programs, including summer and evening, in accordance with degree authority. Summer and evening programs are self-sustaining. <i>Ch. 15A, §26; Ch. 75, §51(a)(j)</i>		Establish and operate programs, including summer and evening, in accordance with degree authority. Summer and evening programs are self-sustaining. <i>Ch. 15A, §22(j) and §26</i>
Offer doctoral programs independently, or with other public institutions with BHE approval. <i>Ch. 75, §2</i>		
Establish standards for promotion, graduation. <i>Ch. 75, §1A and §2</i>		Establish standards for promotion, graduation. <i>Ch. 15A, §22 and §22(g)</i>
Confer honorary degrees. BHE gives power. <i>Ch. 75, §2</i>		Confer honorary degrees. BHE gives power. <i>Ch. 15A, §22(k)</i>
	Establish guidelines for and administer financial assistance/scholarship programs authorized by legislature. <i>Ch. 15A, §16</i>	

Board of Trustees of University of Massachusetts	Massachusetts Board of Higher Education	Boards of Trustees of Community Colleges and State Universities
Administer graduate student waivers. Submit to BHE annual report on graduate tuition waiver policies and distribution of said waivers. <i>Ch. 15A, §19</i>	Administer a tuition waiver program. <i>Ch. 15A, §19</i>	Administer graduate student waivers. Submit to BHE annual report on graduate tuition waiver policies and distribution of said waivers. <i>Ch. 15A, §19</i>
	Develop and implement a transfer compact among public institutions. <i>Ch. 15A, §9(k)(v)</i>	
	Review enrollment levels for each institution in the system (subject to disapproval of BHE). <i>Ch. 15A, §9(k)</i>	
	Administer the Police Career Incentive Pay Program (PCIPP) for cities and towns and the state police. <i>Ch. 41, §108(l)</i>	
	Prepare a system of student assessment to measure student improvement at public institutions of higher education between the first and fourth years. <i>Ch. 15A, §32</i>	
	License independent institutions of higher education. <i>Ch. 69, §30 and §31</i>	
	Respond to consumer complaints. <i>Ch. 69, §30 and §31; Ch.15A, §9(u) and §22</i>	

Comparison of Major Authority: Personnel

Board of Trustees of University of Massachusetts	Massachusetts Board of Higher Education	Boards of Trustees of Community Colleges and State Universities
	Submit to the Secretary for approval, a recommended candidate for appointment as the Commissioner of Higher Education, who is secretary to BHE, its chief executive officer, and chief school officer for higher education. <i>Ch. 15A, §6</i>	
Have complete authority for election or appointment of president, officers, and professional staff terms and conditions of employment. <i>Ch. 75, §14</i>	For state and community colleges, fix the classification, title, salary range within the general salary schedule for each member of the professional staff, establish salary for chief executive officers and certain other professional staff. <i>Ch. 15A, §9(x) and (y)</i>	Establish salaries for professional staff in accordance with ranges set by BHE. <i>Ch. 15A, §9(x) and (y)</i>
	Approve appointment and removal of chief executive officer and approve and fix the compensation of the chief executive officer of each institution within state and community college system. <i>Ch. 15A, §21 and §9(a)</i>	
Implement and evaluate affirmative action policies plans. <i>Ch. 75, §1A(f)</i>	Establish an affirmative action policy and implement a conformance program throughout the system. <i>Ch. 15A, §9(w)</i>	Implement and evaluate affirmative action policies. <i>Ch. 15A, §22(f)</i>
Employer for collective bargaining for University employees. <i>Ch. 150E</i>	Act as “employer” for collective bargaining purposes for employees of the public system of higher education, excluding employees of the University of Massachusetts. <i>Ch. 150E</i>	
	Publish a report every four years assessing overall faculty productivity and overall teaching effectiveness within the public system of higher education. <i>Ch. 15A, §33</i>	
	Administer the optional retirement program for higher education employees. <i>Ch. 15A, §40</i>	

