

# Being an Effective Trustee



MASSACHUSETTS  
Department of  
Higher Education

# Welcome

- *Patricia Byrne*, Executive Dean, Harvard Divinity School and member of the Public Education Nominating Council (PENEC)
- *Dr. Ellen Chaffee*, Senior Fellow at the Association for Governing Boards (AGB)
- *Dena Papanikolaou*, General Counsel, Department and Board of Higher Education

# Session Outcomes

- Greater understanding of
  - Legal Context for Trustee Work, Roles and Responsibilities
  - Appointment Commitment and Responsibilities (PENC)
  - Fiduciary Duties: How to ask the “right” questions

# Expectations...Duties... Responsibilities

Students and their families

Taxpayers

Governor

Employers/Workforce

Local  
Community

Faculty  
and Staff

**Public Trust**

External  
Stakeholders

Alumni

Donors

Legislature

# Expectations...Duties... Responsibilities

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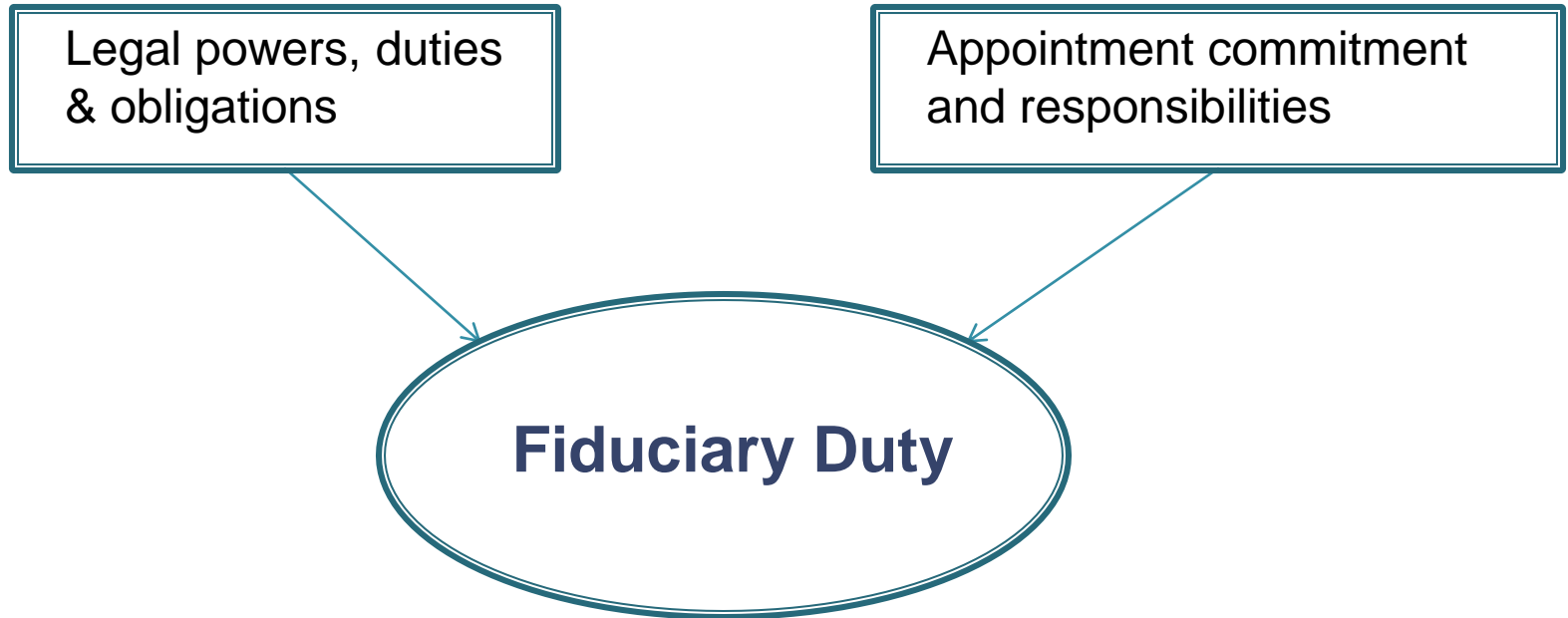
Alumni

**Fiduciary Duty**

Donors

Legislature

# Expectations...Duties... Responsibilities



# Legislative Authority

- M.G.L. c. 15A: sets forth the powers, obligations and duties of college and university 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, Section 1

- “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.”
- It is hereby further declared that in pursuit of its stated goals, the system of public higher education will strive for excellence in its programming and strengthen the access of every individual in the commonwealth to educational opportunities.



# BHE Legislative Responsibilities

Coordinating board, with some governance responsibilities (examples):

- Analyze present and future goals, needs and requirements of public higher education
- Establish goals to achieve well-coordinated, quality system
- Establish coordination between and among post secondary public institutions
- Resolve conflicts of policies or operations
- Approve 5-year master plans of institutions, and 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; degree-granting approval
- Set tuition rates (campuses set fees)
- Collect, analyze and maintain data from institutions
- Coordinate activities and engage in advocacy

# Powers and Duties of Local Boards: M.G.L. Chapter 15A, Section 21 & 22

- Boards are “responsible for establishing those policies necessary for the administrative management of personnel, staff services and general business of the institution”.
- Each board shall:
  - Cause to be prepared maintenance and capital budgets
  - Establish fees
  - Appoint, transfer, dismiss, promote and award tenure
  - Manage and keep in repair all property
  - 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 and operate programs in accordance with the degree conferring authority
  - Submit a 5-year master plan to the BHE
  - Submit financial data as required
  - Submit an annual institutional spending plan
  - Develop a mission statement
  - Submit an institutional self-assessment report
- At their pleasure and with the approval of the BHE appoint and remove the CEO of its institution.

# Legislative Roles and Responsibilities: Overview and Comparison

## Higher Ed Authority Overview

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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*

# Legislative Authority: 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>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></p>	
<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>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>Submit five-year master plan to BHE and Secretary of Education for approval. <i>Ch. 15A, §9(l) and §22(l)</i></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>	

# Other laws, policies or procedures (examples)

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

# PENC: Public Education Nominating Council

- Enabled by legislation
- Gubernatorial appointees
- Volunteers from higher education
- Chaired by Dr. Judith Mc Laughlin
- Confers with colleges, recommends to governor
- Considers candidates in light of established criteria and institutional need

# Trustee Responsibilities

- Advance educational mission
- Oversee of 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

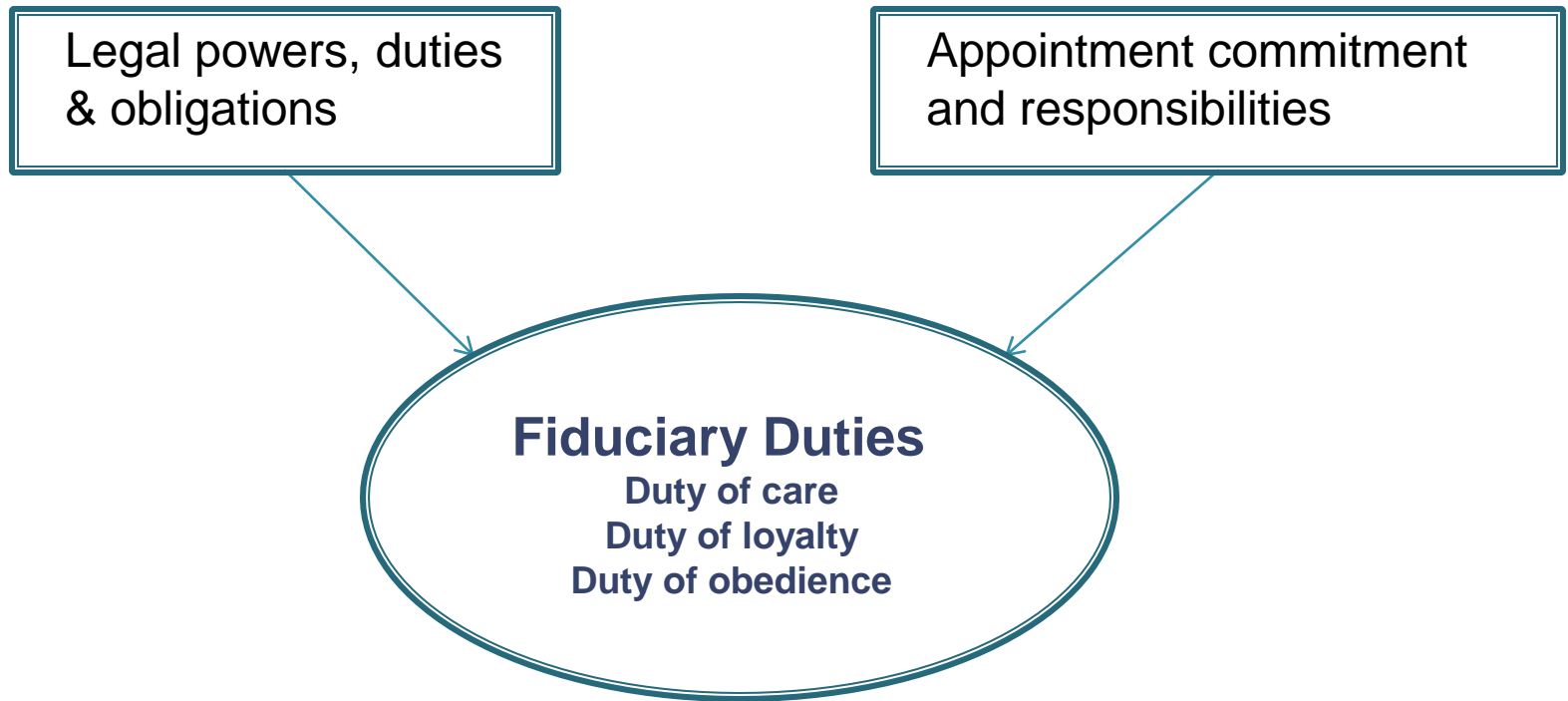
Fulfill the  
mission

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

Ensure  
long-term  
viability

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

# Being an Effective Trustee



- Questions?
- Resources: Trustee Web Corner-  
[www.mass.edu/trustees](http://www.mass.edu/trustees).