

# **Community College Trustee Appointment Guidelines**

## **Preface**

When New Jersey's higher education system was restructured in 1994, a key objective was to provide more autonomy to colleges and universities throughout the state. Trustees were especially empowered with many new responsibilities. Preservation of this local autonomy into the next millennium will be dependent on the responsible discharge by trustees of their increased decision making authority, and the maintenance of public confidence in the trustee appointment process. These Trustee Appointment Guidelines support autonomy.

Participants in the current appointment process for New Jersey's community college trustees include:

- Trustee Search Committee – Solicits, reviews, and recommends trustee candidates to the county appointing authority;
- County Appointing Authority – Makes eight trustee appointments based on recommendations of the Trustee Search Committee. Where a community college has more than one sponsoring county, the membership of the board of trustees is increased by two members for each additional county, with the seats on the board apportioned among the sponsoring counties according to population;
- College Boards of Trustees – May recommend trustee candidates for appointment by the Governor; and
- Governor – Appoints two trustees. Additionally, the county superintendent of schools serves on the community college board of trustees at the pleasure of the Commissioner of Education.

Thus, the trustee search committee, the county appointment authority, the college board of trustees, and the Governor all have responsibilities regarding the trustee appointment and reappointment process. It is desirable to establish common objectives to guide all of these participants in the trustee appointment process. These Trustee Appointment Guidelines establish these common objectives.

Prior to July 1, 1994, the State Board of Higher Education promulgated the criteria to be applied by the trustee search committee for nominating individuals to the county appointing authority. The 1994 Higher Education Restructuring Act states that trustee appointments shall be made "according to criteria... as shall be established." The contemplated appointment criteria have never been established. *These Trustee Appointment Guidelines establish these criteria.*

In summary, these Trustee Appointment Guidelines are presented to: (1) support the autonomy now enjoyed by community college boards of trustees; (2) establish common objectives for consideration by all of the participants in the trustee appointment process; and (3) respond to the statutory provision that clear criteria should be established for the trustee appointment process.

The guidelines are in four parts.

1. Appointment Objectives – What are the objectives of the trustee appointment process?
2. Trustee Qualifications – What should we be looking for in community college trustees? What kinds of individuals best serve the colleges, their communities, the counties, and the state?
3. Trustee Search Process – After agreement is reached on the types of individuals who make good trustees, how do we find them?
4. Trustee Code of Ethics – As trustee candidates are identified, what can be done to ensure that they are properly aware of the code of ethics promulgated by the NJ Commission on Higher Education and their own college?

These Trustee Appointment Guidelines will be periodically reviewed and revised as appropriate to assure that the objectives of the trustee appointment process are being achieved.

## **Community College Trustee Appointment Guidelines**

### **1. Appointment Objectives**

Community colleges are governed by lay boards entrusted to provide ethical leadership and responsible stewardship in balancing current and emerging needs of many constituencies. The strength of the college depends upon the qualifications of citizens entrusted to govern on behalf of the community. Accordingly, trustee appointments and reappointments should:

- a) Assure that the composition of the governing board will reflect balance, depth, and varied expertise, experience, and abilities;
- b) Reflect diversity of ethnicity, gender, age, and county geographic representation in order to ensure that the needs of the entire community to be served are recognized and addressed; and
- c) Be consonant with the standards of ethics adopted by the NJ Commission on Higher Education.

### **2. Trustee Qualifications**

N.J.S.A. 18A:64A-8 and 9 provide the following list of qualifications for candidates for appointment to a community college board of trustees:

Must be a resident of the country in which the college is located for four years prior to the appointment;

- Shall not be an elected official;
- Shall not be an employee of a constituent county;
- Shall not be an employee of the college;
- Shall not have been a member of the trustee search committee within the six months prior to the appointment to the board of trustees; and
- At least two appointed trustees shall be of each gender.

The following additional qualifications are recommended for appointment and reappointment of community college trustees (adopted from *A Guide to the Election and Appointment of Community College Trustees* published by the Association of Community College Trustees):

- a) Appointees should understand and appreciate the distinct mission of the community college;
- b) Appointees should be knowledgeable about community issues and have demonstrated service to the community;
- c) Appointees should possess a desire to advocate for the college and its students;
- d) Appointees should be knowledgeable about board governance responsibilities and appreciate the difference between board governance and administrative responsibilities;
- e) Appointees should be able to commit sufficient time to board governance responsibilities;
- f) Appointees should be aware of ethical issues of board governance and be unencumbered by private agendas;
- g) Appointees should be sensitive to issues of diversity;

- h) Appointees should understand that governance authority is vested in the board, not the individual trustee;
- i) Appointees should be committed to continuing trustee development and completion of a training program during the first year of service as a trustee;
- j) Appointees should possess characteristics and qualities that will enhance the standing of the college within the community; and
- k) Appointees should not be an immediate family member of nor be involved in a common business venture with a county official or college employee.

### **3. Trustee Search Process**

Under current statute (N.J.S.A. 18A:64A-8), an independent and autonomous search for trustee nominees is conducted by a trustee search committee established by the county appointing authority. The trustee search committee, consisting of at least five members, nominates individuals for appointment to the board of trustees by the county appointing authority. The members of the trustee search committee:

- Must be residents of the county; and
- Cannot be elected public officials.

The following additional guidelines are recommended for the trustee search process:

- a) Appointments to the trustee search committee should reflect the diversity of the county.
- b) Individuals with potential conflicts of interest should not be appointed to the trustee search committee. For example:
  - Trustees and employees of the county college should be ineligible to serve on the trustee search committee;
  - Employees of the appointing county should be ineligible to serve on the trustee search committee; and
  - An immediate family member of business associate of a county official, county employee, college trustee, or college employee should be ineligible to serve on the trustee search committee.
- c) The county appointing authority should specify a term of appointment for members of the trustee search committee.
- d) Trustee search committees should publish solicitations for applicants for trustee appointments.
- e) Trustee appointments by the county appointing authority should be limited to individuals nominated by the trustee search committee.
- f) The trustee search committee should adopt and transmit a resolution to the county appointing authority, nominating for consideration for appointment to the board of trustees individuals who satisfy the qualifications and criteria set forth in these Trustee Appointment Guidelines. The nominating resolution should be available to the public upon receipt by the county appointing authority.
- g) The trustee search committee should transmit its recommendation in a time frame that permits the appointing authority to fill the trustee position as soon as it becomes available.

- h) The trustee search committee should initiate a new candidate solicitation and search if one has not been conducted within the six month period preceding the need for a trustee appointment or reappointment.
- i) The trustee search committee should adopt internal procedures to guide its deliberations addressing such matters as quorum requirements, voting, methods for soliciting potential candidates, and the interviewing process.
- j) The number of candidates to be recommended per appointment should be developed collaboratively with the county appointing authority.
- k) The trustee search committee should conduct its business in a manner that instills public confidence in the trustee nomination process.

For gubernatorial appointments to the board of trustees, a search committee is not required. Under current statute (N.J.S.A. 18A:3B-6), boards of trustees may recommend individuals for appointment to the board by the Governor, with the final appointing authority resting with the Governor. Boards of trustees should adopt a policy to govern the process for making trustee appointment recommendations to the Governor.

#### **4. Trustee Code of Ethics**

The NJ Commission on Higher Education has approved an Institutional Code of Ethics (N.J.A.C. 9A:3-1.1) setting forth general standards to be incorporated in a code of ethics adopted by each public institution of higher education for its officers and employees. The provisions of the Commission's Code of Ethics generally mirror the requirements of the New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12) and the Local Government Ethics Law (N.J.S.A. 40A:9-22.1). The standards of the code of ethics are intended to ensure that officers and employees conducting the business of public institutions of higher education avoid conflicts of interest or the appearance of conflicts of interest. Trustees are prohibited from:

“having an interest, financial or otherwise, direct or indirect, or engaging in any business or transaction or professional activity which is in substantial conflict with the proper discharge of their duties.”

The Commission's code of ethics and the code of ethics of the college should be considered in evaluating candidates for a seat on the board of trustees. The background of candidates for trustee appointment should be evaluated by the trustee search committee to determine whether the candidates have any business or professional interests or activities that would be incompatible with the code of ethics if the candidate were to be appointed as a trustee.

Prior to nomination, each trustee candidate should receive and review a copy of the code of ethics adopted by the college. Candidates should confirm in writing the absence of any circumstance that would represent an appearance of conflict of interest. Additionally, appropriate inquiry by the trustee search committee should confirm the absence of any conduct by the appointee that would negatively impact the integrity and interests of the college.

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