



Effective: [See Text Amendments]

NEW JERSEY STATUTES ANNOTATED
TITLE 18A. EDUCATION
SUBTITLE 2. **STATE DEPARTMENTS GOVERNING EDUCATION**
CHAPTER 3B. **HIGHER EDUCATION GOVERNANCE**
 →18A:3B-1. Short title

This act shall be known and may be cited as the "Higher Education Restructuring Act of 1994."

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.



Effective: [See Text Amendments]

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 →18A:3B-2. Legislative findings and declaration

The Legislature finds and declares that:

- a. the institutions of higher education are one of the most valuable and underutilized resources in the State; and
- b. the elimination of unnecessary State oversight and its accompanying bureaucracy will serve to unleash the creativity and innovation of these institutions; and
- c. the restructuring of higher education must ensure that student aid programs are not only preserved but strengthened and that the State continue to foster and encourage programs to promote diversity and accessibility; and
- d. the institutions of higher education in the State shall be responsible for achieving the Statewide goals of affordability and accessibility for all students, institutional excellence, and effectiveness in addressing the societal and economic needs of the State; and
- e. in order to provide institutions with the ability to fulfill their mission and Statewide goals, greater decision making and accountability must be placed at the institutional level and structures must be established to ensure cooperation among institutions and coordination at the State level; and
- f. the State benefits from a coordinated system of higher education that includes public and private institutions which offer a variety of programs with a range of choices and which addresses the needs of the State including its citizens and employers.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

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➔ **18A:3B-3. Definitions**

For the purposes of this act, unless the context clearly requires a different meaning:

"Authority" means the Higher Education Student Assistance Authority established pursuant to [N.J.S.18A:71A-3](#);

"Commission" means the New Jersey Commission on Higher Education established by this act;

"Council" means the New Jersey Presidents' Council established by this act;

"Programmatic Mission" means all program offerings consistent within those levels of academic degrees or certificates that the institution has been authorized to grant by the State Board of Higher Education prior to the effective date of this act or approved thereafter by the commission;

"Public Research University" means Rutgers, The State University of New Jersey, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology;

"State college" means any of the State colleges or universities established pursuant to chapter 64 of Title 18A of the New Jersey Statutes including any State college designated as a teaching university.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

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➔ **18A:3B-4. Abolishment of department of higher education**

The Department of Higher Education created by P.L.1967, c. 271 (C. 18A:3-1 et seq.) is abolished as a principal department in the Executive Branch of State Government and all of its functions, powers and duties, except as herein otherwise provided, are terminated.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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➔ **18A:3B-5. Termination of offices**

The offices and terms of the Chancellor of Higher Education, vice-chancellor, the assistant chancellors and the directors of the various divisions and offices of the Department of Higher Education, except as herein otherwise provided, shall terminate upon the effective date of this act.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.



Effective: [See Text Amendments]

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→18A:3B-6. Governing boards of public institutions of higher education; powers and duties

The governing board of each public institution of higher education shall have the following general powers and duties to fulfill its mission and the Statewide goals in cooperation with other institutions and the State coordinating structures:

- a. To develop an institutional plan and to determine the programs and degree levels to be offered by the institution consistent with this plan and the institution's programmatic mission;
- b. To have authority over all matters concerning the supervision and operations of the institution including fiscal affairs, the employment and compensation of staff not classified under Title 11A of the New Jersey Statutes, and capital improvements in accordance with law;
- c. To set tuition and fees; however, prior to the date of the adoption of a tuition or fee schedule or an overall institutional budget, and with reasonable notice thereof, the governing board shall conduct a public hearing at such times and places as will provide those members of the college community who wish to testify with an opportunity to be heard;
- d. To establish admission standards and requirements and standards for granting diplomas, certificates and degrees;
- e. To recommend for appointment by the Governor, members to the institution's governing board. The recommendation shall be made with regard to the mission of the institution and the diversity of the community to be served;
- f. To have final authority to determine controversies and disputes concerning tenure, personnel matters of employees not classified under Title 11A of the New Jersey Statutes, and other issues arising under Title 18A of the New Jersey Statutes involving higher education except as otherwise provided herein. Any matter arising under this subsection may be assigned to an administrative law judge, an independent hearing officer or to a subcommittee of the governing board for hearing and initial decision by the board, except for tenure hearings under [N.J.S.18A:6-18](#). Any hearings conducted pursuant to this section shall conform to the requirements of the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.). The final administrative decision of a governing board of a public institution of higher education is appealable to the Superior Court, Appellate Division;
- g. To invest and reinvest the funds of the institution; however, institutions which invest the funds of the institution through the Director of the Division of Investment in the Department of the Treasury on or before the effective date of this act shall continue to do so, unless this requirement is waived by the State Treasurer on an annual basis, which waiver shall not be unreasonably withheld;
- h. To retain legal counsel of the institution's choosing. State entities may choose representation by the Attorney General; however, as to claims of a tortious nature, the institution shall elect within 75 days of the effective date of this act whether it, and its employees, shall be represented in all such matters by the Attorney General. If the institution elects not to be represented by the Attorney General, it shall be considered and its employees considered employees of a sue and be sued entity for the purposes of the "New Jersey Tort Claims Act" only. The institution shall be required in that circumstance to provide its employees with defense and indemnification consistent with the terms and conditions of the Tort Claims Act in lieu of the defense and indemnification that such employees would otherwise seek and be entitled to from the Attorney General pursuant to [N.J.S.59:10-1](#) et seq. and P.L.1972, c. 48 (C.59:10A-1 et seq.);

- i. To be accountable to the public for fulfillment of the institution's mission and Statewide goals and for effective management of the institution;
- j. To submit a request for State support to the Division of Budget and Accounting in the Department of the Treasury and to the commission in accordance with the provisions of this act;
- k. To have prepared and made available to the public an annual financial statement, and a statement setting forth generally the moneys expended for government relations, public relations and legal costs;
- l. To have prepared an annual independent financial audit, which audit and any management letters regarding that audit shall be deemed public documents.

These powers and duties are in addition to and not a limitation of the specific powers and duties provided for the governing board of each public institution under chapters 64, 64A, 64G or 64E of Title 18A of the New Jersey Statutes. If the provisions of this section are inconsistent with these specific powers and duties, the specific powers and duties shall govern.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: June 26, 2003

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→18A:3B-7. New Jersey presidents' council established; membership

There is established a body corporate and politic, with corporate succession, to be known as the "New Jersey Presidents' Council." Each president of a public institution of higher education in the State and of an independent institution which receives direct State aid shall be a member of the council and shall serve ex officio. The presidents of the proprietary schools which have been authorized to offer licensed degree programs prior to the effective date of P.L.2003, c.99 shall also serve as members of the council, ex officio, to represent the interests of all such schools. The presidents of the two institutions primarily involved in the preparation of professional persons in the field of religion which enroll the largest number of pupils in State licensed degree programs shall also serve as members of the council, ex officio, to represent the interests of all such schools.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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→18A:3B-8. Responsibilities of council

The council shall have the responsibility, consistent with State and federal law, to:

- a. provide public information and research on higher education issues;
- b. review and make recommendations to the commission concerning proposals for new programs that exceed the programmatic mission of an institution or that change the programmatic mission of an institution;

- c. review and comment on proposals for new programs that demand significant added resources or raise significant issues of duplication but do not exceed the programmatic mission of the institution or require a change in the programmatic mission. If the council determines that a proposed new program is unduly expensive or unduly duplicative, the council shall refer that proposal to the commission for review; however, unless the commission disapproves of that program within 60 days of its referral, the program shall be deemed approved;
- d. encourage the formation of regional or other alliances among institutions including interinstitutional transfers, program articulation, cooperative programs and shared resources and develop criteria for "full faith and credit" transfer agreements between county colleges and other institutions of higher education. The council shall also keep institutions apprised of the discontinuance of programs at other institutions and each president shall notify the council of any such action;
- e. advise and assist the commission in developing and updating a plan for higher education in the State including, but not limited to, the establishment of new institutions, closure of existing institutions and consolidation of institutions;
- f. provide policy recommendations on Statewide higher education issues;
- g. recommend to the Governor, Legislature and commission on policy and overall levels of funding for student aid programs necessary to ensure accessibility to higher education;
- h. transmit to the Governor, Legislature and commission a general budget policy statement regarding overall State funding levels;
- i. upon referral from the commission pursuant to this act provide recommendations concerning institutional licensure and university status;
- j. appoint subcommittees consisting of the presidents of the institutions of the various higher education sectors to decide matters, within the authority of the council. The presidents of the independent institutions shall develop a unified request for State support under chapter 72B of Title 18A of the New Jersey Statutes. The presidents of the county college sector shall develop a unified request for State support under chapter 64A of Title 18A of the New Jersey Statutes; and
- k. consult with the Higher Education Student Assistance Authority concerning student assistance matters.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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→18A:3B-9. Powers of council

The council shall have perpetual succession and shall have the following powers:

- a. To make, amend, and repeal rules and bylaws for its own governance and guidance not inconsistent with State or federal law;
- b. To adopt an official seal and alter the same at pleasure;
- c. To maintain an office at such place or places within the State as it may designate; and
- d. To sue and be sued in its own name and to retain legal counsel of its choosing.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

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➔18A:3B-10. Expenses of council; method of payment

For the purposes of funding the necessary expenses of the council, the various institutions shall pay the expenses incurred by their respective presidents, and shall appropriate annually such sums for dues as may be assessed by a two-thirds vote of the council. The dues may be made upon a graduated scale based upon a two thirds vote of the council.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

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➔18A:3B-11. Organization; meetings; selection of officers

a. The council shall organize within 60 days of the effective date of this act. Thereafter the council shall organize annually during the month of February and meet at other times as may be necessary, but not less than twice during the course of the year. Although the council is a purely advisory body, it shall be subject to the provisions of the "Open Public Meetings Act," P.L.1975, c. 231 (C. 10:4-6 et seq.);

b. The council may select such officers as may be necessary for the transaction of business.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

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➔18A:3B-12. Executive board; duties; membership

a. There shall be established an executive board which performs such duties as determined by the council. The executive board shall be composed of 15 members as follows:

The president of Rutgers, The State University;

The president of the University of Medicine and Dentistry of New Jersey;

The president of New Jersey Institute of Technology;

Three presidents of State Colleges who shall be selected by the presidents of this sector;

Five presidents of county colleges who shall be selected by the presidents of this sector;

Three presidents of independent institutions who shall be selected by the presidents of this sector;

One president of the proprietary schools which have been authorized to offer licensed degree programs prior to the effective date of P.L.2003, c.99 who shall be selected by the presidents of these proprietary schools.

b. The chair of the executive board shall be rotated among the following: one of the presidents of Rutgers, The State University of New Jersey, the president of the University of Medicine and Dentistry of New Jersey, and the president of New Jersey Institute of Technology; a president selected by the presidents of the State Colleges; a president selected by the presidents of the county colleges; and a president selected by the presidents of the independent institutions. The chair of the executive board shall serve for a two-year period. Biennially, the executive board shall select the chair in the manner provided above, but not necessarily in the order provided above.

c. The chair of the executive board shall also serve as the chair of the council.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.



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→18A:3B-13. New Jersey commission on higher education established; membership; vacancies

a. There is established the New Jersey Commission on Higher Education which shall consist of 11 members: six public members, to be appointed by the Governor with the advice and consent of the Senate without regard for political affiliation; two public members to be appointed by the Governor, one upon the recommendation of the President of the Senate and one upon the recommendation of the Speaker of the General Assembly; the chairperson of the New Jersey Presidents' Council, ex officio; one faculty member from an institution of higher education to be appointed by the Governor with the advice and consent of the Senate; and the chairperson of the Board of Higher Education Student Assistance Authority, ex officio, or a designee from the public members of the authority. The public members shall reflect the diversity of the State. Notwithstanding the above, for a period of four years from July 1, 1994 the commission shall consist of 16 members, as follows: 10 public members, appointed by the Governor with the advice and consent of the Senate without regard for political affiliation, six of whom shall have experience as a current member of the governing board of an institution of higher education; four public members to be appointed by the Governor, two upon the recommendation of the President of the Senate and two upon the recommendation of the Speaker of the General Assembly; the chairperson of the New Jersey Presidents' Council, ex officio; and the chairperson of the Board of the Higher Education Student Assistance Authority, ex officio, or a designee from the public members of the authority. The executive director of the commission shall be an ex officio, non-voting member of the commission. In addition, the Governor shall appoint two students in attendance at public or independent institutions of higher education in the State from recommendations submitted by student government associations of New Jersey colleges and universities, who shall serve for a one year term on the commission as voting members.

b. Public members who are not experienced as governing board members shall serve for a term of six years from the date of their appointment and until their successors are appointed and qualified; except that of the initial appointees who are not serving on the governing board of an institution: one shall serve a term of one year; one shall serve a term of two years; one shall serve a term of three years; one shall serve a term of four years; two shall serve a term of five years; and two shall serve a term of six years. A public member who does not have experience as a current member of a governing board shall serve until the member's successor is appointed and qualified.

The faculty member of the commission shall serve for a term of one year from the date of appointment and the selection of that member shall be rotated among the following higher education sectors although not necessarily in the order listed: the senior public research universities, the State colleges/universities, the county colleges, and the independent institutions. The faculty member shall serve until his successor is appointed and qualified.

Any vacancy shall be filled in the same manner as the original appointment but only for the balance of the unexpired term. The commission members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. No commission member shall be appointed for more than two consecutive six-year terms.

c. The Governor shall make the necessary appointments within 15 days of the effective date of this act. The commission shall hold its first meeting within 30 days of the appointment and qualification in office of its members, at which time the Governor shall appoint, for a two-year term, the chairman of the commission from among those public members not serving on the board of trustees of an institution. Upon the completion of the chairman's term, and every two years thereafter, the commission shall elect, from among those public members who are not serving on the board of trustees of an institution, a chairman who shall serve a two-year term. The chairman may be removed by the Governor for cause after an opportunity to be heard.

d. The commission shall be established in the Executive Branch of the State Government and for the purposes of

complying with the provisions of [Article V, Section IV, paragraph 1 of the New Jersey Constitution](#), the commission is allocated in but not of the Department of State, but notwithstanding this allocation, the commission shall be independent of any supervision or control by the department or by any board or officer thereof. The commission shall submit its budget request directly to the Division of Budget and Accounting in the Department of the Treasury.

e. The commission shall appoint an executive director and such other personnel as may be deemed necessary. The executive director and professional staff shall serve at the commission's pleasure and shall receive such compensation as provided by law.

f. The Attorney General shall provide legal representation to the commission.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.



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➔18A:3B-14. Responsibilities of commission

The commission shall be responsible for:

a. Statewide planning for higher education including research on higher education issues and the development of a comprehensive master plan, including, but not limited to, the establishment of new institutions, closure of existing institutions, and consolidation of institutions, which plan shall be long-range in nature and regularly revised and updated. The council may request the commission to conduct a study of a particular issue. The commission may require from institutions of higher education such reports or other information as may be necessary to enable the commission to perform its duties;

b. advocacy on behalf of higher education including informing the public of the needs and accomplishments of higher education in New Jersey;

c. making recommendations to the Governor and Legislature on higher education initiatives and incentive programs of Statewide significance;

d. final administrative decisions over institutional licensure and university status giving due consideration to the accreditation status of the institution. The commission shall furnish the Presidents' Council with any pertinent information compiled on behalf of the subject institution and the council shall then make recommendations to the commission concerning the licensure of the institution or university status within sixty days of receipt of the information;

e. adopting a code of ethics applicable to institutions of higher education;

f. final administrative decisions over new academic programs that go beyond the programmatic mission of the institution and final administrative decisions over a change in the programmatic mission of an institution. In addition, within 60 days of referral of a proposed new program determined to be unduly expensive or duplicative by the council, the commission may deny approval of programs which do not exceed the programmatic mission of the institution, but which are determined by the New Jersey Presidents' Council to be unduly duplicative or expensive;

g. reviewing requests for State support from the institutions in relation to the mission of the institution and Statewide goals and proposing a coordinated budget policy statement to the Governor and Legislature;

- h. communicating with the State Board of Education and Commissioner of Education to advance public education at all levels including articulation between the public schools and higher education community;
- i. applying for and accepting grants from the federal government, or any agency thereof, or grants, gifts or other contributions from any foundation, corporation, association or individual, and complying with the terms, conditions and limitations thereof, for the purpose of advancing higher education. Any money so received may be expended by the commission upon warrant of the director of the Office of Management and Budget in the Department of the Treasury on vouchers certified by the executive director of the commission;
- j. acting as the lead agency of communication with the federal government concerning higher education issues, except that the Higher Education Student Assistance Authority shall act, in cooperation with the commission, as the lead agency on issues of student assistance;
- k. exercising all of the powers and duties previously exercised by the Board of Higher Education, the Department of Higher Education, and the Chancellor of Higher Education, under the "New Jersey Higher Education Building Construction Bond Act of 1971," P.L.1971, c. 164, the "New Jersey Medical Education Facilities Bond Act of 1977," P.L.1977, c. 235, the "Jobs, Science and Technology Bond Act of 1984," P.L.1984, c. 99 and the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c. 78, the "Higher Education Equipment Leasing Fund Act," P.L.1993, c. 136, and the "Higher Education Facilities Trust Fund Act," P.L.1993, c. 375 ;
- l. exercising any other power or responsibility necessary in order to carry out the provisions of this act; and
- m. consulting with the Higher Education Student Assistance Authority on student assistance matters.

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→18A:3B-15. Rules and regulations

The commission shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.), necessary to carry out the provisions of this act. Regulations adopted by the State Board of Higher Education pertaining to:

- a. licensing of institutions and university status;
- b. outside employment for employees of public institutions and State agencies and Code of Ethics;
- c. residency requirements for tuition purposes;
- d. personnel policies which affect the terms and conditions of employment including classification and compensation plans adopted pursuant thereto;
- e. tenure and multi-year contracts;
- f. rights and procedures in a reduction in force;
- g. student trustee policies; and
- h. regulations concerning early retirement programs and length of the academic year shall continue with full force and effect under the authority of the commission for a period of one year from the effective date of this act or until

amended, continued or repealed by the commission pursuant to law.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

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➔18A:3B-16. Report to legislature and governor; recommendations

a. The commission shall report to the Legislature and Governor within six months of the effective date of this act on recommendations concerning the collective bargaining process and the civil service classification of certain institutional employees.

b. The commission shall make recommendations the Legislature and Governor regarding the following within one year of the effective date of this act:

(1) articulation between higher education and elementary and secondary education;

(2) the manner in which the administration of student assistance programs may be modernized and made more efficient including the privatization of student loan administration and the merger of the Student Assistance Board and the New Jersey Higher Education Assistance Authority;

(3) the manner in which higher education is funded including mission-based funding, multi-year funding and tuition establishment.

c. The commission may request assistance from any agency of State government or may seek assistance from outside consultants, foundations or other organizations in order to conduct any study that may be required under this section subject to available appropriations.

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➔18A:3B-17, 18A:3B-18. Repealed by L.1999, c. 46, § 71

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➔18A:3B-17, 18A:3B-18. Repealed by L.1999, c. 46, § 71

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➔18A:3B-19. Transfer of functions, powers and duties of educational opportunity fund or its board

a. All functions, powers and duties now vested in the Educational Opportunity Fund or the board of directors thereof in the Department of Higher Education are transferred to and assumed by the Educational Opportunity Fund and the board of directors thereof under the Commission on Higher Education in but not of the Department of State.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Educational Opportunity Fund or the board of directors thereof in the Department of Higher Education, the same shall mean and refer to the Educational Opportunity Fund or the board of directors thereof in the Commission on Higher Education in but not of the Department of State.

c. Nothing in this act shall be construed to limit the authority of the Educational Opportunity Fund, or the board of directors thereof, or to alter the terms and conditions of grants made to students by the fund.

d. This transfer shall be subject to the provisions of the "State Agency Transfer Act", P.L.1971, c. 375 (C. 52:14D-1 et seq.).

e. The present members of the board of directors, other than the Chancellor of Higher Education, shall hold their office for the duration of their respective terms.

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➔18A:3B-20. Repealed by L.1999, c. 46, § 71

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➔18A:3B-21. Transfer of functions, powers and duties of educational facilities authority and its officers to the department of treasury

a. All functions, powers and duties now vested in the Educational Facilities Authority or the officers thereof in the Department of Higher Education are transferred to and assumed by the Educational Facilities Authority and the officers thereof in but not of the Department of the Treasury.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Educational Facilities Authority or the board of directors thereof in the Department of Higher Education, the same shall mean and refer to the Educational Facilities Authority or the board of directors thereof in but not of the Department of the Treasury.

c. Nothing in this act shall be construed to limit the power of the Educational Facilities Authority or to alter the terms and conditions of loans made by the authority. Nothing in this act shall be construed to alter the terms, conditions, rights or remedies of any obligation issued by the authority.

d. This transfer shall be subject to the provisions of the "State Agency Transfer Act", P.L.1971, c. 375 (C. 52:14D-1 et seq.).

e. The Department of the Treasury shall render administrative assistance, including but not limited to personnel and fiscal assistance, to the authority upon the request of the authority. The cost and expense of any services rendered shall be paid by the authority.

f. The present members of the authority shall hold their office for the duration of their respective terms.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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➔18A:3B-22. Commission to exercise power of approval over projects under "Jobs, Education and Competitiveness Bond Act of 1988"

The functions, powers and duties of the State Board of Higher Education, including the approval of projects, under the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c. 78 shall, following July 1, 1994, be exercised by the New Jersey Commission on Higher Education.

Any final action taken by the State Board of Higher Education prior to July 1, 1994 including the approval of any project under this bond act shall be unaffected by the provisions of P.L.1994, c. 48 (C. 18A:3B-1 et al.) and such final action is hereby ratified and confirmed.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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➔18A:3B-23. Commission to exercise power of approval over purchase of equipment and allocation of funds under "Higher Education Equipment Leasing Fund Act"

The functions, powers and duties of the State Board of Higher Education, including the approval of the equipment purchase and allocation of funds, under the "Higher Education Equipment Leasing Fund Act," P.L.1993, c. 136 (C. 18A:72A-40 et seq.) shall, following July 1, 1994, be exercised by the New Jersey Commission on Higher Education.

Any final action taken by the State Board of Higher Education prior to July 1, 1994, including the approval of an equipment purchase or allocation of funds, under this bond act shall be unaffected by the provisions of P.L.1994, c. 48 (C. 18A:3B-1 et al.) and such final action is hereby ratified and confirmed.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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➔18A:3B-24. Commission to exercise power of approval over purchase of equipment and allocation of funds under "Higher Education Facilities Trust Fund Act"

The functions, powers and duties of the State Board of Higher Education, including the approval of the equipment purchase and allocation of funds, under the "Higher Education Facilities Trust Fund Act," P.L.1993, c. 375 (C. 18A:72A-49 et seq.) shall, following July 1, 1994, be exercised by the New Jersey Commission on Higher Education.

Any final action taken by the State Board of Higher Education prior to July 1, 1994, including the approval of grants or allocation of funds, under this bond act shall be unaffected by the provisions of P.L.1994, c. 48 (C. 18A:3B-1 et al.) and is hereby ratified and confirmed. The membership of the "Higher Education Facilities Trust Fund Board" shall include the chair and vice-chair of the New Jersey Commission on Higher Education in the place of the members of the State Board of Higher Education and the Chancellor of Higher Education.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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➔18A:3B-25. Commission to exercise powers under "Jobs, Science and Technology Bond Act"

The functions, powers and duties of the State Board of Higher Education under the "Jobs, Science and Technology Bond Act," P.L.1984, c. 99 shall, following July 1, 1994, be exercised by the New Jersey Commission on Higher Education.

Any final action taken by the State Board of Higher Education prior to July 1, 1994 under this bond act shall be unaffected by the provisions of P.L.1994, c. 48 (C. 18A:3B-1 et al.) and is hereby ratified and confirmed.

Regulations of the State Board of Higher Education concerning this bond act shall be continued under authority of the commission until amended or repealed by the commission.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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➔18A:3B-26. Vested rights and powers of Rutgers, the state university, not affected

This act shall not be construed to impair any vested rights, grants, charter rights, privileges, exemptions, immunities, powers, prerogatives, franchises or advantages continued, granted or obtained by Rutgers, The State University under the "Rutgers, The State University Law," [N.J.S. 18A:65-1](#) et seq., nor shall this act be construed to impose additional powers, duties or responsibilities upon Rutgers, The State University not contained within [N.J.S. 18A:65-1](#) et seq.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

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Effective: [See Text Amendments]

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➔18A:3B-27. Institutions of higher education to be allocated to the department of state

For the purposes of complying with the provisions of [Article V, Section IV, Paragraph 1 of the New Jersey Constitution](#), any State institution of higher education which was allocated to the Department of Higher Education or other department of State government shall be allocated to the Department of State upon the effective date of this act. Notwithstanding this allocation, any such institution shall be independent of any supervision or control of the Department of State or any board, commission or officer thereof and the allocation shall not in any way affect the principles of institutional autonomy established in this act.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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➔18A:3B-28. Construction of law

This act is a revision law and the provisions hereof not inconsistent with prior laws shall be construed as a continuation of such prior laws and its enactment shall not:

- a. affect the tenure, compensation and pension rights, if any, of the lawful holder thereof, in any position not specifically abolished herein, upon the effective date of this act;
- b. alter the term of any member of any board, commission or public body, not specifically abolished herein, lawfully in office as of the effective date of this act, or require the reappointment thereof;
- c. require the resubmission to the voters of any proposal adopted by such voters prior to the effective date of this act.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.



Effective: [See Text Amendments]

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➔18A:3B-29. Commission to decide pending petitions, controversies and disputes under law in effect when action arose

All petitions, controversies and disputes pending before the State Board of Higher Education or the Chancellor of Higher Education and not disposed of as of the effective date of this act shall be decided by the commission under the law under which the action arose as though this act had not been enacted. The commission shall have all necessary powers to render a final administrative decision in accordance with the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.) in regard to these controversies and disputes. This section shall not be construed to grant to the commission general authority to render final administrative decisions on matters arising under the laws governing higher education except as otherwise specifically provided herein.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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➔18A:3B-30. Department of treasury to be responsible for implementation

The Department of the Treasury in consultation with the Department of Personnel shall be responsible for any administrative, fiscal and personnel actions necessary to implement the provisions of this act.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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➔18A:3B-31. Reports; interim and comprehensive

a. The council and commission established under this act shall submit an interim report to the Governor and Legislature on or before July 1, 1996 with an assessment of the restructuring of higher education embodied in this act and recommendations concerning the modification of this structure.

b. On or before July 1, 1999, the council and the commission shall submit a comprehensive report to the Governor and the Legislature, including, for each public institution of higher education: a profile of the student body including graduation rates, SAT or other test scores, the percentage of New Jersey residents in the student body, the number of scholarship students and the number of Education Opportunity Fund students in attendance; a profile of the faculty including the ratio of full to part-time faculty members, and major research and public service activities; a profile of the trustees or governors as applicable; and, a profile of each institution, including degree and certificate programs, status of accreditation, major capital projects and any other information which the commission and the council deem appropriate. The report shall include an assessment of the restructuring of higher education and may include recommendations as to the modification or alteration of this structure.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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➔18A:3B-32. Limitations on powers of commission; bond holders protected

The powers conferred in this act upon the commission shall be exercised with due regard for the rights of the holders of bonds of this State or any authority thereof, at any time outstanding, and nothing in, or done pursuant to this act, shall in any way limit, restrict, or alter the obligation or powers of the State or its authorities to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by, or on behalf of the State or any authority thereof with respect to its bonds or for the benefit, protection or security of the holders thereof.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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➔18A:3B-33. Participation in alternate benefits program by former department employees

Notwithstanding the provisions of any law to the contrary, any former employee of the Department of Higher Education who was a participant in the alternate benefits program, P.L.1969, c. 242 (C. 18A:66-168 et seq.), and who has continued in uninterrupted service with the State may continue to participate in the alternate benefits program on the same terms as other eligible employees.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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→18A:3B-34. Powers of chairman

a. The Chairman of the Commission on Higher Education at the request of the Governor shall have authority to visit public institutions of higher education to examine their manner of conducting their affairs and to enforce an observance of the laws of the State.

b. The chairman at the request of the Governor may administer oaths and examine witnesses under oath in any part of the State with regard to any matter pertaining to higher education, and may cause the examination to be reduced to writing. Any person willfully giving false testimony upon being sworn or affirmed to tell the truth shall be guilty of a misdemeanor.

c. The chairman, at the request of the Governor may issue subpoenas pursuant to this section compelling the attendance of witnesses and the production of books and papers in any part of the State. Any person who shall neglect or refuse to obey the command of the subpoena or who, after appearing, shall refuse to be sworn and testify, unless such refusal is on grounds recognized by law, shall in either event be subject to a penalty of \$1,000.00 for each offense to be recovered in a civil action. Such penalty when recovered shall be paid into the State Treasury.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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→18A:3B-35. Annual report; contents

Each public institution of higher education shall prepare and make available to the public an annual report on the condition of the institution which shall include, but need not be limited to a profile of the student body including graduation rates, SAT or other test scores, the percentage of New Jersey residents in the student body, the number of scholarship students and the number of Educational Opportunity Fund students in attendance; a profile of the faculty including the ratio of full to part-time faculty members, and major research and public service activities; a profile of the trustees or governors as applicable; and, a profile of the institution, including degree and certificate programs, status of accreditation, major capital projects and any other information which the commission and the institution deem appropriate. The form and general content of the report shall be established by the Commission on Higher Education.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.

Effective: [See Text Amendments]

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➔18A:3B-36. Reorganization and transfers after July 1, 1994; specific enabling legislation required

For the purposes of any reorganization or transfer after the effective date of this act, any commission, council, board or other body created pursuant to this act, and any public entity transferred or otherwise reorganized herein shall not be subject to the provisions of the "Executive Reorganization Act of 1969", P.L.1969, c. 203 (C. 52:14C-1 et seq.), but shall require specific enabling legislation.

Current through L.2006, c. 103 (End) and L.2007, c. 48 and J.R. No. 4.