

Attachment A to BHE 21-32: Trustee Training Implementation Guidelines and Framework (October 20, 2020)

	Statutory Requirements	Recommended BHE Implementation Guidelines
Public Higher Education Trustees- M.G.L. c. 15A, §45	<u>Curriculum</u> Said instruction & training shall include overview of: <ul style="list-style-type: none"> ▪ Open meeting law ▪ Public records law ▪ Conflict of interest law ▪ State procurement laws ▪ State finance provisions under chapter 29 ▪ Fraud prevention ▪ Fiduciary responsibilities 	Curriculum will also include a segment on governance and roles and responsibilities (e.g., role of President vs. role of Trustees)
	<u>Timeline</u> <ul style="list-style-type: none"> ▪ All trustees must complete BHE training program once every 4 years ▪ BHE shall establish a schedule* 	DHE staff recommendations: <ul style="list-style-type: none"> • All sitting trustees (trustees appointed prior to October 20,2020) must complete training no later than November 1, 2021. • Going forward, new trustees (trustees appointed after October 20, 2020) must receive training w/in 6 months of appointment. • Commissioner will establish “exigent circumstances” process for exemptions
	<u>Enforcement</u> <ul style="list-style-type: none"> ▪ Trustee membership shall terminate if member fails to complete the program w/in timeframe established by BHE 	DHE will track and certify trustee completion of training requirements every 4 years through the DHE online training platform.
Private Higher Education Trustees- M.G.L. c. 69, §31B (e) and (g)	<u>Curriculum</u> Said instruction and training shall include: <ul style="list-style-type: none"> ▪ Higher education financial metrics; ▪ Legal and fiduciary responsibilities; and ▪ Applicable standards for accreditation 	<ul style="list-style-type: none"> • IHEs to submit training agenda (curriculum) with annual certification • Curriculum <u>must</u> include statutory minimum requirements. • Working with AGO on other minimum curriculum content recommendations on fiduciary duty.

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	<p><u>Timeline</u> All trustees must receive training at least once every 4 years</p>	<ul style="list-style-type: none"> • All sitting trustees must receive training within four years of the date of statute (November 14, 2019). • DHE staff recommend all sitting trustees in key leadership roles-- board chairs, vice chairs and chairs of committees, including audit and finance committees- receive training on shorter timeframe (<i>i.e.</i>, within one year- November 1, 2021). • DHE staff recommend all newly appointed trustees receive training w/in 6 to 12 months of appointment.
	<p><u>Enforcement</u> BHE shall establish rules</p>	<ul style="list-style-type: none"> • DHE will create an annual certification process through a DHE online portal; IHEs will annually report progress in meeting trustee training requirements. • DHE staff recommend that completion of annual certification should be a condition of renewing OSFA participation agreement; year 1 focus will be on data collection and analysis.

**New Law requires the BHE to establish a training schedule for public higher education trustee compliance, (M.G.L. c. 15A, § 45), and authorizes and directs the BHE to establish rules necessary to implement the law, which includes private higher education trustee compliance (M.G.L. c. 69, § 31B(g)).*