



The Commonwealth of Massachusetts
Office of the Inspector General

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The Honorable Anne M. Gobi, Chair
Joint Committee on Higher Education
State House, Room 513
Boston, MA 02133

The Honorable Jeffrey N. Roy, Chair
Joint Committee on Higher Education
State House, Room 43
Boston, MA 02133

Re: House 8, An Act Relative to Higher Education Boards of Trustees

Dear Chairwoman Gobi and Chairman Roy:

Thank you for your consideration of House 8, An Act Relative to Higher Education Boards of Trustees. I write in support of this legislation, which ensures that boards of trustees for state colleges and universities understand their legal, fiduciary and ethical obligations to the institutions they serve. A university or college board of trustees must oversee the institution's operations, yet many board members do not fully understand their responsibilities, including their duty to ensure that the institution's funds are spent appropriately. This bill helps to address that problem, with minimal cost to the Commonwealth. At recent voluntary trainings my Office has offered, board members have expressed the need for training. Also, at least eight other states, such as Texas and West Virginia, require training for members of boards of trustees.

House 8 requires every board member to attend a training on topics critical to the proper oversight of a public institution of higher education, including the open meeting law, fiduciary responsibilities, ethics, fraud prevention, procurement and state finance law. House 8 requires board members to complete the training within six months of being appointed and then every two years thereafter.

Under House 8, the Department of Higher Education ("Department") will develop the training program, with assistance from my Office. Specifically, because my Office has an extensive training program – including a free training for members of public boards and commissions – the legislation provides for my Office to consult with the Department as it develops its training program. The Office is committed to helping the Department implement this important legislation.

In voluntary trainings my Office organized with the Board of Higher Education, board members indicated that they want and need training. They expressed uncertainty about their duties, including their role in examining and approving significant budget expenditures. Increased education will fill this important need and will empower board members to fulfill their fiduciary, ethical and legal responsibilities. Furthermore, making the program mandatory will ensure that *all* board members – not just those who recognize the need for training – are properly trained.

Board members are chosen to serve because they are well-informed and highly respected; often, they bring specialized expertise to a board of trustees. Others have served as trustees for many years. As a result, some board members may view training as unnecessary. However, no one individual can be an expert on the many diverse matters that come before a board of trustees, especially those involving state finance law, public construction and capital spending. Consequently, even those with years of experience working in the public sector would benefit from this specialized training.

I also understand that board members have other professional commitments and may feel that training is an added burden. Serving on a board of trustees is a privilege and members should respect the significant responsibilities they hold when they accept such an appointment.

I filed House 8 after my Office's investigation into the former president of Westfield State University, Evan Dobbelle. The Office found that Mr. Dobbelle misused hundreds of thousands of dollars of University and Westfield State Foundation funds by spending lavishly on unnecessary domestic and international travel, repeatedly using University and Foundation credit cards for personal purchases (including travel), and routinely violating University policy regarding business meals – mostly with the approval of the board of trustees. Mr. Dobbelle also knowingly disregarded University policies and misled the University's board of trustees and the Foundation's board of directors.


Notably, my Office further found that board members were unaware that they had both the right and the responsibility to question Mr. Dobbelle's expenditures and conduct. Mr. Dobbelle's blatant use of University funds for personal purposes over several years highlights the need for every state college and university to have a strong and informed board of trustees. This includes making sure that board members understand that the president reports to and is accountable to the board; that board members have fiduciary duties to protect college and university funds; and, that the president must abide by the institution's policies and must be held accountable for any violations.

In sum, House 8 is an important step towards ensuring that board members understand the full extent of their roles and have the tools to oversee public institutions of higher education. This will help to protect universities and colleges from fraud, waste and abuse by a president or other administrator; it will also assist in ensuring accountability, transparency and reliability in a system that serves to educate our children.

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I strongly urge the committee to report this bill out favorably. As mentioned earlier, my Office offers training for members of any public board and commission. Enclosed, please find the guide my Office provides to those who attend these trainings. The guide introduces members to the duties and responsibilities they must uphold when serving as a public board member. The guide is also available on my Office's website. As always, if you have questions, please feel free to contact me. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Glenn A. Cunha".

Glenn A. Cunha
Inspector General

Enclosure