

CHAPTER 218
CORRECTED COPY

AN ACT concerning the merger of New Jersey City University and Kean University, amending and repealing various parts of the statutory law, supplementing P.L.2021, c.282 (C.18A:64O-1 et al.) , and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:64O-34 Short title.

1. Sections 1 through 10 of P.L.2025, c.218 (C.18A:64O-34 through 18A:64O-43) shall be known and may be cited as the “Kean University – New Jersey City University Merger Act.”

C.18A:64O-35 Findings, declarations.

2. The Legislature finds and declares that:

a. Kean University is a public urban research university, accredited by the Middle States Commission on Higher Education, with campuses at three locations in New Jersey, including a main campus in Union, a virtual campus through Kean Online, and the only public American university campus in China at Wenzhou-Kean University, and operating under the authority granted pursuant to the “Kean University Act,” P.L.2021, c.282 (18A:64O-1 et al).

b. Building on a distinguished 170-year history, Kean University serves as the State’s leading public urban research institution of higher education. In February 2025, Kean University officially earned an R2 research university designation under the Carnegie Classification of Institutions of Higher Education, recognizing the university's high level of research and doctoral activity. The university’s six colleges serve 14,000 undergraduate and graduate students in over 50 bachelor’s degree programs, more than 70 programs of graduate study, including seven doctoral programs, and 23 online programs at its New Jersey-based campuses.

c. In 2025, Kean University is comprised of the College of Business and Public Management; the College of Education; the College of Health Professions and Human Services; the College of Liberal Arts; the Michael Graves College, which includes the Robert Busch School of Design and the School of Public Architecture; the Dorothy and George Hennings College of Science, Mathematics and Technology, which includes the School of Integrative Science and Technology; and Kean Online.

d. Kean University’s mission is to create a world-class, innovative, and inclusive society through equity and excellence in teaching, learning, global research, and impactful public engagement. Since its inception, Kean University has focused on ensuring that students of all economic and social backgrounds gain access to excellence in higher education by eliminating roadblocks to their advancement.

e. New Jersey City University is a 100-year old State college located in Jersey City, New Jersey.

f. In 2022, New Jersey City University reported a structural deficit of \$22 million, prompting New Jersey City University’s leaders to declare a fiscal emergency, which required the State to appropriate tens of millions of dollars of State aid to help New Jersey City University stabilize its finances and continue serving students. Additionally, the Office of the Secretary of Higher Education appointed a fiscal monitor (“State Monitor”) based upon a finding of instability in the financial condition of New Jersey City University.

g. In December 2024, in response to a recommendation from the State Monitor, New Jersey City University sought proposals from four-year public universities accredited by the Middle States Commission on Higher Education for a potential strategic partnership or merger that would sustain access to higher education for the students and communities that New Jersey

City University serves. Kean University, recognizing its ability to not only address the current needs of New Jersey City University students, but also its potential to enhance opportunities for future students, submitted a proposal to become the strategic merger partner of New Jersey City University.

h. In March 2025, New Jersey City University's Board of Trustees selected Kean University's proposal, and Kean University and New Jersey City University exercised a letter of intent on May 15, 2025.

i. Kean University has been granted broad powers as a public urban research university to undertake activities that are necessary or desirable for higher education purposes, including the ability to acquire property, enter into contracts, and make decisions regarding its future development.

j. Recognizing the public importance of providing higher education to residents in New Jersey's second most populous city, and determining that it is both necessary and desirable for university purposes, on October 1, 2025, Kean University and New Jersey City University entered into a merger agreement whereby Kean University will acquire New Jersey City University. The agreement stipulates that, after the closing of the merger, receiving approvals from the United States Department of Education and other regulators, and upon notification by the President of Kean University to the Secretary of Higher Education of New Jersey, New Jersey City University is to cease to exist as a separate entity and shall become an additional location of Kean University.

k. The preservation of New Jersey City University's mission through a merger with Kean University is within the public interest and has an important public purpose, as it will preserve and advance the missions of both institutions to uplift the communities they serve through teaching and research by dedicated and supportive faculty, staff, and partnerships that create opportunity and will provide enhanced educational opportunities to the students of New Jersey City University, Hudson County, and the surrounding region.

l. It is in the overwhelming public interest of the State to assist Kean University in its merger with New Jersey City University. As such, it is the intent and purpose of the "Kean University – New Jersey City University Merger Act," P.L.2025, c.218 (C.18A:64O-34 et al.) to effectuate the provisions of the October 1, 2025 agreement between Kean University and New Jersey City University in the most expeditious manner possible.

m. As of June 30, 2024, New Jersey City University's audited financial statements show long-term debt obligations exceeding \$150,000,000 that is required to be assumed by Kean University upon the closing of the acquisition. In addition, New Jersey City University previously purchased various parcels of real property that were never developed as intended, and has approximately \$43,000,000 in affiliated debt outstanding with respect to a residence hall on the campus. Despite attempts by New Jersey City University to sell portions of this real estate, sufficient assets do not exist to satisfy the outstanding debt obligations. Given the ongoing difficult financial circumstances at New Jersey City University and the proposed assumption by Kean University of these financial burdens, it is the purpose of the "Kean University – New Jersey City University Merger Act," P.L.2025, c.218 (C.18A:64O-34 et al.) to ease administrative and regulatory burdens associated with this transaction to the extent reasonably possible, to allow the merger of New Jersey City University with Kean University as expeditiously as possible, to promote economy and efficiency in this transaction, and to ensure the ongoing financial stability of Kean University upon its merger with New Jersey City University.

C.18A:64O-36 Merger authorized, New Jersey City University, Kean University.

3. In order to carry out the purposes of the “Kean University – New Jersey City University Merger Act,” P.L.2025, c.218 (C.18A:64O-34 et al.) and ensure that the students of New Jersey City University and the people of Hudson County can continue to benefit from a public university located in Jersey City, Kean University shall be authorized to merge with New Jersey City University subject to the completion of the requirements contained in the October 1, 2025 agreement executed between the parties and upon notification by the President of Kean University to the Secretary of Higher Education of satisfaction of the conditions set forth in the agreement.

C.18A:64O-37 New Jersey City University functions, powers, duties, rights transferred, assigned to Kean University.

4. a. Upon the merger of New Jersey City University and Kean University, and the receipt of any required notifications and prior approvals from the State or federal authorities and any applicable accrediting bodies, all of the functions, powers, duties, and rights of New Jersey City University shall be transferred and assigned to Kean University. All of New Jersey City University’s rights, title, and interest in its colleges, schools, institutes, and centers, its auxiliary and supporting institutions and the campuses located in Jersey City, New Jersey, including, but not limited to, all associated fixed tangible assets, real property, building and all furniture, fixtures, equipment, and personal property contained therein, shall be transferred to Kean University and shall be devoted to the purposes of public higher education in the State in accordance with the terms of any gift, grant, trust, contract, or other agreement with the State or any of its political subdivisions or with the United States or with any public body, department, or any agency of the State or the United States or with any individual, firm, or corporation. Any transfer of property owned by the New Jersey Educational Facilities Authority to Kean University shall be in accordance with subsection (g) of N.J.S.18A:72A-5.

b. Upon the merger of New Jersey City University and Kean University, and the receipt of any required notifications and prior approvals from the State or federal authorities and any applicable accrediting bodies, thereafter, if in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to New Jersey City University, the same shall mean and refer to Kean University to the extent permitted by applicable law.

c. The provisions of this section shall be effectuated immediately upon the closing of the acquisition of New Jersey City University by Kean University and shall require no additional action on the part of Kean University.

C.18A:64O-38 New Jersey City University Foundation, status, merger.

5. Nothing in the “Kean University – New Jersey City University Merger Act,” P.L.2025, c.218 (C.18A:64O-34 et al.) shall be construed to affect the status of the non-profit corporation known as the New Jersey City University Foundation, which shall continue to operate upon the merger of New Jersey City University with Kean University for the benefit of Hudson County residents who will be attending Kean University on the Jersey City campus.

C.18A:64O-39 Transfer of New Jersey City University financials, employees, properties.

6. Upon the merger of New Jersey City University and Kean University, and the receipt of any required notifications and prior approvals from State or federal authorities and any applicable accrediting bodies:

a. All appropriations, grants, research funds, and other moneys available and to become available to New Jersey City University are hereby transferred to Kean University, and shall be available for the objects and purposes for which appropriated subject to any terms, restrictions, limitations, or other requirements imposed by the State budget and appropriations act or by State and federal law.

b. All employees of New Jersey City University shall be considered new employees of Kean University. Nothing in the “Kean University – New Jersey City University Merger Act,” P.L.2025, c.218 (C.18A:64O-34 et al.) shall be considered to deprive any person of any tenure rights or academic rank acquired at New Jersey City University or any right or protection provided under any pension law or retirement system or any other law of this State.

c. All files, books, papers, records, equipment, and other property of New Jersey City University are hereby transferred to Kean University.

d. All orders, rules, or regulations heretofore made or promulgated by New Jersey City University shall be deemed null and void, unless Kean University, in its sole discretion, determines that such orders, rules, or regulations shall be continued. Such orders, rules, and regulations, if continued, may be the subject of any additions, deletions, revisions, or modifications issued by Kean University in accordance with its procedures for doing so.

e. The full number of State-funded positions allocated to New Jersey City University in P.L.2025, c.74, the annual appropriations act for the State fiscal year 2026, shall be transferred to Kean University.

f. Kean University shall be classified as a public research university for purposes of determining Tuition Aid Grant amounts provided by the Higher Education Student Assistance Authority. All students enrolled at Kean University who are eligible for Tuition Aid Grants pursuant to N.J.S.18A:71B-20 shall receive awards at the level established by the authority for public research universities.

g. All grants, appropriations, budgeted amounts, gifts, bequests, tuition, endowments, and any other funding of any type whatsoever from any source whatsoever which has been designated for use, or is used by New Jersey City University, shall be allocated to Kean University.

h. The State shall assist Kean University in its efforts to reduce, through defeasance or other financial means, the debt of New Jersey City University at the time of the merger issued by the New Jersey Educational Facilities Authority and the New Jersey Economic Development Authority.

C.18A:64O-40 Kean University – New Jersey City University merger, actions, proceedings.

7. The “Kean University – New Jersey City University Merger Act,” P.L.2025, c.218 (C.18A:64O-34 et al.) shall not affect any actions or proceedings, civil or criminal, brought by or against New Jersey City University, but such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by Kean University, as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or regulation made by, or other matters or proceedings before, New Jersey City University, and all such matters or proceedings pending before New Jersey City University, upon the merger of New Jersey City University and Kean University, shall be continued by Kean University, as if the foregoing provisions had not taken effect.

C.18A:64O-41 New Jersey City University debts transferred to Kean University.

8. a. Upon the merger of New Jersey City University and Kean University, and the receipt of any required notifications and prior approvals from State or federal authorities and any applicable accrediting bodies, all debts of New Jersey City University shall be transferred to Kean University, and all creditors of New Jersey City University may enforce those debts

against Kean University in the same manner as they might have had against New Jersey City University, and the rights and remedies of those creditors shall not be limited or restricted in any manner by the “Kean University – New Jersey City University Merger Act,” P.L.2025, c.218 (C.18A:64O-34 et al.).

b. Nothing in this section shall be construed to limit the ability of Kean University to refinance, re-amortize, restructure, or otherwise amend the existing debt obligations of New Jersey City University upon or following the merger.

C.18A:64O-42 New Jersey City University employees, merger with Kean University.

9. a. Nothing in the “Kean University – New Jersey City University Merger Act,” P.L.2025, c.218 (C.18A:64O-34 et al.) shall be construed to deprive any employees of New Jersey City University, upon employment with Kean University, of their rights, privileges, obligations, or status with respect to any State pension, retirement, or health benefits.

b. Upon the merger of New Jersey City University and Kean University, and the receipt of any required notifications and prior approvals from State or federal authorities and any applicable accrediting bodies, employees of New Jersey City University shall be considered as new employees of Kean University and subject to the employment policies, procedures, rules, and regulations established by Kean University for its existing employees. Any collective negotiations agreement or individual employment contract agreement between New Jersey City University and any of its majority representatives or individual employees in effect on the date of the merger shall be deemed expired and null and void.

c. Employees of New Jersey City University who are represented for purposes of collective negotiations shall, upon transfer of employment to Kean University, be included within the collective negotiations unit at Kean University in which the employee’s title has been recognized for purposes of collective negotiations at Kean University. Thereafter, such employees shall be entitled to the terms and conditions of employment included in the applicable collective negotiations agreement between Kean University and the employee’s majority representative. If an employee’s title is not recognized by any collective negotiations unit at Kean University, then Kean University or any majority representative may utilize the procedures for unit clarification established in the regulations of the Public Employment Relations Commission to determine whether the employee shall continue to be represented by an existing majority representative at Kean University or included within another Executive Branch bargaining unit as defined by section 1 of P.L.2005, c.142 (C.34:13A-5.10) consistent with the procedures established in the “New Jersey Employer-Employee Relations Act,” P.L.1941, c.100 (C.34:13A-1 et seq.).

d. Nothing in the “Kean University – New Jersey City University Merger Act,” P.L.2025, c.218 (C.18A:64O-34 et al.) shall be construed to affect the Civil Service classification status, if any, of any former employee of New Jersey City University upon employment with Kean University. All such employees who are employed in a Civil Service title that is subject to a working test period pursuant to N.J.S.11A:4-15 shall be required to undergo a working test period administered by Kean University to determine whether the employee can satisfactorily perform the duties of the title in accordance with Civil Service Commission regulations. Kean University shall have the discretion to waive the working test period of new employees who were formerly employed by New Jersey City University. Any collectively negotiated agreement entered into between Kean University and a majority representative of Kean University or New Jersey City University employees regarding the impact of the merger on employment conditions shall be enforceable notwithstanding any provisions of the “Kean

University – New Jersey City University Merger Act,” P.L.2025, c.218 (C.18A:64O-34 et al.) or any other law to the contrary, in accordance with the terms of the negotiated agreement.

e. Nothing in the “Kean University – New Jersey City University Merger Act,” P.L.2025, c.218 (C.18A:64O-34 et al.) shall limit Kean University from taking any personnel action that may be required in its discretion, subject to Civil Service requirements and the terms of any applicable collective negotiations agreements, if any, including, but not limited to, restructuring, reorganization, privatization of services, and employee layoffs. Kean University shall engage in good faith consultations with affected majority representatives with respect to any restructuring, reorganization, privatization, or employee layoffs it may seek to undertake after assuming responsibility for New Jersey City University’s former employees.

f. Upon employment with Kean University, former New Jersey City University employees holding a faculty position shall not retain seniority acquired while employed by New Jersey City University. Notwithstanding this subsection, employees holding a faculty position who acquired tenure with New Jersey City University pursuant to section 2 of P.L.2013, c.235 (C.18A:60-16) shall be hired by Kean University with tenure. Former employees of New Jersey City University holding a faculty position who are hired with tenure by Kean University pursuant to this subsection shall maintain their academic rank and shall not be counted toward any limitations established on the total number of new full-time tenure-track faculty members hired at the institution.

C.18A:64O-43 New Jersey City University – Kean University merger, no further approval required.

10. Notwithstanding any other provision of law to the contrary, the merger of New Jersey City University and Kean University shall not require any further approval from any officer, commission, agency, or authority of the State, except as expressly set forth in the “Kean University – New Jersey City University Merger Act,” P.L.2025, c.218 (C.18A:64O-34 et al.).

11. N.J.S.18A:62-1 is amended to read as follows:

Public institutions of higher education.

18A:62-1. The public institutions of higher education are the five State colleges; the county colleges; the public research universities and any other public institution of higher education now or hereafter established or authorized by law.

12. N.J.S.18A:64-10 is amended to read as follows:

Maintenance of demonstration schools.

18A:64-10. The board of trustees of each state college and Kean University may maintain demonstration schools under regular teachers, in which pupils shall have the opportunity to observe and practice approved methods of instruction and discipline.

13. N.J.S.18A:64-11 is amended to read as follows:

Conduct of extension courses, fees, etc.

18A:64-11. The board of trustees of each State college and Kean University is authorized and empowered to conduct summer schools and extension courses through the five State colleges and Kean University for the purpose of giving further training to the teachers in the

public schools of this State and to charge fees therefor to be collected by the treasurers of the several State colleges and Kean University.

14. Section 1 of P.L.1985, c.161 (C.18A:64-45) is amended to read as follows:

C.18A:64-45 New Jersey Association of State Colleges and Universities.

1. There is established a body corporate and politic, with corporate succession, to be known as the New Jersey Association of State Colleges and Universities. Kean University, Ramapo College of New Jersey, Stockton University, Thomas Edison State College, The College of New Jersey, and The William Paterson University of New Jersey shall constitute the membership of the association.

15. Section 2 of P.L.1985, c.161 (C.18A:64-46) is amended to read as follows:

C.18A:64-46 Membership of association.

2. The association shall consist of six voting members to be appointed as follows: one member from each member institution's boards of trustees, appointed by the members thereof. In addition the presidents of the member institutions shall serve as ex officio, nonvoting members.

Members shall serve without compensation, but shall be entitled to be reimbursed for all reasonable and necessary expenses.

16. Section 7 of P.L.2021, c.282 (C.18A:64O-7) is amended to read as follows:

C.18A:64O-7 Composition, size of board; terms.

7. a. The composition and size of the board of trustees shall be determined by the board; however, the board shall have not less than seven nor more than 15 members. The members shall be appointed by the Governor with the advice and consent of the Senate. The board of trustees shall recommend potential new members to the Governor. The terms of office of appointed members shall be for six years beginning on July 1 and ending on June 30. Each member shall serve until the member's successor shall have been appointed and qualified and vacancies shall be filled in the same manner as the original appointments for the remainder of the unexpired terms. Any member of the board of trustees may be removed by the Governor for cause upon notice and opportunity to be heard.

b. Members of the board as of the effective date of this act shall continue in office until the expiration of their respective terms and the qualification in office of their successors.

c. All voting members of the board of trustees, before undertaking the duties of their office, shall take and subscribe an oath or affirmation to support the Constitution of the State of New Jersey and of the United States, to bear allegiance to the government of the State, and to perform the duties of their office faithfully, impartially and justly, to the best of their ability.

d. Members of the board of trustees shall not receive compensation for their services. Each trustee shall be reimbursed for actual expenses reasonably incurred in the performance of the trustee's duties or in rendering service as a member of or on behalf of the board or any committee of the board.

e. The board of trustees shall elect its chairperson from among its voting members annually in September. The board shall select such other officers from among its members as shall be deemed necessary.

f. A voting member of the board of trustees shall not be a salaried official of the State of New Jersey, or receive remuneration for services from the university. If any member of the board shall become ineligible by reason of the foregoing, a vacancy in the member's office as trustee shall thereby occur.

g. The board of trustees shall have the power to appoint and regulate the duties, functions, powers and procedures of committees, standing or special, from its members and such advisory committees or bodies as it may deem necessary or conducive to the efficient management and operation of the university, consistent with this act and other applicable statutes.

17. Section 8 of P.L.2021, c.282 (C.18A:64O-8) is amended to read as follows:

C.18A:64O-8 Election of student representatives.

8. The board of trustees of the university shall provide for the election of two student representatives, who shall be full-time, regularly matriculated students in good academic standing and who shall be 18 years of age or older and citizens of the United States. The student representatives shall be elected by the members of the student body to serve on the board of trustees for terms of two years commencing at the next organization of the board.

a. A student shall be elected for a two-year term, but shall serve during the first year as an alternate member and as a voting member during the second year.

In the event that a vacancy occurs in the voting member position, the alternate member shall assume the position of voting member and complete the term of office of the voting member. In the event that a vacancy occurs in the alternate member position, an election shall be held within 60 days to fill the alternate member position.

b. The standards for eligibility for student representatives on the board of trustees shall be the same as those required for other student government officers.

c. The student members shall be entitled to full participation in all activities of the board, except that they shall not participate in:

(1) any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective officer or employee or current officer or employee employed or appointed by the board, unless all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting;

(2) any matter involving the purchase, lease, acquisition, or sale of real property with public funds, the setting of banking rates, or investment of public funds, where it could adversely affect the public interest if discussion of these matters were disclosed; or

(3) any pending or anticipated litigation in which the board is, or may become, a party, where it could adversely affect the public interest if discussion of these matters were disclosed, or any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise the attorney's ethical duties as a lawyer.

d. Upon assuming office, the students shall agree to adhere to such standards of responsibility and confidentiality as are established by the board of trustees.

18. Section 9 of P.L.2021, c.282 (C.18A:64O-9) is amended to read as follows:

C.18A:64O-9 Powers, duties.

9. The board of trustees of the university shall have the general supervision over and be vested with the conduct of the university. It shall have the power and duty to:

a. adopt, use, and modify, as it deems appropriate, a corporate seal;

b. determine the educational curriculum and program of the university, including approving the establishment of new educational programs, departments, or schools and the discontinuance of existing educational programs, departments, or schools at the university, provided that the action is consistent with the university's programmatic mission and that the action is reviewed by the New Jersey President's Council pursuant to subsection c. of section 8 of P.L.1994, c.48 (C.18A:3B-8) or approved by the Secretary of Higher Education pursuant to subsection f. of section 14 of P.L.1994, c.48 (C.18A:3B-14), as applicable;

c. determine policies for the organization, administration, and development of the university;

d. study the educational and financial needs of the university, annually acquaint the Governor and Legislature with the condition of the university, and prepare and submit an annual request for appropriation to the Division of Budget and Accounting in the Department of the Treasury in accordance with law;

e. disburse all moneys appropriated to the university by the Legislature and all moneys received from tuition, fees, auxiliary services, and other sources;

f. direct and control expenditures and transfers of funds appropriated to the university in accordance with the provisions of the State budget and appropriation acts of the Legislature and, as to funds received from other sources, direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions, reporting changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in the Department of the Treasury. All accounts of the university shall be subject to audit by the State at any time;

g. in accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint and fix the compensation and term of office of a president of the university who shall be the executive officer of the university and an ex officio member of the board of trustees, without vote, and shall serve at the pleasure of the board of trustees;

h. in accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint, upon nomination of the president, such deans and other members of the academic, administrative, and teaching staffs as shall be required and fix their compensation and terms of employment;

i. consistent with the provisions of its budget, this act and any and all controlling collective bargaining agreements have the power, upon nomination or recommendation of the president, to appoint, remove, promote, and transfer all other officers, agents, or employees which may be required to carry out the provisions of this act and prescribe qualifications for those positions and assign requisite duties and determine and fix respective compensation for those positions in accordance with duly adopted salary program parameters;

j. grant diplomas, certificates, or degrees;

k. enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department, or other agency of the State or the United States, including any public institution of higher education in the State or their subsidiaries or affiliates or with any individual, firm, or corporation which are deemed necessary or advisable by the board for carrying out the provisions of this act. A contract or agreement pursuant to this subsection may require a municipality to undertake obligations and duties to be performed subsequent to the expiration of the term of office of the elected governing body of such municipality which initially entered into or approved said contract or agreement, and the obligations and duties so incurred by such municipality shall be binding and of full force and effect, notwithstanding that the term of office of the elected governing body of such municipality which initially entered into or approved said contract or agreement, shall have expired;

l. exercise the right of eminent domain, pursuant to the provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), to acquire any property or interest therein;

m. adopt, after consultation with the president and faculty, bylaws and make and promulgate such rules, regulations, and orders, not inconsistent with the provisions of this act, as are necessary and proper for the administration and operation of the university and the carrying out of its purposes;

n. establish fees for room and board sufficient for the operation, maintenance, and rental of student housing and food services facilities;

o. fix and determine tuition rates and other fees to be paid by students;

p. accept from any government or governmental department, agency, or other public or private body or from any other source grants or contributions of money or property which the board may use for or in aid of any of its purposes;

q. acquire, by gift, purchase, condemnation, or otherwise, own, lease, dispose of, use, and operate property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for university purposes;

r. employ architects to plan buildings, secure bids for the construction of buildings and for the equipment thereof, make contracts for the construction of buildings and for equipment, and supervise the construction of buildings;

s. manage and maintain, and provide for the payment of all charges on and expenses in respect of, all properties utilized by the university;

t. borrow money and to secure the same by a mortgage on its property or any part thereof and to enter into any credit agreement for the needs of the university, as deemed requisite by the board, in such amounts and for such time and upon such terms as may be determined by the board, provided that no such borrowing shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit or be payable out of property or funds, other than moneys appropriated for that purpose, of the State;

u. authorize any new program, educational department or school;

v. (1) Adopt standing operating rules and procedures for the purchase of all equipment, materials, supplies, and services; however, no contract on behalf of the university shall be entered into for the purchase of services, materials, equipment, and supplies; for the performance of any work; or for the hiring of equipment or vehicles, through which the workers employed in the performance of the contract are paid in accordance with the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), where the sum to be expended exceeds \$42,600 or the amount determined by the Governor as provided herein, unless the university shall first publicly advertise for bids and shall award the contract to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the university, price, and other factors considered. Such advertising shall not be required in those exceptions created by the board of trustees of the university, which shall be in substance those exceptions contained in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 52:34-10) and section 5 of P.L.1986, c.43 (C.18A:64-56) or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utilities of this State and tariffs and schedules of the charges made, charged, or exacted by the public utility for any such products to be supplied or services to be rendered are filed with the said board.

(2) Adopt standing operating rules and procedures for the purchase of all equipment, materials, supplies, and services; however, no contract on behalf of the university shall be entered into for the purchase of services, materials, equipment, and supplies; for the performance of any work; or for the hiring of equipment or vehicles, through which the workers employed in the performance of the contract are not paid in accordance with the "New Jersey

Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), where the sum to be expended exceeds \$100,000 or the amount determined by the Governor as provided in this subsection, unless the university shall first publicly advertise for bids and shall award the contract to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the university, price and other factors considered. This advertising shall not be required in those exceptions created by the board of trustees of the university, which shall be in substance those exceptions contained in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and C.52:34-10) and section 5 of P.L.1986, c.43 (C.18A:64-56) or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utilities of this State and tariffs and schedules of the charges made, charged, or exacted by the public utility for any products to be supplied or services to be rendered are filed with the board.

(3) Commencing on July 1, 2027, and every two years thereafter, the Governor, in consultation with the Department of the Treasury, shall adjust the threshold amounts set forth in this subsection in direct proportion to the rise or fall of the consumer price index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall notify the university of the adjustment. The adjustment shall become effective on July 1 of the year in which it is reported.

(4) This subsection shall not prevent the university from having any work performed by its own employees, nor shall it apply to repairs; or to the furnishing of materials, supplies, or labor; or the hiring of equipment or vehicles when the safety or protection of its or other public property or the public convenience requires or the exigency of the university's service will not admit of such advertisement. In such case, the university shall, by resolution passed by the affirmative vote of its board of trustees, declare the exigency or emergency to exist and set forth in the resolution the nature and approximate amount to be expended; shall maintain appropriate records as to the reason for such awards; and shall report regularly to its board of trustees on all such purchases, the amounts and the reasons therefor;

w. invest certain moneys in such obligations, securities, and other investments as the board shall deem prudent, consistent with the purposes and provisions of this act and in accordance with State and federal law, as follows:

(1) investment in not-for-profit corporations or for-profit corporations organized and operated pursuant to the provisions of subsection x. of this section may utilize income realized from the sale or licensing of intellectual property as well as the reinvestment of earnings on intellectual property; and

(2) investment in not-for-profit corporations may also utilize income from overhead grant fund recovery as permitted by federal law as well as other university funds except those specified in paragraph (5) of subsection x. of this section;

x. (1) participate as the general partner or as a limited partner, either directly or through a subsidiary corporation created by the university, in limited partnerships, general partnerships, or joint ventures to support any purpose related to the university, including, but not limited to, those engaged in the development, manufacture, or marketing of products, technology, scientific information, or services and create or form for-profit or not-for-profit corporations to engage in such activities, provided that any such participation shall be consistent with the mission of the university and the board shall have determined that such participation is prudent;

(2) the decision to participate in any activity described in paragraph (1) of this subsection, including the creation or formation of for-profit or not-for-profit corporations, shall be articulated in the minutes of the board of trustees meeting in which the action was approved;

(3) the provisions of P.L.1971, c.182 (C.52:13D-12 et seq.) shall continue to apply to the university, its employees, and officers;

(4) nothing herein shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit or be payable out of property or funds of the State;

(5) funds directly appropriated to the university from the State or derived from the university's academic programs shall not be utilized by the for-profit or not-for-profit corporations organized and operated pursuant to this subsection in the development, manufacture, or marketing of products, technology, or scientific information;

(6) employees of any joint venture, subsidiary corporation, partnership, or other jural entity formed, entered into, or owned wholly or in part by the university shall not be deemed public employees; however, any public employees of the university who may be assigned to support any joint venture, subsidiary corporation, partnership, or other jural entity formed, entered into, or owned wholly or in part by the university shall continue to be deemed public employees;

(7) a joint venture, subsidiary corporation, partnership, or other jural entity entered into or owned wholly or in part by the university shall not be deemed an instrumentality of the State of New Jersey;

(8) income realized by the university pursuant to this subsection may be invested, reinvested, or retained by the board in accordance with the provisions of P.L.2021, c.282 (C.18A:64O-1 et al.) or State or federal law for use in furtherance of any of the purposes of P.L.2021, c.282 (C.18A:64O-1 et al.) or of other applicable statutes;

(9) the board shall annually report to the State Treasurer on the operation of all joint ventures, subsidiary corporations, partnerships, or such other jural entities entered into or owned wholly or in part by the university; and

(10) this subsection shall apply if a joint venture, subsidiary corporation, partnership, or other jural entity entered into or owned wholly or in part by the university, is expressly formed, created, or owned by the university pursuant to the authority set forth in this subsection. Further, this subsection shall in no way be construed to prohibit or limit the university from separately pursuing any other activities permitted by the authority granted under P.L.2021, c.282 (C.18A:64O-1 et al.), or separately utilizing any other powers expressly authorized by P.L.2021, c.282 (C.18A:64O-1 et al.) for any activity consistent with the university's institutional mission, including to participate as the general partner or as a limited partner, either directly or through a subsidiary corporation created by the university, in limited partnerships, general partnerships, or joint ventures, otherwise than pursuant to this subsection;

y. sue and be sued in its own name;

z. retain independent counsel including representation by the Attorney General in accordance with subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-6) and, notwithstanding any other provision of law to the contrary, if the university elects not to be represented by the Attorney General in any matter in which the university is solely responsible for any potential liability, it shall be permitted to do so upon notice to the Attorney General;

aa. (1) procure and enter into contracts for any type of insurance and indemnify and defend against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employees' liability, against any act of any member, officer, employee, or servant of the university, whether part-time, full-time, compensated, or non-compensated in the performance of the duties of his office or employment or any other insurable risk. In addition, the university may carry its own liability insurance or maintain an actuarially sound program of self-insurance. Any joint venture, subsidiary corporation, or partnership or such other jural entity entered into or owned wholly or in part by the university shall carry insurance or maintain reserves in such amounts as are determined by an actuary to be sufficient to meet its actual or accrued claims;

(2) moneys in the fund known as the Self-Insurance Trust Fund administered by the State Treasurer shall continue to be available to the university solely to indemnify and defend claims against the university and its employees, officers, and servants, but only to the extent that the university has elected on behalf of itself and its employees to obtain representation from the Attorney General pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-6) and such entity or individuals would have been entitled to defense and indemnification pursuant to the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., as a State entity or State employee, but for the provision of subsection z. of this section. Any expenditure of such funds shall be made only in accordance with the provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., including, but not limited to, the provisions of chapters 10, 10A, and 11 of Title 59 of the New Jersey Statutes. Nothing herein shall be construed to authorize the use of the Self-Insurance Trust Fund to indemnify or insure in any way, directly or indirectly, the activities of any joint venture, partnership, or corporation entered into or created by the university pursuant to subsection x. of this section;

bb. create auxiliary organizations subject to the provisions of P.L.1982, c.16 (C.18A:64-26 et seq.);

cc. adopt a code of ethics that complies with the requirements of all statutes applicable to the institution, including, but not limited, to the "Higher Education Restructuring Act of 1994," P.L.1994, c.48 (C.18A:3B-1 et seq.), the "New Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), regulations of the State Ethics Commission, and any applicable executive orders;

dd. establish a procedure for the confidential, anonymous submission of employee concerns regarding alleged wrongdoing at the university; and

ee. Merge or consolidate, including through or with subsidiary corporations created by the university, with one or more other nonprofit corporations formed and operated primarily for educational purposes and exempt under paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.501(c)(3)) or with one or more public institutions of higher education of the State of New Jersey, as the board of trustees may determine, but consistent with the public purposes of the corporation or public institution of higher education, and shall assume any vested rights, grants, charter rights, privileges, exemptions, immunities, powers, prerogatives, franchises or advantages, debts, or liabilities of the nonprofit corporation or public institution of higher education.

A merger or consolidation with a subsidiary corporation created by the university pursuant to this subsection occurring after the effective date of P.L.2025, c.218 (C.18A:64O-34 et al.) shall not require approval of the Office of the Attorney General.

19. Section 11 of P.L.2021, c.282 (C.18A:64O-11) is amended to read as follows:

C.18A:64O-11 Participating contracting unit in competitive pricing system.

11. a. The university is authorized to be a participating contracting unit in a cooperative pricing system or a joint purchasing agreement established pursuant to the laws of this State.

b. The university may make purchases and contract for services through the use of a nationally recognized and accepted cooperative purchasing agreement, including a cooperative purchasing agreement in existence as of the effective date of P.L.2016, c.50 (C.18A:64-63.1 et al.), in accordance with the provisions of paragraph (3) of subsection b. of section 7 of P.L.1996, c.16 (C.52:34-6.2).

c. The State Treasurer may promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes of this section.

20. Section 13 of P.L.2021, c.282 (C.18A:64O-13) is amended to read as follows:

C.18A:64O-13 Internet website for board of trustees.

13. The university shall maintain an Internet website for the board of trustees. The purpose of the website shall be to provide increased public access to board operations and activities. The website shall be updated on a regular basis. The following information shall be posted on the board's website:

- a. the board's rules, regulations, resolutions, and official policy statements;
- b. notice, posted at least five business days prior to a meeting of the board, setting forth the time, date, location, and agenda of the meeting;
- c. the minutes of each meeting of the board; and
- d. information on any contract entered into by the board that was not competitively bid and the statutory authority for the contracting process.

21. Section 16 of P.L.2021, c.282 (C.18A:64O-16) is amended to read as follows:

C.18A:64O-16 Immunity from personal liability.

16. No trustee or officer of the university shall be personally liable for any debt, obligation, or other liability of the university or incurred by or on behalf of the university or any constituent unit, subsidiary, or affiliate thereof.

22. Section 21 of P.L.2021, c.282 (C.18A:64O-21) is amended to read as follows:

C.18A:64O-21 Effect of establishment of body corporate and politic known as Kean University.

21. Upon the establishment of the body corporate and politic known as Kean University:

- a. all appropriations, grants, debt service, research funds, and other monies available to Kean University prior to the effective date of P.L.2021, c.282 (C.18A:64O-1 et al.) and to become available shall be transferred to the university by the Director of the Division of Budget and Accounting in the Department of the Treasury and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations, or other requirements imposed by the State budget;
- b. all other grants, gifts, other moneys, and property available to Kean University prior to the effective date of P.L.2021, c.282 (C.18A:64O-1 et al.) and to become available to or for Kean University shall be transferred to the university and shall be available for the objects and purposes of the university, subject to any terms, restrictions, limitations, or other requirements imposed by State and federal law or otherwise;
- c. all employees of Kean University prior to the effective date of P.L.2021, c.282 (C.18A:64O-1 et al.) shall become employees of the university. Nothing in P.L.2021, c.282 (C.18A:64O-1 et al.) shall be construed so as to deprive any person of any right of tenure or under any retirement system or to any pension, disability, social security, or similar benefit to which the person is entitled by law or contractually. All persons employed at Kean University shall continue to be represented by the majority representative that represented them on the effective date of this act, shall continue to be represented by the executive branch Statewide

collective negotiations units they were in on the effective date of P.L.2021, c.282 (C.18A:64O-1 et al.), and shall continue to be covered by the collective negotiations agreements that were in effect on the effective date of this act. Pursuant to section 12 of P.L.1986, c.42 (C.18A:64-21.1), the Governor shall continue to function as the public employer under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), for persons employed at Kean University. The executive branch Statewide collective negotiations units referenced in this section are the units specified in subsection b. of section 1 of P.L.2005, c.142 (C.34:13A-5.10).

The employees of Kean University employed on the effective date of P.L.2021, c.282 (C.18A:64O-1 et al.) shall not be considered new employees for any purpose and shall retain any accrued seniority, rank, and tenure, which shall be applied when determining eligibility for all benefits, including all paid leave time, longevity increases, promotions, and health benefits. Nothing in P.L.2021, c.282 (C.18A:64O-1 et al.) shall be construed to deprive any person employed at Kean University of any tenure rights or to in any manner affect the tenure, rank, or academic track of any employees holding a faculty position. Such tenure, rank, and academic track shall continue to be through Kean University and shall be held or granted pursuant to the authority of the board of trustees of Kean University for all current and future employees employed at Kean University. Nothing in P.L.2021, c.282 (C.18A:64O-1 et al.) shall be construed to deprive any officers or employees employed at Kean University of their rights, privileges, obligations, or status under any pension, retirement, health benefits system, civil service law, or any other law of this State;

d. all files, papers, records, equipment, and other personal property of Kean University shall be transferred to the university;

e. all orders, rules, or regulations theretofore made or promulgated by Kean University shall continue in full force and effect as the orders, rules, and regulations of the university until amended or repealed by the university; and

f. Any person who becomes an employee of Kean University or a subsidiary corporation of the university other than a subsidiary corporation expressly formed pursuant to subsection x. of section 9 of P.L.2021, c.282 (C.18A:64O-9) through a merger or consolidation with another entity shall be deemed a public employee and shall, as applicable, become a member of the Statewide collective negotiations unit which encompasses the employee's position and shall be represented by the majority representatives of that unit.

23. Section 24 of P.L.2021, c.282 (C.18A:64O-24) is amended to read as follows:

C.18A:64O-24 Powers of Secretary of Higher Education.

24. a. The general powers of supervision and control of the Secretary of Higher Education at the request of the Governor over Kean University include the power to visit the university to examine into its manner of conducting its affairs and to enforce an observance of the laws of the State.

b. Notwithstanding any other provision of law to the contrary, Kean University, through its board of trustees, shall have the care, custody, control, and title of such property acquired through a merger or consolidation occurring on or after the effective date of P.L.2025, c.218 (C.18A:64O-34 et al.), including through or with a subsidiary corporation created by the university, with one or more other nonprofit corporations formed and operated primarily for educational purposes and exempt under paragraph (3) of subsection (c) of section 501 of the Internal Revenue Code (26 U.S.C. s.501(c)(3)) or with a public institution of higher education, subject to the visitorial powers of the Secretary of Higher Education at the request of the

Governor. Any transfer of property owned by the New Jersey Educational Facilities Authority to the university shall be in accordance with subsection (g) of N.J.S.18A:72A-5.

24. Section 3 of P.L.1969, c.142 (C.18A:71-30) is amended to read as follows:

C.18A:71-30 Definitions.

3. As used in this act, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

The term "board" shall mean the Board of Directors of the New Jersey Educational Opportunity Fund created by section 4 of P.L.1968, c.142 (C.18A:71-31).

The term "department" shall mean the Department of State.

The term "fund" shall mean the New Jersey Educational Opportunity Fund created by section 4 of P.L.1968, c.142 (C.18A:71-31).

The term "higher education" shall mean that education which is provided by any or all of the public institutions of higher education as herein defined or any or all equivalent private institutions.

The term "public institutions of higher education" shall mean and include Rutgers, The State University, the New Jersey Institute of Technology, Rowan University, Montclair State University, Kean University, the five State colleges, the county colleges, and any other public universities, colleges, or county colleges now or hereafter established or authorized by law.

25. N.J.S.18A:64-6 is amended to read as follows:

Powers, duties of boards.

18A:64-6. The board of trustees of a State college shall have general supervision over and shall be vested with the conduct of the college. It shall have the power and duty to:

- a. Adopt and use a corporate seal;
- b. Determine the educational curriculum and program of the college consistent with the programmatic mission of the institution or approved by the Commission on Higher Education;
- c. Determine policies for the organization, administration, and development of the college;
- d. Study the educational and financial needs of the college; annually acquaint the Governor and Legislature with the condition of the college; and prepare and present the annual budget to the Governor, the Division of Budget and Accounting in the Department of the Treasury, and the Legislature in accordance with law;
- e. Disburse all moneys appropriated to the college by the Legislature and all moneys received from tuition, fees, auxiliary services, and other sources;
- f. Direct and control expenditures and transfers of funds appropriated to the college and tuition received by the college, in accordance with the provisions of the State budget and appropriation acts of the Legislature, reporting changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in the State Department of the Treasury and as to funds received from other sources, and direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions. All accounts of the college shall be subject to audit by the State at any time;
- g. In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint and fix the compensation of a president of the college, who shall be the executive officer of the college and an ex officio member of the board of trustees, without vote, and shall serve at the pleasure of the board of trustees;

h. Notwithstanding the provisions of Title 11, Civil Service, of the Revised Statutes, upon nomination by the president, appoint a treasurer and such deans and other professional members of the academic, administrative, and teaching staffs as defined in section 13 of P.L.1986, c.42 (C.18A:64-21.2) as shall be required and fix their compensation and terms of employment in accordance with salary ranges and policies which shall prescribe qualifications for various classifications and shall limit the percentage of the educational staff that may be in any given classification;

i. Upon nomination by the president, appoint, remove, promote, and transfer such other officers, agents, or employees as may be required for carrying out the purposes of the college and assign their duties, determine their salaries, and prescribe qualifications for all positions, all in accordance with the provisions of Title 11, Civil Service, of the Revised Statutes;

j. Grant diplomas, certificates, and degrees;

k. Pursuant to the provisions of the "State College Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.), enter into contracts and agreements for the purchase of lands, buildings, equipment, materials, supplies, and services and enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department, or other agency of the State or the United States or with any individual, firm, or corporation, which are deemed necessary or advisable by the board for carrying out the purposes of the college;

l. If necessary, take and condemn land and other property in the manner provided by the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), whenever authorized by law to purchase land or other property;

m. Adopt, after consultation with the president and faculty, bylaws and make and promulgate such rules, regulations, and orders, not inconsistent with the provisions of this article, that are necessary and proper for the administration and operation of the college and the carrying out of its purposes;

n. Establish fees for room and board sufficient for the operation, maintenance, and rental of student housing and food service facilities;

o. Fix and determine tuition rates and other fees to be paid by students;

p. Accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property, which the board may use for or in aid of any of its purposes;

q. Acquire, by gift, purchase, condemnation, or otherwise, own, lease, dispose of, use, and operate property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for college purposes;

r. Employ architects, engineers, consultants, and other professionals to plan buildings, consistent with the provisions of the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.); secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for equipment; and supervise the construction of buildings;

s. Manage, maintain, and provide for the payment of all charges and expenses in respect to all properties utilized by the college;

t. Borrow money for the needs of the college, as deemed requisite by the board, in such amounts and for such time and upon such terms as may be determined by the board, provided that this borrowing shall not be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit or be payable out of property or funds, other than moneys appropriated for that purpose, of the State;

u. Authorize any new program, educational department, or school consistent with the institution's programmatic mission or approved by the commission;

v. (Deleted by amendment, P.L.1994, c.48);

w. Pursuant to the "State College Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.), award contracts and agreements for the purchase of goods and services, as distinct from contracts or agreements for the construction of buildings and other improvements, to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the State college, price and other factors considered;

x. Pursuant to the "State College Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.), award contracts and agreements for the construction of buildings and other improvements to the lowest responsible bidder, whose bid, conforming to the invitation for bids, will be the most advantageous to the State college; and

y. retain independent counsel including representation by the Attorney General in accordance with subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-6) and, notwithstanding any other provision of law to the contrary, if the State college elects not to be represented by the Attorney General in any matter in which the State college is solely responsible for any potential liability, it shall be permitted to do so upon notice to the Attorney General.

26. There is appropriated from the General Fund to Kean University the sum of \$25,000,000 to effectuate the purposes of this act.

Repealer.

27. Sections 1 through 3 of P.L.2000, c.41 (C.18A:72O-1 through 18A72O-3) are repealed.

28. This act shall take effect immediately.

Approved January 12, 2026.