

POSITION PAPER
ON
INCREASED MINORITY REPRESENTATION ON
COLLEGE AND UNIVERSITY GOVERNING BOARDS

July 26, 1982

SOUTH CAROLINA COMMISSION ON HIGHER EDUCATION

1429 Senate Street
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are not included here.

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One of the five areas in which South Carolina was cited by the U. S. Department of Education as not being in compliance with Title VI of the Civil Rights Act of 1964 was the racial identifiability of governing boards of public colleges and universities. The Criteria¹ used to identify the areas of non-compliance were established under a Federal Court Order by Judge John H. Pratt. In response to this finding of non-compliance, the South Carolina Desegregation Plan established as a goal for the State, "to increase the number of black persons on the governing boards of public colleges and universities." The State committed to introduce legislation on this subject during the 1982 session of the General Assembly with the expectation that such legislation would be enacted during the 1982 Legislative Year.

The two different trustee proposals that were offered in the 1982 General Assembly were not enacted and there was no improvement in minority representation on governing boards in 1982. The Criteria require that the "plan shall commit the state to substantial progress toward each of the goals in the first two years of the plan." It is therefore very important that appropriate trustee legislation be enacted, at the latest, during the 1983 Session of the General Assembly. The need for this action is further emphasized by the fact that South Carolina was the only state with a former

¹Revised Criteria Specifying the Ingredients of Acceptable Plans to Desegregate State Systems of Public Higher Education, Federal Register, Vol. 43, No 32, February 15, 1978, p. 6663.

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de jure racially dual system of higher education, that is not under court order or in administrative proceedings, which was not included in the motion for further relief in the enforcement of desegregation in higher education that was filed by the NAACP Legal Defense Fund on May 11, 1982. Failure to enact the required trustee legislation in 1983 could result in a motion for further relief being filed on South Carolina.

Efforts in 1982 to enact legislation to provide for increased minority representation on governing boards was seriously impeded by the opposition to changes in current trustee board legislation that was expressed by several public higher education institutions.

A joint committee of the South Carolina Senate and House of Representatives will be studying alternatives for resolving this issue.

Further, the State is required to submit to the U.S. Department of Education by August 15, 1982, a detailed evaluation of the progress made in implementing the State Desegregation Plan during 1982. The State's position would be significantly enhanced if the evaluation report contained plans for concrete proposals for resolving the governing board issue which would have the endorsement of the public higher education institutions.

In view of this we recommend that the Commission on Higher Education establish a committee made up of the chairman (or his designee) of each institutional governing board, the chairman (or designee) of the South Carolina Senate Education Committee and the House Education and Public Works Committee, a representative of the Governor,

and the Commissioner of Human Affairs (or his designee) develop a proposal for legislation to ensure equitable minority representation on each governing board, and that the proposed legislation be presented to the Commission on Higher Education by October 15, 1982, for comment. The Commission will forward the proposal with its comments to the joint legislative committee for its consideration. Any institution which does not concur with the proposal developed through this process should be expected to submit its own plan to ensure equitable minority representation on its governing board for enactment during the 1983 Legislative Year.