

Commission on Higher Education Response to a Request for a
Permanent Solution to Increase Minority Representation on the Governing
Boards of the Public Colleges and Universities*

The Commission on Higher Education continues to support the position that legislation should be enacted to provide equitable representation of women and minorities on the governing boards of each public college and university. It is the position of the Commission that laws which restrict board membership based on race, gender, institutional affiliation, geographical residence or political office serve to maintain present inequities. Proposed amendments to existing laws which retain these restrictions fail to address fully the commitment of the State to ensure equitable representation on institutional boards.

Legislation based upon the proposals included in Appendix K of the South Carolina Plan for Equity and Equal Opportunity (the State Higher Education Desegregation Plan) was introduced in the Senate and referred to the Senate Education Committee in 1982. That legislation included most of the criteria necessary to remove present inequities. However, these bills did not receive the endorsement of the Senate Education Committee.

A second proposal in the form of a proviso in the 1982-83 Appropriation Bill to add three gubernatorial appointees to all governing boards except the Clemson Board of Trustees likewise failed in the Senate. A similar proposal in the House was not reported out by the House Education and Public Works Committee.

* Adopted by the South Carolina Commission on Higher Education on January 6, 1983.

The Commission, in keeping with its responsibilities for monitoring the implementation of the Desegregation Plan, adopted a position paper on July 26, 1982, which authorized the establishment of an Ad Hoc Committee to develop proposed legislation to ensure minority representation on each institutional governing board. The position paper specified that the proposed legislation be presented to the Commission and forwarded with Commission comments to the Joint Legislative Committee established to address this issue.

The Commission transmitted the legislative proposals developed by the Ad Hoc Committee with recommendations as noted in its "Comments" paper to the Joint Senate/House Committee on Trustee Legislation on November 30, 1982. As stated in that paper, the Ad Hoc Committee's Proposal, if enacted, would be an important interim step toward achieving minority representation on governing boards. Thus, progress toward reaching the goal pertaining to the composition of institutional governing boards would be realized.

In a broader sense, however, the Ad Hoc Committee's proposals would not ensure equitable representation of women and minorities on governing boards and therefore fall short of meeting the goals established in the Master Plan for Higher Education.

The Joint Senate/House Committee on Trustee Legislation, after considering the Commission's recommendations on the proposals of the Ad Hoc Committee, requested that the Commission provide its recommendations for a permanent solution to the trustee issue to the Joint Committee before the end of January 1983. In response to this request the Commission recommends that the following provisions be included in legislation to achieve equitable representation of women and minorities on institutional governing boards of each public college and university:

I. PROPOSED REVISION OF THE GOVERNING BOARDS OF THE CITADEL, MUSC, SOUTH CAROLINA STATE COLLEGE, STATE COLLEGE BOARD OF TRUSTEES, UNIVERSITY OF SOUTH CAROLINA AND WINTHROP.

These governing boards shall be composed of 15 members each, excluding ex-officio members. Two members shall be elected from each Congressional District by the General Assembly, and the Governor shall appoint three members at large with the approval of the Senate.

All terms will be four years, corresponding with the fiscal year, and there will be a limitation of three consecutive terms or parts of a term for each member. Presently serving Board members who are elected under the terms of this legislation will have the status of a new Board member. All vacancies will be filled in the same manner in which the original election or appointment took place.

It is suggested that the filling of these Boards occur in the following manner:

1. All existing Board members shall be entitled to serve out the remainder of the term for which they were elected should they so choose. (This will have the effect, probably, of causing each Board to have a different number of members for a short period of time until the new system takes over entirely.)
2. In the first year of implementation of this plan, one member from each Congressional District will be elected by the General Assembly and two members will be appointed by the Governor for each Board in the State.
3. Two years after that first election, another member to each Board shall be elected from each Congressional District and one additional appointment by the Governor will be made. (This will have the effect of staggering the terms on the Boards so that eight members of each Board will be up for renewal of their terms in years 5, 9, 13, etc., and seven members of each Board will be up for renewal of their terms in years 7, 11, 15, etc.)

4. Any presently seated Board member who chooses to run for a seat under the new plan shall be deemed to have resigned his or her present term upon the qualification of the new member thus elected. (This will have the effect of putting before those presently seated a choice of whether to serve out their present term or to seek election for a "new" term under the proposed system.)

EX-OFFICIO MEMBERSHIP

The following ex-officio members or their designee shall serve on each Board:

Governor
Chairman, Senate Education Committee
Chairman, House Education and Public Works Committee
State Superintendent of Education

In addition to the above members, The Citadel shall have these ex-officio members or their designee:

Adjutant General
Chairman, Senate General Committee
Chairman, House Medical, Military, Municipal and Public Affairs Committee

MUSC shall have these additional ex-officio members or their designee:

Chairman, Senate Medical Affairs Committee
Chairman, House Medical, Military, Municipal and Public Affairs Committee

The legislation which would encompass this plan should include this language:

"Every consideration shall be given to the geographic residence, gender, minority status and economic status to assure that each Board shall be representative of all citizens of the State."

II. PROPOSED REVISION OF THE GOVERNING BOARD OF CLEMSON UNIVERSITY

Clemson University Board of Trustees will be composed of 13 members, seven successors to those named in the Thomas Clemson Will, three members elected at large by the General Assembly and three members appointed by the Governor with the approval of the Senate.

The terms of the elected and appointed members will be four years, corresponding with the fiscal years, and there will be a limitation of three consecutive terms or parts of a term for each member. Presently serving Board members who are elected under the terms of this legislation will have the status of a new Board member. All vacancies will be filled in the same manner in which the original election or appointment took place.

It is suggested that the filling of these Boards occur in the following manner:

1. All existing elected Board members shall be entitled to serve out the remainder of the term for which they were elected.
2. In 1984, the three vacancies for Clemson's Board shall be filled as follows: one shall be elected at large by the General Assembly and two shall be appointed by the Governor with the approval of the Senate. In 1986, two members shall be elected at large by the General Assembly and one shall be appointed by the Governor with the approval of the Senate.

The legislation which would encompass this plan should include this language:

"Every consideration shall be given to geographic residence, gender, minority status and economic status to assure that each Board shall be representative of all citizens of the State."