

SECTION 2, CORE REQUIREMENT 2.2

The institution has a governing board of at least five members that is the legal body with specific authority over the institution. The board is an active policy-making body for the institution and is ultimately responsible for ensuring that the financial resources of the institution are adequate to provide a sound educational program. The board is not controlled by a minority of board members or by organizations or interests separate from it. Neither the presiding officer of the board nor the majority of other voting members of the board have contractual, employment, or personal or familial financial interest in the institution.

A military institution authorized and operated by the federal government to award degrees has a public board in which neither the presiding officer nor a majority of the other members are civilian employees of the military or active/retired military. The board has broad and significant influence upon the institution's programs and operations, plays an active role in policy-making, and ensures that the financial resources of the institution are used to provide a sound educational program. The board is not controlled by a minority of board members or by organizations or interests separate from the board except as specified by the authorizing legislation. Neither the presiding officer of the board nor the majority of other voting board members have contractual, employment, or personal or familial interest in the institution. (Governing Board)

JUDGMENT OF COMPLIANCE

Compliant

Partially Compliant

Noncompliant

RATIONALE FOR JUDGMENT OF COMPLIANCE

The governing board of North Georgia College & State University is the University System Board of Regents (BOR). There are 35 institutions represented by the regents.

BOR Membership

The *BOR Bylaws*, Article 1, Subsection 3, [1] states that:

The Board of Regents shall consist of one member from each congressional district in the state and five additional members from the state at large appointed by the Governor and confirmed by the Senate. The Governor shall not be a member of said Board. The term of each member shall be seven years. Members shall serve until their successors are appointed and qualified. In the event of a vacancy on the Board by death, resignation, removal, or any reason other than the expiration of a member's term, the Governor shall fill such vacancy and the person so appointed shall serve until confirmed by the Senate and, upon confirmation, shall serve for the unexpired term of office.

There are 18 members of the board [2]. Their biographies are available on the University System of Georgia web site [3].

BOR Authority

The Board of Regents has authority over its member institutions [4]:

The government, control, and management of the University System of Georgia and each of its institutions are vested by the people of Georgia exclusively with the Board of Regents of the University System of Georgia. The Board of Regents possesses such other authority as is granted by the Constitution of the State of Georgia and by acts of the General Assembly.

The authority of the BOR is carried out through its policies and procedures found in its policy manual [5] and demonstrated through its meeting minutes [6].

Financial Control by BOR

Specific policies that relate to financial control in Section 700 of the policy manual [7] and in Article VII of the bylaws [8] state:

The Board shall make the allocation of funds to the several institutions at the April meeting or the next regular meeting following the approval of the Appropriations Act or as soon thereafter as may be practicable in each year and shall approve the budgets of the institutions and of the office of the Board of Regents at the regular June meeting in each year or as soon thereafter as may be practicable.

The Board of Regents shall be the only medium through which formal requests shall be made for appropriations from the General Assembly

and the Governor of the State of Georgia.

Member Control

The BOR is not controlled by a minority of board members. Article III, Section 4 of the bylaws [9] states:

At all meetings of the Board of Regents, a majority of the members of the Board shall constitute a quorum for the transaction of business. The action of a majority of the members of the Board present at any meeting shall be the action of the Board, except as may be otherwise provided by these Bylaws.

Conflict of Interest

Neither the President of the Board nor the majority of other voting members of the board have contractual, employment, or personal or familial financial interest in the institution.

The Board of Regents Policy Manual, Section 802.14, Item B [10], addresses conflict of interest and states:

An employee shall make every reasonable effort to avoid even the appearance of a conflict of interest. An appearance of conflict exists when a reasonable person will conclude from the circumstances that the employee's ability to protect the public interest, or perform public duties, are compromised by personal interest. An appearance of conflict can exist even in the absence of a legal conflict of interest. Employees are referred to State Conflict of Interest Statutes O.C.G.A. §45-10-20 through §45-10-70 and Board of Regents Policies 802.16 through 802.1603 and institutional policies governing professional and outside activities.

The Board of Regents Policy Manual, Section 802.16 [11] speaks about outside work of system employees. It states, "An employee of the University System of Georgia should avoid actual or apparent conflict of interests between his or her college or university obligations and his or her outside activities."

The Board of Regents is an agency of the State of Georgia and is therefore subject to the Georgia Annotated Code. Section 45-10-1 [12] speaks to ethical conduct and states:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in government service should:

- I. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or government department.
- II. Uphold the Constitution, laws, and legal regulations of the United States and the State of Georgia and of all governments therein and never be a party to their evasion.
- III. Give a full day's labor for a full day's pay and give to the performance of his duties his earnest effort and best thought.
- IV. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
- V. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
- VI. Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.
- VII. Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
- VIII. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
- IX. Expose corruption wherever discovered.
- X. Uphold these principles, ever conscious that public office is a public trust.

Military Institution

North Georgia College & State University is one of six 4-year military colleges and is the only 4-year Liberal Arts, coeducational, Military College in the United States. The Military Department has existed since 1877 [13] and is under the direction of United States Military Officers. As a military institution, all resident males are required to be in the Corp of Cadets [14]. Approximately 15% of all students are in the Corp (*NGCSU Fact Book, 2004, p. 42* [15]). The Commandant of Cadets is responsible for the military program at North Georgia College & State University (*NGCSU Statutes, Article XVII* [16]). The professor of Military Science is the senior Army officer assigned to the University by the Department of the Army, following acceptance of this nomination by the President of the University. The Professor of Military Science is responsible for the formal military training and all functions related to commissioning in the military (*NGCSU Statutes,*

Article XVIII [17]. While the federal government, through the US Military, is in control of the Corp of Cadets, the Corp exists and operates as part of the University, which is governed by the Board of Regents.

Document Reference:

Number	DB Num	Document Title	Resource
1		Board of Regents, Bylaws, Article I, Subsection 3, Membership	http://www.usg.edu/regents/bylaws/#I.3
2		Board of Regents, Members	http://www.usg.edu/regents/members/
3		Board of Regents, Members' Biographies	http://www.usg.edu/regents/bios/
4		Board of Regents, Bylaws, Article I, Subsection 2, Charter and Constitutional Authority	http://www.usg.edu/regents/bylaws/#I.2
5		Board of Regents, Policy Manual	http://www.usg.edu/regents/policymanual/
6		Board of Regents, Meeting Minutes	http://www.usg.edu/regents/minutes/
7		Board of Regents, Policy Manual, Section 700, Finance & Business	http://www.usg.edu/regents/policymanual/700.phtml
8		Board of Regents, Bylaws, Article VII, Budgets of Institutions	http://www.usg.edu/regents/bylaws/#VII
9		Board of Regents, Bylaws, Article III, Section 4, Meetings - Quorum	http://www.usg.edu/regents/bylaws/#III.4
10		Board of Regents, Policy Manual, Section 802.14, Item B, Gratuities, Appearance of Conflict of Interest	http://www.usg.edu/regents/policymanual/800.phtml
11		Board of Regents, Policy Manual, Section 802.16, Outside Activities	http://www.usg.edu/regents/policymanual/800.phtml
12		Georgia Annotated Code, Section 45-10-1	http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=45-10-1
13		History of the Corps of Cadets	http://www.ngcsu.edu/CadetAdmissions/histandtrad/history.htm
14		Overview of the Corps of Cadets	http://www.ngcsu.edu/CadetAdmissions/histandtrad/overview.htm
15		NGCSU Fact Book, 2004	http://www.ngcsu.edu/Resource/IRP/irphome/Factbookwebversion/Fact%20Book%202004.pdf , p. 42 in PDF

Number	DB Num	Document Title	Resource
16		NGCSU Statutes, Article XVII	http://www.ngcsu.edu/resource/irp/statutes.pdf , p. 22 in PDF.
17		NGCSU Statutes, Article XVIII	http://www.ngcsu.edu/resource/irp/statutes.pdf , p. 23 in PDF.