

### **SECTION 3, COMPREHENSIVE STANDARD 3.2.6**

There is a clear and appropriate distinction, in writing and practice, between the policy-making functions or the governing board and the responsibility of the administration and faculty to administer and implement policy.

#### **JUDGMENT OF COMPLIANCE**

Compliant

Partially Compliant

Noncompliant

#### **RATIONALE FOR JUDGMENT OF COMPLIANCE**

There is a distinction between the policy-making functions of the Board of Regents and the role of school administrators and faculty to implement those policies. The bylaws of the Board of Regents spells out the Board's role in Section 1.2 [1], which states:

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.

Section V.1 [2] speaks to the general duties of the board and states:

The Board of Regents shall be responsible for the operation of the University System of Georgia, as provided by the Constitution of the State of Georgia and laws enacted pursuant thereto. The Committees of the Board shall review policy matters in the areas of jurisdiction assigned to them and advise the Board as to what, if any, changes of policy should be made. Each of the standing Committees shall keep informed with respect to the manner in which the policies of the Board are being administered in its jurisdiction.

Section 301 of the *Policy Manual* [3] further speaks to the differentiation of duties between the Board and the Institutions and states:

The Board of Regents shall rely on the Chancellor, the presidents of the several institutions in the System, and their deans and faculties to develop, adapt, and administer the academic methods and procedures deemed by them to be most effective in promoting efficiency of operations and most appropriate to the advancement of learning.

Without limiting the generality of the preceding paragraph, it is recognized that the following are proper functions of the academic authorities rather than of the Board:

- A. To prescribe the teaching load to be carried by each member of the faculty;
- B. To determine the maximum and minimum number of students permitted in a class; and
- C. To define the nature and form of records, if any, to be kept of the members of the faculties and of activities of administrative personnel.

The Board of Regents shall expect of each president, his or her faculty and staff, the deans and the faculties of each institution in the System efficient service measured by approved academic standards, and shall look to them to promote effective higher education, having in view resources available to them, and, in the discharge of its duties as a Board, must hold them responsible for a failure to achieve these results. The Board is of the opinion that it would not be reasonable to make academic authorities in the System accountable for results obtained and at the same time deny them the power to choose ways and means they believe to be best adapted to achieve the ends desired.

The Board shall look to the Chancellor to survey institutions in the System and to report thereon to the Board, as may be necessary to keep it fully informed of the standards of scholarship maintained at each institution in the System and the efficiency and effectiveness of the administration of the institutions (*BOR Minutes*, 1947-48, pp. 170-172; 1989-1990, p. 179).

The Board shall expect each institution to be accredited by the Southern Association of Colleges and Schools, Inc., and other appropriate accreditation agencies.

Section 20-3-31 of the *Annotated Code of Georgia* [4] speaks to the duties of the Board of Regents and states:

The board of regents shall have power:

- (1) To make such reasonable rules and regulations as are necessary

for the performance of its duties;

(2) To elect or appoint professors, educators, stewards, or any other officers necessary for all of the schools in the university system, as may be authorized by the General Assembly; to discontinue or remove them as the good of the system or any of its schools or institutions or stations may require; and to fix their compensations;

(3) To establish all such schools of learning or art as may be useful to the state and to organize them in the way most likely to attain the ends desired; and

(4) To exercise any power usually granted to such corporation, necessary to its usefulness, which is not in conflict with the Constitution and laws of this state.

The policies of the Board of Regents identify the role of institutions. Section 204 [5] identifies the authority and responsibility of the president of each institution. It states:

The president of each institution in the University System shall be the executive head of the institution and of all its departments, and shall exercise such supervision and direction as will promote the efficient operation of the institution. The president shall be responsible to the Chancellor for the operation and management of the institution and for the execution of all directives of the Board and the Chancellor. The president shall be the ex officio chair of the faculty and may preside at meetings of the faculty. At those institutions which have a council, senate, assembly or any such body, the president or the president's designee may chair such body and preside at its meetings. The president shall be the official medium of communication between the faculty and the Chancellor, and between the council, senate, assembly, or any such body and the Chancellor (*BOR Minutes, 1993-94, p. 239*).

The president shall recommend to the Board of Regents, through the Chancellor, the initial appointment of faculty members and administrative employees of each institution, the salary of each, and all promotions and tenure awards and be authorized to make all reappointments of faculty members and administrative employees, except as otherwise specified in this manual. The president shall have the right and authority, with the approval of the Chancellor, to fill vacancies in the faculty between meetings of the Board with the understanding that these appointments shall be approved by the Board. The president has the right and authority to grant leaves of absence to members of the faculty for study at other institutions or for such reasons as the president may deem proper. He/she shall make an

annual report to the Board, through the Chancellor, of the work and condition of the institution under his/her leadership.

The president of each institution, or his/her designee, is authorized to accept on behalf of the Board the resignation of any employee of his/her institution (*BOR Minutes*, 1977-78, p. 123; 1982-83, p. 225).

The president of each institution or the president's designee shall have the authority to execute, accept, or deliver, on behalf of the Board... research agreements, settlement agreements, service agreements, and reciprocal emergency law enforcement agreements affecting his or her institution...

Each president shall be authorized by the Board of Regents to take or cause to be taken any and all such other and further action as in the judgment of such president may be necessary, proper or convenient in order to carry out the intent of this policy (*BOR Minutes*, 1972-74, pp. 69-71; 1977-78, pp. 167-168).

Policy 302.03 [6] speaks to the use and responsibilities of administrators at each school and their faculty status. It states:

Faculty status of full-time administrative officers will necessarily vary with the size and complexity of the institution. A faculty member who has academic rank and rights of tenure in the Corps of Instruction and who accepts an appointment to an administrative office (other than president) shall retain his/her academic rank and rights of tenure as an ex officio member of the Corps of Instruction but shall have no rights of tenure in the administrative office to which he or she has been appointed. The additional salary, if any, for the administrative position shall be stated in the employment contract and shall not be paid to the faculty member when he or she ceases to hold the administrative position. An administrative officer having faculty status shall have all the responsibilities and privileges of faculty membership. Administrative officers shall be appointed by the president with the approval of the Board of Regents and shall hold office at the pleasure of the president.

State Colleges and Universities and Associate Degree Colleges: In addition to the Corps of Instruction, the faculty will consist of the president and the full-time administrative officers, and such other full-time administrative officers as the statues of the institution may designate as having ex officio status. Each institution is required to file

with the office of the Board of Regents a list of administrative offices which have faculty status (by office, not by name of individual) (BR Minutes, 1951-52, pp. 314-319; 1952-53, pp. 159-160; 1953-54, p. 225).

The statutes of North Georgia College & State University, Article II, Section 2 identifies the powers, duties and responsibilities of the President as set forth by the policies of the Board of Regents [7, p. 3]. Principally the president of the University is "to be the official medium for the communication to the Chancellor of all matters concerning the University, its faculty and its students" Article II, Section 2, item b [8, p. 3]. Article III of the NGCSU Statutes [9, p. 4] relates to school administrators. The president appoints all administrators of the school subject to approval by the Board of Regents. Article XXII of the statutes [10, p. 27] defines faculty and their responsibilities. In all cases the president, administrators and faculty are implementing the policies of the Board of Regents and are therefore distinct from the policy-making role of the board.

#### Document Reference:

Number	DB Num	Document Title	Resource
1		Bylaws of the Board of Regents, Section I.2, General, Charter and Constitutional Authority	<a href="http://www.usg.edu/regents/bylaws/#I.2">http://www.usg.edu/regents/bylaws/#I.2</a>
2		Bylaws of the Board of Regents, Section V.1, Duties of the Board and Its Committees, In General	<a href="http://www.usg.edu/regents/bylaws/#V.1">http://www.usg.edu/regents/bylaws/#V.1</a>
3		Board of Regents Policy Manual, Section 301: Academic Affairs, General Policy	<a href="http://www.usg.edu/regents/policymanual/300.phtml">http://www.usg.edu/regents/policymanual/300.phtml</a>
4		Georgia General Assembly, Georgia Code Chapter List, Section 20-3-31	<a href="http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=20-3-31">http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=20-3-31</a>
5		Board of Regents Policy Manual, Section 204: Institutional Governance, Authority and Responsibilities	<a href="http://www.usg.edu/regents/policymanual/200.phtml">http://www.usg.edu/regents/policymanual/200.phtml</a>
6		Board of Regents Policy Manual, Section 302.03: Academic Affairs, Administrative Officers	<a href="http://www.usg.edu/regents/policymanual/300.phtml#302">http://www.usg.edu/regents/policymanual/300.phtml#302</a>
7		Statutes of North Georgia College & State University, Article II, Section 2	<a href="http://www.ngcsu.edu/sacs/Reference_Room/documents/NGCSU_documents/Statutes_appr_BOR_2005_Feb.pdf">http://www.ngcsu.edu/sacs/Reference_Room/documents/NGCSU_documents/Statutes_appr_BOR_2005_Feb.pdf</a> , p. 3 in PDF.

Number	DB Num	Document Title	Resource
8		Statutes of North Georgia College & State University, Article II, Section 2, Item b	<a href="http://www.ngcsu.edu/sacs/Reference_Room/documents/NGCSU_documents/Statutes_appr BOR_2005_Feb.pdf">http://www.ngcsu.edu/sacs/Reference_Room/documents/NGCSU_documents/Statutes_appr BOR_2005_Feb.pdf</a> , p. 3 in PDF.
9		Statutes of North Georgia College & State University, Article III	<a href="http://www.ngcsu.edu/sacs/Reference_Room/documents/NGCSU_documents/Statutes_appr BOR_2005_Feb.pdf">http://www.ngcsu.edu/sacs/Reference_Room/documents/NGCSU_documents/Statutes_appr BOR_2005_Feb.pdf</a> , p. 4 in PDF.
10		Statutes of North Georgia College & State University, Article XXII	<a href="http://www.ngcsu.edu/sacs/Reference_Room/documents/NGCSU_documents/Statutes_appr BOR_2005_Feb.pdf">http://www.ngcsu.edu/sacs/Reference_Room/documents/NGCSU_documents/Statutes_appr BOR_2005_Feb.pdf</a> , p. 27 in PDF.