

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1481

Short Title: Improve UNC Governance.

(Public)

Sponsors: Representatives Mavretic; and Rogers.

Referred to: Education.

June 2, 1992

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CANDIDATE SELECTION COMMISSION TO ASSIST THE GENERAL ASSEMBLY IN CHOOSING CANDIDATES FOR ELECTION TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO REQUIRE CONTINUING EDUCATION FOR MEMBERS OF THE BOARD OF GOVERNORS AND MEMBERS OF THE BOARDS OF TRUSTEES OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. Part 2 of Article 1 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"§ 116-5.1. Candidate Selection Commission.

(a) There is established the Candidate Selection Commission. The purpose of the Commission is to establish criteria for the selection of candidates for election to the Board of Governors of The University of North Carolina and to identify and recruit candidates for membership on the Board of Governors. The Commission shall be located administratively under the Board of Governors but shall exercise all its prescribed statutory powers independently of the Board of Governors.

(b) The Commission shall consist of 12 members as follows: four members appointed by the President Pro Tempore of the Senate, one of whom shall be recommended by the President Pro Tempore of the Senate to serve as cochair; four members appointed by the Speaker of the House of Representatives, one of whom shall be recommended by the Speaker of the House of Representatives to serve as cochair; and four members to be appointed by the Governor. Membership shall not include

1 those persons currently serving as legislators in the North Carolina General Assembly,  
2 or the spouses of legislators. Geographical representation must be taken into  
3 consideration in making the appointments. No more than two-thirds of the members of  
4 the Commission appointed by each appointing authority may be of the same political  
5 party. Members of the Commission shall not be candidates for the Board of Governors.

6 (c) Two of the members recommended by the President Pro Tempore of the  
7 Senate, two of the members recommended by the Speaker of the House of  
8 Representatives, and two of the members appointed by the Governor shall serve an  
9 initial term of two years, to expire on July 1, 1994. The remainder of the appointive  
10 members shall serve an initial term of four years, to expire on July 1, 1996. Their  
11 successors shall serve for four-year terms. Vacancies shall be filled by the office  
12 making the initial appointment and for the remainder of the expired term only.

13 (d) Members of the Commission who are not State officers or employees shall  
14 receive per diem and necessary travel and subsistence expenses in accordance with G.S.  
15 138-5. Members who are State officers or employees shall be reimbursed for travel and  
16 subsistence in accordance with G.S. 138-6.

17 (e) The Board of Governors shall provide requested professional and clerical  
18 staff to the Commission. The Commission may also employ professional and clerical  
19 staff and may hire outside consultants to assist it in its work."

20 Sec. 2. Part 2 of Article 1 of Chapter 116 of the General Statutes is amended  
21 by adding a new section to read:

22 "**§ 116-5.2. Commission duties.**

23 (a) The initial meeting of the Candidate Selection Commission shall be called  
24 jointly by the cochairs of the Commission. The Commission shall meet at least monthly  
25 during the six months preceding the start of the first regular session of each General  
26 Assembly. At least half of the meetings shall be conducted outside of Chapel Hill in  
27 locations across the State.

28 (b) The Candidate Selection Commission shall:

29 (1) Develop, in consultation with current and former members of the  
30 Board of Governors and the administration of the constituent  
31 institutions, selection criteria to be applied in the screening of  
32 candidates for membership on the Board of Governors and a  
33 description of the responsibilities and duties of a member of the Board.

34 (2) Distribute copies of the selection criteria and description of the  
35 responsibilities and duties of a member of the Board of Governors to  
36 potential candidates; and

37 (3) Identify and recruit, for each position on the Board of Governors,  
38 qualified candidates based on the background and experience of the  
39 candidates and their potential for discharging the responsibilities of a  
40 member of the Board of Governors.

41 (c) The Commission shall recommend at least two, but not more than four  
42 candidates for each position on the Board to be filled. The recommendations of the  
43 Commission, including copies of all Commission minutes and documents, shall be filed  
44 with the Speaker of the House of Representatives and the President Pro Tempore of the

1 Senate no later than one week prior to the first day of the first regular session of each  
2 General Assembly, and no later than one week prior to the first day of the second  
3 regular session of each General Assembly when it becomes necessary to fill vacant  
4 positions on the Board.

5 (d) To maintain clear and open communications with the General Assembly, the  
6 only members of the Commission authorized to speak on behalf of the Commission are  
7 the cochairs or their designees. Commission members shall not lobby on behalf of  
8 individual candidates for the Board of Governors.

9 (e) The legislature shall not be bound by the recommendations of the  
10 Commission."

11 Sec. 3. G.S. 116-6(c) reads as rewritten:

12 "(c) In electing members to the Board of Governors, the Senate and the House of  
13 Representatives shall select from a slate of candidates made in each ~~house. The slate shall~~  
14 ~~be prepared as provided in each house.~~ house as provided by resolution of each house. In  
15 preparing a slate of candidates, each house may consider the recommendations of the  
16 Candidate Selection Commission. In each house, should the recommendations of the  
17 Candidate Selection Commission be accepted, then those persons shall constitute the  
18 slate of candidates for that house. Should either house reject the recommendations of  
19 the Commission, in whole or in part, or if either house decides to add candidates to  
20 those recommended by the Commission, then the house so choosing shall use the  
21 following nomination procedures:

22 (1) The resolution in each house shall set forth specific criteria by which  
23 each person seeking nomination is to be assessed. These criteria shall  
24 include, but are not limited to:

- 25 a. The integrity, ethics, and personal code of honor of the  
26 candidate;
- 27 b. The knowledge and experience a candidate can bring to bear on  
28 University problems, opportunities, and deliberations;
- 29 c. An understanding of the role of the Board of Governors and its  
30 responsibilities;
- 31 d. The ability to function as a member of a diverse group in an  
32 atmosphere of collegiality and selflessness;
- 33 e. A sincere commitment to higher education and a clear  
34 understanding and acceptance of the University's mission;
- 35 f. A willingness to commit the time and energy necessary to fulfill  
36 the responsibilities of a member of the Board of Governors;
- 37 g. A willingness to forego partisan political activity while a  
38 member of the Board that could impair the functioning of Board  
39 and the University; and
- 40 h. Loyalty to the University system as a whole, and to the public's  
41 interest in higher education rather than to any particular region  
42 of the State or constituent institution.

1           (2) Candidates, other than those recommended by the Candidate Selection  
2           Commission, shall appear before the committee of each house charged  
3           with preparing the slate of candidates as a part of the election process.

4           (3) If a sufficient number of nominees who are legally qualified are  
5           submitted in a category for which members of the Board of Governors  
6           are to be elected, then the slate of candidates shall list at least twice the  
7           number of candidates for the total seats open in a category. All  
8           qualified candidates in a category shall compete against all other  
9           qualified candidates in a category.

10          (4) In 1993 and biennially thereafter, each house shall hold their elections  
11          within 30 legislative days after appointments to their education  
12          committees are complete."

13          Sec. 4. Part 2 of Article 1 of Chapter 116 of the General Statutes is amended  
14          by adding a new section to read:

15          "**§ 116-7.1. Continuing education requirement for Board members.**

16          (a) All members of the Board of Governors of The University of North Carolina,  
17          and all members of the Boards of Trustees of the constituent institutions appointed or  
18          elected after January 1, 1993, shall complete a minimum of 20 clock hours of  
19          continuing education during the first two years of their term of office.

20          (b) The continuing education program shall be developed and provided by the  
21          Board of Governors of The University of North Carolina with the assistance of the  
22          Institute of Government. At a minimum the program shall address (1) the history of  
23          higher education and higher education governance in North Carolina; (2) the role and  
24          responsibilities of the Board of Governors, the Boards of Trustees of the constituent  
25          institutions, and the administrations of the constituent institutions; (3) higher education  
26          finance; (4) legal issues in higher education; and (5) assessment and accountability in  
27          higher education. For members of the Boards of Trustees of the constituent institutions,  
28          at least five of the 20 hours shall be conducted at the constituent institution and shall be  
29          directed to the specific needs and problems of the particular campus.

30          (c) The Board of Governors shall provide opportunities for members of the  
31          Boards to attend continuing education courses at various locations throughout the State.

32          (d) Members of the Board of Governors or of the Boards of Trustees who,  
33          without good cause, fail to complete the 20-hour continuing education requirement  
34          within two years of the beginning of a term shall forfeit their seat on the Board and shall  
35          not be eligible for reelection or reappointment to any of the Boards of the University  
36          System in North Carolina.

37          (c) The Board of Governors shall maintain records of attendance of members of  
38          the Boards at continuing education courses throughout the State. The Board of  
39          Governors shall also be the sole arbiter of what constitutes good cause for failure to  
40          complete the 20-hour requirement with the two-year time period."

41          Sec. 5. There is appropriated from the General Fund to the Board of  
42          Governors of The University of North Carolina for the Candidate Advisory Commission  
43          the sum of thirty thousand dollars (\$30,000) for the 1992-93 fiscal year to implement  
44          Sections 1 and 2 of this act.

1           Sec. 6. There is appropriated from the General Fund to the Board of  
2 Governors of The University of North Carolina the sum of fifty thousand dollars  
3 (\$50,000) to implement Section 4 of this act.

4           Sec. 7. This act becomes effective July 1, 1992.