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REPORT

of the
Commission on the Study
of the
Board of Trustees
of The
University of North Carolina

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**REPORT
OF
THE COMMISSION ON THE STUDY OF THE BOARD OF
TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA**

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THE COMMISSION ON THE STUDY OF THE BOARD OF TRUSTEES
OF THE UNIVERSITY OF NORTH CAROLINA

Raleigh, North Carolina
November 15, 1966

His Excellency
The Governor of North Carolina
State Capitol
Raleigh

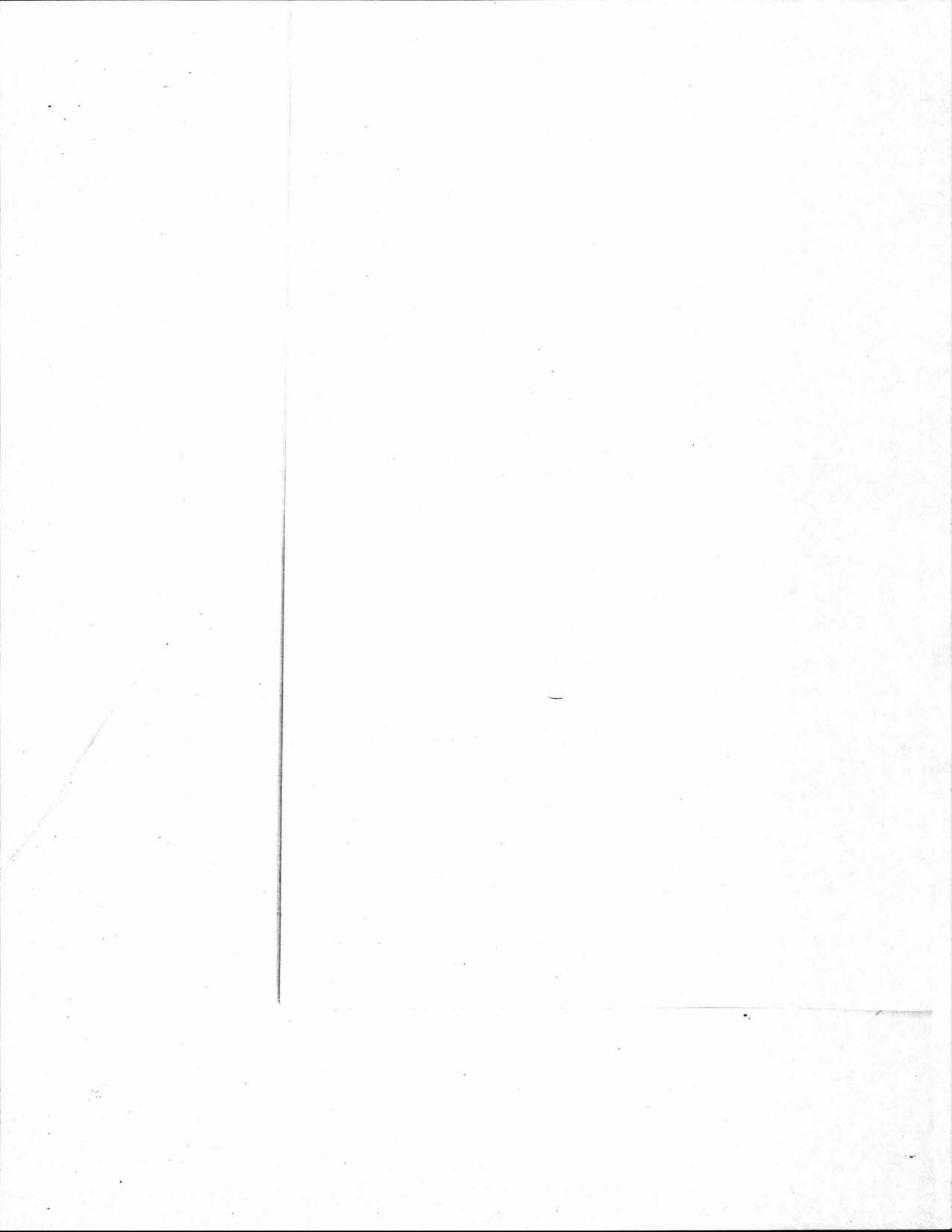
Your Excellency:

We have the honor to submit to you, for transmission to the members of the General Assembly of 1967, this report of the Commission on the Study of the Board of Trustees of The University of North Carolina.

This study has been conducted and this report has been prepared by direction of Resolution 73 of the General Assembly of 1965.

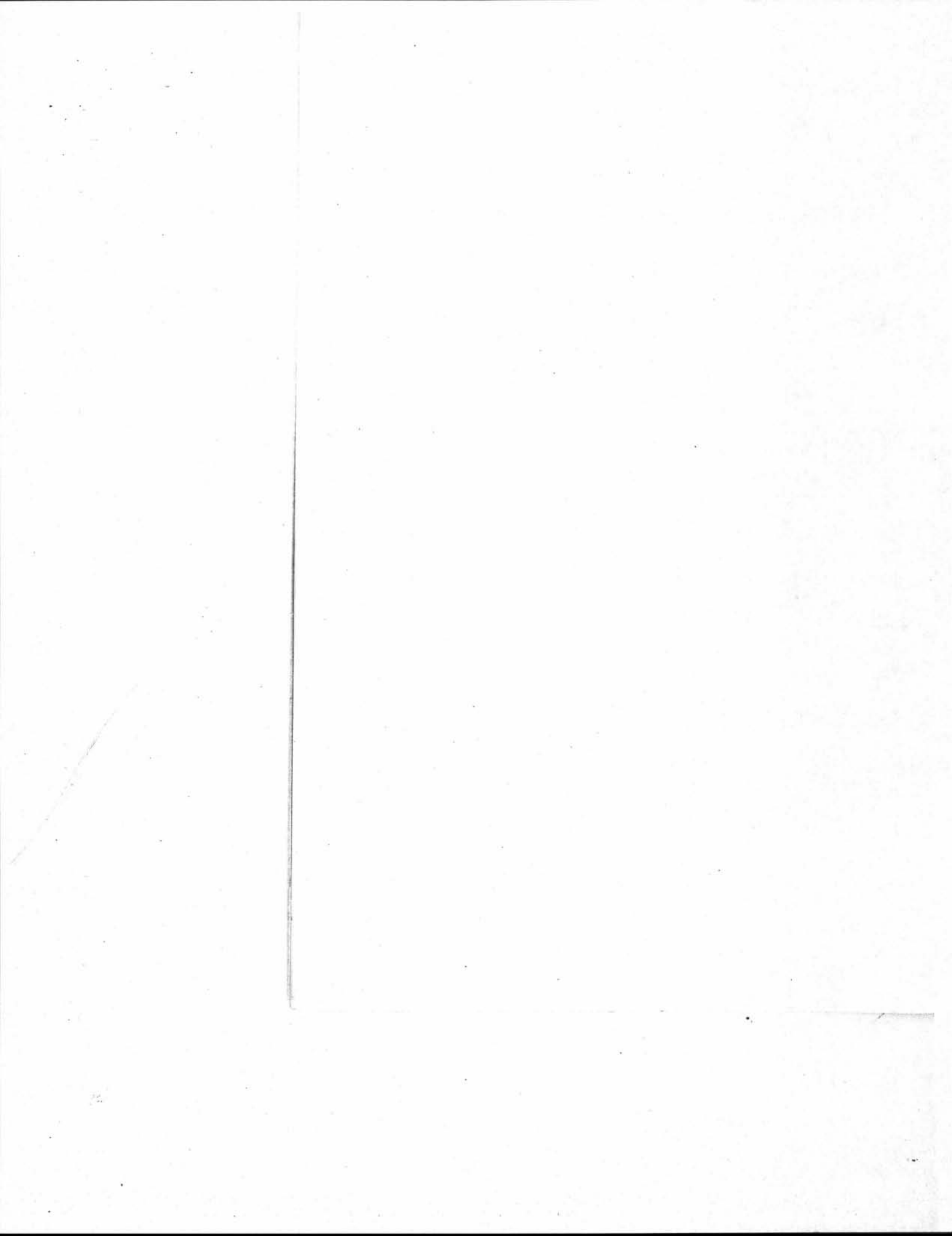
Respectfully submitted,

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SUMMARY

The University of North Carolina has long been one of the most significant forces for progress in North Carolina, and in recent decades it has attained distinction among the public universities of the Nation. It is essential that the University maintain and improve its effectiveness and play a growing role in the State and Nation. To do so, it must have a strong and active Board of Trustees to guide and guard the institution and to serve as an effective link between the people of the State and the University. These recommendations have been designed to help achieve that goal.

The Board of Trustees of The University of North Carolina, with 100 legislatively-elected members and several *ex officio* and honorary members (ten times the average size of such bodies), is far too large to function effectively. It should be progressively reduced to 24 members. (Rec. No. 1, page 18.)

To make possible an orderly reduction in the size of the Board of Trustees from 100 to 24 elected members, all current members should serve out their terms (25 of which expire each two years), and the General Assembly should elect each two years, beginning in 1967, six trustees for eight-year terms, together with the number necessary to fill vacancies for the remainder of unexpired terms. Thus the Board would reach the desired membership of 24 in 1973. (Rec. No. 2, page 23.)

Members of the General Assembly and their spouses should be ineligible for election as trustees. The Board membership should include at least one resident of every congressional district. The present requirement that there must be at least ten women trustees should be repealed. (Rec. No. 3, page 25.)

The Governor should cease to serve as Chairman of the Board of Trustees in 1973, and the Board thereafter should elect its own Chairman from its membership each two years. The Superintendent of Public Instruction should cease to be a trustee *ex officio* at the same time. (Rec. No. 4, page 27.)

No further honorary trustees should be chosen, although the four current honorary trustees should serve out their life terms. (Rec. No. 5, page 28.)

The statute providing that former Governors become trustees for life upon retirement from the governorship should be repealed. (Rec. No. 6, page 28.)

Trustees should be paid subsistence and travel allowances for each day spent in the service of the State. (Rec. No. 7, page 28.)

In order to insure rotation of membership on the Executive Committee of the Board of Trustees, members should be ineligible for election to two successive full terms. They should become eligible again after two years off the Committee. (Rec. No. 8, page 29.)

In order to improve and expedite state budgetary procedures as they pertain to the University, representatives of the Board of Trustees and of the Governor as Director of the Budget should undertake to make those procedures as simple and expeditious as possible, consistent with the need to insure that budgeted funds are spent so as to gain maximum educational benefits for the State. (Rec. No. 9, page 34.)

To aid the Board of Trustees in maintaining effective relationships between the University and the people of the State, a Board of Advisers of the University of North Carolina should be established. Its 100 members should be chosen by the General Assembly for eight-year terms. They should serve without compensation, but should receive all appropriate courtesies from the University. (Rec. No. 10, page 35.)

I. INTRODUCTION

The great size of the Board of Trustees of The University of North Carolina* and the political process by which its members are chosen have for years been subjects of recurrent concern among members of the General Assembly and many other thoughtful citizens of North Carolina. In the last decade, every regular session of the General Assembly but one has received at least one bill to alter the size or constitution of the Board of Trustees. Since 1955, nine such bills (including two in the 1965 session) have been considered and defeated in the General Assembly. And in 1959 a legislatively-established study commission futilely recommended modest changes in the procedures for selecting trustees.

Within the Board of Trustees and the University administration, other concerns have been expressed. One which may stem in part from organizational deficiencies of the Board of Trustees has been the growing conviction that state administrative policies and procedures, especially in financial matters, deny the University authority equal to its responsibility for meeting the educational needs of the State. Thus concern over the present structure or authority of the Board of Trustees has been expressed by all parties most directly involved with the Board of Trustees of The University of North Carolina.

A desire to see the entire subject given careful and comprehensive study led Governor Dan K. Moore to recommend and the 1965 General Assembly to adopt Resolution 73, establishing this commission to study the Board of Trustees of The University of North Carolina. (The resolution is set out in full as Appendix 1.) This resolution specifically directed the Commission to make

a detailed and exhaustive study of the manner in which the trustees of the University of North Carolina are selected, the number which should constitute the Board of Trustees, the terms of office of the trustees, the relationship between the Board of Trustees and the General Assembly, and the relationship between the Board of Trustees and other interrelated agencies of the State.

The resolution provides for a Commission of nine members, five to be appointed by the Governor, two by the Lieutenant-Governor from the membership of the Senate, and two by the Speaker of the House of Representatives from the membership of the House. The nine persons selected represent diverse backgrounds and interests. Among the members is a former Gov-

* Throughout this report, the title "The University of North Carolina" is used in referring to the consolidated University, in keeping with statutory usage. Where one of the institutions constituting the University is referred to, its full statutory title is used, for example, "The University of North Carolina at Chapel Hill."

ernor of North Carolina, a newspaper executive, a farmer, a political scientist, a president of a North Carolina private college, two businessmen, and two attorneys. Five of the members have been or are now trustees of the University of North Carolina or of other institutions of higher education, and one member is a past president of the Association of Governing Boards of Universities and Colleges.

In December, 1965, this Commission held its first meeting. It was agreed that it would be helpful to have the advice and counsel of those individuals who were directly involved or concerned with the operation of the Board of Trustees, and the opinions of all citizens who had information or suggestions concerning the Board. Consequently, the next meeting was scheduled as a public hearing, at which all who wished to do so were invited to appear before the Commission.

At the public hearing, held in the auditorium of the State Legislative Building in Raleigh in March, 1966, representatives of the alumni associations of The University of North Carolina at Greensboro and North Carolina State University at Raleigh, a representative from two special subcommittees of the Board of Trustees, and several prominent alumni in their individual capacities appeared before the Commission. After studying the testimony of those appearing, the Commission thought it necessary to continue its investigation and to hear from additional people before drafting a report. Several individuals familiar with the operation of the Board of Trustees and with similar boards in other states were asked to appear at a meeting held in June at Quail Roost Conference Center. At this meeting presentations were made by the President of the University, the Chancellor of The University of North Carolina at Chapel Hill, the Director of Higher Education, members of the faculty of the Medical School at Chapel Hill, officers of the Chapel Hill chapter of the American Association of University Professors, and two individuals who have worked with state university governing boards in other states.

A total of 25 witnesses appeared before the Commission, representing practically every group directly concerned with the functioning of the Board of Trustees. In addition to these witnesses, the Commission received numerous letters from citizens offering recommendations or proposals for changes in the structure of the Board of Trustees. To all of these the Commission is greatly indebted. This report could hardly have been made without the many suggestions, information, and counsel graciously rendered by these people. The Commission wishes to express its appreciation to all of those who took the time to appear or write to us.

II. THE UNIVERSITY OF NORTH CAROLINA

The University and the State

Although The University of North Carolina in recent decades has gained distinction among the state universities of America, its chief function has been and continues to be to serve the people of North Carolina. From their beginnings to this day, the institutions constituting the University have played significant and highly useful roles in the life of this State.

The University of North Carolina at Chapel Hill has for almost two centuries educated a large proportion of the political, professional, and business leaders of this State. Through many and diverse channels, that institution also has extended its services to countless citizens of North Carolina.

North Carolina State University at Raleigh for over three-quarters of a century has made large and distinctive contributions, especially to the agricultural and industrial life and leadership of the State. All of North Carolina has benefitted from its far-flung extension activities.

The University of North Carolina at Greensboro for generations has provided sound liberal arts education for large numbers of young women, and it is now enrolling growing numbers of men as its educational scope is broadened.

The University of North Carolina at Charlotte, the newest of the four campuses of the University, promises to become a vital educational center not only for its region but for the entire State.

The consolidation of the three older institutions in 1931 and the addition of the Charlotte campus in 1965 enabled the coordinated and constructive planning and growth of the university-level public institutions of the State and helped the several institutions to pursue more effectively their distinctive teaching, research, and public service functions. Today these institutions enroll over 30,000 students in on-campus study; they serve 34,000 others through extension instruction (including institutes, conferences, and other non-credit courses both on and off the campuses); and they reach uncounted thousands more through such activities as North Carolina Memorial Hospital, the Cooperative Agricultural Extension Service, publications, research activities, and many other forms of institutional outreach.

To a degree equalled by few educational institutions in America, The University of North Carolina is closely tied to the State of which it is a part. Their destinies are intertwined in innumer-

able ways, and will become more so in the future. We welcome this prospect, for it is in the conviction that the University must become an even more potent force for progress in North Carolina that this study has been pursued.

The University and the Nation

A university, however, cannot be measured solely by its contribution to the state which maintains it. A true university must meet standards of performance and serve in part a clientele that are national and often international in scope. To compete for top quality faculty members and students in a national market, to obtain the federal and foundation financing essential to much of its work, a university must attain national recognition for excellence in its teaching and research activities, qualities which also enhance the capacity of the university to serve the state of which it is a part.

The regional prominence of The University of North Carolina has long been recognized and upheld by the prevalence of its graduates on the faculties of colleges and universities and in other professions throughout the South. Some of its schools and departments have achieved international reputations, among them the School of Agriculture and Life Sciences and the School of Design at Raleigh, and the School of Public Health and the Department of Statistics at Chapel Hill.

The University of North Carolina has been a member of the prestigious Association of American Universities since 1923. In his authoritative study of graduate education in the United States (1960), Bernard Berelson classed The University of North Carolina at Chapel Hill with ten state universities that could be expected to assume national leadership. A recent assessment by the American Council on Education (1966) named the Graduate School of The University of North Carolina at Chapel Hill as one of the top three in the South and ranked eight of its 34 schools and departments that offer the doctorate among the strongest in the Nation.

The President of The University of North Carolina recently (1964-65) served as Chairman of the American Council on Education, and the Chancellor of North Carolina State University at Raleigh has served (1962) as President of the Association of State Universities and Land Grant Colleges. Numerous faculty members of the University have held high office in regional, national, and international learned societies. Graduates of the University are to be found in many positions of leadership in universities and colleges throughout the Nation. The national

fellowships and scholarships won by graduates of the institutions at Chapel Hill and Raleigh attest the quality of undergraduate teaching there, even as the number of holders of such awards who choose to pursue graduate study in those institutions is evidence of the quality of graduate instruction available there. All of these factors represent favorable external judgments on the merits of the University.

The institutional strengths that are thus reflected make possible a high level of instruction for all students in the University and permit North Carolina students to be exposed to the ideas and cultures of faculty and students from all other parts of the United States. These strengths also make available to the State essential research and public service competencies. The value of the latter factor is most tangibly shown in the establishment and growth of the Research Triangle, which owes its existence in part to the presence and prominence of two of the institutions of the University.

The University of North Carolina is in ceaseless competition for standing among American universities, and must meet rising standards of excellence. To pause or even to relax the pace is to suffer perhaps irrecoverable loss. It is our conviction that the best interests of the State require that the University maintain and enlarge its stature among the universities of the Nation, while playing an increasingly significant role in the service of North Carolina.

Problems of Growth and Change

In response to many pressures—population growth, the increasing availability of funds for all kinds of educational pursuits, the ambitions of administrators and faculty members and friends of the institutions, and the very nature of the higher educational enterprise—the institutions making up the University, especially those at Chapel Hill and Raleigh, have in recent years grown in size and complexity as they have striven for recognition among the distinguished universities of the Nation. These developments have produced two divergent responses within the State: a sense of pride and at times a sense of alienation.

The people of North Carolina have long given these institutions material and spiritual support in the conviction that the progress of the whole State is closely linked with the progress of the University. They rejoice in the achievements of the University.

Yet many of these same citizens have felt that as these institutions have grown in size and stature, they have become more

concerned with achieving national acclaim than with serving the State of North Carolina and its needs. This reaction is understandable, for it is in the nature of things that a university which seeks national distinction must put into the kinds of teaching and research activities that bring recognition from the scholarly world proportionately more of its resources than must a college that is only concerned with satisfying a local constituency. This relative emphasis has tended to obscure the fact that the University today is educating more North Carolinians and through its manifold extension and public service activities is reaching more of the people of North Carolina in more helpful ways than at any time in the past.

It is our conviction that while the University seeks greatness by the world's measure, it must not diminish its relevance to the State which largely sustains it, that in fact it has not done so, and that this is a story which has not been adequately told to the people of North Carolina.

Importance of the Board of Trustees to the University

All that we have just said is directly relevant to the Board of Trustees of the University. In its capacity as the most important policy-making body of the University, the Board of Trustees must assure that the University grows *both* in national stature and in significance in the life of this State. In its capacity as the interpreter of the University to the State, the Board must explain and expound the idea that to serve the State most effectively, the University must have the qualities that earn for it national recognition among its peers. And in its capacity as the guardian of the University, the Board must protect it not only against those few who may wish it ill but also against those friends whose limited vision would bind it to narrow purposes that would frustrate the attainment of its highest potential for the State and Nation.

These are large responsibilities. To carry them out in the most effective fashion, the Board of Trustees must be so constituted as to function wisely and effectively and to command the highest degree of public confidence. How to achieve these essential characteristics on the part of the Board has been the object of this study.

We wish to make it clear at the beginning that the findings and recommendations set forth in this report are not to be taken as criticisms of the many able men and women who have served on the Board of Trustees of The University of North Carolina since 1789. That body has included within its ranks many of the distinguished public leaders of North Carolina. The present

greatness of the University is the best evidence of the fact that they have consistently and faithfully performed their duties as trustees. But we are persuaded that they have done so in spite of the difficulties imposed by the organizational features of the Board of Trustees, not because of them. Indeed, it has required a high degree of adaptive genius to make reasonably workable a body that seems almost to have been designed to insure its ineffectiveness. This Commission has tried to propose revisions of the Board that would make its organization facilitate rather than frustrate the effective performance of its duties. We would enlarge rather than diminish the role of the trustees, both individually and collectively.

III. THE BOARD OF TRUSTEES

Functions and Authority

The basic function of the Board of Trustees of The University of North Carolina is to do all things "necessary for the promotion of learning . . ." The statutes include little detail on the way in which this primary task is to be accomplished.

The University Charter of 1789 did not create a state agency or institution in the modern sense, with only such powers as were expressly granted to it and with the objectives to be sought carefully defined. The General Assembly created a corporation by the only mode then available—legislative act. The legal creature, the "body politic and corporate," was "The Trustees of the University of North-Carolina." The legislative charter stated the general purposes of the enterprise and granted the corporation broad powers for their accomplishment. The act was much like other corporate charters of the time. Subsequent restatements and recodifications of the basic law providing for the University have added little detail to the 1789 prescription of the primary duties of the Board of Trustees.

The chief constitutional provision with respect to the University has since 1873 read as follows:

The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments heretofore in anywise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time, as may be necessary and expedient for the maintenance and management of said University. (N. C. Const. art. IX, § 6.)

As a corporation with perpetual succession, the Board of Trustees has always had power to make rules and regulations for the government of the University; to acquire, hold, use, and dispose of property for the University; to sue and be sued; and to do all other things necessary for the control and management of the University that usually are done by corporate bodies.

The General Assembly also has enacted legislation less general or encompassing in its nature. These more specific statutory assignments include the power to acquire property that accrues from escheats (N.C. Const. art. IX, § 7, and G.S. 116-20 (1789)), to appoint the President and faculty of the University (G.S. 116-12 (1789)), and to initiate the procedure for establishing additional University campuses (G.S. 116-2.1 (1963)).

The key to the Board's function, however, remains its power to act as a corporate body for the promotion of learning and to make rules and regulations for the management of the University. These provisions establish the basic function and responsibility of the Board contemplated in the constitution—to govern the University within broad limits set by statute.

History and Growth

The basic function of the Board—to govern The University of North Carolina—has not changed since the original Board was established in 1789. Several characteristics of the Board—its size, the method by which its members are selected, the qualifications required of trustees, and their terms of office—have changed. Before examining the characteristics of the present Board, it will be helpful to review briefly the changes these characteristics have undergone in the 177 years of its existence.*

The Board of Trustees was established by the General Assembly in 1789. The enabling legislation provided for a membership of 40 persons who were named in the charter of 1789. The Board was made self-perpetuating, having the power to fill vacancies in its membership. The trustees served life terms. In 1804 the legislature authorized itself to fill vacancies that occurred either by death or resignation of trustees. This procedure continued for the next sixty-four years, the General Assembly electing members of the Board for life terms. The Governor was made Chairman *ex officio* of the Board in 1805. The number of trustees was increased to 65 in 1821.

Following the Civil War, the basic characteristics of the Board were changed radically by the Constitution of 1868. The number of trustees was increased to 98, one for each of the then 89 counties and nine members *ex officio*. The term became eight years, and the trustees were selected by the State Board of Education. This arrangement continued until 1874, when pursuant to a constitutional amendment ratified the previous year, the General Assembly adopted basically the present plan. The election of trustees was returned to the General Assembly, where the trustees were to be elected for overlapping eight-year terms. The number, however, was reduced to 64 and the Board did not reach its current size of 100 elected trustees until 1917. There have also been a few other minor changes in Board organization: A 1909 statute made the Superintendent of Public Instruction a trustee *ex officio*, a 1931 statute provided for the election of at

* Appendix 2 shows the successive changes in the number and mode of selection of University trustees from 1789 to the present.

least 10 women to the Board, and a 1941 act made former Governors honorary trustees for life. Honorary members are also a new feature of Board membership; seven have been elected since 1959.

Until 1932, the Board of Trustees governed only the institution at Chapel Hill. The Consolidation Act of 1931 reconstituted the Board and granted it control over the campuses at Greensboro and Raleigh, while revesting in it all legal and constitutional powers it had possessed or acquired since 1789 as the governing authority of the University at Chapel Hill. Thus the present board is the successor to the constitutional status enjoyed before consolidation only by the Board of Trustees of The University of North Carolina at Chapel Hill.

Although the basic characteristics of the Board have not changed for almost one hundred years, there have been numerous attempts to change the constitution of the Board. For example, in the last dozen years, bills have been introduced that would have changed the Board by excluding members of the General Assembly from selection as trustees, providing for the appointment of at least part of the trustees by the Governor, reducing the number of trustees, selecting trustees from senatorial districts, adding new *ex officio* members, and providing for biographical sketches of all nominees for trusteeship. At least six bills introduced during this period would have altered the method of trustee selection, and three of them provided for some trustee appointments by the Governor. One of these six bills providing for changing the selection procedure is particularly noteworthy. It was House Bill 876 of 1959, which was the product of the 1957-59 Commission to Study the Manner of Selection of Trustees of the Greater University of North Carolina. That bill would have modified the current procedure by giving the Governor the power to appoint one-fifth of the members of the Board, subject to confirmation by joint vote of both houses of the General Assembly.

The significance of this bill and the other proposed legislation is not how it would have changed the structure of the Board of Trustees, but rather as an indication of dissatisfaction on the part of some legislators and perhaps their constituents with the Board of Trustees as it is now constituted.

Present Organization

The General Statutes currently provide for a Board of Trustees of 100 elected members, ten of whom must be women. Twenty-five trustees are elected every two years by joint ballot of both houses of the General Assembly. There are also two

ex-Governor members, four honorary lifetime members, and one *ex officio* member (the Superintendent of Public Instruction). The Governor serves *ex officio* as the presiding officer of the Board. The elected members serve overlapping terms of eight years.

The General Statutes require that there be at least three general Board meetings each calendar year, one of which must be held in Raleigh during the session of the General Assembly during the year in which that body regularly convenes. Special meetings may be called by the Governor or by the Board. (In the past three years there have been four such meetings, or about one per year.) Every trustee is required to attend at least one meeting every two years, on penalty of his place as a trustee being deemed vacant for nonattendance.

The Board is organized into twelve committees. There is an Executive Committee, plus eleven committees that are concerned with specific areas of Board responsibility such as finance, buildings, and honorary degrees. Membership on these committees is gained by election by the entire Board. The number on each committee varies from five to 24 members and the term of service varies from four to six years. In addition to these standing committees, special committees may be created by the Board or the Executive Committee to consider subjects or problems referred to them.

The Executive Committee merits additional consideration for it is here that the real power of the Board of Trustees resides. It is the only committee mentioned in the statutes (G.S. 116-11 (1873)), and the Board of Trustees has found it necessary to delegate to it power to act for the Board on all matters except a limited few such as the election of the President of the University and the selection of the Chancellors for the University's four institutional components.

The Committee has 12 members, plus the Governor who is Chairman *ex officio*. The members are elected by the Board for terms of six years, three trustees being elected to membership every two years. Members may succeed themselves and often do so, as evidenced by the 11-year average length of service on the current Executive Committee and the fact that two of the present members have served over 20 years.

The Committee is required to meet every other month. In addition, special meetings may be called by the Chairman on his own initiative or at the request of three of its members. There is little argument that this Committee is the primary decision maker and policy formulator within the Board.

Comparison with Governing Boards in Other States

Every state has established public institutions of higher education and has followed the American tradition of establishing lay governing boards for those institutions. In an effort to learn what we could from the experience of other states, one of the first inquiries made by this Commission was into the organization of the governing boards of public institutions of higher education in other states.

From a study done by the U. S. Office of Education of the Department of Health, Education, and Welfare in 1960 (the most recent survey available), it appears that the average membership of 209 boards governing state institutions of higher education examined is 10.6.

The same average membership, 10.6, is also reported for boards which, like that of North Carolina, govern more than one institutional unit.

The study noted that the Board of The University of North Carolina is the "grandiose exception" and that the next largest public board is the Pennsylvania State University Board of Trustees with 32 members.

The study also shows that 70.2 per cent of all members of governing boards of state universities and colleges are appointed. In the great majority of cases the appointment is made by the Governor with the advice and consent of the Senate.

The average term of board members is 6.1 years, with the majority of states providing for successive and overlapping terms.

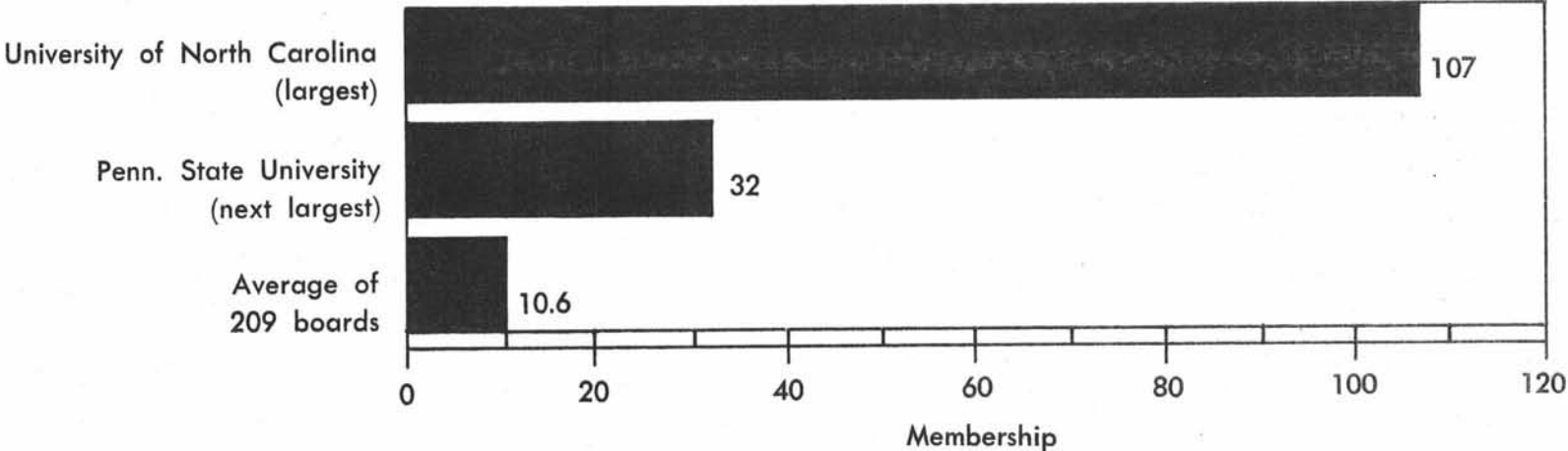
As for special requirements for membership (such as the North Carolina law requiring that at least ten of the trustees be women), the study showed that most boards are subject to such requirements, the most common one being that of residence. Over half of the boards examined in this study were subject to a residence requirement—state, congressional district, or county. Only nine of over 200 boards studied, however, are required to have a special number or proportion of women among their members.

Some *ex officio* membership was found on most boards, but its use as a method of selecting members is decreasing. Out of 50 states, 21 make their governor an *ex officio* trustee, but only in a few cases is he also the presiding officer.

It was impossible for the Commission to study in detail every board of trustees that governs a public university. We did, however, examine 22 boards in 19 states that control most of the outstanding state-supported universities in America. Nineteen of these boards, including the North Carolina Board, govern the

Illustration 1

COMPARATIVE SIZES OF GOVERNING BOARDS
OF PUBLIC INSTITUTIONS OF HIGHER LEARNING



public institutions that are members of the Association of American Universities. The other three boards, those of the Universities of Georgia, South Carolina, and Tennessee, were added because they govern state-supported institutions in states adjacent to North Carolina.

The statistics of these 22 selected boards do not vary greatly from the findings just given from the study by the U. S. Office of Education. The method of trustee selection most used is appointment by the governor.

The average membership of all the 22 boards is 16; if North Carolina is excluded, the average is 12.

The average term is 6.7 years. All terms overlap, and only one state prohibits trustees from serving successive terms.

The majority has some qualification on membership, and half of 22 have *ex officio* membership.

Nine of the 19 states use their constitutions to confer some measure of authority on their university boards.

Only six of these 19 states make the governor a board member.*

Of the 22 boards examined, 15, including the North Carolina Board, govern two or more institutional units. Two boards representative of this group are those of California with eight institutional units and Georgia with 21 institutional units. The first notable feature about each of these boards is the source of its legal authority. Both boards derive their authority from the state constitution. As a result, each board has control over the allocation of monies appropriated to it by the state legislature and may establish the administrative policies over financial and related matters. Mr. James A. Blisset, Treasurer of the Regents of the University System of Georgia, stated when he appeared before this Commission that many of the problems which North Carolina higher education has with its line-item budget are not found in Georgia, where the appropriation for higher education is made to the Board of Regents in one lump sum and the allocation among institutions is made by the Board of Regents.

The other characteristics of these two boards are that the regents in both states are appointed by the Governor, with the advice and consent of the Senate being required in Georgia. The boards are also relatively small, with 24 members in California and 15 in Georgia. The regents serve terms of 16 years in California and seven years in Georgia, with both states providing for overlapping terms and permitting successive appointments. There are eight *ex officio* members on the California

* Appendices 3, 4, and 5 report in greater detail the characteristics of these 22 boards.

board and none on the Georgia board. The Governor is an *ex officio* member of the California board but not its chairman. He is not a member of the Georgia board.

The only requirement for membership on the California board is that the Governor's appointments must "keep the university free from all political influence." The Georgia system has a residence qualification that requires that there be one regent from each of the ten congressional districts in the state of Georgia, the remaining five members being chosen from the state at large.

IV. FINDINGS AND RECOMMENDATIONS

The creation of this Commission, the latest of numerous efforts over more than a decade to bring about changes in the organization of the Board of Trustees of the University, is itself some evidence of a conviction on the part of the Governor and the General Assembly that improvements in the Board are both needed and feasible. Except for the spokesmen of the Board of Trustees itself and the administrative officers of the University (the latter deemed it inappropriate to speak on the matter), it was generally the advice of the witnesses who appeared before this Commission and of many who wrote to us that substantial changes in the make-up of the Board are needed, especially in the matter of the size of the Board and the way in which its members are chosen.

University spokesmen did express the conviction that the Board of Trustees, however chosen, must be given greater authority to carry out its responsibilities to the State, especially in the administration of its budget.

In this portion of our report, we will describe the problems as we view them, offer our recommendations for change, and set forth the reasoning supporting those recommendations.

Organization of the Board of Trustees

1. Size of the Board of Trustees

The most conspicuous fact about the Board of Trustees of The University of North Carolina is its extraordinary size.

With 100 elected members, the North Carolina Board is more than three times as large as the next largest state university governing board.

It is ten times the average size of the governing boards in other states that control two or more institutional units.

This is not a new condition, for the Board of Trustees of the University was created in 1789 with 40 members and by 1917 had grown to its present elected membership of 100. (Appendix 2 shows the growth of the Board since 1789.) Whatever the historical reasons for this development, it is obvious that if the State were beginning afresh it would not create a board of this magnitude to govern the University.

The size of the Board of Trustees assumes importance because it is inseparably connected with the efficiency and effectiveness with which the Board functions. The great size of the Board of

Trustees makes it unwieldy, it makes frequent Board meetings impractical, and it hampers full discussion of policy issues when the Board does meet. In order to get the business of the Board done, it has for over a century been necessary to delegate nearly all of the authority of the Board to an Executive Committee, now comprising 12 members plus the Governor as Chairman. That Committee determines nearly all issues of University policy and administration that require trustee action, and those issues that must be acted upon by the full Board reach it with the recommendations of the Executive Committee. Such a delegation is essential under the circumstances, for the business of the Board could not otherwise be handled with adequate understanding and promptness.

The fault here is not that the business of the Board does not get done, but that the manner in which it must be done requires heavy reliance on the Executive Committee and in turn on the President and administrative staff of the University. As a result, the trustees who are not members of the Executive Committee often lack the incentive to keep fully informed on the state of the University, and to develop the degree of involvement and commitment which would enable them to become fully effective representatives of the people in the government of the University and fully effective advocates of the University before the people of the State.

The great size of the Board of Trustees is justified chiefly on the ground that it strengthens public confidence in the University; yet the public is aware that the great majority of the trustees play only a limited and largely formal part in the government of the University. Thus an intended source of strength may in fact be a source of weakness.

In the trustee selection process, the great size of the Board is likely to have an unfortunate influence in some instances. The General Assembly (and the same would be true of any other appointing authority) is not likely to exercise as close scrutiny of the qualifications of a candidate who is to be only one of a hundred trustees as it would if he were to be one of a much smaller group.

If the Board of Trustees as a whole is to be an effective governing and policy-making board for the University, it is obvious that its membership must be drastically reduced. We have considered numerous possible sizes for the Board, ranging from ten to 50. We have concluded that ten members probably would be too few to be adequately representative of the whole State, and that merely to reduce the size of the Board by half would be largely ineffectual in correcting the weaknesses resulting from great size.

After much deliberation, we have concluded that there should be 24 members of the Board of Trustees. A Board of 24 trustees would be large enough to embrace a good cross section of the public leadership of the State. At the same time it would be small enough to meet frequently and to enable all of the members to be fully involved in the work of the Board. We believe that the effect would be to enhance greatly the role and prestige of the individual trustee and to enable the Board as a whole to exercise a more informed and responsible control over the affairs of the University than is now possible. The end result would be a strengthening of the University.

This is not a radical proposal. Of all the state universities in America, only three other than North Carolina have boards with more than 24 members. Moreover, we note that the State Board of Education, which is responsible for a public school system that enrolls 1,200,000 students and spends over \$300,000,000 a year in state funds has only 13 members, and the boards of trustees of the 11 public senior colleges in North Carolina have only 12 members each.

As evidence of the conservatism and caution with which this Commission has approached this subject we are not recommending an abrupt reduction from 100 to 24 members. Nor are we proposing the cutting off of any trustee's term.* Instead we propose that all of the incumbent elected members of the Board of Trustees be allowed to serve out their terms, 25 of which will expire in 1967 and a like number in 1969, 1971, and 1973. From 1973 onward, the number of trustees would be fixed at 24. Thus the reduction in Board membership would be made in stages over a six-year period, making possible a gradual accommodation to the smaller Board.

In order to insure that trustees will serve long enough to become knowledgeable and effective participants in the work of the Board, we favor retention of the eight-year term for trustees. Furthermore, we favor continuation in the reconstituted Board of the present overlapping term arrangement, which guarantees that there will at all times be a majority of experienced members on the Board. We do not recommend any statutory limitation on the number of terms a trustee may serve.

Recommendation No. 1:

We recommend:

a. That the Board of Trustees of The University of North

* We note as a matter of historical interest that under the Consolidation Act of 1931, the terms of members of the existing boards of the three merged institutions (numbering 100, 60, and 10 elected members) were cut off effective in 1932 and an entire new Board was chosen.

Carolina be reduced in size to 24 members.

- b. That all of the elected trustees now in office should serve out the remainder of their current terms, 25 of which expire in each of the years 1967, 1969, 1971, and 1973. Their successors should be chosen as provided in Recommendation No. 2, below.
- c. That effective in 1973, there should be 24 trustees, serving overlapping terms of eight years.

2. Selection of Trustees

Trustees of The University of North Carolina have been chosen in a variety of ways over the years. The initial members of the 1789 Board were elected by the legislature for life terms, but the Board was given the power to fill vacancies occurring in its membership. In 1804, the power to fill vacancies in the Board was assumed by the legislature. As a part of the political and constitutional changes of 1868, the power to choose trustees was given to the State Board of Education and terms were cut to eight years. Five years later, in 1873, the constitution was amended to give the General Assembly "power to provide for the election of trustees of the University . . ." That authority was promptly exercised by the enactment of a statute providing that the General Assembly should elect trustees by joint ballot of the two houses. That procedure has prevailed since 1874.

One-quarter of the terms of the 100 trustees expire every two years. Thus each regular session of the General Assembly must elect 25 trustees for eight-year terms, together with the number necessary to fill unexpired terms created by death, resignation, or removal.

The procedures followed in the election of trustees have been a frequent cause of public criticism of the Board of Trustees. This is so for a number of reasons.

The places on the Board of Trustees are the most significant patronage within the direct and free disposal of the General Assembly. While they carry no prospect of financial or political benefit to their holders, the trustee positions are coveted by many citizens of the State for a variety of reasons: the opportunity they afford to serve the State in one of its important endeavors, the prestige that tradition attaches to the positions, and the prerogatives and preferments that trustees are thought to enjoy. In consequence, members of the General Assembly (particularly those on the Committees on University Trustees) are often put under considerable pressure from trustee candidates

and their friends. Under the circumstances, it is not surprising that at times other considerations weigh as heavily in the legislative scale as do a candidate's past services to the University or his capacities for useful future service on the Board of Trustees. Among the critics of the present method of choosing trustees have been members of the General Assembly who have participated in the process.

Advocates of the present system of electing trustees point to the fact that trustees have been legislatively chosen for 162 years (save for a brief period during Reconstruction) and the fact that many distinguished trustees have come to the Board through that process. They further contend that the University has prospered under a legislatively-elected Board, and that therefore no change in the selection procedure is warranted.

We note that of the 22 state universities to which we have given special study (comprising the 19 public university members of the Association of American Universities and three other public universities in states adjoining North Carolina), only three have their boards of trustees chosen primarily by the state legislature. They are the Universities of North Carolina, South Carolina, and Minnesota. Four other institutions among this group have boards of trustees chosen by popular election. Two boards are chosen by a mixture of methods. The remaining 13 boards are chosen essentially or entirely by appointment of the governor, usually with legislative confirmation.

It is instructive to note how the members of other comparable boards are chosen in North Carolina. The State Board of Education, which is the policy-making board for the entire public school system, consists of 13 members. Ten are appointed by the Governor and confirmed by the General Assembly in joint session; three members serve *ex officio*: the Lieutenant-Governor, the State Treasurer, and the Superintendent of Public Instruction. All members of the boards of trustees of the 11 state-supported senior colleges are appointed by the Governor, subject to legislative confirmation. The members of the boards of nearly all important state administrative agencies are appointed by the Governor without legislative confirmation. In no case except the Board of Trustees of the University are members of state boards chosen by the General Assembly.

Some of the members of this Commission would prefer to see the selection of University trustees removed from its present political context. They believe that such a move is especially desirable in view of the recommended reduction in the number of trustees. These members would favor the selection of trustees according to a procedure such as the following:

1. The responsibility for the selection of trustees of the Uni-

versity would be vested primarily in the Governor. As a precaution against any improper or unwise use of that authority, they would require that his appointments be made from a list recommended by an independent University Trustees Nominating Committee, consisting of a Senator and a Representative chosen by the presiding officers of the Senate and House of Representatives, and three prominent citizens appointed by the Governor.

2. From among the persons nominated by the Nominating Committee, the Governor would appoint the necessary number of trustees, submitting their names to the General Assembly for confirmation or rejection by the two houses sitting in joint session. (Except for the addition of the Nominating Committee, this is the same procedure as that employed for the appointment of ten of the 13 members of the State Board of Education and all 132 members of the boards of the 11 public senior colleges in North Carolina.)
3. To insure that no Governor would appoint the entire membership of the Board of Trustees, to make possible the addition of new people to the Board during the transitional period from 1967 to 1973 (while the terms of current legislatively-elected trustees were expiring), and to avoid an abrupt change-over in a single year from an elected to an appointed Board, they would have the appointive process begin in 1967. Thus the Governor would appoint six trustees in 1967, six in 1969, six in 1971, and six in 1973, at which time the Board membership would have declined to its permanent level of 24. Thereafter the Governor would appoint six members each two years (plus the number necessary to fill vacancies for unexpired terms), in order to maintain the strength of the Board at 24 members.

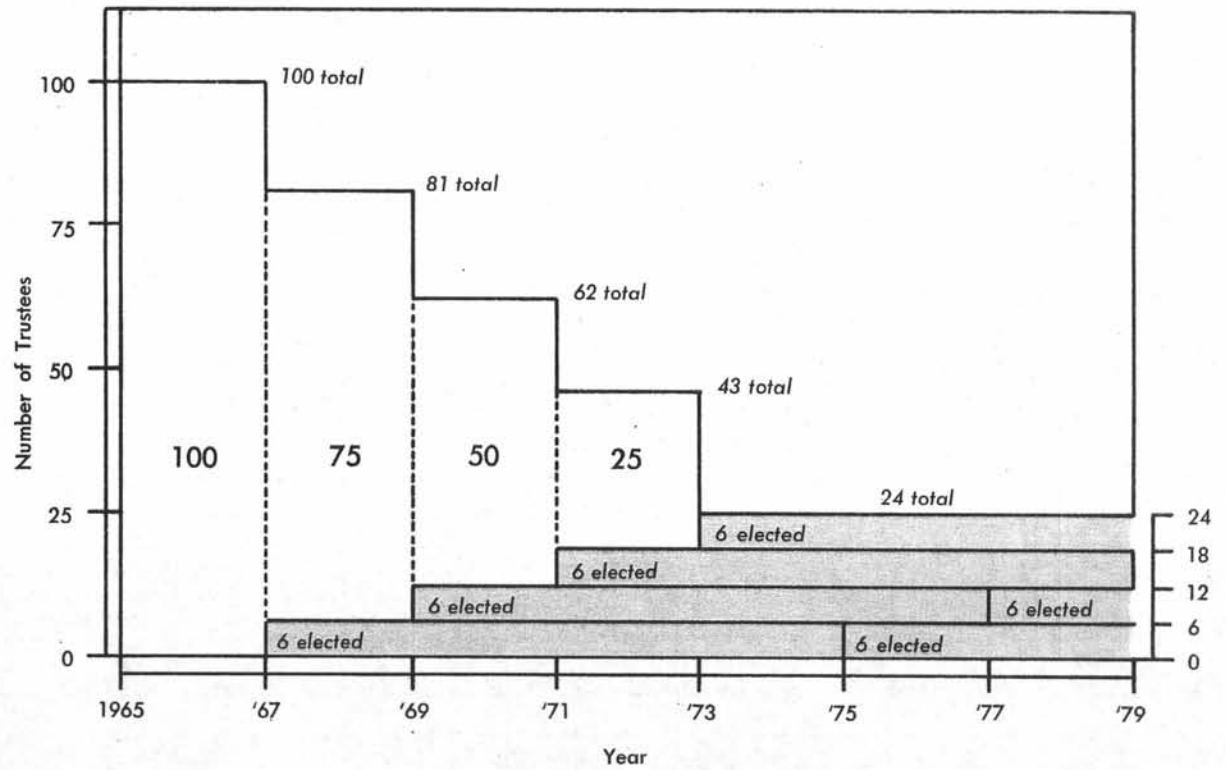
On the other hand, some of the members of this Commission prefer to see the selection of University trustees remain within the sole control of the General Assembly. They believe that the General Assembly cannot be persuaded to relinquish the authority to elect trustees and perhaps should not do so.

After long and careful consideration, we have unanimously concluded that it is not now feasible to recommend that the authority to elect trustees be removed from the General Assembly.

The adoption of the proposed reduction in the size of the Board of Trustees would mean that each regular session of the General Assembly hereafter would elect only six trustees for regular eight-year terms, rather than the present 25 who are

Illustration 2

BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA
TRANSITION FROM 100 TO 24 ELECTED MEMBERS



elected each two years. We believe that this fact itself would have the effect of encouraging the legislative Committees on University Trustees and the General Assembly as a whole to take much greater care in choosing future trustees than has been the custom in the past. We consider the efforts of the 1965 session to improve the trustee selection procedure through more careful screening of trustee candidates to be a hopeful sign of what we believe will be a growing legislative determination to exercise the greatest care in trustee selection.

Although no statutory change in the responsibility for choosing trustees is being recommended, a transitional procedure is needed for making a gradual, orderly reduction in the size of the Board of Trustees from its present 100 elected members to the 24 members that we have recommended. We have already stated that we do not favor cutting off the term of incumbent trustees in order to reduce the size of the Board, but would allow their terms to expire in their natural course—25 in each of the years 1967, 1969, 1971, and 1973. In order to make possible the addition of new people to the Board throughout this six-year period, and in order to maintain overlapping of terms and continuity of membership on the Board at all times, we propose that as the terms of each class of 25 trustees expire, the General Assembly elect six successor trustees for eight-year terms, together with the number necessary to fill unexpired terms. Thus the total number of elected trustees would decline to 81 in 1967, 62 in 1969, to 43 in 1971, and to the permanent level of 24 in 1973. Each two years thereafter, the General Assembly should elect six trustees for eight-year terms, plus the number necessary to fill out unexpired terms, in order to maintain the strength of the Board at 24 members. (This arrangement is graphically shown in Illustration 2.)

Recommendation No. 2:

We recommend that to bring about an orderly reduction in the size of the Board of Trustees from 100 to 24 elected members, the General Assembly should elect each two years, beginning in 1967, six trustees for eight-year terms, together with the number necessary to fill vacancies for the remainder of unexpired terms.

3. Qualifications of Trustees

The first consideration in selecting trustees of the University, whatever the procedure used, should be to choose men and

women who have distinguished themselves in vocational pursuits which would tend to fit them for service on the Board, who have demonstrated their capacity to help advance the University, and who are willing to give the time necessary to perform their duties as trustees. It should be the first task of the General Assembly in choosing trustees in the future to find such people. This will be all the more important when the size of the Board is reduced.

One cause of much criticism of the present trustee election procedure is that the General Assembly includes current members and spouses of members of the General Assembly in almost every group of trustees that it elects. We are aware that the number of legislators elected to the Board tends to be overstated and that among the most constructive trustees have been men who were elected to the Board while serving in the General Assembly. This is not a complete answer to the criticism, however. A trustee-legislator who has taken part as a trustee in the formulation of budgetary and other University proposals to the General Assembly and who has an obligation to support that institution in every proper way may find himself in a difficult position when he then must act as a legislator on those proposals.

We believe that this problem would be eliminated if, in making future selections of trustees, persons who are currently serving in the General Assembly were ineligible for election to the Board.

For obvious reasons, the same policy should apply to the spouses of members of the General Assembly.

Another source of criticism of the trustee election process has been that occasionally persons are chosen to serve on the Board of Trustees of the University and the governing board of one of the public colleges of the State. At a minimum this creates competing demands on the time of the individual involved, and in some instances it may put him in a difficult position when there is a divergence in the interests of the two institutions which he serves. We assume that the General Assembly, in making future trustee selections, will take this factor into account.

At various times, there have been requirements that members of the Board of Trustees of the University come from specified geographical areas of the State. There have been no such restrictions since 1874. With such a large number of trustees, their wide geographical dispersal is fairly well assured. We believe, however, that with the proposed reduction in Board membership, it would tend to insure the state-wide representativeness of the Board if a portion of its members were required to come from specified areas. We therefore propose that the reconstituted

Board include at least one resident of each of the congressional districts of the State, which now number eleven.

We do not suggest that trustees chosen with reference to their place of residence should become the special advocates of their geographical areas in the Board. On the contrary, we believe that all trustees should at all times be governed by the interests of the whole State in voting on matters coming before the Board. But it is elementary that most people tend to perceive the interests of the whole State in a perspective colored by regional influences. We believe that it would make for a more representative Board of Trustees to recognize that fact.

Since 1931, it has been required by statute that at least ten of the trustees of the University be women. We believe that this restriction serves no useful purpose. One of the suggestions for change in the Board of Trustees which came from the Board of Trustees itself was for the elimination of this restriction. We are glad to concur in that suggestion.

We are aware that proposals are made from time to time for a statutory guarantee that a certain minimum or maximum number or proportion of the members of the Board of Trustees be alumni of the respective institutions constituting the University. We believe that the imposition of such a requirement would be most unwise.

It is essential that the best available people be chosen to serve as trustees, and the available supply of such people is not necessarily distributed among the alumni of any of the four institutions in any specified proportion. Moreover, many able trustees of the past, present, and we hope the future are not alumni of any of the institutions within the University.

More importantly, it is vital to the welfare and progress of the University that the Board of Trustees see the University whole. The trustees must not be fractured into contending partisan groups, each seeking the advantage of one institution over another. Such a result would be most likely if members were chosen by reason of their connection with particular institutions.

Recommendation No. 3:

We recommend that in the selection of members of the re-constituted Board of Trustees:

- a. Only those persons should be chosen as trustees who have shown a capacity to contribute significantly to the advancement of the University and who have indicated their willingness to give the necessary time to their duties as trustees.**

- b. Members of the General Assembly and their spouses should not be eligible for election to the Board of Trustees.
- c. The Board of Trustees should include at least one resident of each congressional district of the State.
- d. The provision that at least ten trustees shall be women should be repealed.

4. *Ex Officio Service on the Board of Trustees*

(Governor and Superintendent of Public Instruction)

The Governor has been Chairman *ex officio* of the Board of Trustees by provision of statute since 1805. Under the bylaws of the Board, he is also Chairman *ex officio* of the Executive Committee of the Board.

When the University was the only state institution of any kind, and when the State made no appropriation for the support of the University (as was true from 1789 until 1875), it was fitting that the Governor preside over the meetings of the Board of Trustees.

Today, however, conditions are far different from those of 1805 or even 1905. The Governor is the extremely busy chief executive of a state of five million people, presiding over a government that spends substantially more than one billion dollars a year and employs 52,000 people exclusive of those employed in the public schools. He cannot reasonably be expected to give to the affairs of the University the degree of attention that is properly expected of the Chairman of the Board of Trustees of the University.

Moreover, his position as Director of the Budget *ex officio* puts him in a dual position with respect to the University in fiscal matters. As Chairman of the Board of Trustees, he has a part in the formulation of the University's budget requests. Then as the chief budget officer of the State, he must pass on those requests in preparing his recommended budget, and thereafter must administer that budget once it is adopted by the General Assembly. The difficulties posed for the Governor and perhaps for the University by this state of facts are apparent.

We note that the Governor does not serve as a member or chairman *ex officio* of the board of trustees of any other North Carolina institution of higher education.

We believe that it would be a favor to the Governor and probably to the University to relieve him of the duty of presiding

over the Board of Trustees and to provide that the Board should elect its Chairman biennially from its own membership.

The Superintendent of Public Instruction has been an *ex officio* member of the Board of Trustees for many years. We see no advantage to be gained from the retention on the Board of that busy officer. As a part of the reduction of Board membership, and concurrently with the termination of the Governor's position as Chairman of the Board, we favor relieving the Superintendent of Public Instruction of this duty.

Recommendation No. 4:

We recommend:

- a. **That the Governor be relieved of the duty of serving as the Chairman of the Board of Trustees effective June 30, 1973, and that the Board thereafter elect its Chairman and other officers biennially from its own membership.**
- b. **That the Superintendent of Public Instruction cease to be an *ex officio* member of the Board of Trustees effective June 30, 1973.**

5. Honorary Trustees

In 1959, the General Assembly began the practice of electing by joint resolution of the two houses honorary life tenure trustees of the University. Three major benefactors of the University (all now deceased), two long-time trustees, and the two former Presidents of the University have been so honored. The resolutions designating these honorary trustees have not indicated whether they were intended to have voting privileges in the Board. Presumably they do not, since former Governors, who also are made honorary members by statute, have explicitly been given the power to vote.

Central to our conception of the Board of Trustees as an active, hard-working organization is the idea that everyone who carries the title of trustee should be a full participant in the affairs of the Board. We appreciate the desirability of recognizing valuable services to the University, but we believe that more appropriate ways can be found to do so than by creating honorary trustees. Therefore, while the life terms of present honorary trustees should not be affected, we propose that no more honorary trustees be chosen.

Recommendation No. 5:

We recommend that no more honorary trustees of the University be chosen, but that the men who already have been so designated serve out their life terms.

6. Former Governors as Trustees

The General Assembly of 1941 provided by statute that each Governor, upon relinquishing office, becomes a trustee of the University for life, with voting powers. In keeping with our recommendation that the Governor should no longer be the presiding officer of the Board of Trustees, and consistent with the idea that the Board of Trustees should be a relatively small, active body, we favor the repeal of that statute. We recognize that a former Governor would have much to contribute as a member of the Board of Trustees, and that through election in the regular manner, the way is open for the State to have his services as a trustee.

Recommendation No. 6:

We recommend the repeal of the statute providing that former Governors shall be lifetime members of the Board of Trustees.

7. Expense Reimbursement of Trustees

Trustees of the University traditionally have served without pay or reimbursement of any kind. If the Board of Trustees is to become a more active body, holding more frequent meetings than it now does, it would be proper for the State to reimburse the travel and subsistence expenses of trustees as it does those of nearly all state boards and commissions, and at the same rates. (The current maximum rates are \$20 a day for food and lodging and eight cents a mile or actual fare for travel.)

Recommendation No. 7:

We recommend that the members of the Board of Trustees receive, for each day spent in the service of the State, subsistence and travel allowances at the same rates allowed members of state boards and commissions generally.

8. *The Executive Committee of the Board of Trustees*

The 12 members of the Executive Committee of the Board of Trustees are elected for overlapping terms of six years, under the bylaws of the Board. The current members have served for an average of 12 years on that Committee, reflecting a tendency toward repeated re-election of members.

If the reconstituted Board finds it necessary to have an Executive Committee, we favor the retention of six-year terms, with the provision that no member could serve two successive full terms on the Executive Committee. After a period of two years off the Committee, a former member should become re-eligible.

Recommendation No. 8:

We recommend that if the Executive Committee of the Board of Trustees is retained by the Board, members should be made ineligible to election to two successive full terms on the Committee, but that a former member should become re-eligible for election to the Committee after a lapse of two years.

Relationship of the Board of Trustees with Other Agencies

The resolution creating this Commission directed it to study, among other things, "the relationship between the Board of Trustees and the General Assembly, and the relationship between the Board of Trustees and other interrelated agencies of the State." The first part of this assignment we have tried to discharge in the preceding recommendations. We turn now to the second part.

One reading only the state constitutional and statutory provisions setting forth the powers of the Board of Trustees would conclude that the Board has full and final authority and responsibility for operating the University, subject only to the overriding authority of the General Assembly. That has been true throughout most of the history of the University, but it has not been true for many years. The establishment of the executive budget system in 1925 and the state purchasing system in 1931, the extension of the state personnel system to the University in the early 1950's, and the creation of the State Board of Higher Education in 1955 have deprived the trustees of the University and their administrative agents of final authority in many matters, while leaving with the trustees full responsibility for the

management of the University. These limitations on trustee authority affect the expenditure of funds, the purchasing of materials and equipment, the establishment and setting of salaries of non-faculty positions, to some extent the setting of faculty salaries, and the establishment of new educational programs and activities.

The necessity for coordination among and economy of operation within the institutions and agencies of the State is clear. Some central state administrative controls are necessary to achieve these desirable results. But it is also clear that the kinds of controls necessary for this purpose can be exercised in such a way as to hamper unnecessarily the efficient carrying out of programs.

According to the University administrative and faculty spokesmen who appeared before this Commission, the aspect of relationships between the University and state administrative agencies that is most troublesome is that of budget administration. To see this issue in perspective, it is necessary to review briefly the procedures for preparing, adopting, and administering the state budget.

Each two years, the Governor as Director of the Budget receives from all state agencies and institutions their requests for appropriations. With the aid of the Advisory Budget Commission, he reviews those requests and the estimated revenues of the State for the coming biennium, and prepares and submits to the General Assembly a recommended biennial budget. This recommended budget is reviewed and revised in detail in the legislative committees and subcommittees on appropriations, and then is enacted by the General Assembly. The relatively brief appropriation act incorporates by reference the vast amount of detail included in the recommended budget as revised in the course of legislative adoption. (In the case of the 1965-67 operating budget for the State, this detail amounted to over 1,300 printed pages of the recommended budget documents.)

The budget of each agency or institution for each year of the biennium is often broken down into separate budgets for the various major organizational units or programs within the agency. It is further subdivided into a dozen or more object lines, each represented by a dollar figure. Each line item figure is the maximum amount that may be spent in that year for the particular object covered—for example, temporary wages, or supplies and materials, or travel.

The preparation of the biennial state budget is necessarily a lengthy process. For example, the preparation of the University's 1967-69 budget requests began early in 1966. This required University administrators to estimate in detail the dollar costs

of operating departments and programs for a period beginning a year and a half and ending three and a half years in the future. Hardly any activity of the State faces so predictable a future that fully accurate financial predictions can be made that far in advance. Thus it is necessary to have—and the Executive Budget Act provides—procedures for modifying the budgets of agencies after their approval by the General Assembly. These procedures take three basic forms: the budget revision, the line item transfer, and the quarterly allotment. These procedures are administered on the Governor's behalf by the Department of Administration.

If it develops that an agency has greater agency receipts and expenditure needs than were anticipated when the budget was adopted, the agency can request the approval of the Director of the Budget for a revision of its budget to incorporate the necessary increases in receipts and in expenditure lines.

If an agency finds in the course of a budget year that it has been appropriated less than is needed for one budgetary object and more than is needed for another, it can request the approval of the Director of the Budget for a transfer of funds to one line from another. This is the line item transfer.

Each three months, each agency and institution must request from the Director of the Budget permission to spend during the next quarter a quarterly portion of the funds which have been appropriated to it. The Director may grant the full allotment request or may reduce it as he sees fit.

The budget controls just described apply both to appropriations from funds derived from the taxpayers of the State and to the agency's or institution's own budgeted receipts, such as student tuition and payments for services rendered to the public.

While this system is established by the Executive Budget Act, wide discretion is left by that act to the Governor (and, by delegation, to his agents) in the administration of the act. For example, the large number of quarterly allotment requests, budget revisions, and line item transfer requests necessitates that they be effectively decided upon in most cases by the various budget analysts in the Budget Division of the Department of Administration, acting under general policies of the Department. It is possible for the process of review and decision on such requests to be as routine or rigorous as the budget administrators think appropriate. The manner of administration of these controls has varied from one administration to another.

As a nationally-recognized authority on governmental budgeting has observed:

Overcontrol [by central state budget agencies] is a continuous hazard. Systems of budget execution undoubtedly tend to become inflexible

over time, and if there is any natural tendency here it would appear to be that of moving more and more decisions to the center. Re-examination of the machinery for budget execution to assure continued attention to the need for agency management control is periodically needed.*

The effect of these budget control procedures is to transfer from the Board of Trustees and their administrative agents to the Director of the Budget and his agents the power to make the final decisions as to the expenditure of all funds covered by the state budget. Administered in a spirit of helpfulness, these procedures insure that the state agencies and institutions do not overspend their appropriations and that expenditures are consistent with the general objectives approved by the General Assembly in making appropriations. Administered in a negative, restrictive spirit, these procedures can be used to require of agency administrators a vast amount of effort in making detailed justification of each request and can substitute the judgment of a budget administrator in Raleigh, who has no responsibility for carrying out the programs involved, for that of the responsible head of the agency or institution as to the necessity of proposed expenditures.

The University of North Carolina administers 22 separate operating budgets, about half of which receive no support from appropriated state funds. Those 22 budgets are broken down into a total of about 1,300 line items or subheads. The budgeted operating expenditures of the University for 1965-66 totaled nearly \$88 million. State appropriations constituted only 47 per cent of that amount, the remainder being obtained from tuition, charges for services, etc.

The University, by its nature, is constantly growing and changing. The details of old programs change; new demands are made on the University and new opportunities for service are opened to it almost daily. These developments often have financial consequences, requiring budget revisions and line item transfers in order to adapt to changed circumstances budgets that have been prepared many months or even a year or two earlier.

According to information presented to this Commission by the President of the University, during the fiscal year 1965-66, it was necessary to prepare and submit to the Department of Administration for approval a total of 1,286 requests for budget revisions, quarterly allotments, and transfers. Of that number, 802 requests pertained to the operating budgets and the re-

* Jesse Burkhead, *Government Budgeting* (New York: John Wiley and Sons, 1956), 341-42.

mainder to the capital improvement budgets of the University. A single request often affects numerous object lines.

The preparation of these requests consumes a large amount of administrative time, and to this must often be added the time required for personal explanation and negotiation with budget officials in Raleigh, duties that take a good deal of the time of the President and other senior administrators in the University.

Representatives of the University said that the budget administrators in Raleigh have been cooperative and helpful in processing requests for budgetary changes. They assert, however, that the system itself has the undesirable effects of (1) separating authority over the details of University financial management from responsibility for administering programs, (2) requiring an expenditure of administrative time in budgetary transactions with budget officials in Raleigh which often is out of proportion to the resulting benefits to the State, and (3) delaying unnecessarily the effectuation of program changes that require budget adjustments.

We have not had an opportunity to inquire into this subject closely enough to provide a basis for making specific recommendations for procedural changes in the administration of the state budget. From what we have learned, however, it appears that the State may be continuing to employ in budget administration procedures more appropriate to the smaller and simpler budgets of years ago than to those of today; that largely routine budgetary paperwork may be consuming time and energies of administrators both in the University and in Raleigh that could be put to more productive uses; and perhaps most important, the effectiveness of the University may be impaired by separating fiscal authority and program responsibility.

If the facts are as implied, it appears to us that the remedy can be achieved through administrative changes, without a change in the Executive Budget Act itself.

The problems as described to us call for careful and cooperative study by the parties immediately involved—the representatives of the Board of Trustees and the administrative agents (the Director of Administration and his subordinates) through whom the Governor executes his budget functions. They should re-examine the procedures for administering the budgets of the University with a view to insuring that those procedures are as simple and expeditious as is consistent with the interest of the State in seeing that budgeted funds are so spent as to gain the maximum educational benefits.

A study of the business management procedures of the University of North Carolina at Chapel Hill is now being conducted by a national management firm. It may be that out of that study

will come information and suggestions which the representatives of the University and of the Governor will find helpful in evaluating current budget administration procedures.

Recommendation No. 9:

We recommend that representatives of the Board of Trustees of the University and representatives of the Governor as Director of the Budget undertake a detailed review of the procedures now employed in administering the budgets of the University, with a view to making those procedures as simple and expeditious as possible, consistent with the need to insure that budgeted funds are spent so as to gain maximum educational benefits for the State.

Board of Advisers of The University of North Carolina

The chief advantage claimed for the large size of the Board of Trustees as now constituted, according to all who communicated their views to this Commission, is that it gives the University numerous and widely-distributed contacts between the people of the State and the University.

In order to remake the Board of Trustees into a more vigorous and active body, we have recommended its reduction in size. We recognize, however, the importance of having in an advisory capacity as many citizens as possible who are familiar with the University, its achievements, its problems, and its needs, and who feel a special responsibility for aiding the institution. The reorganized Board of Trustees could benefit from the regular advice and help of a group of such citizens in the performance of its duties, and especially in maintaining sound relationships and understanding between the University and the people of the State.

To meet this need, we propose the creation of a Board of Advisers of the University. (A number of distinguished private institutions, including Duke University and Davidson College in this State, have such boards, called Boards of Visitors, in addition to their trustees.) The Board of Advisers should be composed as is the present Board of Trustees: 100 members, elected by the General Assembly for overlapping terms of eight years. The Chairman should be elected by the Board. In selecting the members of the Board of Advisers, the General Assembly might give consideration to such factors as residence and alumni status, and to the recommendations of candidates made by interested groups such as the alumni associations and representative fac-

ulty assemblies of the several institutions in the University. The first Board of Advisers should be chosen in 1973, at the time the Board of Trustees is fully reorganized.

The functions of the Board of Advisers would be to keep informed, with the aid of the President and Chancellors of the University, on the progress and problems of the University; to visit the campuses of the University from time to time; and to assist the Board of Trustees in interpreting the State to the University and the University to the State. Thus the Board of Advisers should serve as a vital supplementary channel of communication and interpretation among the Board of Trustees, the University, and the public. It would be helpful to the Advisers for the President of the University to arrange for them periodic informational sessions on the University.

While the members of the Board of Advisers should receive no compensation or allowances for their services, they should receive all appropriate courtesies from the University.

Recommendation No. 10:

We recommend the establishment of a Board of Advisers of The University of North Carolina, as follows:

- a. **The Board of Advisers should consist of 100 members, elected by joint ballot of the two houses of the General Assembly. Terms should be eight years, with one-quarter of the terms expiring each two years. Members should be ineligible for election to two successive full terms on the Board, but a former member should become re-eligible for election to the Board after a lapse of two years. The Board biennially should elect its own Chairman.**
- b. **In electing members of the Board of Advisers, the General Assembly should give appropriate consideration to the places of residence and alumni status of candidates, and to recommendations made by alumni and representative faculty groups of the component institutions of the University.**
- c. **The Board of Advisers of the University should be kept informed of the progress, problems, and needs of the University. Periodic information sessions for this purpose should be held. The Board should visit the campuses of the University from time to time and should assist the Board of Trustees and the University administration in maintaining sound relationships between the University and the people of the State.**

- d. **The members of the Board of Advisers should receive all appropriate courtesies from the University in recognition of their services, but should receive no compensation or expense reimbursement.**

V. CONCLUSION

The findings and recommendations set out in this report are the product of much time and thought on the part of the members of this Commission. They constitute a common ground of agreement reached through long discussion and a willingness on the part of all to modify their original views in the interest of formulating a constructive and practical set of proposals. While we were greatly helped by the many witnesses who appeared before us and others who communicated their views to us in writing, the judgments contained in this report are our own.

We would re-emphasize, as we have throughout this report, that we have tried to follow a conservative and practical approach in devising these recommendations. While the nature and effect of the changes we recommend would be extensive, we are convinced that they are no greater than the problem under study requires, and that the solutions offered are in keeping with the traditions of North Carolina.

These recommendations were developed in an effort to propose a comprehensive set of solutions to the problems assigned to this Commission. We hope that the General Assembly will see fit to adopt all of them as recommended. We recognize, however, that several of the recommendations could be adopted without the adoption of all of the others.

We urge favorable action by the General Assembly of 1967 on these recommendations, for we believe that they are urgently needed and that, when fully effectuated, they not only will put at rest a vexing public issue but will strengthen greatly the Board of Trustees and in turn The University of North Carolina.

APPENDICES

Appendix 1

RESOLUTION 73 OF THE 1965 GENERAL ASSEMBLY

A JOINT RESOLUTION CREATING A COMMISSION TO STUDY THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA WITH RESPECT TO ITS NUMBER, SELECTION, TERMS OF OFFICE, AND ITS INTERRELATIONSHIP WITH THE GENERAL ASSEMBLY AND OTHER AGENCIES OF THE STATE.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. There is hereby created a commission to be known as the Commission on the Study of the Board of Trustees of the University of North Carolina. The Commission shall consist of nine members, five of whom shall be appointed by the Governor, two of whom shall be appointed by the Lieutenant-Governor from the membership of the Senate, and two of whom shall be appointed by the Speaker of the House of Representatives from the membership of the House. The Governor shall designate one of his appointees as chairman of the Commission.

Sec. 2. It shall be the duty of the Commission herein created to make a detailed and exhaustive study of the manner in which the trustees of the University of North Carolina are selected, the number which should constitute the Board of Trustees, the terms of office of the trustees, the relationship between the Board of Trustees and the General Assembly, and the relationship between the Board of Trustees and other interrelated agencies of the State.

Sec. 3. Immediately after its appointment, the Commission shall meet at a time and place designated by the chairman and shall elect a secretary. The Commission shall meet at such other times as the chairman may designate. The Commission, with the approval of the Governor, is authorized to employ such clerical help and other assistance as it may deem necessary to carry out the purposes for which the Commission is created. Per diem, subsistence and travel allowances incurred by the members of the Commission shall be the same as is allowed State boards and commissions generally. Expenses incurred in the employment of clerical help and other assistance and per diem, subsistence and travel allowances incurred by the members of the Commission

shall, with the approval of the Governor and the Council of State, be paid out of the State Contingency and Emergency Fund.

Sec. 4. Within one week after the convening of the 1967 Session of the General Assembly, the Commission shall make a report of its findings and recommendations to the General Assembly with respect to all matters relating to the subjects of study herein set forth.

Sec. 5. This Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 9th day of June, 1965.

Appendix 2

NUMBER, TERM, AND MODE OF SELECTION OF MEMBERS OF
THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA
1789 - 1965

<u>Dates</u>	<u>Authorized Membership</u>	<u>Term</u>	<u>Mode of Original Selection</u>	<u>Mode of Filling Vacancies</u>	<u>Citation</u>
1789-1804	40	Life	Named in charter of 1789	By Board of Trustees	Laws 1789, c. 20
1804-1821	40 plus ^{a, b}	Life	Named in charter of 1789	By joint ballot of General Assembly	Laws 1804, c. 647
1821-1868	65	Life	Named in charter of 1789 and 1821 act	By joint ballot of General Assembly	Laws 1821, c. 1098
1868-1873	89 ^c) 9	8 years	89 elected by State Board of Education; 9 <i>ex officio</i> members ^d	By State Board of Education	Constitution of 1868, art. IX, §§ 13, 14
1873-1877	64	8 years	By joint ballot of General Assembly	By joint ballot of General Assembly	Const., art. IX, § 6 (as amended, 1873); Pub. Laws 1873-74, c. 64
1877-1883	72	8 years	By joint ballot of General Assembly	By joint ballot of General Assembly	Pub. Laws 1876-77, c. 121
1883-1909	80	8 years	By joint ballot of General Assembly	By joint ballot of General Assembly	Pub. Laws 1883, c. 124

<u>Dates</u>	<u>Authorized Membership</u>	<u>Term</u>	<u>Mode of Original Selection</u>	<u>Mode of Filling Vacancies</u>	<u>Citation</u>
1909-1917	81	8 years 4 years	80 by joint ballot of General Assembly, plus Superintendent of Public Instruction, <i>ex officio</i>	By joint ballot of General Assembly	Pub. Laws, 1909, c. 432
1917-1931	101	8 years 4 years	100 by joint ballot of General Assembly, plus Superintendent of Public Instruction, <i>ex officio</i>	By joint ballot of General Assembly	Pub. Laws 1917, c. 47
1931-1941	101 ^a	8 years 4 years	100 by joint ballot of General Assembly, plus Superintendent of Public Instruction, <i>ex officio</i>	By joint ballot of General Assembly	Pub. Laws 1931, c. 202, § 5
1941-66	101 ^a plus ^b ?	8 years 4 years Life	100 by joint ballot of General Assembly, plus Superintendent of Public Instruction and all ex-governors, <i>ex officio</i>	By joint ballot of General Assembly	Pub. Laws 1941, c. 136; G. S. § § 116-4, -5

^a Maximum of 8 trustees from each superior court district.

^b Governor made *ex officio* President of Board by Laws 1805, c. 678.

^c One from each county, of which there were then 89.

^d Members of State Board of Education (consisting of Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, and Superintendent of Public Works, *ex officio*), together with President of the University, were all *ex officio* members of Board of Trustees.

^e At least 10 trustees must be women.

Note: No account has been taken of honorary trustees, seven of whom have been elected since 1959.

Appendix 3
STATE UNIVERSITY GOVERNING BOARDS
Characteristics of Seven Selected Boards

Name of Institution	Number	Ex Officio	TERMS			Selection ^a	Special Requirements	LEGAL STATUS		Name of Board
			Length (Yrs.)	Successive	Overlapping			Creation	Authority	
Michigan State University	9	1 Univ. Pres.	8	yes	yes	B	none	CON*	CON	Board of Trustees of Michigan State University
University of Michigan	9	1 Univ. Pres.	8	yes	yes	B	none	CON	CON	Regents of the University of Michigan
University of Missouri	9	none	6	yes	yes	A*	yes ^b	CON & STAT**	CON & STAT	Curators of the University of Missouri
University of Nebraska	6	none	6	yes	yes	B	yes ^c	CON	STAT	Board of Regents of the University of Nebraska
Ohio State University	9	none	9	no	yes	A*	none	STAT	STAT	Board of Trustees of Ohio State University
University of South Carolina	18	4 ^d	4	yes	yes	C	yes ^e	STAT	STAT	Board of Trustees of the University of South Carolina
University of Washington	7	none	6	yes	yes	A*	none	STAT	STAT	Board of Regents of the University of Washington
Average	9 median	43% with	6.7	86%	100%	43% A, 43% B, 14% C	43% with	50% CON	36% CON	

* Constitution

** Statute

^a The following symbols will be used to indicate the type of selection:

A—Appointment by the Governor (with the advice and consent of the senate if marked by an asterisk);

B—Elected by popular vote;

C—Elected by the state legislature;
D—Elected by the alumni;
E—Elected by special group.

^b Each member must be a citizen of the United States, a resident of Missouri for two years prior to his appointment, and must be appointed from a separate congressional district. Furthermore, not more than five members may belong to the same political party.

^c One member must be elected from each of the six regent districts corresponding with the present Supreme Court judicial districts.

^d The Governor, the State Superintendent of Education, and the Chairmen of the Committees on Education of the Senate and the House of Representatives are ex officio members.

^e Of the fourteen members elected by the General Assembly, one must come from each of the fourteen judicial circuits.

[This appendix and the following appendices were compiled from statistics published in S. V. Martorana and Ernest V. Hollis, *State Boards Responsible for Higher Education*, U.S. Dept. of Education Circular OE-53005 (Washington, D. C.: U. S. Government Printing Office, 1960).]

Appendix 4

STATE UNIVERSITY GOVERNING-COORDINATING BOARDS

Characteristics of Fifteen Selected Boards

Name of Institution	Number	Ex Officio	TERMS			Selection†	Special Requirements	LEGAL STATUS		Name of Board	Inst. Units
			Length (Yrs.)	Successive	Overlapping			Creation	Authority		
University of California	24	8 ^r	16	yes	yes	A	yes ^s	CON	CON	Regents of the University of California	8
University of Georgia	15	none	7	yes	yes	A*	yes ^h	CON	CON	Regents of the University System of Georgia	19
University of Illinois	11	2 ¹	6	yes	yes	B	yes ¹	STAT	STAT	Board of Trustees of the University of Illinois	3
Indiana University	8	none	3	yes	yes	D & E ^k	yes ¹	STAT	STAT	Trustees of Indiana University	11
Purdue University	9	none	3	yes	yes	A & D ^m	yes ⁿ	STAT	STAT	Trustees of Purdue University	5
State University of Iowa	9	none	6	yes	yes	A*	yes ^o	STAT	STAT	State Board of Regents	3
Iowa State University	9	none	6	yes	yes	A*	yes ^o	STAT	STAT	State Board of Regents	3
University of Kansas	9	none	4	yes	yes	A*	yes ^p	STAT	STAT	State Board of Regents	5
University of Minnesota	13	1 Chan.	6	yes	yes	C	none	CON	STAT	Regents of the University of Minnesota	2
University of North Carolina	107	1 ^q	8	yes	yes	C	yes ^r	CON & STAT	CON & STAT	Board of Trustees of The University of North Carolina	4
Pennsylvania State University	32	5 ^s	3	yes	yes	A, D & E ^t	yes ^u	STAT	STAT	Board of Trustees of the Pennsylvania State University	16
University of										Board of Trustees of the	

University of Texas	0	none	6	yes	yes	A*	yes*	CON & STAT	STAT	BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS	x
University of Virginia	17	17	4	2 term max.	yes	A*	yes*	CON & STAT	STAT	Board of Visitors of the Rector & Visitors of the University of Va.	4
University of Wisconsin	10	1**	9	yes	yes	A*	yes ^{bb}	STAT	STAT	Regents of the University of Wisconsin	10
Average	11 median	53% with	6.7	100%	100%	73% A	93% with	30% CON	13% CON		6.8

* The Governor, Lieutenant Governor, Speaker of the Assembly, Superintendent of Public Instruction, and Presidents of the State Board of Agriculture, of the University, of the Alumni Association of the University, and of the Mechanics Institute of San Francisco are *ex officio* members.

† The appointments must "keep the university free from all political and sectarian influence." Cal. Const. art. 9, § 9.

‡ One member must be appointed from each of the ten congressional districts and five members from the state at large.

§ The Governor and the Superintendent of Public Instruction are *ex officio* members.

¶ Members may not hold any position under authority of the board, nor hold any other state or federal elective office, or be interested in any contact with the board.

‡ Of the eight members, five are appointed by the State Board of Education with the approval of the Governor, and three are alumni elected by the alumni of the University.

§ Three must be alumni, and no more than two of the eight may reside in the same county.

¶ Of the nine members, six are appointed by the Governor, and three are elected by the alumni.

‡ Of the six chosen by the Governor, two must be prominent in agricultural pursuits, two must be engaged in the manufacturing industry, and two must be "citizens of character and distinction." One of these six must be a woman. Of the three selected by the alumni, all shall be graduates, be members of the alumni association, and reside in Indiana, and one shall be a graduate of the school of agriculture.

¶ Not more than five members may be appointed from the same political party, nor may more than one alumnus from each of the three institutions be a member during the same time.

‡ Members must be residents of Kansas.

¶ The State Superintendent of Public Instruction. There are also six honorary lifetime members who, when added to the 100 elected and one *ex officio* member, make a grand total of 107 trustees on the Board of the University of North Carolina. The Governor is the presiding officer.

‡ Ten of the members must be women.

¶ The Governor, the President of the University, the State Superintendent of Public Instruction, the Secretary of Agriculture, and the Secretary of Mines and Mineral Industries are *ex officio* members.

‡ Of the 32 members, six are appointed by the Governor with confirmation of the Senate, six are elected by the delegates from county agricultural societies, six are delegates from county industrial societies, nine are alumni elected by the alumni of the University, and five are *ex officio*.

¶ Of the 32, nine must be alumni.

‡ The Governor, the Commissioner of Agriculture, the Commissioner of Education, and the President of the University are *ex officio* members.

¶ The 14 members appointed by the Governor must meet the following requirements: at least one-third must be alumni of the University; at least one-third must be members of the principal minority political party of the State; five must be residents of, or have principal offices located in counties as follows: two, Knox County; two, Shelby County; and one, Weakly County; and there must be one from each of the nine congressional districts.

‡ Members must be qualified voters, selected from different parts of the states.

‡ Superintendent of Public Instruction.

‡ Of the 16 members appointed by the Governor, 11 must be alumni of the University, at least 13 must be selected from the State at large, and not more than three may be nonresident alumni.

‡ State Superintendent of Public Education.

‡ Not more than two members may be appointed who are residents of the same county.

† See note "a" in Appendix 3 for the scheme of the selection method.

Appendix 5

STATE UNIVERSITY BOARDS OF SOUTHERN STATES*

Characteristics of Six Selected Boards

Name of Institution	Number	Ex Officio	TERMS			Selection**	Special Requirements	LEGAL STATUS		Name of Board	Inst. Units
			Length (Yrs.)	Successive	Overlapping			Creation	Authority		
University of Georgia	15	none	7	yes	yes	A*	yes ^b	CON	CON	Regents of the University System of Georgia	19
University of North Carolina	107	1 ^a	8	yes	yes	C	yes ^c	CON & STAT	CON & STAT	Board of Trustees of The University of N. Carolina	4
University of South Carolina	18	4 ^d	4	yes	yes	C	yes ^e	STAT	STAT	Board of Trustees of the University of S. Carolina	1
University of Tennessee	18	4 ^v	14	yes	yes	A*	yes ^w	STAT	STAT	Board of Trustees of the University of Tennessee	4
University of Texas	9	none	6	yes	yes	A*	yes ^x	CON & STAT	STAT	Board of Trustees of the University of Texas	5
University of Virginia	17	1 ^v	4	2 term max.	yes	A*	yes ^a	CON & STAT	STAT	Board of Visitors of the Rector and Visitors of the University of Virginia	4
Average	17.5 median	66% with	7	100% permit	100% with	66% A*	100%	66% CON	16% CON		6.1 Ave.

* The six boards found in this table were extracted from the preceding two appendices. The explanatory matter for the notations given in this appendix can be found in Appendix 3 and Appendix 4.

** See note "a" in Appendix 3 for the scheme of the selection method.

