

Section 4: Governing Board

4.1 The institution has a governing board of at least five members that

- (a) is the legal body with specific authority over the institution.
- (b) exercises fiduciary oversight of the institution.
- (c) ensures that both the presiding officer of the board and a majority of other voting members of the board are free of any contractual, employment, personal, or familial financial interest in the institution.
- (d) is not controlled by a minority of board members or by organizations or institutions separate from it.
- (e) is not presided over by the chief executive officer of the institution.

(Governing board characteristics) [CR]

Judgment

☒ Compliance ☐ Non-Compliance ☐ Not Applicable

Narrative

Fort Valley State University (FVSU) is in compliance with all the five elements of this core requirement. The Board of Regents (BoR) of the University System of Georgia (USG) is the governing board for the public colleges and universities that compose USG, including FVSU. Pursuant to [Article VIII \(Education\), Section IV, Paragraph 1\(a\) of the Constitution of the state of Georgia](#):

There shall be a Board of Regents of the University System of Georgia which shall consist of one member from each congressional district in the state and five additional members from the state at large, appointed by the Governor and confirmed by the Senate. The Governor shall not be a member of said board. As each term of office expires, the Governor shall appoint a successor as herein provided. All such terms of members shall be for seven years. Members shall serve until their successors are appointed and qualified. In the event of a vacancy on the board by death, resignation, removal, or any reason other than the

expiration of a member's term, the Governor shall fill such vacancy; and the person so appointed shall serve until confirmed by the Senate and, upon confirmation, shall serve for the unexpired term of office.

Membership and Structure of the Board of Regents

Currently, the BoR is composed of 19 members, of whom five are appointed from the state-at-large and one from each of the state's 14 congressional districts—all in an effort to ensure statewide representation, and in compliance with [Article 1, Section 3 of the BoR bylaws](#) concerning membership. The list of governing board members, their presiding officer, their congressional districts, occupations/professional affiliations, and terms of office are included in Table 4.1.

Table 4.1: Roster of the Board of Regents of the University System of Georgia for 2019-20

Name	Title	Occupation	Affiliation	Term
C. Dean Alford, P.E.	Regent	President and CEO, Allied Energy Services	4 th Congressional District	1/1/19- 1/1/26
Chris Cummiskey	Regent	Executive Vice President of External Affairs and Nuclear Development, Georgia Power	At-Large	4/18/18- 1/1/20
W. Allen Gudenrath	Regent	Senior Vice President, Morgan Stanley's Wealth Management Division	8 th Congressional District	1/1/18- 1/1/25
Erin Hames	Regent	President, ReformEd	At-Large	1/1/18- 1/1/23
Barbara Rivera Holmes	Regent	President and CEO, Albany Area Chamber of Commerce	2 nd Congressional District	1/1/18- 1/1/25

C. Thomas Hopkins, Jr., MD	Regent	Partner of OrthoGeorgia	3 rd Congressional District	1/1/18-1/1/25
James M. Hull	Regent	Founder and Managing Principal, Hull Property Group	At-Large	1/8/16-1/1/23
Samuel D. Holmes	Regent	Vice Chairman of CBRE, Inc.	At-Large	7/16/19-1/1/26
Laura Marsh	Regent	Member (Law firm), Taulbee, Rushing, Snipes, Marsh & Hodgins, LLC.	12 th Congressional District	6/24/16-1/1/20
Neil L. Pruitt, Jr.	Regent	Chairman and CEO, PruittHealth, Inc.	11 th Congressional District	2/10/17-1/1/24
Sarah-Elizabeth Reed	Regent	Former First Lady of Atlanta	5 th Congressional District	2/10/17-1/1/24
Sachin Shailendra	Regent	President, SG Contracting, Inc.	13 th Congressional District	4/4/14-1/1/21
E. Scott Smith	Regent	Board Member and Secretary, NW Services Corp.	14 th Congressional District	1/1/13-1/1/20
Kessel D. Stelling, Jr.	Regent	Chairman and CEO, Synovus Financial Corp.	6 th Congressional District	1/9/15-1/1/22
Ben J. Tarbutton III	Regent	President, Sandersville Railroad Company	10 th Congressional District	1/1/13-1/1/20
Jose R. Perez	Regent	Retired President of Target Market Trends, Inc.	7 th Congressional District	7/16/19-1/1/26

Thomas Rogers Wade	Regent and Vice-Chair of BoR	Chairman of the Board of Trustees, Georgia Public Policy Foundation	At-Large	1/1/13-1/1/20
Don L. Waters	Regent and Chair of BoR	CEO, Waters Capital Partners, LLC.	1 st Congressional District	1/1/18-12/30/24
Philip A. Wilheit, Sr.	Regent	President, Wilheit Packaging and Marketing Images	9 th Congressional District	1/9/15-1/1/22

Source: Compiled from [Board of Regents](#) Overseeing the University System of Georgia

The BoR is very active and meets on a regular basis. The full Board meets eight times a year unless the press of business requires it to meet more often. Additionally, special meetings of the BoR are called as needed each year. Agendas for the [meetings](#) are publicly available on the BoR website the Friday prior to the meeting. An archive of agendas and meeting minutes is also publicly posted in the same location on the BoR's website.

There are multiple BoR committees that support the work of the Board. Standing committees consist of between five and ten members and a majority is required for a quorum for the transaction of business. The Chair of the BoR and the Chancellor serve as ex officio members of all committees. The Chair of the BoR has the authority to vote, the Chancellor does not. The Chair of the BoR may appoint members of the BoR to special or ad hoc committees as needed to fulfill the duties and responsibilities of the BoR.

The following [standing committees](#) support the work of the USG BoR:

1. Executive and Compensation Committee
2. Committee on Academic Affairs
3. Committee on Economic Development
4. Committee on Organization and Law
5. Committee on Finance and Business Operations

6. Committee on Internal Audit, Risk, and Compliance
7. Committee on Personnel and Benefits
8. Committee on Real Estate and Facilities

According to the [Article 5, Section 1](#) of the BoR Bylaws, the above standing committees of the board “shall review policy matters in the areas of jurisdiction assigned to them and advise the BoR as to what, if any, changes of policy should be made.” Each standing committee is also responsible for keeping the BoR informed “with respect to the manner in which the policies of the Board are being administered in its jurisdiction.”

BoR’s Legal Authority over the Institution (4.1 a)

The BoR exercises legal authority to oversee the USG institutions, including FVSU. Its legal authority over the institution is derived from the Constitution of the State of Georgia, [Article VIII, Section IV, Paragraph 1\(b\)](#), which reads: “...the government, control, and management of the University System of Georgia and all of the institutions in said system shall be vested in the Board of Regents of the University System of Georgia.” Such authority is further specified by the [Official Code of Georgia Annotated \(OCGA§ 20-3-31\)](#), General Powers:

The board of regents shall have power:

- (1) To make such reasonable rules and regulations as are necessary for the performance of its duties;
- (2) To elect or appoint professors, educators, stewards, or any other officers necessary for all of the schools in the university system, as may be authorized by the General Assembly; to discontinue or remove them as the good of the system or any of its schools or institutions or stations may require; and to fix their compensations;
- (3) To establish all such schools of learning or art as may be useful to the state and to organize them in the way most likely to attain the ends desired; and
- (4) To exercise any power usually granted to such corporation, necessary to its usefulness, which is not in conflict with the Constitution and laws of this state.

Moreover, [Article 1, Section 2 of the BoR's bylaws](#) clearly states its constitutional authority, whereby:

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

The operations of FVSU are managed under the authority of the university's Chief Executive Officer (CEO), President Paul Jones, who reports to the BoR through the CEO of the USG, Chancellor Steve Wrigley.

BoR's Exercise of Fiduciary Oversight of the Institution (4.1 b)

The BoR is ultimately responsible for ensuring that the financial resources of the institution are adequate to provide sound educational programs and services. The responsibility of overseeing the financial matters and resources of the USG is given to the BoR by the Constitution of the State of Georgia, [Article VIII, Section IV \(Board of Regents\), Paragraph I \(c - e\)](#):

(c) All appropriations made for the use of any or all institutions in the university system shall be paid to the board of regents in a lump sum, with the power and authority in said board to allocate and distribute the same among the institutions under its control in such way and manner and in such amounts as will further an efficient and economical administration of the university system.

(d) The board of regents may hold, purchase, lease, sell, convey, or otherwise dispose of public property, execute conveyances thereon, and utilize the proceeds arising therefrom; may exercise the power of eminent domain in the manner provided by law; and shall have such other powers and duties as provided by law.

(e) The board of regents may accept bequests, donations, grants, and transfers of land, buildings, and other property for the use of the University System of Georgia.

Every year the Georgia General Assembly allocates funds to higher education. The BoR has established a USG funding formula for requesting these annual state appropriations. [Article 7 of the BoR's bylaws](#), provides that:

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

The Board of Regents shall be the only medium through which formal requests shall be made for appropriations from the General Assembly and the Governor of the State of Georgia.

The BoR sets tuition and fees once appropriations and other legislative funding decisions are made annually. Evidence of the governing board's fiscal actions (Tuition, Fees, and Allocations) for the fiscal year (FY) 2020 on, is contained in [Exhibit A of the Minutes of the April 6-7, 2019 Board Meeting](#). In addition to adjusting tuition and fees to maintain adequate funding, the BoR's ongoing institutional consolidation initiative is aimed at reducing administration costs and redirecting savings to the expansion of educational programs and services. The fiduciary oversight by the BoR of the USG institutions, including FVSU, is so great that five of the BoR's 12 committees concern fiduciary matters. They are the Executive and Compensation Committee, the Committee on Personnel and Benefits, the Committee on Finance and Business Operations, the Committee on Internal Audit, Risk, and Compliance, and the Committee on Real Estate and Facilities. The published [agendas for BoR meetings](#) attest to the board's regular and substantial exercise of its fiduciary responsibilities over USG institutions.

BoR Member Freedom from Contractual, Employment, Personnel, or Familial Financial Interests in the Institution (4.1 c)

[Article 2, Part 1, Section a\(2\) of the O.C.G.A. § 45-10-22](#) stipulates that it is unlawful for BoR members, as public officials with limited powers "to transact any business with the agency for which such public official serves." The Code of Ethics for government service contained in the [O.C.G.A. § 45-10-1](#) also prohibits such conflict of interest, by placing loyalty "to the highest moral

principles and to country above loyalty to persons, party, or government department.” Additionally, [O.C.G.A. § 45-10-26](#) requires that all public officials and employees file an annual financial disclosure statement “when the amount of single transaction does not exceed \$250 and when the aggregate of all transactions does not exceed \$9,000 per calendar year” with the state or any state of agency “for himself, herself, or on behalf of any business, or any business in which such public official or employee or any member of his or her family has a substantial interest...” Adherence to these laws is monitored regularly using [disclosure statements](#) that are reinforced through ethics training. The BoR undergoes annual ethics training as required by [BoR Policy Manual, Section 8.2.18.1.1](#).

Regarding the BoR’s fiduciary oversight of the organization, as set forth by the State of Georgia Department of Law, [Official Opinion 2004-7](#):

Members of the Board of Regents of the University System of Georgia hold fiduciary positions of trust under Georgia law, and business transactions between any Regent and the University System are prohibited absent a statutory exception permitting the transaction, and then only if there is no common law conflict creating a breach of their constitutional fiduciary duty.

Although the general provisions of law apply to the members of the BoR, the General Assembly has enacted three specific proscriptions:

1. No member of the Board of Regents of the University System of Georgia or of the Board of Human Resources, no trustee or other officer of any institution which is wholly or in part supported by state funds, and no partnership of which such person is a member shall make any contract with the governing board or trustees of such institution or any officer of such institution for the sale and purchase of merchandise or supplies for such institution whereby profit shall accrue to such board member or trustee or such partnership of which such person is a member.
2. No such trustee or officer of such institution shall make any profit or receive any money for the sale, handling, or disposal of any crop or crops or property of such institution.

3. No such member, trustee, or other officer of such institution shall make or be interested in any contract for supplies or merchandise for such institution when such contract or the making of the same is wholly or in part made or influenced by the action of the board governing such institution or the trustees thereof or is controlled by any officer of such institution; and any and all such contracts are declared to be illegal and void, provided that any such contracts as are described in this Code section may be made with a corporation of which any such board member or trustee is a stockholder if such member or trustee does not vote on or participate in the making of such contract.

Minority Interests Not Controlling the BoR (4.1 d)

The BoR is not controlled by a minority of board members, as stipulated in [BoR Bylaws, Article 3, Section 4](#):

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

Each BoR member must be notified a minimum of five days in advance of regular or special meetings as noted in [Article 3, Section 3 of BoR Bylaws](#). According to [Article 1, Section 4 of BoR Bylaws](#), attendance at meetings of the BoR is a duty of each member and failure to attend without good and valid cause or excuse or without leave of absence from the Chair for three consecutive meetings may result in a member's removal from the board. All members of the BoR are also subject to the procedural rules in [BoR Bylaws, Article 3, Section 5](#). Lastly, [BoR Bylaws, Article 5, Section 2](#) states, "...no individual Board member has the authority to commit the Board to a particular action..."

The statewide representativeness of the BoR's membership ensures that no one region of the state dominates BoR decision-making. In addition, staggered membership appointments of BoR members for seven-year terms precludes any one member from having excessive influence over the BoR's composition.

The independence of the BoR from the state legislature in terms of authority over the operation and management of the USG was incorporated into Georgia's constitution many years ago to preclude inappropriate political interference with member institutions of the USG.

The fact that the Chair of the BoR is elected annually for a one-year term precludes the multiyear leadership influence of a single member.

BoR's Presiding Officer Is Not the Institution's President (4.1 e)

[Dr. Paul Jones](#) has served as president of FVSU since December 2015. Dr. Jones is not a member of the BoR, does not serve as presiding officer of the BoR, and is not the chief operating officer of the USG. His primary responsibilities are to FVSU, as detailed in the [FVSU Faculty Handbook](#).

The [USG Organization Chart](#) shows the relationship between the presidents of the USG institutions and the BoR. [BoR Policy Manual, Section 2.6](#) defines the role, authority, and responsibilities of a president of a USG institution as follows:

2.6.1 Executive Head of Institution: The President of each University System of Georgia (USG) institution shall be the executive head of the institution and all its departments and shall exercise supervision and direction to promote the efficient operation of the institution. The President is responsible to the Chancellor for the operation and management of the institution and for the execution of all directives of the Board of Regents and the Chancellor.

2.6.2 Ex-Officio Faculty Chair: The President shall be the ex-officio chair of the faculty and a member of all faculties and other academic bodies within the institution. The President may preside at faculty meetings. The President may call meetings of any council, senate, assembly, committee, or governance body at his or her institution at any time, may chair the governance body, and may preside at the meetings. The President shall decide all questions of jurisdiction, not otherwise defined by the Chancellor, of the several councils, faculties, and officers.

The President may veto any act of any council, faculty, or committee of his or her institution but, in doing so, shall transmit to the proper officer a written statement of the reason for such veto. A copy of each veto statement shall be transmitted to the Chancellor.

The President shall be the official medium of communication between the faculty and the Chancellor and between the council, senate, assembly, committee, or governance body and the Chancellor.

2.6.3 Personnel Policies: The President is responsible for the initial appointment of faculty members and administrative employees of each institution and the salary and all promotions of those employees. The President may reappoint faculty members and administrative employees except as otherwise specified in this Policy Manual. The President may accept the resignation of any employee of his or her institution on behalf of the Board of Regents.

The President may grant leaves of absence for members of the faculty for study at other institutions or for such reasons as the President may deem proper.

The President shall make such reports as required from time to time to the Board, through the Chancellor, of the condition of the institution under his or her leadership.

2.6.4 Agreements: The President may execute, accept, or deliver, on behalf of the Board of Regents, the following types of research agreements, settlement agreements, service agreements, and reciprocal emergency law enforcement agreements affecting his or her institution:

1. Research or service agreements whereby the institution concerned, for monetary compensation or other good and valuable consideration, agrees to perform certain institution-oriented research or other personal services within a time period of one year or less;
2. Agreements between USG institutions and hospitals or other organized medical facilities, both public and private, whereby the hospital or medical facility concerned agrees to provide clinical services to nursing and other students enrolled in nursing and allied health programs at the institution concerned, which are subject to cancellation by either party;
3. Reciprocal emergency law enforcement agreements between USG institutions and county and municipal authorities, as authorized by the Georgia Mutual Aid Act, as amended;
4. Settlements of grievances and complaints, including those filed by state and federal agencies that do not include a monetary commitment of more than \$100,000. Notice of

settlements shall be filed with the University System Office of Legal Affairs; and, 5. Any agreements necessary for the day-to-day operation of the institution.

2.6.5 Delegation of Authority and Responsibilities: The President may delegate his or her authority and responsibilities under Board of Regents' Policy unless expressly prohibited by the Board of Regents.

[BoR Bylaws, Article 4](#) defines the governing board's officers and their duties. Section 5 of the Article states:

The Chair shall be a member of the Board, shall preside at the meetings of the Board with the authority to vote, shall appoint members of all Committees, and shall designate the Chair of each Committee. The Board Chair shall be an ex officio member of all Committees with the authority to vote. The Chair, upon the authority of the Board and in the name of the Board of Regents of the University System of Georgia, may execute all notes, bonds, deeds, contracts, and other documents requiring the Seal. The Chair shall submit the annual report of the Board of Regents to the Governor.

[BoR Bylaws, Article 4, Section 2](#) states that "unless otherwise determined by the Board, the Chair and the Vice Chair shall be elected at the November monthly meeting for a term to begin on January 1 and to end of on December 31 of each year." The Chair of the BoR in 2019 is Don L. Waters (Table 4.1).

[BoR Policy Manual, Section 1.2.1, System and Board Responsibilities](#) also states:
































The Chancellor shall be the chief executive officer of the USG as well as the chief executive officer of the Board of Regents and, as such, shall perform those duties that are prescribed by the Board.

The Chancellor shall be responsible to the Board for the prompt and effective execution of all resolutions, policies, rules, and regulations adopted by the Board for the order and operation of the entire USG and for the government of any and all of its institutions. The

Chancellor's discretionary powers shall be broad enough to enable him/her to discharge these responsibilities.

Dr. Steve Wrigley is the current Chancellor of the USG.

Supporting Documentation

-  GA Constitution Article VIII Section IV Paragraph I (a)
-  BoR_Bylaws_Section_1-3
-  BoR Regents Members
-  BoR Regents Meetings
-  BoR Standing Committees
-  BoR_Bylaws_Article 5, Section 1
-  GA Constitution Article VIII Section IV Paragraph I (b)
-  Official Code of Georgia Annotated (CGA) 20-3-31
-  BoR_Bylaws_Article 1, Section 2
-  BoR_Bylaws_Article 7
-  BoR_Minutes_April 2019
-  BoR_Agenda_May 2019
-  Official Code of Georgia Annotated (CGA) 45-10-22
-  Official Code of Georgia Annotated (CGA) 45-10-1
-  Official Code of Georgia Annotated (CGA) 45-10-26
-  BoR_Ethics_Training_and_Policy_Acknowledgement
-  BoR_Policy_Manual_Section_8-2-18-1-1
-  Georgia_Department_of_Law-Official_Opinion_2004-7
-  BoR_Bylaws_Article 3, Section 4
-  BoR_Bylaws_Article 3, Section 3
-  BoR_Bylaws_Article 1, Section 4
-  BoR_Bylaws_Article 3, Section 5
-  BoR_Bylaws_Article 5, Section 2
-  USG-FVSU_President_Job_Description
-  FVSU Faculty Handbook
-  USG Organization Chart
-  BoR_Policy_Manual_Section_2-6
-  BoR_Bylaws_Article 4, Section 5
-  BoR_Bylaws_Article 4, Section 2
-  BoR_Policy_Manual_Section_1-2-1
-  USG_Website_Chancellor

4.2 (a) The governing board ensures the regular review of the institution's mission (*Mission review*)

Judgment

☒ Compliance ☐ Non-Compliance ☐ Not Applicable

Narrative

FVSU's governing board is in compliance with this standard. The BoR ensures the regular review of the institution's mission in four ways: 1) when making policy revisions to the [BoR Policy Manual's Section 2.8 on Institutional Mission](#); 2) when pursuing the [BoR's Campus Consolidations initiative](#) which has been underway since 2011 and has resulted in nine institutional consolidations to date, all of which involved [system-wide policy revisions](#) that directly or indirectly affect the institutional missions within the USG as reflected in the current BoR Policy Sections 2.8; 3) when conducting periodic reviews and approvals of proposed changes to FVSU's published mission statement; and 4) when conducting BoR reviews and approvals of proposed changes to [FVSU's authorized degree program offerings](#) to ensure compliance with [BoR Policy 2.8](#).

Regular Review of the BoR Policy Manual's Section 2.8 on Institutional Mission

As was documented in the narrative for 4.1 (a), the BoR has the exclusive authority over the structure, functions, and missions of the current 26 member-institutions within the USG. The [BoR Policy Manual's Section 2.8 on Institutional Mission](#) identifies four functional categories of USG institutions (i.e., research universities, comprehensive universities, state universities, and state colleges) and describes the parameters of their board-approved institutional missions as follows:

The mission of the University System of Georgia (USG) is achieved through the collective missions of our state's public colleges and universities, which drive economic development and produce more educated individuals to contribute to the quality of life in the State. USG institutions are responsible for producing graduates with the requisite skills and knowledge to ensure Georgia's strong future in the knowledge-based and global economy. The individual mission and function of the institutions within the USG must be aligned with the overall USG mission in order to strategically meet the higher education needs of the State.

The function and mission of each USG institution is determined by the Board of Regents and any change in institutional function and mission must be approved by the Board. Institutional function determines the scope of activity of the institution over a considerable period of time and covers the following aspects:

1. The level at which the institution will operate;
2. The types of educational degree programs to be offered;
3. The cost of attending the institution (student tuition and fees);
4. The admissions selectivity of the institution and the extent to which the institution serves as a primary point of access to higher education for under-represented students in a geographic region of Georgia; and,
5. The extent to which the institution engages in teaching, research, and service.

Specific functions and missions for individual institutions and the procedures to request a change in functional sector, functional sector category, and institutional mission can be found in the Academic & Student Affairs Handbook. USG institutions are classified according to the following functional sectors:

Research Universities, which offer a broad array of undergraduate, graduate, and professional programs and are characterized as doctoral-granting with a Carnegie Classification of very high or high research activity. Associate degrees are typically not offered at research universities. While teaching is a core focus at all USG institutions, the emphasis on basic and applied research is much heavier at research universities than any other institutional sector. It is expected that institutions operating within this sector will be world-class research institutions with significant commitments to receipt of external funding, philanthropic giving, and fundraising at the highest levels.

Institution	Primary Section/Function	Secondary Sections/Function	Secondary Sections/Function
Georgia Institute of Technology	Research University	n/a	Georgia's technological research institution
Georgia State University	Research University	State College	
University of Georgia	Research University	n/a	Georgia's land-grant institution and agricultural experiment station
Augusta University	Research University	n/a	State's dedicated health/sciences/medical college

Comprehensive Universities offer a number of undergraduate and master's-level programs with some doctoral programs. Typically, associate-level degrees are not offered at comprehensive universities. Graduate programs at comprehensive universities are characterized as master's-dominant. While teaching is a core focus at all USG institutions, the emphasis on basic and applied research is heavier at comprehensive universities than state universities or state colleges, but not emphasized as heavily as research universities. It is expected that institutions within this sector will be committed to being world-class academic institutions.

Institution	Primary Section/Function	Secondary Sections/Function	Secondary Sections/Function
Georgia Southern University	Comprehensive University	n/a	Approved for doctoral programs
Valdosta State University	Comprehensive University	n/a	Approved for doctoral programs
Kennesaw State University	Comprehensive University	n/a	Approved for doctoral programs
University of West Georgia	Comprehensive University	n/a	Approved for doctoral programs

State Universities offer a number of undergraduate and master's-level programs, but very few doctoral programs. Associate-level degrees can be offered at these universities, but they are also typically limited. While teaching is a core focus at all USG institutions, the emphasis on research activity at these state universities includes some basic research, but is typically more focused on institutional or applied research.

Institution	Primary Section/Function	Secondary Sections/Function	Secondary Sections/Function
Albany State University	State University	n/a	n/a
Clayton State University	State University	n/a	n/a
Columbus State University	State University	n/a	Approved for doctoral programs

Fort Valley State University	State University	n/a	State's 1890 land grant institution
Georgia College & State University	State University	n/a	State's public liberal arts institution; approved for doctoral programs
Georgia Southwestern State University	State University	n/a	n/a
Middle Georgia State University	State University	n/a	n/a
Savannah State University	State University	n/a	n/a
University of North Georgia	State University	n/a	State's military college; approved for doctoral programs

State Colleges

Balanced Bachelor's and Associate State Colleges

Institutions included in the balanced bachelor's and associate-level state colleges group offer bachelor's degrees, associate programs, and general education courses, but no graduate programs. These state colleges are characterized as balanced bachelor's and associate-level degrees with bachelor's programs focused on specialized academic and economic development

program areas and regional, college-educated workforce needs. The emphasis at these state colleges is on teaching and service with limited focus on basic or applied research activity.

Associate Dominant-Select Bachelor's State Colleges

Institutions included in the associate dominant state colleges group are characterized as offering associate-dominant programs and general education courses, with very few, select, professionally-oriented bachelor's degree programs. The select bachelor's programs are focused on specialized academic and economic development program areas and regional, college-educated workforce needs. The emphasis at these state colleges is on teaching and service with limited focus on basic or applied research.

Institution	Primary Section/Function	Secondary Sections/Function	Secondary Sections/Function
Abraham Baldwin Agricultural College	State College - Balanced Bachelor's & Associate Degrees	n/a	State's agricultural state college
Atlanta Metropolitan State College	State College - Balanced Bachelor's & Associate Degrees	n/a	n/a
College of Coastal Georgia	State College - Balanced Bachelor's & Associate Degrees	n/a	n/a
Dalton State College	State College - Balanced Bachelor's & Associate Degrees	n/a	n/a

Georgia Gwinnett College	State College - Balanced Bachelor's & Associate Degrees	n/a	n/a
Gordon State College	State College - Balanced Bachelor's & Associate Degrees	n/a	n/a
East Georgia State College	State College - Associate Dominant, Select Bachelor's	n/a	n/a
Georgia Highlands College	State College - Associate Dominant, Select Bachelor's	n/a	n/a
South Georgia State College	State College - Associate Dominant, Select Bachelor's	n/a	n/a

Institutions with a Blended Function

At times, a USG institution may be approved by the BoR to advance aspects of a mission from different functional sectors. When this occurs, an institution will have a blended institutional function with a primary sector function and a secondary function sector. While the institution will follow the function of their primary sector, it will also be authorized to function in accordance with aspects of the secondary sector function.

Since 2011, the BoR has initiated five rounds of campus consolidations, each of which has required a subsequent review and revision of this BoR policy on institutional missions in the USG.

Regular Review of Institutional Missions in the Ongoing BoR Initiative of Campus Consolidations

The USG website explains the underlying objective and guiding principles of the [BoR's Campus Consolidations initiative](#) in this way:

The University System of Georgia is preparing students for the 21st century economy and citizenship. Today the System must look internally to ensure that it has a 21st century structure, providing a network of institutions offering the proper range of degrees and opportunities in research and service to students and faculty. The purpose of campus consolidation is to increase the system's overall effectiveness in creating a more educated Georgia.

The following principles guided the consolidation analysis; each principle was considered equally in this analysis:

1. Increase opportunities to raise education attainment levels.
2. Improve accessibility, regional identity, and compatibility.
3. Avoid duplication of academic programs while optimizing access to instruction.
4. Create significant potential for economies of scale and scope.
5. Enhance regional economic development.
6. Streamline administrative services while maintaining or improving service level and quality.

Clearly, the BoR's purpose and guidelines for identifying and pursuing campus consolidations focuses heavily on existing institutional missions and how campus consolidations can be utilized to strengthen the institutional missions of consolidated institutions and the USG as a whole. This initiative was begun in 2011 by the governing board with the assistance of the USG Chancellor and his staff when the USG was comprised of 35 separately accredited institutions. An ad hoc committee of the BoR was formed on consolidations at that time. Four pairs of institutions were identified by the BoR for the Phase-I consolidations (i.e., Waycross and South Georgia Colleges; Macon State and Middle Georgia Colleges; Gainesville State College and North Georgia College & State University; and Augusta State University and Georgia Health Sciences University) in 2012.

Another pair (i.e., Kennesaw State University and Southern Polytechnic State University) was identified for Phase-II consolidation in 2014. The pair (i.e., Georgia State University and Georgia Perimeter College) was identified for Phase-III consolidation in 2015. Another pair (i.e., Albany State University and Darton State College) was identified for Phase-IV consolidation in 2016. And two more pairs (i.e., Abraham Baldwin Agricultural College and Bainbridge State College; and, Georgia Southern University and Armstrong State University) were identified by the BoR for Phase-V consolidations in 2017. To date, nine pairs of USG institutions have received Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) approval to be consolidated, and the BoR has subsequently approved their consolidations, reducing the number of USG member units to 26 from the original 35, eight years ago.

For each phase of institutional consolidations, the BoR's committee along with the Chancellor and his staff carefully reviewed and considered the existing missions of the remaining USG member institutions which had not undergone consolidation to identify additional potential consolidation partners which appeared to have potential for meeting the BoR's guiding principles. As part of the planning process for implementing institutional consolidations, the functional mission categories of the newly consolidated institutions, as well as their proposed published mission statements, also received BoR review and approval. Although FVSU has not been identified to date by the BoR for institutional consolidation, the university's mission and the missions of other USG member units have been subject to careful review and consideration during each round of consolidation determinations nonetheless.

Periodic BoR Review and Approval of Changes to FVSU's Published Mission Statement

The BoR of the USG formally reviews and approves proposed changes to the institution's published mission statement. The current mission of FVSU was approved during the [June 2009 meeting of the BoR](#), as reflected in the meeting minutes.

The FVSU's revised mission as approved by BoR (and shown in Appendix I) at its June 9-10, 2009 meeting reads as follows:

The mission of Fort Valley State University is to advance the cause of education with emphasis upon fulfilling commitments that our community members have undertaken

collectively. As an institution of the University System of Georgia, Fort Valley State University naturally embraces the principles articulated by the Core Mission Statement for State Universities as approved by the Board of Regents of the University System of Georgia. The university's primary commitments include, among others, enhancement of teacher training programs grounded upon a liberal arts foundation, as reflective of over 110 years of experience and tradition. Additionally, the university recognizes with great pride and desires to further its responsibilities as Georgia's only 1890 Land Grant institution by offering programming excellence in agriculture, agribusiness, family and consumer sciences, extension, technology and military science and leadership, as well as to further its traditions of excellence in programs in the liberal arts and humanities, social sciences, and natural and physical sciences.

The University's primary commitments extend, as well, to:

- community outreach through the concept of the communiversity, an approach that highlights the interdependence of community and university;
- expanding service beyond the campus, as well as within, so that the institution addresses in a meaningful manner the broad diversity—human and technical—of needs in our home region and state as well as nationally and internationally;
- sparking within our students an enduring interest in learning and providing the tools and skills necessary to maintain that interest through life;
- preparing students through a mentoring approach for the opportunity to serve their fellow man while enjoying the opportunity provided by hard work and achievement to live the quality of life inherent in the American dream;
- encouraging and supporting creative expression, innovation, honesty, and integrity as endeavors of lasting and intrinsic merit;
- providing a productive environment for cutting-edge academic and practical research in, among other fields, agriculture, aquaculture, animal science, biotechnology, energy, environment, social and behavioral sciences, and the humanities; and
- otherwise acting to enlighten, enrich, and inspire by example those whom we serve.





Rationale for Revision of FVSU Mission

Although the earlier mission served FVSU well at that time, the revision (of FVSU mission) was necessitated by its [Master Plan Goals](#) and to align with the BoR's guiding principles, specifically to “reflect contemporary institutional branding, promote preferred messages, and reflect pride in our history, traditions and achievements; to encourage social and intellectual interaction between students, faculty, and community constituents; and, to determine fiscal and resource implications of future needs,” as well as to strengthen academic programs to empower student learning through excellence, engagement, and critical thinking. Moreover, the guiding principles of the BoR, as listed above, emphasize on improving accessibility, regional identity, and compatibility, as well as creating significant potential for economies of scale and scope for FVSU and its community constituents. Hence, FVSU revised its mission statement in 2009, which was reviewed and approved by BoR in its June 9-10 meeting of 2009.

Regular BOR Reviews of FVSU's Mission When Considering Approval of Proposed Changes to Degree Program Offerings

The USG's Academic and Student Affairs Handbook states in [Section 2.3.2, New Degree Programs Overview](#), that: “All proposals for new degree programs must be consistent with the college or university mission and must be high on the list of academic priorities as delineated in the institution's strategic plan.” Thus, the Chancellor's staff and the BoR review proposed changes to FVSU's degree program offerings in the context of a state university's functional mission as prescribed in [BoR Policy 2.8 on Institutional Mission](#). FVSU has proposed some [degree program additions](#) since its last reaffirmation, such as establishment of Bachelor of Business Administration with a major in Supply Chain and Logistics Management and a Master of Arts in History. All such degree program additions have required BoR review of their consistency with FVSU's defined mission in accordance with BoR policies and procedures.

Supporting Documentation

-  [BoR Policy Manual's Section 2.8](#)
-  [Consolidation Guiding Principles](#)
-  [System-wide policy revisions](#)
-  [FVSU's authorized degree program offerings](#)

-  [BoR's Campus Consolidations Initiative](#)
-  [USG Academic and Student Affairs Handbook, Section 2.3.2](#)
-  [June 2009 meeting of the BoR](#)
-  [Master Plan Goals](#)
-  [Degree program additions](#)

4.2 (b) The governing board ensures a clear and appropriate distinction between the policy-making function of the board and the responsibility of the administration and faculty to administer and implement policy. (*Board/administrative distinction*)

Judgment

☒ Compliance ☐ Non-Compliance ☐ Not Applicable

Narrative

The policies and practices of the USG BoR ensure an appropriate distinction between the governing board's policy-making authority and the responsibility of institutional administrations and faculty to administer and implement BoR policy. The BoR retains its constitutional authority to govern and control the USG institutions, including FVSU, and to make general policies consistent with that authority. Similarly, FVSU retains its responsibility and authority for administering the institution consistent with the mission and directions set by the governing board and implementing BoR policy at a detailed and specific operational level. Stated differently, FVSU administrators and faculty understand that their responsibility and authority for administering the institution must occur in a manner consistent with the mission, policies, and directions set by the governing board. The distinctions between the governing board's policy-making functions and the institution's policy implementation responsibilities are clear and appropriate, both in writing and in practice.

Board/Administrative Distinction in Writing

Regarding the ultimate responsibility of the governing board, as provided in the Constitution of the State of Georgia, [Article VIII, Section IV, Paragraphs 1\(a\) and 1\(b\)](#) and reinforced by state law in the [Official Code of Georgia Annotated \(OCGA\) §20-3-21](#) is reiterated in the [BoR Bylaws Article 1, Section 2](#):

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

The policy development focus of the governing board is highlighted in [Article 5, Section 1 of the BoR Bylaws](#):

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

The responsibility for the administration and implementation of BoR policies and directives falls with the Chancellor of the USG, presidents of member-institutions, and the institution's faculty, as noted in several other sections of the BoR Policy Manual. At the system level, [Section 1.2.1](#) states:

The Chancellor shall be the chief executive officer of the USG as well as the chief executive officer of the Board of Regents and, as such, shall perform those duties that are prescribed by the Board (BoR Minutes, February 2007).

The Chancellor shall be responsible to the Board for the prompt and effective execution of all resolutions, policies, rules, and regulations adopted by the Board for the order and operation of the entire USG and for the government of any and all of its institutions. The Chancellor's discretionary powers shall be broad enough to enable him/her to discharge these responsibilities.

At the institution level, the BoR Policy Manual, [Section 2.6.1](#) states:

The President of each University System of Georgia (USG) institution shall be the executive head of the institution and all its departments and shall exercise supervision and direction to promote the efficient operation of the institution. The President is responsible to the Chancellor for the operation and management of the institution and for the execution of all directives of the Board of Regents and the Chancellor.

In [Section 3.1](#) of the BoR Policy Manual, the responsibilities of the Chancellor and the president and administrators of each institution for clarifying and implementing BoR policy at the system and institutional levels are clarified further:

The Chancellor, the University System Office of Academic Affairs and the University System of Georgia (USG) presidents, their administrative officers and faculties shall develop, adapt, and administer the academic methods and procedures deemed by them to be most effective in promoting efficient operations and the advancement of learning.

Proper functions of the academic authorities include the following:

1. Prescribing the teaching load to be carried by each member of the faculty;
2. Determining the maximum and minimum number of students permitted in a class; and,
3. Defining the nature and form of academic records to be kept concerning members of the faculties and administrative personnel.

Each USG institution president and his or her administrative officers, faculty, and staff shall promote effective higher education and efficient service having in view resources available to the institution. USG academic authorities shall choose the appropriate ways and means that are best adapted to achieve the ends desired. The Board of Regents will hold institutions accountable for their results.

Each institution must maintain accreditation by the Southern Association of Colleges and Schools Commission on Colleges and ensure that all programs requiring accreditation by law, regulation, or Board of Regents' Policy are appropriately accredited.

[Section 2.6](#) of the BoR Policy Manual describes the authority and responsibilities of a president of a USG institution as follows:

2.6.1 Executive Head of Institution:

The President of each University System of Georgia (USG) institution shall be the executive head of the institution and all its departments and shall exercise supervision and direction to promote the efficient operation of the institution. The President is responsible to the

Chancellor for the operation and management of the institution and for the execution of all directives of the Board of Regents and the Chancellor.

2.6.2 Ex-Officio Faculty Chair:

The President shall be the ex-officio chair of the faculty and a member of all faculties and other academic bodies within the institution. The President may preside at faculty meetings. The President may call meetings of any council, senate, assembly, committee, or governance body at his or her institution at any time, may chair the governance body, and may preside at the meetings. The President shall decide all questions of jurisdiction, not otherwise defined by the Chancellor, of the several councils, faculties, and officers.

The President may veto any act of any council, faculty, or committee of his or her institution but, in doing so, shall transmit to the proper officer a written statement of the reason for such veto. A copy of each veto statement shall be transmitted to the Chancellor.

The President shall be the official medium of communication between the faculty and the Chancellor and between the council, senate, assembly, committee, or governance body and the Chancellor.

2.6.3 Personnel Policies:

The President is responsible for the initial appointment of faculty members and administrative employees of each institution and the salary and all promotions of those employees. The President may reappoint faculty members and administrative employees except as otherwise specified in this Policy Manual. The President may accept the resignation of any employee of his or her institution on behalf of the Board of Regents.

The President may grant leaves of absence for members of the faculty for study at other institutions or for such reasons as the President may deem proper.

The President shall make such reports as required from time to time to the Board, through the Chancellor, of the condition of the institution under his or her leadership.

2.6.4 Agreements:

The President may execute, accept, or deliver, on behalf of the Board of Regents, the following types of research agreements, settlement agreements, service agreements, and reciprocal emergency law enforcement agreements affecting his or her institution:

1. Research or service agreements whereby the institution concerned, for monetary compensation or other good and valuable consideration, agrees to perform certain institution-oriented research or other personal services within a time period of one year or less;
2. Agreements between USG institutions and hospitals or other organized medical facilities, both public and private, whereby the hospital or medical facility concerned agrees to provide clinical services to nursing and other students enrolled in nursing and allied health programs at the institution concerned, which are subject to cancellation by either party;
3. Reciprocal emergency law enforcement agreements between USG institutions and county and municipal authorities, as authorized by the Georgia Mutual Aid Act, as amended;
4. Settlements of grievances and complaints, including those filed by state and federal agencies that do not include a monetary commitment of more than \$100,000. Notice of settlements shall be filed with the University System Office of Legal Affairs; and,
5. Any agreements necessary for the day-to-day operation of the institution.

2.6.5 Delegation of Authority and Responsibilities:

The President may delegate his or her authority and responsibilities under Board of Regents' Policy unless expressly prohibited by the Board of Regents.

[Section 3.2.1.2](#) of the BoR Policy Manual addresses the responsibilities of institutional administrators and their faculty status:

Faculty status of full-time administrative officers will necessarily vary with the size and complexity of the institution. Administrative officers shall be appointed by the President of

the institution and shall hold office at the pleasure of the President.

A faculty member who has academic rank and rights of tenure in the Corps of Instruction and who accepts an appointment to an administrative office, other than President, shall retain the responsibilities and privileges of faculty membership, his or her academic rank, and rights of tenure as an ex officio member of the Corps of Instruction, but shall have no rights of tenure in the administrative office to which he or she has been appointed.

The additional salary, if any, for the administrative position shall be stated in the employment contract and shall not be paid to the faculty member when he or she ceases to hold the administrative position.

[Section 3.2.3](#) of the BoR Policy Manual defines the role of the institution's faculty as follows:

The faculty council, senate, assembly, or other comparable governance body at all USG institutions shall meet and shall appoint a secretary who shall keep a record of the proceedings. All meetings should comply with all applicable laws and regulations, including the Georgia Open Records Act and Georgia Open Meetings Act.

The faculty or the council, senate, assembly, or other comparable faculty governance body at an USG institution, shall, subject to the approval of the President of the institution:

1. Make statutes, rules, and regulations for its governance;
2. Provide committees as may be required;
3. Make statutes, rules, and regulations for students regarding admission, suspension, expulsion, classes, courses of study, the learning environment, and requirements for graduation; and,
4. Make regulations necessary or proper for the maintenance of high educational standards.

A copy of each institution's statutes, rules, and regulations made by the faculty shall be filed with the Chancellor and shall be published, implemented, and disseminated in accordance with SACSCOC regulations. The faculty shall have primary responsibility for those aspects

of student life that relate to the educational process, subject to the approval of the President of the institution.














The administrative and faculty roles and responsibilities at FVSU are delineated more specifically in Sections 1 and 2 of FVSU's [Faculty Handbook](#). Additionally, administrative position descriptions are published for each administrator, director through president.

Board/Administrative Distinction in Practice

The BoR's institutional consolidation initiative is a prime example of how the BoR's policy-making authority is distinguished in practice from the responsibility of system and institutional personnel to administer and implement BoR policy. The BoR initially defined its guiding principles for institutional consolidation in fall 2011. At the [January 2012 BOR meeting](#), the BoR approved the pursuit of four pairs of institutional consolidations which met those principles and identified the lead presidents for consolidation planning. The [BoR charged the Chancellor](#) to "take those measures which the Chancellor deems necessary and prudent to give effect to the Board's determination that these institutions be consolidated so as to enhance and improve educational offerings and student success." The BoR retained its authority to approve final determinations of key elements of consolidation, including the approval of the consolidated institution's name and mission, appointment of the new institution's CEO, approval of the effective date of consolidation, approval of the budget, etc. Policy determination at the governing's board level in this instance was at a broad and general level with the expectation that the BoR's policy directive would be implemented and administered at a detailed operational level by the system and institutional staffs within existing BoR policies and procedures. It became the responsibilities of the Chancellor's staff and the institutional staff to plan and implement the operational details of consolidation and to secure SACSCOC approval for the consolidation prospectuses. Following receipt of SACSCOC's approval of the proposed consolidations, the BoR exercised its policy-making authority to formalize the institutional consolidations effective in [January 2013](#) and officially appoint the president of the newly consolidated institutions.

Supporting Documentation

 [State of Georgia, Article VIII, Section IV, Paragraphs 1\(a\) and 1\(b\)](#)

-  Official Code of Georgia Annotated (OCGA) 20-3-21
-  BoR_Bylaws_Article 1, Section 2
-  BoR_Bylaws_Article 5, Section 1
-  BoR_Policy_Manual_Section_1-2-1
-  BoR_Policy_Manual_Section_2.6.1
-  BoR_Policy_Manual_Section_3.1
-  BoR_Policy_Manual_Section_2.6
-  BoR_Policy_Manual_Section_3.2.1.2
-  BoR_Policy_Manual_Section_3.2.3
-  FVSU Faculty Handbook
-  BoR January 2012 Meetings Minutes
-  BoR Charged the Chancellor
-  BoR January 2013 Meetings Minutes

4.2 (c) The governing board selects and regularly evaluates the institution's chief executive officer. (CEO evaluation/selection)

Judgment

☒ Compliance ☐ Non-Compliance ☐ Not Applicable

Narrative

As documented in previous standards, the formal authority over all aspects of FVSU's operation, including the selection and evaluation of the CEO, FVSU's president, rests with the USG BoR. The BoR exercises much of its direction to presidents of the USG's 26 institutions through the Chancellor of the USG, who serves as the CEO of the governing board and the USG. Nevertheless, the ultimate authority in the initial presidential selection decision and subsequent annual evaluations which impact presidential reappointment decisions of the FVSU president is exercised by the governing board.

Selection and Appointment of USG Presidents

The BoR Policy Manual describes the procedure for selecting presidents of its system institutions in [Section 2.1, Election of Presidents by the Board of Regents](#):

The Board of Regents shall elect the presidents of University System of Georgia (USG) institutions for a term of one year, which will be extended until the Board acts either to reappoint the President for the remainder of a one-year term or chooses not to reappoint the President, as contemplated in Board Policy. All appointments will be made expressly subject to Board of Regents' policies and the Chancellor shall notify the presidents of the Board's decision. USG presidents shall not be entitled to a written employment contract.

Presidents shall not hold tenure at the institution but may hold, retain, or receive academic rank. Persons holding tenure in the USG who receive an initial presidential appointment shall be required to relinquish their tenure before assuming the position of President. No person shall be awarded tenure while serving as President.

A person accepting the position of Acting or Interim President at a USG institution shall not be a candidate for President of that institution.

Per BoR Policy Manual, [Section 2.2, Selection of Presidents for USG Institutions](#), the following procedures are outlined:

When a vacancy occurs in a presidency at a University System of Georgia institution, the Chancellor shall consult with the Chair of the Board of Regents to determine whether to conduct a national search. If a search is conducted, the Chancellor, in consultation with the Chair of the Board of Regents, may appoint an institutional search committee.

Conducting a national search for a president of a USG member-institution is not a universal requirement in the BoR's policy or practice. The determination by the BoR of whether or not to conduct a national search to fill the presidency of an institution rests with the governing board's assessment of the unique circumstances of the institution. A national search for president can be a lengthy process, during which the welfare of the institution could be jeopardized by other intervening factors if the chief executive's leadership of the institution is uncertain and in question.

It is fair to say that the BoR's decision in November 2015 to appoint Dr. Paul Jones as FVSU's president effective December 15, 2015 without a national search was timely, prudent, and appropriate under the circumstances. FVSU's previous president had elected to step down from that position on relatively short notice earlier in 2015 and after serving as president for only two years. During that time, FVSU struggled with resolving serious financial difficulties and noncompliance issues with SACSCOC which were still not fully resolved when Dr. Jones became president. There was a critical need for the new FVSU president to have proven success not only as a USG CEO, but also as a chief financial officer. Dr. Jones had such credentials and was readily available. The [BoR's news release](#) of November 10, 2015 contained these comments from BoR Chairman, Neil Pruitt and USG Chancellor Hank Huckaby:

The Board of Regents of the University System of Georgia (USG) today named Dr. Paul Jones president of Fort Valley State University (FVSU) in Fort Valley, Georgia. Dr. Paul Jones will assume his new position on December 15.

“We are fortunate to have such a strong leader as Dr. Jones in our system who is ready to assume the role of president at Fort Valley State University,” said Chairman Neil Pruitt. “Dr. Jones has proven himself time and again in roles of increasing responsibility in our system, and we appreciate his stepping forward to lead Fort Valley State.”

“Paul is a proven, trusted leader within our University System,” said Huckaby. “We recognized Paul was a strong, emerging leader as chief budget officer at Georgia College & State University when we asked him to assume the role of interim president at Darton State College.

Huckaby went on to say, “Paul has developed strong, trusted relationships across our university system. Fort Valley State University, and its long-term success, is critically important to our University System. With his solid background in finance and fiscal affairs, combined with his proven experience as president within our System, Paul will work to quickly build a close, team relationship with Fort Valley State University faculty and staff.”

Regular Evaluation of the President’s Performance

BoR Policy Manual, [Section 2.3, Performance Assessment of Presidents](#) states:

Evaluation of University System of Georgia institution presidents shall be an ongoing process, which consists of open communication between the Chancellor and the President on individual and institutional goals and objectives and methods and processes used to achieve them. Evaluations will be factored into the annual appointment renewal for each President.

As part of the annual evaluation, the president is evaluated on progress toward meeting individual goals, institutional strategic goals, and the strategic initiatives of the USG. In addition to the annual evaluation, each USG president undergoes a 360-evaluation using an external consultant every five years for the purpose of assessing the overall leadership and performance of presidents.

BoR Policy Manual, [Section 2.5.2, Re-Appointment Declined](#) states:

If the Board of Regents declines to reappoint a President, it shall notify the President, through the Chancellor, of such decision immediately following the Board's action to not reappoint the President. A decision by the Board not to reappoint a President is not subject to appeal.







The chancellor's role in the evaluation of presidents is authorized in [Article 4, Section 7](#) and [Article 6 of the Bylaws](#) of the BoR that state, respectively:

The Chancellor shall be the Chief Executive Officer of the University System of Georgia and the Board of Regents and, as such, shall be empowered by and responsible to the Board for the prompt and effective execution of all policies adopted and directives issued by the Board for the order and operation of the USG and its institutions. The Board shall elect the Chancellor.

The president of each institution in the University System shall be the executive head of the institution and of all its departments and shall exercise such supervision and direction as will promote the effective and efficient operation of the institution. He or she shall be responsible to the Chancellor or his/her designee for the operation and management of the institution and for the execution of all directives of the Board and the Chancellor.

The chancellor's annual evaluations of presidents culminate in the BoR's decisions to reappoint or not reappoint presidents prior to the beginning of each new fiscal year on July 1. The BoR has elected to reappoint President Jones each year since he was initially selected to become FVSU's CEO, reflecting his positive annual evaluations.

Supporting Documentation

-  [BoR Policy Manual, Section 2.1](#)
-  [BoR Policy Manual, Section 2.2](#)
-  [BoR news release of November 10, 2015](#)
-  [BoR Policy Manual, Section 2.3](#)
-  [BoR Policy Manual, Section 2.5.2](#)
-  [BoR_Bylaws_Article 4, Section 7](#)

4.2 (d) The governing board defines and addresses potential conflict of interest for its members. (*Conflict of interest*)

Judgment

☒ Compliance ☐ Non-Compliance ☐ Not Applicable

Narrative

The USG BoR is the governing board for the colleges and universities that compose USG, including FVSU. The BoR, as well as the USG member institutions, are subject to rules and regulations pertaining to prohibited conflict of interest as defined in state laws and BoR Bylaws and policies. There are at least seven sections of the Georgia Code and three sections of the BoR Bylaws or BoR Policy Manual that define and prohibit conflicts of interest in substantial detail for members of the BoR who are appointed by the governor of Georgia to serve as part-time public officials in their capacity on the governing board. BoR members complete online ethics training programs and annual reports of business dealings involving the USG, which are used to monitor compliance. There is no record of any BoR member having been removed from the board due to a conflict of interest.

Definitions of Prohibited Conflicts of Interest in State Law

The BoR of the USG is considered to be a state agency, and its members are considered to be in the service of the state under Georgia law. In that context, prohibited conflicts of interest are clearly defined in state law.

[Official Code of Georgia Annotated \(O.C.G.A.\), § 45-10-1](#) establishes a Code of Ethics for all persons in government service. This code specifically cites the following principles for the avoidance of conflict of interest and upon which other sections of the Georgia Code and BoR Bylaws are based:

V. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

VII. Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

VIII. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

State law article [O.C.G.A. § 45-10-20](#) defines the jurisdiction of these laws for “any person” and “public official” in a manner that includes the members of the BoR when it states:

(8) ‘Person’ means any person, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or other legal entity.

(9) ‘Public official’ means ... any person appointed to a state office where in the conduct of such office the person so appointed has administrative and discretionary authority to receive and expend public funds and to perform certain functions concerning the public which are assigned to him by law.

Georgia Code article [O.C.G.A. § 45-10-21](#) is intended to protect “integrity of all governmental units of this state and of facilitating the recruitment and retention of qualified personnel by prescribing essential restrictions against conflicts of interest in state government” (paragraph d). In part, [O.C.G.A. § 45-10-21](#) reads as follows:

(a) It is essential to the proper operation of democratic government that public officials be independent and impartial, that governmental decisions and policy be made in the proper channels of the governmental structure, that public office not be used for private gain other than the remuneration provided by law, and that there be public confidence in the integrity of government. The attainment of one or more of these ends is impaired whenever there exists a conflict between the private interests of an elected official or a government employee and his duties as such. The public interest, therefore, requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of elected officials and government employees in situations where conflicts exist.

O.C.G.A. § 45-10-22 states that:

(2) It shall be unlawful for any public official who has limited powers, for himself or on behalf of any business, or for any business in which such public official or member of his family has a substantial interest to transact any business with the agency for which such public official serves.

In addition, since members of the BoR are considered to be part-time public officials with state-wide powers, O.C.G.A. § 45-10-24 prohibits such officials from transacting business with any state agency. Georgia Law makes no distinction between state employees and “any public official” in the required disclosure of business transactions with state agencies as noted in O.C.G.A. § 45-10-26. This is underscored specifically for members of the BoR in O.C.G.A. § 45-10-40 which states:

No member of the Board of Regents of the University System of Georgia or of the Board of Human Services, no trustee or other officer of any institution which is wholly or in part supported by state funds, and no partnership of which such person is a member shall make any contract with the governing board or trustees of such institution or any officer of such institution for the sale and purchase of merchandise or supplies for such institution whereby profit shall accrue to such board member or trustee or such partnership of which such person is a member. Such trustee or officer of such institution shall not make any profit or receive any money for the sale, handling, or disposal of any crop or crops or property of such institution. Such member, trustee, or other officer of such institution shall not make or be interested in any contract for supplies or merchandise for such institution when such contract or the making of the same is wholly or in part made or influenced by the action of the board governing such institution or the trustees thereof or is controlled by any officer of such institution; and any and all such contracts are declared to be illegal and void, provided that any such contracts as are described in this Code section may be made with a corporation of which any such board member or trustee is a stockholder if such member or trustee does not vote on or participate in the making of such contract.

O.C.G.A. § 45-10-41 cites the potential penalty that members of the BoR face for violating O.C.G.A. § 45-10-40 (e.g., for profiting from contracts with state institutions) would be discharge from office.

Definitions of Prohibited Conflicts of Interest in BoR Bylaws and BoR Policies

The Bylaws of the BoR reiterate some additional specific and related restrictions. [Article 2, Section 2](#) of the BoR Bylaws states that, “members of the Board shall not accept gifts, honoraria, or other forms of compensation from University System institutions or cooperative organizations for speaking or other activities at events sponsored by University System institutions.” BoR Bylaws, [Article 5, Section 2](#) states that, “except as permitted in these Bylaws or The Policy Manual of the Board, a member of the Board of Regents shall not recommend any person for employment in any position in the University System.” Both of these excerpts from BoR Bylaws are rooted in state law as described above.

The BoR policies go beyond the state laws referenced above to also address appearances of conflicts of interest. As outlined in Board Policy Manual, [Section 8.2.18.2.1, Conflict of Interest and Apparent Conflicts of Interest](#):

Each University System of Georgia (USG) employee shall make every reasonable effort to avoid actual or apparent conflicts of interests. An apparent conflict exists when a reasonable person would conclude from the circumstances that the employee’s ability to protect the public interest, or perform public duties, is compromised by a personal, financial, or business interest. An apparent conflict can exist even in the absence of a legal conflict of interest. USG employees are referred to State Conflict of Interest Statutes O.C.G.A. § 45-10-20 through § 45-10-70 and institutional policies governing professional and outside activities.

Each USG employee has an ongoing responsibility to report and fully disclose any personal, professional, or financial interest, relationship, or activity that has the potential to create an actual or apparent conflict of interest with respect to the employee’s USG duties.

Institutions shall adopt guidelines governing conflicts of interest and may further define methods of reporting conflicts of interest, how to manage said conflicts, and terms used within this policy section, so long as such guidelines and definitions are not inconsistent with this policy.

This policy is considered applicable to BoR members, as well. On [November 10, 2008](#), the BoR approved a new ethics policy to which all employees of the USG, including members of the BoR, must adhere. In the “applicability” section of the policy, it is clearly stated that:

The USG Ethics Policy applies to all members of the USG community. The USG community includes all members of the Board of Regents, all individuals employed by or acting on behalf of the USG or one of the USG institutions including volunteers, vendors, and contractors, members of the governing boards and employees of all cooperative organizations affiliated with the USG or one of its institutions. Violations of the USG Ethics Policy may result in disciplinary action including dismissal or termination.

Members of the Board of Regents and all individuals employed by the USG or one of its institutions in any capacity shall participate in USG Ethics Policy training and shall certify compliance with the USG Ethics Policy on a periodic basis as provided in the USG Business Procedures Manual. Cooperative organizations, vendors and contractors shall certify compliance with the USG Ethics Policy by written agreement as provided in the USG Business Procedures Manual. The USG Ethics Policy governs only official conduct performed by or on behalf of the USG.

Thus, the USG ethics policy applies to all members of the USG community, which includes:

1. All members of the BoR;
2. All individuals employed by, or acting on behalf of, the USG or one of the USG institutions, including volunteers, vendors, and contractors; and,
3. Members of the governing boards and employees of all cooperative organizations affiliated with the USG or one of its institutions.

The USG is committed to the highest ethical and professional standards of conduct in pursuit of its mission to create a more educated Georgia. Accomplishing this mission demands integrity, good judgment, and dedication to public service from all members of the USG community. The “[Core Values](#)” section of the USG Ethics Policy makes it clear:

- I. Integrity – We will be honest, fair, impartial and unbiased in our dealings both with and on behalf of the USG.
- II. Excellence – We will perform our duties to foster a culture of excellence and high quality in everything we do.
- III. Accountability – We firmly believe that education in the form of scholarship, research, teaching, service and developing others is a public trust. We will live up to this trust through safeguarding our resources and being good stewards of the human, intellectual, physical and fiscal resources given to our care.
- IV. Respect – We recognize the inherent dignity and rights of every person, and we will do our utmost to fulfill our resulting responsibility to treat each person with fairness, compassion and decency.















To enforce this ethics policy, the Chancellor implemented [mandatory training](#) beginning March 31, 2010. This training is administered electronically and is part of a three-pronged approach the USG is taking to enhance compliance with state and federal regulations and to promote ethical conduct by USG faculty, staff, administrators, vendors, contractors, and members of the BoR. Members of the BoR and all individuals employed by the USG or one of its institutions in any capacity shall participate in USG ethics policy training, and shall certify compliance with the USG ethics policy on a periodic basis, as provided in the [USG Business Procedures Manual](#). Cooperative organizations, vendors, and contractors shall certify compliance with the USG ethics policy by written agreement as provided in the [USG Business Procedures Manual](#).





Formal disclosure of business dealings of USG employees and BoR members with USG entities is also required in this regard and monitored to ensure compliance. Evidence of completed reporting forms for a sample of BoR members is provided in the supporting documentation identified as [Affidavit of Public Officer 1](#) and [Affidavit of Public Officer 2](#).

Upon a recommendation from the Executive and Compensation Committee, the BoR shall consider any situation in which a BoR member has not fulfilled his or her duty as set forth in Board Bylaws, Board Policy, and applicable law and take appropriate action as the board deems necessary to include removal of the BoR member. The vice chancellor for Organizational Effectiveness confirmed that no BoR member has been removed as a function of an established conflict of interest. When applicable, BoR members recuse themselves from deliberations and votes that have the potential to result in a conflict of interest, as was the case with Regent Phillip A. Wilheit, Sr. at the [May 16, 2017](#) meeting of the Graduate Medical Education Committee.

In addition, USG also implemented the Ethics and Compliance Reporting Hotline in January 2008 as part of a comprehensive ethics and compliance program that was designed to promote the highest standards of ethical and professional conduct within the USG. The hotline allows concerns to be reported confidentially by phone or on-line. The hotline is administered by a third-party vendor that provides for confidential communication. The hotline does not replace existing reporting mechanisms, including reporting concerns to an employee's supervisor, but rather serves as an additional reporting option. Each institution has a hotline web address and a telephone number assigned to it per the [USG Business Procedures Manual](#).

Supporting Documentation

-  [Official Code of Georgia Annotated \(OCGA\) 45-10-1](#)
-  [State Law Article OCGA 45-10-20](#)
-  [Official Code of Georgia Annotated \(OCGA\) 45-10-21](#)
-  [Official Code of Georgia Annotated \(OCGA\) 45-10-22](#)
-  [Official Code of Georgia Annotated \(OCGA\) 45-10-24](#)
-  [Official Code of Georgia Annotated \(OCGA\) 45-10-26](#)
-  [Official Code of Georgia Annotated \(OCGA\) 45-10-40](#)
-  [Official Code of Georgia Annotated \(OCGA\) 45-10-41](#)
-  [BoR_Bylaws_Article 2, Section 2](#)
-  [BoR_Bylaws_Article 5, Section 2](#)
-  [BoR Policy Manual, Section 8.2.18.2.1](#)
-  [BoR November 2008 Meetings Minutes](#)
-  [USG Ethics Policy Core Values](#)
-  [Ethics Policy Training](#)

-  [USG Business Procedure Manual](#)
-  [Affidavit of Public Officer 1](#)
-  [Affidavit of Public Officer 2](#)
-  [BoR May 2017 Meetings Minutes](#)

4.2 (e) The governing board has appropriate and fair processes for the dismissal of a board member. (*Board dismissal*)

Judgment

☒ Compliance ☐ Non-Compliance ☐ Not Applicable

Narrative

The governing board (i.e., the USG BoR) has appropriate and fair processes, by way of policies and procedures, for the dismissal of a board member. Causes for a board member dismissal and the due process of procedures for such dismissal are outlined in the [Bylaws](#) of the BoR in the Official Code of Georgia Annotated (O.C.G.A.), and in the Constitution of the State of Georgia, as illustrated below.

According to Article 1, Sections 4 and 5 of the BoR [Bylaws](#), a board member may be dismissed for failure to attend meetings, and a fair process for effecting dismissal is in place:

4. Attendance

It shall be the duty of the members of the Board of Regents to attend the meetings of the Board so as to take part in its deliberations. The office of any member of the Board shall be vacated if such member neglects to furnish an excuse in writing to the Board for absence from two consecutive meetings of the Board. If any member fails to attend three successive meetings of the Board without good and valid cause or excuse or without leave of absence from the Chair or, if the Chair for any cause cannot act, from the Vice Chair of the Board, that member's office shall be declared vacant by the Board, and the Secretary to the Board shall notify the Governor of a vacancy on the Board, and the Governor shall fill the same.

5. Removal

Upon a recommendation from the Executive and Compensation Committee, the Board of Regents shall consider any situation in which a Regent has not fulfilled his or her duty as set forth in Board Bylaws, Board Policy, and applicable law and take appropriate action as the board deems necessary to include removal of the Board member.

Section 20-3-26 of the O.C.G.A. has a similar provision for dismissal of board members for unexcused absences from attending meetings:

It shall be the duty of the members of the board of regents to attend the meetings of the board so as to take part in its deliberations. The office of any member of the board shall be vacated if he neglects to furnish an excuse in writing to the board for absence from two consecutive meetings of the board. If any member fails to attend three successive meetings of the board, without good and valid cause or excuse or without leave of absence from the chairman, or, if the chairman for any cause cannot act, from the vice-chairman of the board, his office shall be declared vacant by the board. The secretary shall in either event notify the Governor of a vacancy on the board, and the Governor shall fill the vacancy as provided by this part.

A violation of state law on the expected codes of ethics and conflict of interest for members of boards as outlined in O.C.G.A. § 45-10-3 also constitutes grounds for a BoR member's removal from office. Procedures for charges of ethical misconduct by a member of a state board are described in O.C.G.A. § 45-10-4, thus:

Upon formal charges being filed with the Governor relative to a violation of Code Section 45-10-3 on the part of a member of any such board, commission, or authority, the Governor or his designated agent shall conduct a hearing for the purpose of receiving evidence relative to the merits of such charges. The member so charged shall be given at least 30 days' notice prior to such hearing. If such charges are found to be true, the Governor shall forthwith remove such member from office and the vacancy shall be filled as provided by law. Such hearing shall be held in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," and judicial review of any such decision shall be in accordance with such chapter.

Further, O.C.G.A. § 45-10-24; O.C.G.A. § 45-10-26; and O.C.G.A. § 45-10-28 provide basis for "removal from office" on the grounds of violations of the state's laws pertaining to conflicts of interest. These state laws provide for the removal of a member of the BoR (i.e., an appointed public official) for knowingly and willfully transacting prohibited business with the USG or its member

units or for failing to file the required annual disclosure statements of personal or familial business interests and transactions with the USG. Removal from the BoR is among the stated penalties for such violations of the state codes. The due process provided for the Board member in such instances is inherent in the process of civil action brought for the purpose of Board dismissal by the state attorney general.

[Article VIII, Section IV, Paragraph I\(f\)](#) of the Constitution of the State of Georgia stipulates that “removal from office of the members of the board of regents shall be as provided by law.” Thus, BoR members, as public officers, are also subject to dismissal for the reasons stated in [O.C.G.A. Section 45-5-1](#) and with due process procedures outlined in the law as follows:

All offices in the state shall be vacated:











- (1) By the death of the incumbent;
- (2) By resignation, when accepted;
- (3) By decision of a competent tribunal declaring the office vacant;
- (4) By voluntary act or misfortune of the incumbent whereby he is placed in any of the specified conditions of ineligibility to office;
- (5) By the incumbent ceasing to be a resident of the state or of the county, circuit, or district for which he was elected;
- (6) By failing to apply for and obtain commissions or certificates or by failing to qualify or give bond, or both, within the time prescribed by the laws and Constitution of Georgia;
or
- (7) By abandoning the office or ceasing to perform its duties, or both.

- (a) Upon the occurrence of a vacancy in any office in the state, the officer or body authorized to fill the vacancy or call for an election to fill the vacancy shall do so without the necessity of a judicial determination of the occurrence of the vacancy. Before doing so, however, the officer or body shall give at least ten days' notice to the person whose office has become vacant, except that such notice shall not be required in the case of a vacancy caused by death, final conviction of a felony, or written resignation. The decision of the officer or body to fill the vacancy or call an election to fill the vacancy shall be subject to an appeal to the superior court; and nothing in this subsection shall affect any right

of any person to seek a judicial determination of the eligibility of any person holding office in the state. The provisions of this subsection shall apply both to vacancies occurring under this Code section and to vacancies occurring under other laws of this state.

The Vice Chancellor for Organizational Effectiveness confirmed that no BoR member has been [dismissed](#) for any reason.

Supporting Documentation

-  [BoR_Bylaws_Article 1, Section 4 and 5](#)
-  [Official Code of Georgia Annotated \(OCGA\) 20-3-26](#)
-  [Official Code of Georgia Annotated \(OCGA\) 45-10-3](#)
-  [Official Code of Georgia Annotated \(OCGA\) 45-10-4](#)
-  [Official Code of Georgia Annotated \(OCGA\) 45-10-24](#)
-  [Official Code of Georgia Annotated \(OCGA\) 45-10-26](#)
-  [Official Code of Georgia Annotated \(OCGA\) 45-10-28](#)
-  [Georgia Constitution_Article VIII_Section IV](#)
-  [Official Code of Georgia Annotated \(OCGA\) 45-5-1](#)
-  [USG_Letter-Board Dismissal](#)

4.2 (f) The governing board protects the institution from undue influence by external persons or bodies. (*External influence*)

Judgment

☒ Compliance ☐ Non-Compliance ☐ Not Applicable

Narrative

The USG BoR operates under numerous laws, regulations, policies, and procedures that protect the BoR from undue influence from political, religious, and other external bodies. As a public university in the State of Georgia under the control of the BoR, FVSU also operates under the same or similar laws, regulations, policies, and procedures, protecting the institution from undue influence.

[Article VIII, Section IV, Paragraph I](#) of the Constitution of the State of Georgia, Official Codes of Georgia Annotated ([O.C.G.A. 20-3-21](#), [O.C.G.A. 20-3-31](#), and [O.C.G.A. 20-3-53](#)), and the Bylaws of the Board of Regents, [Article 1, Section 2](#) give the governing board independence and exclusive authority over the government, control, and management of the USG and each of its institutions, including FVSU, thus preventing undue influence from political, religious, and other external bodies. The separation of church and state is explicitly reinforced in [Article 1, Section II, Paragraph VII](#) of the Constitution of Georgia.

[According to the BoR Policy Manual, Section 6.4](#), the BoR is unalterably opposed to political interference or domination of any kind or character in the affairs of any USG institution. The BoR's constitutional authority and independence in matters of USG state appropriations and financial management are reinforced in the Constitution of the State of Georgia, [Article VIII, Section IV, Paragraph I \(c\)](#) with these words:

















(c) All appropriations made for the use of any or all institutions in the university system shall be paid to the board of regents in a lump sum, with the power and authority in said board to allocate and distribute the same among the institutions under its control in such way and manner and in such amounts as will further an efficient and economical administration of the university system.

The BoR consists of one member from each of the 14 congressional districts in the state and five additional members from the state at large appointed by the governor and confirmed by the Senate. The BoR's composition ensures that interests of the entire state are represented in the affairs of the USG. The seven-year terms of BoR members are staggered, thus assuring representation that crosses different gubernatorial administrations. As stated in BoR Bylaws, [Article 1, section 3](#), members serve until their successors are appointed and qualified. Accordingly, as stated in the BoR Bylaws, [Article 4, Section 2](#), the annual rotation of the chair and vice chair of the BoR at November monthly meetings also minimize the potential for control by a minority of the members. The BoR Bylaws, [Article 5, Section 2](#) states that no individual BoR member has the authority to commit the BoR to a particular action. BoR Bylaws, [Section 3, Subsection 4](#) states that a majority of the members of the BoR is needed to constitute a quorum for the transaction of business. All of these features of the BoR's make-up and operation serve to protect the BoR, the USG, and member-institutions from undue influence of special interest groups.

Other policies and procedures of the BoR have been established to prevent conflicts of interest that may result in undue external influence. [O.C.G.A., Section 45-10-24](#) prohibits part-time public officials with state-wide powers from transacting business with any state agency, including their own. The code of ethics for government service contained in the [O.C.G.A., Section 45-10-1](#) also prohibits such conflicts of interest. Additionally, [Section 21-5-50](#) of Georgia's Ethics in Government Act requires all public officials to annually file a financial disclosure statement with the state for payments of more than \$10,000 made by any state agency or department to the individual or to businesses they own.

In addition, as open records and open meetings state, undue influence is less likely to materialize under such public and media access to the operations of the BoR, the USG, and its member institutions. No evidence of undue [external influence](#) has been documented to exist in recent decades.

Supporting Documentation

-  GA Constitution_Article VIII_Section IV
-  Official Code of Georgia Annotated (OCGA) 20-3-21
-  Official Code of Georgia Annotated (OCGA) 20-3-31
-  Official Code of Georgia Annotated (OCGA) 20-3-53
-  BoR Bylaws Section 1-2
-  BoR _Policy_Manual_Section_6-4
-  GA Constitution_ArticleVIII_SectionIV (Page 54)
-  BoR _Bylaws_Section_1-3
-  BoR _Bylaws_Section_4-2 (Page 6)
-  BoR _Bylaws_Section_5-2 (Page 9)
-  BoR _Bylaws_Section_3-4 (Page 5)
-  Official Code of Georgia Annotated (OCGA) 45-10-24
-  Official Code of Georgia Annotated (OCGA) 45-10-1
-  Official Code of Georgia Annotated (OCGA) 21-5-50 (Page 3)
-   USG Letter External Influence (Page 2)

4.2 (g) The governing board defines and regularly evaluates its responsibilities and expectations. (*Board self-evaluation*)

Judgment

☒ Compliance ☐ Non-Compliance ☐ Not Applicable

Narrative

FVSU's governing board, the USG BoR, has a long history of evaluating, changing, re-evaluating, and changing again the manner in which it operates and fulfills its governing responsibilities and expectations. There is a strong culture and notable track record of continuous improvement that exists in the operations of the BoR of the USG, which are compliant with the fundamental intent of Standard 4.2.g on *Board self-evaluation*. This is especially apparent in the achievements of the BoR's key responsibilities and expectations, namely: a) strategic planning and goal-setting for the USG that guides institutional [strategic planning](#) and goal setting; b) management of the changing structure and mission of USG institutions through [institutional consolidations](#); c) fulfillment of [fiduciary responsibilities](#) for the success and strength of USG institutions; and d) [support for programs and services](#) that promote student success, meet state needs, and address an ever-changing public agenda. The BoR's adoption and implementation of a new Bylaw on Self-Assessment in 2018 provides further evidence of the governing board's compliance with Standard 4.2.g, as reflected in the minutes of its [November 12, 2018](#) meeting:

The [Executive and Compensation] Committee discussed its periodic self-assessment pursuant to Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) requirements. Among the topics addressed in this discussion included the distinction of the Board's policy making and the Chancellor's administrative roles; presidential performance reviews; Board representation throughout the State; new Board member and committee orientation improvements; the potential for a Board planning retreat; and a best practices review, among others.

The 2018 SACSCOC Resource Manual states, “good institutional governance requires that the board systematically asks itself ‘How are we doing?’ ‘What are we doing?’ ‘Are we as effective as a board as we can be?’” As is demonstrated in the text that follows, the BoR is consistently asking these kinds of questions when fulfilling its responsibilities and expectations and has been doing so with successful outcomes for many years.

Regular Self-Evaluation of BoR Responsibilities for Strategic Planning and Goal-Setting in the USG

Over the past twenty years, the BoR has understood the importance of having a regularly updated and revised strategic plan and goals for advancing the success of the USG and its member institutions. Identifying and working toward the achievement of such strategic imperatives have been vital to the BoR’s effective oversight and management of the USG. The current [Strategic Plan and Public Agenda, University System of Georgia, 2013-2018](#) reflects the governing board’s extensive self-evaluation of the changes needed in the direction and operation of the USG and its member institutions to adequately address the public’s contemporary agenda and priorities for higher education.

When the current strategic plan was approved in [August 2013](#) by the BoR, then Chancellor, [Hank Huckaby](#), said these words, which remain true today:

“We are in a ‘new normal’ when it comes to public higher education,” Chancellor Hank Huckaby said. “The old days and old ways of structuring, funding and advancing higher education are gone and will not return. Our responsibility as higher education leaders in Georgia is to seize the day and ensure the University System is structured and focused in ways that serve state needs and above all, serves students well.”

As stated in the [strategic plan](#), “public higher education has changed dramatically in the last ten years. Concerns about affordability are greater than ever, and pressures on quality continue to increase.” The [strategic plan](#) also notes that despite some critics having expressed doubts about the value of a college degree, data continue to demonstrate a greater need for higher levels of education in order to prepare for future jobs:

“As a board, we are committed to ensuring the University System is ready and able to change to meet the demands of a new era,” said [then BOR] Chair Dink NeSmith. “We are going to accelerate our commitment to educational attainment, accountability, partnerships, performance, value and global competitiveness.”

The [strategic plan](#) points out that other large industrial nations are threatening the “long-held U.S. leadership position in higher education and number of college graduates.” As a result, the plan calls for actions that help raise educational attainment levels of Georgians in order to ensure the state can compete in a global economy.

The cornerstone of the new [strategic plan](#), which has the subtitle “A Public Agenda,” is the Governor of Georgia’s and the USG’s Complete College Georgia initiative, which has a goal of increasing by 2020 the percentage of Georgians completing college from 42 to 60 percent.

“We are using the theme of a public agenda because the University System exists to serve the citizens of Georgia,” said [then] Houston Davis, executive vice chancellor and chief academic officer for the USG. “We want parents, students, business people, elected officials and others to know that the plans’ goals are really their goals and intended to help the state prosper and grow, educationally, economically, culturally and civically.”

The plan organizes the BoR’s and USG’s efforts around college completion effort, as well as other key goals of the BoR members. The three “[strategic imperatives](#)” and the relevant context follows:

One: Academic Excellence and Degree Completion with actions focused on strengthening educational partnerships, increasing access and maintaining affordability, providing flexible degree options, increasing student support and ensuring the quality of learning.

Two: Economic Development and World Class Research with actions targeted on enlarging the scope of the [USG’s] contributions to economic development, building community partnerships, expanding research efforts and graduate education and increasing international education efforts and programs.

Three: Accountability, Efficiency and Innovation with actions to develop and utilize

measures of performance and accountability, seeking out new operational efficiencies, and a review of both existing and proposed programs to ensure relevance and encourage innovation.

The plan's strategic imperatives and action steps reflect the new environment that has seen a decline in state support and a shift in who pays the bulk of the cost of college from the general public through state funding to students and families through tuition. As [former Chancellor] Huckaby has noted, the reality is state support will not return to levels matching those of years past. The plan thus focuses on how to provide a quality education and access by making significant changes in the way institutions operate.

For example, one action step under strategic imperative one calls for controlling overall costs to students by developing new affordable degree options and strengthening a cost effective, access tier of colleges.... Another action step under the second strategic imperative will direct the USG to manage its current physical space more effectively, build fewer new buildings and invest in repurposing current facilities to serve the needs of modern students.

Overall the new plan acknowledges that the pace of change in society and within higher education is increasing and thus holds the potential for significant disruptions in the current higher education model. Language in the new plan sets a clear expectation that [USG] leaders need to “think critically about current strategies and position the system for the challenges and opportunities that will come in the next decade.

Regular Self-Evaluation of BoR Responsibilities for Managing the Structure and Mission of USG Institutions

The changes noted in the public agenda for higher education in the USG's current strategic plan have been evolving for many years prior to its manifestation. The history of FVSU's evolution from Fort Valley Normal & Industrial School to Fort Valley State College, and then to Fort Valley State University is a prime example of the remarkable evolution that has occurred in the arena of public higher education in the state of Georgia, over the past eighty years. Such a magnitude of evolution

has required the BoR's regular self-evaluation of the effectiveness of the USG's institutional structure and the subsequent governance of changes that are needed for such structure's evolution. It has also required the governing board to revisit and modify the authorized mission and functional categories of USG institutions quite regularly, including FVSU's mission and functional categories within the USG.

Not long ago, about one-half of the member institutions in the USG were two-year, Level I institutions. Today, all of the USG institutions are four-year institutions operating at Levels II-VI. Similarly, not long ago, only four of the USG's member institutions were authorized to be doctoral granting. Today, 10 USG institutions are authorized by the BoR to offer doctoral degrees. Prior to 2013, 35 member institutions composed the USG. Today, as a result of the BoR's regular annual self-evaluations of potential efficiencies in the structure of the system, nine pairs of institutions have undergone successful institutional consolidations between 2013 and 2018, and there is now a more efficient set of 26 member institutions in the USG.

Regular Self-Evaluation of BoR Responsibilities of Its Fulfillment of Fiduciary Responsibilities for the Success and Strength of USG Institutions

Every year the BoR must take stock and make evaluations of the financial condition of the USG and its member institutions when allocating state appropriations, resetting tuitions, and approving student fees. These regular evaluations of the BoR's fulfillment of its fiduciary responsibilities have results in governing board actions that have ensured the success and strength of USG institutions, including FVSU, even during difficult financial times. For example, during the recent economic recession, when the state's appropriations to higher education were being reduced significantly and regularly, the BoR approved larger than usual tuition increases and instituted a special institutional fee to partially offset such cuts. As state funding improved in recent years and public concerns increased about the cost of higher education and rising student debt levels, the BoR responded and called for modest or no tuition increases in recent years.

The BoR's bold initiative that began in 2011 to pursue the consolidation of institutions in the USG is one that is definitely in keeping with the USG's 2013-2018 Strategic Plan. Prior to 2012, consolidations were not "business as usual," but they have become so in the USG since then. As a

result of the BoR's continuing self-evaluation of how to best structure the USG in the most efficient manner to benefit the public agenda in the state of Georgia, board decisions to consolidate institutions, while adhering to the guiding principles, have periodically emerged.

There are numerous other examples of the BoR's self-evaluations of the performance of its fiduciary responsibilities over recent years that results in continuous improvement. One of the more notable examples involves BoR decisions to expand sources of funding for capital construction at USG institutions. A number of years ago, the state's inability to fund all of the capital construction projects needed by USG institutions led the BoR to change its policies and processes in ways that enabled private-public ventures to emerge, largely with university foundations. In these BoR-approved ventures, facilities such as student housing, parking decks, athletic facilities, and student recreation facilities which had a sufficient restricted fund revenue stream for debt retirement could be built on university property by a university foundation for a nominal fee.

Another major set of decisions initiated 20 years ago and enhanced regularly since then has been the BoR's decisions to create efficiencies and expand shared public access to the USG's library collections and resources. These, too, were bold and progressive decisions based on thoughtful self-evaluation of the way libraries in the USG should operate in the digital age. As a result, the creation of GALILEO, Georgia's virtual library for hundreds of periodical databases and full-text retrieval capabilities, has been invaluable for convenient access by online and traditional learners, and faculty statewide. Its counterpart, GIL, established a common digital catalog of all 13 million print and digital book holdings across the USG libraries, creating access and borrowing privileges by all USG students and faculty to an incredibly rich collection. USG institutions that previously could not afford to provide their students or faculty with the library collections of a research university can now do so at less cost and across multiple research universities and special collections via GALILEO and GIL membership. Although FVSU has had a strong library collection for many years, the institution benefits substantially through GALILEO and GIL because the cost of subscribing to a number of commonly held periodical databases are through GALILEO, and the library collections at the USG research universities are now also available to FVSU faculty and students at no additional cost to the institution.

Regular Self-Evaluation of BoR Responsibilities of Its Support for Programs and Services that Promote Student Success, Meet State Needs, and Address an Ever-Changing Public Agenda

The examples cited above expanding public access to more efficiently organized institutional configurations through consolidation or the consolidation of library collections in a digital age represent the results of regular governing board self-evaluation of its governing functions to determine whether they meet state needs and respond to the public agenda sufficiently in accordance with the USG strategic plan. The BoR's [Complete College Georgia](#) initiative is perhaps the most notable ongoing governing board directive in support of student success. It promotes an increased institutional commitment to improving student retention, progression, and graduation. It too closely aligned with the priority initiatives expressed in the USG's strategic plan.

The BoR's focus on improving RPG (i.e., retention, progression, and graduation [student success]) was a strategic goal of the USG's previous strategic plan and has been enhanced under the current USG strategic plan. Institutions are now required to submit to the chancellor annual reports of progress and plan strategy for improving RPG on their campuses.

The BoR's Culture of Self-evaluation and Continuous Improvement is Now Reinforced in its Bylaws and Regular Self-Evaluation Practices

As the narrative and supporting documentation provided above indicates, the BoR has an intrinsic, if not explicit, policy and expectation to regularly ask the fundamental questions of, "How are we doing? What are we doing? Are we as effective as a board as we can be?" This is clearly apparent in the BoR's 2013-2018 Strategic Plan and the BoR's related ongoing improvement initiatives in its key areas of responsibility. The BoR is notably accomplished at improving the USG's operations as a function of identifying and using its self-evaluation results.

Nevertheless, as soon as this new standard, 4.2.g Board self-evaluation, was approved by SACSCOC effective in 2018, the BoR took formal action in January 2018 to revise its Bylaws to include an additional explicit requirement for the BoR's regular self-assessment ([Article 5, Section 6](#)) in order to further ensure continued compliance of the governing board with SACSCOC requirements for board self-evaluation. [Article 5, Section 6](#) (new section) of the BoR Bylaws reads:

6. Self-Assessment

The Board of Regents is responsible for defining and regularly evaluating its responsibilities and expectations through a process established by the Executive and Compensation Committee. The Chancellor or Chancellor's designee shall compile any requested data in furtherance of this review.














A comprehensive set of explicit definitions of all of the governing board's responsibilities and expectations is contained in the BoR [Bylaws](#); and, implementation of those responsibilities is documented in the narratives of the previous standards.

Once the new BoR Bylaw was adopted, the USG Chancellor and his staff with the concurrence of the Executive and Compensation Committee developed a timetable and format for regular annual BoR self-assessment. In compliance with BoR Bylaw, [Article 5, Section 6](#), the Chancellor designated the Office of the Vice Chancellor for Organizational Effectiveness as the unit within the USG office which would compile any requested data in furtherance of the BoR's self-evaluation review.

The BOR's 2018 self-evaluation was initiated by the Chairman of the Board in October 2018. His letter dated October 30, 2018 to BoR members called for their self-evaluations of the principal areas of BoR responsibilities and operations to be turned in before or on the date of the BoR's November meeting. Those BoR member self-evaluations were summarized, discussed, and evaluated by the Executive and Compensation Committee of the BoR at the [November 2018](#) BoR meeting. Follow-up summaries of the results from that board self-evaluation were compiled in December 2018. A list of recommended actions came out of the 2018 BoR self-evaluation for improving the BoR's operations and the fulfillment of its responsibilities and expectations. Those were taken to the BOR for its review and approval at the [January 2019](#) meeting. The chairmanship of the board changes every January, so the new board chair for 2019 has those approved recommendations coming out of the board's completed 2018 self-assessment added to the chair's leadership agenda for [2019](#). A written report of the BoR's completed self-evaluation for 2018 entitled, "[Results and Supporting Documentation of the Board's 2018 Self-Evaluation](#)," was prepared by the [Office of the Vice Chancellor for Organizational Effectiveness](#).

The governing board's first year of fully implementing BoR Bylaw on self-assessment (Article 5, Section 6) was achieved in January 2019, one year after the new bylaw was adopted. That particular self-evaluation is merely one more example of the governing board's long history of evaluating itself and its ongoing effectiveness. And the use of those evaluation results is one more example of how the USG BoR strives to achieve continuous improvement in its operations and the fulfillment of its responsibilities.

Supporting Documentation

-  USG Strategic Plan
-  USG Consolidation
-  USG Fiduciary Responsibilities
-  BoR November 2018 Meeting Minutes
-  BoR August 2013 Meeting Minutes
-  Hank Huckaby
-  Complete College Georgia
-  BoR_Bylaws_Article 5, Section 6
-  BoR November 2018 Meeting
-  BoR January 2019 Meeting Minutes
-  BoR January 2019 Agenda
-  BoR 2018 Self-Evaluation
-  FVSU 2018 Self-Evaluation Letter