

Compliance Components – General Counsel

DUE DATE: May 11, 2012

- 2.1 The institution has degree-granting authority from the appropriate government agency or agencies. **(Degree-granting Authority)**
- 2.2 The institution has a governing board of at least five members that is the legal body with specific authority over the institution. The board is an active policy-making body for the institution and is ultimately responsible for ensuring that the financial resources of the institution are adequate to provide a sound educational program. The board is not controlled by a minority of board members or by organizations or interests separate from it. Both the presiding officer of the board and a majority of other voting members of the board are free of any contractual, employment, or personal or familial financial interest in the institution.

[Notice that the remainder of this standard is applicable ONLY to military institutions.]

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

- 2.3 The institution has a chief executive officer whose primary responsibility is to the institution and who is not the presiding officer of the board. *(See Commission policy "Core Requirement 2.3: Documenting an Alternative Approach.")* **(Chief Executive Officer)**

3.2 Governance and Administration

- 3.2.1 The governing board of the institution is responsible for the selection and the periodic evaluation of the chief executive officer. **(CEO evaluation/selection)**
- 3.2.2 The legal authority and operating control of the institution are clearly defined for the following areas within the institution's governance structure. **(Governing board control)**
- 3.2.2.1 institution's mission;
 - 3.2.2.2 fiscal stability of the institution; and
 - 3.2.2.3 institutional policy.

[Institutions should describe their relationships with state boards, system boards, and parent corporations, as appropriate.]

- 3.2.3 The board has a policy addressing conflict of interest for its members. (**Board conflict of interest**)

For four standards – CS 3.2.3 (Board conflict of interest), CS 3.2.5 (Board dismissal), CS 3.7.5 (Faculty role in governance), and FR 4.5 (Student complaints) – institutions must explicitly document implementation and enforcement of the required policy in addition to publication.

- 3.2.4 The governing board is free from undue influence from political, religious, or other external bodies and protects the institution from such influence. (**External influence**)

- 3.2.5 The governing board has a policy whereby members can be dismissed only for appropriate reasons and by a fair process. (**Board dismissal**)

For four standards – CS 3.2.3 (Board conflict of interest), CS 3.2.5 (Board dismissal), CS 3.7.5 (Faculty role in governance), and FR 4.5 (Student complaints) – institutions must explicitly document implementation and enforcement of the required policy in addition to publication. [The “appropriate reasons” should be identified and the “fair process” fully described.]

- 3.2.6 There is a clear and appropriate distinction, in writing and practice, between the policy-making functions of the governing board and the responsibility of the administration and faculty to administer and implement policy. (**Board/administration distinction**)

- 3.2.11 The institution’s chief executive officer has ultimate responsibility for, and exercises appropriate administrative and fiscal control over, the institution’s intercollegiate athletics program. (**Control of intercollegiate athletics**)

- 3.2.12 The institution’s chief executive officer controls the institution’s fund-raising activities. (**Fund-raising activities**)

- 3.2.13 For any entity organized separately from the institution and formed primarily for the purpose of supporting the institution or its programs, (1) the legal authority and operating control of the institution is clearly defined with respect to that entity; (2) the relationship of that entity to the institution and the extent of any liability arising out of that relationship is clearly described in a formal, written manner; and (3) the institution demonstrates that (a) the chief executive officer controls any fund-raising activities of that entity or (b) the fund-raising activities of that entity are defined in a formal, written manner which assures that those activities further the mission of the institution. (**Institution-related entities**)

- 3.2.14 The institution’s policies are clear concerning ownership of materials, compensation, copyright issues, and the use of revenue derived from the creation and production of all

intellectual property. These policies apply to students, faculty, and staff. (**Intellectual property rights**)

For all standards that require a policy, institutions must document publication of the policy in appropriate institutional documents.

DUE DATE: November 30, 2012

Institutional Effectiveness Process