



## SIU Board of Trustees Charter

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## Section 1. Board of Trustees of Southern Illinois University Created

There is hereby created a body politic and corporate which shall be styled the Board of Trustees of Southern Illinois University to operate, manage, control and maintain the University, hereinafter called the Board.

## Section 2. Members of the Board: Appointment

The Board shall consist of 7 members appointed by the Governor, by and with the advice and consent of the Senate, the Superintendent of Public Instruction, or his or her chief assistant for liaison with higher education when designated to serve in his or her place, ex-officio, and one voting student member designated by the Governor from one campus of the University and one nonvoting student member from the campus of the University not represented by the voting student member. The Governor shall designate one of the student members serving on the Board to serve as the voting student member. Each student shall be chosen by the respective campuses of Southern Illinois University at Carbondale and at Edwardsville. The method of choosing these student members shall be by campus-wide student election, and any student designated by the Governor to be a voting student member shall be one of the students chosen by this method. The student members shall serve terms of one year beginning on July 1 of each year, except that the student members initially selected shall serve a term beginning on the date of such selection and expiring on the next succeeding June 30. To be eligible for selection as a student member and to be eligible to remain as a voting or nonvoting student member of the Board, a student member must be a resident of this State, must have and maintain a grade point average that is equivalent to at least 2.5 on a 4.0 scale, and must be a full time student enrolled at all times during his or her term of office except for that part of the term which follows the completion of the last full regular semester of an academic year and precedes the first full regular semester of the succeeding academic year at the university (sometimes referred to as the summer session of summer school). If a voting or nonvoting student member serving on the Board fails to continue or maintain the residency, minimum grade point average, or enrollment requirement established by this Section, his or her membership on the Board shall be deemed to have terminated by operation of law. No more than 4 of the members appointed by the Governor shall be affiliated with the same political party. Upon the expiration of the terms of members appointed by the Governor, their respective successors shall be appointed for terms of 6 years from the third Monday in January of each odd-numbered year and until their respective successors are appointed for like terms. If the Senate is not in session appointments shall be made as in the case of vacancies. (10/11/01)

### Section 3. Transfer of Powers and Duties of Teachers College Board to Board of Trustees

All the rights, powers, and duties, vested by law in the Teachers College Board and in the Department of Registration and Education relating to the operation, management, control and maintenance of Southern Illinois University are hereby transferred to and vested in the Board of Trustees of Southern Illinois University.

### Section 4. Compensation of Board Members: Expenses, Conflicting Interests, Restrictions on Employment

Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by any non-voting student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to such member, who shall account therefore to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the state or federal government. This section does not prohibit the student members of the Board from maintaining normal and official status as enrolled students or normal student employment at Southern Illinois University.

### Section 5. Officers of the Board and the Board's Meetings

Members of the Board shall elect annually by secret ballot from their own number a Chairperson who shall preside over meetings of the Board and a Secretary.

Meetings of the Board shall be held at least once each quarter on a campus of Southern Illinois University. At all regular meetings of the Board, a majority of its voting members shall constitute a quorum. The student members shall have all of the privileges of membership, including the right to make and second motions and to attend executive sessions, except as follows. Only the student member designated by the Governor as the voting student member shall have the right to vote on all Board matters except those involving faculty tenure, faculty promotion or any issues on which the student member has a direct conflict of interest. A student member who is not entitled to vote on a measure at a meeting of the Board or any of its committees shall not be considered a member for the purpose of determining whether a quorum is present at the time that measure is voted upon. No action by the Board shall be invalidated by reason of any vacancies on the Board, or by reason of any failure to select a student member.

Special meetings of the Board may be called by the Chairperson of the Board or by any three members of the Board.

At each regular and special meeting that is open to the public, members of the public and employees of the University shall be afforded time, subject to reasonable constraints, to make comments or to ask questions of the Board. (10/11/01)

## Section 6. Ex-officio Treasurer of the Board

The Board shall designate a member of the university staff as treasurer to serve the Board, but not as a member, and shall furnish a bond in such amount and with such security as is satisfactory to the Board.

## Section 7. Powers of the Board of Trustees as Related to Contracts, Suits, Conveyances, and Expending Funds

The Board shall have power to enter into contracts, to sue and be sued, provided that any suit against the Board based upon a claim sounding in tort must be filed in the Court of Claims, to acquire, hold, and convey real property as it shall deem appropriate and personal property in accordance with the State Property Control Act, and to expend the funds appropriated to the university; provided that the Board in the exercise of the powers conferred by this Act shall not create any liability or indebtedness of funds from the Treasury of the State in excess of the funds appropriated to the university.

### Section 7.1. Illinois Mined Coal, Use of

The Board shall comply with the provisions of "An Act concerning the use of Illinois mined coal in certain plants and institutions," filed July 13, 1937, as heretofore or hereafter amended.

## Section 8. Powers and Duties, of the Board

The Board shall have the power, and it shall be its duty:

1. To make rules, regulations, and bylaws, not inconsistent with law, for the government and management of Southern Illinois University and its branches;
2. To employ, and, for good cause, to remove a President of Southern Illinois University, and all necessary deans, professors, associate professors, assistant professors, instructors, and other educational and administrative assistants, and all other necessary employees, and contract with them upon matters relating to tenure, salaries and retirement benefits in accordance with the State Universities Civil Service Act; the Board shall, upon the written request of an employee of Southern Illinois University, withhold from the compensation of that employee any dues, payments or contribution payable by such employee to any labor organization as defined in the Illinois Educational Labor

Relations Act. Under such arrangement an amount shall be withheld from each regular payroll period which is equal to the pro rata share of the annual dues plus any payments or contributions, and the Board shall transmit such withholdings to the specified labor organization within 10 working days from the time of the withholding. Whenever the Board establishes a search committee to fill the position of president of Southern Illinois University, there shall be minority representation, including women, on that search committee; (10/11/01)

3. To prescribe the course of study to be followed, and textbooks and apparatus to be used at Southern Illinois University;
4. To issue upon the recommendation of the faculty, diplomas to such persons as have satisfactorily completed the required studies of Southern Illinois University, and confer such professional and literary degrees as are usually conferred by other institutions of like character for similar or equivalent courses of study, or such as the Board may deem appropriate;
5. To examine into the conditions, management, and administration of Southern Illinois University; to provide the requisite buildings, apparatus, equipment, and auxiliary enterprises; and to fix and collect matriculation fees, tuition fees, fees for student activities, fees for student facilities such as student union buildings or field houses or stadia or other recreational facilities, student welfare fees, laboratory fees, and similar fees for supplies and material;
6. To succeed to and to administer all trusts, trust property, and gifts now or hereafter belonging or pertaining to Southern Illinois University;
7. To accept endowments of professorships or departments in the University from any person who may proffer them and, at regular meetings, to prescribe rules and regulations in relation to endowments and declare on what general principles they may be accepted;
8. To enter into contracts with the Federal government for providing courses of instruction and other services at Southern Illinois University for persons serving in or with the military or naval forces of the United States, and to provide such courses of instruction and other services;
9. To provide for the receipt and expenditures of Federal funds, paid to the Southern Illinois University by the Federal government for instruction and other services for persons serving in or with the military or naval forces of the United States and to provide for audits of such funds;
10. To appoint, subject to the applicable civil service law, persons to be members of the Southern Illinois University Police Department. Members of the Police Department shall be conservators of the peace and as such have all powers possessed by police officers in

cities, and sheriffs, including the power to make arrests on view or warrants of violations of state statutes, university rules and regulations, and city or county ordinances, except that they may exercise such powers only within counties wherein the university and any of its branches or properties are located when such is required for the protection of university properties and interests and its students and personnel, and otherwise within such counties when specifically requested by appropriate State or local law enforcement officials. However, such officers shall have no power to serve and execute civil processes. (10/11/01)

11. To administer a plan or plans established by the clinical faculty of the School of Medicine for the billing, collection, and disbursement of charges made by individual faculty members for professional services performed by them in the course of or in support of their academic responsibilities, provided that such plan has been first approved by Board action. All such collections shall be deposited into a special fund or funds administered by the Board from which disbursements may be made according to the provisions of said plan. The reasonable costs, incurred by the University, administering the billing, collection and disbursement provisions of a plan shall have first priority for payment before distribution or disbursement for any other purpose. Charges established pursuant to this plan must be itemized in any billing and any amounts collected which are not used to offset the cost of operating or maintaining the activity which generated the funds collected, must be accounted for separately. This accounting must clearly show the use and application made of the funds, and the Board shall report such accountings for the previous fiscal year to the Legislative Audit Commission annually by December 31 of each fiscal year. The Board of Trustees may own, operate, or govern, by or through the School of Medicine a managed care community network established under subsection (r) of Section 5-16.3 of the Illinois Public Aid Code. (10/11/01)
12. The Board of Trustees may, directly or in cooperation with other institutions of higher education, acquire by purchase or lease or otherwise, and construct, enlarge, improve, equip, complete, operate, control and manage medical research and high technology parks, together with the necessary lands, buildings, facilities, equipment, and personal property therefore, to encourage and facilitate (a) the location and development of business and industry in the State of Illinois, and (b) the increased application and development of technology and (c) the improvement and development of the State's economy. The Board of Trustees may lease to nonprofit corporations all or any part of the land, buildings, facilities, equipment or other property included in a medical research and high technology park upon such terms and conditions as the Board of Trustees may deem advisable and enter into any contract or agreement with such nonprofit corporations as may be necessary or suitable for the construction, financing, operation, and maintenance of management of any such park; and may lease to any person, firm, partnership or corporation, either public or private, any part or all of the land, building, facilities, equipment or other property of such park for such purposes and upon such rentals, terms and conditions as the Board of Trustees may deem advisable;

and may finance all or part of the cost of any such park, including the purchase, lease, construction, reconstruction, improvement, remodeling, addition to, and extension and maintenance of all or part of such high technology park, and all equipment and furnishings, by legislative appropriations, government grants, contracts, private gifts, loans, receipts from the operation of such high technology park, rentals and similar receipts; and may make its other facilities and services available to tenants or other occupants of any such park at rates which are reasonable and appropriate. (10/11/01)  
The powers of the Board as herein designated are subject to the Illinois Board of Higher Education Act. (10/11/01)

#### Section 8.a. (S.H.A. ch. 144, sec. 658a)

1. The Board shall provide each member of the Southern Illinois University Police Department, without cost to him or her, public liability insurance covering him or her for any liability which arises out of his or her employment to the extent of the insurance policy limits which shall be not less than \$50,000. (10/11/01)
2. The Board shall have power to insure the Board, the universities under Board jurisdiction, Board members, paid and unpaid employees of the Board, and any students, volunteer workers, visiting faculty and professionals who are agents of the Board in the performance or delivery of its programs or services against claims, damages, losses, expenses and civil suits arising out of statements, acts or omissions in the discharge of their duties, which statements, acts or omissions do not involve intentional or willful and wanton misconduct on the part of such persons; and to insure against losses to real and personal property owned by the Board or in the actual or constructive custody of the Board and for loss of income from such real and personal property. The Board shall have power to defend, hold harmless and indemnify, in whole or in part, all persons as to whom any such insurance is provided. Pursuant to its power to insure, the Board may establish and accumulate reserves for payment of such claims, damages, losses, expenses and civil suite awards or obtain insurance affording coverage for such matters. Reserves established by the Board for the foregoing purpose shall be subject to the following conditions:
  - a. The amount of such reserves shall not exceed the amount necessary and proper, based on past experience or independent actuarial determinations;
  - b. All earnings derived from such reserves shall be considered part of the reserves and may be used only for the same purposes for which the reserves may be used;
  - c. Reserves may be used only for the purposes of making payments for civil suits, claims, damages, losses and expenses, including attorneys fees, claims investigation costs and actuarial studies associated with liabilities arising out of statements, acts or omissions of individuals in the discharge of their duties,



which statements, acts or omissions do not involve intentional or willful and wanton misconduct on the part of such individuals, for payment of insurance premiums, and for the purposes of making payments for losses resulting from any insured peril;

- d. All funds collected for the purposes specified in paragraph (c) or earmarked for such purposes must be placed in the reserves;
  - e. Whenever the reserves have a balance in excess of what is necessary and proper, then contributions, charges, assessments or other forms of funding for the reserves shall be appropriately decreased. (10/11/01)
3. As to all claims, damages, losses, expenses and civil suits covered by insurance provided by the Board or as to which the Board has not provided insurance, to the extent permitted by law, sovereign immunity shall apply and recourse shall be limited to the Court of Claims. (10/11/01)
4. When permitted by law to enter into an agreement with any unit of government, institution of higher education, person, or corporation for the use of property or the performance of any function, service or act, the Board may agree to the sharing or allocation of liabilities and damages resulting from such use of property or performance of any function, service or act. Such agreement may provide for contribution or indemnification by any or all of the parties to the agreement upon any liability arising out of the performance of the agreement. (10/11/01)

## Section 8.b. (S.H.A. ch. 144, sec. 658b)

If the Board has provided access to any of the campuses under its jurisdiction to persons or groups whose purpose is to make students aware of educational or occupational options, the board shall provide, on an equal basis, access to the official recruiting representatives of the armed forces of Illinois and the United States for the purpose of informing students of educational and career opportunities available to them in the military. The board is not required to give greater notice regarding the right of access to recruiting representatives than is given to other persons and groups.

The Board shall not bar or exclude from the curriculum, campus, or school facilities of Southern Illinois University any armed forces training program or organization operated under the authority of the United States government because the program or organization complies with rules, regulations, or policies of the United States government or any agency, branch, or department thereof. (10/11/01)

## Section 9. Fiscal Year Reports

The fiscal year of the university shall terminate on the 30th day of June, and all reports of the university, except catalogs and circulars, shall be addressed to the Governor. Annual reports

shall contain a full account of the financial and other transactions of the university at the close of the fiscal year together with a full statement of the then condition of the endowment fund and shall be presented to the Governor on or before the 15th day of November.