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**SCHOOLS AND SCHOOL DISTRICTS:
Colleges and Universities -
Rights and privileges of a student
member of Illinois Community College
Board**

Mr. Fred L. Wellman
Executive Secretary
Illinois Community College Board
544 Iles Park Place
Springfield, Illinois 62718

Dear Mr. Wellman:

I have your letter wherein you state:

"The Illinois Community College Board has implemented Public Act 78-822 (formerly HB-1628) to add a non-voting student member elected by the recognized advisory committee of students (known as the Organization of Community College Students of Illinois) to the Illinois Community College Board (formerly known as the Illinois Junior College Board). A student has been selected by CCCS as the non-voting student member and was seated at the last meeting of the Illinois Community College Board on December 14, 1973.

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We understand that the non-voting student member is not to be considered a member for the purpose of determining a quorum at any meeting of such Board nor has the right to vote. However, we have several questions regarding the role and responsibilities of the non-voting student member of the Illinois Community College Board as follows:

1. Does the Illinois Community College Board non-voting student member have the right or privilege to attend any or all executive sessions of the Illinois Community College Board?
2. Does the ICCB non-voting student member have the right or privilege to make or second motions?
3. Can the ICCB pay for the travel expenses for the ICCB non-voting student member to the Illinois Community College Board meetings and any other activities of the Illinois Community College Board?
4. Does the ICCB non-voting student member have all other rights and privileges of a regular voting member of the Illinois Community College Board except the right of voting and for the purpose of determining a quorum at any meeting of the Board?
5. Should the non-voting ICCB student member take the Oath of Office and fill out the Conflict of Interest Forms?"

In response to your first question, it is my opinion that the student member has the right to attend all executive sessions of the Illinois Community College Board. The student

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member was added to the Illinois Community College Board pursuant to "AN ACT to provide for non-voting student representation on various governing boards of public junior colleges, colleges and universities in the State by amending certain Acts therein", Public Act 78-822, which amended sections 2-1 and 2-3 of the Public Community College Act. Ill. Rev. Stat. 1973, ch. 122, para. 102-1 and 102-3.

The amendment increased the number of members of the Board from nine to ten under section 2-1 by adding a non-voting student member selected by the advisory committee of students of the Illinois Community College Board, specified a term of office of one year for such student member under section 2-1, and stated that the non-voting student member would not be considered a member for the purpose of determining a quorum under section 2-3.

Webster's Third International Dictionary defines the term "member" as "one of the individuals composing a society, community, association or other group as * * * a person who has been admitted, usually formally, to the responsibilities and privileges of some association or joint enterprise. (example: 'a member of a school's governing board')."

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It thus appears that it is the intention of the legislature to install a student as a full member of the Board, serving a specified term, and endowed with all the rights and privileges of other members of the Board, with the stated exceptions that he cannot vote, and his presence at a meeting cannot be included in determining a quorum. Certainly, one of the basic rights of all members of the Board is the right to attend executive sessions, and to deny the student member that right is to ignore his status, defined by statute, as a member of the ten-member board.

The fact that he cannot be counted as a member for purposes of establishing a quorum does not mean that he is not therefore entitled to be present. A quorum is defined as such a number of the members of any body, which, when duly assembled, is legally competent to transact business. 59 Am. Jur. 2d, Parliamentary Law, § 6.

A board cannot act unless it has a legally constituted quorum. Since the student member cannot vote, he cannot legally transact business, and the limitation of his status for purposes of establishing a quorum is perfectly consistent. However, the student member is still a member,

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and still has the privilege of attending meetings regardless of whether the quorum requirement is met. Section 2-3 of the Public Community College Act requires that " * * * notice of the time, purpose, and place of any special meeting shall be given to each member in writing at least 5 days before the date fixed for such meeting." This section applies equally to student and non-student members.

The answer to your second question is in the affirmative. A motion is defined as "the formal mode in which a member submits a suggestion or a proposed measure or resolve for the consideration and action of the meeting which, if adopted, becomes the resolution, vote, or order of the body", (67 C.J.S., Parliamentary law, § 5), or "a proposal or suggestion looking to action in a deliberative assembly." (DeLew, Cather, and Co. v. City of Joliet, 327 Ill. App. 457.) Roberts Rules of Order, Seventh Edition, page 22, in discussing motions, states:

"Business is brought before an assembly by the motion of a member. A motion may itself bring its subject to the assembly's attention, or the motion may follow upon the presentation of a report or other communication.

A motion is a formal proposal by a member, in a meeting, that the assembly take certain action. The proposed action may be of a

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substantive nature, or it may consist in expressing a certain view, or directing that a particular investigation be conducted and the findings reported to the assembly for possible further action, or the like."
(Emphasis added.)

Webster's Third New International Dictionary defines "second" as "to support or assist (a speaker or a cause) in contention or debate; to endorse (a motion or a nomination) so that it might be debated or voted on under parliamentary procedure." Seconding a motion means that the seconder agrees that the motion should come before the meeting, and not that he necessarily favors it.

It would thus appear that the only way to bring new business before a Board, following established rules of order, is to make a motion. To hold that the student member would be unable to make motions of any kind would be to strip him of the opportunity to bring new business to the attention of the Board; subjects not as yet raised by other members of the Board.

He would thus be restricted to speaking only on such subjects properly raised on motions by other members. Indeed, if he were to address a subject not brought up by a motion, he would be subject to a "point of order" under parliamentary rules. This situation would not be in keeping with the legislative intent

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to affectuate "student representation" on the Board.

The answer to your third question is in the affirmative. Section 2-5 of the Public Community College Act (Ill. Rev. Stat. 1973, ch. 122, par. 102-5) requires reimbursement for the member's "actual and necessary expenses while engaged in the performance of their duties." "Travel expenses" would be such actual and necessary expenses as to require reimbursement.

With regard to your fourth question, there may or may not be other "rights and privileges" that extend to the student member as a necessary result of the express limitations placed on his power to vote, or because of some other limitation contained in the amendment. However, I cannot answer your present question without reference to a specific factual situation upon which to base an opinion. In the future, you may wish to submit further opinion requests based on specific problems as they arise.

In response to your fifth question, it is my opinion that the student member must take the oath of office, as required by section 2-8 of the Public Community College Act. It is also my opinion that the student member is not required

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to file a written statement of economic interest under section 4A-101 of the Illinois Governmental Ethics Act. (Ill. Rev. Stat. 1973, ch. 127, par. 604A-101.) The student member does not fall within any of the categories enumerated in section 4A-101. In particular, he is not a "member of a Board or Commission created by the Illinois Constitution" under subsection (c) of section 4A-101, nor is he a person "whose appointment to office is subject to confirmation by the senate" under subsection (d).

In summation, it is my opinion that the non-voting student member of the Illinois Community College Board has the right to attend any and all executive sessions of the Board, to make and second motions, and to be reimbursed for any actual and necessary expenses while engaged in his duties, including travel expenses to the Board meetings and other activities attended by Board members. It is my further opinion that he is required to subscribe to an oath of office under section 2-8 of the Public Community College Act, and that he is not required to file a statement of economic interest under the Illinois Governmental Ethics Act.

Very truly yours,

A T T O R N E Y G E N E R A L