

F- 1. CONSTITUTION OF ALABAMA, 1901

Amendment No. 670

Board of Trustees of Auburn University

Section 1. Auburn University shall be under the management and control of a board of trustees. The board of trustees shall consist of one member from each of the congressional districts in the state as the same were constituted on the first day of January, 1961. One member from Lee County, two at-large members both of whom shall be a resident of the continental United States, the State Superintendent of Education, serving on the date this amendatory language is ratified, who shall serve until leaving the office of superintendent, one additional at-large member who shall be a resident of the continental United States, and who shall succeed the current State Superintendent of Education on the board of trustees immediately upon the superintendent leaving office, and the governor, who shall be ex officio president of the board.

Appointment of the initial two at-large members shall be made by the Governor by and with the advice and consent of the Senate. Otherwise, the trustees from each congressional district from Lee County and all subsequent at-large trustees including the at-large position created upon the vacating of office of the current State Superintendent of Education shall be appointed by the appointing committee created herein, by and with the advice and consent of the senate. The appointment of members to fill a vacated position with a partially expired term of office shall also be made by the appointing committee as provided herein.

A board of trustees appointing committee is established composed of the following members: The President Pro Tempore of the Board of Trustees of Auburn University or the designee of the President Pro Tempore. The designee shall be a member of the Board of Trustees of Auburn University; a member of the Board of Trustees of Auburn University selected by the Board of Trustees; two members of the Auburn Alumni Association Board of Directors who are not current employees of Auburn University, selected by the Auburn Alumni Association Board of Directors; the governor or a designee of the governor who is an alumnus of Auburn University, but who is not a current member of the Board nor a current member of the Auburn Alumni Association Board of Directors nor a current employee of Auburn University. The Governor, or the designee of the Governor, shall serve as chairperson of the appointing committee. If the chairperson fails to call a meeting within 90 days prior to the expiration of the term of a sitting board member or within 30 days following the creation of a vacancy by death,

resignation, or other cause, a majority of the committee, in writing, may call a meeting giving at least 10 days notice. In the absence of the chairperson or another member designated by the chairperson to preside, the majority of the committee shall choose its own chairperson.

When appropriate, the appointing committee shall meet to address the appointment of any of the following: A person to fill the at-large position on the Board of Trustees of Auburn University created upon the vacating of office by the current State Superintendent of Education; persons to fill an expired or soon-to-be expired term of office of any member of the Board of Trustees of Auburn University including the two at-large positions initially appointed by the Governor; persons to fill the remainder of a partially expired term of office of any position on the Board of Trustees of Auburn University which has been vacated by reason of death, resignation, or other cause, including the two at-large positions initially appointed by the Governor; the appointing committee by majority vote shall appoint an individual to fill the respective position on the board of trustees. The committee shall ensure that appointments are solicited from all constituencies, are inclusive, and reflect the racial, gender, and economic diversity of the state. A person may not be appointed to the Board of Trustees of Auburn University while serving on the appointing committee.

A trustee shall hold office for a term of seven years, and may serve no more than two full seven-year terms of office. Appointment and service for a portion of an unexpired term shall not be considered in applying the two-term limit. Each member of the board of trustees as constituted on the date this amendatory language is ratified may serve the remainder of his or her current term and shall be eligible if otherwise qualified, to serve for no more than two additional seven-year terms. No person shall be appointed as a member of the Board of Trustees after having reached 70 years of age. Of the two persons initially appointed by the Governor to serve in the at-large positions, one shall be appointed to serve an initial term of four years and one shall be appointed to serve an initial term of seven years. Thereafter, successors to these positions, who shall be appointed by the appointing committee, shall serve terms of office of the same duration as other members. These initial terms shall be considered as full terms in applying the two-term limit. One more than half of the members of the board shall constitute a quorum, but a smaller number may adjourn from day to day until a quorum is present. A term shall begin only upon confirmation by the Senate. A member may continue to serve until a successor is confirmed, but in no case for more than one year after completion of a term.

No trustee shall receive any pay or emolument other than his or her actual expenses incurred in the discharge of duties as such. No employee of Auburn University shall be eligible to serve as a member of the board of trustees. The appointing committee, or the

Governor, in regard to the two initial at-large appointments, shall submit the name of the persons selected for appointment to the Secretary of the Senate, who shall inform the Senate of the receipt of such submission. If the Senate is in regular session at that time, the submission shall be made by the conclusion of the next legislative day following the appointment. If the Senate is not in regular session at the time of appointment, the submission shall be made before the commencement of the next regular session. If the entire Senate, by majority vote, confirms the submission, the appointee shall immediately assume office. An appointee may not begin service prior to Senate confirmation. If the submission is not confirmed by the entire Senate by a majority vote by the conclusion of the legislative session, the submission shall be considered rejected. A submission to the Senate may be withdrawn at any time by the Governor in regard to the two initial at-large appointments made by the Governor. A submission to the Senate may be withdrawn at any time by the appointing committee in regard to appointments made by the committee. Upon the rejection of a submission or the withdrawal of a submission, the appointment and confirmation process specified in this amendment shall commence anew. The same name may be submitted to the Senate for the same position on the board more than one time. Upon the expiration of a term of office, a member of the board of trustees shall continue to serve until a successor is appointed pursuant to this amendment, is confirmed by the entire Senate by majority vote, and assumes office. If a successor is not confirmed by the conclusion of the regular session in which one or more names for the position were initially submitted, the former holder of the position may continue to serve until a successor is appointed and confirmed, but in no case shall this continuation be longer than one year after completion of the term of office. If any position on the board of trustees becomes vacant during a term of office by reason of death, resignation or other cause a person shall be appointed by the appointing committee to fill the remainder of the unexpired term of office pursuant to the procedure provided for other appointments made by the appointing committee. The position shall be considered vacant until a person is confirmed by a majority vote of the entire Senate.

REAFFIRMED: June 19, 2009