

BOARD OF REGENTS BRIEFING PAPER

1. AGENDA ITEM TITLE: Code Revision: Procedures for Chancellor Vacancy (Second Reading)
MEETING DATE: September 5-6, 2019

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

At Board of Regents' meetings in February and April of this year, changes to Title 2, Chapter 1, Section 1.5.4 of the Code regarding the hiring of an outside search consultant to aid in the process of hiring an institution President and the process for selecting and hiring an outside search consultant were adopted.

This agenda item proposes to incorporate the amendments to Title 2, Chapter 1, Section 1.5.3 of the Code regarding a vacancy in the position of the Chancellor. The first reading of this amendment occurred at the Board of Regents' Special Meeting on July 19, 2019.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Pursuant to Title 2, Chapter 1, Section 1.3.3(a) of the Code, an amendment to the Code can only be approved by the Board of Regents after thirty (30) days has passed from which it was first submitted. This agenda item would constitute a 'first reading' of the proposed Code change.

4. IMPETUS (WHY NOW?):

As previously set forth, this agenda item is to align the search processes and policies for filing a vacancy in the position of Chancellor with those already adopted by the Board when filing a vacancy for an institution president.

5. CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:

Not Applicable to NSHE Strategic Plan Goals

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

N/A

6. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- The amendments will help clarify and aid the search process and in selecting an outside search consultant when filing a vacancy in the Chancellor position.
- The amendments will help clarify and identify the responsibilities of an outside search consultant.

7. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None.

8. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

Maintain the status quo.

9. RECOMMENDATION FROM THE CHANCELLOR'S OFFICE:

Approve.

10. COMPLIANCE WITH BOARD POLICY:

- X Consistent With Current Board Policy: Title 2, Chapter 1, Section 1.3.3(a)
- X Amends Current Code: Title 2, Chapter 1, Section 1.5.3
- X Amends Current Procedures & Guidelines Manual: Chapter 2, Section 1(a)

<input type="checkbox"/> Other: _____ Fiscal Impact: Yes No X Explain:

POLICY PROPOSAL - HANDBOOK
TITLE 2, CHAPTER 1, SECTION 1.5.3, new (h)
[Vacancy in the Office of the Chancellor]

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

1.5.3 Vacancy in the Office of the Chancellor.

...

(e) After considering the Chair's recommendation and rationale for the appointment of an acting or interim Chancellor, the Board shall determine whether a search shall be conducted, or if an interim ~~President~~ **Chancellor** shall be appointed to a specified term of one to three years. If an acting Chancellor is appointed, the Board shall determine whether to conduct a national, regional, in-state or other search for a permanent Chancellor.

The Board may appoint an interim Chancellor for a specified term of one to three years by an affirmative vote of not less than two-thirds of the Board. At any time prior to the expiration of the interim Chancellor's specified term, the Board may approve a decision to conduct a search for a permanent Chancellor. The search shall be conducted in the manner provided in this Section 1.5.3. An interim Chancellor must serve at least a year before the Board may consider making the appointment permanent. At the time it considers making the appointment permanent, the Board shall, at a public meeting, first allow and consider input from the NSHE's major constituencies. Before considering whether to make the interim appointment permanent, the Board may, in accordance with the Board policy governing Chancellor evaluations, conduct a periodic evaluation of the interim Chancellor's performance.

...

(g) The Regents' Chancellor Search Committee will oversee the details of the search [~~and determine if a search firm will be hired~~]. The budget for the search shall be established by the Chair of the Board in consultation with the Chief of Staff of the Board. The Chair of the Committee shall, in accordance with direction from the Committee, either directly, or in consultation with a **Search Consultant** [~~search firm~~], if one is hired, be responsible for the initial screening process to determine candidates for consideration by the Committee. The Regents' Chancellor Search Committee shall meet at the call of the Chair of the Committee to discuss qualifications of applicants recommended after the initial screening process and to hear the recommendations of the members of the advisory committee. The Regents' Chancellor Search Committee will interview and evaluate candidates, and thereafter will select its nominee or nominees for appointment to the position. If the Board determines not to appoint the nominee(s) recommended by the Regents' Chancellor Search Committee, it may direct the Committee to continue the search process and to recommend an additional nominee or nominees for consideration by the full Board of Regents.

The Board Office shall provide staff assistance to the Committee.

(h) The Board shall determine whether the Committee shall be aided by a Search Consultant. If the Board determines that the services of a Search Consultant would be helpful, a Search Consultant shall be selected by the Chancellor, the Chief of Staff of the Board of Regents, and the Chief General Counsel. If the Chancellor is unavailable or a conflict of interest would arise from his or her participation in selecting a Search Consultant, the Chair of the Board of Regents shall assist in the place of the Chancellor in the selection of a Search Consultant. The Search Consultant shall (i) assist the Committee in the performance of its search, (ii) attend all meetings of the Committee, (iii) help the Committee in defining general parameters for the search, (iv) prepare and present a leadership profile for the Committee's approval at its first meeting regarding the qualifications sought for the Chancellor position, and (v) obtain at the first Committee meeting approval from the Committee on the publication and on-line locations where advertising for the Chancellor position will be placed.

(i) ~~(h)~~ By an affirmative vote of not less than two-thirds of the members of the Board, the Board may authorize deviations from the processes defined in this policy.