

**BOARD OF REGENTS
BRIEFING PAPER**

Bylaw Revision, Election of Officers

BACKGROUND & POLICY CONTEXT OF ISSUE

Currently, *Title 1, Article IV, Section 2* of the Board Bylaws provides that the chair and vice chair (hereinafter “Officers”) shall be elected from among the members of the Board during the Board's last meeting of the fiscal year and shall serve a one-year term from July 1 to June 30. The policy further provides that in the event of a vacancy in the office of chair or vice chair, the Board shall fill the vacancy for the remainder of the term with an election at the next regularly scheduled meeting of the Board. The Board Bylaws do not otherwise restrict chair or vice chair nominations.

When a vacancy occurs because a regental term is ending, a Board officer election must be held in December of such years to fill the vacancy left by the outgoing regent. While the current term for chair and vice chair aligns with the academic or fiscal year, the Board may consider amending the provisions of *Title 1, Article IV, Section 2* to establish that chair and vice chair shall serve one-year terms from January 1 to December 31 rather than July 1 to June 30. This amendment would allow for the terms of chair and vice chair to better align with each regent’s term of office as a regent.

If the proposed amendment **is** adopted, it is important to note that, for purposes of initial implementation of the amendment, Board officers’ partial terms served from July 1, 2022, to December 31, 2022, shall be excluded from the calculation of term limits as noted in the transitory language on the policy proposal document (attached). This amendment would be effective immediately upon Board approval and, therefore, the following would then take place:

- An election of officers for chair and vice chair would need to take place at the December 2022 Board meeting, because the newly adopted language would provide that said Officers’ respective terms will expire on December 31, 2022.

If the proposed amendment **is not** adopted, it is important to note that the following will take place:

- An election for chair will need to take place at the December 2022 Board of Regents meeting to fill the vacancy created by the current chair’s term as regent ending. The newly elected chair’s term of office shall commence on January 1, 2023 and will end on June 30, 2023.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED

Amend *Title 1, Article IV, Section 2* (Election of Officers) to provide that the election of Board officers will occur at the last regular meeting of the calendar year and the term of office will commence January 1 for a term of one year.

IMPETUS (WHY NOW?)

This revision is brought forward for consideration based on the New Business request that occurred at the June 2022 regular meeting.

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

- Access (Increase participation in post-secondary education)
- Success (Increase student success)
- Close the Achievement Gap (Close the achievement gap among underserved student populations)
- Workforce (Collaboratively address the challenges of the workforce and industry education needs of Nevada)
- Research (Co-develop solutions to the critical issues facing 21st century Nevada and raise the overall research profile)
- Not Applicable to NSHE Strategic Plan Goals

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

The policy revision as presented herein does not directly impact the strategic plan goals adopted by the Board of Regents.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION

- The situation that has most commonly resulted in an emergency election for the purpose of replacing the chair or vice chair is the ending of a regental term and such election have occurred in the past in December. The proposed revision will reduce the need for off-cycle elections.
- Holding elections in December will allow current regents who have experience with Board members to determine leadership.
- Newly elected regents will serve at least one year prior to participating in an election for chair and vice chair given them an opportunity to get to know the Board and Board members for a full year. Under the current policy, new regents would participate in a regular election after six months on the Board.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION

- Holding elections in December will not allow newly elected regents to participate in election process.
- Newly elected regents will serve at least one year prior to participating in an election for chair and vice chair.

ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED

Maintain the current policy whereby Board officers serve a term for the fiscal year.

RECOMMENDATION FROM THE CHANCELLOR’S OFFICE

The Chancellor’s Office has no formal position on the matter of the term of office for the Board Chair and Vice Chair and will support the current or revised policy as is the desire of the Board.

COMPLIANCE WITH BOARD POLICY:

Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____

Amends Current Board Policy: *Title 1, Article IV, Section 2*

Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____

Other: _____

Fiscal Impact: Yes _____ No _____

Explain: _____

POLICY PROPOSAL
Title 1, Article IV, Section 2
Election of Officers

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

Section 2. Election of Officers

The Chair and Vice Chair shall be elected from among the membership of the Board during the Board's last *regular* meeting of the [~~fiscal~~] *calendar* year and shall serve a one-year term[~~]~~ commencing [~~July~~] *January* 1. The Chair may be elected to one additional consecutive one-year term. The Vice Chair may be elected to one additional consecutive one-year term. No person who has held the office of Chair for two consecutive one-year terms shall be elected to serve in that office until a period of two full [~~fiscal~~] *calendar* years has elapsed after the end of the second consecutive one-year term served. No person who has held the office of Vice Chair for two consecutive one-year terms shall be elected to serve in that office until a period of two full [~~fiscal~~] *calendar* years has elapsed after the end of the second consecutive one-year term served. In the event of a vacancy in office, the Board shall fill the vacancy for the remainder of the term by election [~~at~~] *no later than* the next regularly scheduled meeting of the Board. A partial term served by a person elected to fill a vacancy in office shall not be counted as a full one-year term.

Transitory Note for Implementation Purposes Only - NOT for Permanent Codification

For purposes of initial implementation, Board officers' partial terms served from July 1, 2022, to December 31, 2022, shall be excluded from the calculation of term limits.