

BOARD OF REGENTS
BRIEFING PAPER
HANDBOOK REVISION: Institutional Bylaws

BACKGROUND & POLICY CONTEXT OF ISSUE:

Under current Board policy (*Title 2, Chapter 1, Section 1.3*), institutional bylaws and bylaws of the “unit” are approved by the Board. (The “unit” is defined in Board policy to mean the combined administrative unit consisting of the Chancellor’s Office, the NSHE Computing Services and the University of Nevada Press.) In addition, while there is no specific provision of the NSHE Code requiring that student government constitutions be approved; historically, the Board of Regents has approved student government constitutions as well. Under currently established protocols, any proposed revision to these documents is reviewed by NSHE legal counsel prior to Board approval.

Board policy is clear that institutional bylaws, and any other bylaws, procedures and regulations adopted by administrative units within a System institution must be consistent with the Code. Therefore, while any amendments to the bylaws are approved by the Board, the over-riding authority for provisions within the bylaws remains the Code. In the process of an overall review of Board functions and to improve efficiency, staff recommends that bylaws continue to be reviewed by legal counsel, but that the Chancellor approve such revisions in lieu of Board approval. Because the provisions of Board policy supersede any bylaws provisions, the approval by the Board may be eliminated without removing authority of the Board or the institutions’ ability to appeal such matters, if necessary, to the Board. This is intended to add needed efficiencies and save the Board from having to take unnecessary action.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend *Title 2, Chapter 1, Section 1.3* and *Title 5* (in whole) to provide that bylaws continue to be reviewed by legal counsel, but that the Chancellor approve such revisions in lieu of Board approval. (See attached Policy Proposal.)

IMPETUS (WHY NOW?):

This recommendation comes forward in light of a recent review by staff intended to improve efficiencies of the System Office and the Board of Regents.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- The need for Board approval of bylaw revisions will be eliminated, removing the need for each regent to review each of these changes within the context of the Code and the entire bylaws.
- The provisions of Board policy supersede any language in bylaws, preserving the authority of the Board over bylaws.
- The integrity of bylaw revisions will be maintained through a review by legal counsel of all proposed bylaw revisions and subsequent approval by the Chancellor.
- Current bylaws and student government bylaws will be accessible to faculty, staff, students, and the public by placement on internet sites.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

Institutions and students will no longer present bylaw and constitution revisions to the Board for approval.

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

Leave the process unchanged whereby bylaws require Board approval.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title #____ Chapter #____ Section #____
- Amends Current Board Policy: *Title 2, Chapter 1, Section 1.3; Title 5* (deleted in whole)
- Amends Current Procedures & Guidelines Manual: Chapter #____ Section #____
- Other:_____
- Fiscal Impact: Yes____ No__**X**__
Explain:_____

POLICY PROPOSAL
TITLE 2, CHAPTER 1, SECTION 1.3
Institutional Bylaws

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

- 1.3.4 Institutional Bylaws.** [~~System institutions shall adopt bylaws to set forth the institutions' organizational structure and personnel policies. The faculty of a System institution through its appropriate organization or organizations shall develop such bylaws or amendments thereto, or if such bylaws or amendments thereto are proposed by the administration, the faculty shall be consulted and afforded an opportunity to make recommendations concerning the proposed action. The adoption, amendment or repeal of institutional bylaws requires the recommendation of a president and the approval of the Board of Regents. The adoption, amendment or repeal of institutional bylaws goes into effect upon Board approval. All such institutional bylaws, and any other bylaws, procedures and regulations adopted by administrative units within a System institution, must be consistent with the Nevada System of Higher Education Code. Where the provisions of such institutional bylaws, or other such bylaws, procedures and regulations, conflict with the Nevada System of Higher Education Code, the provisions of the Nevada System of Higher Education Code shall prevail and the conflicting provisions of such institutional bylaws, or other such bylaws, procedures and regulations, shall be void and of no effect whatever.~~] *System institutions shall adopt bylaws to set forth the institution's organizational structure and personnel policies. The adoption, amendment or repeal of institutional bylaws shall be in accordance with procedures prescribed therein and require recommendation from the president and review by legal counsel prior to submission for approval to the Chancellor. Within 45 days of a request for approval, the Chancellor shall act to approve or reject the adoption, amendment or repeal of institutional bylaws or they shall be deemed approved. Where the provisions of such institutional bylaws, or other such bylaws, procedures and regulations, conflict with the policies of the Board, the Board's policies shall prevail and the conflicting provisions of such institutional bylaws, or other such bylaws, procedures and regulations, shall be void and of no effect whatever. Institutional bylaws shall be posted on the institution's Web site.*
- 1.3.5 Bylaws of the Unit.** [~~A single set of institutional bylaws shall be adopted for the Unit.~~] *The Unit shall adopt bylaws to set forth the unit's organizational structure and personnel policies. The adoption, amendment or repeal of unit bylaws shall be in accordance with procedures prescribed therein and require review by legal counsel prior to submission for approval to the Chancellor. Within 45 days of a request for approval, the Chancellor shall act to approve or reject the adoption, amendment or repeal of unit bylaws or they shall be deemed approved. Where the provisions of such unit bylaws, or other such bylaws, procedures and regulations, conflict with the policies of the Board, the Board's policies shall prevail and the conflicting provisions of such institutional bylaws, or other such bylaws, procedures and regulations, shall be void and of no effect whatever. Unit bylaws shall be posted on the NSHE Web site.*

1.3.6 Student Government Constitutions. *The adoption, amendment or repeal of a student government constitution shall be in accordance with procedures prescribed therein. Prior to a vote of the students, legal counsel shall review any such proposed revisions. If approved by the student body, the revisions shall be transmitted by the president to the Chancellor for approval. Within 45 days of a request for approval, the Chancellor shall act to approve or reject the adoption, amendment or repeal of a student government constitution or they shall be deemed approved. Where the provisions of such student government constitutions, or other such bylaws, procedures and regulations, conflict with the policies of the Board, the Board's policies shall prevail and the conflicting provisions of such student government constitutions, or other such bylaws, procedures and regulations, shall be void and of no effect whatever. Student government constitutions shall be posted on the institution's Web site.*

POLICY PROPOSAL
TITLE 5, CHAPTER 1-24
Institutional Bylaws

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

DELETE TITLE 5, CHAPTERS 1 thru 24:

- CH01 - College of Southern Nevada Bylaws*
- CH02 - Bylaws of the Desert Research Institute*
- CH03 - Great Basin Bylaws*
- CH04 - Truckee Meadows Community College Bylaws*
- CH05 - System Administration Bylaws*
- CH06 - University of Nevada, Las Vegas Bylaws*
- CH07 - University of Nevada, Reno Bylaws*
- CH08 - Western Nevada College Bylaws*
- CH09 - Constitution of the Nevada Student Association of Community Colleges*
- CH10 - Constitution of the Associated Students of the College of Southern Nevada*
- CH11 - Constitution of the Student Government of Great Basin College*
- CH12 - Constitution of the Associated Students of Truckee Meadows Community College*
- CH13 - Constitution of the Consolidated Students of the University of Nevada, Las Vegas*
- CH14 - BLANK*
- CH15 - Constitution of the Associated Students of the University of Nevada, Las Vegas*
- CH16 - Constitution of the Associated Students of the University of Nevada, Reno*
- CH17 - Student Bill of Rights, University of Nevada, Reno*
- CH18 - Constitution of the Graduate Student Association of the University of Nevada, Reno*
- CH19 - Constitution of the Western Nevada College United Students Association*
- CH20 - Constitution of the Associated Students of the University of Nevada School of Medicine*
- CH21 - Constitution of the Nevada Student Alliance*
- CH22 - Rebel Yell Operating Policy*
- CH23 - Nevada State College Student Constitution*
- CH24 - Nevada State College Bylaws*