

# BOARD OF REGENTS BRIEFING PAPER

**Agenda Item Title:**        **Vacancies of System Officers - Best Practices for President Appointment and Search; Conducting National Searches for Provosts**

**Meeting Date:**        **June 6-7, 2013**

## **2. BACKGROUND & POLICY CONTEXT OF ISSUE:**

At its April 19, 2013, special meeting, the Board of Regents continued its discussion of a number of potential policy options addressing vacancies in the office of president, including best practices in appointing president search committees, appointing acting or interim presidents and commencing national searches. The Board also considered provisions addressing the hiring of provosts. The input received from the Board's discussion has been incorporated into the attached proposed policy revisions. The Board had initially discussed these policy options at its October 19, 2012, special meeting.

## **3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:**

The Board of Regents is asked to approve the proposed policy revisions addressing vacancies in the office of president and best practices in appointing president search committees and provisions requiring national searches when a vacancy occurs in the office of provost.

## **4. IMPETUS (WHY NOW?):**

The Board of Regents had requested best practices be reviewed in regard to addressing vacancies in the office of president, including best practices in appointing president search committees, appointment of acting or interim presidents, commencing national executive searches and to address whether national searches should generally be required when a vacancy occurs in the office of provost.

## **5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:**

Provides all stakeholders – Regents, Chancellor, presidents, faculty, staff, students and community members – with clear guidelines reflecting the NSHE's commitment to shared governance while allowing the Board to lay a firm foundation for its role and authority in the search, screening and final selection of a president.

## **6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:**

A national search should generally be required and an alternate procedure of, requiring the affirmative vote of not less than two-thirds of the Board, appointing an interim president should not be adopted.

## **7. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:**

Leave the policies as currently written or adopt only the portion of the proposal revising the provisions governing national searches, but not those that create an alternative procedure of appointing an interim president.

**8. COMPLIANCE WITH BOARD POLICY:**

- Consistent With Current Board Policy: Title # \_\_\_\_\_ Chapter # \_\_\_\_\_ Section # \_\_\_\_\_
- Amends Current Board Policy: Title # 2 Chapter # 1 Sections # 1.5.4 and 1.5.5
- Amends Current Procedures & Guidelines Manual: Chapter # 2 Section # 1
- Other: \_\_\_\_\_
- Fiscal Impact: Yes \_\_\_\_\_ No X  
Explain: \_\_\_\_\_

**POLICY PROPOSAL - HANDBOOK**  
**TITLE 2, CHAPTER 1, SECTIONS 1.5.4 and 1.5.5**  
Vacancy in the Office of President and Acting Chancellor or President

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

**1.5.4 Vacancy in the Office of President.**

<p><b>1</b></p> <p>(a) <i>As used in this section, “Officer in Charge” means the person who has been designated by the president of each institution to be the Officer in Charge in the temporary absence or vacancy in the office of president.</i></p> <p>(b) <i>The president of each institution shall maintain on file with the Chancellor, in writing, the designation of campus authority consisting of a list of three persons currently serving the institution, that are, in the order listed, deemed to be the Officer in Charge should a temporary absence or a vacancy occur in the position of president. The list shall include the name, title and contact information for each person. If the person listed first is unavailable at the time of the temporary absence or vacancy, the next person listed in order shall serve as the Officer in Charge. If the persons listed first and second are unavailable at the time of the temporary absence or vacancy, the third person listed shall serve as the Officer in Charge.</i></p> <p>(c) <del>Whenever</del> <i>When</i> a vacancy occurs or is about to occur in the position of president of a member institution, <i>the institution’s Officer in Charge shall exercise the powers of the president until an Acting or Interim President is appointed by the Board.</i></p>	<p style="text-align: center;"><i>Officer in Charge</i></p>  <p style="text-align: center;"><u><b>DECISION UNIT</b></u> <u><b>#1</b></u></p>
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2	<p><b>(d) As soon as practicable after a vacancy occurs in the position of president of a member institution, the Chancellor, in consultation with the Chair of the Board, shall recommend to the Board the appointment of an Acting President. Prior to making the recommendation of an Acting President, the Chancellor and Chair of the Board shall first meet with major constituencies of the institution to receive their suggestions and input for the appointment of an Acting President. Such constituencies may include, but are not limited to, provosts, vice presidents and other executive staff, campus employees, faculty, students, presidential advisory board members, foundation trustees and community representatives.</b></p>	<p><b>Chancellor's Recommendation of Acting President - codifying current practice</b></p> <p><b><u>DECISION UNIT</u></b></p> <p><b><u>#2</u></b></p>
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<p>3</p>	<p>(e) <i>At the time the Board considers the Chancellor's recommendation for the appointment of an Acting President, the Board shall also determine whether a national search shall be conducted pursuant to paragraph (f) immediately, or if an Interim President shall be appointed to a specified term of one to three years.</i></p> <p>1) <i>If the Board determines to conduct a national search, the Board will appoint an Acting President. If an Acting President is appointed, the Acting President serves as the President of the institution until a person is permanently appointed as President following a presidential search. An Acting President will not be eligible for consideration as a candidate for the permanent appointment as president.</i></p> <p>2) <i>If, by an action approved by an affirmative vote of not less than two-thirds of the Board, the Board determines to appoint an Interim President to a specified term, an Acting President will not be appointed. The Chancellor's recommended candidate for Acting President may be considered by the Board for appointment as the Interim President. If the Board appoints an Interim President, the Interim President will be appointed to a specified term of one to three years. At any time prior to the expiration of the Interim President's specified term, the Board may approve a decision to conduct a national search.</i></p> <p>3) <i>An Interim President must serve at least a year before the Board may consider making the appointment permanent and the Board shall, at a public meeting, first allow and consider input from the institution's major constituencies. Prior to the last year of the term of an Interim President appointed to a multi-year term, or prior to the end of the year of an Interim President appointed to a one year term, the Board may conduct a periodic evaluation of the Interim President consistent with the Board policy governing periodic evaluation of NSHE presidents.</i></p> <p><i>If at any time during the term of an Interim President, the Board determines not to appoint the Interim President to the</i></p>	<p><b>National Search or Interim President</b></p> <p><b><u>DECISION UNIT</u></b></p> <p><b><u>#3</u></b></p> <p><b>(a) National Search - Appoint Acting President</b></p> <p><b>or</b></p> <p><b>(b) Appoint Interim President</b></p>
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***permanent position, the Board may direct that a national search be conducted and the Interim President will not be eligible for consideration as a candidate for the permanent position.***

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**(f) If the Board determines to conduct a national search,** a **Regents** Presidential Search Committee composed of six members of the Board of Regents shall be appointed by the chair of the Board for the purpose of recruiting and screening and for recommending a nominee or nominees to the **full** Board of Regents for **consideration by the Board for** appointment to the position. The chair of the Board shall appoint the chair of the **Regents** Presidential Search Committee. The chair of the Board of Regents shall also appoint ~~an~~ Institutional Advisory **members to the** Committee from the member institution involved ~~composed of~~ **to include** five faculty members nominated by the senate, **up to** three administrators, one classified or technical employee nominated by the classified or technical employees' organization, if any, and, one undergraduate student representative and one graduate student representative nominated by the appropriate student government **as applicable to the institution involved,** and one alumnus. The chair may also appoint such other persons ~~to the~~ Institutional Advisory **as advisory members to the** Committee as may be deemed necessary. The affirmative action officer of the member institution involved, if any, shall be an ex officio, ~~voting~~ **advisory** member of the Institutional Advisory Committee. **The institutional advisory members of the Committee serve as non-voting members to advise the voting members of the Regents Presidential Search Committee on matters being considered.** (B/R 3/06)

~~(b) Both committees~~ **(g) The Regents Presidential 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 Chancellor and Chief Executive Officer of the Board. The Regents Presidential Search Committee** shall review all applications for the position and shall meet jointly at the call of the chair of the ~~Presidential Search Committee~~ to discuss the qualifications of applicants and the recommendations of the Institutional Advisory **members of the** Committee before the **Regents** Presidential Search Committee schedules candidate interviews. The ~~committees may jointly~~ **will** interview and evaluate candidates, after which the **Regents** Presidential Search Committee ~~shall meet to~~ **will** select its nominee or nominees for consideration by the **full** Board of Regents **for appointment to the position. If the Board determines not to appoint the nominee(s) recommended by the Regents Presidential Search Committee, it shall direct the committee to continue the search process and to recommend an additional nominee or nominees for consideration by the full Board of Regents.**

**President Search Committee**

**DECISION UNIT**

**#4**

- **No change to makeup of Regents Committee or advisory members**
- **One committee**

**Provisions moved here from Procedures & Guidelines Manual**

**DECISION UNIT**

**#5**

5	<p>The Chancellor's Office shall be responsible for the search and screening process and <b>the Board Office</b> shall provide staff assistance to the committees. <del>The Chancellor shall hold ex officio, nonvoting membership on both committees and shall facilitate their interaction throughout the process.</del> <b>The Chancellor shall, in accordance with directions from the Committee and in consultation with the Committee Chair, either directly, or by consultation if a search firm is hired, be responsible for the initial screening process to determine candidates for consideration by the Committee.</b></p>	<p><b>Chancellor participates in committee meetings, but not as a "member" of the Committee.</b></p> <p><b>Clarifies role of the Chancellor.</b></p>
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6	<p>(h) <b>By 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.</b></p>	<p><b>AGB recommends flexibility to address specific circumstances</b></p> <p><b><u>DECISION UNIT</u></b> <b><u>#6</u></b></p>
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7	<p>1.5.5 <del>Acting Chancellor or President.</del> During a vacancy in the position of chancellor <del>, or president,</del> the Board of Regents may appoint an acting chancellor <del>. or president,</del> as the case may be.</p>	<p><b>Acting President now addressed in previous section</b></p>
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**PROPOSED REVISIONS – PROCEDURES & GUIDELINES MANUAL**  
**CHAPTER 2, SECTION 1**

Appointments and Vacancies of System Officers

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

**Section 1. Appointments and Vacancies of System Officers**

8

- ~~a.~~ In the case of a vacancy in the office of a President of a member institution, the Chair of the Board of Regents will appoint a Regent Presidential Search Committee. The Presidential 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 Chairman of the Board of Regents in consultation with the Chancellor and Chief Executive Officer of the Board.
- ~~b.~~ The Chancellor, in consultation with the Chair of the Board of Regents, shall prepare a recommendation to the Board of Regents for an Interim President for the full Board's approval.
- ~~c.~~ **(a)** In the case of a vacancy in the office of Chancellor, the Chair of the Board of Regents will appoint a Regent Chancellor Search Committee. The 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 Chairman of the Board of Regents in consultation with the Chief Executive Officer of the Board and the Chief Human Resources Officer.
- ~~d.~~ **(b)** In case of a vacancy in the office of Chancellor, the Chair of the Board of Regents shall present a recommendation to the Board of Regents for an Interim Chancellor.
- ~~e.~~ **(c)** Resignations from the office of Chancellor or President of a member institution shall be addressed to the Chairman of the Board of Regents. The Chairman of the Board of Regents shall accept such resignations in writing.
- ~~f.~~ **(d)** The Chancellor shall notify the Board of Regents of a vacancy in the office of the President of a member institution in cases where the vacancy is caused by other than a resignation. The Chairman of the Board of Regents shall notify the other members of the Board of a vacancy in the office of Chancellor in cases where the vacancy is caused by other than a resignation.

***Provisions moved together with Code provisions***

*Continued next page*

~~g.~~ (e) As of December 1, 2005, the total costs of president searches will be the obligation of the System institution requiring the search. Excluded are any costs for travel by System staff or the Board of Regents as required by the search process.

9

~~h.~~ (f) *In the case of a vacancy in the position of Provost at a member institution, unless an exception is approved by the Board of Regents, the institution shall conduct a national search for the purpose of recruiting and screening candidates for the position for consideration of appointment by the institution's President. As used in this paragraph, "Provost" means the second highest ranking executive and administrative officer of the university or state college.*

*Requires  
National Search  
for Provosts*

**DECISION UNIT**  
**#7**