

BOARD OF REGENTS
BRIEFING PAPER

1. Agenda Item Title: Board Approval of NSHE Positions on Legislative Measures

Meeting Date: June 6-7, 2013

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

Existing Board policy provides that during legislative sessions, when it becomes necessary to take a position on behalf of the NSHE on proposed legislation to be heard by a legislative committee and (1) the Board has not yet taken a position on the bill and (2) the Board will not meet before the bill is heard by the legislative committee, the Chancellor, as the chief executive officer of the System, or his/her designee, may take a position on behalf of the System on the bill before the legislative committee. The Chancellor shall notify the members of the Board of the Chancellor's position on the bill before the bill is heard by the legislative committee (*Title 4, Chapter 1, Section 8.6*).

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

At the April 19, 2013, Special Meeting of the Board, the Regents requested a proposal be brought forward to revise existing policies regarding Board approval of NSHE positions on legislative measures. A revision to Title 4, Chapter 1, Section 8.6, is submitted to the Board for approval to codify the current practice of the Chancellor to present to the Board at each meeting of the Board during a legislative session, a list of legislative measures with the position taken on behalf of the NSHE noted, for consideration of approval or revision of position by the Board.

4. IMPETUS (WHY NOW?):

The Legislature is still in session this year and the revision will clarify and ratify the procedure the Chancellor has been following during the legislative session.

5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- The revised provision will clarify that the Board ratifies the Chancellor's current practice.

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

Current practice is adequate and does not require additional regulation.

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

Leave the existing policy in place.

8. COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
- Amends Current Board Policy: Title # 4 Chapter # 1 Section # 8.6
- Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
- Other: _____
- Fiscal Impact: Yes _____ No X
Explain: _____

**POLICY PROPOSAL – HANDBOOK
TITLE 4, CHAPTER I, SECTION 8(6)
POLICY OF THE BOARD OF REGENTS**

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

Section 8.6. Policy of the Board of Regents

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6. Whenever a situation arises where no policy has been established in the past, the Chancellor shall analyze the situation and determine the issue upon which the Board needs to act. Thereupon, the Board of Regents shall settle policy with reference to the particular issue. After the Board of Regents has acted, the Chancellor shall apply the new policy to the particular cases. Where appropriate, the Council of Presidents shall be involved.
 - a. During legislative sessions, when it becomes necessary to take a position on behalf of the NSHE on proposed legislation to be heard by a legislative committee and (1) the Board has not yet taken a position on the bill and (2) the Board will not meet before the bill is heard by the legislative committee, the Chancellor, as the chief executive officer of the System, or his/her designee, may take a position on behalf of the System on the bill before the legislative committee. The Chancellor shall notify the members of the Board of the Chancellor's position on the bill before the bill is heard by the legislative committee. *The Chancellor shall additionally present to the Board at each meeting of the Board during a legislative session, and at the next meeting of the Board immediately following the conclusion of a legislative session, a list of legislative measures with the position taken on behalf of the NSHE noted, for consideration of approval or revision of position by the Board.*
 - b. In carrying out the provisions of (a) above, the Chancellor shall inform the legislative committee involved that the Board had not yet taken a position on the bill in question.

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