

BOARD OF REGENTS
BRIEFING PAPER
HANDBOOKREVISION: Institutional Bylaws

BACKGROUND & POLICY CONTEXT OF ISSUE:

Under current Board policy (Title 2, Chapter 1, Section 1), 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 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 bylaws are approved by the Board, the overriding 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 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:

- x 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.
- x The provisions of Board policy supersede any language in bylaws, preserving the authority of the Board over bylaws.
- x 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.
- x Current bylaws and student government bylaws will be accessible to faculty, staff, students, and the public by placement on internet sites.

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 # _____

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

Additions appear in *boldface italic*, 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~~ *president* T1 1 Tel C h2 Tm3.48(t)-2(i)-2(on9.72 Tm [(a)1ue)4Bo48(t)-2(id a)4n9.

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

