

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION
Policy and Procedures Manual

SUBJECT: GOVERNANCE AND ORGANIZATION

Policy 201.7 - By-laws

Effective: September 23, 2004; Issued: October 8, 2004

BY-LAWS
OF THE MONTANA BOARD OF REGENTS
OF HIGHER EDUCATION

ARTICLE 1. Name

The legal name of the board is The Board of Regents of Higher Education.

ARTICLE II. Objectives

The objectives of the board are to supervise, coordinate, manage and control the Montana university system (MUS) and to supervise and coordinate other public educational institutions assigned by law.

ARTICLE III. Membership

The board consists of seven members appointed by the governor and confirmed by the senate. Not more than four may be from one congressional district and not more than four may be affiliated with the same political party. One of the members of the board shall be a student appointed by the governor who is registered full-time at a unit of higher education under jurisdiction of the board. The length of the term of the student member shall be not less than one year and not more than four years. The student membership shall not be subject to the congressional district nor the political party constraint mentioned above. Appointed members' terms are seven years. Vacancies shall be filled for the remainder of the unfilled term.

ARTICLE IV. Officers

The officers of the board consist of a chair, vice-chair and secretary. Elections shall be held the first regularly scheduled meeting on or after May 1 of each year and the normal one-year term of an officer elected at this time shall run until the next regularly scheduled election. The chair and vice-chair shall be elected from the appointed membership of the board and shall serve until either the expiration of his/her normal term, resignation or the expiration of his or her term on the board, whichever comes first. An officer shall assume office upon election. In the absence of the chair, the vice-chair will preside. However, the chair may assign any regent to temporarily preside over some specific portion of a meeting. If the office of chair or vice-chair is vacated prior to the expiration of a normal term, the board will hold an election to fill the vacated office. The newly elected officer will serve for the remainder of the term. The commissioner of higher education or her designee will serve as secretary to the board.

ARTICLE V. Meetings

The board shall meet not less than quarterly. Other (special) meetings may be called by the governor, the chair of the board, the secretary or on the request of four appointed members.

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The secretary shall notify each regent of regular meetings at least seven (7) days in advance. The secretary shall notify each regent of specially called meetings at least 48 hours in advance. The campuses and the public shall be notified at the same time as the regents by a means considered by the commissioner to be efficient and effective in providing notice to all parties member by mail of scheduled meetings at least seven days in advance.

To place an item, or group of items, on the agenda, a member of the board of regents, a campus with the approval of the commissioner, or the commissioner must request the item or items and submit them to the secretary of the board of regents at least four weeks prior to a meeting. The commissioner and the chair can agree to waive the four-week requirement.

When submitting an item, or group of items, the requestor shall designate the item or items as either action or discussion, information or special; after consultation with the commissioner, the chair shall place all such items on the agenda in the category the chair deems appropriate. An action item, or group of action items, may also be designated consent by the commissioner~~requestor upon submission~~, with the concurrence of the chair.

When a consent item, or group of consent items, is called up on the agenda for action, if there is no objection, action may be taken without further testimony or discussion.

When an action item, other than a consent item for which no objections has been made, is called up on the agenda, the sponsoring regent, campus, or representative of the commissioner's office shall present the item, the chair will invite comment from citizens, students, faculty, staff, administrators and anyone else in attendance, followed by questions from the regents. The sponsor will then have the right to respond. The item may be acted upon by the regents at that time, or action may be delayed until after other action items have been presented. Items presented may be altered or amended, but not in such a manner as to change the original topic or subject.

At any time during a meeting, including during periods of public input, the chair may place reasonable limits on personal testimony and presentations to the board. Such limits must recognize and respect the right of the public to comment and balance that right with the obligation of the board to complete its business in a timely manner.

ARTICLE VI. Quorum

A majority of the appointed members of the board shall constitute a quorum.

ARTICLE VII. Committees

All committees shall be appointed by the chair.

Special committees may be appointed from time to time by order of the board.

The commissioner of higher education is an ex-officio, non-voting member of all committees.

Standing committees of the board will meet on a regular basis and include:

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Administrative, Budget, And Audit Oversight Committee

~~The Administrative, Budget, and Audit Oversight Committee is a standing committee of the board that will meet on a regular basis. The committee shall:~~

- ~~• Review and recommend budget policy and processes for the MUS;~~
- ~~• Review and recommend timelines for annual and biennial budget requests;~~
- ~~• Provide criteria for budget priorities;~~
- ~~• Review and recommend format for annual and biennial budget submission;~~
- ~~• Review and recommend consistent performance metrics to be submitted with the annual budget report;~~
- ~~• Review and recommend campus and system budgets and forward to the full board for approval;~~
- ~~• Review and recommend tuition levels and tuition structures;~~
- ~~• Review and recommend priority MUS internal audit projects for campus internal audit staff;~~
- ~~• Review and recommend system task forces to deal with budget and audit issues as they arise;~~
- ~~• Review and recommend format and content requirements for system management reporting;~~
- ~~• Review and recommend building and capital improvement priorities;~~
- ~~• Review major campus building and capital improvement requests;~~
- ~~• Review the operation of the variety of student financial aid programs available to Montana post-secondary students and recommend modifications as needed;~~
- ~~• Review the operation of the allocation model and recommend modifications as needed;~~
- ~~• Assume responsibility for other tasks, as assigned by the board or the chair.~~

Academics, Research and Student Affairs Committee

~~The Academic and Student Affairs Committee is a standing committee of the board that will meet on a regular basis. The committee shall:~~

- ~~• Have general oversight of general education requirements;~~
- ~~• Have general oversight of professional studies programs;~~
- ~~• Have general oversight of graduate education;~~
- ~~• Have general oversight over research policies, and matters related to economic development and technology transfer;~~
- ~~• Undertake regular assessment of programs, including but not limited to reviewing accreditation status;~~
- ~~• Review all academic proposals that require formal board of regents' action, and recommend approval or disapproval;~~
- ~~• Review existing policies and recommend new policies relating to academic programs and student services;~~
- ~~• Assume initial responsibility for board oversight of two year education, at both the campuses of the system and the campuses of the community colleges;~~
- ~~• Recommend priorities and action items to the full board concerning such issues as distance education, special projects, system-wide task forces, data collection, and assessment of academic programs and student services activities;~~
- ~~• Coordinate information technology needs in the academic and student affairs areas;~~
- ~~• Serve as an informational and coordinating entity between the board of regents and the board of education "P-20" and "Indian Education for All" committees;~~
- ~~• Assume responsibility for other tasks, as assigned by the board or the chair~~

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Staff and Compensation Committee

~~The Staff and Compensation Committee is a standing committee of the board of regents that will meet on an as needed basis. The Committee shall provide guidance and assistance on management issues impacting the OCHE and the MUS campuses. The committee shall:~~

- ~~• Review salary and compensation studies;~~
- ~~• Review staff Items and format;~~
- ~~• Review and recommend salary parameters;~~
- ~~• Have general oversight of collective bargaining;~~
- ~~• Review extra compensation reports;~~
- ~~• Review the MAP program;~~
- ~~• Review and recommend policies and practices of the health insurance and employee benefit program;~~
- ~~• Review and recommend policies and practices of the workers' compensation program;~~
- ~~• Review and recommend policies and practices related to retirement;~~
- ~~• Review and recommend policies and practices related to workforce diversity and diversity reporting;~~
- ~~• Review grievances and litigation and recommend policies or practices related thereto;~~
- ~~• Review and recommend employee evaluation processes;~~
- ~~• Review and recommend staffing levels, staffing patterns and other staffing matters;~~
- ~~• Review the use of information technology as a management tool within the system;~~
- ~~• Organize and oversee board and system relations with the state legislature, the state's congressional delegation, the governor and other governmental officers and bodies;~~
- ~~• Review and recommend procedures for long range planning and goal setting;~~
- ~~• Assume responsibility for other tasks as assigned by the board or the chair.~~

Two-Year Education and Workforce Development Committee

~~The Workforce Development Committee is a standing committee of the board that will meet on an as needed basis. The committee shall:~~

- ~~• Develop collaborative programs with the healthcare community in Montana to assist with workforce needs in the healthcare professions;~~
- ~~• Develop collaborative efforts with the education community in Montana to insure that the state has a qualified teacher corps;~~
- ~~• Create similar collaborative efforts with employers, employer organizations and employee organizations statewide to provide a well trained work force within Montana;~~
- ~~• Work with the two-year college community to develop policies and programs that satisfy the state's workforce needs and to increase enrollments at those institutions;~~
- ~~• Assume responsibility for other tasks, as assigned by the board or the chair~~

ARTICLE VIII. Executive Sessions

~~The board by vote, and~~ consistent with the appropriate constitutional and statutory provisions, may go into executive session at any time. No public record shall be kept of executive session business. Prior to

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convening in executive session the chair shall announce the rationale that forms the legal basis for the executive session. When executive sessions are contemplated, the meeting agenda should indicate the general topic of the contemplated executive session (e.g., honorary degree, employee evaluation, student appeal).

ARTICLE IX. Order of Business

The order of business shall be determined by the chair in conjunction with the commissioner of higher education, giving consideration to the planning of an efficient and effective meeting and allowing for sufficient time for discussion and public input. The order of business will be made public in an agenda posted before the meeting.

~~The regular business meeting of the board shall typically include the following, although the specific order of items shall be as determined by the chair unless otherwise decided by the board:~~

- ~~1. Roll call; approval of minutes~~
- ~~2. Public Input~~
- ~~3. Consent Approvals~~
 - ~~a. Staff~~
 - ~~b. Labor agreements~~
 - ~~c. Academic matters~~
 - ~~d. Administrative and financial matters~~
- ~~4. System Issues~~
 - ~~a. Action items~~
 - ~~b. Discussion items~~
- ~~5. Lunch and discussion with students~~
- ~~6. Academic and Student Affairs~~
 - ~~a. Action items~~
 - ~~b. Discussion and submission items~~
- ~~7. Administrative and Budget Matters~~
 - ~~a. Action items~~
 - ~~b. Discussion and submission items~~
- ~~8. Discussion with faculty and/or classified staff~~
- ~~9. Breakfast meeting with community leaders~~
- ~~10. Student reports~~
- ~~11. Discussion with campus CEOs~~
- ~~12. Special presentations~~
- ~~13. Continuation of any unfinished items~~
- ~~14. Executive session~~
- ~~15. Adjournment~~

ARTICLE X. Communications

All official communications, reports and recommendations from representatives of the legislative and executive branches of state government, institutions, faculty members, employees and students, shall come to the attention of the board through the commissioner of higher education.

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ARTICLE XI. Parliamentary Law

On questions of parliamentary law, Robert's Rules of Order shall prevail, except with respect to (1) introduction of motions, wherein Mason's rules will be applied, and (2) reconsideration of questions, wherein these by-laws shall be applied.

ARTICLE XII. Reconsideration of Questions

No question decided by a vote of the Board may be raised again, either in identical form or in a manner that raises substantially the same issue as previously decided, except under the following circumstances:

1. More than six months have passed since the last vote on the question; or
2. The question is raised by a board member who was recorded as voting on the prevailing side on the last vote on the question.

ARTICLE XIII. Amendments

These by-laws may be added to or amended by a majority vote at any meeting of the board provided a quorum is present.

Any by-law may be suspended for one particular meeting by a two-thirds vote of all appointed members present.

History:

By-laws; Item 35-007-R0682, June 28, 1982 as revised September 14, 1984, June 14, 1990, and November 18, 1999 (Item 104-103-R0999); editorial change (change "vice-chairman" to "vice-chair") on August 2, 2000; as revised January 18, 2001 (Item 109-104-R1100 and Item 109-105-R1100); revised at Board retreat on March 20, 2002 (Item 114-110-R0302); revised at special meeting held April 24, 2002; revised January 16, 2003 (Item 118-106-R0103 and Memo); revised May 29, 2003 (Item 119-106-R0503 and Item 119-111-R0503); revised September 25, 2003 (Item 120-103-R0903); revised November 20, 2003 (ITEM 121-109-R1103), revised September 23, 2004 (ITEM 123-110-R0504).