Appendix W

BOR Policy 201.7

SUBJECT: GOVERNANCE AND ORGANIZATION
Policy 201.7 - By-laws
Adopted: June 28, 1982; Revised: November 21, 2014

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 district provided for in 5-1-102, MCA 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 is one year. 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. The governor, superintendent of public instruction, and commissioner of higher education are ex officio nonvoting members of the board of regents.

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 is vacated before the expiration of a term, the vice-chair shall serve as chair until a special election or the next regular election, at the discretion of the board. If the office of vice-chair is vacated before the expiration of a term the board may hold a special election or leave it vacant until the next regular election. If both the chair and vice-chair are vacated before expiration of their terms or the vice-chair is not available to serve as chair, a special election will be held by the board. Where any new officer is filling a vacancy he or she will serve for the remainder of the term. The commissioner of higher education 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.

Meetings will be scheduled to maximize regent availability. The commissioner shall notify each regent of regular meetings at least seven (7) days in advance. The commissioner shall notify each regent of additions to the agenda of regular meetings and 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.

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 commissioner 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, 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:

Administrative, Budget, And Audit Oversight Committee
Academic, Research and Student Affairs Committee
Staff and Compensation Committee
Two-Year and Community College Committee

ARTICLE VIII. Executive Sessions

The board 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 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 with campus leaders and faculty and student representatives and for **public** input. The order of business will be made public in an agenda posted before the meeting.

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.

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); revised September 23, 2010 (ITEM 148-105-R0910) revised as of April 7,2014 (ITEM 163-101-C0414). Revised November 21, 2014 (ITEM 165-101-R1114).