



TO: Regents Governance Committee

FROM: Jeremy Hueth
Vice President, University Counsel and Secretary of the Board of Regents

DATE: August 16, 2023

RE: Recommended Changes to Regent Law 2.A.5.: Chair and Vice Chair; and
Regent Policy 2.C.1.: Regent Committees re Regent leadership elections.

This item presents proposed changes to Regent Law and Policy regarding the timing of board chair and vice-chair elections and committee assignments.

Article IX, Section 12 of the Colorado State Constitution requires the Board of Regents to select a chair and vice-chair to “conduct the meetings of the board.” **Article 2.A.5(B), *Laws of the Regents***, provides that, “the chair and vice chair shall be elected annually at the last regularly scheduled board meeting of each fiscal year and shall assume these roles at the conclusion of this meeting.”

Additionally, **Regent Policy 2.C** establishes four standing committees (governance, finance, university affairs, and audit). **Policy 2.C.1(D)** provides that, “standing committees shall have a chair and may have a vice chair, with the chair and vice chair to be appointed annually by the Chair of the Board of Regents.” **Policy 2.C.1(D)** provides further that, “[t]he chair and vice chair of regent committees shall be appointed after the last regularly scheduled board meeting of each fiscal year and shall assume these roles before the first regularly scheduled board meeting of the next fiscal years.”

The proposed change to Regent Law would shift the dates for electing a chair and vice-chair of the Board of Regents from the last regular meeting before the end of the university fiscal year—i.e., the last regular meeting before July 1 each year—to the first regular meeting of the calendar year. The proposal would also align Regent Policy to provide that Regent committee assignments, including leadership positions, would occur during the January-February period each year.

One reason proffered for this change is to align the Regent leadership calendar with the timeframe utilized by the state legislature. The legislature elects new leaders at the beginning of each election cycle—i.e, after the annual elections in November, but before the legislative session begins in January. This timeframe allows the new legislative leadership to select members to participate in or serve as leaders on legislative committees. Although there are significant differences between the political operation of the Board of Regents and the Colorado General Assembly, the Board of Regents carry out quasi-legislative government functions, so the state legislature is a useful model.



Article 2.E., *Laws of the Regents*, provides that Regent Laws may only be amended after a notice of motion given “at least two months prior to the scheduled action at a previous regular or special meeting of the Board of Regents” and only upon affirmative vote of two-thirds of the board. The notice requirement in Article 2.E may be waived by a unanimous vote of the board.

Regent Policy 2.N.1 provides that, “[a]pproval, revisions or repeal of regent policy can be made only after notice of the proposed revision has been given at a previous regular or special meeting of the Board of Regents” except that the board may waive the notice requirement for amendments to Regent Policy upon a two-thirds affirmative vote (and approval of the change only requires a majority vote).

These proposed changes to Regent Law and Policy were discussed by the Regent Governance Committee on May 18, 2023; noticed to the full board on June 22, 2023; and for further discussion by the Regent Governance Committee at their August 24, 2023, meeting. Accordingly, the proposed changes to Regent Law and Policy could be considered at the September 7-8 regular Board of Regents meeting. **The change to Article 2.E, *Laws of the Regents*, related to the chair and vice-chair of the board, would require a two-thirds vote. The change to Regent Policy 2.N.1, related to Regent committee appointments, would only require a majority vote.**

As presently drafted, the proposed changes would be effective January 1, 2025. Accordingly, the current Board of Regents leadership, as well as current Regent committee appointments, would serve until the end of the current fiscal year—i.e., until the regular June 2024 board meeting—and the Board of Regent leadership elections and committee assignments that will be effective in July 2024 would only stand until January 2025, unless the Board of Regents takes additional action.