



BYLAWS

Adopted February 1, 2007

These bylaws shall govern the management and operation of the Coordinating Commission for Postsecondary Education. As adopted, these bylaws shall remain at all times subject to, and limited by, the Nebraska Constitution and the Nebraska Revised Statutes.

PREAMBLE

The Commission, under the direction of the Legislature, is vested with the authority for the coordination of public postsecondary educational institutions in Nebraska as provided in Article VII, section 14, of the Nebraska Constitution and the Coordinating Commission for Postsecondary Education Act.

In carrying out its power and duties, the Commission shall consider the need for diversity of public institutions and the need for addressing regional needs but shall above all reflect a commitment to a perspective in decision making and planning for postsecondary education which will best serve the state as a whole consistent with the role and mission assignment of each public institution. *Neb. Rev. Stat. § 85-1404*

The Commission shall work with the public institutions to encourage and sustain their aspirations consistent with the comprehensive statewide plan and in a manner designed to achieve a vision of statewide postsecondary education. The Commission shall not be an advocate for any one public institution but shall strive for balance and responsiveness among all public institutions. *Neb. Rev. Stat. § 85-1404*

ARTICLE I COMMISSION MEMBERS

Section 1. Membership

The Commission shall consist of eleven members who shall be appointed by the Governor with the approval of a majority of the Legislature. One member shall be chosen from each of the six Supreme Court judicial districts. Five members shall be chosen on a statewide basis. *Neb. Rev. Stat. § 85-1405*

The term of each member shall be six years or until a successor is qualified and takes office. Members shall be residents of the state or district from which appointed. *Neb. Rev. Stat. § 85-1405*

Section 2. Vacancies and Resignations

When a vacancy occurs, the Governor shall appoint a new member to fill the vacancy for the remainder of the term. *Neb. Rev. Stat. § 85-1406*

When a member wishes to resign, a letter of resignation shall be submitted to the chairperson, who shall enter the letter into the record at the next meeting of the Commission, and the resignation shall be effective at that time or as stated in the letter. The chairperson shall notify the Governor of the resignation.

Section 3. Conflicts of Interest

A. Employment Conflict of Interest

No member of the Commission and no member of his or her immediate family shall be employed by or be a member of a governing board of a public institution or a governing body of an independent college or university or a private postsecondary career school in the State of Nebraska. *Neb. Rev. Stat. § 85-1405*. Provided, a member of the Commission is not prohibited from providing occasional services as an independent contractor for any postsecondary educational institution in Nebraska if the member first discloses such services to the Commission.

A member shall not abuse his or her official position. Abuse of position includes, but is not limited to, employing an immediate family member (a) who is not qualified for and able to perform the duties of the position, (b) for any unreasonably high salary, or (c) who is not required to perform the duties of the position. *Neb. Rev. Stat. § 49-1499.05*

B. Financial Conflict of Interest

A member has a potential financial conflict of interest if he or she would be required to take any action or make any decision in the discharge of his or her official duties that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public. *See Neb. Rev. Stat. § 49-1499.02.*

The majority of the members shall not have a financial interest, either personally or through a member of their immediate family or a business with which they are associated, other than an interest of a de minimus nature or an interest that is not distinct from that of the general public, in matters subject to the jurisdiction of the Commission. *Neb. Rev. Stat. § 49-1498.* No individual member may hold such a financial interest without disclosing it to the Commission.

C. Disclosing Conflicts of Interest

A member of the Commission who knowingly has a potential conflict of interest listed in Part A or B of this section shall:

- (1) Prepare a written statement describing the potential conflict of interest; and
- (2) Deliver a copy of the statement to the chairperson of the Commission, who shall cause the statement to be filed with the minutes as a matter of public record. The chairperson may request the statement be delivered to the Nebraska Accountability and Disclosure Commission.

See Neb. Rev. Stat. § 49-1499.02

Section 4. Commissioner Removal

A. Removal for Cause

Members may be removed by the Governor for cause. *Neb. Rev. Stat. § 85-1407*

B. Recommendation for Removal

The Commission may, upon a two-thirds majority vote of all of its members, recommend to the Governor the removal of any commissioner for:

- (1) Failure to remove or disclose any conflict of interest listed under Section 3, Part A and B, of these bylaws, or
- (2) Neglect of duties of office, material financial conflict of interest related to duties of office, or egregious or illegal behavior in and related to office.

Failure to attend at least 50 percent of the regularly scheduled meetings in any 12 month period, or failure to attend three consecutive regular meetings may be considered neglect of duty.

In making a recommendation for removal due to absences from commission meetings, the Commission will consider whether absences were excused and whether such absences were due to unavoidable circumstances, such as illnesses, emergencies, or family crises.

ARTICLE II COMMISSION OFFICERS

Section 1. Elections

The members of the Commission shall annually elect a chairperson and vice-chairperson from among its members. *Neb. Rev. Stat. § 85-1409.*

The terms of office shall be January 1 through December 31 of each year.

Section 2. Duties

The officers shall perform all duties of their respective offices as provided by these bylaws. Such duties shall include, but are not limited to, the following:

A. Chairperson

The chairperson shall call and preside at all meetings of the Commission, shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, subject to ratification by the Commission, and shall act on the Commission's behalf during the interim between Commission meetings.

B. Vice-Chairperson

The vice-chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice-chairperson shall serve as acting chairperson until a new chairperson is elected by the Commission.

ARTICLE III COMMITTEES

Section 1. Executive Committee

The Commission shall establish an executive committee, composed of the Commission chairperson, vice-chairperson, and two additional commissioners annually selected by the Commission.

The Executive Committee shall have authority to review and recommend to the Commission all actions on operations, budget, and personnel issues.

The committee may also act on behalf of the Commission. Executive Committee actions are subject to authorization or ratification by the full Commission.

Amended May 8, 2008

Section 2. Other Committees

The Commission shall have three standing committees: the Academic Programs Committee; the Budget, Construction, and Financial Aid Committee; and the Planning and Consumer Information Committee. Committee members shall be chosen annually by the Commission chairperson. The Commission may establish such other standing committees as it deems necessary to carry out its objectives. The procedures and duties of such committees shall be determined by the Commission. Each committee shall elect a chairperson annually.

The Commission may establish special committees or task forces as necessary. The Commission chairperson shall select the chair and members of any special committee. Provided, the current Commission chairperson shall not chair a nominating committee.

Section 3. Vacancies

When a vacancy occurs on a committee, the commission chairperson shall appoint a commissioner to fill the vacancy for the balance of the term. If the commissioner creating the vacancy served as chair of the committee, the committee shall elect a new chair to serve until the next annual election.

Amended Sept. 27, 2007

ARTICLE IV MEETINGS OF THE COMMISSION

Section 1. Meetings and Notice

All meetings of the Commission are open meetings and subject to the Open Meetings Act. *See Neb. Rev. Stat. § 84-1407, et. seq.*

The Commission shall hold at least six regular meetings annually. The chairperson shall call the meetings after consulting with all commissioners and Commission staff. Written notice of any meeting, with the exception of a special or emergency meeting, shall be given to each member at least 10 days prior to a meeting. Written notice shall include the time and location of the meeting. Notice may be given via email as well as U.S. mail.

Special meetings, including emergency meetings, may be held on the call of the chairperson or upon the call of at least three members. *Neb. Rev. Stat. § 85-1409.* During such meeting, no business shall be transacted except that specified in the call for the meeting.

Notice of a special meeting or an emergency meeting shall be given at least 24 hours prior to the meeting.

Section 2. Quorum

A majority of the current membership shall constitute a quorum at all meetings. *Neb. Rev. Stat. § 85-1409.*

Section 3. Voting

Commission action on any item shall require a majority of those present at meetings in which there is a quorum, except that adoption of the comprehensive statewide plan, or any changes or alternatives thereto, and approval or disapproval of a new program or

disapproval of an existing program shall require the concurrence of a majority of all the members of the Commission. *Neb. Rev. Stat. § 85-1409.*

Voting order shall be alphabetical. The first commissioner to vote shall rotate alphabetically per vote.

Section 4. Procedures

Matters of parliamentary procedure not covered by these bylaws shall be governed by Robert's Rules of Order, most recent edition.

Section 5. Public Hearings

Following consultation with members of the most appropriate committee of the Commission, the executive director, or his or her designee, may set the time, date, and location for all public hearings of the Commission. A commissioner, the executive director, or his or her designee, may conduct such public hearings. In doing so, the executive director, or his or her designee, shall provide reasonable public notice as provided in the Administrative Procedures Act and specific statutes requiring public hearings. The executive director, or his or her designee, shall make every effort to invite all members of the Commission to participate in such public hearings and may provide specific written notice, via email or U.S. mail, to parties who may be interested in the subject matter of the public hearing, including, but not limited to, representatives of institutions and sectors of public and private higher education.

ARTICLE V COMMISSION PERSONNEL

Section 1. Commission Staff

The Commission shall appoint an executive director, who shall act as Chief Executive Officer of the Commission. The executive director shall hire and supervise such other staff as may be authorized by the Commission.

Section 2. Duties of the Executive Director

The duties of the executive director shall coincide with the position description as defined by the Commission.

Section 3. Staff Compensation

The Commission shall approve the salary ranges for the executive director, officers, and other staff.

The Commission shall set the salary of the executive director and shall approve the salaries for the associate directors based on a recommendation from the executive director.

The executive director shall have the authority to set the salaries for all other staff within the approved salary ranges and within the personal services limit established by the appropriations bill.

ARTICLE VI FINANCE

Section 1. Fiscal Year

The Commission's fiscal year shall begin on July 1 of one year and end on June 30 of the next year.

Section 2. Commissioner Expenses

Members of the Commission shall receive no compensation for the performance of their duties but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. *Neb. Rev. Stat. § 85-1408.*

ARTICLE VII ADOPTION AND AMENDMENT OF BYLAWS

These bylaws may be amended by a vote of the Commission, provided that written notice of the full text of the proposed action is provided to all Commission members at the meeting prior to the meeting at which the action is to be considered. A two-thirds majority vote of all Commission members shall be required for such action.