

SECTION 3, COMPREHENSIVE STANDARD 3.2.5

Members of the governing board can be dismissed only for cause and by due process.

JUDGMENT OF COMPLIANCE

Compliant

Partially Compliant

Noncompliant

RATIONALE FOR JUDGMENT OF COMPLIANCE

Section IV.3 of the *Board of Regents Bylaws* [1] speaks to the removal of officers of the board and states: "Officers may be removed at any time by the Board by the affirmative vote of a majority of the Board."

Section I.4 of the bylaws [2] speaks to dismissal regarding failure to attend board meetings and states:

It shall be the duty of the members of the Board of Regents to attend the meetings of the Board so as to take part in its deliberations. The office of any member of the Board shall be vacated if such member neglects to furnish an excuse in writing to the Board for absence from two consecutive meetings of the Board. If any member fails to attend three successive meetings of the Board without good and valid cause or excuse or without leave of absence from the Chair or, if the Chair for any cause cannot act, from the Vice Chair of the Board, that member's office shall be declared vacant by the Board, and the Secretary to the Board shall notify the Governor of a vacancy on the Board, and the Governor shall fill the same.

The Executive and Compensation Committee of the Board shall meet and confer with any member of the Board who fails to attend meetings of the Board, regular or special, and to participate in a substantial way in the activities of the Board. If the Board member continues thereafter to absent himself or herself from Board meetings and from participating substantially in Board activities, the Chair shall so advise the Governor, in writing, and request that appropriate action be taken.

The bylaws language is also found in the *Official Code of Georgia Annotated* in Section 20-3-26 [3]. Additionally, Section 20-3-23 [4] of the code states:

“In case of a vacancy on the board of regents by death, resignation, removal, or from any other cause other than the expiration of such member’s term of office, such vacancy shall be filled in the manner prescribed by Article VIII, Section IV, Paragraph I of the Constitution.”

Section 45-5-1 [5] of the Georgia Code speaks to the general removal of those holding office in the State of Georgia. It states:

- (a) All offices in the state shall be vacated:
 - (1) By the death of the incumbent;
 - (2) By resignation, when accepted;
 - (3) By decision of a competent tribunal declaring the office vacant;
 - (4) By voluntary act or misfortune of the incumbent whereby he is placed in any of the specified conditions of ineligibility to office;
 - (5) By the incumbent ceasing to be a resident of the state or of the county, circuit, or district for which he was elected;
 - (6) By failing to apply for and obtain commissions or certificates or by failing to qualify or give bond, or both, within the time prescribed by the laws and Constitution of Georgia; or
 - (7) By abandoning the office or ceasing to perform its duties, or both.
- (b) Upon the occurrence of a vacancy in any office in the state, the officer or body authorized to fill the vacancy or call for an election to fill the vacancy shall do so without the necessity of a judicial determination of the occurrence of the vacancy. Before doing so, however, the officer or body shall give at least ten day’s notice to the person whose office has become vacant, except that such notice shall not be required in the case of a vacancy caused by death, final conviction of a felony, or written resignation. The decision of the officer or body to fill the vacancy or call an election to fill the vacancy shall be subject to an appeal to the superior court; and nothing in this subsection shall affect any right of any person to seek a judicial determination of the eligibility of any person holding office in the state. The provisions of this subsection shall apply both to vacancies occurring under this Code section and to vacancies occurring under other laws of this state.

Due process is noted in the following excerpt from the BOR policy manual:

“The Executive and Compensation Committee of the Board shall meet and confer with any member of the Board who fails to attend meetings

of the Board, regular or special, and to participate in a substantial way in the activities of the Board. If the Board member continues thereafter to absent himself or herself from Board meetings and from participating substantially in Board activities, the Chair shall so advise the Governor, in writing, and request that appropriate action be taken.”

Document Reference:

Number	DB Num	Document Title	Resource
1, 6		Bylaws of the Board of Regents, Section IV.3, Officers and Their Duties, Removal of Officers	http://www.usg.edu/regents/bylaws/#IV.3
2		Bylaws of the Board of Regents, Section I.4, General, Attendance	http://www.usg.edu/regents/bylaws/#I.4
3		Georgia General Assembly, Georgia Code Chapter List, Section 20-3-26	http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=20-3-26
4		Georgia General Assembly, Georgia Code Chapter List, Section 20-3-23	http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=20-3-23
5		Georgia General Assembly, Georgia Code Chapter List, Section 45-5-1	http://www.legis.state.ga.us/cgi-bin/gl_codes_detail.pl?code=45-5-1