

A-24

POLICY

Filling Vacancies on the Board of Governors

(1) **Filling of Board Vacancies.** In the event of a vacancy on the Board occurring for any of the reasons specified under Nebraska law, including but not limited to NEB. REV. STAT. § 32-560 and § 85-1514 as either may be amended from time to time, such vacancy shall be filled by the remaining Board members for the balance of the unexpired term. The person appointed to a vacancy must possess all qualifications required by law for the appointment including without limitation the residency requirements for appointment. Such appointment shall be made in writing and certified to the Office of the Secretary of State.

(2) **Timeline for Filling Vacancies.** As required by Nebraska law, the Board will fill a vacancy within forty-five (45) days after the vacancy occurs unless otherwise provided by law or unless good cause is shown that the forty-five-day requirement imposes an undue burden.

(3) **Calendar.** Whenever a vacancy occurs, the Executive Team shall meet as soon as may be practicable and establish a calendar schedule for the filling of the vacancy. The calendar schedule shall fix: (A) The date(s) or approximate date(s) for advertising the vacancy and solicitation of applications to fill the vacancy.

(B) The date and time by which applications for the vacancy must be submitted to the College's Area Office. Applications not received on or before the date and time so fixed will not be further considered.

(C) A date, time, and place at which the Board shall meet to select applicant Finalists to be interviewed by the Board for consideration of appointment to fill the vacancy.

(D) A date, time, and place at which the Board shall meet to interview the selected applicant Finalists and select an applicant Finalist to fill the vacancy.

(E) The date, time, and place at which the successful applicant shall be sworn in.

(4) **Qualifications and Preparation of Application Form.** Whenever a vacancy occurs, the Executive Team acting in consultation with college legal counsel shall prepare a summary of the required legal qualifications for appointment to the vacancy (including without limitation applicable residency requirements) and an application form which applicants may use to apply to fill the vacancy.

(5) **Advertising the Vacancy.** The Executive Team shall make arrangements for advertising the vacancy. The vacancy shall be advertised in the manner which the Executive Team judges to be most efficacious and efficient considering, among other things, the area encompassed within the district where the vacancy has occurred. The vacancy may be advertised through the use of legal notices published in newspapers of general circulation, newspaper advertisements, or social media advertising or some combination of the forgoing. A notice of the vacancy, the qualifications summary, and the application form shall also be published on the College's web site. All notices, however published, shall advise applicants that applications must be submitted electronically through use of the College's website.

(6) Applications Are Public Records. All application documents are public records. Any advertisements soliciting applicants shall state that, as required by NEB. REV. STAT. § 84-712, such documents shall be provided to a citizen or other person upon request.

(7) Review of Applications by College Counsel. Applications shall be furnished to college counsel for review as they are received in the College's Area Office. Upon expiration of the time established for submission of applications, counsel shall issue a written opinion directed to the Board Chair stating for each applicant that, based on information provided or public records readily available, the applicant is qualified for appointment or the reason why such applicant is not qualified for appointment.

(8) Applications Provided to All Board Members. After applications have been reviewed by college legal counsel, the Board Chair shall, as soon as practicable, provide a complete copy of each application to each member of the Board. The Chair shall, based on the opinions received from college counsel, advise Board members that an applicant is qualified for appointment or the specific reason(s) why an applicant is not qualified (such as the untimeliness of submitting the application or failure to meet residency requirements).

(9) Selection of Finalists. Finalists shall be selected by the full Board at a meeting duly called and noticed as required by law. At the meeting, Finalists shall be selected through use of the following process:

(A) The Board Chair shall publicly declare that prior to the meeting each Board member received complete copies of the applications submitted by applicants whose qualifications were confirmed by college legal counsel to meet the required legal qualifications for the appointment sought.

(B) The Board Chair will publicly state those applicants' names and residence addresses in order to acknowledge for the record those applications that the Board is further considering.

(C) If any of those applicants are present at the meeting, they may be invited to stand and state their names; but applicants will not be allowed to address the Board at this stage in the process.

(D) Qualified applicants shall be nominated from the floor.

(E) After nominations are closed, Board members will vote individually on each applicant nominated to be a Finalist. An applicant must receive the votes of a majority of the Board members present and voting in order to become a Finalist and advance to the interview stage.

(F) As soon as practicable following the meeting, each applicant will be notified by the Executive Team as to whether he or she has been selected as a Finalist.

(10) Interviews, Nominations, and Voting. A Finalist shall be selected to fill the vacancy at a meeting duly called and noticed as required by law.

(A) **Order of Interviews and Notice to Finalists.** Finalists will be individually interviewed by the Board. Prior to the meeting at which interviews are to be conducted, the order in which Finalists are to be interviewed shall be determined by the Executive Team using a random selection process. Each Finalist shall be notified prior to the meeting of the date of the meeting, the place where the meeting will be held, and the approximate time when his or her interview is to commence.

(B) **Preparation of Interview Questions.** Prior to such meeting, the Executive Team will prepare a draft list of questions to be asked of Finalists. The Executive team may in its discretion formulate questions which are designed to elicit responses from Finalists with respect to any of the following matters: reasons for applying for the vacancy; aspects of the Board's work that is

of greatest interest to the Finalist; understanding of shared governance; the balancing of interests of community members, students, and the College; the proper relationship between state aid, property tax, and tuition with respect to the financing of community college education; how the Finalist will deal with differing perspectives of other Board members during a public meeting; the skills and experience that qualify the Finalist for Board membership; prior experience on other boards; and questions on such other matters as the Executive Team determines may elicit useful information in differentiating among Finalists. The draft list of questions shall be provided to all Board members by the Board Chair. Members will be given an opportunity to suggest modifications and additions (or deletions) to the questions proposed by the Executive Team. In order to comply with the Public Meetings Act, Board members shall send their suggestions to the Board Chair only and shall not discuss their suggestions with other members of the Board. The final list of questions will be determined by the Executive Team after receiving input from other Board members.

(C) **Interview Format.** At the meeting, all Finalists will be asked the same questions. All questions will be read by the Board Chair, and Finalists will also be provided with a written copy of the questions. In order to make the process as uniform as possible for all Finalists, no follow-up questions will be permitted. The time allotted to Finalists for answering questions shall be as determined by the Executive Team in advance of the meeting.

(D) **Closing Statement.** After all questions have been asked and answered, each applicant will be given a brief period of time as determined by the Executive Team in advance of the meeting to add any additional information that the Finalist chooses.

(E) **Nominations for a Finalist to Fill Vacancy.** After interviews have been completed, the Chair will ask for nominations from the floor for a Finalist to fill the vacancy for the unexpired term. All Finalists may be, but need not be, nominated.

(F) **Discussion.** After nominations are closed, Board members will be provided with an opportunity to discuss the Finalists who have been nominated to fill the vacancy. During discussion, Board members should endeavor to focus on the positive aspects of affected Finalists. Board members are discouraged from making negative comments but not prohibited from doing so. All discussion will take place in open session unless it is determined on the basis of legal advice that some portion of the discussion regarding an applicant may be held in closed session in order to avoid needless injury to the reputation of that individual and the other statutory requirements for closed session are met. Discussion shall take place in closed session only with respect to such issues and only to such extent as are necessary to avoid needless injury to the reputation of an individual.

(G) **Voting Procedure.** All voting shall be by roll call vote and shall take place in open session. The votes of a majority of the Board members present and voting at the meeting are required to select a Finalist to fill the vacancy.

(H) **Sequential Runoff Methodology.** If, after three ballots, no nominated Finalist has received the votes of a majority the Board members present at the meeting, the Chair will entertain a motion to use a sequential run-off election methodology. If the motion passes, the candidate who thereafter receives the fewest votes will be eliminated, and the Board will vote again using the smaller collection of candidates. The process will be repeated until some nominee receives a majority vote.

(I) **Swearing In.** The successful finalist shall be sworn in at the next scheduled Board meeting following the meeting at which the vacancy has been filled.

(11) **Vacancies Upon the Ballot.** If, after a primary election, there shall be through any cause whatsoever a vacancy upon the ballot, such vacancy shall be filled by a petition candidate pursuant to NEB. REV. STAT. § 32-625 or other applicable state statute or as otherwise required by law. An incumbent shall not be permitted to hold over the term, but such office shall automatically become vacant and an appointment shall be made within one calendar month to fill such vacancy for the ensuing term. If there are vacancies in the offices of a majority of the members of the Board, there shall be a special election conducted by the Secretary of State to fill such vacancies.

(12) **Policy for Guidance Only.** This policy is for the use and guidance of the Board and the College Administration only. It does not confer any rights on any applicant for a vacancy or any other person. Any noncompliance with any of the provisions of this policy or informality in its application shall not invalidate any appointment of any person to the Board that is otherwise in compliance with the provisions of law.

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[Table Of Contents](#)

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