

Texas law provides for a Student Regent on governing boards of public higher education systems and institutions in Texas

During the 79th Regular Session (in 2005), the Texas Legislature enacted legislation to provide for a Student Regent on each governing board of a public higher education system or institution in the state. The 80th Legislature (in 2007) and the 84th Legislature (in 2015) made certain revisions to this statute.

HOW THE STUDENT REGENT PROVISIONS APPLY TO THE FIVE COMPONENT INSTITUTIONS OF THE TEXAS TECH UNIVERSITY SYSTEM:

- **Angelo State University** ("ASU")
- **Midwestern State University** ("MSU")
- **Texas Tech University** ("TTU")
- **Texas Tech University Health Sciences Center** ("TTUHSC")
- **Texas Tech University Health Sciences Center El Paso** ("TTUHSC El Paso")

APPOINTED BY:

The Governor appoints Student Regents, with one (1) Student Regent appointed to the Board of Regents ("Board") of the Texas Tech University System.

TERM OF OFFICE:

A Student Regent serves a one-year term. The Governor's appointments are to be made by or soon after June 1 each year, with the Student Regent's term expiring on May 31 of the next year.

POWERS AND DUTIES:

A Student Regent "is not a member of the board of regents of the system" ... meaning, the Student Regent is not a state official and does not have the same rights, powers, or duties of the nine 'regular' members of the Board (also appointed by the Governor).

With respect to attending and participating in all meetings of the Board ... including executive sessions (i.e., closed door meetings) of the Board ... the Texas Tech system's governing board makes sure the Student Regent has the same rights as the other members of the Board.

However, the Student Regent may not vote on any matter before the Board or make or second any motion before the Board. As a non-voting participant in Board meetings, the Student Regent also is not counted for purposes of determining whether a quorum exists or whether a matter put to a vote of the Board has a sufficient number of votes for approval.

As do all Texas public higher education governing board appointees, a Student Regent serves without compensation but, subject to the approval of the Chairman of the Board, the Student Regent may be reimbursed for actual expenses incurred in attending Board meetings.

ELIGIBILITY CRITERIA FOR STUDENT REGENTS:

- **At the time of appointment and throughout the Student Regent's term of office**, the Student Regent must be **enrolled** as an **undergraduate or graduate student** at ASU, MSU, TTU, TTUHSC, or TTUHSC El Paso and **be in good academic standing**.
- While serving as a Student Regent, the student must **remain enrolled** at his or her institution **throughout the student's term as a Student Regent**.

For example, a student who is appointed as a Student Regent on June 1 ... graduates the following December ... and is not enrolled in another degree program at that same institution for the following spring semester ... may not continue to serve as a Student Regent after graduation.

- While serving as a Student Regent, the Student Regent must **maintain an overall GPA of at least 2.50**. The President of the Student Regent's institution must notify the Governor if the Student Regent's cumulative GPA falls below 2.50. Upon such notification by the President, the Governor must declare the position of Student Regent to be vacant. (*see below for "When a Vacancy Occurs"*)

APPLICATION AND SELECTION PROCESS:

Per the Student Regent statute for university systems (Sec. 51.355, *Texas Education Code*), **the institution at which the current Student Regent is enrolled may not submit applications for the appointment of the next Student Regent**. For example, in the Texas Tech system, if the current student-regent is a student at TTU, the next set of Student Regent applications may come only from students at ASU, MSU, TTUHSC and TTUHSC El Paso.

An institution is not guaranteed of having one of its students be the Student Regent at least once during any specific period of time (i.e., there is no automatic rotation among the institutions of the system), as the choice of which student to appoint is solely up to the Governor.

On or before **November 1**, the student government association (SGA) of an institution that is eligible to submit applications must begin soliciting applicants for the position of Student Regent.

A uniform application form developed by the Chancellor must be used by the SGAs in soliciting applicants.

Note: The Governor's Office issued a "request" that the Student Regent applications be the same as or modeled after the Governor's standard appointment application form. In turn, the Chancellor of the Texas Tech system endorsed a uniform application developed jointly by the SGAs of the Texas Tech system's component institutions.

By **January 1**, each SGA eligible to participate that year must select five (5) applicants from the applications received. Those five applications are to be forwarded to the Chancellor as the SGA's recommendations for the position of Student Regent. (With four of the five institutions in the Texas Tech System eligible to participate in the application process each year, up to a total of 20 applicants may be submitted to the Texas Tech System Chancellor each year.)

From the applications submitted by the SGAs, the Chancellor must select two or more applications as the Texas Tech University System's recommendations for a Student Regent ... and forward those applications to the Governor on or before **February 1**. (*Note: A minimum of two applications must be forwarded to the Governor, but the Chancellor may choose to forward more than two.*)

The Governor is not required to appoint one of the applicants recommended by an institution's SGA or by the Chancellor. * BUT ... the Governor may not appoint a student who did not submit an application to the student's SGA.

** Based on this provision in Sec. 51.355, a previous Governor (in 2010) took the position that a student may submit a Student Regent application directly to the Governor. With the 2015 addition of the requirement that the Governor may only appoint applicants who apply through their SGA, a student who applied to their SGA but was not recommended by the SGA or Chancellor could forward a copy of their application to the Governor.*

During the Governor's consideration of Student Regent applications, the Governor may:

- request to review all applications received by the SGAs; and/or
- ask an applicant to submit additional information to the Governor.

By **June 1** "or as soon thereafter as practicable," the Governor shall appoint one of the applicants to serve as the Student Regent for the Texas Tech system for the coming year.

As with the 'regular' members of the Board, once appointed by the Governor, the Student Regent appointee must take the oath of office before the appointee may begin officially serving as a Student Regent. However, unlike the 'regular' members of the Board, a Student Regent is not subject to the requirements of confirmation by the Texas Senate or the filing of personal financial statements with the Texas Ethics Commission.

TIMELINE OF APPLICATION AND APPOINTMENT PROCESS:

- November 1 Eligible SGAs begin soliciting Student Regent applicants using the uniform application.
- January 1 Participating SGAs each submit five recommended applications to the Chancellor.
- February 1 Chancellor forwards at least two Student Regent applications to the Governor.
- June 1 Governor is to make the appointment of a Student Regent by this date or as soon thereafter as practicable.
- *on appointment* Student Regent must take the oath of office to officially take his or her place on the Board of Regents.

WHEN A VACANCY OCCURS:

Vacancies in the position of the Student Regent must be filled by "appointment by the governor in consultation with the chancellor of the system."

The Governor's appointee then would fill the unexpired term of the Student Regent who vacated the position. For example, if the Student Regent were to vacate his or her position on January 15, 2015, the replacement would serve only through May 31, 2015 – the remaining term of that appointment.

Immediately following are the provisions from the *Texas Education Code* regarding the position of Student Regent for the governing boards of public university systems.¹ The following statute includes amendments enacted by the Legislature during the 2007 and 2009 regular sessions.

¹ *Note that a different section of the Education Code applies to governing boards for single institutions (i.e. institutions that are not a component of a university system).*

Sec. 51.355. NONVOTING STUDENT REGENT; UNIVERSITY SYSTEM BOARD OF REGENTS.

(a) In this section, "student government" means the representative student organization directly elected by the student body of a general academic teaching institution or medical and dental unit.

(b) The chancellor of each university system shall develop a uniform application form to be used by each general academic teaching institution and medical and dental unit in the university system to solicit applicants for the position of student regent.

(c) Except as provided by Subsection (f), not later than November 1 of each year, the student government of each general academic teaching institution and medical and dental unit in a university system shall solicit applicants for appointment to the next regular term of the position of student regent. Not later than January 1, from among the applications received by the student government, the student government shall select five applicants as the student government's recommendations for the position of student regent and send the applications of those applicants to the chancellor of the university system. From among those applicants, the chancellor shall select two or more applicants as the university system's recommendations for the position of student regent and shall send the applications of those applicants to the governor not later than February 1. The governor may request to review all applications for the position of student regent received by the student governments and may request an applicant to submit additional information to the governor. On June 1, or as soon thereafter as practicable, the governor shall appoint one of the applicants to serve as the student

regent for the system for a one-year term expiring on the next May 31. The governor is not required to appoint an applicant recommended by the chancellor, but may not appoint a student regent who did not submit an application to the student government of a general academic teaching institution or medical and dental unit in the system as described by this subsection.

(d) To be eligible for appointment as student regent, a person must be enrolled as an undergraduate or graduate student in a general academic teaching institution or medical and dental unit in the university system and be in good academic standing as determined by the institution at the time of appointment. The person must remain enrolled at the institution throughout the person's term as a student regent. For purposes of this subsection, a person is considered to be enrolled in an institution or unit for a summer term if the person was enrolled in the institution or unit for the preceding semester and:

(1) is registered or preregistered at the institution or unit for the following fall semester;

(2) if the person has not completed the person's degree program, is eligible to continue the degree program at the institution or unit in the following fall semester; or

(3) if the person completed a degree program in the preceding semester, is admitted to another degree program at the institution or unit for the following fall semester.

(d-1) Throughout a student regent's term, the student regent must maintain a grade point average of at least 2.5 on a four-point scale. The president of the institution in which the student regent is enrolled shall notify the governor if the student regent fails to maintain the qualifications required by this section.

(e) A student regent is not a member of the board of regents of the system for which the student regent is appointed. A student regent has the same powers and duties as the members of the board of regents of the system, including the right to attend and participate in meetings of the board of regents, except that the student regent:

(1) may not vote on any matter before the board or make or second any motion before the board; and

(2) is not counted in determining whether a quorum exists for a meeting of the board or in determining the outcome of any vote of the board.

(f) The student government of the general academic teaching institution or medical and dental unit at which a current student regent was enrolled at the time of the student regent's appointment may not solicit applicants for the position of student regent for the next regular term of the position.

(g) A vacancy in the position of student regent for a university system shall be filled for the unexpired term by appointment by the governor in consultation with the chancellor of the system.

(h) On receiving notice under Subsection (d-1) from the president of the institution in which the student regent is enrolled that the student regent has failed to maintain the qualifications required by this section, the governor shall declare the position of student regent vacant and as soon as practicable fill the vacancy in the manner prescribed by Subsection (g).

(i) A student regent serves without compensation but is entitled to the reimbursed for the actual expenses incurred by the student regent in attending the meetings of the board of regents, subject to the approval of the chairman of the board of regents.