

**3.2.5** The governing board has a policy whereby members can be dismissed only for appropriate reasons and by a fair process. **(Board dismissal)**

**Compliance Status:** Compliance

As an agency of the State of Georgia, the Board of Regents of the USG is governed by the *Official Code of Georgia Annotated*. [Article VIII, Section IV, Paragraph 1\(f\)](#) of the *Constitution of the State of Georgia* demonstrates this point by declaring that the “qualifications, compensation, and removal from office of the members of the Board of Regents shall be as provided by law.”

*Official Code of Georgia Annotated*, [Section 20-3-23](#) provides that

*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 in Article VIII, Section IV, Paragraph 1, of the Constitution of the State of Georgia.*

Under [Article VIII, Section IV, Paragraph 1\(a\)](#) of the *Constitution of the State of Georgia*, such vacancies are filled by the Governor, and the person so appointed “shall serve until confirmed by the Senate and, upon confirmation, shall serve for the unexpired term of office.” This process is reiterated in the [Article I, Section III](#) of the *Bylaws of the Board of Regents*.

Additionally, *Official Code of Georgia Annotated*, [Section 45-5-1](#) speaks explicitly to the issue of vacancies in offices in the state:

- (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 of 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 given 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 days' 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.*

Finally, *Official Code of Georgia Annotated*, [Section 20-3-26](#) specifies failure to attend meetings as grounds for dismissal from Board membership:

*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 he 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 chairman, or, if the chairman for any cause cannot act, from the vice-chairman of the board, his office shall be declared vacant by the board. The secretary shall in either event notify the Governor of a vacancy on the board, and the Governor shall fill the vacancy as provided by this part.*

What is clear from the above is that Georgia state law and the *Constitution of the State of Georgia* clearly provide for dismissal of governing board members only for specified causes and with provisions for due process.

**Supporting Documentation**

[\*Constitution of the State of Georgia, Article VIII, Section IV, Paragraph 1\*](#)

[\*Official Code of Georgia Annotated, Section 20-3-23\*](#)

[\*USG Board of Regents Bylaws, Article I, Section III\*](#)

[\*Official Code of Georgia Annotated, Section 45-5-1\*](#)

[\*Official Code of Georgia Annotated, Section 20-3-26\*](#)