

Board of Visitors - Bylaws



ARTICLE I: AUTHORITY AND PURPOSE

The United States Air Force Academy Board of Visitors (the Board) is governed by Title 10, U.S. Code, § 9355, Board of Visitors. It is an oversight board in the executive branch of the government established to inquire into the morale, discipline, social climate, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

Unlike a corporate board of directors, this Board cannot be directive in its oversight role. The Board is an advisory board charged with providing independent advice and recommendations on matters relating to the U.S. Air Force Academy. The Board shall be responsible for advising the Superintendent (and, in turn, the Chief of Staff, the Secretary of the Air Force and the Secretary of Defense) by making recommendations on significant matters relating to the Academy.

The Board may request, without restriction, information, facts, and briefings in support of its role to oversee operations of the Air Force Academy.

The Secretary of the Air Force and the Superintendent of the Academy shall provide the Board candid and complete disclosure, consistent with applicable laws concerning disclosure of information, with respect to institutional problems.

ARTICLE II: RULES OF CONSTRUCTION

Nothing in these bylaws shall be construed to supersede the provisions of the public laws of the United States, the Board Charter, or any Air Force or Department of Defense regulation, directive, or instruction. Nothing in these bylaws shall be construed to create liability in any Board member for any action taken by the Board or the Air Force Academy.

ARTICLE III: MEMBERSHIP

Section 1 - Board of Visitors: By law, the Board of Visitors of the United States Air Force Academy is constituted annually and consists of: Six persons designated by the President. At least two of these members shall be graduates of the Academy.

The chairman of the Committee on Armed Services of the House of Representatives, or his designee.

Four persons designated by the Speaker of the House of Representatives, three of whom shall be members of the House of Representatives and the fourth of whom may not be a member of the House of Representatives.

The chairman of the Committee on Armed Services of the Senate, or his designee.

Three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate.

Upon announcement of a Board member's replacement, the DFO will notify the Chair of the membership change. The Board Chair will make proper notification to the member that his/her replacement has been appointed.

Section 2 - Term of Service: By law, the persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is designated. The President shall designate persons each year to succeed the members designated by the President whose terms expire that year. If a member of the Board dies or resigns or is terminated as a member of the board, a successor shall be designated for the unexpired portion of the term by the official who designated the member.

Section 3 - Service Expectation: The Board is a working board and its members are expected to attend all meetings and to participate in the activities of the Board. Board members have the duty to make constructive recommendations to ensure the mission of the Academy is appropriately met. If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved, for good cause, by the Board Chair, such failure shall be grounds for termination from membership on the Board. A person designated for membership on the Board shall be provided notice of the provisions of this paragraph at the time of such appointment.

When a member of the Board is subject to termination from membership on the Board, the Board Chair shall notify the official who designated the member. Upon receipt of such a notification with respect to a member of the Board who is a member of Congress, the official who designated the member shall take such action as that official considers appropriate. In the case of a member of the Board who is not a member of Congress, termination of membership may be made by the Board Chair.

Section 4 - Officers: The officers of the Board are the Chair and the Vice Chair, who shall be elected annually by the Board.

The Chair and Vice Chair shall serve for a period of one year commencing with the beginning of the following calendar year and until their re-election or the election of their successors.

The Vice Chair shall preside at the meeting in the absence of the Chair, or if the Chair resigns or is unable to perform the functions of the office because of illness or death.

Section 5 - Subcommittees: The SecAF may, when necessary and consistent with the Board's mission and DoD policies and procedures, create subcommittees of the parent committee (the Board). In order to assist the SecAF, the Board Chair may recommend the establishment of subcommittees and their membership, size, focus, and duration to the SecAF through the DFO. Subcommittees may be used to conduct research or gather information for the use of the entire board. As is consistent with the Federal Advisory Committee Act (FACA) and applicable DoD

policies, subcommittee meetings will not be open to the public, but each Subcommittee Chair shall outbrief the Board during an open session to summarize the subcommittee's work. No individual Board member or subcommittee shall take official action for the Board unless authorized to do so. Subcommittees shall be responsible for reviewing and making recommendations to the full board on subjects the board shall designate. Each subcommittee will be assigned a USAFA subject matter expert as a point of contact to assist with collection of any necessary information.

Section 6 - Designated Federal Officer: The Deputy Assistant Secretary of the Air Force for Force Management Integration (SAF/MRM) shall serve as the Designated Federal Officer required by section 10 (e), of the FACA (5 U.S.C. Appendix, 10(e)), and shall have the duties and responsibilities imposed by sections 10 (e) and (f), FACA (5 U.S.C. Appendix, 10 (e) and (f)). As part of those duties, SAF/MRM shall attend all meetings of the Board and may exercise the authority to adjourn any meeting of the Board, if determined to be in the public interest. As the DFO, SAF/MRM is also responsible for approving any meeting of the USAFA BoV, to include its agenda. The SAF/MRM Assistant Deputy for Officer Accessions and Programs will serve as the alternate DFO. Additional alternate DFOs will be appointed, as required by DoD policy, to attend subcommittee meetings.

Section 7 - Executive Secretary: The Executive Secretary shall be appointed by the Deputy Chief of Staff, Manpower & Personnel (AF/A1). The Executive Secretary shall abide by the provisions set forth in the Federal Advisory Committee Act to include ensuring timely notice of each meeting is published in the Federal Register; and shall ensure, subject to Section 522, Title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by the Board of Visitors are made available for public inspection and copying at a single location. Additionally, the Executive Secretary shall: Prepare detailed minutes of each meeting of the USAFA BoV, to include a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and inclusion of any subcommittee updates/reports.

Will assist chairs of any BoV subcommittee with any necessary information and administrative support.

Maintain the BoV bylaws.

ARTICLE IV: MEETINGS

Section 1 - Designated Board Meeting Dates: The Board should meet at least four times a year, with at least two of those meetings at the Academy. Other than for those meetings required to convene at USAFA, meetings of the Board may be conducted in whole or in part through electronic means. The Board or its members may make other visits to the Academy in connection with the duties of the Board. Board meetings should last at least one full day. Board members shall have access to the Academy grounds and the cadets, faculty, staff, and other personnel of the Academy for the purposes of the duties of the Board.

Section 2 - Notice of Meetings of the Board of Visitors: Notice of the scheduled or special meetings of the Board shall be published in the Federal Register in accordance with the FACA (5 U.S.C. App, 10 (a) (2)). The notice shall be published at least 15 calendar days before the date of the meeting, except that a shorter period may be authorized in an emergency situation, with the prior approval of the Department of Defense Committee Management Officer (Para E3.12.9, DoDI 5105.04). The notice shall state the time, place, and purpose of the meeting and set forth a summary of the agenda. The notice shall also state whether the meeting will be open to the public.

All meetings of the Board shall be open to the public. In those instances where the Chair recommends certain sessions (e.g., sessions involving personal information protected by the Privacy Act of 1974) of a scheduled meeting, or the entire meeting, should be closed to the public in accordance with provisions of Section 552b(c), Title 5, United States Code, the Chair will notify the Executive Secretary. The Executive Secretary will staff the request for a closed session through the General Counsel for approval by the CMO (SAF/AA).

Section 3 - Agenda: Prior to each meeting, the Executive Secretary shall prepare a draft meeting agenda after consultation with the Board Chair, the Superintendent of the Air Force Academy, the DFO, and others as deemed appropriate. The DFO will have final approval of meeting agendas. Agenda topics for convened meetings will include: Review of the United States Air Force Academy strategic plans, objectives, and performance metrics.

Review and assess goals, objectives, initiatives and performance.

Update milestones and accomplishments from independent audits that have received leadership attention.

Those matters deferred from previous Board meetings for consideration at the next scheduled meeting.

Those matters proposed for discussion by the Academy or the Department of the Air Force that are agreed to by the Board Chair.

Those matters proposed for discussion by Board members, provided the Board Chair agrees to them and the Executive Secretary has reasonable time to coordinate Academy and Department of the Air Force views on the proposed matters.

The following agenda items will be discussed on an as needed basis: Initiatives that incur significant costs to the Federal Government but where the benefits are not readily linked with established Academy strategic goals, objectives, or performance metrics.

Initiatives connected to broad cultural change that will take concerted effort from Academy and AF leadership.

At the conclusion of each Board meeting, the members shall be apprised of tentative dates and locations for subsequent Board meetings.

Any member of the Board may make special visits to the United States Air Force Academy, in addition to those described herein, in connection with the duties of the Board or to consult with the Superintendent.

Section 4 - Quorum: No business may be transacted at a meeting of the Board unless a quorum of six members is present. Participation in a Board meeting through electronic means suffices for attendance for the purpose of obtaining a quorum. In other words, regardless of the forum (a face-to-face meeting, an electronic-based meeting, or a combination of both), at least six members must participate for business to be transacted.

Section 5 - Parliamentary Procedure: Except as provided herein or through decisions of the Board, Robert's Rules of Order shall apply in all proceedings and discussions of the Board of Visitors and its subcommittees. All questions shall be decided by a majority vote of the members present (in person or by electronic means). Each member shall have one vote. Voting may be done by mail ballot or by telephone call, electronic mail, or other means designated by the Board, the Chair, or subcommittee chairmen.

Section 6 - Participation of Congressional Staffers: Congressional Members may have a staffer from their office attend open sessions of BoV meetings and Subcommittee meetings. The Staffers are allowed to sit at the table below BoV Members (space permitting) and may share their Congressional Members' inputs to discussions. In accordance with FACA guidance, they will not attend closed sessions. Staffers do not count as part of a quorum and they may not vote on their Members' behalf (see Section 8--Proxy Voting below). Staffers' travel costs are not covered by the Air Force.

Section 7 - Participation of the Public: Members of the public attending open meetings and briefings of the Board may, upon approval by the Chair, be allowed to present questions from the floor or speak to an issue under discussion by the Board. Any member of the public shall also be permitted to file a written statement with the Board. Written statements must address the following: the issue, discussion, and a recommended course of action. The proposed statement will be submitted to the DFO. However, if a written statement is not received at least 10 days before the first day of the scheduled meeting then it may not be provided to, or considered by, the BoV until its next open meeting. The DFO will review all timely submissions with the BoV Chair and ensure they are provided to members of the BoV before the meeting that is the subject of the proposed written statement. If, after review of timely submitted written comments, the BoV Chair and DFO deem appropriate, they may choose to invite the submitter of the written comments to orally present their issue during an open portion of the BoV meeting subject to the submitter's request. The DFO and BoV Chair may, if desired, allot a specific amount of time for members of the public to present their issue for BoV review and discussion. Direct questioning of BoV members or meeting participants by the public is not permitted except with the approval of the DFO and Chair.

Section 8 - Proxy Voting: Proxy voting is not allowed. A letter from an absent member presenting a position on a particular matter under consideration by the Board shall not constitute

a vote on the matter, but the letter may be read to the Board by the Chair and shall be appended to the Minutes of the Board.

Section 9 - Special Meetings: The Chair may propose a special Board meeting for good cause or upon written request of at least a majority of the Board members.

Section 10 - Minutes of the Board of Visitors: Detailed minutes of any meeting held by the Board shall be kept by the Executive Secretary and shall contain a record of persons present, a complete and accurate description of matters discussed and conclusions reached, if any, and copies of all reports received, issued, or approved by the Board. The statement of members will appear only in summation form, except any member may exercise the right to have views incorporated verbatim in the minutes. Minutes shall be compiled by the Executive Secretary and certified by the Chair of the Board. Subject to 5 U.S.C. Section 552, the records, reports, transcripts, minutes and other documents pertaining to the Board's activity will be available for public inspection in the office of the Executive Secretary.

Section 11 - Reports: The Board shall prepare a semiannual report containing its views and recommendations pertaining to the Academy, based on its meetings since the last such report and any other considerations it determines relevant. Each such report shall be submitted concurrently to the Secretary of Defense, through the Secretary of the Air Force, and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. The Chair shall be responsible for the preparation of the reports and the members of the Board of Visitors should approve the reports by a majority vote.

The Secretary and Chief of Staff of the Air Force, as well as the Superintendent of the Academy, will receive a copy of the approved reports.

ARTICLE V: GENERAL

Section 1 - United States Air Force Academy: The United States Air Force Academy, without restriction, will provide to the Board information, briefings, and facts in preparation for meetings in support of its role to oversee operations of the United States Air Force Academy, and will provide Board members access to the Academy grounds and cadets, to include attending classes and meeting with cadets informally and privately. Also, the Superintendent of the Air Force Academy will ensure BoV members receive candid and complete disclosure of all institutional problems, to include cadet and faculty surveys, and any information related to the culture and climate of the Academy.

Section 2 - United States Air Force: The Air Force, as an executive branch department, is responsible for implementing policies, law, regulations, and statutes concerned with the Academy, as well as achieving the desired outcomes. This is done through the chain of command that proceeds from the Secretary of the Air Force to the Chief of Staff of the Air Force, and then to the Superintendent of the Air Force Academy.

Section 3 - Amendments of Changes to the Bylaws of the Board of Visitors: The bylaws will be reviewed annually. Amendments or changes to the bylaws of the Board of Visitors may be suggested to the Board Chair, in writing, by any member as an Agenda item at a scheduled

Board meeting not less than 30 days prior to the meeting. The assent of at least two-thirds of the members of the Board is necessary to amend or change these bylaws.

Section 4 - Reimbursement: While performing duties as a member of the Board, each member of the Board and each adviser shall be reimbursed under Government travel regulations for travel expenses.