

**G-1. SECTION 266 OF THE CONSTITUTION OF ALABAMA OF 1901\***

- (a) Auburn University shall be under the management and control of a board of trustees. The board of trustees shall consist of one member from each of the congressional districts in the state as the same were constituted on the first day of January, 1961, one member from Lee County, three at-large members who shall be residents of the continental United States, two additional at-large members who shall be residents of the continental United States and who shall enhance the diversity of the board of trustees by reflecting the racial, gender, and economic diversity of the state, and the Governor, who shall be ex officio president of the board.
- (b) The trustees from each congressional district, from Lee County, and all at-large trustees, including the two additional at-large members who shall enhance the diversity of the board, shall be appointed by the appointing committee created herein, by and with the advice and consent of the Senate. The appointment of members to fill a vacated position with a partially expired term of office shall also be made by the appointing committee as provided herein.
- (c) A board of trustees appointing committee is established composed of the following members:
  - (1) The President Pro Tem of the Board of Trustees of Auburn University or the designee of the President Pro Tem. The designee shall be a member of the Board of Trustees of Auburn University.
  - (2) A member of the Board of Trustees of Auburn University selected by the board of trustees.
  - (3) Two members of the Auburn Alumni Association Board of Directors, who are not current employees of Auburn University, selected by the Auburn Alumni Association Board of Directors.
  - (4) The Governor or a designee of the Governor who is an alumnus of Auburn University but who is not a current member of the Auburn Board of Trustees nor a current member of the Auburn Alumni Association Board of Directors nor a current employee of Auburn University.
- (d) The Governor, or the designee of the Governor, shall serve as chairperson of the appointing committee. If the chairperson fails to call a meeting within 90 days prior to the expiration of the term of a sitting board member or within 30 days following the creation of a vacancy by death, resignation, or other cause, a majority of the committee, in writing, may call a meeting giving at least 10 days notice. In the absence of the chairperson or another member designated by the chairperson to preside, the majority of the committee shall choose its own chairperson.
- (e) When appropriate, the appointing committee shall meet to address the appointment of any of the following:
  - (1) Persons to fill an expired or soon-to-be expired term of office of any member of the Board of Trustees of Auburn University, including the five at-large positions.

- (2) Persons to fill the remainder of a partially expired term of office of any position on the Board of Trustees of Auburn University which has been vacated by reason of death, resignation, or other cause, including the five at-large positions.
- (f) The appointing committee, by majority vote, shall appoint an individual to fill the respective position on the board of trustees. The committee shall ensure that appointments are solicited from all constituencies, are inclusive, and reflect the racial, gender, and economic diversity of the state. A person may not be appointed to the Board of Trustees of Auburn University while serving on the appointing committee.
- (g) A trustee shall hold office for a term of seven years, and may serve no more than two full seven-year terms of office. Appointment and service for a portion of an unexpired term shall not be considered in applying the two-term limit.
- (h) For purposes of ensuring that transitions in board membership occur in a stable manner, if the secretary of the board determines that, as of January 1 of any calendar year, four or more members of the board hold seats the terms for which will expire during that calendar year, then the secretary shall provide written notice to the board of such fact and the term of the trustees whose term would otherwise expire during that subject year shall be adjusted in the following manner: The trustee who was first confirmed to a term expiring in the subject year shall have his or her term extended to the same month and day in the first subsequent year in which there are less than three trustees with terms expiring; if, after making this initial adjustment, there are still four or more trustees with terms expiring during the subject year, then the term of the next trustee or trustees whose terms are to expire during the subject year shall be adjusted, in order of their original confirmation to the term, to expire on the same month and day as their original term but in the next subsequent year or years in which there are less than three trustees with terms expiring that year; term adjustments to the next subsequent year or years in which there are less than three trustees with terms expiring shall occur regardless of whether the expiration is due to an original expiration date or due to an expiration date adjusted under this subsection, but in no case shall the term of more than three trustees expire during the same calendar year; and in making adjustments, the terms of the final three trustees with terms expiring during the subject year shall expire on the originally established dates. For purposes of this subsection, if two or more trustees were confirmed on the same date, then the order of expiration [of] the terms of those trustees shall be determined alphabetically by last name.
- (i) Each member of the board of trustees as constituted on December 13, 2000, may serve the remainder of his or her current term and shall be eligible, if otherwise qualified, to serve for no more than two additional seven-year terms.
- (j) ~~No person shall be appointed as a member of the board of trustees after having reached 70 years of age.~~ [Repealed by Amendment 925 to the Alabama Constitution, approved November 8, 2016]
- (k) One more than half of the members of the board shall constitute a quorum, but a smaller number may adjourn from day to day until a quorum is present.
- (l) A term shall begin only upon confirmation by the Senate. A member may continue to serve until a successor is confirmed, but in no case for more than one year after completion of a term.

- (m) No trustee shall receive any pay or emolument other than his or her actual expenses incurred in the discharge of duties as such.
- (n) No employee of Auburn University shall be eligible to serve as a member of the board of trustees.
- (o) (1) The appointing committee shall submit the name of the persons selected for appointment to the Secretary of the Senate, who shall inform the Senate of the receipt of such submission. If the Senate is in regular session at that time, the submission shall be made by the conclusion of the next legislative day following the appointment. If the Senate is not in regular session at the time of appointment, the submission shall be made before the commencement of the next regular session.
- (2) If the entire Senate, by a majority vote, confirms the submission, the appointee shall immediately assume office. An appointee may not begin service prior to Senate confirmation.
- (3) If the submission is not confirmed by the entire Senate by a majority vote by the conclusion of the legislative session, the submission shall be considered rejected.
- (4) A submission to the Senate may be withdrawn at any time by the appointing committee in regard to appointments made by the committee.
- (5) Upon the rejection of a submission or the withdrawal of a submission, the appointment and confirmation process specified in this amendment shall commence anew.
- (p) The same name may be submitted to the Senate for the same position on the board more than one time.
- (q) Upon the expiration of a term of office, a member of the board of trustees shall continue to serve until a successor is appointed pursuant to this amendment, is confirmed by the entire Senate by majority vote, and assumes office. If a successor is not confirmed by the conclusion of the regular session in which one or more names for the position were initially submitted, the former holder of the position may continue to serve until a successor is appointed and confirmed, but in no case shall this continuation be longer than one year after completion of the term of office.
- (r) If any position on the board of trustees becomes vacant during a term of office by reason of death, resignation, or other cause, a person shall be appointed by the appointing committee to fill the remainder of the unexpired term of office pursuant to the procedure provided for other appointments made by the appointing committee. The position shall be considered vacant until a person is confirmed by a majority vote of the entire Senate.

**\*Credits:**

- Original Section 266 repealed by Amendment 161; current Section 266 derived from Amendment 161, as amended by Amendment 670 and Amendment 906.
- The above provisions are current with amendments to the Alabama Constitution as adopted through November 24, 2020.