

## **R143, Succession Plan for Commissioner of Higher Education<sup>1</sup>**

**R143.1. Purpose:** The purpose of this policy is to establish procedures necessary to ensure stability, continuity, and accountability of the Board of Regents and the Office of the Commissioner of Higher Education in the event the Commissioner of Higher Education becomes unable to lead due to a sudden and unexpected change in circumstances (e.g., illness, emergency, disability, death) or due to planned retirement. This policy is intended to provide a clear plan for delegation of management authority so that operations of the Regents and Utah System of Higher Education (USHE) continue in an efficient, legally responsible manner during the period of time in which the Commissioner is unable to perform the duties of chief executive officer to the Board.

### **R143-2. References**

- 2.1.** Utah Code Ann. § 53B-1-105, Appointment of Commissioner of Higher Education – Qualifications – Duties
- 2.2.** Utah Code Ann. § 53B-2-102, Board to Appoint President of Each Institution
- 2.3.** Policy and Procedure R120, Bylaws of the State Board of Regents Policy and Procedure R141, Functions of the Commissioner of Higher Education
- 2.4.** Policy and Procedures R205, Presidential Appointment, Term of Office, and Compensation and Benefits
- 2.5.** Policy and Procedures R209, Evaluation of Chief Executive Officers

### **R143-3. Policy**

**3.1.** The Board of Regents is responsible for the effective management of the USHE and its member institutions. Specific responsibilities are delegated to the Commissioner of Higher Education, as the Board's chief executive officer. Therefore, the Board will address any interruption, planned or unplanned, temporary or permanent, of the Commissioner's responsibilities according to the following succession procedures.

**3.2.** This policy will be reviewed annually at the time of the Commissioner's Research and Review Team report or formal evaluation report. An acting CEO will be identified at that time.

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<sup>1</sup> Adopted December 8, 2006; amended May 18, 2012 and March 29, 2013.

#### **R143-4. Delegation of Authority During Unplanned and Temporary Absence of the Commissioner**

**4.1.** In the event the Commissioner becomes temporarily incapable of leading due to a weather emergency, illness, short-term disability, travel delay, civil unrest, terrorist threat, or other unexpected circumstance, the Associate Commissioner designated by the Commissioner shall be appointed Acting CEO of the USHE, and authorized to act on behalf of the Commissioner and the Board as may be necessary. The Acting CEO shall have the authority to take all actions necessary to ensure that the USHE continues to operate without disruption, and that all organizational responsibilities normally assigned to the Commissioner are adequately executed, including but not limited to loan and lease approval; completion and filing of reports; fulfillment of contracts; communication with the press and political leaders; supervision of employees within the Office of the Commissioner of Higher Education; direction of regular meetings of the Board, as well as meetings of Board committees, including the Executive Committee; and implementing other actions as assigned by the State Board of Regents.

**4.2.** If the Acting CEO is for some reason unavailable, the designation of Acting CEO will be made by the Regents from the following list:

**4.2.1.** Associate Commissioner for Planning, Finance & Facilities

**4.2.2.** Associate Commissioner for Academic & Student Affairs

#### **R143-5. Delegation of Authority During Unplanned, Extended Absence of Commissioner**

**5.1.** In the event of the death, extended absence, termination, or unplanned resignation of the Commissioner, the Acting CEO designated by the Commissioner shall serve as Acting Commissioner until the Board of Regents determines otherwise. If the designated Acting CEO is for any reason unavailable or indisposed, the position of Acting Commissioner will be filled according to the list above, pending action to the contrary of the Board of Regents.

**5.2.** Within 15 business days after the occurrence of the Commissioner's absence, the Executive Committee of the Board shall meet and determine whether a permanent change in leadership is required, and if so, shall establish an executive transition committee, which shall minimally be comprised of the Board Chair and Vice Chair. The executive transition committee shall have the responsibility to implement the following transition plan:

**5.2.1.** Communicate with the Governor, the Board of Regents, USHE employees, and other key stakeholders regarding actions taken by the Board in naming an

interim successor, establishing an executive transition committee, and implementing this succession policy.

- 5.2.2.** Consider the need for a search consultant or search firm, based on the circumstances of the transition.
- 5.2.3.** Review the Board's strategic plan and conduct an assessment of the USHE's strengths, weaknesses, challenges, and opportunities in order to identify priorities that need to be addressed during the transition period, and to identify attributes and characteristics that are important to consider in the selection of the next permanent Commissioner.
- 5.2.4.** Establish a time frame and plan for the recruitment and selection process.
- 5.2.5.** Refer to and follow the procedures outlined in R205 in appointing a permanent successor.

#### **R143-6. Planned Transition When the Commissioner Is Retiring or Providing Extended Notice**

- 6.1.** Planning for the Commissioner's succession should be discussed between the Commissioner and the Board Chair as early as possible, preferably at least one year before the effective date.
- 6.2.** Upon learning of the Commissioner's intended retirement, the Executive Committee of the Board shall meet and establish an executive transition committee, which shall minimally be comprised of the Board Chair and Vice Chair. The duties of the executive transition committee shall include:
  - 6.2.1.** Discuss with the Commissioner his/her plans and develop a transition plan and schedule.
  - 6.2.2.** Discuss the possible future role of the Commissioner within the USHE. If the Commissioner is to have a role in USHE after retirement, that role should be clearly defined so as to not interfere with the next permanent Commissioner's responsibilities.
  - 6.2.3.** Ensure communication by the Board Chair and the Commissioner of the planned change in leadership to the Governor, the Board of Regents, USHE employees and institutions, the public, and key stakeholders.

- 6.2.4.** Assess the need to conduct a search for the next permanent Commissioner in consultation with the Governor. If it is determined there is a need to conduct a search, recommend to the Board such action be taken and if a search consultant or firm should be employed to enrich the candidate pool. Searches are to be conducted in accordance with the procedures outlined in Regents' Policy R205.
- 6.2.5.** Identify the characteristics that will be critical to the success of the next permanent Commissioner. In developing the criteria, the Committee will seek the input of the Governor, Regents, the Commissioner, USHE employees, institutional presidents, institutional trustees, and other important stakeholders.
- 6.2.6.** During the period of a search, the Board and Office of the Commissioner of Higher Education shall be managed in accordance with the emergency/temporary procedures set forth above.