R853, Transition and Retirement Provisions for Chief Executive Officers[1]

R953-1 Purpose: To provide for the orderly transition from executive positions or for the retirement of the Chief Executive Officers of the Board of Higher Education.[2]

R853-2 References

2.1 Utah Code § 53H-1-203, Establishment of Board - Powers, Duties, and Authority

2.2 Utah Code § 53H-1-302, Appointment of Commissioner of Higher Education – Qualifications – Associate Commissioners – Duties – Office

2.3 Board Policy R141, Responsibilities of the Commissioner of Higher Education

2.4 Board Policy R143, Succession Plan for Commissioner of Higher Education

2.5 Board Policy R205, Presidential Appointment, Compensation, and Benefits

2.6 Board Policy R209, Evaluation of Presidents

2.7 Board Policy R851, Guidelines for Retirement Programs

2.8 Board Policy R854, Regents Professorships

R853-3 Definitions

3.1 Chief Executive Officers: The "Chief Executive Officers" of the Board of Higher Education consist of the Commissioner and the Presidents of member institutions of the Utah System of Higher Education.

R853-4 Policy

4.1 Term of Office: Chief Executive Officers are, under law, appointed by and "serve at the pleasure of the Board at such salary as it may determine and fix." The length of time that a Chief Executive Officer shall be asked to serve will vary both with the individual and with the unique circumstances at a given institution. The Board's decision on retention of a Chief Executive Officer shall not be based solely upon adequacy of performance but upon a finding that the Chief Executive Officer is excelling in his or her duties and that the institution continues to benefit from outstanding leadership and from distinguished service.

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[1] *Approved February 25, 1976; amended January 26, 1990; December 13, 1994; November 3, 1995, March 12, 2004; and November 21, 2024.*
[2] *Technical edits December 1, 2025.*

4.2 Appraisal and Review: Chief Executive Officers serve extended and continuous appointments with the understanding that the Board, upon the review or appraisal of a chief executive officer pursuant to Board Policy R209, *Evaluation of Presidents* may initiate an agreement for annual renewal of the Chief Executive Officer's appointment.

4.3 Involuntary Termination or Retirement: A decision to involuntarily terminate the executive appointment or retire a Chief Executive Officer will always be made by the full Board, after confidential consultation with the institutional Board of Trustees, and, at the option of the Board, with staff, faculty and community leaders. If the Chief Executive Officer so desires, he or she shall have an opportunity to make a case for retention.

4.4 Assistance with Relocation: Chief Executive Officers may be appointed to other executive posts or assume professorial or other duties in a System institution authorized by the Board. In effectuating such arrangements, consultation shall be undertaken with the Presidents and institutional Boards of Trustees of the institutions involved or affected by such reassignments, to determine the salary and other terms of the appointment.

4.5 Reorientation Leave at the End of the Chief Executive Officer's Service: The Board will, after consultation with the institutional Board of Trustees, provide a Chief Executive Officer, subject to limitations in subsection 4.6, up to a year's leave for reorientation to the appropriate discipline or field of service, at such level of compensation from institutional funds as shall be set by the Board at the time the leave is granted, when:

4.5.1 The Chief Executive Officer's service ends after three or more years;

4.5.2 The Board has received the performance evaluation in Board Policy R141, *Responsibilities of the Commissioner of Higher Education* for the commissioner or Board Policy R09, *Evaluation of Presidents* for USHE presidents; and

4.5.3 The Chief Executive Officer plans to assume a faculty or other professional position.

4.6 Limitations on Reorientation Leave: Reorientation leaves are subject to the following limitations:

4.6.1 In the event a Chief Executive Officer accepts other compensated employment during such a period of reorientation leave, the Board shall make appropriate offsetting adjustments to the level of leave compensation;

4.6.2 If there are any outstanding credible reports received by the Office of the Commissioner of Higher Education or the Board related to alleged misconduct by the Chief Executive Officer, the Chief Executive Officer will be eligible for reorientation leave

only after the final resolution of those claims under the relevant policies and procedures (including a grievance process, if applicable), and only if there are no findings of serious misconduct by the Chief Executive Officer; and

4.6.2.1 In the event that there are no findings of serious misconduct after the final resolution of the claim(s), then the Chief Executive Office may receive retroactive reorientation leave.

4.6.3 Chief Executive Officers involuntarily terminated for cause are ineligible for reorientation leave.

4.7 Post-Retirement Benefits and Privileges: Chief Executive Officers retiring from executive duties, including those relinquishing posts as set forth in paragraphs 4.3 and 4.4, subject to limitations in subsection 4.7.1, are to be eligible for office, part-time secretarial assistance, parking, library, travel, and faculty privileges; and participation in insurance, hospitalization, and other programs available at the institution or under Board policies as they may be eligible.

4.7.1 Limitations on Post-Retirement Benefits and Privileges**:** Post-retirement benefits and privileges are subject to the following limitations:

4.7.1.1 If there are any outstanding credible reports received by the Office of the Commissioner of Higher Education or the Board related to alleged misconduct by the Chief Executive Officer, the Chief Executive Officer will be eligible for post-retirement benefits and privileges only after the final resolution of those claims under the relevant policies and procedures (including a grievance process, if applicable), and only if there are no findings of serious misconduct by the Chief Executive Officer; and

4.7.1.1.1. In the event that there are no findings of serious misconduct after the final resolution of the claim(s), then the Chief Executive Office may receive retroactive post-retirement benefits and privileges.

4.7.1.2 Chief Executive Officers involuntarily terminated for cause are ineligible for post-retirement benefits and privileges.

4.8 Board May Adjust Salary, Annuities, and Retirement Benefits: Under the authority conferred by law to contract and be contracted with, the Board may adjust salary arrangements with appointees, and contract for the purchase of annuities or other retirement benefits.