

R141, Responsibilities of the Commissioner of Higher Education¹

R141-1 Purpose: To describe the duties and responsibilities of the Commissioner of Higher Education (“commissioner”).

R141-2 References

- 2.1** Utah Code § 53B-1-408, Appointment of Commissioner of Higher Education – Qualifications – Associate Commissioners – Duties – Office
- 2.2** Board Policy R120, Board of Higher Education Bylaws
- 2.3** Board Policy R143, Succession Plan for Commissioner of Higher Education
- 2.4** Board Policy R203, Search Committee Appointment and Function, and Board’s Selection of Presidents of Institutions
- 2.5** Board Policy R205, Presidential Appointment, Compensation, and Benefits
- 2.6** Board Policy R209, Evaluation of Presidents

R141-3 Duties and Responsibilities: The commissioner is appointed by the Utah Board of Higher Education (“Board”) with approval by the governor and consent of the Senate. The commissioner serves as the Board’s chief executive officer and has the following duties and responsibilities:

3.1 Business and Affairs: Subject to the Board, supervises and manages the Board’s business and affairs; and, in consultation with the Council of Presidents and the Executive Committee, prepares and presents agendas for all Board meetings.

3.2 Policy Implementation, Interpretation, and Coordination: Develops system-wide policies necessary to effectively oversee and regulate institutions on state-level issues. Implements the Board’s strategic priorities, goals, statutory duties, policies, programs, and actions; advises the Council of Presidents and institution staff on new policies and directives and monitors implementation; and interprets Board policy and facilitates and coordinates the execution of all Board policies and procedures. Establishes and facilitates workgroups, taskforces, and committees comprised of internal and external stakeholders, and serves on boards and workgroups as gubernatorially or legislatively charged. Presidents shall cooperate with the commissioner to properly implement the Board’s policies and directives.

¹ Adopted May 18, 2012; amended January 14, 2022; August 10, 2023; and August 30, 2024.

3.3 Advocacy and Leadership: In support of the State’s best interests and the Board’s policies, provides state-level leadership in all activities affecting the Utah System of Higher Education (“USHE”), and advocates on the Board’s behalf before the Governor, the Legislature, and other officials and governmental entities.

3.4 Collaboration with Member Institutions: On the Board’s behalf, collaborates and works with USHE institutions to ensure they contribute to and effectively implement the Board’s statutory duties, policies, directives, strategic priorities, and system goals.

3.5 Strategic Planning: At the Board’s direction, develops a system strategic plan that establishes the Board’s vision, strategic priorities, system goals, strategies, and tactics. Manages the system’s resources, policies, personnel, directives, and programs toward achieving the Board’s vision and goals.

3.6 Public Information: Consistent with the direction given by the Board, serves as the USHE spokesperson. Provides consultation, makes recommendations, gives appropriate advice, and/or facilitates decisions related to public information.

3.7 Council of Presidents: Serves as chair of the Council of Presidents; coordinates meeting agendas and Council recommendations to the Board. Facilitates unified leadership, problem-solving, and communication among the presidents.

3.8 Presidential Hiring and Review: On the Board’s behalf, coordinates the presidential hiring process; makes recommendations to the Board regarding the finalists recommended by the search committee; facilitates the presidential evaluation process; and makes recommendations to the Board regarding presidential performance and compensation.

3.9 Information, Reports, and Audits: Requires information and reports from the institutions and, after giving notice to the relevant president, may assign staff to audit records of institutions or otherwise verify data. Such audits shall be conducted either in response to the Board’s instructions or to verify compliance with the Board’s policies and/or applicable law. The Board’s audit committee shall prioritize the commissioner’s audits.

3.10 Budget and Finance: Under the direction of the Board, develops an annual system budget that aligns with the Board’s strategic priorities and statutory guidance, which includes legislative appropriation requests, appropriate performance funding goals and measures, and prioritized capital projects. Develops and maintains a budget for the Office of the Commissioner (“OCHE”).

3.11 Consultation: Provides leadership, advice, and consultation to institutional Presidents, and seeks feedback to understand how the system can support presidents in successfully

achieving the Board's vision and strategic plan, and achieving their respective institutions' strategic goals and priorities.

3.12 Support Programs: Administers approved statewide support programs, subject to applicable Board policies.

3.13 Advice and Recommendations: Provides sound professional advice and recommendations to the Board on all Board and committee action items and all matters that do or should come to the attention of the Board. Matters on which the commissioner should give advice and recommendations include, but are not limited to, institutional and system budget requests, new programs, policy proposals, and an overall legislative agenda, independent of any one group's or interest's perspective.

3.14 Communications: Supports the work of individual presidents and serves as a liaison between presidents and the Board; directs communication and collaboration between USHE technical colleges and degree-granting institutions, the Board, and OCHE on problems and issues of common interest to USHE; establishes and maintains positive, productive relationships with the Board, presidents, boards of trustees, and the legislative and executive branches of Utah. When issuing a formal public statement or press releases on behalf of the Board the commissioner shall seek Board approval as outlined in [Board Policy R120, *Board of Higher Education Bylaws*](#).

3.15 Oversees Commissioner's Staff: Evaluates, plans, and directs all activities of the Office of the Commissioner. Sets staff duties, responsibilities, and performance expectations designed to accomplish statutory responsibilities and the Board's vision and strategic priorities.

3.16 Coordination with Executive Branch: Aligns the Board's vision, priorities, and initiatives with the Governor and the executive branch. Informs the governor about the Board's strategic plan and progress on accomplishing the strategic plan and significant issues impacting the Utah System of Higher Education. Provides other information and updates as requested by the governor.

R141-4 Evaluation of Commissioner's Performance: The Executive Committee will conduct an annual performance evaluation of the commissioner. The evaluation will assess the commissioner's performance of the duties and responsibilities outlined in section 3. The Executive Committee may retain a qualified consultant or pay to use evaluation software or tools to assist with the evaluation, including to seek information about the commissioner's performance from presidents and other system stakeholders.

4.1 Evaluation Report: On a form provided by the Board, the Executive Committee will complete a performance evaluation and will share its findings with the Board within 60 days of the start of the evaluation process. The report may contain recommendations to the Board,

including that the commissioner engage in a performance improvement plan to help address performance deficits. Board members may provide feedback on the report to the Executive Committee within 14 days and the Board may meet to discuss the report at the request of any Board member. At the close of the feedback period, the Executive Committee will finalize the report. The Executive Committee will meet with the commissioner to review the final report, including any recommendations, and will share the final report with the Board. If the report includes recommendations, the recommendations will be added to the Board's next agenda and the Board may act on them via motion. Because they relate to a performance evaluation, the report and any recommendations shall not be made public and shall only be discussed in closed meetings. Additionally, the Board may set performance expectations, require a performance improvement plan, or apply corrective action in a closed meeting. However, the Board can only take action to remove the commissioner via motion in an open meeting.

R141-5 Supervision of Commissioner: With feedback and guidance from the Board, the chair and vice chair(s) shall have the authority and responsibility to manage and supervise the commissioner, including but not limited to, developing and overseeing a performance improvement plan or corrective action passed by the Board.

R141-6 Commissioner's Staff

6.1 Hiring Staff: The commissioner may appoint and hire professional, legal, and administrative staff, including associate commissioners. All members of the commissioner's staff report directly to the commissioner.

6.1.1 Members of the Board should be cognizant of lines of authority and should obtain the commissioner's authorization to deal with staff members.

6.2 Salaries and Benefits: As described by statute, the commissioner shall determine salaries and benefits, including retirement, for the commissioner's staff.