

R220, Supplement – References to Responsibilities¹

Purpose: R220, Delegation of Responsibilities to the President and Board of Trustees, provides general guidelines to the Board, Presidents and institutional Boards of Trustees as to their respective responsibilities. This supplement to R220 assembles the specific references to responsibilities of the institutional Boards of Trustees found in the Utah Code, the Bylaws of the Board of Higher Education, and in the Policies and Procedures of the Board other than R220.

Utah Code Provisions:

Utah Code 53B-1-101. Purpose of title. It is the purpose of this title:

(1) to provide a high quality, efficient, and economical public system of higher education through centralized direction and master planning which:

(a) avoids unnecessary duplication;

(b) provides for the systematic and orderly development of facilities and quality programs;

(c) provides for coordination and consolidation; and

(d) provides for systematic development of the role or roles of each institution within the system of higher education consistent with the historical heritage and tradition of each institution;

(2) to vest in the Board of Higher Education the power to govern the state system of higher education consistent with state law and delegate certain powers to institutional boards of trustees and institutional presidents, and to vest certain powers in institutional boards of trustees and institutional presidents.

Utah Code §53B-2-103. Boards of trustees: Powers and duties.

(1) Each college and university has a board of trustees which may act in behalf of its institution in performing duties, responsibilities, and functions as may be specifically authorized to the board of trustees by the Board of Higher Education.

(2) A board of trustees has the following powers and duties:

¹ Revised June 11, 1999.

- (a) facilitates communication between the institution and the community;
- (b) assists in planning, implementing, and executing fund raising and development projects aimed at supplementing institutional appropriations;
- (c) perpetuates and strengthens alumni and community identification with the institution's tradition and goals; and
- (d) selects recipients of honorary degrees.

Utah Code §53B-2-104. Memberships of board of trustees: Terms—Vacancies—Oath—Officers—Bylaws—Quorum—Committees—Compensation.

(1) The board of trustees of an institution consists of the following:

- (a) eight persons appointed by the governor and approved by the Senate; and
- (b) two ex officio members who are the president of the institution's alumni association, and the president of the associated students of the institution. The appointed members of the boards of trustees for Utah Valley State College and Salt Lake Community College shall be representative of the interests of business, industry, and labor.

(2) (a) The governor shall appoint four members of each board of trustees during each odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

(b) An appointed member holds office until a successor is appointed and qualified.

(c) The ex officio members serve for the same period as they serve as presidents and until their successors have qualified.

(3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(4) (a) Each member shall take the official oath of office prior to assuming the office.

(b) The oath is filed with the Division of Archives and Records Services.

(5) Each board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.

(6)(a) Each board of trustees may enact bylaws for its own government, including provision for regular meetings.

(b) (i) The board of trustees may provide for an executive committee in its bylaws.

(ii) If established, the committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.

(iii) The committee may act on non-routine matters only under extraordinary and emergency circumstances.

(iv) The committee shall report its activities to the board of trustees at its next regular meeting following the action.

(c) Copies of the board of trustees' bylaws are filed with the board.

(7) A quorum is required to conduct business and consists of six members.

(8) A board of trustees may establish advisory committees.

(9) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Higher education members may decline to receive per diem and expenses for their service.

Utah Code §53B-2-105. Consultation with boards of trustees

(1) The board shall consult with the board of trustees or the president of the institution or both of them prior to acting on matters pertaining to the institution.

(2) The board may do the following:

(a) call meetings with one or more of the several boards of trustees;

(b) invite other groups to meet with it; and

(c) appoint committees, including members of boards of trustees, administrators, faculty staff members, and students to perform duties assigned by the board.

Utah Code §53B-2-106. Duties and responsibilities of the president of each institution: Approval by board of trustees.

(1) The president of each institution may exercise grants of power and authority as delegated by the board, as well as the necessary and proper exercise of powers and authority not specifically denied to the institution, its administration, faculty, or students by the board or by law, to assure the effective and efficient administration and operation of the institution consistent with the statewide master plan for higher education.

(2) Except as provided by the board, the president of each institution, with the approval of the institution's board of trustees may:

(a) (i) appoint a secretary, a treasurer, administrative officers, deans, faculty members, and other professional and support personnel, prescribe their duties, and determine their salaries; and

(ii) subject to the authority of, policy established by, and the approval of the Board of Higher Education, and recognizing the status of the institutions within the state system of higher education as bodies politic and corporate, appoint attorneys to provide legal advice to the institution's administration and to coordinate legal affairs within the institution. The Board of Higher Education shall coordinate activities of attorneys at the institutions of higher education. The institutions shall provide an annual report to the Board of Higher Education on the activities of appointed attorneys. These appointed attorneys may not conduct litigation, settle claims covered by the State Risk Management Fund, or issue formal legal opinions but shall, in all respects, cooperate with the Office of the Attorney General in providing legal representation to the institution;

(b) provide for the constitution, government, and organization of the faculty and administration, and enact implementing rules, including the establishment of a prescribed system of tenure;

(c) authorize the faculty to determine the general initiation and direction of instruction and of the examination, admission, and classification of students. In recognition of the diverse nature and traditions of the various institutions governed by the board, the systems of faculty government need not be identical but should be designed to further faculty identification with and involvement in the institution's pursuit of achievement and excellence and in fulfillment of the institution's role as established in the statewide master plan for higher education; and

(d) enact rules for administration and operation of the institution which are consistent with the prescribed role established by the board, rules enacted by the board, or the laws of the state. The rules may provide for administrative, faculty, student, and joint committees with jurisdiction over specified institutional matters, for student government and student affairs organization, for the establishment of institutional standards in furtherance of the ideals of higher education fostered and subscribed to by the institution, its administration, faculty, and students, and for the holding of classes on legal holidays, other than Sunday.

(3) Compensation costs and related office expenses for appointed attorneys shall be funded within existing budgets.

(4) The Board of Higher Education shall establish guidelines relating to the roles and relationships between institutional presidents and boards of trustees, including those matters which must be approved by a board of trustees before implementation by the president.

R120, Bylaws of the Board of Higher Education:

3.3.3. Institutional Governance and Administration

3.3.3.1. Responsibility of Presidents: The Presidents are responsible to the Board of Higher Education for the governance and administration of their respective institutions. Presidents with the assistance of their institutional Boards of Trustees are responsible (1) for the property, both personal and real, established at their respective institutions as of June 30, 1969, together with such additions thereto as the Board of Higher Education may from time to time approve (See Utah Code §53B-20-101); and (2) for the education, safety and welfare, for the good of education in the state and their respective institutions, of all persons admitted and enrolled, employed, or otherwise entering their premises, under such rules and regulations as the institution shall establish.

3.3.3.2. Required Information: The President of each institution, through the Commissioner, shall provide the Board of Higher Education with such information relating to the operation of each institution and in such form as may be required from time to time by regulation or order of the Board.

3.3.3.3. Institutional Employees: The Presidents, with the approval of their institutional Boards of Trustees, under paragraph (2)(a) of Utah Code §53B-2-106, are authorized to appoint, prescribe the duties, provide and under general Board of Higher Education policies fix the salaries of the faculties, staffs, officers and employees of their respective institutions, reporting periodically their actions on personnel as may be required by the Board of Higher Education.

3.3.3.4. Institutional Rules and Regulations: The President of each institution, with the approval of the institutional Board of Trustees, shall have the authority to and shall issue institutional rules and regulations governing the well-being of persons and the security of property at their institutions, consistent with law and the policies of the Board of Higher Education, and to implement paragraphs (2)(b), (c), and (d) of Utah Code §53B-2-106. And, until or unless the Board of Higher Education shall reserve to itself any of the provisions of Utah Code §53B-2-106 the President of each institution, acting with the approval of the Institutional Board of Trustees, shall be responsible to the Board of Higher Education for the enactment and the execution of rules for regulating and safeguarding the health, welfare, and the rights of all persons at, in, or using the property, facilities and resources existent at each institution and pertaining to its various operations and property. All such rules now existing are declared to be in effect as issued by the institution, and modifications or new enactments shall be in effect when reported to and filed by the President with the Board of Higher Education, provided that the President, with approval of the institutional Board of Trustees, shall

have authority to issue such rules and regulations in any emergency, to maintain the safety and well-being of persons and the security of property at their institutions. Each President shall be responsible for filing a copy of the minutes of each institutional Board of Trustees meeting with the Board of Higher Education.

3.3.3.5. Institutional Members; Government: The President, faculties, staff, students, alumni, and institutional Board of Trustees of each institution, when duly appointed, or admitted and qualified, are members of their respective universities, colleges and institutions, and, with the exception of the President (who serves at the pleasure of the Board of Higher Education), may be suspended, removed from, or otherwise subjected to discipline in their respective categories of membership in accordance with law and the various rules and regulations governing the institutions of which they are members. Presidents, with the approval of the institutional Boards of Trustees, are encouraged to consult with, provide and develop such arrangements for institutional government, involving appropriate participation in institutional affairs of these classes of institutional membership, as may serve the interest of each institution and promote the good of education thereat.

3.3.3.6. Advocacy Consistent with Board Actions: Under no circumstances shall the Commissioner, any President, or other officer of an institution present or advocate budget items, capital facilities priorities, or other legislation to legislators, legislative committees, the Legislature, the Governor, or any other state agency that are inconsistent with actions or policies of the Board of Higher Education on such matters. The Commissioner and such other persons as may be designated by the Board of Higher Education shall be the spokespersons for the Board at all official hearings before the legislators, legislative committees, the Legislature, the Governor, or any other state agency. Nothing herein shall preclude a President or other officer of an institution from appearing at hearings involving his or her institution.

3.3.4. Institutional Boards of Trustees

3.3.4.1. Responsibilities: In addition to authority delegated to Presidents in Section 3.3.3. of this Section, to be exercised by them with the approval of the institutional Board of Trustees, each institutional Board of Trustees shall act in behalf of its institution in facilitating communication between the institution and the community, in assisting in planning, implementing and executing fund raising and development projects aimed at supplementing institutional appropriations, in perpetuating and strengthening alumni and community identification with the institution's tradition and goals, and in selecting those persons to be recipients of honorary degrees to be granted by the institution. (Utah Code §53B-2-103)

3.3.4.2. Honorary Degrees: Each university and college of the system is authorized to award honorary degrees in recognition of outstanding achievement or distinctive public service, as selected for such consideration by the institutional Board of Trustees. (Utah Code §53B-2-103(2)(d))

3.3.4.3. Degrees, Diplomas and Certificates: Each Institutional Board of Trustees is authorized to approve all candidates for earned degrees and diplomas authorized by law and the Board of Higher Education, conferred by the institution. (Utah Code §53B-16-103) Such candidates shall be recommended to the institutional

Board of Trustees by the President and faculties in accordance with institutional rules, provided that no degree or diploma shall be conferred except as authorized by law and the Board of Higher Education. Upon approval, all degrees and certificates shall be conferred in each institution by the President thereof. The general style for conferring degrees shall be: “As authorized by law and the Board of Higher Education.” Diplomas attesting thereto shall bear the signature of the President of the institution, the Chair of the institutional Board of Trustees, the Chair of the Board of Higher Education, and the Commissioner of Higher Education. Non degree certificates signifying completion of short, correspondence, or extension courses, as authorized under law prior to June 30, 1969, may be distributed and awarded by each institution, provided that the Board of Higher Education may direct the termination of any such when inconsistent with the institutional role prescribed by the Board. New or additional degrees, diplomas, or certificates since June 30, 1969, shall be subject to the approval of the Board of Higher Education.

3.3.4.4. Trustees Bylaws: Each institutional Board of Trustees may enact such bylaws for its own government as it deems necessary, provided such bylaws are not in conflict with these bylaws, including provision for regular meetings of the institutional Board of Trustees. Copies of the institutional Board of Trustees’ bylaws shall be submitted to the Board of Higher Education. (Utah Code §53B-2-103(5))

3.3.4.5. Bylaws, Institutional Rules, and Other Reports Submitted to Board of Higher Education: The President of each institution is responsible for submitting to the Board of Higher Education copies of both (1) the institutional Board of Trustees’ bylaws for its own government, and (2) copies of the institutional rules and regulations governing the institution, to be issued by the President with the approval of the Institutional Board of Trustees, as set forth and delegated in Sections 3.3.3.1. and 3.3.3.4. of these bylaws above, and any other reports of institutional business required by the Board of Higher Education.

3.3.4.6. Questions of Institutional Role, Authority and Operations: Questions regarding the scope of institutional role and authority and operations of institutional Boards of Trustees under these bylaws and the Board of Higher Education’s authority, shall be referred initially by the President of each institution to the Commissioner of Higher Education for transmittal, examination, review and necessary consideration by the Board of Higher Education.

R131, Functions of the Board of Higher Education

R131-3.Functions: Administrative responsibilities for institutional operations shall be delegated to the respective Presidents and institutional Boards of Trustees. The Board of Higher Education reserves to itself final authority to consider and act on the following matters: (See R131 for list.)

R135, Institutional Legal Counsel in the System of Higher Education

3.1. Appointment of Attorneys: Subject to the authority of the Board of Higher Education, these Policies and Procedures, and specific Board of Higher Education approval, the President of each institution with the approval of the institution’s Board of

Trustees may appoint full and part time attorneys to provide legal advice to the institution's administration and to coordinate legal affairs within the institution.

R203, Search Committee Appointment and Function, and the Board's Selection of Presidents of Institution

3.3. Chair Appoints Search Committee: The Chair of the Board of Higher Education shall appoint a search committee chair and the full membership of a search committee following authorization by the Board and after consultation with the Chair or other members of the Board of Trustees and other constituencies, as is deemed advisable by the Chair of the Board. All search committee chairs shall be members of the Board of Higher Education. Additionally, not less than five Board member shall be appointed to all search committees. To the extent possible, the Search Committee will include an equal number of Board members and Trustees. The membership of search committees to be appointed by the Chair shall be broadly representative of the Board, institutional Board of Trustees, faculty, and administration, but not to exceed twenty-three members. In addition, the Chair shall give consideration to appointing representatives of the alumni, the community, the student body, and the college or university staff. Also, consideration shall be given to assure appropriate representation of women and people of color on the search committee. After consulting with the Commissioner of Higher Education, the Chair of the Board of Higher Education shall appoint a member of the Commissioner's staff to serve as executive secretary to the search committee.

4.1. Board members May Consider All Candidates and Nominees; Consideration of Search Committee Deliberations and Actions: All names of all persons that were interviewed by the search committee, and all names of all applicants and nominees that were not interviewed, shall be transmitted to the Board members, and the Board members shall interview any person on either list and shall appoint the individual whom the Board members feel is the best qualified for the position. This shall be done, however, after having weighed very carefully the views expressed by the search committee members and after having given very careful consideration to the voting of the committee members as outlined above, and after consulting with the institutional Board of Trustees.

4.8. Board of Trustees may petition for consultation: Prior to the final selection of an institutional President, the Board of Trustees may petition the Board to arrange for more extended communications regarding the selection of the President.

R207, Institutional Residences for Colleges and Universities in the Utah System of Higher Education

3.3. Criteria for Designation of Institutional Residences: The Board of Higher Education, in designating an official institutional residence, shall take into account the type of institution—university, state college, or community college—living standards and cost of housing in the community, ability to meet the president's needs for campus related activities, accessibility to the campus, suitability for family needs, estimated cost or market value, and other appropriate factors. A report summarizing the facts as to the adequacy and appropriateness of the residence on these points shall be prepared by the Commissioner in consultation with the President, the Chairman of the institutional

Board of Trustees, and the Chairman of the Board of Higher Education. The report will be submitted to both the institutional Board of Trustees and the Board of Higher Education for approval. If approved, the report will be filed in the Office of the Commissioner as evidence of official designation.

3.4. Construction, Purchase and Remodeling: The costs of construction, purchase, major remodeling, landscaping and improvements of existing and future institutional residences must have the prior recommendation of the institutional Board of Trustees and approval of the Board of Higher Education. Such costs will be financed from sources other than state-appropriated funds unless otherwise specifically authorized by the Board of Higher Education. Should the Board members determine that an institutional residence is no longer adequate or suitable to meet the needs of the institution, appropriate appraisals may be obtained and the residence sold. Revenue from the sale will be applied as designated and approved by the Board of Higher Education.

3.5. Costs of Maintaining Institutional Residences: Maintenance costs, including utilities, routine care of the residence and grounds, equipment replacement, repairs and improvements, will be borne by the institution. The utility costs covered by this policy include fuel, power, water, sewer, basic telephone service, and long distance service for institutional purposes. Each president shall be responsible for the costs of personal long distance telephone service, cable television, and any other personal telecommunications service. Domestic assistance serving institutional purposes may be provided as appropriate, and as set forth and approved in the budget in paragraph 3.6. With the approval of the institutional Board of Trustees, furnishings and equipment of a type serving primarily institutionally-related functions of the residence may be provided by the institution and shall remain on the property inventory of the institution. Fire and liability insurance shall be carried on all institutional residences and property, with the costs being borne by the institutions. Insurance costs on personal belongings shall be paid for by the presidents.

3.6. Budget Approval by the Board of Higher Education: On or before September 15 of each year, the President shall file with the Chairman of the institutional Board of Trustees and the Commissioner of Higher Education a budget for the institutional residence, detailing estimated expenditures for maintenance costs, domestic assistance, and insurance, as provided in paragraph 3.5. The budget will include a detailed report comparing the previous year's actual expenditures with the budget approved for that year. The Commissioner shall submit the budget to the Board of Higher Education for approval.

R208, Annual Chief Executive Officers Performance Review

3.1. Chair Appoints Resource and Review Teams: The Chair appoints for each President a Resource and Review Team consisting of two Board members and the Chair of the Institutional Board of Trustees. The Resource and Review Team for the Commissioner is comprised of the Board Chair and two other Board members. The team members will be rotated periodically to allow Board members to become better acquainted with all of the CEO's and institutions. Some Board members will be assigned to more than one President, usually of the same institutional type, to provide a reference for common and consistent practice and procedures.

3.2. Consultations with Chief Executive Officers: The Resource and Review Teams meet with the respective CEO's in the spring and fall of each year to review the CEO's plans and performance. The spring meeting should be held near the end of April or early May, and should focus on: (1) an evaluation of the performance of the CEO and the achievements of the institution as they relate to the plans discussed in the previous spring meeting, (2) the President's plans and goals for the next year, and (3) how the Board members and Trustees can facilitate the progress and effectiveness of the institution and its CEO. This spring meeting could start with a meeting with the President, where he/she provides an overview of the experience of the past year and plans for the next year. This could be followed by two or three hours of interviews with faculty, staff, student leaders, community leaders and key legislators if such interviews were determined to be potentially helpful to the review process. The day could be concluded with an exit interview with the President. The fall meeting should focus on a progress report of the implementation of the CEO's plans for the institution and his/her administration for the year and again on actions by which the Board members might facilitate the success of the institution and its CEO.

R209, Appraisal of Chief Executive Officers

R209-1.Purpose: To provide guidelines for the appraisal of the performance of each chief executive officer in the System of Higher Education on a regular basis. The quality of leadership of chief executive officers of their respective institutions is essential for quality higher education in Utah. Also, the chief executive officers have a right to a report from time to time that will provide a basis of self evaluation and improvement. The purpose of the appraisal of chief executive officers is to provide feedback so chief executive officers may know how colleagues, institutional Board of Trustees members, Board members and key leaders in the community view their efforts and their areas of strength as well as the areas that need improvement.

5.1. Appraisal Committee: An appraisal committee comprised of three to five persons with knowledge and experience in higher education will be selected by the Executive Committee from a list of nominees prepared by the Commissioner. The number of committee members will depend on the size and complexity of the institution. This appraisal committee will conduct the interviews that will provide the basic information for the appraisal. In preparing her or his list of nominees for a presidential appraisal, the Commissioner shall seek the advice of the institutional Board of Trustees Chair. For the Commissioner's appraisal, the Chair of the Board shall generate a list of nominees. The chief executive officer who is being evaluated shall provide written comment to the Executive Committee on his/her knowledge of and relationship with each nominee. The chair of the appraisal committee will be engaged from outside USHE. This individual will be a senior level person who has had extensive experience in higher education and who is knowledgeable about the type of institution involved. One or two other persons, outside of USHE, with professional experience in the type of institution involved may serve as a member(s) of the appraisal committee. One member of the appraisal committee shall be selected from members of the Board. The chair of the institutional Board of Trustees shall be selected as a member of the appraisal committee.

5.4. Those to be Interviewed: A presidential appraisal committee will interview all vice presidents and deans, all institutional Board of Trustees members, and a

representative sample of Board members, academic and administrative department heads, faculty, students, and of community and alumni leaders who are interested in and knowledgeable about the institution. A Commissioner appraisal committee will interview all associate commissioners, all Board of Higher Education Board members, and a representative sample of Office of the Commissioner and System institution officers and employees, and of community leaders who are interested in and knowledgeable about the Board of Higher Education and Office of the Commissioner. Those being interviewed will be assured that their responses will be confidential but that a composite of all the responses will be made available to the Board members and to the chief executive officer.

5.5. Subject of Interviews: The appraisal committee will function as fact-finding consultants. The committee should review and carry out its duties consistent with this statement. The persons to be interviewed are identified in paragraph 5.3. In conducting the interviews, the committee members should ask those being interviewed to express their best judgment as to the performance of the chief executive officer in the following areas. All of the items below may not be appropriate as items of inquiry for all individuals being interviewed. In such cases the items should be omitted from the interview process.

5.5.6. Relationship to the Institutional Board of Trustees and to the Board of Higher Education

5.5.6.1. Ability to provide professional leadership for the institutional Board of Trustees or in the case of the Commissioner for the Board of Higher Education and to supply it with professional judgments on matters affecting the institution.

5.5.6.2. Effectiveness in keeping the institutional Board of Trustees and the Board of Higher Education informed of all relevant issues affecting or having bearing on managerial policies of the institution.

5.5.6.3. Effectiveness in keeping the institutional Board of Trustees and the Board of Higher Education abreast of local, state, and regional affairs affecting the institution.

5.5.6.4. Ability to identify for the Trustees and the Board members' problems confronting the institution and to assess alternative solutions and to recommend appropriate action.

5.5.6.5. Ability to carry out duties which have been or may be delegated or assigned to the chief executive officer by the Board of Higher Education or by the institutional Board of Trustees.

5.5.6.6. Ability to review and analyze budgetary problems and to make effective presentations on the same to the institutional Board of Trustees and the Board of Higher Education.

R210, Chief Executive Officer Leaves of Absence

3.1. Criteria for an Executive Officer Leave of Absence: The Board, in consultation with institutional Boards of Trustees, may grant a leave of absence to an

institutional President or the Commissioner of Higher Education when it determines that such leave is desirable for the individual to keep abreast of his or her field or for rest and renewal in order to remain effective in his or her present assignment. The Board, in determining the appropriateness and duration of a proposed leave of absence, will consider:

3.1.1. the size and complexity of the institution and the demands of the position;

3.1.2. the Chief Executive Officer's personal or professional development needs;

3.1.3. the nature of the activities which the Chief Executive Officer proposes to undertake during such leave;

3.1.4. the Chief Executive Officer's work performance record.

4.4. Funding and Leave Coordination: The respective institutional Board of Trustees and the Chief Executive Officer will be consulted in all funding and leave decisions.

R223, Faculty and Staff Participation in Institutional Board of Trustees Meetings

3.1. Faculty and Staff Participation in Meetings: The President and institutional Board of Trustees shall provide for the participation in institutional Board of Trustees meetings of the representative of the institution's faculty senate or association as well as the representative of the staff association or advisory committee.

3.2. Campus Faculty and Staff Organizations or Advisory Committees: Each institution shall have a faculty association, senate, or committee to provide the point of policy input to the institutional Board of Trustees from the faculty. Each institution shall have a staff association or advisory committee comprised of broad based representation of the professional and classified staff to provide the point of policy input to the institutional Board of Trustees from the staff. An institution may, at its option, provide for separate professional and classified staff associations or committees.

3.3. Receipt of Institutional Board of Trustees Agenda and Minutes: The institution shall provide the representatives of the faculty and staff associations or committees with a copy of the institutional Board of Trustees meeting agenda and of the minutes of institutional Board of Trustees meetings.

3.4. Opportunity for Reports at Meetings: The institution shall extend to the representatives of the faculty and staff associations or committees the opportunity to make reports to the institutional Board of Trustees at its meetings.

3.5. Released Time to Attend Meetings: The institution shall allow the representatives of the faculty and staff associations or committees released time to attend institutional Board of Trustees meetings and shall otherwise facilitate such attendance. In addition, the officers of faculty and staff associations or committees shall be allowed appropriate released time on a monthly basis to meet and conduct business.

R251, Campus Speakers

3.2. Separate Policies for Each Institution: To preserve the individuality and traditions of each of the institutions in our System, we believe that detailed rules and criteria for the appearance and performance on campus of speakers, whether sponsored by the institution itself, by organizations of students or faculty, or otherwise related to the institution, should be adopted by the president and the institutional Board of Trustees of each institution and reported to the Board of Higher Education.

R253, Campus Discipline

3.1. Grounds and Properties for Purposes of Higher Education: The grounds and properties of the state universities and colleges of the Utah System of Higher Education are owned by the state through the Board of Higher Education. The Board has assigned responsibility for the use of these facilities to the Presidents and institutional Boards of Trustees as the immediate governing authorities of the respective institutions. Such grounds and properties are devoted to and maintained for the function of supplying higher education for the welfare of the people, and are not places of sanctuary from campus or other legal authority.

3.2. Presidents and Institutional Boards of Trustees Empowered: The Board authorizes, empowers, and directs the respective Presidents and institutional Boards of Trustees of the institutions to take such action as may be reasonably necessary to effectuate this ordinance, including recognition of faculty responsibility for maintenance of campus discipline and adoption of rules and regulations which shall provide: (See R253 for details.)

R271, Foundations and Private Corporations

3.2. Authorization to Form or Contract With Private Foundations and Corporations: Pursuant to Utah Code Title 53B the Board of Higher Education hereby delegates authority to, and ratifies and confirms the authority of, the President and institutional Board of Trustees of each institution in the State System of Higher Education to organize, and to enter into contracts with, nonprofit corporations and foundations to aid and assist the Board or institution in attaining its approved educational, research, public service, student loan and financial assistance, alumni relations, and financial development program objectives, consistent with the policies of the Board.

3.4. Contract Between Institution and Private Foundation or Corporation: The operating relationships between an institution and a foundation or corporation organized by an institution of higher education or its officers pursuant to this policy shall be provided by contract duly approved by the institutional Board of Trustees and the foundation or corporation board of trustees. The contract shall specifically deal with such topics as the extent to which the foundation or corporation is authorized to use institutional property and personnel in carrying out its functions; the method by which the operational costs of the foundation or corporation and institution collaborate or cooperate for the purpose of generating support for the institution, such as through jointly sponsored dinners, fund raising campaigns, etc.; and shall provide that no appropriated funds or property of the state of Utah or the institution may be transferred

to the foundation or corporation except pursuant to the terms of the contract and for a reasonable consideration stated therein.

3.5. Annual Audit of Contract: The contract shall provide for an annual audit of the foundation's or corporation's activities by an independent certified public accountant, with the final report of the audit to be presented to the institutional Board of Trustees, Board of Higher Education, and any other public officials who may desire to see it, provided that personally identifiable information relating to any donor or officer or employee will not be disclosed without the written consent of the individual to whom it relates.

R315, Service Areas for Off-Campus Courses and Program

3.6. Collaboration, Cooperation, and Sharing of Service Area Facilities: The institutions are part of a single system of higher education. Institutions shall collaborate, cooperate, and share facilities in geographic areas where more than one institution delivers educational services.

3.6.1. Local Advisory Committees: Institutions which collaborate, cooperate, and share service area facilities shall establish a local advisory committee made up of institutional representatives, community representatives, and where appropriate, Boards of Trustees and/or Board of Higher Education representatives to advise the institutions concerning the delivery of education programs to the geographic service area and the operations of shared facilities.

R402, Program Additions or Changes

R402-1.Purpose: To provide for Board approval of program additions, other changes in academic and applied technology programs, to provide for Board consent for administrative changes and initiatives, and to provide for approval of other program changes by institutional Boards of Trustees.

4.2. Certificates, Minors, Emphases, and Options Within Existing Majors: Certificates, minors, emphases, and options that are within existing major degree programs previously approved by the Board may be established by approval of the institutional Board of Trustees. To provide information about the programs to other USHE institutions and the Office of the Commissioner and Board members, after approval by the Trustees, summaries of the program proposals are to be submitted to the Office of Academic Affairs for distribution to the Chief Academic Officers of USHE institutions and for periodic placement on the information calendar of the Board of Higher Education. If necessary, the proposals may be reviewed by the Council of Chief Academic Officers, the Council of Presidents, and the Board members.

4.3. School Personnel Programs Within Existing Majors: Endorsement and certification programs for teacher education, counselor, administrator, and other school personnel programs which are within existing major degree programs previously approved by the Board may also be established by approval of the institutional Board of Trustees and subsequent review and approval of the State Advisory Council on Teacher Education (SACTE) and the State Board of Education. Before submitting institutionally-

approved proposals to SACTE, proposals must first be reviewed by the Office of Academic Affairs and other colleges of education at USHE institutions.

R402-5.Elimination of Instructional Programs: It is the responsibility of institutional Boards of Trustees to approve the elimination of instructional programs. Notification shall be provided by each institution to the Office of Academic Affairs when instructional programs are eliminated. Notifications will be distributed to the Chief Academic Officers at USHE institutions, and periodically will be placed on the information calendar of the Board of Higher Education.

R402-8.Administrative Changes and Initiatives Requiring Board Consent: Institutions within the System shall be permitted to transfer, restructure, or consolidate existing programs or administrative units, with consent of the Board. Name changes of existing programs or administrative units may be made with the approval of the institutional Board of Trustees. Institutions should submit notices of consent items to request administrative changes according to the following guidelines: (See R402 for details.)

R411, Review of Existing Programs

3.2. Responsibility Institution Based: The responsibility for improving quality must be institution based. It is through the combined efforts of presidents, vice presidents, provosts, deans, department chairs, and individual faculty that meaningful change will occur. Consequently, the primary responsibility for reviewing existing programs is assigned to faculty and administrators at the institution, and to institutional Boards of Trustees.

3.4. Institutional Review Procedures: Program reviews will be conducted in accordance with procedures developed by each institution consistent with its respective faculty governance system. The use of review committees and external consultants, whether as members of the Review Committee or as independent reviewers, is encouraged as an important part of the review process. In the case of applied technology education programs, Program Advisory Committee members or others from industry, business, or labor should be included in the review process. Departments whose programs are under review should prepare detailed written materials for review committees based on institutional criteria and procedures. Institutional processes will develop recommendations which will be submitted to institutional Boards of Trustees.

R483, Award of Tenure

3.2. Annual Reports: Institutions within the System also shall submit to their respective institutional Boards of Trustees, with a copy to the Board of Higher Education, an annual report revealing the number of faculty members eligible for tenure and the number awarded tenure.

R491, University Research Parks

4.3. Delegation to President: The Board of Higher Education hereby authorizes and approves the establishment of said Research Park as described in these sections, to be developed and operated by the Utah State University, and that pursuant to Utah Code

§53B-2-104 and §53B-2-106, the Board of Higher Education hereby delegates to the President with the approval of the institutional Board of Trustees of Utah State University, and authorizes the use and exercise of all the powers, duties, responsibilities and functions which may be necessary or desirable for the establishment, development, operation and administration of the said Research Park; and

4.4.4. The President and institutional Board of Trustees of Utah State University shall exercise active review and discretion regarding the length of leases, including renewal options, granted to tenants of the Research Park.

R492, Honorary Degrees

3.1. Selected by Institutional Boards of Trustees: Utah Code §53B-2-103 designates the institutional Boards of Trustees as having the responsibility for “selecting those persons to be the recipients of honorary degrees to be granted by the institution”.

3.2. Major Purposes of Honorary Degrees: There are at least three major purposes of honorary degrees:

3.2.1. To recognize someone who has achieved distinction and has made unusual contributions to their professional field, higher education in general, or to a specific educational institution.

3.2.2. To bring honor to both the recipient and the institution.

3.2.3. To reward past donations and/or to develop future donation opportunities (usually combined with purposes 1 and 2 above).

R532, Acceptance and Approval of Contracts and Grants

5.6. Delegation of Authority: The Board delegates to the presidents, with the approval of their respective Board of Trustees, power to enter into contracts for maintenance, research grants, and continuing programs of the institution involving amounts not over \$1,000,000 for the teaching/research universities; \$500,000 at the metropolitan/regional universities; and \$200,000 at the community colleges.

R541, Management and Reporting of Institutional Investments

4.1. Delegation of Responsibility: The Board delegates to each institutional Board of Trustees full responsibility to manage and report institutional investments in compliance with this general policy.

4.2. Institutional Board of Trustees Responsibilities: Each institutional Board of Trustees shall adopt institutional policy and procedure regarding investments including any changes in such policy and procedures, designate a public treasurer and approve the format of reports submitted for its review.

4.3. Periodic Review and Approvals: Each institutional Board of Trustees shall approve monthly reports of portfolio activity. Each institutional Board of Trustees shall

approve quarterly reports of the institution's entire portfolio, showing costs and market amounts for each investment and maturity dates where applicable.

4.4. Policy and Procedures Furnished to the Board: Each institution shall furnish the Board with a copy of its investment policy and procedures as approved by its institutional Board of Trustees. Such policy and procedures shall:

4.4.1. require institutional compliance with the State Money Management Act and State Money Management Council rules; and

4.4.2. specify criteria for appointment of a public treasurer, define the public treasurer's authority in making institutional investments within the overall operating responsibility of the chief executive officer, and establish criteria for supervisory approval of the public treasurer's investment decisions; and

4.4.3. delineate specific procedures and required approvals for investment of institutional funds which provide for adequate internal controls, including an appropriate segregation of duties with respect to the authorization, custody, accounting and reporting of investment transactions; and

4.4.4. specify the format and schedule for reporting to its institutional Board of Trustees.

4.6. Reports to Institutional Boards of Trustees: In establishing reports to its institutional Board of Trustees, each institution shall implement the following:

4.6.1. Public Treasurer's Assertion: All reports shall include the public treasurer's assertion that, to the best of the treasurer's knowledge, the institution is in compliance with the State Money Management Act and the rules of the State Money Management Council.

4.6.2. Reports: The public treasurer shall submit monthly investment reports to the secretary of its institutional Board of Trustees within 45 days of the month's end. The public treasurer shall submit quarterly reports to the secretary of its institutional Board of Trustees within 60 days of the quarter's end. The secretary will place the reports on the agenda of the next regular trustees meeting.

4.7. Copies of Reports Submitted to Board: The institution shall submit to the Board a copy of the reports submitted to its institutional Board of Trustees within 7 days of the Trustees' approval. Reports submitted to the Board shall be accompanied by a transmittal letter to the Commissioner indicating that the chief executive officer has reviewed the reports.

R543, Commercial Banking Services

3.3. Institutional Policy: Each institutional Board of Trustees should adopt its own written policy relating to details of banking procedures within the parameters of this policy.

R548, Institutional Discretionary Funds Administration and Accountability

4.1. Board and Board of Trustees Authorizations: All Institutional Discretionary Funds shall be used for purposes authorized by the Board; expenditures shall be in accordance with budgets approved by the institutional Board of Trustees; expenditures for individual construction, remodeling and landscaping projects costing \$50,000 or more shall be specifically approved by the institutional Boards of Trustees; and actual, budgeted and projected revenues and expenditures of these funds shall be reported for Board members' review as part of the annual appropriated operating budget process.

4.4. General Priority Guideline: As a general rule, Institutional Discretionary Funds should be applied as a first priority to support of current Education and General or Auxiliary Enterprises expenditures. Decisions to apply the funds toward major capital projects should be considered very carefully by institutional administrations and institutional boards of trustees.

4.5.2. Each president is responsible to ensure that the proposed budgets and reports of actual expenditures are submitted for timely review by the institutional Board of Trustees prior to submission in the annual budget process, and that all construction, remodeling and landscaping projects in amounts of \$50,000 or more funded with Institutional Discretionary Funds are submitted for specific approval by the institutional Board of Trustees.

4.5.3. Institutional Boards of Trustees are responsible for institutional compliance with the policy.

R550, Auxiliary Enterprises Operation and Accountability

8.1. Review Reports and Audits, Monitor Services: The institutional Board of Trustees of each institution is responsible to review the institution's auxiliary enterprises annual reports prepared pursuant to Section 7.2, and periodic internal audits prepared pursuant to Section 7.3. The institutional boards of trustees also are responsible for monitoring both management of and quality of services provided by the institution's auxiliary enterprises.

R557, Motor Vehicles

4.5. Use of Vehicles: Fleet vehicles shall only be used for official institutional business purposes, except when:

4.5.3. non-incident personal use has been specifically authorized by the President and reported to the institutional Board of Trustees.

4.8. Oversight by Board of Trustees: The Board of Trustees of each institution is responsible to review the institution's annual vehicle fleet reports and periodic internal audits prepared pursuant to Section 4.7. The Board of Trustees also is responsible for monitoring both management and utilization of vehicle fleets.

R558, Surplus Property

4.7. Oversight by and Report to the Board of Trustees: The Board of Trustees of each institution is responsible for general oversight of surplus property operations. Each

institution shall report annually to its Board of Trustees regarding its surplus property operation. The report shall provide information on revenues, expenditures and allocation of net revenues in a form specified in the annual budget process.

R566, Audit Review Process

4.2. Submission of Reports: All initial issue, annual internal audit, compliance review and external audit reports with appropriate institutional response included either in the body of the report or in an attachment, shall be submitted at the time of their issuance to the chairperson of the institutional Board of Trustees, the chairperson of the Board of Higher Education, the members of the Subcommittee, the Commissioner of Higher Education, the Associate Commissioner for Finance and Facilities, and the Supervising General Auditor (SGA). Institutions may submit eight copies of the report to the SGA who will distribute them to the Board members, the Commissioner, and Associate Commissioner.

4.4. Resolution of Outstanding Recommendations: In order to assure that each audit recommendation is properly addressed, each institution shall have a process whereby recommendations are resolved to the maximum extent possible. Responsibility for ensuring the resolution of recommendations shall rest with the institution's president. Where a compliance review report indicates that recommendations have not been fully implemented or have not otherwise been resolved to the satisfaction of the auditor, the institution's president or the president's designee shall submit a letter of resolution to the chairperson of the institutional Board of Trustees, with copies to the chairperson of the Subcommittee, the Commissioner of Higher Education, the Associate Commissioner for Finance and Facilities and the SGA. The letter of resolution shall identify the audit, briefly state the recommendation involved and shall comment on the action finally taken and the reason therefore.

R567, Internal Audit Program

3.2. Institutional Audit Department: An institutional audit department is an employee or department of a USHE institution responsible to provide internal auditing services, as defined above, and whose functions are governed by a statement of purpose, authority, and responsibility which has been proposed by the president and approved by the institution's Board of Trustees.

4.6. General Standards: the functions and activities of internal audit departments within USHE shall be consistent with the "Standards for the Professional Practice of Internal Auditing" as promulgated by the Institute of Internal Auditors. Other professional standards (such as "generally accepted auditing standards" as promulgated by the American Institute of CPAs) may also apply to particular audit assignments as determined by the institution's Board of Trustees or the Board of Higher Education Audit Review Subcommittee

4.7. Reports to the Board of Trustees: In addition to the reports required under paragraph 4.2, the President and the internal audit director shall meet periodically as needed with the institutional Board of Trustees, or an Audit Subcommittee of the institutional Board of Trustees, to review completed audits, institutional responses, and to discuss concerns of the institutional Board of Trustees or the director.

4.8. Personnel Actions Concerning the Director of Internal Audits: The President shall prepare performance evaluations and recommended personnel actions relating to the director of internal audits for approval by the institutional Board of Trustees.

R582, Per Diem Compensation for Services

R582-1.Purpose: To authorize a per diem allowance for members in attendance at official meetings of the Board of Higher Education, the several institutional Boards of Trustees, and the Board of Directors of the Utah Higher Education Assistance Authority (other than salaried state employees), and the Student Finance Subcommittee (other than salaried state employees), and to bring such per diem allowances into conformity with general state policy.

3.1. Per Diem Rates Set by the Board: Per diem rates in effect for all other state boards and commissions are not applicable to Board of Higher Education and institutional Boards of Trustees members in the System of Higher Education until the Board of Higher Education takes affirmative action to authorize their application.

3.3. Per Diem Rates the Same as Those Set by the State Director of Finance: Per diem rate changes determined by the State Director of Finance for appointed members of state boards and commissions shall automatically be placed in effect for members in attendance at official meetings of the Board of Higher Education, the several institutional Boards of Trustees, the Board of Directors of the Utah Higher Education Assistance Authority (other than salaried state employees), and the Loan Purchase Subcommittee (other than salaried state employees) in accordance with applicable Board policies, as of the effective dates of the Director of Finance's determinations.

R710, Capital Facilities

R710-1.Purpose: To clarify the role of the Board of Higher Education, that of the institutional Boards of Trustees and of the institutional Presidents with respect to capital facilities.

4.1. Statutory Authority: Title 53B outlines the broad responsibilities of the Board of Higher Education in administering the facilities, grounds, buildings and equipment at institutions under its jurisdiction. These policies and procedures are issued under that authority to clarify the roles to be assigned to the institutional Presidents, the institutional Boards of Trustees and the Board of Higher Education in the acquisition and maintaining of facilities on each of the several campuses of the State under the jurisdiction of the Board of Higher Education.

4.5. The Board of Higher Education Will:

4.5.5. Projects Funded from Non State Appropriated Funds: Review and approve institutional project requests for planning and construction of facilities, or remodeling of existing facilities, for which no appropriation of state funds or authority to incur bonded indebtedness is requested, as follows:

4.5.5.1. If it is proposed that the project be funded in whole or in part from an adjustment in student fees, incurring of contractual debt, or the disposal or exchange of land or other capital assets, the project proposal, after being approved by the institutional Board of Trustees, shall be scheduled, in consultation with the Commissioner, for presentation to the Board of Higher Education for action at the same time that Board of Higher Education action approving the proposed funding arrangement is sought.

4.5.5.2. If the project involves major construction or major remodeling, and it is proposed that it be funded from private sources, or from a combination of private sources and other non-state appropriated funds, the institutional President, after receiving the approval of the institutional Board of Trustees, shall inform the Commissioner of the scope and character of the proposal for submission to the Board for approval. Since donated or non-state appropriated facilities require ongoing funds for operations and maintenance, proposals must include arrangements as to how O & M costs will be covered. Possible arrangements might include: (1) separate non-state funding assured through private contracts or an O & M endowment established by a private donor; (2) O & M costs absorbed within existing institutional budgets; or (3) necessary additional funding of O & M costs requested through legislative appropriations. Board approval of the acquisition of the facility shall include approval of a plan to fund the O & M costs, including the source of the funds and the projected amount needed. Further approval of such proposals, when legally required by the State Building Board and the Legislature, will follow their respective established procedures.

4.5.5.3. For the purpose of subparagraph 4.5.5.2, the terms “major construction” and “major remodeling” refer to projects with an estimated total project cost that exceeds (a) \$1,000,000 in the case of the University of Utah and Utah State University; (b) \$500,000 in the case of Weber State University and Southern Utah University; or (c) \$250,000 in the case of the other colleges in the System.

4.7. Institutional Boards of Trustees Are Authorized to:

4.7.1. Facilities Master Plans: Review and approve institutional campus facilities master plans before they are forwarded to the Board of Higher Education.

4.7.2. Requests for Appropriated Funds: Review and approve all institutional requests for funds for capital facilities to be appropriated by the State Legislature through the State Building Board before these requests are forwarded to the Board of Higher Education.

4.7.3. Inconsistent Projects: Review and approve all other institutional proposals relating to planning or construction of capital facilities, or major remodeling of existing capital facilities that require State Building Board approval and/or legislative project approval, regardless of the source of funds to be used for such activity, except to the extent that responsibility has been delegated to the institutional President as specified below in section 4.8. These actions will be reported to the Board of Higher Education monthly as a part of the institutional Board of Trustees minutes, and will include planning and budget guide reports in the form prescribed by the Commissioner or other appropriate description and justification. If such construction or remodeling is contrary to or will require substantial change in the approved academic or facility master plans, is

inconsistent with the role assignment of the institution involved, or is not in accord with previously approved institutional goals or objectives, these proposals must be forwarded to the Board of Higher Education by the institutional President, together with the institutional Board of Trustees' recommendations, for review and action by the Board members.

4.7.4. Architects: Recommend the appointment of architects to the State Building Board for all approved construction or remodeling projects requiring State Building Board approval.

4.7.5. Final Plans, Specification and Drawings: Review and approve final plans, specifications and drawings for all approved construction and major remodeling projects.

4.7.6. Public Hearings: Conduct all required public hearings on any project, provided that adequate notice be given the Board of Higher Education of any such required public hearings.

R714, Capital Facilities Community Impact

3.1. Institutional Policies: An institution of the Utah System of Higher Education is an integral part of the community it serves and the municipality in which it is located. Even though an institution is exempt from the planning and zoning authority of the local governmental units in which it is located, the President, with the approval of the institutional Board of Trustees, shall develop an institutional capital facilities community impact policy. A copy of the adopted policy shall be filed with the Commissioner's Office.

R816, Overtime Pay, Overload Assignments, and Compensatory Time

4.3. Board of Trustees Approval: The institutional Board of Trustees must approve institutional policies relating to overtime pay, payments for overload assignments, and compensatory time for compliance with State Board of Higher Education policy.

R851, Guidelines for Retirement Programs

4.1. Classification of Employees: Each institution, with the approval of its institutional Board of Trustees, must classify its eligible employees into not more than three retirement groups. Each employee newly employed by the institution shall be enrolled in the retirement program declared applicable to the group to which his or her position is classified under the approved classification system.

R853, Transition and Retirement Provisions for Chief Executive Officers

4.4. 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.

4.5. Assistance with Relocation: Chief Executive Officers, both those leaving voluntarily and those departing involuntarily, 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.

4.6. 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 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:

4.6.1. the Chief Executive Officer's service ends after three or more years;

4.6.2. the Board has received the performance appraisal called for in R209, Appraisal of Chief Executive Officers; and

4.6.3. the Chief Executive Officer plans to assume a faculty or other professional position.