

1 **HIGHER EDUCATION EMPLOYMENT AUTHORITY**

2 **AMENDMENTS**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Justin L. Fawson**

6 Senate Sponsor: J. Stuart Adams

7
8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to an institution of higher education president.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends the powers and duties of the State Board of Regents related to an institution
14 of higher education president;
- 15 ▶ provides for an institution of higher education board of trustees to:
- 16 • appoint an institution of higher education president;
- 17 • delegate authority to an institution of higher education president; and
- 18 • evaluate an institution of higher education president; and
- 19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **53B-1-103**, as last amended by Laws of Utah 2017, Chapter 382

27 **53B-2-102**, as repealed and reenacted by Laws of Utah 2017, Chapter 382



28 **53B-2-103**, as last amended by Laws of Utah 2017, Chapter 382



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **53B-1-103** is amended to read:

32 **53B-1-103. Establishment of State Board of Regents -- Powers, duties, and**
33 **authority.**

34 (1) There is established a State Board of Regents.

35 (2) (a) Except as provided in Subsection (2)(b), the board shall control, manage, and
36 supervise the institutions of higher education designated in Section **53B-1-102** in a manner
37 consistent with the policy and purpose of this title and the specific powers and responsibilities
38 granted to the board.

39 (b) The board may only exercise powers relating to the Utah System of Technical
40 Colleges Board of Trustees, the Utah System of Technical Colleges, or a technical college that
41 are specifically provided in this title.

42 (3) The board shall, for the Utah System of Higher Education:

43 (a) provide strategic leadership and link system capacity to the economy and workforce
44 needs;

45 (b) enhance the impact and efficiency of the system;

46 (c) establish measurable goals and metrics and delineate the expected contributions of
47 individual institutions of higher education toward these goals;

48 [~~(d) evaluate presidents based on institutional performance;~~]

49 [~~(e) delegate to presidents the authority to manage the presidents' institutions of higher
50 education;~~]

51 [~~(f)~~] (d) administer statewide functions including system data collection and reporting;

52 [~~(g)~~] (e) establish unified budget, finance, and capital funding priorities and practices;

53 and

54 [~~(h)~~] (f) provide system leadership on issues that have a system-wide impact,
55 including:

56 (i) statewide college access and college preparedness initiatives;

57 (ii) learning opportunities drawn from multiple campuses or online learning options,
58 including new modes of delivery of content at multiple locations;

59 (iii) degree program requirement guidelines including credit hour limits, articulation
60 agreements, and transfer across institutions;

61 (iv) alignment of general education requirements across institutions of higher
62 education;

63 (v) incorporation of evidence-based practices that increase college completion; and

64 (vi) monitoring of workforce needs, with an emphasis on credentials that build upon
65 one another.

66 (4) The board shall coordinate and support articulation agreements between the Utah
67 System of Technical Colleges or a technical college and other institutions of higher education.

68 (5) The board shall prepare and submit an annual report detailing the board's progress
69 and recommendations on career and technical education issues and addressing workforce needs
70 to the governor and to the Legislature's Education Interim Committee by October 31 of each
71 year, which shall include information detailing:

72 (a) how the career and technical education needs of secondary students are being met
73 by institutions of higher education described in Subsection 53B-1-102(1)(a), including the
74 access secondary students have to programs offered by Salt Lake Community College's School
75 of Applied Technology, Snow College, and Utah State University Eastern;

76 (b) how the emphasis on high demand, high wage, and high skill jobs in business and
77 industry is being provided;

78 (c) performance outcomes, including:

79 (i) entered employment;

80 (ii) job retention; and

81 (iii) earnings;

82 (d) an analysis of workforce needs and efforts to meet workforce needs; and

83 (e) student tuition and fees.

84 (6) The board may modify the name of an institution described in Subsection
85 53B-1-102(1)(a) to reflect the role and general course of study of the institution.

86 (7) The board may not conduct a feasibility study or perform another act relating to
87 merging a technical college with another institution of higher education.

88 (8) This section does not affect the power and authority vested in the State Board of
89 Education to apply for, accept, and manage federal appropriations for the establishment and

90 maintenance of career and technical education.

91 Section 2. Section **53B-2-102** is amended to read:

92 **53B-2-102. Institution of higher education board of trustees to appoint president**
93 **for institution.**

94 (1) As used in this section:

95 (a) "Institution of higher education" means an institution that is part of the Utah System
96 of Higher Education described in Subsection 53B-1-102(1)(a).

97 (b) "Search committee" means a committee that selects finalists for a position as an
98 institution of higher education president.

99 (2) [~~The board~~] An institution of higher education board of trustees shall appoint a
100 president for [~~each~~] the institution of higher education.

101 (3) An institution of higher education president serves at the pleasure of the [~~board~~]
102 institution of higher education board of trustees.

103 (4) (a) To appoint an institution of higher education president, the [~~board~~] institution of
104 higher education board of trustees shall establish a search committee that includes
105 representatives of faculty, staff, students, the institution of higher education board of trustees,
106 alumni, the outgoing institution of higher education president's executive council or cabinet,
107 and the board.

108 (b) A search committee shall be cochaired by a member of the board and a member of
109 the institution of higher education board of trustees.

110 (c) A search committee described in Subsection (4)(a) shall forward three to five
111 finalists to the [~~board~~] institution of higher education board of trustees to consider for a
112 position as an institution of higher education president.

113 (d) A search committee may not forward an individual to the [~~board~~] institution of
114 higher education board of trustees as a finalist unless two-thirds of the search committee
115 members, as verified by the [~~commissioner~~] chair of the institution of higher education board
116 of trustees, find the individual to be qualified and likely to succeed as an institution of higher
117 education president.

118 (5) (a) [~~The board~~] An institution of higher education board of trustees shall select an
119 institution of higher education president from among the finalists presented by a search
120 committee.

121 (b) If the ~~[board]~~ institution of higher education board of trustees is not satisfied with
 122 the finalists forwarded by a search committee, the ~~[board]~~ institution of higher education board
 123 of trustees may direct the search committee to resume the search process until the search
 124 committee has forwarded three finalists with ~~[which the board]~~ whom the institution of higher
 125 education board of trustees is satisfied.

126 (6) The board, through the commissioner, shall create a comprehensive, active
 127 recruiting plan to ensure a strong, diverse pool of potential candidates for institution of higher
 128 education presidents.

129 (7) (a) Except as provided in Subsection (7)(b), a record or information gathered or
 130 generated during the search process, including a candidate's application and the search
 131 committee's deliberations, is confidential and is a protected record under Section [63G-2-305](#).

132 (b) Application materials for a publicly named finalist described in Subsection (5)(a)
 133 are not protected records under Section [63G-2-305](#).

134 Section 3. Section **53B-2-103** is amended to read:

135 **53B-2-103. Boards of trustees -- Powers and duties.**

136 (1) As used in this section, "institution of higher education" means an institution that is
 137 part of the Utah System of Higher Education described in Subsection [53B-1-102\(1\)\(a\)](#).

138 ~~[(1)]~~ (2) ~~[Each college or university]~~ An institution of higher education has a board of
 139 trustees that may act on behalf of the ~~[college or university]~~ institution of higher education in
 140 performing duties, responsibilities, and functions as may be specifically authorized to the board
 141 of trustees by the ~~[State Board of Regents]~~ board.

142 ~~[(2)]~~ (3) A board of trustees has the following powers and duties:

143 (a) to facilitate communication between the institution of higher education and the
 144 community;

145 (b) to assist in planning, implementing, and executing fund raising and development
 146 projects aimed at supplementing institutional appropriations;

147 (c) to perpetuate and strengthen alumni and community identification with the ~~[college~~
 148 ~~or university's]~~ institution of higher education's tradition and goals;

149 (d) to select recipients of honorary degrees; ~~[and]~~

150 (e) to approve changes to the institution of higher education's programs, in accordance
 151 with Section [53B-16-102](#)~~[-]~~;

152 (f) to delegate to the institution of higher education president the authority to manage
153 the institution of higher education; and
154 (g) to evaluate an institution of higher education president based on institutional
155 performance.

Legislative Review Note
Office of Legislative Research and General Counsel