

R220, Delegation of Responsibilities to the President and Board of Trustees¹

R220-1. Preamble: This Policy addresses the critical need for clarity in delegation of responsibilities and effective communication and consultation among the Board of Regents and the Boards of Trustees, the institutional Presidents, and the Commissioner of Higher Education. It is based on the recognition that public higher education in Utah is best served by a strong, unified system of higher education, with vital and excellent institutions which make up its individual parts.

The Policy describes the relationships between and among the Board of Regents, Governor, Legislature, Commissioner, Presidents, and Boards of Trustees. It is the intent of this Policy that the Board of Regents delegate certain responsibilities of an institutional nature to the Boards of Trustees and Presidents and retain all other functions and responsibilities, particularly those which have system wide implications.²

R220-2. References

- 2.1. Utah Code §53B-1-101(2) (Delegations to Institutional Boards of Trustees and Presidents)
- 2.2. Utah Code §53B-1-103 (Board: Powers and Authority)
- 2.3. Utah Code § 53B, Chapter 2 (Institutions of Higher Education)
- 2.4. Utah Code §63G-2-305(27) (Government Records Access Management Act: Higher Education Protected Records)
- 2.5. Policy and Procedures R131, Functions of the State Board of Regents
- 2.6. Policy and Procedures R141, Functions of the Commissioner of Higher Education
- 2.7. Policy and Procedures R150, Council of Presidents
- 2.8. Policy and Procedures R203, Search Committee Appointment and Function, and Regents' selection of Presidents of Institutions
- 2.9. Policy and Procedures R208, Annual Chief Executive Officers Performance Review

R220-3. Definitions

- 3.1. **Board of Regents:** for convenience and clarity, throughout this Policy the Board of Regents is referred to as the Board of Regents, Regents, or simply as the Board.
- 3.2. **Board of Trustees:** for convenience and clarity, throughout this Policy the Board of Trustees is referred to as the Board of Trustees, or Trustees.

R220-4. Relationships

¹ Approved December 14, 1991, amended April 29, 1991, November 4, 1994 and January 23, 1998, January 25, 2013.

² This document may not be construed to amend or invalidate properly adopted provisions of institutional policy and procedures manuals. Such amendments to institutional policies necessary to conform them to this document will result from initiatives of the President, approved by the Board of Trustees, in accordance with institutional practices and procedures.

4.1. Relationship between the System of Higher Education and the Governor: The Governor appoints the members of the Board and the Board of Trustees, except for those who serve ex officio. The Board, Commissioner, President and Board of Trustees provide budget and other information needed by the Governor to make recommendations to the Legislature, and otherwise cooperate, as appropriate, with the Governor. The institution is subject to executive branch actions under certain specific statutes, such as the State Money Management Act, the State Procurement Code, and the Administrative Rulemaking Act. However, the authority of the Board, Commissioner, President and Board of Trustees to govern and administer the System derives from the Legislature.

4.2. Relationship between the System of Higher Education and the Legislature: The Legislature has authority under the Utah Constitution to structure the Utah System of Higher Education as it deems appropriate. By statute, the Legislature has delegated authority to the Board, Commissioner, President and Board of Trustees to govern and administer the System and the institution. Certain statutes provide for some direct legislative oversight of System operations, such as approval of new construction on the campus and the approval of certain bonds. The State Senate approves the appointment of members of the Board and the Board of Trustees, except those who serve ex officio.

4.3. Relationship between the Board and the Institutional President: The Board, after consulting with the Board of Trustees, appoints the President who serves at the pleasure of the Board and at a salary fixed by the Board. The President is the chief executive officer for that institution and reports to the Board. The Board has delegated administrative responsibilities for institutional operations to the President.

4.3.1. Relationship between the Commissioner and the Board and Institutional Presidents

-The Commissioner of Higher Education serves as the Chief Executive Officer of the Board of Regents. The functions of the Commissioner are described in R141, and include coordinating the execution of Board policies and master planning efforts, spokesperson for the System of Higher Education, providing statewide leadership in activities affecting the System of Higher Education, chairing the Council of Presidents, providing advice and consultation as sought by institutional Presidents, preparing the agenda for Board meetings after consultation with Board and the Council of Presidents, identifying policy considerations and making appropriate recommendations thereon to the Board, and administration of statewide support programs subject to applicable Board policies. It is the intent of this policy to reaffirm the statewide role of the Commissioner and that Presidents, reporting directly to the Board and working cooperatively with their Boards of Trustees, hold the line operating responsibilities of managing the States' Colleges and Universities.

4.4. Relationship between the President and the Board of Trustees: The Board of Trustees advises the President and approves, disapproves, or makes recommendations concerning initiatives brought to it by the President, as follows:

4.4.1. Advise the President: The Board of Trustees consults with and gives advice to the President on matters related to the institution.

4.4.2. Approval of Presidents' Institutional Policy Recommendations: The President's authority to develop policy for the institution, as delegated by the Board, is subject to the approval of the Board of Trustees. On such matters, it is the duty of the President to prepare initiatives for response by the Board of Trustees. Except for consultation and advice as provided in 4.4.1 and for responsibilities specifically delegated by statute or by the Board, the actions of the Board of Trustees, as they affect institutional policies and operations, are limited to approval or disapproval of initiatives brought to them by the institutional President.

4.4.3. Board Delegation to the President with Board of Trustees Approval: The Board may identify certain matters for which it delegates the authority and responsibility to the President, with the approval of the Board of Trustees.

4.4.4. Approval of President's Policy Initiatives to Be Submitted to the Board -The Board may identify certain matters that must be recommended or approved by the Board of Trustees before the President submits them to the Board for approval.

4.5. Relationship between the Board of Trustees and the Board: Other than the statutory powers and duties provided by law, including the four duties referred to below, all responsibilities of and authority exercised by Boards of Trustees are delegated by the Board of Regents. To promote more responsibility and responsiveness at the local level, the Board has elected to delegate those items outlined in 4.5.2.

4.5.1. Board of Trustees Statutory Responsibilities: Utah law provides the Board of Trustees with four specific duties to:

4.5.1.1. Facilitate communication between the institution and the community.

4.5.1.2. Assist in planning, implementing, and executing fund raising and development projects aimed at supplementing institutional appropriations.

4.5.1.3. Perpetuate and strengthen alumni and community identification with the institution's tradition and goals.

4.5.1.4. Select recipients of honorary degrees.

4.5.2. Board of Trustees Delegated Authority -The following matters are delegated by the Board for action by the Board of Trustees, subject to being reported annually, in summary form, to the Regents and subject to audit:

4.5.2.1. Monitoring implementation of the approved institutional mission, including periodic review and update.

4.5.2.2. Review and approval of institutional operating policies, and approval of Presidential recommendations to design and construct facilities, and buy and sell property within parameters set by the Regents.

4.5.2.4. Review and approval of research and training contracts and grants that fall within parameters established by Board policies, budgetary work programs, and campus regulations.

4.5.2.5. Reviews of institutional audits shall be conducted by the Board of Trustees, with the participation of the President at the discretion of the Board of Trustees.

4.5.2.6. Review and approval of academic program quality reviews, certificates, minors, emphases and options that are recommended within existing programs, and program cancellations and name changes.

4.5.2.7. Review and approval of reports on financial performance; review and approval of semiannual summary reports of bad debt write-offs, lease agreements, and budget

transfers; approval of institutional residence budgets; and approval of salary budgets as appropriate.

4.5.2.8. Review and approval of institutional reports on athletics, auxiliary and service enterprises, development fund, institutional discretionary fund, investments, leased property, money management, and real property.

4.5.3. Approve or Recommend Selected Action Items Before Submission to Board: The Board of Trustees approves the following matters before they are submitted by the President to the Board:

4.5.3.1. Institutional mission statements, goals and objectives.

4.5.3.2. Institutional budget requests and tuition and fee adjustment recommendations.

4.5.3.3. Institutional strategic and master plans, including academic program planning, land acquisitions, and capital development and improvement project planning.

4.5.4. Monitor and Report to Board: The Board of Trustees monitors and reports concerning certain matters identified by the Board. The President provides the Board of Trustees with the relevant Board policy and the procedures for monitoring and reporting. The Board of Trustees reports to the Board regarding institutional compliance with such Board policy, or the status of specific matters.

4.5.5. Consult with the Board: The Board may consult or seek direct assistance from the Board of Trustees. This is accomplished through annual joint meetings, invitations to Board of Trustees members to serve on special committees established by the Board, including presidential search committees, or through other contacts.

4.5.6. Petition the Board: The Board of Trustees, after notification to the President of its intention to do so, may petition the Board directly on any matter the Board of Trustees views to be of importance to the institution. When it is deemed necessary, the Board of Trustees may request a special meeting with the Board.

4.5.7 University of Utah Health Care System: The Board delegates to the University of Utah Board of Trustees the authority to review, approve, and provide oversight with regard to the University of Utah Health Care budget, operations, and property transactions. However, this delegation of authority does not include the Board's revenue bonding authority granted by the legislature under Utah Code Title 53B, Chapter 21, Section 101, Financing of projects or buildings.

4.6. Reservation of Final Authority to the Board: While the Board has authority to alter its delegation of responsibilities, it is the intent of the Board to sustain and enhance the viability of a strong and stable structure of delegation as provided by statute the Board may retain responsibilities or delegate them to Presidents and Boards of Trustees. As stated in Section 4.3. above, administrative responsibilities for institutional operations are delegated to the President. As stipulated in Sections 4.5.2. through 4.5.5., certain responsibilities to approve policy initiatives from the President, to approve or recommend matters to be considered by the Board, to monitor and report institutional compliance and performance, and to consult with the Board, are delegated to the Board of Trustees. All functions and responsibilities not specifically delegated herein are reserved to the Board. The Board has reserved to itself final authority to consider and act on the following matters:

4.6.1. Statewide Policies and Procedures: Establishment of policies and procedures having statewide implication.

4.6.2. Executive Appointments and Retention: Appointment and retention of the Commissioner of Higher Education and the Presidents of the institutions governed by the Board and fixing their salaries. The Board retains the responsibility for appointment and retention of the Commissioner of Higher Education and the Presidents of the institutions. The Board of Trustees will be involved in the following ways:

4.6.2.1. Initial Appointment of Presidents of Institutions: The Board appoints a President after consulting with the institution's Board of Trustees. The Chair of the Board will appoint the Presidential Search Committee after consultation with the Chair or other members of the Board of Trustees, as is deemed advisable by the Chair of the Board of Regents, and other constituencies. To the extent possible, the Search Committee will include an equal number of Regents and Trustees. As provided in section 4.5.6., 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.

4.6.2.2. Annual Consultation Regarding the Presidents of Institutions: The Board will consult at least annually with the institution's Board of Trustees regarding the performance and evaluation of the President. This consultation is accomplished in the following ways:

4.6.2.2.1. through joint meetings of the two Boards.

4.6.2.2.2. through the appointment of the institution's Board of Trustees Chair to serve on the Board's annual review team for the institution's President, as provided in R208.

4.6.2.3. Determination on the Retention of Presidents of Institutions: Through the Board's annual review team for presidents of institutions, recommendations on the retention of the President will be forwarded to the Board. If the Board determines it is in the best interest of the institution and System of Higher Education not to retain a President of an institution, the Board will consult with the Chair of the institution's Board of Trustees or other members, as is deemed advisable by the Chair of the Board of Regents, before final Board action is taken. As provided in section 4.5.6., if the Board of Trustees concludes that additional consultation between the two Boards is needed, the Board of Trustees may petition the Board to arrange for more extended communication to discuss the matter.

4.6.3. Master Planning: Development, implementation, and maintenance of up-to-date master and strategic plans for the System of Higher Education, including the definition of institutional missions and roles, the determination of related operating and capital budgetary needs, the approval of new academic and applied technology programs, program reviews involving system wide or multiple institution issues, distance and outreach education, and ensuring articulation of courses and programs.

4.6.4. Budget, Finance and Information: Approval of consolidated system and institutional budget proposals for recommendation to the Governor and the Legislature, proposals for

adjustment of tuition and fees, and requests for approval or modifications of work programs, and definition, collection, and analysis of data that have system level **significance**.

4.6.5. Legislation: Advocacy of the needs of higher education is provided through the coordinated efforts of the Regents, Commissioner, Trustees, and Presidents. Proposed legislation or budget priorities advocated by institutions must, however, be part of the approved and prioritized legislative program of the Regents in order to ensure an orderly process that is consistent with overall system wide planning priorities.

4.6.6. Administrative Unit and Program Approval: Approval of the establishment of a branch, extension, center, college, professional school, division, institute, department or any new program of instruction, research or public services or any new degree at the institution. In this conjunction, the Board conducts periodic reviews of programs of instruction, research, and public service that have statewide significance.