

R121, Standard for Making Technical Edits to Board Policies¹

R121-1 Purpose: To outline the process for when the Office of the Commissioner of Higher Education (“OCHE”) may update Board policies based on technical edits without having the Utah Board of Higher Education (“Board”) approve the updates in a Committee of the Whole Board meeting.

R121-2 References

2.1 Utah Code section 53B-1-402, Establishment of Board – Power, Duties, and Authority – Reports

R121-3 Definitions

3.1 “Technical Edits” means corrections to a Board policy that has already been adopted through the required Board policy process. Technical edits do not materially change the intent or directive of the Board policy and include correcting grammatical or typographical errors, fixing formatting, updating hyperlinks, renumbering subsections, updating policies on the Board’s website after they are approved through the administrative rulemaking process, and/or alterations that in no way affect the substance or meaning of the Board policy.

R121-4 Updates to Board Policies Based on Technical Edits

4.1 The OCHE may update a Board policy that has already been adopted through the required Board policy process, without having the Board approve the updates in a Committee of the Whole Board meeting, when the updates only involve technical edits.

4.2 The OCHE shall make a request in writing to the Board’s secretary, or their designee, to update a Board policy based on technical edits. The Board’s secretary will approve or deny the request based on requirements in this policy.

¹ *Adopted August 30, 2024.*

R131, Review and Approval of Centers for Compliance with Equal Opportunity Initiatives¹

R131-1 Purpose: This policy outlines the process for Board of Higher Education (“Board”) review and approval of centers at Utah System of Higher Education (“USHE”) institutions in compliance with equal opportunity initiatives under Utah law.

R131-2 References

2.1 Utah Code § 53B-1-118, Prohibited Discriminatory Practices – Exceptions

R131-3 Definitions

3.1 “Personal Identity Characteristics” is as defined under Utah Code section 53B-1-118(1)(b).

3.2 “Student Resource or Cultural Center” (“Center”) means a program, office, initiative, administrative unit, sub-unit, committee, or center that an institution has established or seeks to establish to serve a specific culture, population, or group based on a personal identity characteristic.

R131-4 Center Requirements: Under this policy, a center:

4.1 Must be focused on cultural education, celebration, engagement, and awareness;

4.2 Must be designed to provide opportunities for all students to learn with and from one another; and

4.3 Cannot influence student participation in programs or promote differential treatment of students based on personal identity characteristics.

R131-5 Board Approval Required: To ensure compliance with Utah Code section 53B-1-118, an institution must seek Board review of an existing center, and Board approval of a proposed center.

R131-6 Center Proposal: An institution seeking Board review or approval of a center shall submit a proposal to Office of the Commissioner of Higher Education (“OCHE”). The proposal shall include the

¹ Adopted June 6, 2024; amended August 30, 2024.

culture, population, or group the center serves or will serve, as well as information about how the center will meet the requirements of subsections 4.1 through 4.3.

R131-7 OCHE Assessment: OCHE shall provide an assessment for the Board to use when determining whether to approve a proposal for a new or existing center. As part of that assessment, OCHE will review the proposal submitted by the institution, including whether the center will be compliant with Utah Code section 53B-1-118 and how it meets or will meet the requirements of subsections 4.1 through 4.3.

R131-8 Board Approval Considerations: OCHE will provide its assessment, including recommendations, to the Board and the Board will determine whether to approve the proposed center.

8.1 When making its determination, the Board shall consider whether the new or existing center complies with Utah Code section 53B-1-118 and meets the requirements of subsections 4.1 through 4.3.

8.2 Additional Information: When determining whether to approve or deny a center, the Board will review the OCHE assessment and may request more information or consultation.

R131-9 Program Approval: Although an institution may receive Board approval under this policy to operate a center in compliance with Utah Code section 53B-1-118, the institution must also follow the program approval process under Board Policy R401, *Approval and Modification of Instructional Programs and Academic Administrative Units within Role, Mission, and Designated Service Region*.

R131, Review and Approval of Centers for Compliance with Equal Opportunity Initiatives¹

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R141, Responsibilities of the Commissioner of Higher Education¹

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

R141-2 References

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

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

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

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

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or legislatively charged. Presidents shall cooperate with the commissioner to properly implement the Board's policies and directives.

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

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

3.5 Master Strategic Planning: ~~Coordinates USHE's master planning efforts by developing and implementing, jointly with leadership from the Board and USHE institutions, a strategic planning process that marshals system and institutional resources to address the educational needs of the State. At the Board's direction, develops a system strategic plan that establishes the Board's vision, strategic priorities, system goals, strategies, and tactics. Manages the system's resources, policies, personnel, directives, and programs toward achieving the Board's vision and goals.~~

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

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

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

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

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

3.11 Consultation: Provides leadership, advice, and consultation to institutional Presidents, including connecting with them regularly or as directed by the Board, and seeking feedback to understand how the system can support them presidents in successfully implementing achieving the Board’s vision and strategic plan, and achieving their respective institution’s’ strategic goals and priorities.

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

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

3.14 Communications: Supports the work of individual presidents and serves as a liaison between presidents and the Board; directs communication and collaboration between USHE technical colleges and degree-granting institutions, the Board, and OCHE the Office of the Commissioner (“OCHE”) on problems and issues of common interest to USHE; establishes and maintains positive, productive relationships with the Board, presidents, boards of trustees, and the legislative and executive branches of Utah. When issuing a formal public statement or press releases on behalf of the Board the commissioner shall seek Board approval as outlined in Board Policy R120, Board of Higher Education Bylaws subsection 3.12.1.

3.15 Oversees Commissioner’s Staff: Evaluates, plans, and directs all activities of the Office of the Commissioner. Leads OCHE staff to ensure they fulfill Sets staff duties, responsibilities, and performance expectations designed to accomplish their statutory responsibilities and duties to the Board’s vision and strategic priorities.

3.16 Coordination with Executive Branch: Aligns the Board’s vision, priorities, and initiatives with the Governor and the executive branch. Informs the governor about the Board’s strategic plan and progress on accomplishing the strategic plan and significant issues impacting

the Utah System of Higher Education. Provides other information and updates as requested by the governor.

R141-4 Evaluation of Commissioner’s Performance: The Executive Committee will conduct an annual performance evaluation of the commissioner ~~will undergo a performance evaluation annually~~. The evaluation will assess the commissioner’s performance of the functions duties and responsibilities outlined in section ~~141-3~~. The Executive Committee ~~will conduct the evaluation and~~ may retain a qualified consultant or pay to use evaluation software or tools to assist with the evaluation, including to seek information about the commissioner’s performance from presidents and other system stakeholders.

4.1 Evaluation Report: On a form provided by the Board, the Executive Committee will complete a performance evaluation and will share its findings with the Board within 60 days of the start of the evaluation process. The report may contain recommendations to the Board, including that the commissioner engage in a performance improvement plan to help address performance deficits. Board members may provide feedback on the report to the Executive Committee within 14 days and the Board may meet to discuss the report at the request of any Board member. At the close of the feedback period, the Executive Committee will finalize the report. The Executive Committee will meet with the commissioner to review the final report, including any recommendations, and will share the final report with the Board. If the report includes recommendations, the recommendations will be added to the Board’s next agenda and the Board may act on them via motion. Because they relate to a performance evaluation, the report and any recommendations shall not be made public and shall only be discussed in closed meetings. Additionally, the Board may set performance expectations, require a performance improvement plan, or apply corrective action in a closed meeting. However, the Board can only take action to remove the commissioner via motion in an open meeting.

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

R141-6 Commissioner’s Staff

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

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

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

R141, Responsibilities of the Commissioner of Higher Education¹

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

R150, Council of Presidents¹

R150-1. Purpose: The Council of Presidents ~~performs a~~ facilitating unified leadership, problem-solving, and communication among the Utah System of Higher Education (“USHE”) presidents, the Commissioner of Higher Education (“Commissioner”), and the Utah Board of Higher Education (“Board”) in order to ~~role designed to provide an avenue for effective dialogue in a spirit of harmony and mutual trust between the public colleges and universities in Utah. To enhance the efficiency and efficacy of the System of Higher Education,;~~ the Council should serve as an advisory panel to the Commissioner, the Board of Regents and the Presidents regarding state-wide policy issues relating to the program and budgetary needs of Utah higher education.

R150-2. References

2.1. Utah Code § 53B-1-402, Establishment of Board – Powers, Duties, and Authority

R150-3. Policy

3.1. Functions of the Council of Presidents: The Council of Presidents serves as an advisory panel to the commissioner, the Board, and the presidents regarding state-wide policy issues relating to the program and budgetary needs for the System. ~~The Council of Presidents is an advisory body to the State Board of Regents, the Commissioner, and the Presidents, The Council is composed of the individual USHE institutional p~~Presidents and the ~~c~~Commissioner, who serves as ~~c~~Chair. The Council has the following functions and relationships:

3.1.1. Policies and Procedures: Advises and provides feedback to the ~~c~~Commissioner and the ~~State Board of Regents on concerning System Board~~ policies and procedures.

3.1.2. Agenda: Provides counsel to the commissioner and rReviews the proposed agenda for ~~State Board of Regents meetings and counsels with the Commissioner in the preparation thereof.~~

3.1.3. Communications: Assures continuous communication among the ~~colleges and universities~~USHE institutions and among them, the ~~State Board of Regents~~, and the

¹ *Adopted September 26, 1976; amended August 30, 2024.*

~~Office of the Commissioner,~~ related to problem-solving, leadership, Board policies,s and other issues of common interest to the System ~~of Higher Education.~~

3.1.4- Program and Budget: Counsels with the ~~c~~Commissioner and ~~Regents Board~~ regarding the program and budgetary needs of the System and of the individual institutions.



R150, Council of Presidents¹

R150-1 Purpose: The Council of Presidents facilitates unified leadership, problem-solving, and communication among the Utah System of Higher Education (“USHE”) presidents, the Commissioner of Higher Education (“commissioner”), and the Utah Board of Higher Education (“Board”) in order to enhance the efficiency and efficacy of the System.

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R150-3 Policy

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3.1.1 Policies and Procedures: Advises and provides feedback to the commissioner concerning Board policies and procedures.

3.1.2 Agenda: Provides counsel to the commissioner and reviews the proposed agenda for Board meetings.

3.1.3 Communications: Assures continuous communication among the USHE institutions, the Board, and the commissioner related to problem-solving, leadership, Board policies, and other issues of common interest to the System.

3.1.4 Program and Budget: Counsels with the commissioner and Board regarding the program and budgetary needs of the System and of the individual institutions.

¹ *Adopted September 26, 1976; amended August 30, 2024.*