

R141, ~~Functions-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 – Duties
- 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 ~~of Higher Education (commissioner)~~ serves as the 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 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: Ensures ~~that~~ the proper execution of the Board’s policies, programs, and actions ~~are~~

¹ Adopted May 18, 2012; amended January 14, 2022; ~~and XXX~~.

~~properly performed~~; collaborates with the Council of Presidents and institution staff to advise them of 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.

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 ~~the system-USHE~~ institutions to ensure they contribute to and effectively implement the Board's policies, directives, strategies, and goals.

3.5 Master 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.

3.6 Public Information: Consistent with the direction given by the Board, serves as the USHE spokesperson ~~for USHE~~.

3.7 Council of Presidents: Serves as Chairperson of the Council of Presidents; ~~including~~ ~~coordinat~~esing meeting agendas and Council recommendations to the Board; ~~and~~ ~~facilitat~~esing communication among the presidents.

3.8 Presidential Hiring and Review: ~~On the Board's behalf, c~~Coordinates the presidential hiring process; ~~es on behalf of the Board and~~ makes recommendations to the Board regarding the finalists recommended by the search committee; facilitates the presidential review-evaluation processes; ~~and~~

makes recommendations to the Board regarding presidential performance and compensation.

3.9 Information, Reports, and Audits: Has authority to require 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 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 in successfully implementing the strategic plan, ~~or as otherwise directed by the Board~~.

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

3.12 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, including advice on institutional and system budget requests, new programs, policy proposals, and an overall legislative agenda, independent of any one group's or interest's perspective.

3.13 Communications: Supports the work of individual presidents and serves as a liaison between presidents and the Board; directs communication and collaboration between USHE ~~the technical~~ colleges and ~~universities~~ degree-granting institutions, the Board, and the Office of the Commissioner ("OCHE") on problems and issues of common interest to USHE; establishes and maintains positive, productive relationships with the Board, ~~institutional~~ 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 ~~provide advance notice to seek Board approval the Board as outlined in~~ as outlined in Board Policy R120, subsection 3.12.1.-16-3.

3.14 Oversees Commissioner's Staff: Leads ~~the staff of the Office of the Commissioner of Higher Education (OCHE staff)~~ to ensure ~~they~~ fulfill ~~their~~ statutory responsibilities and duties to the Board.

R141-4 Evaluation of Commissioner's Performance: The commissioner will undergo a performance evaluation annually. The evaluation will assess the commissioner's performance of the functions 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 ~~institutional Pp~~ 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 ~~include~~ 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, and~~ 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.

R140-5 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 developing and overseeing a performance improvement plan or corrective action passed by the Board.

R140-6 Commissioner's Staff

~~**6.1 Appointment of Associate Commissioners:** Subject to the approval of the Board, the commissioner shall appoint an associate commissioner of technical education and an associate commissioner of academic education. The commissioner may also appoint, without the Board's approval, other associate commissioners as needed. The associate commissioners shall serve at the commissioner's pleasure.~~

6.12 Hiring of Other Staff: The commissioner may appoint and hire professional, legal, and administrative staff, including associate commissioners. All members of the commissioner's staff ~~shall be hired upon recommendation of the commissioner and shall~~ report directly to the commissioner.

~~**6.2.1 Associate commissioners and other staff members involved in committee work and other assignments shall report to the commissioner, who shall then report to the Board unless, on a case-by-case basis, the commissioner specifically requires an associate commissioner or staff member to report directly to the Board.**~~

~~6.12.12~~ ~~In fulfilling committee assignments, m~~Members of the Board should be cognizant of lines of authority and should obtain the commissioner's authorization to deal with ~~associate commissioners or other~~ staff members.

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