



POLICY MANUAL

GENERAL

Number 102

Subject: The State System of Higher Education

Effective Date: January 24, 1997

102.1 INTRODUCTION

This chapter describes the State Board of Regents (hereafter Regents), the Commissioner of Higher Education (hereafter Commissioner), the Board of Trustees (hereafter Trustees), and their joint relationships with each other and with the University.

102.2 STATE BOARD OF REGENTS

2.1 Introduction

The Higher Education Act of March 21, 1969, established the state System of Higher Education and created the state Board of Regents. The following language summarizes the purposes, powers, and functions of the Regents.

2.2 Purpose of Higher Education Act of 1969

The purpose of the Higher Education Act is to vest in a single board, the Regents, the power to govern the state system of higher education.

The Regents are to plan an economical system of high quality public higher education through centralized direction and master planning, to provide for avoidance of unnecessary duplication within the system, to plan for the systematic and orderly development of facilities and quality programs, to plan for coordination and consolidation, and to plan for systematic development of the roles of each institution within the system of higher education.

2.3 Power and Authority of the Regents

The Regents are vested with the control, management and supervision of the following institutions of higher education: The University of Utah; Utah State University of Agriculture and Applied Science; Weber State University; Southern Utah University; Dixie College; Snow College; the College of Eastern Utah; Utah Valley Community College; and Salt Lake Community College.

2.4 Membership, Terms, Committees

(1) Membership.

The Regents consist of 16 resident citizens of the state. Members are appointed by the Governor with the consent of the Utah State Senate. One member is appointed from nominations of the student body presidents' council of three fully qualified matriculated students enrolled in the state institutions of higher education other than the student body president. Other than the student body appointee, not more than eight members are, at any time, from one political party. In making appointments to the Regents, persons are selected from the state at large with due consideration for geographical representation.

(2) Terms.

Appointments to the Regents are made for six-year terms. Student members are appointed for one-year terms and may be reappointed for one additional one-year term. The student appointee has full voting rights except that s/he does not vote on selection of a Regents' chairman and vice chairman nor serve in either of these offices.

(3) Committees.

The Regents have the authority to establish committees as they deem necessary to properly fulfill their responsibilities. These committees are to be advisory only and the powers and authority of the Regents are not delegated thereto, except as is specifically provided for. All matters requiring determination by the Regents are presented to and deliberated upon by the Regents as a whole or by the executive committee of the Regents properly convened.

2.5 Additional Responsibilities of Regents

(1) Master plan.

The Regents are to establish and maintain an up-to-date master plan which includes but is not limited to: (a) Planning of public higher education; (b) Establishing and defining the role and programs of each institution; (c) Establishing criteria for and determination of the future needs and requirements for new programs and new institutions and/or the elimination, curtailment, or consolidation of existing programs and facilities; (d) Providing for the initiation and financing of projects deemed necessary to satisfy projected patterns of growth and maintenance; (e) Establishing criteria for and determination of the operating and capital needs of each institution and the system as a

whole; (f) Recommending the methods and sources of future financial support of the higher education system; (g) Establishing procedures for the development of maximum utilization of existing facilities; and (h) Securing an adequate and coordinated program for the community colleges and the vocational, technical, and paraprofessional institutions and departments in the state system of higher education.

(2) Productivity.

The Regents are responsible to promote and increase productivity in the state system of higher education. The cost savings generated are used to provide additional reform programs or compensation to educators in the system.

2.6 Institutions' Operating Budgets and Work Programs

(1) State appropriations.

The Regents request state appropriations for the system from the legislature. Such appropriations are consistent with equitable distribution of funds among the respective institutions in accordance with the aims and objectives of the statewide master plan.

(2) Tuition.

The Regents fix the tuition, fees, and charges for each institution at a level they find necessary to meet the budget requirements of each institution.

(3) Other financial resources.

Moneys allocated to each institution by legislative appropriation are budgeted by each institution in accordance with an institutional work program approved by the Regents. The dedicated credits, such as tuitions, fees, federal grants, and proceeds from sales, received by the universities and colleges are retained by these institutions and used in accordance with each institutional work program. Each university, college, and community college does its own purchasing, issues its own payrolls, and handles its own financial affairs under the general supervision of the Regents.

2.7 Institutional Roles and Courses of Study

Except as institutional roles are specifically assigned by the legislature, the Regents are vested with the power and authority to establish and define the roles of the various institutions of higher education under their control and management and prescribe the general course of study to be offered at each institution. In establishing and defining institutional roles, the Regents consider the traditional roles which have been performed by the separate institutions.

2.8 Regent Reviews

(1) Changes in curriculum.

Pursuant to procedures and policies approved by the Regents and developed in consultation with each institution, each institution makes such changes in its curriculum as it deems necessary or desirable to better effectuate the role or roles previously approved by the Regents.

(2) Instructional programs.

The Regents conduct periodic reviews of all programs of instruction, research, and public service at the member institutions of the state system of higher education, including those funded by gifts, grants, and contracts, and they may require the modification or termination of any program. Prior to requiring modification or termination of any program, the Regents give the institution concerned adequate opportunity for a hearing before the Regents.

2.9 Awarding Degrees and Testimonials

Except as otherwise specifically provided by law, no institution issues or awards any degree or testimonial as is usually granted by universities or colleges, without first having secured the approval of the Regents of the adequacy of the course of work or study for which such degree or testimonial is offered and of the propriety of the particular institution in issuing or awarding that degree or testimonial with regard to its proper role within the system.

2.10 Regents Consultation with Trustees and University President

In carrying out its duties and responsibilities, the Regents consult with the Trustees and/or the Presidents of member institutions of the state system of higher education on matters pertaining to their respective institutions.

102.3 COMMISSIONER OF HIGHER EDUCATION

The Regents appoint a Commissioner of Higher Education to serve as the chief executive officer of the Regents and at the pleasure of the Regents.

102.4 BOARD OF TRUSTEES

The Trustees are an advisory body to the President. They consist of eight persons appointed by the Governor of the state to four-year terms and two ex-officio members who are the President of the University's Alumni Association and the President of the student body of the University.

4.1 Relationship between the President and the Trustees

The Trustees advise the President and approve, disapprove, or make recommendations concerning initiatives brought to them by the President.

4.2 Relationship between the Trustees and the Regents

Other than four duties provided by law as referred to below (102.4.3), all responsibilities of and authority exercised by the Trustees are delegated by the Regents. The Regents reserve the right to reserve certain decisions to themselves and have the prerogative to withdraw responsibilities where necessary or appropriate.

4.3 Trustees' Statutory Responsibilities

Utah law provides the Trustees with four specific duties to: (1) facilitate communication between the University and the community; (2) assist in planning, implementing, and executing fund raising and development projects aimed at supplementing University appropriations; (3) perpetuate and strengthen alumni and community identifications with the University's tradition and goals; and (4) select recipients of honorary degrees.

4.4 Approve or Recommend Selected Action Items Before Submission to the Regents

On matters identified by the Regents by policy or specific request, the Trustees approve or recommend, whichever is specified by the Regents' policy or request, before these matters are submitted by the President to the Regents.

4.5 Monitor and Report to the Regents

The Trustees monitor and report concerning certain matters identified by the Regents by policy or specific request. The Commissioner provides the Trustees with the relevant Regents' policy and the procedures for monitoring and reporting. The Trustees report to the Regents regarding institutional compliance with such Regents' policy, or progress on specific matters.

4.6 Consult with Regents

The Regents may consult or seek direct assistance from the Trustees. This is accomplished through invitations to Trustees to serve on special committees established by the Regents (e.g., presidential search committees) or through other contacts.

4.7 Petition the Regents

The Trustees, after notification to the President of their intention to do so, may petition the Regents directly on any matter the Trustees view to be of importance to the institution.

4.8 Specific Responsibilities Delegated to the Trustees by the Regents

(1) University administration.

The Trustees advise the President concerning the governance and administration of the University.

(2) Trustees' bylaws.

The Trustees may enact bylaws for their own governance, including provision for regular meetings and the appointment of non-Trustees to serve on their advisory committees. Copies of the Trustees' bylaws are filed with the Regents.

(3) University Policies and Procedures Manual.

The Trustees advise the President and approve or disapprove any substantive change, addition, or deletion to the University Policy and Procedures Manual proposed by the President.

(4) Compliance with Regents' rules.

On specific matters identified by Regents' policy or request, and pursuant to procedures provided by the Commissioner, the Trustees, in exercising their approval authority, are responsible to review and report any University rules of which they are aware that are not in compliance with state law and Regents' rules relating to such matters.

(5) Report known violations.

As provided in (4), the Trustees monitor compliance with certain Regents' and University rules. Annually, the Trustees' Chair, or a designee, reports to the Regents that the Trustees are not aware of any violations of such Regents' rules that have not been duly reported to the Regents.

(6) Rules relating to University governance.

The Trustees advise the President, approve or disapprove the President's policy initiatives, and take such other actions as may be authorized by Regents' rules or University policy.

(7) University residence.

For Regents' approval, the Trustees advise the President and the Regents concerning the University residence, make prior recommendations of the costs of construction, purchase, major remodeling, landscaping, and improvements; monitor the operation and maintenance budgets of the residence; and report to the Regents concerning the Trustees' awareness of any violations of Regents' rules that have not been duly reported to the Regents.

(8) University statement of role and purpose.

The Trustees approve or disapprove the specialized statement of role and purpose of the University proposed by the President.

(9) Computing.

The Trustees advise the President on the University computing master plan and operating policies, and approve or disapprove the President's initiatives.

(10) Educational television and communications networking.

The Trustees advise the President, as appropriate, concerning the administration of University participation in educational television, off-campus telecommunications, and the open broadcast of courses and programs.

(11) Program approval, notification, and review.

The Trustees advise the President, review existing program reports to the Regents, and make a recommendation to the Regents concerning each of the President's initiatives relating to program approvals and notifications of program additions and changes.

(12) Academic procedures.

The Trustees advise the President, approve or disapprove the President's policy initiatives, and take such other actions as may be authorized by University policy.

(13) Academic freedom, professional responsibility and tenure.

The Trustees advise the President, and approve or disapprove the President's policy initiatives, make a recommendation to the Regents concerning such initiatives, and take such other actions as may be authorized by University policy.

(14) Financial exigency.

The Trustees advise the President, approve or disapprove the President's policy initiatives, make a recommendation to the Regents concerning such initiatives, and take such other actions as may be authorized by University policy.

(15) Honorary degrees.

Under state law and in accordance with Regents' guidelines, the Trustees are charged with the responsibility to select the recipients of honorary degrees.

(16) Athletics.

In accordance with standards, procedures, and instructions provided by the Commissioner, the Trustees monitor University compliance with rules relating to athletics. Annually, the Trustees' Chair, or a designee, reports to the Regents concerning the Trustees' awareness of any violations of such rules that have not been duly reported to the Regents.

(17) Financial affairs management.

The Trustees advise the President on matters related to financial affairs, approve or disapprove the President's policy initiatives, and take such other actions as may be authorized by University policy.

(18) Annual budget requests.

The Trustees advise the President concerning the annual budget request and make a recommendation to the Regents.

(19) Investments.

The Trustees monitor University investments and report to the Regents concerning compliance with the general policies of the Regents and state law. The Trustees approve the University's investment policy and related procedures. The Trustees review and approve the monthly report of portfolio activity and the quarterly report of the institution's entire portfolio. Annually, the Trustees' Chair, or a designee, reports to the Regents concerning the Trustees' awareness of any violations of Regents' rules or state law that have not been duly reported to the Regents.

(20) Discretionary fund.

The Trustees are charged with the responsibility to approve or disapprove University policy proposed by the President to monitor the management of University discretionary funds. In particular, the policy provides guidelines for expenditures from such funds for individual construction, remodeling, and landscaping projects and includes a provision that the Trustees approve all projects over \$30,000, or such lower minimum amount as may be set by the policy. Annually, the Trustees' Chair, or a designee, reports to the Regents concerning the Trustees' awareness of any violations of Regents' rules that have not been duly reported to the Regents.

(21) Auxiliary enterprises.

In accordance with guidelines provided by the Commissioner, the Trustees monitor the operation of all auxiliary enterprises, including management and quality of services provided, and approve the budgets. Annually, the Trustees' Chair, or a designee, reports to the Regents concerning the Trustees' awareness of any violations of Regents' rules or state law that have not been duly reported to the Regents.

(22) Research Park administration.

The Trustees advise the President and approve or disapprove the President's policy initiatives relating to the operation of a research park, and approve or disapprove land leases.

(23) Foundations.

The Trustees approve or disapprove the President's policy initiatives relating to foundations whose financial information is included in the University's financial statement, and take such other action as may be provided by University policy.

(24) Scholarships, student loans, and tuition waivers.

The Trustees advise the President, approve or disapprove the President's policy initiatives concerning scholarships, student loans, and resident and nonresident tuition waivers, and take such other actions as may be authorized by University policy.

(25) Educationally disadvantaged.

The Trustees advise the President, approve or disapprove the President's policy initiatives concerning the educationally disadvantaged appropriations and take such other actions as may be authorized by University policy.

(26) Work study program.

The Trustees advise the President, approve or disapprove the President's policy initiatives concerning the University's work study program and take such other actions as may be authorized by University policy.

(27) Campus facilities master plans.

The Trustees review and make a recommendation concerning the University campus facilities master plan before it is forwarded to the Regents.

(28) Capital facilities budget requests.

The Trustees review and make a recommendation concerning University requests for capital facilities funding before such requests are forwarded to the Regents.

(29) University proposals.

The Trustees approve or disapprove projects which do not require Regents' action. Proposals requiring Regents' action are reviewed by the Trustees and forwarded to the Regents, together with the Trustees' recommendation.

(30) Projects funded from student fees, contractual debt, or disposal or exchange of capital assets.

The Trustees review and make a recommendation concerning proposals for projects funded from student fees, contractual debt, or the disposal or exchange of land or other capital assets before such proposals are forwarded to the Regents.

(31) Projects funded in all or in part from private sources.

The Trustees review and make a recommendation concerning major construction and major remodeling projects funded all or in part from private sources before such proposals are forwarded to the Regents.

(32) Community impact.

The Trustees approve or disapprove the President's initiatives to develop or modify a University capital facilities community impact policy in compliance with Regents' rules.

(33) Affirmative action and equal opportunity employment.

The Trustees advise the President with regards to affirmative action and equal opportunity employment practices, approve or disapprove the President's policy initiatives, and take such other actions as may be authorized by University policy.

(34) Appointment and salaries of faculty and executive administrators.

The Trustees approve the appointment of members of the faculty and executive administration, and monitor information concerning those whose state appropriation funded salaries are in the upper of 15 percent of all such salaries at the institution.

(35) Salaries of University officers.

The Trustees monitor information concerning those whose salaries are 85 percent of the President's salary, or higher.

(36) Publication of University salary information.

The Trustees and the Commissioner approve the University's administrative and procedural regulations for implementing state law and Regents' rules regarding the publication of salary information.

(37) Benefits.

The Trustees advise the President, approve or disapprove the President's policy initiatives, and take such other actions as may be authorized by University policy.

(38) Retirement programs.

The Trustees advise the President, approve or disapprove the President's policy initiatives, and take such other actions as may be authorized by University policy.

(39) Retirement for chief executive officers.

The Trustees advise the President concerning the post-retirement employment at the University of a President.

(40) Termination and grievance proceedings.

The Trustees advise the President, approve or disapprove the President's policy initiatives, and take such other actions as may be authorized by University policy.