

HIGHER EDUCATION PRESIDENTIAL

AUTHORITY

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: R. Mont Evans

AN ACT RELATING TO HIGHER EDUCATION; PROVIDING THAT THE PRESIDENT OF A HIGHER EDUCATION INSTITUTION BASE SALARY DETERMINATIONS OF SUPPORT ~~§ [AND OTHER PROFESSIONAL]~~ § PERSONNEL ON A POSITION OF CLASSIFICATION PLAN; PROVIDING THAT THE PRESIDENT MAY ADOPT POLICIES FOR EMPLOYEE SICK LEAVE AND SERVICE RECOGNITION; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53B-2-106, as last amended by Chapter 74, Laws of Utah 1993

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

Section 1. Section **53B-2-106** is amended to read:

53B-2-106. Duties and responsibilities of the president of each institution -- Approval by board of trustees.

(1) The president of each institution may exercise grants of power and authority as delegated by the board, as well as the necessary and proper exercise of powers and authority not specifically denied to the institution, its administration, faculty, or students by the board or by law, to assure the effective and efficient administration and operation of the institution consistent with the statewide master plan for higher education.

(2) Except as provided by the board, the president of each institution, with the approval of the institution's board of trustees may:

(a) (i) appoint a secretary, a treasurer, administrative officers, deans, ~~§ [and]~~ § faculty members,

~~[and other professional and support personnel;]~~ **§ AND OTHER PROFESSIONAL PERSONNEL,** § prescribe their duties, and determine their salaries;

1 [and]

2 (ii) appoint § ~~[other professional and]~~ § support personnel, prescribe their duties, and
 2a determine

3 their salaries from the institution's position classification plan, which § ~~[shall]~~ **MAY** § :

4 (A) be based upon similarity of duties and responsibilities within the institution; and

5 (B) as funds permit, provide salary and benefits comparable with private enterprise;

6 (iii) adopt policies for:

7 (A) employee sick leave use and accrual; and

8 (B) service recognition for employees with more than 15 years of employment with the
 9 institution;

10 [(ii)] (iv) subject to the authority of, policy established by, and the approval of the board
 11 of regents, and recognizing the status of the institutions within the state system of higher education
 12 as bodies politic and corporate, appoint attorneys to provide legal advice to the institution's
 13 administration and to coordinate legal affairs within the institution. The board of regents shall
 14 coordinate activities of attorneys at the institutions of higher education. The institutions shall
 15 provide an annual report to the board of regents on the activities of appointed attorneys. These
 16 appointed attorneys may not conduct litigation, settle claims covered by the State Risk
 17 Management Fund, or issue formal legal opinions but shall, in all respects, cooperate with the
 18 Office of the Attorney General in providing legal representation to the institution;

19 (b) provide for the constitution, government, and organization of the faculty and
 20 administration, and enact implementing rules, including the establishment of a prescribed system
 21 of tenure;

22 (c) authorize the faculty to determine the general initiation and direction of instruction and
 23 of the examination, admission, and classification of students. In recognition of the diverse nature
 24 and traditions of the various institutions governed by the board, the systems of faculty government
 25 need not be identical but should be designed to further faculty identification with and involvement
 26 in the institution's pursuit of achievement and excellence and in fulfillment of the institution's role
 27 as established in the statewide master plan for higher education; and

28 (d) enact rules for administration and operation of the institution which are consistent with
 29 the prescribed role established by the board, rules enacted by the board, or the laws of the state.
 30 The rules may provide for administrative, faculty, student, and joint committees with jurisdiction
 31 over specified institutional matters, for student government and student affairs organization, for

1 the establishment of institutional standards in furtherance of the ideals of higher education fostered
2 and subscribed to by the institution, its administration, faculty, and students, and for the holding
3 of classes on legal holidays, other than Sunday.

4 (3) Compensation costs and related office expenses for appointed attorneys shall be funded
5 within existing budgets.

6 (4) The State Board of Regents shall establish guidelines relating to the roles and
7 relationships between institutional presidents and boards of trustees, including those matters which
8 must be approved by a board of trustees before implementation by the president.

9 Section 2. **Effective date.**

10 This act takes effect on July 1, 1998.

Legislative Review Note
as of 11-17-97 3:34 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel