

Effective 5/1/2024

Renumbered 10/14/2025

**53B-2-106 Duties and responsibilities of the president of an institution of higher education --
Approval by board of trustees.**

- (1) As used in this section:
 - (a) "Institution" means:
 - (i) a degree-granting institution; or
 - (ii) a technical college.
 - (b) "President" means the president of an institution.
- (2) The president of each institution may exercise grants of power and authority as the board delegates, as well as the necessary and proper exercise of powers and authority not denied to the institution or the institution's administration, faculty, or students by the board or by law, to ensure the effective and efficient administration and operation of the institution consistent with the statewide strategic plan for higher education.
- (3) A president may:
 - (a) appoint or employ administrative officers, deans, faculty members, professional personnel, and support personnel;
 - (b) prescribe duties for a position described in Subsection (3)(a); and
 - (c) determine the salary for an employed position described in Subsection (3)(a), in accordance with the institution's human resources policies.
- (4)
 - (a) A president may, after consultation with the institution's board of trustees, exercise powers related to the institution's employees, including faculty and persons under contract with the institution, by implementing:
 - (i) policies governing personnel;
 - (ii) furloughs;
 - (iii) reductions in force;
 - (iv) program reductions or discontinuance;
 - (v) early retirement incentives that provide cost savings to the institution; or
 - (vi) other measures that provide cost savings, facilitate efficiencies, or otherwise enable the institution to meet the institution's mission and role.
- (5) A president shall:
 - (a) control and manage the budget and finances of the institution, including by, as determined by the president:
 - (i) establishing the institution's budget; and
 - (ii) establishing or adjusting administrative or academic unit budgets; and
 - (b) subject to Section 53B-7-101, establish:
 - (i) tuition for the institution, including both resident and nonresident tuition if the institution is a degree-granting institution, subject to the approval of the board as described in Section 53B-1-402; and
 - (ii) fees and other charges for the institution; and
 - (c) establish the organization and structure of the institution, including by, as determined by the president, creating, merging, or eliminating a college, department, or other administrative or academic unit of the institution;
- (6) Subject to the approval of the institution's board of trustees, a president:
 - (a) shall establish a budgetary policy, such as policy regarding benefits and endowment investments;

- (b) subject to Section 53B-2-106.1, shall provide for the constitution, government, and organization of the faculty and administration, including:
 - (i) enacting and implementing rules;
 - (ii) ensuring that the faculty may only have jurisdiction over:
 - (A) academic requirements for admission, degrees, and certificates; and
 - (B) course curriculum and instruction;
 - (iii) permitting faculty to have jurisdiction over a matter other than a matter described in Subsection (6)(b)(ii) only if the following entities expressly authorize or delegate such power:
 - (A) the Legislature;
 - (B) the board;
 - (C) institution's board of trustees; or
 - (D) the institution's president; and
 - (iv) if the institution is a degree-granting institution, the establishment of a prescribed system of tenure; and
- (c) may authorize the faculty to determine the general initiation and direction of instruction and of the examination, admission, and classification of students.
- (7) A president may establish policies for the administration and operation of the institution that:
 - (a) are consistent with the institution's role that the board establishes, rules which the board enacts, and the laws of the state; and
 - (b) may provide for:
 - (i) administrative, faculty, student, and joint committees with jurisdiction over specified institutional matters;
 - (ii) student government and student affairs organizations;
 - (iii) the establishment of institutional standards in furtherance of the ideals of higher education to which the institution and the institution's administration, faculty, and students subscribe and foster; and
 - (iv) the holding of classes on legal holidays, other than Sunday.
- (8) A president shall manage the president's institution as a part of the Utah System of Higher Education.
- (9) In performing any of the acts described in this section, a president may, in the president's sole discretion, seek input from the institution's faculty, staff, or students.
- (10) The board shall establish guidelines relating to the roles and relationships between presidents and boards of trustees, including those matters for which law requires the approval of a board of trustees before implementation by the president.
- (11)
 - (a) A president is subject to regular review and evaluation that the board administers, in consultation with the institution's board of trustees, through a process the board approves.
 - (b) Only the board may formally assess a president's performance, formally declare a president's standing, or take other formal action to evaluate a president.