

1 UNIVERSITY AND COLLEGE PRESIDENTS'

2 DUTIES

3 2001 GENERAL SESSION

4 STATE OF UTAH

5 Sponsor: DeMar Bud Bowman

6 This act modifies provisions related to the state system of higher education by allowing  
7 institutional presidents to provide salaries to support personnel that are equal to or greater  
8 than that provided by private enterprise.

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

10 AMENDS:

11 53B-2-106, as last amended by Chapter 401, Laws of Utah 1998

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

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

14 53B-2-106. Duties and responsibilities of the president of each institution -- Approval  
15 by board of trustees.

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

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

23 (a) (i) appoint a secretary, a treasurer, administrative officers, deans, faculty members, and  
24 other professional personnel, prescribe their duties, and determine their salaries;

25 (ii) appoint support personnel, prescribe their duties, and determine their salaries from the  
26 institution's position classification plan, which may:

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

28 (B) as funds permit, provide [~~salary and benefits comparable with~~] salaries equal to or  
29 greater than that provided by private enterprise;

30 (iii) adopt policies for:

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

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

34 (iv) subject to the authority of, policy established by, and the approval of the board of  
35 regents, and recognizing the status of the institutions within the state system of higher education  
36 as bodies politic and corporate, appoint attorneys to provide legal advice to the institution's  
37 administration and to coordinate legal affairs within the institution. The board of regents shall  
38 coordinate activities of attorneys at the institutions of higher education. The institutions shall  
39 provide an annual report to the board of regents on the activities of appointed attorneys. These  
40 appointed attorneys may not conduct litigation, settle claims covered by the State Risk  
41 Management Fund, or issue formal legal opinions but shall, in all respects, cooperate with the  
42 Office of the Attorney General in providing legal representation to the institution;

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

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

52 (d) enact rules for administration and operation of the institution which are consistent with  
53 the prescribed role established by the board, rules enacted by the board, or the laws of the state.  
54 The rules may provide for administrative, faculty, student, and joint committees with jurisdiction  
55 over specified institutional matters, for student government and student affairs organization, for  
56 the establishment of institutional standards in furtherance of the ideals of higher education fostered  
57 and subscribed to by the institution, its administration, faculty, and students, and for the holding  
58 of classes on legal holidays, other than Sunday.

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

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

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**Legislative Review Note**

**as of 1-3-01 9:22 AM**

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

**Office of Legislative Research and General Counsel**