

[<< Previous Section \(53B-2-104\)](#)
[Download Options PDF | RTF | XML](#)
[Next Section \(53B-2-109\) >>](#)
Index Utah Code
Title 53B State System of Higher Education
Chapter 2 Institutions of Higher Education
**Section Duties and responsibilities of the president of a degree-granting institution of higher education -- Approval by board of trustees.
106 (Effective 5/5/2021)**
Effective 5/5/2021
53B-2-106. Duties and responsibilities of the president of a degree-granting institution of higher education -- Approval by board of trustees.

- (1) As used in this section, "president" means the president of a degree-granting institution.
- (2) (a) The president of each degree-granting 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 degree-granting institution or the degree-granting institution's administration, faculty, or students by the board or by law, to ensure the effective and efficient administration and operation of the degree-granting institution consistent with the statewide strategic plan for higher education.
- (b) A president may, after consultation with the degree-granting institution's board of trustees, exercise powers relating to the degree-granting institution's employees, including faculty and persons under contract with the degree-granting institution, by implementing:
 - (i) furloughs;
 - (ii) reductions in force;
 - (iii) benefit adjustments;
 - (iv) program reductions or discontinuance;
 - (v) early retirement incentives that provide cost savings to the degree-granting institution; or
 - (vi) other measures that provide cost savings to the degree-granting institution.
- (3) A president may:
 - (a) (i) appoint a secretary, a treasurer, administrative officers, deans, faculty members, and other professional personnel;
 - (ii) prescribe duties for a position described in Subsection (3)(a)(i);
 - (iii) appoint support personnel;
 - (iv) prescribe duties for support personnel;
 - (v) determine salaries for support personnel from the degree-granting institution's position classification plan, which may:
 - (A) be based upon similarity of duties and responsibilities within the institution of higher education; and
 - (B) as funds permit, provide salary and benefits comparable with private enterprise;
 - (vi) adopt policies for:
 - (A) employee sick leave use and accrual; and
 - (B) service recognition for employees with more than 15 years of employment with the degree-granting institution; and
 - (vii) subject to the authority of, the policy established by, and the approval of the board, and recognizing the status of the institutions within the Utah system of higher education as bodies politic and corporate, appoint attorneys to:
 - (A) provide legal advice to the degree-granting institution's administration; and
 - (B) coordinate legal affairs within the degree-granting institution;
 - (b) subject to the approval of the degree-granting institution's board of trustees, provide for the constitution, government, and organization of the faculty and administration, and enact implementing rules, including the establishment of a prescribed system of tenure;
 - (c) subject to the approval of the degree-granting institution's board of trustees, authorize the faculty to determine the general initiation and direction of instruction and of the examination, admission, and classification of students; and
 - (d) enact rules for administration and operation of the degree-granting institution that:
 - (i) are consistent with the degree-granting institution's role established by the board, rules enacted by the board, or the laws of the state; and
 - (ii) may provide for:
 - (A) administrative, faculty, student, and joint committees with jurisdiction over specified institutional matters;
 - (B) student government and student affairs organization;
 - (C) the establishment of institutional standards in furtherance of the ideals of higher education fostered and subscribed to by the degree-granting institution and the degree-granting institution's administration, faculty, and students; and
 - (D) the holding of classes on legal holidays, other than Sunday.
- (4) A president shall manage the president's degree-granting institution as a part of the Utah system of higher education.
- (5) (a) Compensation costs and related office expenses for an attorney described in Subsection (3)(a)(vii) shall be funded within existing budgets.
- (b) The board shall coordinate the activities of attorneys described in Subsection (3)(a)(vii).
- (c) An attorney described in Subsection (3)(a)(vii):
 - (i) may not:
 - (A) conduct litigation;
 - (B) settle a claim covered by the State Risk Management Fund; or
 - (C) issue a formal legal opinion; and
 - (ii) shall cooperate with the Office of the Attorney General in providing legal representation to a degree-granting institution.
- (d) A degree-granting institution shall submit an annual report to the board on the activities of appointed attorneys.
- (6) The board shall establish guidelines relating to the roles and relationships between presidents and boards of trustees, including those matters which must be approved by a board of trustees before implementation by the president.
- (7) A president is subject to regular review and evaluation administered by the board, in consultation with the degree-granting institution's board of trustees, through a process approved by the board.

Amended by Chapter 187, 2021 General Session

[<< Previous Section \(53B-2-104\)](#)
[Download Options PDF | RTF | XML](#)
[Next Section \(53B-2-109\) >>](#)

Proposed 2024 General Session legislation affecting section 53B-2-106: H.B. 438, 1st Sub. H.B. 438, 2nd Sub. H.B. 438, S.B. 192, 2nd Sub. S.B. 192, 3rd Sub. S.B. 192, 4th Sub. S.B. 192


 350 North State, Suite 320
 PO Box 145115
 Salt Lake City, Utah 84114
 Telephone: (801) 538-1408
<https://senate.utah.gov>
[Contact a Senator](#)

 350 North State, Suite 350
 PO Box 145030
 Salt Lake City, Utah 84114
 Telephone: (801) 538-1408
<https://house.utleg.gov>
[Contact a Representative](#)
STAFF OFFICES

[Legislative Auditor General](#)
[Legislative Fiscal Analyst](#)
[Legislative Research and General Counsel](#)
[Legislative Services](#)
[Staff Awards](#)

[Public Information](#)