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### 102.1 Purpose

This policy addresses the need for clarity in delegation of responsibilities and effective consultation among the USTC Board of Trustees and technical college boards of directors, college presidents, the Commissioner of Technical Education, the Governor, and the Utah State Legislature. It is based on the recognition that students and employers in Utah are best served by a strong, unified system of technical education, with vital and excellent institutions which make up its individual parts. It is the intent of the Board of Trustees to delegate certain responsibilities of an institutional nature to college boards of directors and presidents, and retain all other functions and responsibilities, particularly those having systemwide implications.

### 102.2 Approval

USTC Board of Trustees approval: June 18, 2009. Revised: October 18, 2012; June 8, 2016; September 13, 2017. Replaced: September 20, 2018.

### 102.3 References

UCA 53B-2a-104, Utah System of Technical Colleges Board of Trustees – Powers and Duties  
UCA 53B-2a-106, Technical Colleges – Duties  
UCA 53B-2a-107, Technical College Presidents – Appointments – Duties  
UCA 53B-2a-110, Technical College Board of Directors – Powers and Duties  
UCA 53B-2a-113, Technical Colleges – Leasing Authority – Lease-purchase Agreements – Report  
USTC Policy 105, Commissioner of Technical Education - Functions  
USTC Policy 110, College Presidents – Functions  
USTC Policy 111, College Presidents – Selection  
USTC Policy 112, College Presidents – Review and Evaluation  
USTC Policy 113, College Presidents – Compensation  
USTC Policy 114, Council of Presidents  
USTC Policy 304, Capital Facilities Requests and Development

### 102.4 Relationships

- 4.1 **Relationship between the System of Technical Colleges and the Governor:** The Governor appoints the members of the Board of Trustees and the boards of directors, except for those directors appointed to represent local educational institutions. The Board of Trustees, Commissioner of Technical Education, technical college presidents, and boards of directors provide budget and other information needed by the Governor to make recommendations to the Legislature, and otherwise cooperate, as appropriate, with the Governor. Technical colleges are subject to executive branch actions under certain specific statutes such as the State Money Management Act, the State Procurement Code, and the Administrative Rulemaking Act. However, the authority of the Board of Trustees, Commissioner of Technical Education, college presidents, and boards of directors to govern and administer the Utah System of Technical Colleges derives from the Legislature.



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**4.2 Relationship between the System of Technical Colleges and the Legislature:** The Legislature has authority under the Utah Constitution to structure the Utah System of Technical Colleges as it deems appropriate. By statute, the Legislature has delegated authority to the Board of Trustees, Commissioner of Technical Education, technical college presidents, and boards of directors to govern and administer the system and its technical colleges. Certain statutes provide for some direct legislative oversight of system operations such as approval of new construction on a college campus and the approval of certain bonds. The State Senate approves the appointment of members of the Board of Trustees and college boards of directors, except for those directors appointed to represent local educational institutions.

**4.3 Relationship between the Board of Trustees and College Presidents:** The Board of Trustees, after consulting with boards of directors, appoints college presidents who serve at the pleasure of and at salaries fixed by the Board of Trustees. A president is the chief executive officer for a college and reports to the Trustees. The Board of Trustees has delegated administrative responsibilities for institutional operations to college presidents.

**4.3.1 Relationships between the Commissioner of Technical Education, the Board of Trustees, and College Presidents:** The Commissioner of Technical Education serves as the Chief Executive Officer of the Board of Trustees. The functions of the Commissioner are described in USTC Policy 105, and include coordinating the execution of Board of Trustees policies and master planning efforts, spokesperson for the System of Technical Colleges, providing statewide leadership in activities affecting the System of Technical Colleges, chairing the Council of Presidents, providing advice and consultation as sought by technical college presidents, preparing the agenda for Board of Trustees meetings after consultation with the Board of Trustees and Council of Presidents, identifying policy considerations and making appropriate recommendations thereon to the Board of Trustees, and administration of statewide support programs subject to applicable Board of Trustees policies. It is the intent of this policy to reaffirm the statewide role of the Commissioner and that college presidents, reporting directly to the Board of Trustees and working cooperatively with their boards of directors, hold the front-line operating responsibilities of managing the states' technical colleges.

**4.4 Relationship between a Technical College President and the Board of Directors**

**4.4.1 Technical College Presidents' Statutory Responsibilities:** Utah law provides a technical college president with specific duties to:

- (a) Serve as the executive officer of the technical college board of directors
- (b) Administer the day-to-day operations of the technical college;
- (c) Consult with the technical college board of directors; and



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- (d) Administer human resource policies and employee compensation plans in accordance with the requirements of the Board of Trustees.

**4.4.2 Board of Directors Advisement:** A board of directors advises the college president and approves, disapproves, or makes recommendations concerning initiatives brought to it by the president, as follows:

- (a) *Advise the President:* A board of directors consults with and gives advice to the president on matters related to the institution.
- (b) *Approval of Presidents' Institutional Policy Recommendations:* A college president's authority to develop policy for the institution, as delegated by the Board of Trustees, is subject to the approval of the board of directors. On such matters, it is the duty of the president to prepare initiatives for response by the board of directors. Except for consultation and advice as provided in 4.4.2(a) and for responsibilities specifically delegated by statute or by the Board of Trustees, the actions of a board of directors, as they affect institutional policies and operations, are limited to approval or disapproval of initiatives brought to them by the college president.
- (c) *Board of Trustees Delegation to the President with Directors' Approval:* The Board of Trustees may identify certain matters for which it delegates authority and responsibility to a college president, with the approval of the board of directors.
- (d) *Approval of President's Policy Initiatives to be Submitted to the Board of Trustees:* The Board of Trustees may identify certain matters that must be recommended or approved by a board of directors before the president submits them to the Board of Trustees for approval.

**4.5 Relationship between a Board of Directors and the Board of Trustees:** Other than the statutory powers and duties provided by law, including those duties outlined below, all responsibilities of and authority exercised by boards of directors are delegated by the Board of Trustees. To promote more responsibility and responsiveness at the local level, the Board of Trustees has elected to delegate those items outlined in 4.5.2.

**4.5.1 Board of Directors Statutory Responsibilities:** Utah law provides the boards of directors with specific duties to:

- (a) Assist the technical college president in preparing a budget request to the Board of Trustees for the technical college's annual operations;
- (b) After consulting with the Board of Trustees, other higher education institutions, school districts, and charter schools within the technical college's region, prepare a comprehensive strategic plan for delivering career and technical education within the region;



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- (c) Consult with business, industry, the Department of Workforce Services, the Governor's Office of Economic Development, and the Governor's Office of Management and Budget on an ongoing basis to determine what workers and skills are needed for employment in Utah businesses and industries;
- (d) Develop programs based upon the information gathered in accordance with item (c) above, including expedited program approval and termination procedures to meet market needs;
- (e) Adopt an annual budget and fund balances;
- (f) Develop policies for the operation of career and technical education facilities under the technical college board of directors' jurisdiction;
- (g) Establish human resources and compensation policies for all employees in accordance with Board of Trustees policy;
- (h) Approve credentials for employees and assign employees to duties in accordance with Board of Trustees policy and accreditation guidelines;
- (i) Conduct annual program evaluations;
- (j) Appoint program advisory committees and other advisory groups to provide counsel, support, and recommendations for updating and improving the effectiveness of training programs and services;
- (k) Approve regulations, both regular and emergency, to be issued and executed by the technical college president;
- (l) Coordinate with local school boards, school districts, and charter schools to meet the career and technical education needs of secondary students; and
- (m) Develop policies and procedures for the admission, classification, instruction, and examination of students in accordance with the policies and accreditation guidelines of the Board of Trustees and the State Board of Education.

**4.5.2 Board of Directors Delegated Authority:** The following matters are delegated by the Board of Trustees for action by a board of directors, subject to being reported annually in summary form to the Trustees and subject to audit:

- (a) Monitoring implementation of the approved college mission, including periodic review and update;
- (b) Reviewing and approving college operating policies and presidential recommendations, including for the design and construction of physical



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facilities and the purchase and sale of real property not meeting the definition of "Capital Development" in USTC Policy 304.4.2;

- (c) Reviewing and approving contracts and grants that are of a regional and/or college-specific nature that fall within parameters established by Board of Trustees policy, budgetary work programs, and college regulations;
- (d) Reviewing institutional audits with the participation of a president at the discretion of the board of directors;
- (e) Reviewing and approving certificate programs, credentials, and quality reviews recommended within existing programs, and program cancellations and name changes consistent with the provisions of USTC Policy 200;
- (f) Reviewing and approving reports on financial performance, lease agreements subject to the provisions of UCA 53B-2a-113, institutional budgets and budget transfers, and approval of salary budgets as appropriate. This provision is not to be construed to imply that a board of directors may establish a technical college president's compensation, as such is determined by the Board of Trustees (102.4.6.2); and
- (g) Reviewing and approving institutional reports on auxiliary and service enterprises, development funds, institutional discretionary funds, investments, leased property, money management, and real property.

**4.5.3 Approve or Recommend Selected Action Items Before Submission to the Board of Trustees:** A board of directors approves the following matters before they are submitted by the college president to the Board of Trustees:

- (a) Institutional mission statements, goals, and objectives;
- (b) Institutional budget requests and tuition and fee adjustment recommendations; and
- (c) Institutional strategic and master plans, including technical program planning, land acquisitions, and capital development and improvement project planning.

**4.5.4 Monitor and Report to Board of Trustees:** A board of directors monitors and reports concerning certain matters identified by the Board of Trustees. A college president provides the board of directors with relevant Board of Trustees policy and the procedures for monitoring and reporting. The board of directors reports to the Board of Trustees regarding institutional compliance with such Board of Trustees policy, or the status of specific matters.



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**4.5.5 Consult with the Board of Trustees:** The Board of Trustees may consult or seek direct assistance from a board of directors. This is accomplished through joint meetings, invitations to members of a board of directors to serve on special committees established by the Board of Trustees, including presidential search committees, or through other contacts.

**4.5.6 Petition the Board of Trustees:** A board of directors, after notification to the president of its intention to do so, may petition the Board of Trustees directly on any matter that the board of directors views to be of importance to the institution. When it is deemed necessary, a board of directors may request a special meeting with the Board of Trustees.

**4.6 Reservation of Final Authority to the Board of Trustees:** While the Board of Trustees has authority to alter its delegation of responsibilities, it is the intent of the Board of Trustees to sustain and enhance the viability of a strong and stable structure of delegation. As stated in 4.3, administrative responsibilities for institutional operations are delegated to a college president. As stipulated in 4.5.2-5., certain responsibilities to approve policy initiatives from the president, to approve or recommend matters to be considered by the Board of Trustees, to monitor and report institutional compliance and performance, and to consult with the Board of Trustees, are delegated to a board of directors. All functions and responsibilities not specifically delegated herein are reserved to the Board of Trustees. The Board of Trustees has reserved to itself final authority to consider and act on the following matters:

**4.6.1 Statewide Policies and Procedures:** Establishment of policies and procedures having statewide implication.

**4.6.2 Executive Appointments and Retention:** Appointment and retention of the Commissioner of Technical Education and presidents of the colleges governed by the Board of Trustees and fixing their salaries upon receiving recommendations from respective boards of directors (USTC Policy 113.4.5). The board of directors will be involved in the following ways:

(a) *Initial Appointment of Presidents of Institutions:* The Board of Trustees appoints a president after consulting with the institution's board of directors. The Chair of the Board of Trustees will appoint a Presidential Search Committee after consultation with the chair or other members of the board of directors (USTC Policy 111). Per statute, the Search Committee will include an equal number of Trustees and directors. As provided in 4.5.6, prior to the final selection of a college president, the board of directors may petition the Board of Trustees to arrange for more extended communications regarding the selection of a president.

(b) *Annual Consultation Regarding the Presidents of Institutions:* The Board of Trustees will consult at least annually with a college's board of directors



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regarding the performance and evaluation of the college president. This consultation is accomplished in the following ways:

- (i) Through joint meetings of the two boards; and
  - (ii) Through the appointment of the chair of an institution's board of directors to serve on the Board of Trustees' annual review team for the institution's president, as provided in XXX.
- (c) *Determination on the Retention of Presidents of Institutions:* Through the Board of Trustees' annual review team for college presidents, recommendations on the retention of a president will be forwarded to the Board of Trustees. If the Board of Trustees determines it is in the best interest of the institution and System of Technical Colleges not to retain a president of an institution, the Board of Trustees will consult with the chair of the college's board of directors or other members, as is deemed advisable by the Chair of the Board of Trustees, before final Board of Trustees action is taken. As provided in 4.5.6, if a board of directors concludes that additional consultation between the two boards is needed, the board of directors may petition the Board of Trustees to arrange for more extended communication to discuss the matter.

- 4.6.3 **Master Planning:** Development, implementation, and maintenance of up-to-date facility master and strategic plans for the System of Technical Colleges, including the definition of institutional missions and roles, the determination of related operating and capital budgetary needs, the approval of new technical programs, program reviews involving systemwide or multiple institution issues, distance and outreach education, and ensuring articulation of courses and programs.
- 4.6.4 **Budget, Finance, and Information:** Approval of consolidated system and institutional budget proposals for recommendation to the Governor and the Legislature, proposals for adjustment of tuition and fees, requests for approval or modifications of work programs, and definition, collection, and analysis of data that have system-level significance.
- 4.6.5 **Legislation:** Advocacy of the needs of technical education is provided through the coordinated efforts of the Trustees, Commissioner, directors, and presidents. Proposed legislation or budget priorities advocated by institutions must, however, be part of the approved and prioritized legislative program of the Trustees to ensure an orderly process that is consistent with systemwide planning priorities.
- 4.6.6 **Administrative Unit and Program Approval:** Approval of the establishment of a branch, extension, center, college, professional school, division, institute, department, or any new program of instruction, research, or public service at the institution. In this conjunction, the Board of Trustees conducts periodic reviews



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of programs of instruction, research, and public service that have statewide significance.