

R143, Succession Plan for Commissioner of Higher Education¹

R143-1. Purpose: The purpose of this policy is to establish procedures necessary to ensure stability, continuity, and accountability of the Board of Regents and the Office of the Commissioner of Higher Education in the event the Commissioner of Higher Education becomes unable to lead due to a sudden and unexpected change in circumstances (e.g., illness, emergency, disability, death) or due to planned retirement. This policy is intended to provide a clear plan for delegation of management authority so that operations of the Regents and Utah System of Higher Education continue in an efficient, legally responsible manner during the period of time in which the Commissioner is unable to perform the duties of chief executive officer.

R143-2. References

- 2.1. Utah Code Ann. § 53B-2-102 (Board to Appoint President of Each Institution)
- 2.2. Policy and Procedures R205, Presidential Appointment, Term of Office, and Compensation and Benefits
- 2.3. Policy and Procedures R209, Evaluation of Chief Executive Officers

R143-3. Policy

- 3.1. The Board of Regents is responsible for the effective management of the Utah System of Higher Education and its member institutions. Specific responsibilities are delegated to the Commissioner of Higher Education, as chief executive officer. Therefore, the Board will address any interruption, planned or unplanned, temporary or permanent, of the Commissioner's responsibilities according to the following succession procedures.
- 3.2. This policy will be reviewed annually at the time of the Commissioner's Research and Review Team report or formal evaluation report. An acting CEO will be identified at that time.

R143-4. Delegation of Authority During Unplanned and Temporary Absence of the Commissioner

- 4.1. In the event the Commissioner becomes temporarily incapable of leading due to a weather emergency, illness, short-term disability, travel delay, civil unrest, terrorist threat, or other unexpected circumstance, the Associate Commissioner designated by the Commissioner shall be appointed Acting CEO of the Utah System of Higher Education, and authorized to act on behalf of the Commissioner and the Board as may be necessary. The Acting CEO shall have the authority to take all actions necessary to ensure that the Utah System of Higher Education continues to operate without disruption, and that all organizational responsibilities normally assigned to the Commissioner are adequately executed, including but not limited to loan and lease approval; completion and filing of reports; fulfillment of contracts; communication with the press and political leaders; supervision of employees within the Office of the Commissioner of Higher Education; direction of regular meetings of the Board, as well as meetings of Board committees, including the Executive Committee; and implementing other actions as assigned by the State Board of Regents.
- 4.2. If the Acting CEO is for some reason unavailable, the designation of Acting CEO will be made by the Regents from the following list:

¹ Adopted December 8, 2006.

- 4.2.1. Associate Commissioner for Finance & Facilities
- 4.2.2. Associate Commissioner for Public Affairs
- 4.2.3. Associate Commissioner for Academic Affairs
- 4.2.4. Director of Communications

R143-5. Delegation of Authority During Unplanned, Extended Absence of Commissioner

5.1. In the event of the death, extended absence, termination, or unplanned resignation of the Commissioner, the Acting CEO designated by the Commissioner shall serve as Acting Commissioner until the Board of Regents determines otherwise. If the designated Acting CEO is for any reason unavailable or indisposed, the position of Acting Commissioner will be filled according to the list above, pending action to the contrary of the Board of Regents.

5.2. Within 15 business days after the occurrence of the Commissioner's absence, the Executive Committee of the Board shall meet and determine whether a permanent change in leadership is required, and if so, shall appoint an executive transition committee, which shall be comprised of at least one member of the Executive Committee and two other members of the Board of Regents. The Executive Transition Committee shall have the responsibility to implement the following transition plan:

- 5.2.1. Communicate with the Board of Regents, USHE employees, and other key stakeholders regarding actions taken by the Board in naming an interim successor, appointing a transition committee, and implementing the succession policy.
- 5.2.2. Consider the need for a search consultant or search firm, based on the circumstances of the transition.
- 5.2.3. Review the Board's strategic plan and conduct an assessment of the USHE's strengths, weaknesses, challenges, and opportunities in order to identify priorities that need to be addressed during the transition period, and to identify attributes and characteristics that are important to consider in the selection of the next permanent Commissioner.
- 5.2.4. Establish a time frame and plan for the recruitment and selection process.
- 5.2.5. Refer to and follow the procedures outlined in R205 in appointing a permanent successor.

R143-6. Planned Transition When the Commissioner is Retiring or Providing Extended Notice.

6.1. Planning for the Commissioner's succession should be discussed between the Commissioner and the Board Chair as early as possible, preferably at least one year before the effective date.

6.2. Upon learning of the Commissioner's intended retirement, the Board Chair will appoint a Transition/Search Committee. The duties of the Committee shall include:

- 6.2.1. Discuss with the Commissioner his/her plans and develop a transition plan and schedule.

- 6.2.2.** Discuss the possible future role of the Commissioner within the Utah System of Higher Education. If the Commissioner is to have a role in USHE after retirement, that role should be clearly defined so as to not interfere with the new Commissioner's responsibilities.
- 6.2.3.** Ensure communication by the Board Chair and the Commissioner of the planned change in leadership to USHE employees and institutions, the public, and key stakeholders.
- 6.2.4.** Identify the characteristics that will be critical to the success of the new Commissioner. In developing the criteria, the Committee will seek the input of the Regents, USHE employees, institutional presidents, institutional trustees, and other important stakeholders.
- 6.2.5.** Consult with the Commissioner to determine potential candidates to serve as the next Commissioner.
- 6.2.6.** The Transition/Search Committee shall develop and implement an open search in accordance with the procedures outlined in R205 in order to find and select the best qualified candidate as soon as possible.
- 6.2.7.** During the period of the search, the Board and Office of the Commissioner of Higher Education shall be managed in accordance with the emergency/temporary procedures set forth above.