

March 21, 2018

MEMORANDUM

TO: State Board of Regents

FROM: David L Buhler

SUBJECT: Revision of Regent Policy R203, Search Committee Appointment and Function, and Regents' Selection of Presidents

Issue

The Regents are statutorily charged to appoint institution presidents—Utah Code 53B-2-102, and have done so under Regent Policy R203. Recent changes to statute by the Utah Legislature as well as changes to ongoing practices necessitate updates to the policy.

Background

Until recently, the statute charging Regents with the responsibility to appoint new presidents was silent on the procedures for selecting new presidents. R203 established detailed procedures for that duty, including appointing a search committee and voting guidelines. With legislative changes to 53B-2-102, policy R203 needs to be updated to reflect statutory requirements. (The legislative changes were followed in the recent search at the University of Utah and the current search at Utah Valley University.) Additionally, over time the Regents have adopted best practices in the search process that should be reflected in the policy.

Major changes to the policy include the following:

- The search committee is co-chaired by a Regent and the chair of the board of trustees and committee membership must include a direct report to the current president.
- The search committee may only forward finalists to the Regents that have received a 2/3 majority vote.
- The Regents may appoint a new president only from the finalists forwarded from the search committee.

Other changes are incidental or simply reflect current practices. These revisions will ensure the Board complies with governing law and will better reflect the Board's current practices in selecting new presidents.

Commissioner's Recommendation

The Commissioner recommends the Regents approve revisions to policy R203, *Search Committee Appointment and Function, and Regents' Selection of Presidents* effective immediately.

David L Buhler
Commissioner of Higher Education

DLB/GTL
Attachments



R203, Search Committee Appointment and Function, and Regents' Selection of Presidents of Institutions¹

R203-1. Purpose: To provide direction for ~~for the establishment and function of establishing~~ presidential search committees and for appointing ~~the selection of~~ presidents ~~by the Board~~ in the Utah System of Higher Education (USHE).

R203-2. References

- 2.1. Utah Code §53B-2-102, Board to Appoint President of Each Institution
- 2.2. Utah Code §52-4-202, Public Notice of Meetings
- 2.3. Utah Code §11-13-223, Open and Public Meetings
- 2.4. Policy and Procedures R120, Bylaws of the State Board of Regents; 3.3.2.4, Selection of President

R203-3. Presidential Search Committees

3.1. Board is Equal Opportunity Employer: The Utah State Board of Regents is an equal opportunity employer. Board action to employ presidents shall be based upon selection only after extensive, national advertising of vacancies, screening of applicants, and searching for applicants without regard to race, ethnicity, color, sex, marital status, disability, national origin, veteran's status, or religious persuasion.

3.2. Early Beginning of Search Process: ~~It shall be the policy of the Regents to begin the search and selection process for filling institutional presidencies from no less than six and preferably twelve months in advance of the time when the incumbent plans to retire or make his or her resignation effective. This early beginning of the search process is intended to allow sufficient time for advance advertising and search activities that will facilitate the widest possible notice of vacancies and extensive search activities to attract high quality nominees and applicants. In instances where unanticipated vacancies occur without notice and without sufficient time for an extensive search, the Regents may appoint an interim president in order to provide the necessary time. Because appointing The selection and appointment of presidents, being is one of the Regents' foremost responsibilities and given to the Regents, shall be given the highest priority consideration of the Board shall give the search process its highest priority. The Board chair shall initiate the search process as soon as practicable after a vacancy is announced. The Board may appoint an interim president during the search process if circumstances dictate.~~

3.3. Chair Appoints Search Committee: The Board shall establish a search committee that includes representatives of faculty, staff, students, the institution of higher education board of trustees, alumni, the outgoing institution of higher education president's executive council or cabinet, and the board. The search committee shall be co-chaired by a member of the Regents and the chair of the institution's board of trustees. The Chair of the State Board of Regents shall appoint a search committee chair, vice chair, and the full membership of a search committee following authorization by the Board and after consultation with the Chair or other members of the Board of Trustees and other constituencies, as is deemed advisable by

¹ Adopted November 20, 1978; amended May 18, 1982, October 11, 1985, September 12, 1986, September 18, 1992, November 13, 1998, September 13, 2002, December 12, 2002, September 5, 2008, and May 29, 2009. Revisions approved by the Board of Regents on August 27, 2010, January 25, 2013.

~~the Chair of the Board of Regents. All search committee chairs shall be members of the Board of Regents with the vice chair being the Chair of the Board of Trustees. The Board of Trustees Chair, Vice Chair, and one additional member of the executive committee shall serve on the search committee. The Search Committee will include an equal number of Regents and Trustees numbering up with no more than to five four of each body. The chair shall select the other members of the search committee with particular emphasis on ensuring that all institution 's campus and community are is well-represented. The membership of search committees to be appointed by the Chair shall be broadly representative of the Regents, institutional Board of Trustees, faculty, and administration. In addition, the Chair shall give consideration to appointing representatives of the alumni, the community, the student body, and the college or university staff. Also, consideration shall be given to assure an appropriate balance between search committee members and their background, gender, and ethnicity. The Commissioner of Higher Education or his/her designee(s) and staff shall serve as executive assistant and secretary to the search committee support and manage the search process.~~

3.3.3.4. Advertising Recruitment: ~~The Board, through the Commissioner, shall create a comprehensive, active recruiting plan to ensure a strong, diverse pool of potential candidates for institution of higher education presidents. The search committee may engage a consultant, as appropriate, to assist in the recruitment process. After the search committee has held its first meeting and has agreed upon qualifications for the position, the Commissioner of Higher Education shall be responsible for advertising nationwide, regionally, and statewide the availability of the position and an invitation to all interested persons to apply for the position or to nominate others. Applications or nominations shall be made to the Commissioner and will be accepted until the position is filled. As part of a successful recruiting plan, a~~ All R Regents, trustees, search committee members, the Commissioner of Higher Education, presidents, vice presidents, deans, department heads, faculty, students, alumni, friends of the institution, and members of the community ~~shall be encouraged~~ **must** ~~to take the initiative in nominating~~ **seek out and nominate** qualified individuals and encouraging ~~qualified individuals~~ **them** to apply for the position. ~~All of the above should participate in an aggressive search for qualified persons.~~

~~**Aggressive Search:** All Regents, trustees, search committee members, the Commissioner of Higher Education, presidents, vice presidents, deans, department heads, faculty, students, alumni, friends of the institution, and members of the community shall be encouraged to take the initiative in nominating qualified individuals and encouraging qualified individuals to apply for the position. All of the above should participate in an aggressive search for qualified persons. The emphasis shall be upon a search for qualified individuals and not the passive acceptance of applications from those seeking the position, and search committees shall organize themselves and implement their search accordingly.~~

3.4.3.5. Duties of the Search Committee: The search committee shall meet regularly and shall by majority vote of those present, determine and direct all activities of the committee. The committee shall host constituent meetings to seek public input regarding the qualifications of ideal candidates and explain the search process. The committee shall have the duty to establish qualifications for the position, to search for qualified individuals, to receive nominations and applications, to review the qualifications of nominees and applicants, to seek out information about nominees and applicants, to interview nominees and applicants as a committee, and to transmit to the Board the names of at least three (3) but not more than five (5) persons who are fully qualified to serve as president of the institution. ~~Committee members shall study files compiled by the executive secretary on each applicant and nominee and shall become fully informed about applicants and nominees.~~ The Commissioner of Higher Education and ~~her~~ **or her** staff shall provide information and make confidential inquiries and give reports ~~on the same as requested by~~ **about each candidate to** the committee.

3.5.3.6. Confidentiality: The search committee shall keep all information about applicants and nominees strictly confidential. They should exercise special care to avoid disclosure of confidential information and to protect the right of all applicants and nominees to privacy and anonymity insofar as is possible. The chair and the executive assistant/secretary shall emphasize and constantly remind all search committee members of the importance of preserving the confidentiality of all information made available to all members of the committee. The Board of Regents will make public the names of finalists to be interviewed by the full membership of the Board. The search committee may not forward an individual to the Board as a finalist unless two-thirds of the search committee members, as verified by the commissioner, find the individual to be qualified and likely to succeed as an institution of higher education president.

3.6.3.7. Personal Interviews of Qualified Applicants and Nominees: The search committee shall review the comprehensive files on all applicants ~~and nominees~~ and shall ~~invite for personal interviews~~ interview those applicants ~~or nominees~~ that appear to be qualified and ~~that appear to show the highest~~ strong potential to serve as a successful president. ~~promise of being capable of serving with distinction as president of the institution.~~

~~———— Those who are interviewed shall be given an opportunity to become acquainted with the requirements of and qualifications for the position and with the role, programs and non-confidential issues of the institution.~~

~~———— During or following each interview the committee, the chair, or the Commissioner shall determine whether or not the interviewee would and could accept the position of president if offered at the salary and benefit level and contractual conditions specified by the Board of Regents, and commence service in that position within the time frame indicated by the Board.~~

~~3.6.1.3.7.1.~~ At the conclusion of all interviews, the search committee shall discuss openly and fully each ~~nominee or applicant interviewed. The particular strengths and weaknesses of each interviewee should be highlighted and~~ All committee members should give the ~~full~~ committee the benefit of his or her candid views on each candidate.

3.7.3.8. Search Committee Vote: Following the interviews discussion, the search committee members shall vote by secret ballot on each interviewee_ who has indicated her/his willingness to serve as president. The voting procedure shall be as follows:

~~3.7.1.3.8.1.~~ Each committee member shall write the name of the candidate on one side of a sheet of paper ~~By electronic or other means, the committee members will answer yes or no to the following questions for each candidate: "is this individual qualified and likely to succeed as the institution's next president?"~~

~~3.7.2.~~ To the question, "Is this candidate fully qualified to be president of this institution?", each search committee member shall write the word "yes" or "no."

~~3.7.4.~~ All papers will be folded and handed to the executive secretary. The executive secretary and the chair will then compile the responses.

~~3.7.6.3.8.2.~~ The Commissioner's staff shall tally the votes and present the results to the committee. Only those who have received a 2/3 majority vote may be forwarded to the Regents chair shall then announce to the search committee the names of those candidates that received a majority of "yes" responses to the question. The response counts on other candidates shall not be reported to the committee.

~~3.7.7.3.8.3.~~ The committee is not required to send more than three finalists even if more than three candidates have received 2/3 majority vote. The committee may decide to either send the highest scoring 3-5 candidates or hold additional votes to narrow the list to the number of candidates the committee wishes to forward. ~~After further discussion regarding the remaining candidates as identified in 3.9.4., the secret ballot voting process is repeated until the committee agrees upon at least three (3) but not more than five (5) candidates to recommend to the Board as persons qualified to serve as president of the institution.~~ If the voting results in fewer than three candidates with 2/3 majority votes, the co-chairs may allow for further discussion of candidates and then call for subsequent votes or the committee may report to the Board chair that it was unable to find three qualified candidates, at which time the Board chair may direct the committee to continue recruiting and interviewing until it can forward at least three candidates, or the chair may end the committee's service and form a new committee.

~~3.7.8.3.8.4.~~ The co-chairs shall ~~report forward the finalists~~ to the Board of Regents ~~the results of the voting of the search committee on all candidates that were interviewed~~ for consideration.

~~3.8.5.~~ Unless The Board shall select an institution of higher education president from among the finalists presented by a search committee. If the Board is not satisfied with the finalists forwarded by a search committee, the Board may direct the search committee to resume the search process until the search committee has forwarded three finalists with which the Board is satisfied, or the Board chair may appoint a new search committee.

~~3.7.9.~~ the Board of Regents ~~calls upon the search committee for more information, or unless the Board votes to reconvene the search committee as provided in 4.7 below, the work of the committee shall be finished after they have concluded their balloting on each candidate and submitted their written report and recommendations to the Board.~~

3.7. — Proxy Voting by Search Committee Members: ~~Proxy voting by search~~ Search committee members ~~will may vote by proxy, be permitted,~~ but no search committee member ~~shall be permitted to~~ may vote on a candidate unless he or /she has interviewed the candidate. The proxy vote will be transmitted to the ~~chair of the committee~~ co-chairs by email or other verifiable written form ~~in the form of an informal letter in which the committee member states:~~

~~3.7.12.~~ "The following candidates, whom I have interviewed are in my judgment fully qualified to be president of this institution: (The names of the candidates shall follow.) "All other candidates have either not been interviewed or they are not, in my view, fully qualified."

~~3.7.14.3.9.~~ The Search committee member's signature shall be affixed to the letter and the letter shall be labeled: Personal and confidential. The letter shall be delivered to the chair or the executive assistant/secretary in a sealed envelope and the envelope shall be labeled: Personal and confidential.

~~———— Purpose of Search Committee:~~ The purpose of the search committee is to assist the Regents in appointing a highly qualified person to serve as president. In keeping with this, the committee members should not seek to restrict the names to be placed before the Regents for their consideration. The above process is designed to give the Regents the broadest choice in carrying out the statutory responsibility of appointing presidents of USHE institutions.

R203-4. President Selection by Regents

~~———— Regents May Consider All Candidates and Nominees; Consideration of Search Committee Deliberations and Actions:~~ All names of all persons that were interviewed by the search committee, and all names of all applicants and nominees that were not interviewed, shall be transmitted to the Regents, and

~~the Regents shall interview any person on either list and shall appoint the individual whom the Regents feel is the best qualified for the position. This shall be done, however, after having weighed very carefully the views expressed by the search committee members and after having given very careful consideration to the voting of the committee members as outlined above, and after consulting with the institutional Board of Trustees.~~

~~—————**Search Committee Interview and Report Necessary for Regent Interview:** If the Regents determine that an applicant or nominee who was not interviewed by the search committee should be interviewed by the Regents, the search committee shall be notified and convened to interview the applicant, to vote on the person's qualifications, and to advise the Regents on the outcome of the vote.~~

~~—————**Consideration of Search Committee Findings:** In almost all instances, it is anticipated that the most highly recommended candidates will be the only ones interviewed by the Regents. Search committees, therefore, have a very heavy responsibility, and the Regents have an obligation to give the highest priority consideration to search committee findings in interviewing finalists and in appointing a new president.~~

4.1. Files and Reference Information Available to Regents: The [Commissioner will provide the Regents with the](#) comprehensive files of all finalists ~~shall be made available to all Regents~~ for their review prior to the time of the scheduled interviews. If the Board deems it to be necessary, the Commissioner will make additional contacts to gather added information on the finalists and report [his or her findings to the](#) ~~same to~~ the Board.

4.2. Selection of Finalists to Be Interviewed[Schedule of On-Campus Interviews:](#) [The Commissioner will schedule all finalists for on-campus interviews](#) ~~After having reviewed fully the report of the search committee, the Board of Regents shall determine what candidates they want to interview as finalists for the position of president. A schedule of interviews will be established and the Commissioner of Higher Education and his/her executive assistant/secretary shall~~[and](#) make the necessary arrangements with all finalists and the institution. Pursuant to Utah's ~~Public Notice of Meetings statute~~[Open Meetings Act](#), the Board ~~of Regents~~ will make public the names of all finalists to be interviewed by the full Board in such time as to be in compliance with state law prior to the scheduled interviews.

4.3. Finalists' On-Campus Meetings and Interviews with the Board:

[4.3.1. Prior to the Board interviews, the finalists shall meet with on-campus groups, including the institution's board of trustees, the president's cabinet, faculty and staff, and students. The Commissioner or staff shall provide feedback from these groups to the Board.](#)

[4.3.2. The Board, along with the board of trustees executive committee, shall interview](#) ~~shall host the interviews of~~ the finalists on campus [in a closed executive session](#).

~~————— In addition to the Board interviews, the finalists shall meet with on-campus groups and shall include:~~

~~————— Each finalist shall meet the Institution's board of trustees and groups representing the institution's president's cabinet, faculty and staff, and students. A member of the Commissioner's staff shall be assigned to each group to report to the Board each group's observations.~~

~~————— Finalist interviews held in an executive session of the Board pursuant to the Utah Open and Public Meetings statute. The Board Chair shall invite the institution's Trustee Chair, Vice chair, and other executive committee members, up to a total of five Trustees to fully participate in the Board's interview of each finalist and to offer their insights and observations of each finalist.~~

4.3.4.4. Deliberations after Interviews: After the interviews of the finalists ~~have been~~are completed, the ~~strengths and weaknesses of each candidate will be fully and openly discussed by the~~ Board, the ~~Trustee Chair, Vice chair, and other~~ executive committee (up to a maximum of five trustees), members and the Commissioner shall comprehensively discuss the strengths and weakness of each candidate. ~~up to a total of five Trustees, and the Commissioner.~~

4.4.4.5. Preliminary Qualification of Candidates: Prior to seeking ~~to reach~~ consensus to appoint the president, the Regents shall consider the question: "Is one or more of these candidates fully qualified, and will one or more of them, in our judgment, perform the duties as president of this institution with distinction?" If a majority of the members present appear to agree with the above question, the Regents will proceed to appoint a new president. If, however, a majority appear to disagree with this question, the Regents will request the search committee to reconvene and to search for additional qualified persons.

4.5.4.6. Board of Trustees May Petition for Consultation: Prior to the final selection of an ~~institutional~~ President, the Board of Trustees may petition the Board to arrange for more extended communications regarding the selection of the President.

4.6.4.7. Voting to Appoint a President: ~~Voting for appointment of the president shall be in a properly noticed and constituted open meeting of the Board~~The Board will vote to appoint a new president in a properly noticed public meeting~~h~~. Nine votes or more will be required to appoint a president.

R203, Search Committee Appointment and Function, and Regents' Selection of Presidents¹

R203-1. Purpose: To provide direction for establishing presidential search committees and for appointing of presidents in the Utah System of Higher Education (USHE).

R203-2. References

- 2.1. Utah Code §53B-2-102, Board to Appoint President of Each Institution
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R203-3. Presidential Search Committees

- 3.1. **Board is Equal Opportunity Employer:** The Utah State Board of Regents is an equal opportunity employer. Board action to employ presidents shall be based upon selection only after extensive, national advertising of vacancies, screening of applicants, and searching for applicants without regard to race, ethnicity, color, sex, marital status, disability, national origin, veteran's status, or religious persuasion.
- 3.2. **Early Beginning of Search Process:** Appointing presidents is one of the Regents' foremost responsibilities and the Board shall give the search process its highest priority. The Board chair shall initiate the search process as soon as practicable after a vacancy is announced. The Board may appoint an interim president during the search process if circumstances dictate.
- 3.3. **Chair Appoints Search Committee:** The Board shall establish a search committee that includes representatives of faculty, staff, students, the institution of higher education board of trustees, alumni, the outgoing institution of higher education president's executive council or cabinet, and the board. The search committee shall be co-chaired by a member of the Regents and the chair of the institution's board of trustees. The search committee will include an equal number of regents and trustees with no more than four of each body. The chair shall select the other members of the search committee with particular emphasis on ensuring that all institution and community are well-represented. The Commissioner and staff shall support and manage the search process.
- 3.4. **Recruitment:** The Board, through the Commissioner, shall create a comprehensive, active recruiting plan to ensure a strong, diverse pool of potential candidates for institution of higher education presidents. The search committee may engage a consultant, as appropriate, to assist in the recruitment process. As part of a successful recruiting plan, all Regents, trustees, search committee members, the Commissioner, presidents, vice presidents, deans, department heads, faculty, students, alumni, friends of the institution, and members of the community must seek out and nominate qualified individuals and encouraging them to apply for the position.

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3.5. Duties of the Search Committee: The search committee shall meet regularly and shall by majority vote of those present, determine and direct all activities of the committee. The committee shall host constituent meetings to seek public input regarding the qualifications of ideal candidates and explain the search process. The committee shall have the duty to establish qualifications for the position, to search for qualified individuals, to receive nominations and applications, to review the qualifications of nominees and applicants, to seek out information about nominees and applicants, to interview nominees and applicants as a committee, and to transmit to the Board the names of at least three but not more than five (5) persons who are fully qualified to serve as president of the institution. The Commissioner and his or her staff shall provide information and make confidential inquiries and give reports about each candidate to the committee.

3.6. Confidentiality: The search committee shall keep all information about applicants and nominees strictly confidential. They should exercise special care to avoid disclosure of confidential information and to protect the right of all applicants and nominees to privacy and anonymity insofar as is possible. The chair and the executive assistant/secretary shall emphasize and constantly remind all search committee members of the importance of preserving the confidentiality of all information made available to all members of the committee. The Board of Regents will make public the names of finalists to be interviewed by the full membership of the Board. The search committee may not forward an individual to the Board as a finalist unless two-thirds of the search committee members, as verified by the commissioner, find the individual to be qualified and likely to succeed as an institution of higher education president.

3.7. Interviews of Qualified Applicants: The search committee shall review the comprehensive files on all applicants and shall interview those applicants that appear to be qualified and show strong potential to serve as a successful president.

3.7.1. At the conclusion of all interviews, the search committee shall discuss openly and fully each applicant. All committee members should give the committee the benefit of his or her candid views on each candidate.

3.8. Search Committee Vote: Following the interviews discussion, the search committee members shall vote by secret ballot on each interviewee, who has indicated her/his willingness to serve as president. The voting procedure shall be as follows:

3.8.1. By electronic or other means, the committee members will answer yes or no to the following questions for each candidate: "is this individual qualified and likely to succeed as the institution's next president?"

3.8.2. The Commissioner's staff shall tally the votes and present the results to the committee. Only those who have received a 2/3 majority vote may be forwarded to the Regents.

3.8.3. The committee is not required to send more than three finalists even if more than three candidates have received 2/3 majority vote. The committee may decide to either send the highest scoring 3-5 candidates or hold additional votes to narrow the list to the number of candidates the committee wishes to forward. If the voting results in fewer than three candidates with 2/3 majority votes, the co-chairs may allow for further discussion of candidates and then call for subsequent votes or the committee may report to the Board chair that it was unable to find three qualified candidates, at which time the Board chair may direct the committee to continue recruiting and interviewing until it can forward at least three candidates, or the chair may end the committee's service and form a new committee.

3.8.4. The co-chairs shall forward the finalists to the Board of Regents for consideration.

3.8.5. The Board shall select an institution of higher education president from among the finalists presented by a search committee. If the Board is not satisfied with the finalists forwarded by a search committee, the Board may direct the search committee to resume the search process until the search committee has forwarded three finalists with which the Board is satisfied, or the Board chair may appoint a new search committee.

3.9. Proxy Voting by Search Committee Members: Search committee members may vote by proxy, but no search committee member may vote on a candidate unless he or she has interviewed the candidate. The proxy vote will be transmitted to the committee co-chairs by email or other verifiable written form.

R203-4. President Selection by Regents

4.1. Files and Reference Information Available to Regents: The Commissioner will provide the Regents with the comprehensive files of all finalists for their review prior to the time of the scheduled interviews. If the Board deems it to be necessary, the Commissioner will make additional contacts to gather added information on the finalists and report his or her findings to the Board.

4.2. Schedule of On-Campus Interviews: The Commissioner will schedule all finalists for on-campus interviews and make the necessary arrangements with all finalists and the institution. Pursuant to Utah's Open Meetings Act, the Board will make public the names of all finalists to be interviewed by the full Board in such time as to be in compliance with state law prior to the scheduled interviews.

4.3. Finalists' On-Campus Meetings and Interviews with the Board:

4.3.1. Prior to the Board interviews, the finalists shall meet with on-campus groups, including the institution's board of trustees, the president's cabinet, faculty and staff, and students. The Commissioner or staff shall provide feedback from these groups to the Board.

4.3.2. The Board, along with the board of trustees executive committee, shall interview the finalists on campus in a closed executive session.

4.4. Deliberations after Interviews: After the interviews of the finalists are completed, the Board, the trustee executive committee (up to a maximum of five trustees), and the Commissioner shall comprehensively discuss the strengths and weakness of each candidate.

4.5. Preliminary Qualification of Candidates: Prior to seeking consensus to appoint the president, the Regents shall consider the question: "Is one or more of these candidates fully qualified, and will one or more of them, in our judgment, perform the duties as president of this institution with distinction?" If a majority of the members present appear to agree with the above question, the Regents will proceed to appoint a new president. If, however, a majority appear to disagree with this question, the Regents will request the search committee to reconvene and to search for additional qualified persons.

4.6. Board of Trustees May Petition for Consultation: Prior to the final selection of a President, the Board of Trustees may petition the Board to arrange for more extended communications regarding the selection of the President.

4.7. Voting to Appoint a President: The Board will vote to appoint a new president in a properly noticed public meeting. Nine votes or more will be required to appoint a president.