**Senate Task Force on the Presidential Selection Process**

**Written Report**

3.18.2022

**Charge**

At the October 4, 2021, Academic Senate meeting, Senators voted that the Senate Leadership should empanel a task force to investigate the presidential selection process in USHE and for similar organizations and make recommendations for future searches.

Areas of particular focus to consider include but are not limited to:

Timing of candidate visits

Student, faculty, and staff input at every stage of selection process

Consideration of feedback received

The Task Force shall write a report summarizing their findings and recommendations, if any, for changes to policy, procedure, or process for future searches.

The report shall be presented to the full Senate no later than April 4, 2022.

Should the report be accepted by the full Senate, then Senate President Porucznik will present it to the Utah Board of Higher Education (UBHE).

**Task Force Members:**

Co-Chairs: Robin Marcus and Leslie Francis

Members: Jay Jordan, Jess Wojciechowski, Sharon Aiken-Wisniewski, Richard Medina, Tom Richmond, and Boyd Edwards (Utah State University)

Support and Consultation: Allyson Hicks, Allyson Mower, and Taylor Gregory

**Executive Summary and Recommendations**

This report presents recommendations for future searches for R-1 universities in the state of Utah. We emphasize that these recommendations are for R-1 universities in Utah; different considerations may be relevant to other institutions in the state. We also emphasize that these recommendations are forward-looking and should not be taken as comments on any particular prior searches or their outcomes. These are our recommendations:

1. Searches should be conducted during the fall or spring academic semesters to allow for full institutional participation.
2. The UBHE should consider the distribution of membership on search committees to ensure that diverse fields and perspectives are represented. Search committees should emphasize representation from the institution rather than from the UBHE to the extent permitted by statute. It is also important to avoid extensive overlap among expertise from the UBHE and the institutional board of trustees.
3. Search processes should recognize the needs and interests of the different types of institutions that make up the Utah System of Higher Education, from R1 universities to technical colleges. Search committees at R1 institutions should include expertise about the role of research in the institution, the nature of the research enterprise in a variety of fields, and the relationship between research and teaching.
4. Nominating committee for UBHE should strongly consider the importance of varied representation and expertise on the UBHE, especially as it pertains to advanced education and research in an R1 institution.
5. Searches should be conducted according to criteria discussed and adopted by the institution undergoing the search. Job descriptions should be developed. These criteria should be followed in the procedure for selecting candidates to move forward in the process.
6. Care should be taken to explain the search process to members of the campus community and to potential candidates. This includes both the involvement (if any) of a search firm in identifying potential candidates and the role of the search firm and the search committee in handing off the final stage of the search process to UBHE.
7. Sufficient time (more than most recent search) should be allowed between on campus public visits of finalists and the final selection to permit submission and review of comments as part of the selection process.

**Methods**

The Committee chairs interviewed Geoffrey Landward, Deputy Commissioner and General Counsel, Utah System of Higher Education, and Taylor Randall, President of the University of Utah. We also researched the current process for Higher Education Presidential Appointments in Utah (Allyson Mower), reviewed a survey of presidential search processes used by public AAU and PAC12 Institutions (Allyson Hicks), identified the recent change from the Utah Board of Regents to the Utah Board of Higher Education (UBHE); current UBHE membership, nominating committee procedures and board qualifications (Taylor Gregory, Allyson Hicks, Allyson Mower). Committee members identified additional considerations.

Findings from the committee follow.

1. **Utah Board of Higher Education** 
   1. Transition from Board of Regents to Utah Board of Higher Education

During the 2020 General Session of the Utah State Legislature, [Senate Bill 111](https://le.utah.gov/~2020/bills/static/SB0111.html) Higher Education Amendments was introduced, amended and passed, renaming the State Board of Regents as the Utah Board of Higher Education (UBHE). The UBHE is the governing body for the Utah System of Higher Education. The Utah Legislature grants the UBHE the power to control, manage, and supervise the Utah System of Higher Education. The UBHE’s major responsibilities include **selecting and evaluating institutional presidents (Utah Code** [**53B-2-102**](https://le.utah.gov/xcode/Title53B/Chapter2/53B-2-S102.html?v=C53B-2-S102_2021031620210316)**. Appointment of institution higher education presidents, effective 3/16/2021)**, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the Governor and State Legislature.

* 1. UBHE Membership and Qualifications

Senate Bill 111, in addition to renaming the State Board of Regents as the UBHE, created a [nominating committee](https://boards.governor.utah.gov/s/board/related/a0Z2M000013yJMaUAM/Positions__r) ([**Utah Code 53B-1-406 Nominating Committee)**](https://le.utah.gov/xcode/Title53B/Chapter1/53B-1-S406.html)to nominate individuals to the governor for appointment to the UBHE. SB 111 also provided for the transition to membership on the UBHE from the membership of the State Board of Regents and the Utah System of Technical Colleges Board of Trustees. The nominating committee was to begin service 1/1/2022 and identify candidates for the UBHE based on the qualifications described in [**Utah Code 53B-1-405 Qualifications for board members**](https://le.utah.gov/xcode/Title53B/Chapter1/53B-1-S405.html). The most recent search at the University of Utah was conducted by this transitional form of the UBHE. As the UBHE nominating process evolves, it can be anticipated that UBHE membership will consist of a range of experience, varied areas of expertise, and varied geographical representation, as required under the statute.

* 1. UBHE statutory authority

Under Utah Code § 53B-1-402, the UBHE has responsibility for establishing and promoting a state-level vision and goals for higher education. Duties of UBHE include coordination with public education, seamless articulation among institutions of higher education, and pursuing goals such as access and equity, workforce alignment and economic growth, and education quality and affordability. UBHE also is responsible for appointing institution presidents, providing guidance and support for institution presidents, evaluating institution presidents, and setting the compensation for institution presidents. UBHE may delegate certain duties to institution boards of trustees. Utah law explicitly recognizes the different roles of institutions of higher education, including research universities (Utah Code § 53B-16-101(1)(b)(i)), and gives UBHE responsibility for overseeing the mission and roles of the different institutions.

1. **Summary of Current University President Search and Appointment Processes**

The search and the appointment processes for presidents of Utah institutions of higher education are codified in Utah Code Section 53B-2-102 and [Utah System of Higher Education policy R203](https://ushe.edu/ushe-policies/policyr203/). The Utah Board of Higher Education (UBHE) appoints a search committee that includes representatives of faculty, staff, students, the board of trustees, alumni, and the board of the institution undergoing a presidential search. A UBHE member and an institution board of trustees member co-chair the search committee. No minimum number of UBHE or institutional trustees need to be on the search committee; however, no more than four members of UBHE and no more than four members of the institutional board of trustees may be members of the search committee. The search committee establishes qualifications for the position of president, reviews and interviews applicants and forwards 3-5 finalists to the board for consideration. The committee may not forward a finalist unless 2/3 of the search committee find the finalist to be qualified as likely to succeed as the president of the institution undergoing the search.

Once finalists have been selected, the UBHE is responsible for the final selection process. Names of the finalists to be interviewed by the full Board must be made public within the time needed for compliance with state law prior to the scheduled interviews. Finalists meet with on-campus groups including the institution’s board of trustees, the current president’s cabinet, faculty, staff, and students. The Commissioner or staff provides feedback from these groups to the UBHE. The UBHE, along with the executive committee of the institution’s trustees, interviews the finalists on campus in a closed executive session and discusses the strengths and weaknesses of each candidate. Assuming there is a qualified candidate in this pool, Section R203-4.7 gives the UBHE the authority to make the final decision to appoint a new president in a properly noticed public meeting with nine or more votes required to appoint a president. If a majority of the Board members do not agree that a suitable candidate has been identified, they will request the search committee to reconvene and to search for additional qualified persons.

1. **Summary of Peer Institution Processes (Public AAU and PAC12 Institutions)**

Source: This table was modified from information prepared from research previously compiled by the University of Utah Office of General Counsel

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| **State** | **University** | **Summary of Search Process** | **Website** |
| AZ | University of Arizona | The Board of Regents appoints the President (A.R.S. § 15–1626(A)(2)). However, as long as the university appropriately follows the Board's Equal Opportunity Policy, it appears that each University can propose a plan to conduct the search. | <https://public.azregents.edu/Policy%20Manual/6-1101%20Appointments%20of%20Presidents%20and%20Executive%20Director.pdf> |
|  | Arizona State University | <https://public.azregents.edu/Policy%20Manual/1-120-Equality%20of%20Opportunity.pdf> |
| CA | UC Davis | The University of California Board of Regents and the President create a search committee. The search committee recommends candidates to the President. The President interviews the candidates and then recommends a candidate to the Regents. | <https://regents.universityofcalifornia.edu/governance/policies/7102.html> |
| UC Irvine |
| UC San Diego |
| UC Santa Barbara |
| UC Santa Cruz |
| UC Berkeley |
| UCLA |
| CO | University of Colorado Boulder | C.R.S. §23-20-106: "The regents of the university shall elect a president of the university." | <https://www.cu.edu/regents/law/3> |
| FL | University of Florida | The Board of Trustees conducts the search for the President; however, the Board of Governors confirms the presidential selection (FL ST 1001.706(6)(a)). A search committee selects finalists for on-campus meetings with faculty, students, the Board of Trustees, and other stakeholders and then selects a final candidate for the Board of Governors to confirm. | <https://www.flbog.edu/wp-content/uploads/1.002-Presidential-Search-and-Selection.pdf> |
| GA | Georgia Tech | When a vacancy occurs in a presidency at a University System of a Georgia institution, the Chancellor consults with the Chair of the Board of Regents to determine whether to conduct a national search. If a search is conducted, the Chancellor, in consultation with the Chair of the Board of Regents, may appoint an institutional search committee.  For comprehensive universities, state universities, and state colleges, the institutional search committee submits three to five unranked names to a Regents’ Special Committee for consideration. The Chair of the Board of Regents appoints members to the Regents’ Special Committee, one of whom is the Regent residing closest to the institution. In the case of presidential searches at research universities, the institutional search committee submits three to five unranked names to the Board of Regents for consideration. Authority to name one or more finalists for President rests exclusively with the Board of Regents. | <https://www.usg.edu/policymanual/section2/C307> |
| IL | University of Illinois at Urbana-Champaign | The president is elected by the Board of Trustees, after consultation with a committee appointed for the purpose of recommending appropriate candidates. On the occasion of a formal review of the president for the purpose of renewal of a term of office, the University Senates Conference may, if it so elects, submit its advice to the Board of Trustees. See I.L.C.S. § 110 - 305/4 (stating "[t]he board of trustees shall elect a regent who shall be charged with the general supervision of the educational facilities and interests of the university. Said regent shall be known as President of the University"). | <https://www.bot.uillinois.edu/governance/statutes> |
| IN | Purdue University | Under I.C. §21-27-7-5, "[t]he board of trustees of Purdue University may make all bylaws, rules, and regulations required or proper to conduct and manage Purdue University." According to the BoTs bylaws, "[t]he President of the University shall be elected by the Board upon receiving not less than six affirmative votes of members of the Board." | <https://www.purdue.edu/bot/about/bylaws.php> |
| Indiana University | I.C. § 21-20-4-1: The board of trustees elects one member as president; see also I.C. § 21-38-3-4: The board of trustees of Indiana University may elect a president for Indiana University as necessary and prescribe the duties and salaries of those positions. | <https://trustees.iu.edu/about-the-board/policies-resolutions/indiana-state-code.html> |
| IA | The University of Iowa | The Board of Regents is responsible for electing presidents of each higher learning institution. (Iowa Code Board of Regents, 262.9(2)). |  |
| Iowa State University |  |
| KS | The University of Kansas | The Kansas Board of regents selects and appoints the chancellor of the University of Kansas (Board of Regents policies Chapter II (C)(2)(a)(1), https://www.kansasregents.org/about/policies-by-laws-missions/board\_policy\_manual\_2/chapter\_ii\_governance\_state\_universities\_2/chapter\_ii\_full\_text#naming). The board is granted broad powers in KS St 74-3202c. | - |
| MD | University of Maryland | In consultation with the Chancellor and after a thorough search, the Board of Regents appoints a qualified person as President of each constituent institution. See MD Code Ann. § 12-109(a) (stating, "in consultation with the Chancellor and after a thorough search, the Board of Regents shall appoint a qualified person as president of each constituent institution...[and] shall approve the membership of any search committee convened to recommend a qualified person as president of a constituent institution." | <https://policies.umd.edu/assets/BYLAWS_OF_THE_BOARD_OF_%20REGENTS.pdf> |
| MI | University of Michigan | Mich. Code Ann. § 390.5: The regents shall have power...to elect a president. | Could not locate |
| Michigan State University | The Board shall, as often as necessary, elect a president of the University who shall serve at the pleasure of the Board. The statutes do not speak to the selection of the president, but Mich. Code Ann. § 390.107 provides that the "board shall fix the salary of the president...and shall prescribe their respective duties." |  |
| MN | University of Minnesota | MN St 136F.40(1) states that the Board of Trustees shall appoint all presidents and prescribe their duties. | <https://regents.umn.edu/sites/regents.umn.edu/files/2020-02/BOR_Bylaws_2020.pdf> |
| MS | University of Missouri, Columbia | The Board of Curators appoints the President according to the Board's Bylaws. | <https://www.umsystem.edu/ums/rules/collected_rules/administration/ch10/10.030_board_bylaws> |
| NJ | Rutgers | The Board of Governors has general supervision over, and is vested generally with, the government, control, conduct, management, and administration of Rutgers, The State University. To this end, it appoints a President. See N.J Code Ann. § 18A:64G-6 (stating "[the board of trustees i]n accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint and fix the compensation and term of office of a president of the university"). | <https://governingboards.rutgers.edu/sites/default/files/00042401.PDF> |
| NY | University at Buffalo | When the semi-finalists are scheduled to visit campus, their names are released to the public, along with general information about their background and qualifications. It is recommended that the name of each semi-finalist be made public at least 48 hours prior to their scheduled campus visit. The names may be released at the same time or in a staggered release throughout the process. N.Y. Code § 355(2)(g) (stating "[t]he state university trustees are further authorized and empowered...[t]o appoint the head of each state-operated institution in the state university upon the recommendation made to them by the council of such institution in accordance with the rules and standards established by the state university trustees"). | <https://www.suny.edu/sunypp/documents.cfm?doc_id=573> |
| Stony Brook University | Like Buffalo, Stony Brook is a SUNY institution and likely to be governed by the rule above. |  |
| NC | University of North Carolina at Chapel Hill | The process is not defined by the statute, which only states, "the Board shall also elect, on nomination of the President, the chancellor of each of the constituent institutions." N.C. Code Ann. § 116-11.   Consistent with state law protecting the identity of applicants, searches for chancellors of the University of North Carolina are conducted as “confidential searches,” which means the identity of candidates, semi-finalists, or finalists are not disclosed to the general public. Conducting confidential searches is intended to maximize the quality of the candidate pool by not discouraging the interest of individuals who would not otherwise apply in the event of a publicly disclosed candidate pool. | <https://myapps.northcarolina.edu/hr/download/360/chancellor-search-guide/7211/3-unc-policy-200-8.pdf> |
| OH | The Ohio State University | The board of trustees appoints the president (power given them in statute OH ST 3335.09), however no policy dictating the process was found. | <https://trustees.osu.edu/presidential-search> |
| OR | University of Oregon | First, a search committee is created and the University holds public hearings about what is important to the community. The committee comes up with a list of semi-finalists. Advisory and search committee interview semi-finalists and then narrow down the list to a set of finalists. The finalists' names are provided to the Board of Trustees who interview and vote on next president. | <https://trustees.uoregon.edu/sites/trustees1.uoregon.edu/files/resolution_establishing_a_presidential_search_committee_and_related_items.pdf> |
| Oregon State University | A search committee is created. The Board of Trustees interviews final candidates and determines the first choice. The Board appoints the new president. | <https://leadership.oregonstate.edu/sites/leadership.oregonstate.edu/files/trustees/agendas-minutes/tab_c_presidential_search_and_selection_guidelines.pdf> |
| PA | Penn State | A search committee is formed and will elect a president. | <https://policy.psu.edu/policies/hr101> |
| University of Pittsburgh | A search committee is created. The university holds several forums to allow faculty, staff, and students to offer input. The Board of Trustees appoints the chancellor. |  |
| TX | Texas A&M University | The board of regents appoints the chancellor and university presidents. The presidential search begins with a committee who submits at least three names to the board. The board decides which candidates, if any, will be interviewed prior to naming finalist(s). The board does not have to accept any of the finalists provided by the committee, and they may create a new search committee or select a finalist(s) under other procedures. | <https://policies.tamus.edu/01-03.pdf> |
| The University of Texas at Austin | <https://www.utsystem.edu/board-of-regents/rules/20201-presidents> |
| VA | University of Virginia | The Board of Visitors elects the President with the help of a special committee. https://bov.virginia.edu/sites/bov.virginia.edu/files/WEB%20FRIENDLY%20VERSION%20-%20BOV%20MANUAL%20-%20June%2017%2C%202020.pdf | <https://presidentelect.virginia.edu/search-process> |
| WA | University of Washington | The President is appointed by the board of regents upon receiving the affirmative votes of at least 2/3 of the members of the board (authority to do so is given by RCW 28B.20.130). | <http://www.washington.edu/admin/rules/policies/BRG/ArticleV.html> |
| Washington State University | The board of regents is responsible for hiring the next president. | <https://presidentialsearch.wsu.edu/faq/> |
| WI | University of Wisconsin-Madison | The Board of Regents appoints the chancellor (president of a single institution). A search committee forwards a list of qualified individuals to a Special Regent Committee, which determines the finalists who will be invited to continue in the selection process, with up to three being a typical number invited for interviews. | <https://www.wisconsin.edu/regents/policies/selection-process-for-system-president-chancellors-vice-chancellors-and-uw-system-senior-leadership-positions/> |

1. **Other Considerations**

* Research intensive university missions differ from other institutions of higher education in important ways. The task force considered ways to recommend a tiered approach for presidential searches based on this fact.
* The task force noted a lack of diverse fields and perspectives on the most recent presidential search committee at the University of Utah, specifically underrepresentation from Humanities.
* The task force discussed recommending that UBHE publish the criteria used for selecting the president and report how the selected president best fit the criteria.
* The task force discussed recommending that the design of selection criteria should hold Diversity, Equity, and Inclusion as a primary factor in the selection process, not just in the nomination process.

1. **Unique Circumstances of Most Recent UU Presidential Search**

* Took place during transition from Board of Regents to Utah Board of Higher Education.
* Because interim leadership was managing a pandemic, the speed of the recent presidential search may have been abnormally accelerated: all finalists visited campus and presented to constituencies on the same day (August 4, 2021), which was the final day of classes for that summer term, UBHE set a midnight deadline on August 4 for all comments about the finalists, and UBHE announced its selection on August 5.
* Because of the short timeframe noted above and timing of the on-campus interviews, those participating virtually were not easily able to question candidates.