

Effective 7/1/2023

53B-1-404 Membership of the board -- Student appointee -- Terms -- Oath -- Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation -- Training.

- (1) The board consists of 10 residents of the state whom the governor appoints with the advice and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies, and this section.
- (2)
 - (a) For an appointment effective July 1, 2023, the governor shall appoint the member in accordance with Section 53B-1-501.
 - (b) Except for an individual whom the governor appoints as described in Section 53B-1-501, the term of each member of the Utah Board of Higher Education expires on July 1, 2023.
- (3)
 - (a) The governor shall make all appointments to the board on a nonpartisan basis.
 - (b) An individual may not serve simultaneously on the board and an institution board of trustees.
 - (c) The governor shall appoint at least one student member to the board.
 - (d) Notwithstanding Subsection (1), the governor's appointment of a student member described in Subsection (3)(c) is not subject to the advice and consent of the Senate.
 - (e) The governor shall ensure that the membership of the board includes:
 - (i) members with various experience, including in degree-granting institution governance, technical college governance, and representation from various industry sectors; and
 - (ii) at least one member who resides in:
 - (A) a county of the third through sixth class; or
 - (B) a county of the second class with a national park and two or more state parks.
- (4)
 - (a)
 - (i) Except as provided in Subsection (6)(a)(ii) and Section 53B-1-501, the governor shall appoint board members to six-year staggered terms beginning on July 1 of the year of appointment.
 - (ii) The governor shall appoint the student member described in Subsection (3)(c) to a one-year term.
 - (b)
 - (i) A board member other than the student member described in Subsection (3)(c) may serve up to two consecutive full terms.
 - (ii) The student member described in Subsection (3)(c) may not serve more than one full term.
- (5) The governor may, after consulting with the president of the Senate, remove a member for cause.
- (6)
 - (a) A board member shall take the official oath of office before entering upon the duties of office.
 - (b) The board shall file the oath described in Subsection (6)(a) with the Division of Archives and Records Services.
- (7) The board shall elect a chair and vice chair from among the board's members to serve terms of two years and until the board chooses and qualifies successors.
- (8)
 - (a) The board shall appoint a secretary from the commissioner's staff to serve at the board's discretion.
 - (b) The board's secretary is a full-time employee.
 - (c) The secretary shall record and maintain a record of all board meetings and perform other duties as the board directs.

- (9)
 - (a) The board may establish advisory committees, including a faculty and staff advisory committee.
 - (b) The board shall address all matters requiring board determination in a properly convened meeting of the board or the board's executive committee.
- (10)
 - (a) The board shall enact bylaws for the board's own government not inconsistent with the constitution or the laws of this state.
 - (b) The board shall provide for an executive committee in the bylaws that:
 - (i) has the full authority of the board to act upon routine matters during the interim between board meetings;
 - (ii) may not act on nonroutine matters except under extraordinary and emergency circumstances; and
 - (iii) shall report to the board at the board's next meeting following an action undertaken by the executive committee.
- (11)
 - (a) The board shall meet regularly upon the board's own determination.
 - (b) The board may also meet, in full or executive session, at the request of the chair, the commissioner, or at least five members of the board.
- (12) The board may not conduct the board's business without the agreement of a majority of the board.
- (13)
 - (a) The governor shall immediately fill a vacancy in the board occurring before the expiration of a member's full term in accordance with this section.
 - (b) An individual whom the governor appoints under Subsection (13)(a) shall serve for the remainder of the unexpired term.
- (14)
 - (a)
 - (i) Subject to Subsection (14)(a)(ii), a member shall receive a daily salary for each calendar day that the member attends a board meeting that is the same as the daily salary for a member of the Legislature described in Section 36-2-3.
 - (ii) A member may receive a salary for up to 10 calendar days per calendar year.
 - (b) A member may receive per diem and travel expenses in accordance with:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (15) The commissioner shall provide to each member:
 - (a) initial training when the member joins the board; and
 - (b) ongoing annual training.
- (16) A board member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Amended by Chapter 254, 2023 General Session