

**University Policy 9-003 Revision 0,  
and  
University Rule 9-003 Revision 0,  
Legislative history.**

These proposed new regulations were presented to the Academic Senate Executive Committee on November 23, 2009 (and classified as academically significant per Policy 1-001), appeared on the Intent Calendar of the Academic Senate December 10, 2009, and appeared on the Debate Calendar of the Academic Senate and were approved by the Senate, January 11, 2010.

The Policy 9-003 proposal was presented to the Board of Trustees on February 9, 2010, further discussed with Board's Executive Committee, and returned to the Board on April 13, 2010. The Board requested that a provision be added ensuring that the Board would have an opportunity to for review of establishment of named positions. Accordingly, Section III-E, as shown below, was added to the Policy and included as part of the version finally approved by the Board on April 13, 2010.

Both the Policy and the Rule were designated to take effect July 1, 2010.

Contents:

1. Memorandum to Senior Vice Presidents/ executive summary.
2. Policy 9-003, Revision 0--- as finally approved.
3. Rule 6-003, Revision 0--- as finally approved.



*Please forward*  
*David W. Pershing*  
*[Signature]*  
Associate Vice President for Faculty

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TO: Senior Vice President for Academic Affairs David W. Pershing  
Senior Vice President for Health Science A. Lorris Betz  
Vice President for Institutional Advancement Fred Esplin

FROM: Susan M. Olson, Associate Vice President for Faculty  
Richard J. Sperry, Associate Vice President for Health Sciences

*Susan M. Olson*

DATE: November 16, 2009

SUBJECT: Proposed Policy and Rule on Endowed Chairs and Other Named Positions

The attached proposed policy brings into University Regulations for the first time an official Policy and accompanying Rule governing the use of named positions, such as endowed chairs and professorships. As the university has growing success with private fund-raising, such positions are proliferating. This is largely a cause for celebration because, as the Policy's purpose statement says, the use of named positions assists in attracting and retaining outstanding faculty and staff members who have distinguished themselves through their teaching, research, creative activity, administration, and service. Such positions also enable us to honor generous donors to the University or others whom donors would like to honor by creating a named position. Presently, such positions are overwhelmingly held by faculty members, but the policy is specifically written to include the possibility of named positions for other university employees as well. For that reason, the proposed location of the Policy is in Part 9 of University Regulations, Community Relations and Institutional Advancement, rather than Part 6, Faculty.

The Policy and corresponding Rule have several purposes:

1. They affirm the principle of university oversight regarding the appropriateness of major naming donations, so that the university as a whole can avoid embarrassment from an intended gift that might benefit one part of the university and accidentally do greater harm to the institution as a whole.
2. They authorize the establishment of funding standards for key named positions to be fair to all donors while still providing individual flexibility for faculty and administrators. Members of the university community have a shared interest in encouraging donations that are sufficiently generous to achieve important academic goals. On the other hand, we don't want to reject smaller gifts or those development initiatives that do not reach their original goals. This Policy attempts to strike this balance by exerting greater regulation over the use of some titles than others.

*Approved*  
*Please forward*  
*[Signature]*  
11/30/09

3. They maintain high standards by holders of named positions by requiring appropriate review of appointments to the most prestigious such positions and by requiring a review at least every five years to continue in any named position. Because the named positions are separable from the underlying faculty or staff appointment, an individual's basic employment is not at stake in such a review.

This policy proposal has been developed in consultation with the Vice President for Institutional Advancement, the Council of Academic Deans, the Interim Vice President for Human Resources, and the Office of General Counsel, and processed through the Institutional Policy Committee.

If you and the President approve, this proposal will then be submitted to the Academic Senate Executive Committee. Given the subject matter, it is anticipated that the Executive Committee will determine that this proposal is academically significant and will designate the Policy and Rule to be submitted for the debate and approval of the Senate, pursuant to Policy 1-001. With Senate approval, the proposed Policy will then be submitted for final approval of the Board of Trustees.

*{As finally approved by the Board of Trustees April 13, 2010 }*

**Policy 9-003 Revision 0.**

**Subject: POLICY ON ENDOWED CHAIRS AND OTHER NAMED POSITIONS**

Revision Status: new

Effective Date: July 1, 2010

**I. Purpose and Scope**

To establish University Policy regarding the use of named positions, including positions with regulated titles, and to authorize enactment of Rules to implement such Policy. This policy and any associated Rules do not apply to the *ranks* of Distinguished Professor, Presidential Professor, or University Professor.

The use of named positions for University employees assists in attracting and retaining outstanding faculty and staff members who have distinguished themselves through their teaching, research, creative activity, administration, and service. Such positions may also honor generous donors to the University or others whom donors would like to honor by creating a named position. It is essential that holders of named positions maintain high standards of performance and responsible conduct as members of an academic community.

**II. Definitions**

- A. Named position: a position awarded to an employee that bears a special title honoring a named person or organization. Named positions normally are established with special sources of funding, which may include funding gifted to the University in the form of an endowment. Such special funding may be used to increase the amount of compensation paid to or support available for the employee holding a named position.
- B. Named positions with “regulated titles” constitute a subset of named positions, distinguished because they bear certain especially prestigious titles and/or may be subject to minimum funding level requirements. Such titles include those bearing the words presidential, chair, professor, or director, and any other titles identified as regulated titles in a University Rule implementing this Policy.

**III. Policy**

- A. The University shall manage the use of named positions and shall determine the level and sources of funding associated with named positions with regulated titles. The President or designee is responsible for and authorized to set minimum funding levels for any named position, thereby making such a position one with a “regulated title.” Minimum funding levels may be based on the title of the position and may be increased over time.
- B. No named position shall be named for a person or organization with whom it is not in the University’s interest to be affiliated. In the event of disagreement on this point, the final decision rests with the President or designee.

- C. The President or designee shall establish procedures for establishing named positions and for appointing individuals to named positions. If the named position is to be held by a faculty member, the procedures shall be compatible with normal faculty appointment procedures.
- D. Individuals holding named positions must be reviewed and determined to have achieved satisfactory performance at least every five years to retain those positions. The President or designee, in conjunction with the Academic Senate, shall establish Rules for conducting such reviews.
- E. [[ The Board of Trustees will be notified of the establishment of any and all named endowed chairs. This information should be presented to the Board in a timely manner and in the form of an “Information Agenda” item at a regularly scheduled monthly Board meeting.]] *{ Note that section III-E of Policy 9-003 was added by the Board of Trustees at the time it gave final approval of the new Policy, April 13, 2010.}*

#### **IV. Rules, Procedures, Guidelines, Forms and other related resources**

- A. Rules. University Rule 9-003 {link}
- B. Procedures. (Reserved)
- C. Guidelines. (Reserved)
- D. Forms. (Reserved)
- E. Other related resource materials. (Reserved)

#### **V. References:**

- Policy 6-300, Sec. 2. (Regular Faculty)
- Policy 6-302 (Appointments of Faculty)
- Policy 6-303 (Retention, Promotion and Tenure of Faculty)
- Policy 2-005, Sec. 5.C. (Review of Tenured Faculty)
- Policy 6-002, Sec. 10 (Consolidated Hearing Committee for Faculty Disputes)

#### **VI. Contacts:**

##### **Policy Officers:**

- Sr. Vice President for Academic Affairs, 801-581-5057
- Sr. Vice President for Health Science, 801-581-7480
- Vice President for Institutional Advancement, 801-581-4088

##### **Policy Owners:**

- Associate Vice President - Faculty, 801-581-8763

Associate Vice President - Health Sciences, 801-585-9602  
Director of Development Services, 801-585-0745

VII. History:

A. Current version: Revision 0

Effective date: July 1, 2010.

Approved by Academic Senate: January 11, 2010.

Approved by Board of Trustees: February 9, 2010.

Background information for Revision 0: *{link to legislative history file}*

*{As finally approved by the Senate January 11, 2010}*

## **University Rule 9-003 Revision 0.**

### **Subject: Endowed Chairs and other Named Positions—Establishment of Positions, Appointments to Positions, and Periodic Reviews of Employees Holding Such Positions.**

Revision Status: new

Effective Date: July 1, 2010

I. Purpose. To implement University Policy 9-003 (POLICY ON ENDOWED CHAIRS AND OTHER NAMED POSITIONS) by further defining the positions and titles to which the Policy applies, by prescribing procedures for establishing named positions and appointing individuals to such positions, and by prescribing procedures for periodic review of individuals holding such positions.

#### II. Definitions.

##### A. University Policy 9-003 defines terms as follows:

Named position: a position awarded to an employee that bears a special title honoring a named person or organization. Named positions normally are established with special sources of funding, which may include funding gifted to the university in the form of an endowment. Such special funding may be used to increase the amount of compensation paid to or support available for the employee holding a named position.

Named positions with “regulated titles” constitute a subset of named positions, distinguished because they bear certain especially prestigious titles and/or may be subject to minimum funding level requirements. Such titles include those bearing the words presidential, chair, professor, or director, and any other titles identified as regulated titles in a University Rule implementing this Policy.

##### B. This Rule elaborates upon and clarifies the preceding definitions as follows:

1. All named positions are subject to some requirements under Policy 9-003 and this Rule, but not all are subject to the greater requirements applicable for “regulated titles,” as described further here. “Regulated titles” are subject not only to the requirements applicable for other named positions, but also to greater requirements under Policy 9-003 and this Rule (often including minimum funding levels for establishment of positions).

2. Regulated titles with minimum funding requirements currently include the titles of Presidential Endowed Chair, Endowed Chair, Endowed Directorship, Endowed Professorship, and Endowed Associate or Assistant Professorship. Because of the potential for confusion with positions requiring a minimum funding level, any named position of Chair, Professor, or Director (or another regulated title designated in the future) is subject to the requirements applicable for the category of regulated titles, regardless of the absence of “endowed” from the title or the addition of other modifiers such as Research, Distinguished, Assistant, etc.

Current examples of titles that would be named positions but not regulated titles include “scholar,” “fellow,” “lecturer” and “artist in residence.”

3. From time to time, the President, with assistance from the Development Office, may identify other titles to be included as named positions generally, or more particularly as positions with regulated titles, and subjected to the requirements of Policy 9-003 and this Rule. Administrators should consult with the Vice President for Institutional Advancement for a current list of covered titles and other information when considering the establishment of a faculty or staff position with any special title.

4. There are certain special titles and positions currently used at the University which are not considered named positions for purposes of Policy 9-003 and this Rule (and therefore are not subject to the special requirements described here). These include the titles of “Presidential Professor,” “Distinguished Professor,” and “University Professor.” As more fully described in University Policy [6-300, Sec. 2] those are faculty *ranks* that are conferred upon meritorious individual faculty members, independent from establishment of any funding sources, and their conferral requires special procedures (such as approval from the existing Presidential or Distinguished Professors in the case of those two ranks).

### III. Rule

A. Requirements for *establishment* of new named positions (including minimum funding requirements for positions with regulated titles).

1. Procedures and criteria for establishing all new named positions (including positions with regulated titles).

a. Approval. Establishment of any faculty or staff position using a title defined as a “named position” for purposes of Policy 9-003 and this Rule requires the following approvals:

(i) approval of the dean of the college for a position established within any college (including any department or program within a college), or

(ii) approval of the cognizant administrator (such as Associate Vice-President or Director) for a position established within any administrative unit that is not part of an academic college, and

(iii) approval of the Vice President for Institutional Advancement or designee.

b. Criteria.

(i) Positions shall be named only for individuals, groups, or organizations with whom it is in the University’s interest to be affiliated.

(ii) Approvals shall not be given unless establishment of the position conforms to the terms of any gift agreement from which funding to support the position will be derived.

(iii) If the eventual appointees to the new named position shall be faculty members, the faculty of the relevant unit shall be consulted about the nature of the named position.

2. Additional procedures and criteria for *establishing* named positions with *regulated titles*.

a. Approval. For *establishment* of any named position carrying a “regulated title” for purposes of Policy 9-003 and this Rule, in addition to the approvals required for all named positions, the approval of the President (or designated vice president) is required. Requests for such approval may be submitted upon the recommendation of the cognizant dean or director, cognizant vice president, and the Vice President for Institutional Advancement.

b. Criteria. The primary additional criterion for approval to establish a named position bearing a regulated title shall be the assurance of adequate funding to support the position at the appropriate level. The Development Office, with the President’s approval, shall maintain and make available to deans (and other appropriate administrators) current information regarding appropriate funding level and form (e.g., permanent endowments or annual gifts) for each class of positions with regulated titles. The Development Office may change these requirements from time to time.

i. The normally acceptable form of assured adequate funding is a permanent endowment associated with the particular named position. Other forms which may be acceptable include the following.

ii. Named positions with similar titles (e.g., chair, professorship, directorship) but without associated endowments, may be created with funding in the form of annual gifts, subject to these limitations. A.) The amount of the annual gift must equal the yield that would be produced by the minimum endowment associated with a position of the same title. B.) The word “endowed” may not be used in the title of positions funded with annual gifts (or other non-endowed funds). C.) As shall be made clear to the holder of the position in any appointment letter, the position will no longer carry the regulated title or any associated additional compensation or support if the gifts cease. (This distinguishes such positions from those established with permanent endowments, for which a decline in the revenue received from endowed funds does not similarly end a named position.)

iii. Large, multi-purpose endowments may also be used to create named positions using regulated titles so long as the annual amount allocated to the position is at least 50% of the yield that would be produced by the minimum designated endowment level associated with a position of the same class of title.

B. Procedures for *appointments of individuals* to existing or newly established named positions.

1. Procedures for appointment to *all named positions* (including positions with regulated titles).

a. The dean or director, in consultation with the other administrators to whom the position reports within a specific unit, and in consultation with

departmental faculty for any faculty appointment, or in consultation with Human Resources for any staff appointment, will determine appropriate procedures for identifying candidates and selecting appointees to fill the newly established position or a vacancy in an existing position.

Such procedures shall comply with all pertinent University Regulations generally applicable for recruitment and completion of appointments of similar faculty or staff positions.<sup>1</sup> <<Note 1>>

b. Notice of each appointment to any named position shall be given to the cognizant vice president (and if the appointment is to a newly established named position, such notice shall include a brief description of the newly established named position). Prompt notice to the Vice President for Institutional Advancement is also required for appointments of *any* length to ensure consideration of donor stewardship and recognition appropriate to the importance of the appointment.

2. Additional procedures for appointment of individuals to named positions *with regulated titles*.

a. Appointments of individuals to positions with regulated titles must comply with the requirements applicable for all appointments to named positions, described above, and with the following additional requirements.

b. For any position which includes the special term “Presidential” as part of its title, *search procedures* for filling that position must be approved in advance by the cognizant vice president.

c. For any such appointment which (i) is for a term of more than three years or (ii) has the term “Presidential” in its title, the appointment of an individual to the named position shall be submitted for the approval of the cognizant vice president and the President. Such appointments are completed only upon the presentation of a formal offer letter signed by the President (or designee).

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<sup>1</sup> <<Note 1. In particular, if the individual being considered for appointment to the position does not already hold an equivalent level faculty or staff appointment at the University, the procedures followed for the appointment shall comply with those ordinarily applicable for a faculty or staff appointment of similar level, as well as satisfying requirements for appointment to the named position. For example, if a candidate for a named position which includes a regular faculty appointment is expected to be appointed with tenure, the ordinary procedures for a faculty appointment and for granting of tenure at time of appointment shall be followed (see Policy 6-302 and 6-303), in addition to those specific procedures implemented for completing appointment to the named position.>>

d. An appointment to a position with a regulated title which is for a term of three years or less and does not include the term “Presidential” in its title may generally be made by the dean or director, and notice subsequently given to the cognizant vice president.

3. Notice to Academic Senate and/or Board of Trustees.

For any individual appointment or any category of appointments to named positions, cognizant administrators may request that notice of appointment should be provided for the information of the Academic Senate and/or the Board of Trustees.

C. Special criteria and procedures for exceptional appointments to *unfunded* named positions, typically those with regulated titles.

1. Circumstances may arise making it appropriate to allow appointment of an individual to a proposed named position with a regulated title prior to the University’s receipt of the complete funding necessary for the establishment of that position. For example, it may be appropriate to honor a donor who is experiencing serious health problems with recognition of an intended gift in his/her lifetime. An appointment, in such appropriate circumstances, may be made only upon satisfaction of the following requirements and subject to the following limitations.

a. The proposed gift must be in a form that is irrevocable, with the University as named remainder beneficiary or equivalent provision.

b. The present value of the intended gift must be equal to or greater than the funding level ordinarily required to fund such a position.

c. Appointment of an individual to such a position prior to the University’s receipt of funding for the position, if allowed, will be ceremonial and in name only, without any increased compensation or support for the individual at the time of the appointment. Even upon subsequent receipt by the University of full funding for the position, there may be some delay before investment earnings from the gifted funds permit any increased compensation or support being provided for the position.

d. The President, in his/her discretion will make the final decision whether to make such a ceremonial appointment to a position with a regulated title prior to receipt of full funding for the position.

e. Individuals appointed to a position under these circumstances (and any successors) will be subject to University Regulations otherwise applicable for funded named positions with regulated titles. In particular, individuals holding such appointments are subject to the ordinary periodic review requirements described below, regardless of whether the position has been funded.

D. Terms of appointments—for *all appointments to named positions*.

1. Any new appointment or reappointment to a named position, initiated after the effective date of this Rule, will be for a specific term not to exceed five years.

2. The appointment period will begin on July 1 of the initial year and end on June 30 of the final year of the appointment unless otherwise specified.

E. Periodic review of individuals holding named positions.

1. All persons holding any named position are to undergo a careful review of performance no less frequently than every five years. Individuals will be reviewed during the final year of the appointment period, if it is proposed that the appointment be renewed.<sup>2</sup> <<Note 2>>

2. For appointees to *any named position* who hold a faculty appointment.

a. The scheduling of a review conducted for purposes of the named position shall be coordinated to the extent practicable with the scheduling of reviews conducted of that individual based on their status as a regular faculty member either in the pre-tenure probationary status (see Policy 6-303), or in the post-tenure status (see Policy 2-005), or their status as a long-term auxiliary faculty member in a position closely associated with the work they perform in the named position (see Policy 6-310). Because of their financial implications, reviews of individuals holding named positions need to be completed before the beginning of the fiscal year.

b. Regarding methodology and contents of the review, in addition to those matters addressed as part of any coordinated pre-tenure, post-tenure, or auxiliary faculty review process, the review for purposes of the named position shall directly address the issues of past performance in the named position and suitability for continuation in the named position. The final review documents shall be submitted to the cognizant dean or director for consideration in making the *determination* to continue the appointment to the named position (or if a position with a regulated title and a term of greater than three years is involved, for consideration in making a *recommendation* to the vice president as described below).

c. If the named position is a position with a *regulated title*, the following additional requirements and steps shall apply.

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<sup>2</sup> <<Note 2. For any named position created before the passage of Policy 9-003 and this Rule, for which the appointment period of the incumbent is unspecified in the agreements that established the position, the appointment will be subject to review every five years to retain the position, as described below. >>

- i. The file assembled for purposes of the review shall give special emphasis to those achievements during the current period under review that pertain to the position with the regulated title, and to the expectations for continuing accomplishments befitting such a position.
- ii. If the appointment term is three years or less and the individual was appointed under the terms of III.B.2.d.above, the chair and dean or director shall consider the results of any prior review conducted under E.2. a., and b., add their own reading of the record, and determine if the appointment shall be renewed.
- iii. If the appointment term is more than three years, the chair and dean or director shall consider the results of any prior review conducted under E.2. a., and b., add their own reading of the record, and make recommendations to the cognizant vice president.
- iv. At the conclusion of the review, the cognizant vice president will recommend to the president that the appointment to the position with the regulated title and a term of longer than three years be renewed for another specified term, or that the appointment not be renewed. If the recommendation is not to renew, then that recommendation shall be in writing and the individual shall have the right to respond in writing to the President, but no other appeal is provided.
- v. The President, or President's designee, in his or her sole discretion will renew the appointment or initiate the process to make a new appointment.

3. For named positions that are not associated with a faculty appointment, procedures for review shall be developed in consultation with the Chief Human Resources Officer (or designee).

a. If the term of the appointment is greater than three years, the procedures developed shall include a provision for submitting review materials to the cognizant vice president, and for submitting to the President a recommendation regarding reappointment.

b. For such reviews, if the recommendation submitted to the President is not to renew, then that recommendation shall be in writing and the individual shall have the right to respond in writing to the President, but no other appeal is provided.

c. The President in his or her sole discretion will renew the appointment or initiate the process to make a new appointment.

F. Revocation of an appointment between periodic reviews.

1. A named position may not be revoked between periodic reviews except for cause.
2. Cause includes, but is not limited to:
  - a. Personal or professional misconduct detrimental to the University; or
  - b. Failure to uphold high standards for scholarly work, creative activity, teaching, administration, or service.
3. Responsibility for determining whether or not there is sufficient evidence to recommend revocation of a named position rests with the cognizant vice president for positions with regulated titles and with the cognizant dean or director for other named positions.
4. A faculty incumbent may appeal a recommendation for a revocation between periodic reviews to the Consolidated Hearing Committee (see Policy 6-002). Appeal procedures for a staff incumbent shall be developed by the Chief Human Resources Officer (or designee).
5. The final decision to revoke a named position from an incumbent rests with the President of the University.

#### IV. Policies, Procedures, Guidelines, Forms and other related resources

- A. Policies
  - Policy 9-003. *{link}*
- B. Procedures (Reserved)
- C. Guidelines (Reserved)
- D. Forms (Reserved)
- E. Other related resource materials

#### V. References:(Reserved)

#### VI. Contacts:(Reserved)

##### Policy Officers:

- Sr. Vice President for Academic Affairs, 801-581-5057
- Sr. Vice President for Health Science, 801-581-7480
- Vice President for Institutional Advancement, 801-581-4088

##### Policy Owners:

- Associate Vice President - Faculty, 801-581-8763
- Associate Vice President - Health Sciences, 801-585-9602
- Director of Development Services, 801-585-0745

VII. History:

Current version: University Rule 9-003, Revision # 0, approved by the Academic Senate January 11, 2010, with the designated effective date of July1, 2010.

Background information on Revision 0. *{link}*

[addendum to Proposal for Rule 9-003]

**Summary of Regulations of Named Positions**

	V.P. Approval needed to create position?	Minimum funding set for position?	V.P. Approval needed of search procedures?	V.P. Approval needed of candidate to be selected?	Appointment letter from President?	Periodic review for renewal (at end of term or at least every 5 yrs)
"Presidential"	Yes	Yes	Yes	Yes	Yes	Report to President (via VP)
Chair-Professor-Director ("regulated titles")	Yes	Yes Minimum is ½ for general endowment	Only normal approval for new faculty or staff recruitment	No, if term ≤ 3 years, but notify vice president  Yes, if term > 3 years	No, if term ≤ 3 years, unless gift agreement requires  Yes, if term > 3 years	Report to cognizant Vice President
Other (e.g., Fellow, Scholar, Lectureship)	No	No	Only normal approval for new faculty or staff recruitment	No, but notify vice president	No, unless gift agreement requires	Report to cognizant dean or director

