

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 09-1109.01 Michael Dohr

**HOUSE BILL 09-1369**

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**HOUSE SPONSORSHIP**

**Weissmann,**

**SENATE SPONSORSHIP**

**Shaffer B.,**

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**House Committees**  
Education

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE SEARCH PROCESS FOR LEADERSHIP POSITIONS**  
102 **WITHIN STATE INSTITUTION OF HIGHER EDUCATION SYSTEMS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Requires the chair of the governing board (board) of an institution of higher education system or institution of higher education (institution) to appoint a search committee (committee) when there is an open president or chancellor position. Directs that the committee shall have 6 months, or as much time as necessary, to complete its search.

Directs the committee to:

! Advertise the search nationally, regionally, and statewide;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
Amended 2nd Reading  
May 1, 2009



1 STRIVE TO PROVIDE THAT EDUCATION IN THE MOST EFFICIENT, MOST  
2 COST-EFFECTIVE MANNER TO PROVIDE THE GREATEST POSSIBLE DEGREE OF  
3 STUDENT ACCESS AND ENSURE THE UTMOST INTEGRITY AND EFFICIENCY  
4 IN THE USE OF TAXPAYER AND TUITION DOLLARS;

5 (c) TO ACCOMPLISH THESE GOALS AND CONTINUOUSLY BUILD THE  
6 CAPACITY AND REPUTATION OF AN INSTITUTION OF HIGHER EDUCATION, IT  
7 IS IMPERATIVE THAT THE CHIEF EXECUTIVE OFFICER OF THE INSTITUTION  
8 DEMONSTRATE OUTSTANDING QUALITIES OF LEADERSHIP, MANAGEMENT,  
9 AND VISION;

10 (d) THE SELECTION PROCESS FOR LEADERS OF THE STATE  
11 INSTITUTIONS OF HIGHER EDUCATION MUST BE CONSISTENT AMONG THE  
12 STATE INSTITUTIONS, INCORPORATING THE BEST SEARCH PRACTICES OF  
13 EACH INSTITUTION;

14 (e) THE SELECTION PROCESS MUST ALSO BE THOROUGH, INCLUSIVE  
15 OF THE WHOLE SYSTEM OR INSTITUTION, INCLUDING THE STUDENTS, AND  
16 AS TRANSPARENT AS POSSIBLE, WHILE STILL PRESERVING TO THE EXTENT  
17 NECESSARY CANDIDATES' PRIVACY AND CONFIDENTIALITY;

18 (f) A SELECTION PROCESS THAT MEETS THESE REQUIREMENTS WILL  
19 BE MOST LIKELY TO IDENTIFY THE MOST HIGHLY QUALIFIED AVAILABLE  
20 LEADERSHIP TALENT AND TO ENSURE THAT THOSE CANDIDATES ARE  
21 SELECTED AS STEWARDS FOR THE HIGHER EDUCATION INSTITUTIONS OF  
22 COLORADO.

23 (2) THEREFORE, THE GENERAL ASSEMBLY CONCLUDES THAT IT IS  
24 IN THE BEST INTERESTS OF THE STATE OF COLORADO TO ENACT A  
25 CONSISTENT EMPLOYMENT SEARCH PROCESS, WHICH INCORPORATES THE  
26 BEST EMPLOYMENT SEARCH PRACTICES, FOR GOVERNING BOARDS TO  
27 APPLY IN SELECTING THE PRESIDENTS AND CHANCELLORS OF THE STATE

1 INSTITUTIONS OF HIGHER EDUCATION.

2           **23-5.5-102. Open leadership position - governing board -**  
3 **search committee - timing.** (1) WHEN AN INSTITUTION OF HIGHER  
4 EDUCATION SYSTEM OR AN INSTITUTION OF HIGHER EDUCATION HAS AN  
5 OPENING FOR THE POSITION OF PRESIDENT OR CHANCELLOR, THE CHAIR OF  
6 THE GOVERNING BOARD OF THAT SYSTEM OR INSTITUTION SHALL APPOINT  
7 A SEARCH COMMITTEE, INCLUDING THE CHAIR OF THE COMMITTEE. THE  
8 SEARCH COMMITTEE SHALL BE BROADLY REPRESENTATIVE OF THE  
9 GOVERNING BOARD AND THE SYSTEM OR INSTITUTIONAL FACULTY,  
10 STUDENTS, AND ADMINISTRATION. THE SEARCH COMMITTEE FOR AN OPEN  
11 POSITION IN AN INSTITUTION OF HIGHER EDUCATION SYSTEM SHALL  
12 INCLUDE A REPRESENTATIVE FROM EACH INSTITUTION WITHIN THE  
13 SYSTEM. THE SEARCH COMMITTEE MAY ALSO INCLUDE ALUMNI OF THE  
14 SYSTEM OR INSTITUTION, MEMBERS OF THE LOCAL OR STATE COMMUNITY,  
15 AS APPROPRIATE TO THE INSTITUTION'S MISSION, [REDACTED] AND THE  
16 SYSTEM OR INSTITUTIONAL STAFF.

17           (2) ONCE THE SEARCH COMMITTEE IS APPOINTED PURSUANT TO  
18 SUBSECTION (1) OF THIS SECTION, THE SEARCH COMMITTEE SHALL HAVE  
19 AT LEAST SIX MONTHS OR AS MUCH TIME AS MAY BE REASONABLY  
20 NECESSARY TO COMPLETE THE SEARCH PROCESS. THE SEARCH COMMITTEE  
21 SHALL PROVIDE SUFFICIENT TIME FOR ADVANCED ADVERTISING AND  
22 SEARCH ACTIVITIES THAT WILL FACILITATE THE WIDEST POSSIBLE NOTICE  
23 OF VACANCIES AND FOR EXTENSIVE ACTIVITIES TO ATTRACT  
24 HIGH-QUALITY AND DIVERSE NOMINEES AND APPLICANTS.

25           **23-5.5-103. Search committee - duties - search confidentiality**  
26 **- interviews - recommendations.** (1) THE SEARCH COMMITTEE  
27 APPOINTED PURSUANT TO SECTION 23-5.5-102 (1) SHALL HAVE THE

1 FOLLOWING DUTIES:

2 (a) TO DETERMINE THE QUALIFICATIONS FOR THE OPEN POSITION  
3 AND THE REQUIRED MATERIALS THAT AN APPLICANT MUST SUBMIT IN  
4 SUPPORT OF HIS OR HER APPLICATION;

5 (b) TO ADVERTISE THE OPEN POSITION ON A NATIONWIDE,  
6 REGIONAL, AND STATEWIDE BASIS AND INVITE INTERESTED, QUALIFIED  
7 AND DIVERSE PERSONS TO APPLY FOR THE POSITION OR TO NOMINATE  
8 OTHERS;

9 (c) TO ENCOURAGE THE SYSTEM'S OR INSTITUTION'S  
10 STAKEHOLDERS TO NOMINATE QUALIFIED AND DIVERSE INDIVIDUALS FOR  
11 THE OPEN POSITION; AND

12 (d) TO DIRECT ALL ASPECTS OF THE SEARCH AS NECESSARY.

13 (2) THE SEARCH COMMITTEE SHALL KEEP ALL INFORMATION  
14 CONCERNING APPLICANTS AND NOMINEES STRICTLY CONFIDENTIAL.

15 (3) THE SEARCH COMMITTEE SHALL REVIEW THE APPLICATIONS  
16 AND SUPPORTING MATERIALS ON APPLICANTS AND NOMINEES. AFTER THE  
17 REVIEW, THE SEARCH COMMITTEE SHALL INTERVIEW THE QUALIFIED  
18 APPLICANTS AND NOMINEES WHO DEMONSTRATE THE HIGHEST LIKELIHOOD  
19 OF SERVING SUCCESSFULLY AND WITH DISTINCTION IN THE OPEN POSITION.  
20 AT A MINIMUM, THE SEARCH COMMITTEE SHALL INTERVIEW THREE  
21 QUALIFIED APPLICANTS OR NOMINEES. THE SEARCH COMMITTEE SHALL  
22  RECOMMEND THE PERSON ONLY IF A MAJORITY OF THE SEARCH  
23 COMMITTEE MEMBERS AGREE THAT THE PERSON IS FULLY QUALIFIED TO  
24 SERVE IN THE OPEN POSITION. IN ALL INSTANCES, IT IS ANTICIPATED THAT  
25 THE CANDIDATES MOST HIGHLY RECOMMENDED BY THE COMMITTEE WILL  
26 BE THE ONLY CANDIDATES INTERVIEWED BY THE GOVERNING BOARD.

27 (4) AFTER COMPLETING THE INTERVIEW PROCESS, THE SEARCH

1 COMMITTEE SHALL TRANSMIT TO THE GOVERNING BOARD THE NAMES OF  
2 AT LEAST THREE, BUT NO MORE THAN FIVE, PERSONS WHO THE SEARCH  
3 COMMITTEE NOMINATES AS FULLY QUALIFIED TO SERVE IN THE OPEN  
4 POSITION. THE SEARCH COMMITTEE SHALL ALSO PROVIDE TO THE  
5 GOVERNING BOARD A REPORT DETAILING THE SEARCH COMMITTEE'S  
6 PROCESS, IDENTIFYING THOSE PERSONS WHO APPLIED OR WERE  
7 NOMINATED AND THOSE WHO WERE INTERVIEWED, AND EXPLAINING THE  
8 SEARCH COMMITTEE'S RATIONALE FOR THE NOMINATIONS. IN MAKING ITS  
9 NOMINATIONS, THE SEARCH COMMITTEE SHALL BASE ITS DECISIONS ON  
10 ASSISTING THE GOVERNING BOARD IN SELECTING A HIGHLY QUALIFIED  
11 PERSON TO SERVE IN THE OPEN POSITION.

12 (5) IF, AFTER RECEIVING THE REPORT PURSUANT TO SUBSECTION  
13 (4) OF THIS SECTION, THE GOVERNING BOARD DETERMINES THAT AN  
14 APPLICANT OR NOMINEE WHO WAS NOT INTERVIEWED BY THE SEARCH  
15 COMMITTEE SHOULD BE INTERVIEWED BY THE SEARCH COMMITTEE, THE  
16 SEARCH COMMITTEE SHALL INTERVIEW THE APPLICANT OR NOMINEE, VOTE  
17 ON THE APPLICANT OR NOMINEE, AND ADVISE THE GOVERNING BOARD ON  
18 THE OUTCOME OF THE VOTE.

19 **23-5.5-104. Governing board selection - process.** (1) AFTER  
20 RECEIVING AND REVIEWING THE SEARCH COMMITTEE'S NOMINATIONS AND  
21 REPORT PURSUANT TO SECTION 23-5.5-103 (4) AND THE OUTCOME OF ANY  
22 INTERVIEWS CONDUCTED PURSUANT TO SECTION 23-5.5-103 (5), THE  
23 GOVERNING BOARD SHALL SELECT THE FINALISTS TO INTERVIEW FROM  
24 AMONG THE NOMINATIONS PROVIDED PURSUANT TO SECTION 23-5.5-103  
25 (4) AND SECTION 23-5.5-103 (5) AND MAKE THE NAMES OF THE FINALISTS  
26 PUBLIC. THE GOVERNING BOARD SHALL SELECT THE MOST HIGHLY  
27 QUALIFIED NOMINEES TO INTERVIEW.

1 (2) EACH FINALIST SHALL MAKE A PUBLIC PRESENTATION TO THE  
2 SYSTEM'S OR INSTITUTION'S COMMUNITY. THE PRESENTATION SHALL  
3 OCCUR BEFORE ANY SELECTION VOTE IS TAKEN BY THE GOVERNING  
4 BOARD.

5 (3) THE GOVERNING BOARD MAY INTERVIEW THE FINALISTS IN  
6 EXECUTIVE SESSION.

7 (4) THE AFFIRMATIVE VOTE OF TWO-THIRDS OF THE MEMBERS OF  
8 THE GOVERNING BOARD SHALL BE NECESSARY TO SELECT A QUALIFIED  
9 FINALIST FOR THE OPEN POSITION.

10 **23-5.5-105. Applicability.** THIS ARTICLE SHALL ONLY APPLY TO  
11 SEARCHES FOR POSITIONS THAT ARE FILLED BY AN INSTITUTION OF HIGHER  
12 EDUCATION SYSTEM'S OR INSTITUTION OF HIGHER EDUCATION'S BOARD OF  
13 GOVERNORS.

14 **SECTION 2.** 23-20-106, Colorado Revised Statutes, is amended  
15 to read:

16 **23-20-106. President - election.** The regents of the university,  
17 PURSUANT TO THE PROCESS SPECIFIED IN ARTICLE 5.5 OF THIS TITLE, shall  
18 elect a president of the university, who shall be an employee-at-will  
19 pursuant to section 24-19-104, C.R.S., and whose employment shall be  
20 subject to the restrictions imposed by article 19 of title 24, C.R.S. The  
21 president shall be the principal executive officer of the university and a  
22 member of the faculty thereof and shall carry out the policies and  
23 programs established by the board of regents.

24 **SECTION 3.** 23-20-112, Colorado Revised Statutes, is amended  
25 to read:

26 **23-20-112. General powers of the board.** The board of regents  
27 shall enact laws for the government of the university; ELECT, PURSUANT

1 TO THE PROCESS SPECIFIED IN ARTICLE 5.5 OF THIS TITLE, A CHIEF  
2 EXECUTIVE OFFICER FOR EACH CAMPUS OF THE UNIVERSITY; appoint the  
3 requisite number of professors, tutors, and all other officers; and  
4 determine the salaries of such officers and the amount to be paid for  
5 tuition in accordance with the level of cash fund appropriations set by the  
6 general assembly for the university pursuant to section 23-1-104 (1) (a)  
7 (I). It shall remove any officer connected with the university when in its  
8 judgment the good of the institution requires it.

9 **SECTION 4.** 23-30-114, Colorado Revised Statutes, is amended  
10 to read:

11 **23-30-114. Board to elect chancellor and certain staff.** (1) It  
12 is the duty of the board of governors of the Colorado state university  
13 system to ~~choose~~ ELECT:

14 (a) A chancellor of the Colorado state university system  
15 PURSUANT TO THE PROCESS SPECIFIED IN ARTICLE 5.5 OF THIS TITLE, who  
16 shall serve as the chief executive officer of the system; and

17 (b) Other system staff that report directly to the board.

18 **SECTION 5.** 23-30-116, Colorado Revised Statutes, is amended  
19 to read:

20 **23-30-116. Board to choose presidents.** It is the duty of the  
21 board of governors of the Colorado state university system to ~~choose~~  
22 ELECT, PURSUANT TO THE PROCESS SPECIFIED IN ARTICLE 5.5 OF THIS  
23 TITLE, the presidents of the institutions it governs. In case of a vacancy  
24 in an office of president, the board shall appoint an interim president who  
25 shall perform the duties of the office until the board ~~selects~~ ELECTS a  
26 president PURSUANT TO THE PROCESS SPECIFIED IN ARTICLE 5.5 OF THIS  
27 TITLE.



1           **SECTION 6.** 23-31.5-110 (3) (a), Colorado Revised Statutes, is  
2 amended to read:

3           **23-31.5-110. Additional powers of board.** (3) In addition to  
4 those powers conferred elsewhere in this article, the board of governors  
5 of the Colorado state university system has the power to:

6           (a) ~~Appoint~~ ELECT, PURSUANT TO THE PROCESS SPECIFIED IN  
7 ARTICLE 5.5 OF THIS TITLE, a president of the Colorado state university -  
8 Pueblo who shall hold the office until removed by the board or until he  
9 or she resigns;

10           **SECTION 7.** Article 40 of title 23, Colorado Revised Statutes, is  
11 amended BY THE ADDITION OF A NEW SECTION to read:

12           **23-40-106. Board to elect president.** IT IS THE DUTY OF THE  
13 BOARD OF TRUSTEES FOR THE UNIVERSITY OF NORTHERN COLORADO TO  
14 ELECT, PURSUANT TO THE PROCESS SPECIFIED IN ARTICLE 5.5 OF THIS  
15 TITLE, THE PRESIDENT OF THE UNIVERSITY OF NORTHERN COLORADO, WHO  
16 SHALL SERVE AT THE PLEASURE OF THE BOARD OF TRUSTEES. IN CASE OF  
17 A VACANCY IN THE OFFICE OF PRESIDENT, THE BOARD OF TRUSTEES SHALL  
18 APPOINT AN INTERIM PRESIDENT WHO SHALL PERFORM THE DUTIES OF THE  
19 OFFICE UNTIL THE BOARD OF TRUSTEES ELECTS A PRESIDENT PURSUANT TO  
20 THE PROCESS SPECIFIED IN ARTICLE 5.5 OF THIS TITLE.

21           **SECTION 8.** 23-41-111, Colorado Revised Statutes, is amended  
22 to read:

23           **23-41-111. President - elected - assays and analyses.** (1) ~~The~~  
24 ~~president of the faculty of the school of mines, or professor in charge~~  
25 ~~thereof, who shall be appointed by said board of trustees, shall be known~~  
26 ~~as president of the Colorado school of mines.~~ THE BOARD OF TRUSTEES  
27 OF THE COLORADO SCHOOL OF MINES SHALL ELECT, PURSUANT TO THE

1 PROCESS SPECIFIED IN ARTICLE 5.5 OF THIS TITLE, THE PRESIDENT OF THE  
2 COLORADO SCHOOL OF MINES WHO SHALL ALSO SERVE AS THE PRESIDENT  
3 OF THE FACULTY OF THE SCHOOL OF MINES.

4 (2) It is lawful for said president to make or have made by any  
5 member of the faculty or by students, for residents of Colorado only,  
6 assays and analyses of Colorado ores and minerals and to make reports of  
7 such results free of charge upon blanks printed for that purpose, which  
8 shall, in a conspicuous place, have printed thereon: "The following is the  
9 assay or analysis of sample received from ....., and is not to be used  
10 in any way for promotion purposes."

11 **SECTION 9.** 23-51-102 (7) (a), Colorado Revised Statutes, is  
12 amended to read:

13 **23-51-102. Board of trustees - creation - members - powers -**  
14 **duties.** (7) In addition to those powers conferred elsewhere in this  
15 article, the board of trustees has the power to:

16 (a) ~~Appoint~~ ELECT, PURSUANT TO THE PROCESS SPECIFIED IN  
17 ARTICLE 5.5 OF THIS TITLE, a president of Adams state college;

18 **SECTION 10.** 23-52-104 (1) (a), Colorado Revised Statutes, is  
19 amended to read:

20 **23-52-104. Governing board - powers.** (1) In addition to those  
21 powers conferred elsewhere in this part 1, the board of trustees has the  
22 power to:

23 (a) ~~Appoint~~ ELECT, PURSUANT TO THE PROCESS SPECIFIED IN  
24 ARTICLE 5.5 OF THIS TITLE, a president of Fort Lewis college who shall  
25 hold the office until removed by the board of trustees or until the  
26 president resigns the same;

27 **SECTION 11.** 23-53-102 (7) (a), Colorado Revised Statutes, is

1 amended to read:

2 **23-53-102. Board of trustees - creation - members - powers -**  
3 **duties.** (7) In addition to those powers conferred elsewhere in this  
4 article, the board of trustees has the power to:

5 (a) ~~Appoint~~ ELECT, PURSUANT TO THE PROCESS SPECIFIED IN  
6 ARTICLE 5.5 OF THIS TITLE, a president of Mesa state college;

7 **SECTION 12.** 23-54-102, Colorado Revised Statutes, is amended  
8 BY THE ADDITION OF A NEW SUBSECTION to read:

9 **23-54-102. Board of trustees - creation - members - powers -**  
10 **duties.** (7) THE BOARD OF TRUSTEES SHALL ELECT, PURSUANT TO THE  
11 PROCESS SPECIFIED IN ARTICLE 5.5 OF THIS TITLE, A PRESIDENT OF  
12 METROPOLITAN STATE COLLEGE OF DENVER.

13 **SECTION 13.** 23-56-102 (7) (a), Colorado Revised Statutes, is  
14 amended to read:

15 **23-56-102. Board of trustees - creation - members - powers -**  
16 **duties.** (7) In addition to those powers conferred elsewhere in this  
17 article, the board of trustees has the power to:

18 (a) ~~Appoint~~ ELECT, PURSUANT TO THE PROCESS SPECIFIED IN  
19 ARTICLE 5.5 OF THIS TITLE, a president of Western state college of  
20 Colorado;

21 **SECTION 14.** 23-60-202 (1) (d), Colorado Revised Statutes, is  
22 amended to read:

23 **23-60-202. Duties of board with respect to state system.**

24 (1) With respect to the community and technical colleges within the state  
25 system, the board has the authority, responsibility, rights, privileges,  
26 powers, and duties customarily exercised by the governing boards of  
27 institutions of higher education, including the following:

1           (d) To ~~appoint~~ ELECT, PURSUANT TO THE PROCESS SPECIFIED IN  
2 ARTICLE 5.5 OF THIS TITLE, the chief administrative officer of each  
3 community and technical college;

4           **SECTION 15. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, and safety.