

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

REENGROSSED

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

LLS NO. 09-1109.01 Michael Dohr

HOUSE BILL 09-1369

HOUSE SPONSORSHIP

Weissmann,

SENATE SPONSORSHIP

Shaffer B.,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

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

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 3rd Reading
May 4, 2009

HOUSE
Amended 2nd Reading
May 1, 2009

- ! Determine the qualifications for the position; and
- ! Direct all aspects of the search.

Requires the committee to keep the names of the applicants and nominees confidential. Directs the committee to review the applications and nominations and select at least 3 qualified candidates to interview with the committee. Instructs the committee to select at least 3, but no more than 5, nominees to send to the board. Requires the committee to provide the board a report with its nominations. Permits the board to require the committee to interview an applicant or nominee not interviewed by the committee and provide a recommendation on that individual.

Requires the board to select the finalists to be interviewed and to make those finalists' identities public. Directs the finalists to make a public presentation to the institution community before any vote is taken by the board. Permits the board to interview the finalists in executive session. Requires an affirmative two-thirds vote to select the new president or chancellor.

Makes conforming amendments.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Title 23, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 5.5**

5 **College and University President and Chancellor Search**

6 **23-5.5-101. Legislative declaration.** (1) THE GENERAL
7 ASSEMBLY HEREBY FINDS THAT:

8 (a) THE STATE INSTITUTIONS OF HIGHER EDUCATION ARE
9 ENTRUSTED WITH THE CRITICAL RESPONSIBILITIES OF PROVIDING THE
10 HIGHEST QUALITY POSTSECONDARY EDUCATION TO THE MEN AND WOMEN
11 OF THE STATE AND OF ENSURING, TO THE FULLEST EXTENT POSSIBLE, THAT
12 THEY ARE WELL PREPARED TO FULFILL THEIR ROLES AS PROFESSIONALS IN
13 THE WORKFORCE AND AS ACTIVE, CONTRIBUTING CITIZENS OF THE STATE;

14 (b) IN ADDITION TO ENSURING THAT STUDENTS RECEIVE A QUALITY
15 EDUCATION, THE STATE INSTITUTIONS OF HIGHER EDUCATION MUST ALSO

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.** (1) THIS ARTICLE SHALL ONLY APPLY
11 TO SEARCHES FOR POSITIONS THAT ARE FILLED BY AN INSTITUTION OF
12 HIGHER EDUCATION SYSTEM'S OR INSTITUTION OF HIGHER EDUCATION'S
13 BOARD OF GOVERNORS.

14 (2) THIS ARTICLE DOES NOT APPLY TO OPENINGS AT INDIVIDUAL
15 COMMUNITY COLLEGE CAMPUSES.

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

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

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

1 **23-20-112. General powers of the board.** The board of regents
2 shall enact laws for the government of the university; ELECT, PURSUANT
3 TO THE PROCESS SPECIFIED IN ARTICLE 5.5 OF THIS TITLE, A CHIEF
4 EXECUTIVE OFFICER FOR EACH CAMPUS OF THE UNIVERSITY; appoint the
5 requisite number of professors, tutors, and all other officers; and
6 determine the salaries of such officers and the amount to be paid for
7 tuition in accordance with the level of cash fund appropriations set by the
8 general assembly for the university pursuant to section 23-1-104 (1) (a)
9 (I). It shall remove any officer connected with the university when in its
10 judgment the good of the institution requires it.

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

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

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

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

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

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

1 president PURSUANT TO THE PROCESS SPECIFIED IN ARTICLE 5.5 OF THIS
2 TITLE.

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

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

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

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

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

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

25 **23-41-111. President - elected - assays and analyses.** (1) ~~The~~
26 ~~president of the faculty of the school of mines, or professor in charge~~
27 ~~thereof, who shall be appointed by said board of trustees, shall be known~~

1 ~~as president of the Colorado school of mines.~~ THE BOARD OF TRUSTEES
2 OF THE COLORADO SCHOOL OF MINES SHALL ELECT, PURSUANT TO THE
3 PROCESS SPECIFIED IN ARTICLE 5.5 OF THIS TITLE, THE PRESIDENT OF THE
4 COLORADO SCHOOL OF MINES WHO SHALL ALSO SERVE AS THE PRESIDENT
5 OF THE FACULTY OF THE SCHOOL OF MINES.

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

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

15 **23-51-102. 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 Adams state college;

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

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

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

1 president resigns the same;

2 **SECTION 11.** 23-53-102 (7) (a), Colorado Revised Statutes, is
3 amended to read:

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

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

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

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

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

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

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

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

25 **23-60-202. Duties of board with respect to state system.**
26 (1) With respect to the community and technical colleges within the state
27 system, the board has the authority, responsibility, rights, privileges,

1 powers, and duties customarily exercised by the governing boards of
2 institutions of higher education, including the following:

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

6 **SECTION 15. Act subject to petition - effective date.** This act
7 shall take effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly that is
9 allowed for submitting a referendum petition pursuant to article V,
10 section 1 (3) of the state constitution, (August 5, 2009, if adjournment
11 sine die is on May 6, 2009); except that, if a referendum petition is filed
12 against this act or an item, section, or part of this act within such period,
13 then the act, item, section, or part, if approved by the people, shall take
14 effect on the date of the official declaration of the vote thereon by
15 proclamation of the governor.