

GENERAL COUNSEL

Issue:

Approval to create new position of General Counsel to Utah Valley University

Background:

Utah Valley University is the second largest public University in the State of Utah. UVU is currently represented in all legal issues by the Attorney General's office, and is constitutionally given the responsibility to represent the State of Utah in all legal issues.

The majority of state universities have General Counsel. The Utah Code (53B-2-106 Duties and Responsibilities of the President of each Institution: Approval by Board of Trustees) and Board of Regent Policy (R220 Supplement, Reference to Responsibilities) provides for the position of General Counsel. This position can be created with approval of the Attorney General and the State Board of Regents.

R220 Supplement, References to Responsibilities states,

(ii) Subject to the authority of, policy established by, and the approval of the board of regents, and recognizing the status of the institutions within the state system of higher education as bodies politic and corporate, can appoint attorneys to provide legal advice to the institution's administration and to coordinate legal affairs within the institution. The board of regents shall coordinate activities of attorneys at the institutions of higher education. The institutions shall provide an annual report to the board of regents on the activities of appointed attorneys. These appointed attorneys may not conduct litigation, settle claims covered by the State Risk Management Fund, or issue formal legal opinions, but shall, in all respects, cooperate with the Office of the Attorney General in providing legal representation to the institution;

The amount of legal work needed by Utah Valley University is exceeding the amount of work the staff of the Attorney General's office is able to provide. The University has need of General Counsel to provide legal advice, contract review, policy review, and compliance.

The Attorney General's office retains the responsibility to represent the University in all litigation matters of the university. University staff envisions dividing legal responsibilities between the Attorney General's office and University general counsel.

President Holland has met with Brian Tarbet, Civil Division Chief, Attorney General's Office State of Utah, who has given approval for UVU to create a General Counsel position for the university.

Motion:

Approval to create position of General Counsel at Utah Valley University.