



May 8, 2020

## General Consent Calendar

The Commissioner recommends approval of the following items on the Regents' General Consent Calendar:

- A. **RESOLUTIONS OF INDIVIDUAL BOARD OF REGENTS** (Attachment)
- B. **MINUTES**
  - 1. Minutes of the Board Meeting March 11, 2020, Conference Call; March 26 & 27, 2020, Teleconference. (Attachment)
- C. **RESOLUTIONS FOR INDIVIDUAL BOARD OF REGENTS** (Attachment)
- D. **ACADEMIC AND STUDENT AFFAIRS ITEMS**

### ACTION ITEMS:

#### Adoption of Policy R623, *Free Application for Federal Student Aid* (Attachment)

S.B. 256, Student Aid Amendments requires completion of the Free Application for Federal Student Aid (FAFSA) to be eligible for certain state financial aid for higher education. The Regents' Scholarship already requires completion of the FAFSA and the USHE institution financial aid offices rely on completion of the FAFSA in determining student eligibility for the Utah Access Promise Scholarship. This legislation requires applicants to complete the FAFSA for the other state aid programs administered by the Utah State Board of Regents:

- New Century Scholarship
- Career and Technical Education Scholarships
- Terrel H. Bell Education Scholarship Program
- Success Stipend Program Act
- Veterans Tuition Gap Program Act

The legislation allows flexibility for students to opt out of this requirement as well as allows financial aid advisors to withhold the requirement where completion of the FAFSA may harm a student's overall financial aid opportunities.

#### Revision of Policies R165, R512, R611, R604 & R609C, R620 (Attachment)

Revision to Policy R165, *Concurrent Enrollment*: Two bills during the legislative session, HB336 and HB409, were related to Concurrent Enrollment. The attached document proposes changes to Policy R165 to reflect the ability of the Board to approve upper division coursework for concurrent enrollment stemming from legislation. It also changes language related to concurrent enrollment Career and Technical Education to reflect current federal law and updates the name of the Board of Higher Education stemming from SB111.

Revisions to Policy R512, *Determination of Residence Status*: During the 2020 Legislative General Session the Legislature passed HB 45, which reflects recent changes to federal law governing veterans' benefits. In accordance with these statutory changes, Regent Policy R512 governing residency should be revised to remove the limit on time from discharge from the definition of "eligible person."

Revisions to Regent Policy R611, *Veterans Tuition Gap Program*: During the 2020 Legislative General Session the Legislature passed HB 45, which reflects recent changes to federal law governing veterans' benefits. In accordance with these statutory changes, Regent Policy

R611governing the Veterans Tuition Gap Program should be revised to allow funding under this program to be used for books and fees as well as tuition.

Revision to Policy R609C, *Regents' Scholarship* and R604, *New Century Scholarship*: Regent Policies R609C and R604 are to be adjusted due to new statutory requirements and clarifying technical changes identified in cooperation with institution Financial Aid Directors:

- Establishes uniform data reporting requirements for the institutions that participate in the Regents' and New Century Scholarship programs.
- Adjusts the minimum credit hours required for students to maintain scholarship award eligibility for both the Regents' and New Century Scholarships to 12 credits.
- Allows the Regents' Scholarship to be awarded to students enrolling at an accredited, private, non-profit institution per S.B. 117, Higher Education Financial Aid Amendments, in the 2020 Legislative Session.
- Clarifies the role of Commissioner's staff and institutions in accepting deferments and leaves of absence associated with the Regents' and New Century scholarship programs.
- Clarifies requirements for students to maintain scholarship award eligibility that better ensures timely degree completion.
- Removes the requirement that recipients have no criminal record, per S.B. 162 Educational Financial Aid for Students with a Criminal Record, in the 2020 Legislative Session.
- Removes duplicate and outdated language.

Revision of Policy R620, *Access Utah Promise Scholarship*: H.B. 103, Utah Promise Scholarship Program Amendments makes a technical change that allows institutions to more efficiently use state funds under this program, while ensuring tuition and fee waivers are still used wherever possible to fund the full amount of the scholarship. This issue was brought to the Commissioner's Office through feedback by the USHE Financial Aid offices.

#### INFORMATION ITEMS:

Campus Safety Study (Attachment)

Veterans Service Summary (Attachment)

#### Information:

- University of Utah – Bachelor of Arts/Science in Biochemistry
- Weber State University – Associate of Arts in Dance
- Weber State University – Associate of Science in Technical Theatre
- Weber State University – Bachelor of Science in Building Design & Construction
- Weber State University – Bachelor of Science in Health Administration
- Weber State University – Bachelor of Science in Health Information Management
- Southern Utah University – BIS to BS in Agricultural Science with emphases in: Agribusiness, Agricultural Education, Animal Science and Industries, General Agriculture, Natural Resources/Range Management, Plant Science and Industries
- Utah Valley University – AA/AS in Humanities and Social Sciences
- Utah Valley University – BA/BS/Minor in Anthropology
- Utah Valley University – BA/BS/Minor in Sociology
- Southern Utah University – Bachelor of Fine Arts in Filmmaking
- Southern Utah University – Bachelor of Arts/Science in International Cabin Crew Leadership

#### Notification:

##### New Program

- University of Utah – Emphasis in Illustration within the BFA in Art
- University of Utah –Post-baccalaureate Certificate in Language and Culture
- University of Utah – Minor in Dark Sky
- Weber State University – Certificate of Proficiency in Facility Management
- Dixie State University - Certificate of Proficiency in Data Analytics
- Dixie State University - Certificate of Proficiency in Piano Pedagogy
- Dixie State University - Emphasis in Family Studies and Human Development within BA/BS in Integrated Studies
- Dixie State University - Emphasis in Design within the AAS in General Technology

- Dixie State University - Emphasis in Information Technology within the AAS in General Technology
- Southern Utah University – Emphasis in Family Studies within the BA/BS in Family Life and Human Development

#### Name Change of Existing Unit

- Dixie State University – Department of Business to Department of Management and marketing
- Dixie State University – Department of Accounting and Finance to Department of Accounting, Finance and Analytics

#### Name Change of Existing Program

- University of Utah – Emphasis in Human Ecology to Emphasis in Evolutionary Anthropology within the BA/BS in Anthropology
- Dixie State University - Emphasis in Broadcasting within BS in Media Studies to Emphasis in Media Production within BS in Media Studies

#### Program Restructure and New Programs

- Master of Science in Radiologic Sciences – restructured to include three new areas of emphasis
  - Emphasis in Radiologist Assistant
  - Emphasis in Cardiac Specialist
  - Emphasis in Innovation and Improvement

#### Discontinuation

- Utah Valley University – BA/BS in Behavioral Science with all accompanying Emphases
- Dixie State University – Emphasis in Social Media within the BS in Media Studies
- Salt Lake Community College – AAS in Advanced Practice Medical Assistant
- Salt Lake Community College – AAS in Homeland Security & Emergency Management

#### Program Transfer

- Dixie State University – BS in Information Systems and Analytics will move from Department of Management and Marketing into Department of Accounting, Finance and Analytics

#### USU Notification Items for May General Consent Calendar:

##### Program Restructure and Name Change

- The following teacher certification programs have been restructured and consolidated into one program named Online Practical Teacher Training (OPTT)
  - Severe Alternative Teacher Preparation
  - Early Childhood Alternative Teacher Preparation
  - Mild/Moderate Alternative Teacher Preparation
  - Severe Distance Program
  - Mild/Moderate Distance Program
- Minor in Agricultural Economics to Minor in Applied Economics

##### New Programs

##### Certificates of Proficiency

- Global Peacebuilding CIP 30.0501
- Instruments and Controls (for powerplant) CIP 15.1702
- Industrial Mechanic (for powerplant) CIP 47.0303
- Heavy Equipment Operator CIP 49.0202
- Commercial Driver's License (CDL) CIP 49.0205
- Phlebotomy CIP 51.1009
- Emergency Medical Technician CIP 51.0904
- Police Officer Standards and Training- Special Functions Officer (LEO) CIP 43.0107

- Police Officers Standards Training- Basic Corrections Officer (BCO) CIP 43.0102
- Police Officers Standards Training- Law Enforcement Officer (SFO) CIP 43.0120

#### Certificates of Completion

- Automated Manufacturing CIP 15.0403
- Software Development CIP 15.1204
- Diesel Technician CIP 47.0605
- Cosmetology CIP 12.0401
- Small Business Operations CIP 52.0703
- IT Support and Web Development CIP 11.0103
- Airframes- Aviation Mechanics CIP 47.0607
- Powerplants- Aviation Mechanics CIP 47.0608
- Apprentice Electrician CIP 46.0302

#### Minor

- Middle East Studies CIP 05.0108
- Nonformal and Community-Based Education CIP 13.9999

#### Emphasis

- Human Biology within the Bachelor of Arts in Biology CIP 29.9999
- Quality and Reliability within the Bachelor of Science in Technology Systems CIP 15.0799

#### Discontinuation

- Certificate of Completion in Heavy Equipment and Trucking
- Bachelor of Science in Environmental and Natural Resources Economics

#### Administrative Unit Restructure and Name Change

School of Applied Sciences, Technology & Education to Department of Applied Sciences, Technology & Education with the following programs retained in the renamed department:

- PhD in Career and Technical Education
- Master of Education in Career and Technical Education
- Master of Science in
  - Agricultural Extension and Education
  - Family and Consumer Sciences Education and Extension
  - Technology and Engineering Education
- Bachelor of Science in
  - Agricultural Communications and Journalism
  - Agricultural Education
  - Agricultural Systems Technology
  - Business Education
  - Family and Consumer Sciences Education
  - Outdoor Product Design and Development
  - Technology and Engineering Education
- Associate of Applied Science in Agricultural Machinery Technology
- Certificate in Agricultural Machinery Technology

#### New Administrative Unit

Department of Aviation & Technical Education within the College of Agriculture and Applied Sciences

#### Program Transfer

Transfer the following programs from the School of Applied Sciences, Technology & Education to the Department of Aviation & Technical Education:

- Master in Aviation Science
- Bachelor of Science in:
  - Aviation Technology- Professional Pilot, Rotorcraft Emphasis and Fixed Wing Emphasis
  - Aviation Technology- Maintenance Management
  - Technology Systems

- Associate of Science in Agricultural Science
- Associate of Business
- Associate of Applied Science in:
  - IT Support and Web Development
  - Surgical Technician
  - Automotive Technology
  - Cosmetology
  - Diesel and Heavy Equipment Mechanics
  - General Technology
  - Medical Laboratory Technician
  - Small Business Operations
  - Welding Technology
- Certificates of Completion in:
  - Automotive Technology
  - Heavy Equipment and Trucking
  - Machine Tool Technology
  - Professional Bookkeeper
  - Web Business
  - Electronics
  - Engineering Drafting and Design Technology
  - Medical Assistant
  - Office Computer Systems
  - Phlebotomy
  - Welding
- Certificates of Proficiency in:
  - Digital Design
  - Professional Bookkeeping
  - Web Business

#### **E. FINANCE AND FACILITIES ITEMS:**

##### **Action Items:**

##### **Southern Utah University – Campus Master Plan (Attachment)**

The University seeks to review and approve the current institutional campus master plan. A letter from the institution describing the master plan updates is attached, along with a map. University officials will be present at the meeting to respond to Board questions.

##### **Southern Utah University – Investment Policy Revision (Attachment)**

Southern Utah University (SUU) requests approval of revisions to their University Investment Policy to ensure compliance with current financial laws, regulations, and stewardship.

Revisions to the SUU investment policy include: Trustee reporting, management of cash flows, reinstating the Trustee Advisory Committee, Public Treasurer qualifications, and outlining duties and responsibilities of both. Additional updates include allowable investment instruments, asset allocation, appropriate diversification strategies, and risk tolerance. All revisions received approval from applicable University committees and from the Board of Trustees on March 25, 2020. University representatives will be in attendance to address any specific questions.

##### **University of Utah – Lease Agreement (Attachment)**

The University of Utah requests Board approval to lease 30,487 square feet at 250 East 200 South in Salt Lake City, Utah for eleven years with an average annual rent of \$775,000.

The Rocky Mountain Center for Occupational & Environmental Health and Pediatrics Customer Care Center, both departments within the School of Medicine, currently lease space in Research Park. Both leases are expiring with no options to renew. The University requests authorization relocate the two departments to lease space at 250 East 200 South and make tenant improvements up to \$2 million.

The University of Utah's Board of Trustees will review this item at its May 14, 2020 meeting.

University of Utah – Series 2019 Revenue Bonds (Attachment)

The University of Utah requests Board authorization to issue up to \$130,000,000 of General Revenue Bonds for the following purposes that have been authorized by the state legislature:

- \$50,000,000 for the purchase of an office building at 102 S. 200 E. as approved by the Regents in November 2019 and authorized in the 2020 Legislative Session (H.B. 9); lease payments will be the primary source of repayment for the bonds.
- \$80,000,000 for the construction of a parking garage and roadway project for the University Hospital as approved by the Regents in November 2019 and authorized in the 2020 Legislative Session (H.B. 9); clinical, parking, and other non-state revenues will be the primary source of repayment for the bonds.

The relevant parameters of the requested issue are:

- Principal amount not to exceed \$130,000,000 (including costs of issuance and capitalized interest)
- Interest rate not to exceed 5%
- Interest rate for Variate Rate Bonds or Commercial Paper not to exceed 18%
- Discount from par not to exceed 2%
- Final maturity not to exceed 30 years from the date of issue

USHE – Series 2020 Student Loan Revenue Bonds (Attachment)

The Utah Higher Education Assistance Authority (UHEAA) requests Board authorization for the Student Loan Purchase Program to:

- Request bondholders of certain outstanding bonds to consent to amend the related Indenture to permit the refinancing of the bonds issued thereunder
- Terminate the existing interest rate exchange agreement on the 2010EE bonds
- Enter into a Warehouse Loan, Security and Servicing Agreement up to \$327,500,000 with Royal Bank of Canada (the "Warehouse Agreement"), in order to provide short-term financing to facilitate the refinancing
- Issue up to \$327,500,000 of refunding revenue student loan bonds to provide permanent refinancing of the existing bonds where future savings opportunities exist and include language intended to facilitate a movement from historical LIBOR, as needed

The economic benefits from this transaction include an estimated \$21 million reduction in the amount of student loan revenue bonds outstanding, the termination of two interest rate exchange agreements with an estimated \$12 million termination payment from the counterparties to the Board, and the release of an estimated \$60 to \$75 million portfolio of FFELP loans and up to \$20 million of cash from the lien of the Series 1993 Indenture to the Board's balance sheet. These economic benefits will be integral in supporting the Program's operations and improving access to post-secondary education in the State of Utah.

USHE – 2020-21 Performance Funding Allocations (Attachment)

For fiscal year 2020-21 the legislature appropriated \$29,500,000 of ongoing funds for Performance Funding in addition to \$1,005,800 of ongoing unallocated funds from 2019-20. Board members are asked to review the proposed \$30,505,800 2020-21 allocation in the attachment that was made using the model adopted by the Board in March 2019 and that is consistent with statute. Upcoming budget reductions by the legislature may reduce these funds and the Commissioner's Office requests the ability to reduce the final awards proportionate to any legislative reduction.

As required by statute the eligible funding amount for each institution is determined using 50% student FTE and 50% state appropriations. The amount is then divided and weighted among the performance metrics included in the model. The proposed final award amounts are calculated based on the actual performance achieved for each metric using a five-year rolling average comparison to a single year. In order for institutions to earn 100 percent of their eligible amount, they must demonstrate at least one percent improvement in the most current year when



compared to the previous five-year average. If an institution achieves between zero percent and one percent for a particular metric, the award is a prorated percentage.

Information Items:

USHE Annual Money Management Report – FY 2019 (Attachment)

USHE – Debt Ratio Analysis (Attachment)

**F. GRANT PROPOSALS**

1. Utah State University – U.S. Department of Education; “Native American-Serving Nontribal Institutions Program”; \$1,980,005.31. Principal Investigator, Joao Wilson Bueno.
2. Utah State University – National Institutes of Health; “Determining the Structure and Function of Dual-Nuclease Class 2 CRISPR systems”; \$1,797,397. Principal Investigator, Ryan Neal Jackson.
3. Utah State University – National Institutes of Health; “A38 Establishment of Small Animal Models for Screening MCMs for the 2019 Novel Coronavirus (SARS-CoV-2)”; \$2,514,572. Principal Investigator, Ernest B Tarbet.
4. Utah State University – U.S. National Science Foundation; “Multi-Model Ensemble-Based Global Data Assimilation System for the Ionosphere with Quantifiable Uncertainties”; \$2,940,808. Principal Investigator, Ludger Scherliess.
5. Utah State University = Department of State General; “Delivery of prototype ACID and TERRA drones”; \$1,000,000. Principal Investigator, Brad Petersen.
6. Utah State University – NASA Goddard Space Flight Center; “The Space Dynamics Laboratory will provide one flight IRIS radio, and ML605, and a Mass Simulator to Goddard space Flight Center”; \$1,135,400. Principal Investigator, Tim Neilsen.
7. Utah State University – Misc Federal Sponsors; “Build four flight spacecraft, one flight spare, and one Engineering Development Unit, Perform Acceptance, Integration and Testing, develop ground system and perform operations”; \$381,648,125. Principal Investigator, Amy Secrist.
8. Utah State University – Tyvak Nan-Satellite Systems; “Buy 5 flight Model Iris Radios for Small Innovative Missions for Planetary Exploration missions & Lunar Trailblazer”; \$3,155,000. Principal Investigator, Tim Neilsen.
9. Utah State University – Misc Federal Sponsors; “Space Dynamics Laboratory will integrate the Mission Operations Toolkit as a common command and control application into a unified, agile, open architecture SmallSat Research and Development ground solution”; \$22,082,658. Principal Investigator, Jack Felici.
10. Utah State University – Missile Defense Agency; “Space Dynamics Laboratory will provide sustainment and maintenance, as well as upgrades of current Dugway Proving Ground lidar systems, sub-systems and processes, and development of new referee lidar systems, sub-systems and processes to Dugway Proving Ground”; \$2,229,978. Principal Investigator, Kori Moore.
11. Utah State University – Missile Defense Agency; “Space Dynamics Laboratory shall provide Subject Matter Expertise and analytical services to support Missile Defense Agency/Director of Engineering and MDA/CR. Key Support areas include systems engineering, technical assessments of missile defense programs, architectures and technologies”; \$2,654,805. Principal Investigator, Jason Smesny.

12. Utah State University – Missile Defense Agency; “This purpose of Task Order 33 is to support the Air Force Space and Missile Systems Center Remote Sensing Systems Directorate and their Space Situational Awareness Environmental Monitoring Program. SDL will perform in its capacity as a University Affiliated Research Center for research, design, development, procurement, storage, fabrication, assembly, testing, shipping, logistics, deployment, and ongoing engineering support of the receivers, antennas, and software”; \$3,440,901. Principal Investigator, Gavin Payne.
13. Utah State University – Missile Defense Agency; “Space Dynamics Laboratories will provide expertise for the continued development of a form, fit and function replacement of the F-16 Analog Communication Matrix”; \$2,036,842. Principal Investigator, Shawn Nielson.
14. Utah State University – Air Force Material Command; “The Space Dynamics Laboratory will furnish the necessary personnel, facilities, and material to fabricate, assemble, test, deliver, and install the equipment and software required to maintain and enhance the Virtual Imagery Processing Capability for the air Force”; \$51,953,666. Principal Investigator, Glen Wada.
15. Utah State University – Misc Federal Sponsors; “Nine Month study phase moving to building four spacecraft, one engineering development unit, and one flatsat”; \$7,072,570. Principal Investigator, Jim Perry.

#### **G. AWARDS**

1. Utah State University – Air Force Laboratory; “AMSS To1 - Hydra”; \$1,038,481. Principal Investigator, Terry Gold.
2. Utah State University – Missile Defense Agency; “Digital Comm Matrix – Phase3”; \$1,100,000. Principal Investigator, Shawn Nielson.
3. Utah State University – Marine Corps; “Marines Corps Indefinite-delivery Indefinite-quantity”; \$4,211,478. Principal Investigator, John Kratz.
4. Utah State University – Misc Federal Sponsors; “Stingray”; \$3,720,000. Principal Investigator, Jim Perry.
5. Utah State University – Misc Federal Sponsors; “Gryphon”; \$2,000,000. Principal Investigator, Todd Eppich.



## *RESOLUTION OF APPRECIATION*

WHEREAS, Alan E. Hall has been a member of the USHE Board of Regents since 2019; and

WHEREAS, his work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, during his time as a USHE Regent, he served on the Workforce, Access, and Advocacy Committee and Compensation Committee. He also spearheaded the USHE Entrepreneurial Summit which aimed to maximize efforts and enhance workforce alliances in Utah at both public and private colleges and universities in the state; and

WHEREAS, he currently shares the role with his wife Jeanne as chairman and president of the Alan and Jeanne Hall Foundation, focused on improving the lives of low-income families in Weber County, and, a major contributor to Weber State University, the foundation has endowed the Hall Sales Center of Excellence, the Hall Global Entrepreneurship program, and the Tracy Hall Science Center; and

WHEREAS, he currently serves as chairman of Ogden Pioneer Days, vice chair of the Ogden Union Station Museum, and is founder and chairman of Grow Utah, a not-for-profit entity with a mission of stimulating economic development through entrepreneurship; and

WHEREAS, he is the founder of MarketStar Corporation, a global outsourced marketing and sales company, and cofounder of Mercato Partners, a top-performing growth equity venture capital fund; and

WHEREAS, Mr. Hall previously served as chairman of the Utah Technology Council and former chairman of Weber State University's Board of Trustees; and

WHEREAS, the Alan E. Hall Innovation for Undergraduate Student Success Award was created in his name and is given to a USHE faculty or staff member, or collaborative team, to support initiatives with innovative strategies that were intended to improve undergraduate student success; and

WHEREAS, he has been honored as the Ernst and Young Entrepreneur of the Year and as the MountainWest Capital Network Entrepreneur of the Year; and

WHEREAS, he graduated from Weber State University with a degree in psychology, from Brigham Young University with an MBA, and was the recipient of an Honorary Doctor of Humanities degree from Weber State University;

WHEREAS, Alan E. Hall diligently attended to his duties as a Regent and contributed to the Board of Regents and the Utah System of Higher Education by bringing his personal experience and views;

NOW, THEREFORE, BE IT RESOLVED, that the USHE Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Alan E. Hall, hereby extend sincere expressions of appreciation and respect, and wish him the very best in his future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education

## *RESOLUTION OF APPRECIATION*

WHEREAS, Cristina Ortega has been a member of the USHE Board of Regents since 2017; and

WHEREAS, her work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, during her time as a USHE Regent, she also served on committees and working groups, including; co-chair of the Access and Affordability Working Group; chair of the Mental Health Working Group; member on the Nominating Committee; as well as on the Academic and Student Affairs Committee; and

WHEREAS, she also served on the Utah Higher Education Assistance Authority Board of Directors and its Student Loan Finance Subcommittee; and

WHEREAS, she also serves as an Advisory Board Member for the Kem C. Gardner Policy Institute at the University of Utah and on the Board of Directors for United Way of Salt Lake; and

WHEREAS, she served as a Board Member for Big Brothers Big Sisters of Utah, as well as on the University of Utah Board of Trustees from 2013-2017 where she represented the Trustees on the KUER Advisory Board, the Audit Committee, and the Campus Safety Taskforce; and

WHEREAS, she is currently serving as Counsel to the United States Attorney for the District of Utah. She is also currently an Assistant United States Attorney where she serves in the violent crime section as the Project Safe Childhood Coordinator in the prosecution of crimes involving the sexual abuse and exploitation of children; and

WHEREAS, she was the former Deputy District Attorney at the Salt Lake County District Attorney's Office and Davis County Attorney's Office, where she specialized in special victim cases that included sexual assault, child abuse, domestic violence, and criminal homicides; and

WHEREAS, Ortega has remained active in the legal community as a member of the Women Lawyers of Utah, Minority Bar Association, and the Aldon J. Anderson Inn of Court; and

WHEREAS, she graduated from the S.J. Quinney College of Law at the University of Utah and also earned a Bachelor of Arts in Criminal Justice with an emphasis in Law Enforcement from Weber State University;

WHEREAS, Cristina Ortega diligently attended to her duties as a Regent and contributed to the Board of Regents and the Utah System of Higher Education by bringing her personal experience and views;

NOW, THEREFORE, BE IT RESOLVED, that the USHE Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Cristina Ortega, hereby extend sincere expressions of appreciation and respect, and wish her the very best in her future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education

## *RESOLUTION OF APPRECIATION*

WHEREAS, Harris H. Simmons has been a member of the USHE Board of Regents since 2012; and

WHEREAS, Simmons currently serves as Chair of the USHE Board of Regents, a post he has held since 2018. Previously, he served as vice chairman from 2016-2018; and

WHEREAS, during his time as a USHE Regent, he also served on many committees, including the Executive Committee; Academic and Student Affairs Committee; Conflict of Interest Committee; Compensation Committee; and the Finance and Facilities Committee, where he also served as vice-chair; and

WHEREAS, his work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, he also served on the Utah Higher Education Assistance Authority Board of Directors and its Student Loan Finance Subcommittee; and

WHEREAS, Mr. Simmons is currently Chairman and CEO of Zions Bancorporation; previous to that, he was the chief financial officer for the organization; and

WHEREAS, he has spent decades fighting homelessness in the state and is currently president of Shelter the Homeless, Inc.; and

WHEREAS, he serves on the Utah Youth Village board, and previously served on the Great Salt Lake Council of The Boy Scouts of America and was chairman of the Pioneer Theatre Company; and

WHEREAS, he also served as chairman or president of the Utah Symphony, Utah Foundation, Economic Development Corporation of Utah, and the American Bankers Association; and

WHEREAS, for his nearly 30 years at the helm of Zions Bancorporation, Simmons was awarded Banker of the Year for 2018 by American Banker; and

WHEREAS, Simmons has worked tirelessly to improve higher education in Utah and has led the Regents in considering and adopting many key initiatives, ultimately for the benefit of all Utah students; and

WHEREAS, he earned a bachelor's degree in economics from the University of Utah and an MBA from Harvard Business School;

WHEREAS, Harris H. Simmons diligently attended to his duties as a Regent and contributed to the Board of Regents and the Utah System of Higher Education by bringing his personal experience and views;

NOW, THEREFORE, BE IT RESOLVED, that the USHE Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Harris H. Simmons, hereby extend sincere expressions of appreciation and respect, and wish him the very best in his future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education

## *RESOLUTION OF APPRECIATION*

WHEREAS, Lisa-Michele Church has been a member of the USHE Board of Regents since 2019; and

WHEREAS, her work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, during her time as a USHE Regent, she served on the Workforce, Access, and Advocacy Committee and the Capital Facilities Committee; and

WHEREAS, she currently serves as Vice Chair on the Utah Higher Education Assistance Authority Board of Directors; and

WHEREAS, throughout her career, Church has spent more than 30 years in public and private service as an attorney and community activist; and

WHEREAS, she served as Vice President/General Counsel for a Utah-based Fortune 500 company where she was involved in negotiating the venue agreements for the 2002 Salt Lake City Winter Olympic Games and on boards that champion higher education, specifically the Dixie State University Board of Trustees and the Utah Higher Education Assistance Authority; and

WHEREAS, she also served in the Cabinet of two Utah Governors, as Executive Director of Human Services, where she advocated for issues of social justice at all levels, from helping individual families negotiate the challenges of mental illness to advocating at a national level for more effective substance abuse prevention strategies during Utah's methamphetamine epidemic; and

WHEREAS, Church previously worked as the Administrator for Utah's Juvenile Court system, where she was able to continue her advocacy for youth and families across 29 courts statewide. In this position, she worked with judges and court staff to prioritize the needs of underserved youth such as girls in the juvenile justice system and teenagers aging out of foster care without family attachments; and

WHEREAS, she also worked as President of Women Lawyers of Utah to encourage more women to apply for judgeships; and

WHEREAS, she is a first-generation college graduate who sees the importance of providing college educations for youth across all income groups in Utah and she has worked toward meaningful higher education reforms; and

WHEREAS, she holds a law degree from the University of Utah;

WHEREAS, Lisa-Michele Church diligently attended to her duties as a Regent and contributed to the Board of Regents and the Utah System of Higher Education by bringing her personal experience and views;

NOW, THEREFORE, BE IT RESOLVED, that the USHE Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Lisa-Michele Church, hereby extend sincere expressions of appreciation and respect, and wish her the very best in her future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education

## *RESOLUTION OF APPRECIATION*

WHEREAS, Mark Stoddard has been a member of the USHE Board of Regents since 2011; and

WHEREAS, his work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, during his time as a USHE Regent, he also served on many committees, including the Executive Committee; Academic and Student Affairs Committee; Capital Facilities Committee; Mental Health Working Group; Commission of Civic and Character Engagement, and as chair and vice-chair of the Finance and Facilities Committee; and

WHEREAS, he also served as chair of the Utah Higher Education Assistance Authority Board of Directors and on its Student Loan Finance Subcommittee; and

WHEREAS, he also serves as Snow College Foundation Chairman, a post he has held since 2002; and

WHEREAS, he served as the Snow College Alumni President from 1988-92 and on the Snow College Board of Trustees from 1989-2001; and

WHEREAS, Mr. Stoddard is currently President and CEO of Central Valley Medical Center in Nephi, Chairman and President of Rural Health Group, Chairman of the Rural Health Foundation, and President of Rural Health Management Corporation; and

WHEREAS, Mr. Stoddard has prioritized rural health and development, and positive education reforms, with rural communities in mind; and

WHEREAS, he graduated from Snow College with an Associate of Science in Business Management, followed by a Bachelor of Science from Utah State University, and a Master of Business Administration from Brigham Young University;

WHEREAS, Mark Stoddard diligently attended to his duties as a Regent and contributed to the Board of Regents and the Utah System of Higher Education by bringing his personal experience and views;

NOW, THEREFORE, BE IT RESOLVED, that the USHE Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Mark Stoddard, hereby extend sincere expressions of appreciation and respect, and wish him the very best in his future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education

## *RESOLUTION OF APPRECIATION*

WHEREAS, Marlin K. Jensen has been a member of the USHE Board of Regents since 2012; and

WHEREAS, his work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, during his time as a USHE Regent, he served on many committees, including the Audit Review Committee; Conflict of Interest Committee; K-16 Alliance Committee; Strategic Communications Advisory Group; as vice-chair of the Academic and Student Affairs Committee; chair of the Nominating Committee; and he currently serves as vice-chair for the Workforce, Access, and Advocacy Committee; and

WHEREAS, he also served on the Utah State Board of Education as well as the Utah Higher Education Assistance Authority Board of Directors and its Student Loan Finance Subcommittee; and

WHEREAS, he currently serves on the Board of Directors for the Bank of Utah, Weber Basin Water Conservancy District, Peterson, Inc., and the Ogden Valley Land Trust; and

WHEREAS, Mr. Jensen previously served as chairman of the Weber County Board of Education, chair of the Utah State Liquor Control Commission, member of the Weber County Library Board, and chair of the Utah State Fair Board; and

WHEREAS, he also chaired Weber County's Intergenerational Poverty Advisory Committee, a volunteer organization dedicated to helping young people break the cycle of poverty through education and opportunity; and

WHEREAS, he spent much of his professional career as a member of the Quorum of the Seventy of The Church of Jesus Christ of Latter-day Saints a position he began in 1989 and received emeritus status in October 2012. He also held the position of Church Historian and Recorder from 2005 to 2012; and

WHEREAS, the Tanner Humanities Center at the University of Utah created a fellowship in the name of Marlin K. Jensen for its most recent Mormon Studies initiative. The Marlin K. Jensen Scholar and Artist in Residence Program will host prominent scholars with expertise in Mormon Studies or renowned artists who explore the relationship between faith and art in their work; and

WHEREAS, he has a keen understanding of the importance of education as a first-generation college graduate and has worked to ensure underserved college-age students can afford to attend college and pursue any desired career; and

WHEREAS, he holds a law degree from the University of Utah and a Bachelor of Arts from Brigham Young University;

WHEREAS, Marlin K. Jensen diligently attended to his duties as a Regent and contributed to the Board of Regents and the Utah System of Higher Education by bringing his personal experience and views;

NOW, THEREFORE, BE IT RESOLVED, that the USHE Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Marlin K. Jensen, hereby extend sincere expressions of appreciation and respect, and wish him the very best in his future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education



## *RESOLUTION OF APPRECIATION*

WHEREAS, Ronald W. Jibson has been a member of the USHE Board of Regents since 2017; and

WHEREAS, his work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, during his time as a USHE Regent, he also served on many committees, including the Finance and Facilities Committee; Capital Facilities Committee; Audit Review Committee; Compensation Committee; and the Strategic Communications Advisory Group; and

WHEREAS, he currently serves on the board of the Economic Development Corporation of Utah, Women's Leadership Institute, Junior Achievement Advisory Board and the Utah Symphony and Opera; and

WHEREAS, he previously served as chairman of the Utah State University Board of Trustees, as well as of the Salt Lake Chamber of Commerce, Junior Achievement of Utah, Economic Development Corporation of Utah, the Davis County Chamber of Commerce, the American Gas Association, the Western Energy Institute, and the Utah State University Engineering Advisory Board; and

WHEREAS, in his more than 30 years at Questar Corporation, he also served as President and CEO and as a director from June 2010 to October 2016, and was appointed chairman of the board in 2012. Mr. Jibson was also president and CEO of Questar subsidiaries Wexpro Company and Questar Gas Company, and as chairman of Questar Pipeline Company; and

WHEREAS, Jibson received numerous awards and recognition for his leadership and community involvement throughout his career including Honorary Doctorates from Salt Lake Community College, Utah State University, and Westminster College; Utah State University Alumnus of the Year; Utah State University Engineering Distinguished Alumnus; Westminster College Alumnus of the Year; Diabetes Association Father of the Year; Multiple Sclerosis Society T.K. McCarthy Silver Hope Award; 2014 Junior Achievement from the Utah Business Hall of Fame; 37th Giant in our City from the Salt Lake Chamber, the Titan Award from the Sandy Chamber of Commerce, the Distinguished Service Award from the American Gas Association; and the Compassionate Leader Award from United Way; and

WHEREAS, he has prioritized giving back to the communities where he has lived and done business; and

WHEREAS, he graduated from Utah State University in civil engineering and later received a Master of Business Administration from Westminster College;

WHEREAS, Ronald W. Jibson diligently attended to his duties as a Regent and contributed to the Board of Regents and the Utah System of Higher Education by bringing his personal experience and views;

NOW, THEREFORE, BE IT RESOLVED, that the USHE Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Ronald W. Jibson, hereby extend sincere expressions of appreciation and respect, and wish him the very best in his future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education

## ***RESOLUTION OF APPRECIATION***

*WHEREAS, Robert W. Prince, DDS, has been a member of the USHE Board of Regents since 2011; and*

*WHEREAS, his work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and*

*WHEREAS, during his time as a USHE Regent, he also served on many committees, including the Executive Committee; Finance and Facilities Committee; Compensation Committee; and OCHE Budget Committee; and*

*WHEREAS, he also served as chair and vice-chair of the Academic and Student Affairs Committee and as chair of the Nominating Committee; and*

*WHEREAS, Mr. Prince also previously served as a board member of the Dixie College Alumni Association; and*

*WHEREAS, he previously served on the Council on Orthodontic Health Care for the American Association of Orthodontists and currently serves as a member of the University of Utah School of Dentistry Advisory Council; and*

*WHEREAS, Mr. Prince is in the private practice of orthodontics with offices in St. George, Beaver, and Kanab; and*

*WHEREAS, he holds degrees from Dixie College, now Dixie State University, and the University of Southern California;*

*WHEREAS, Robert W. Prince diligently attended to his duties as a Regent and contributed to the Board of Regents and the Utah System of Higher Education by bringing his personal experience and views;*

*NOW, THEREFORE, BE IT RESOLVED, that the USHE Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Robert W. Prince, DDS, hereby extend sincere expressions of appreciation and respect, and wish him the very best in his future endeavors.*

*Dated this 15<sup>th</sup> day of May, 2020.*



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education

## *RESOLUTION OF APPRECIATION*

WHEREAS, Thomas E. Wright has been a member of the USHE Board of Regents since 2017; and

WHEREAS, his work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, during his time as a USHE Regent, he also served on many committees, including the Workforce, Access, and Advocacy Committee; Finance and Facilities Committee; Strategic Communications Advisory Group; Commission on Civic and Character Engagement; and the Capital Facilities Committee; and

WHEREAS, he also served on the Utah Higher Education Assistance Authority Board of Directors; and

WHEREAS, he is the owner, president, and principal broker of Summit Sotheby's International Realty, a business that helps Utah families buy and sell their homes, which is based in Park City; and

WHEREAS, he has spent much of his professional career in the political sphere and served as National Committeeman to represent Utah on the Republican National Committee from 2016-2020; and

WHEREAS, he is the co-chairman of the Utah Debate Commission and was twice elected to serve as volunteer Chairman of the Utah Republican Party (2011-2013) and the Salt Lake County Republican Party (2009-2011); and

WHEREAS, he currently sits on the Board of Directors for United Way and the Utah Symphony/Utah Opera; and

WHEREAS, Mr. Wright previously served for three years on the Dixie State University Board of Trustees; and

WHEREAS, he has become a nationally recognized speaker and advisor on improving profitability, agent recruiting, and brokerage management; and

WHEREAS, utilizing his extensive knowledge gained throughout his career, including his work on the USHE Board of Regents, he is running for Governor of the State of Utah in 2020; and

WHEREAS, Wright is a graduate of the University of Utah with dual Bachelor of Arts degrees in Russian and marketing;

WHEREAS, Thomas E. Wright diligently attended to his duties as a Regent and contributed to the Board of Regents and the Utah System of Higher Education by bringing his personal experience and views;

NOW, THEREFORE, BE IT RESOLVED, that the USHE Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Thomas E. Wright, hereby extend sincere expressions of appreciation and respect, and wish him the very best in his future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education

## *RESOLUTION OF APPRECIATION*

WHEREAS, Jesselie B. Anderson has been a member of the USHE Board of Regents since 2013 and currently serves as Chair of the Workforce, Access, and Advocacy Committee. She also served as Vice Chair of the Finance and Facilities Committee, the Mental Health Working Group, and as a member of the Executive, Compensation, Audit and Nominating committees; and

WHEREAS, her work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, she serves on the Utah Legislature's Higher Education Strategic Planning Commission, the governing board of University of Utah's National Advisory Committee, and on the Success in Education Foundation. She also served as chair of the Salt Lake Community College Board of Trustees, as a member of the Westminster College Board of Trustees, and as a member of the Utah College of Applied Technology, now Utah System of Technical Colleges, Board of Trustees; and

WHEREAS, she worked and collaborated with many constituent groups to address key initiatives to improve higher education in Utah and has worked tirelessly to impact higher education for the better; and

WHEREAS, she has a lifetime of involvement in community affairs, including education and the arts, and is currently serving on Utah Symphony | Utah Opera's Board as the vice chair, and the I.J. Wagner Foundation. She previously served on the board of the Olene S. Walker Institute of Politics and Public Service at Weber State University; the Waterford School Board of Trustees; the Zoo, Arts and Parks Preservation Committee; and various councils and boards at the University of Utah; and

WHEREAS, she has a bachelor's degree in political science from the University of Utah; and

WHEREAS, Ms. Anderson has served the Board of Regents with distinction and made significant and impactful contributions to the Utah System of Higher Education through her experience and thoughtful guidance, and in recognition of her lifetime involvement in community and education service;

NOW, THEREFORE, BE IT RESOLVED, that the Utah State Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Jesselie B. Anderson, hereby extend sincere expressions of appreciation and respect, and wish her the very best in her future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education

## ***RESOLUTION OF APPRECIATION***

WHEREAS, Nina R. Barnes has been a member of the USHE Board of Regents since 2012. She is currently Vice Chair for the Board and has served on its Executive, Academic and Student Affairs, Finance and Facilities, Capital Facilities, Conflict of Interest, and Audit Review committees, as well as member of the Mental Health Working Group and Strategic Communications Advisory Group. She also served as the vice chair for the Utah Higher Education Assistance Authority's Board of Directors and as a member of the Governor's Excellence in Education committee; and

WHEREAS, her work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, she served on the Cedar City Council from 2005–2013, operates several businesses, and is involved in various community affairs; and

WHEREAS, she previously served as a member of the Southern Utah University Board of Trustees, the Southern Utah Foundation, and the Anne & Dixie Leavitt Foundation; and

WHEREAS, she is active in numerous local organizations including serving as a victim advocate for the Women & Children's Crisis Center and is a founding member of the Cedar City Children's Justice Center Friends Board, and founding president of the American Children's Christmas Festival; and

WHEREAS, she is currently serving on the Larry Miller Utah Summer Games Board of Commissioners and on the board of Real Women Run and Envision Utah and is the vice president of the Utah Federation of Republican Women; and

WHEREAS, she currently teaches as an adjunct professor at Southern Utah University in the political science department and operates K&N Investments; and

WHEREAS, she has a bachelor's degree from Brigham Young University and a Master of Public Administration from Southern Utah University; and

WHEREAS, Nina R. Barnes diligently attended to her duties as a Regent and contributed to the Board of Regents and the Utah System of Higher Education by bringing her personal experience and views;

NOW, THEREFORE, BE IT RESOLVED, that the USHE Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Nina R. Barnes, hereby extend sincere expressions of appreciation and respect, and wish her the very best in her future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education

## *RESOLUTION OF APPRECIATION*

WHEREAS, Wilford W. Clyde has been a member of the Utah State Board of Regents since 2011, and has served as the chair for the Finance and Facilities, Audit Review, and the Capital Facilities committees and as a member of the Executive and K-16 Alliance committees, as well as a member of the State Board of Education; and

WHEREAS, his work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, he served as chairman of the Board of Trustees at Utah Valley University and was instrumental in starting the Clyde Institute of Construction Management at that institution; and

WHEREAS, he served on the Board of Directors of the UVU Foundation and is a founding member of the Utah Valley University Wolverine Club; and

WHEREAS, Mr. Clyde is president and CEO of Clyde Companies, Inc., is former chairman of the Utah Manufacturers Association, and was honored as the 1995 Businessman of the Year by this organization; and

WHEREAS, he has worked in a variety of civic responsibilities, including two terms as the mayor of Springville, Utah, and as Chairman of the Provo/Orem Chamber of Commerce and Chairman of the Salt Lake Chamber; and

WHEREAS, he has a Bachelor's degree in accounting from Brigham Young University; and

WHEREAS, he has served his community in many capacities including as President of the Utah Chapter of the Associated General Contractors, as a member of the BYU Construction Management Advisory Committee and received the Pillar of the Valley award from the Utah Valley Chamber, formerly the Provo/Orem Chamber; and

WHEREAS, Mr. Clyde has served the Board of Regents with distinction, and made contributions to the Utah System of Higher Education through his input, guidance, and experience;

NOW, THEREFORE, BE IT RESOLVED, that the Utah State Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Wilford W. Clyde, hereby extend sincere expressions of appreciation and respect, and wish him the very best in his future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education



### *RESOLUTION OF APPRECIATION*

WHEREAS, Sanchaita Datta has been a member of the USHE Board of Regents since 2018 and has served on its Workforce, Access, and Advocacy Committee, as well as its Academic and Student Affairs Committee; and

WHEREAS, her work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, she served on the National Presidential Advisory Board of Utah Valley University and on the Board of Trustees of Salt Lake Community College; and

WHEREAS, she has an illustrious career in technology and has made great contributions in the field of communications technology. She is currently President, Chief Technology Officer, and co-founder of FatPipe Networks which offers solutions for network reliability, Hybrid-WAN redundancy, improved network performance, and security for wide area connectivity for its customers; and

WHEREAS, she has worked in a number of capacities in Utah's political arena, including as a member of Governor Jon Huntsman Jr.'s IT Task Force, the Governor's Transition Team, and on the review board for the State of Utah's Centers of Excellence program; and

WHEREAS, she was a trustee of the Women Tech Council, then known as Utah Women in Technology, and was honored as 'Women Innovator' by the Women Tech Council and the Leonardo Museum; and

WHEREAS, she has a bachelor's degree from the College of Technology and a Master in Science degree in electrical engineering from Pennsylvania State University; and

WHEREAS, Ms. Datta has served the Board of Regents with distinction and prioritized making college accessible and affordable for more Utahns through her contributions to the Utah System of Higher Education;

NOW, THEREFORE, BE IT RESOLVED, that the USHE Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Sanchaita Datta, hereby extend sincere expressions of appreciation and respect, and wish her the very best in her future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education

### *RESOLUTION OF APPRECIATION*

WHEREAS, Patricia Jones has been a member of the USHE Board of Regents since 2015 and has served as Chair of the Academic and Student Affairs committee and the Mental Health Working Group. She's also been a member of the Capital Facilities Committee, Finance and Facilities Committee, on the Strategic Communications Advisory Group, and as a WICHE Commissioner; and

WHEREAS, her work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, she served as a member of the Utah State Legislature for 14 years in the House of Representatives from 2000-2006 and in the Utah Senate from 2006-2014; and

WHEREAS, during her time in the State Legislature, Ms. Jones served in leadership positions including Minority Caucus Manager, Minority Leader and Senate Assistant Minority Leader in the Senate, and as Assistant Minority Whip in the Utah House of Representatives. She was also a member of the Public Education, Higher Education, Health and Human Services, Judiciary, Economic Development, Law Enforcement, Government Operations, and Executive Appropriations committees; and

WHEREAS, she is the CEO of the Women's Leadership Institute, which aims to elevate female leadership in Utah, and she is the co-founder and former president of Dan Jones & Associates, where she worked for 35 years; and

WHEREAS, she is active in numerous local organizations that support public education, women's leadership, health promotion, and financial literacy, and is currently the chair for the Governor's Commission on Education Excellence and the Intermountain Healthcare Community Care Foundation. She also currently serves on the University of Utah School of Dentistry Advisory Board, the Success in Education Board, the National Education Association Foundation Board, the Dominion Energy Advisory Board, the Zions Bank Advisory Board, the Salt Lake Chamber Executive Board, and on the Board of Governors of the Salt Lake Chamber; and

WHEREAS, she has a bachelor's degree in journalism from the University of Utah where she graduated Magna Cum Laude; and

WHEREAS, Patricia Jones diligently attended to her duties as a Regent and contributed to the Board of Regents and the Utah System of Higher Education by bringing her personal experience and views;

NOW, THEREFORE, BE IT RESOLVED, that the USHE Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Patricia Jones, hereby extend sincere expressions of appreciation and respect, and wish her the very best in her future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education

### *RESOLUTION OF APPRECIATION*

WHEREAS, Crystal Maggelet has been a member of the USHE Board of Regents since 2019 and has served on its Finance and Facilities Committee and as a member of Utah Higher Education Assistance Authority's Board of Directors; and

WHEREAS, her work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, she served as a trustee of Utah State University and on the University of Utah and Utah State University Business Advisory Boards for more than fifteen years; and

WHEREAS, Ms. Maggelet is CEO Chairman of the Board for FJ Management and currently serves on the Liv Communities Board, Intermountain Healthcare Board, Harvard Business School Board of Dean's Advisors, Salt Lake City-Utah Committee of the Games, and on the Zions Bank Advisory Board; and

WHEREAS, she is co-chair the Intermountain Healthcare Primary Promise Campaign and serves as a member on the Sundance Institute Utah Leadership Council; and

WHEREAS, she has been actively involved in promoting education and scholarships through the FJ Impact Fund and has worked to impact higher education for the better; and

WHEREAS, she has a bachelor's degree in business administration from Pepperdine University and a Master in Business Administration from Harvard Graduate School of Business Administration. She also holds a Utah State University Honorary Doctorate degree in business; and

WHEREAS, Ms. Maggelet has served the Board of Regents with distinction, and made contributions to the Utah System of Higher Education through her experience, input, and guidance;

NOW, THEREFORE, BE IT RESOLVED, that the USHE Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Crystal Maggelet, hereby extend sincere expressions of appreciation and respect, and wish her the very best in her future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education

### *RESOLUTION OF APPRECIATION*

WHEREAS, Steven J. Lund has been a member of the USHE Board of Regents since 2015 and has served as a member of its Finance and Facilities, Academic and Student Affairs, Nominating, and Audit Review committees, as well as a chairman of the Utah Higher Education Assistance Authority's Board of Directors; and

WHEREAS, his work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, he served as chair of the Board of Trustees at Utah Valley University; and

WHEREAS, he is the executive vice president of Nu Skin International, has previously served as the vice chairman of the Nu Skin board, was president and CEO from 1996-2003, and served as president and CEO of Nu Skin Asia Pacific from 1996-1998; and

WHEREAS, he is also Executive Director of Nourish the Children, a Nu Skin initiative which facilitates the donation of meals to malnourished children around the world; and

WHEREAS, he also served on the Board of Directors for the U.S. Direct Selling Association and in religious leadership roles for The Church of Jesus Christ of Latter-day Saints, including as member of the Young Men's General Board and as current President of the Young Men General Presidency; and

WHEREAS, he has a bachelor's degree in fine arts and communication and a Juris Doctor from Brigham Young University; and

WHEREAS, Mr. Lund has served the Board of Regents with distinction and worked tirelessly to impact higher education in Utah for the better through his contributions to the Utah System of Higher Education;

NOW, THEREFORE, BE IT RESOLVED, that the USHE Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Steven J. Lund, hereby extend sincere expressions of appreciation and respect, and wish him the very best in his future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education

### *RESOLUTION OF APPRECIATION*

WHEREAS, Sheva Mozafari has been a member of the USHE Board of Regents, representing the students of the Utah System of Higher Education as Student Regent since 2019, and has served as a member of the Academic and Student Affairs Committee; and

WHEREAS, her work as a USHE Regent includes selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the governor and Utah State Legislature; and

WHEREAS, she recently graduated with a bachelor's degree in Integrative Health Science at the University of Utah with honors and has been selected as a member of the Beehive Honor Society at the University of Utah; and

WHEREAS, Ms. Mozafari has been involved with the University of Utah throughout her education, serving as Presidential Ambassador for both Presidents Ruth V. Watkins and David W. Pershing, and ambassador for the College of Science. She was also a member of the Student Health Advisory Committee and served as a Residential Advisor for three years; and

WHEREAS, Ms. Mozafari was a vital part of the conversation about student success and access issues during her tenure on the Board and was instrumental in gathering insight about college completion from Utah college students; and

WHEREAS, Sheva Mozafari contributed to the Board of Regents and the Utah System of Higher Education by bringing her personal experience and views and was a passionate advocate for higher education and the students of the Utah System of Higher Education;

NOW, THEREFORE, BE IT RESOLVED, that the Utah State Board of Regents, joined by the Commissioner of Higher Education and his entire staff, and institution presidents, faculty, staff, and students who have worked with Sheva Mozafari, hereby extend sincere expressions of appreciation and respect, and wish her the very best in her future endeavors.

Dated this 15<sup>th</sup> day of May, 2020.



Harris H. Simmons, Chair  
USHE Board of Regents



Dave R. Woolstenhulme  
Commissioner of Higher Education

BOARD OF REGENTS  
CONFERENCE CALL – 801-675-8997  
WEDNESDAY, MARCH 11, 2020

COMMITTEE OF THE WHOLE  
MINUTES

Regents Present

Harris Simmons, Chair  
Lisa-Michele Church  
Jesselie B. Anderson  
Sanchiata Datta  
Alan E. Hall  
Marlin K. Jensen  
Ron Jibson  
Patricia Jones  
Steven Lund  
Crystal Maggelet  
Sheva Mozafari  
Mark Stoddard

Regents Absent

Nina R. Barnes, Vice Chair  
Wilford W. Clyde  
Cristina Ortega  
Robert W. Prince  
Thomas E. Wright

Dave R. Woolstenhulme, Interim Commissioner of Higher Education  
Geoffrey Landward, Assistant Commissioner and Board Secretary

Chair Simmons called the meeting to order at 4:05 p.m.

Committee of the Whole

Covid-19 Virus Impact to Institutions

This discussion was based around how institutions will handle the issues surrounding COVID-19. Governor Herbert has recommended institutions move all classes possible to online instruction. This was discussion only; no action was taken.

**On a motion by Regent Anderson and seconded by Regent Jibson, the meeting was closed**

The meeting adjourned at 4:18 p.m.

---

Geoffrey Landward, Secretary

Date Approved: May 15, 2020



BOARD OF REGENTS  
TELECONFERENCE, SALT LAKE CITY, UTAH  
FRIDAY, MARCH 27, 2020

COMMITTEE OF THE WHOLE  
MINUTES

Regents Present

Harris Simmons, Chair  
Nina R. Barnes, Vice Chair  
Jesselie B. Anderson  
Lisa-Michele Church  
Wilford W. Clyde  
Sanchiata Datta joined at 8:37  
Alan E. Hall  
Marlin K. Jensen  
Ron Jibson  
Patricia Jones  
Steven Lund  
Crystal Maggelet  
Sheva Mozafari  
Robert W. Prince  
Mark Stoddard  
Thomas E. Wright

Regents Absent

Cristina Ortega

Office of the Commissioner

Dave R. Woolstenhulme, Interim Commissioner of Higher Education  
Rich Amon, Associate Commissioner for Planning, Finance and Facilities  
Julie Hartley, Assistant Commissioner for Academic Affairs  
Geoffrey Landward, Assistant Commissioner and Board Secretary

Institutional Presidents Present

Ruth V. Watkins, University of Utah  
Noelle Cockett, Utah State University  
Scott L. Wyatt, Southern Utah University  
Astrid S. Tuminez, Utah Valley University  
Richard B. Williams, Dixie State University  
Deneece G. Huftalin, Salt Lake Community College  
Brad L. Mortensen, Weber State University  
Brad J. Cook, Snow College

Chair Simmons called the meeting to order at 9:07 a.m.

Committee of the Whole

Board of Higher Education Transition (TAB I)

Geoff provided an update and timeline on the transition to the new Board of Higher Education as outlined in TAB I. He reviewed the position announcement for the Commissioner of Higher Education and noted there will be an RFP to hire a change consultant. **Regent Datta made a motion approve the transition plan and position announcement for the Commissioner of Higher Education; Regent Prince seconded the motion and the motion passed.**

OCHE – Office Remodel Request (TAB G)

This office expansion is to incorporate the UTECH office; it will also expand virtual teleconference capabilities. Commissioner Woolstenhulme noted UTECH is currently paying \$125,000 annually for office space which will result in a cost savings as we combine the two budgets. **Regent Mozafari made**

**a motion to approve the office expansion as outlined in TAB G; Regent Jibson seconded the motion and the motion passed.**

2020 Legislative Update (TAB J)

Spencer Jenkins provided an overview of the legislative session as outlined in TAB J. Regent Hall reported on the Entrepreneurial Community Outreach Program. This is an information item; no action was taken.

New Century and Regents' Scholarship Award Amounts (TAB K)

Spencer Jenkins noted this is to establish the award amount for this year as outlined in TAB K. **Regent Lund made a motion to approve; Regent; Regent Maggelet seconded the motion and the motion passed.**

Regent Audit Committee Report (TAB L)

Regent Stoddard noted the audit committee met a couple of weeks ago with each institution's representatives. He can report we had a good outcome and the institutions have a good understanding of the direction and are working to eliminate any issues they may have and making recommendations to improve the process in the future. **Regent Jibson made a motion to accept the audit report; Regent Mozafari seconded the motion and the motion passed.**

General Consent Calendar (TAB M)

**On a motion by Regent Clyde and seconded by Regent Barnes the following items were approved on the Regents' General Consent Calendar**

- Minutes – Minutes of the Board meeting February 14, 2020, Utah State Capitol, Salt Lake City, Utah.
- Academic and Student Affairs Items
- Finance and Facilities Items (Salt Lake Community College – Non-Traditional Arrangements was removed from the consent calendar and will be presented at a future Board of Regents meeting)
- Grant Proposals
- Awards

**On a motion by Regent Stoddard and seconded by Regent Datta, the meeting was closed.**

The meeting adjourned at 9:52 a.m.

---

Geoffrey Landward, Secretary

Date Approved: May 15, 2020

BOARD OF REGENTS  
TELECONFERENCE, SALT LAKE CITY, UTAH  
THURSDAY, MARCH 26, 2020

COMMITTEE OF THE WHOLE  
MINUTES

Regents Present

Harris Simmons, Chair  
Nina R. Barnes, Vice Chair  
Jesselie B. Anderson  
Lisa-Michele Church  
Wilford W. Clyde  
Sanchiata Datta joined at 8:37  
Alan E. Hall  
Marlin K. Jensen  
Ron Jibson  
Patricia Jones  
Steven Lund  
Crystal Maggelet  
Cristina Ortega dismissed at 11:00  
Robert W. Prince  
Mark Stoddard  
Thomas E. Wright

Regents Absent

Sheva Mozafari

Office of the Commissioner

Dave R. Woolstenhulme, Interim Commissioner of Higher Education  
Rich Amon, Associate Commissioner for Planning, Finance and Facilities  
Julie Hartley, Assistant Commissioner for Academic Affairs  
Geoffrey Landward, Assistant Commissioner and Board Secretary

Institutional Presidents Present

Ruth V. Watkins, University of Utah  
Noelle Cockett, Utah State University  
Scott L. Wyatt, Southern Utah University  
Astrid S. Tuminez, Utah Valley University  
Richard B. Williams, Dixie State University  
Denece G. Huftalin, Salt Lake Community College  
Brad L. Mortensen, Weber State University  
Brad J. Cook, Snow College

Chair Simmons called the meeting to order at 8:04 a.m.

Committee of the Whole

USHE – Regent Response to Student Fee Audit (TAB A)

There was discussion about the requests that came from the audit and responses. There was also discussion about the definition of reasonable student fees. David Pulsipher noted there is currently no definition of reasonable fees and Rich Amon said this is something we will be working on this year.

**Regent Stoddard made a motion to approve the response to the State Auditor's report CAU-10-SP as outlined in TAB A; the motion was seconded by Regent Barnes and the motion passed. Regent Datta was not present to vote.**

USHE – Tuition and Fee Process and Affordability Task Force (TAB B)

Rich Amon reviewed the definition the Task Force has put together. Chair Simmons believes the definition is good and represented the Utah student very well. There was discussion

about the definition of affordability, return on investment, time to completion, and student debt. Chair Simmons said we need to include debt into the definition and asked to include in the recommendation “without incurring debt”. **Regent Jibson made a motion to accept the working definition of affordability for 2020-21 tuition with the addition of the student not incurring debt; Regent Prince seconded the motion and the motion passed.**

USHE – Institution and Fees Requests, Public Comments, Board Action (TAB C)

Rich Amon provided an overview of the fee setting process and changes that were made since last year. He provided a look at Utah’s tuition and fee increases as compared to national numbers as well as a history over the last 30 years in the state of Utah. He noted the overall tuition increase across the system is 1.9 percent. Student Fees will be looked at separately and across the system is an increase of approximately 1 percent. The Regents heard presentations from each institution on their request for tuition and student fee increases. Regents discussed in length the need to keep tuition increases low to zero. Regent Wright commended the presidents on their efforts to keep costs low, but believes increasing tuition is not the thing to do right now. Regents are concerned about how Covid-19 will effect students, their jobs, and their ability to stay in school and pay for tuition. Regent Datta stated we should not be discussing pay raises and tuition increases while we are facing this crisis.

University of Utah – **Regent Jones made a motion to approve the proposed annual tuition adjustment of 2 percent for 2020-2021, with the authorization to waive or defer tuition increases as needed; Regent Church seconded the motion, Regent Wright opposed and the motion passed. Regent Datta was not present to vote.**

University of Utah – **Regent Barnes made a motion to approve the proposed student fee adjustment with a net zero percent increase for 2020-2021; Regent Church seconded the motion passed.**

University of Utah – **Regent Prince made a motion to approve the differential tuition schedules for the Master of Athletic Training and the Master of Cardiovascular Perfusion; Regent Jones seconded the motion and the motion passed.**

Utah State University – **Regent Church made a motion to approve the proposed annual tuition adjustment of 2.8 percent for the Logan and statewide campuses for 2020-2021 with the authorization to waive or defer tuition increases as needed; Regent Jensen seconded the motion, Regent Wright and Regent Datta opposed and the motion passed.**

Utah State University – **Regent Jibson made a motion to approve the proposed annual tuition adjustment of 3.5 percent for the Price, Blanding, and Moab campuses for 2020-2021 with the authorization to waive or defer increases as needed; Regent Jensen seconded the motion, Regent Wright and Regent Datta opposed and the motion passed.**

Utah State University – **Regent Clyde made a motion to approve the proposed student fee adjustment with a net 1.6 percent increase for the Logan campus and no increase for statewide campuses for 2020-2021; Regent Jensen seconded the motion, Regent Wright and Regent Datta opposed and the motion passed.**

Utah State University – **Regent Jensen made a motion to approve the proposed student fee adjustments for 2020-2021 with a net 40 percent increase for the Price and Blanding campuses to align them with the statewide campuses; Regent Barnes seconded the motion, Regent Wright and Regent Datta opposed and the motion passed.**

Snow College – **Regent Jones made a motion to approve the proposed annual tuition adjustment of 2.25 percent with the authorization to waive or defer increases as needed and no adjustments to student fees for 2020-2021; Regent Jibson seconded the motion, Regent Datta opposed, Regent Wright opposed the tuition adjustment and the motion passed.**

Salt Lake Community College – **Regent Maggelet made a motion to approve the proposed annual tuition adjustment of 1.5 percent for 2020-2021 with the authorization to waive or defer increases as needed; Regent Jones seconded the motion, Regent Wright and Regent Datta opposed and the motion passed.**

Salt Lake Community College – **Regent Barnes made a motion to approve the proposed student fee adjustments with a net 1.8 percent increase for 2020-2021; Regent Church seconded the motion, Regent Wright and Regent Datta opposed and the motion passed.**

Weber State University – **Regent Hall made a motion to approve the annual tuition adjustment of 2 percent for 2020-2021 with the authorization to waive or defer increases as needed; Regent Jibson seconded the motion, Regent Wright and Regent Datta opposed and the motion passed. Regent Ortega was not present to vote.**

Weber State University – **Regent Hall made a motion to approve the proposed student fee adjustments with a net 2.0 percent increase for 2020-2021; Regent Jensen seconded the motion, Regent Wright and Regent Datta opposed and the motion passed.**

Dixie State University – **Regent Hall made a motion to approve the proposed annual tuition adjustment of 3.0 percent for 2020-2021 with the authorization to waive or defer increases as needed; Regent Maggelet seconded the motion, Regent Wright and Regent Datta opposed and the motion passed. Regent Ortega was not present to vote.**

Dixie State University – **Regent Hall made a motion to approve the proposed student fee adjustments with a net 2.9 percent increase for 2020-2021; Regent Prince seconded the motion, Regent Wright and Regent Datta opposed and the motion passed. Regent Ortega was not present to vote.**

Utah Valley University – **Regent Jones made a motion to approve the proposed annual tuition adjustment of 1.38 percent for 2020-2021 with the authorization to waive or defer increases as needed; Regent Church seconded the motion, Regent Wright and Regent Datta opposed and the motion passed. Regent Ortega was not present to vote.**

Utah Valley University – **Regent Clyde made a motion to approve the proposed student fee adjustments with a net 2.3 percent increase for 2020-2021; Regent Barnes seconded the motion, Regent Wright and Regent Datta opposed and the motion carried.**

Southern Utah University – **Regent Hall made a motion to approve no increase to the annual tuition as proposed for 2020-2021; Regent Maggelet seconded the motion and the motion passed. Regent Ortega was not present to vote.**

Southern Utah University – **Regent Hall made a motion to approve no student fee increases as proposed for 2020-2021; Regent Jibson seconded the motion and the motion passed.**

**On a motion by Regent Barnes, the meeting was closed.**

The meeting adjourned at 12:02 p.m.

---

Geoffrey Landward, Secretary

Date Approved: May 15, 2020



# MEMORANDUM

TAB F

April 10, 2020

## **Adoption of Policy R623, *Free Application for Federal Student Aid***

S.B. 256, Student Aid Amendments requires completion of the Free Application for Federal Student Aid (FAFSA) to be eligible for certain state financial aid for higher education. The Regents' Scholarship already requires completion of the FAFSA and the USHE institution financial aid offices rely on completion of the FAFSA in determining student eligibility for the Utah Access Promise Scholarship. This legislation requires applicants to complete the FAFSA for the other state aid programs administered by the Utah State Board of Regents:

- New Century Scholarship
- Career and Technical Education Scholarships
- Terrel H. Bell Education Scholarship Program
- Success Stipend Program Act
- Veterans Tuition Gap Program Act

The legislation allows flexibility for students to opt out of this requirement as well as allows financial aid advisors to withhold the requirement where completion of the FAFSA may harm a student's overall financial aid opportunities.

### **Commissioner's Recommendation**

The Commissioner recommends the Board adopt the policy R623 in accordance with SB 256, Student Aid Amendments.



## R623, Free Application for Federal Student Aid<sup>1</sup>

**R623-1 Purpose:** Require applicants for certain state scholarships to complete the Free Application for Federal Student Aid to ensure applicants have leveraged all available federal financial aid to cover the cost of higher education, provide instruction for applicants to opt out of the requirements of this policy, and provide instructions to financial aid officers.

### R-623-2 References

- 2.1** Utah Code Title 53B Part 8, Chapter 8, Section 105—New Century Scholarships
- 2.2** Utah Code Title 53B Part 8, Section 115, Career and Technical Education Scholarships
- 2.3** Utah Code Title 53B, Part 8, Section 116—Terrel H. Bell Education Scholarship Program
- 2.4** Utah Code Title 53B, Part 13a, Section 104—Success Stipend Program Act
- 2.5** Utah Code Title 53B, Part 13b, Section 104—Veterans Tuition Gap Program Act

### R-623-3 Definitions

**3.1 Free Application for Federal Student Aid (FAFSA)** The financial reporting forms used for application and reapplication to determine the need and eligibility of a student for financial assistance as described in 20 USC 1089.

### R-623-4 Policy

**4.1** Institutions shall require applicants for the following scholarships to complete the FAFSA to the extent that it will benefit an individual student's ability to maximize financial aid opportunities:

- 4.1.1** Terrel H. Bell Education Scholarship Program—Regent Policy R621
- 4.1.2** New Century Scholarship—Regent Policy R604
- 4.1.3** Higher Education Success Stipend Program—Regent Policy R605
- 4.1.4** Veterans Tuition Gap Program—Regent Policy R611

---

<sup>1</sup> Adopted

**4.1.5 Career and Technical Education Scholarship Program—Regent Policy R622**

**4.2 Applicant Opt Out:** An applicant may opt out of the requirement to complete the FAFSA due to:

**4.2.1** Financial ineligibility for any potential grant or other financial aid;

**4.2.2** Personal privacy concerns; or

**4.2.3** Advice of the institution based on its assessment of the factors that may impact a student's ability to access maximum financial aid opportunities.

**4.3** Institution advisors shall, to the extent practicable, encourage all of students to annually complete the FAFSA.

**4.4** Institutions shall ensure staff and faculty who advise students on financial aid are properly trained on the benefits of completing the FAFSA.



# MEMORANDUM

TAB A

April 10, 2020

## **Revision to Policy R165, *Concurrent Enrollment***

Two bills during the legislative session, HB336 and HB409, were related to Concurrent Enrollment. The attached document proposes changes to Policy R165 to reflect the ability of the Board to approve upper division coursework for concurrent enrollment stemming from legislation. It also changes language related to concurrent enrollment Career and Technical Education to reflect current federal law and updates the name of the Board of Higher Education stemming from SB111.

### **Commissioner's Recommendations**

Because these updates reflect new state and federal laws, the Commissioner recommends the Board approve the revisions to Policy R165.

### **Attachments**

**R165-1. Purpose:** To establish the principles, guidelines, and processes that govern Utah public higher education institutions when providing concurrent enrollment opportunities to Utah public education students.<sup>2</sup>

## R165-2. References

- 2.1. Utah Code §53E Chapter 10, Concurrent Enrollment
- 2.2. Utah Code §53E-4-206, Career and College Readiness Mathematics Competency Standards
- 2.3. Utah Code §53B-1-103, Establishment of State Board of Regents—Powers, Duties, and Authority
- 2.4. Utah State Board of Education Rule R277-713, Concurrent Enrollment of High School Students in College Courses
- 2.5. Utah State Board of Education Rule R277-407, School Fees
- 2.6. Utah Code §53B-1-109, Coordination of Higher Education and Public Education Information Technology Systems – Use of Unique Student Identifier
- 2.7. Utah Code §53E-4-308, Unique Student Identifier -- Coordination of Higher Education and Public Education Information Technology Systems
- 2.8. Utah Code §53G-11, Part 4, Background Checks– Notice – Payment of costs – Request for Review
- 2.9. Utah Code §53B-16-206, Snow College Concurrent Education Program
- 2.10. Utah Code §53E-10-307, Concurrent Enrollment Courses for Accelerated Foreign Language Students

## R165-3. Definitions

- 3.1. **Concurrent Enrollment:** college courses that Utah System of Higher Education (USHE) institutions offer to public school under a contractual agreement between the USHE institution and a Local Education Agency (LEA). Students continue to be enrolled in public schools, are counted in average daily membership, receive credit toward graduation, and concurrently receive college credit for courses. Concurrent enrollment is distinct from early college admission.
- 3.2. **Career and Technical Education Courses (CTE):** higher education courses that align to Utah State Board of Education (USBE) 11-digit assignment codes beginning with "~~40-Skilled & Technical Sciences~~~~30 Agriculture~~" and through "41 Work-Based Learning;" that are not designated as general education courses, and that may qualify for funding under the Strengthening Career and Technical

---

<sup>1</sup> Approved January 22, 1988; amended June 10, 2005 and July 28, 2006. Revisions approved May 29, 2009, November 18, 2011, May 16, 2014, September 16, 2016, and May 17, 2019

<sup>2</sup> This policy does not apply when a USHE institution is contracting concurrent opportunities with public education students of other states or with private high schools located within Utah.

**3.3. Contractual Basis:** courses and instruction offered under an annual contract between a LEA and a USHE institution. Contractual basis concurrent enrollment is eligible for state funding through the appropriation for concurrent enrollment authorized under Utah Code §53 E-10-303.

**3.4. Early College:** enrollment in college credit courses by high school students who are academically prepared, meet college admissions requirements, have left high school prior to graduation, and are no longer counted in average daily membership. Concurrent enrollment policies and funding mechanisms do not apply to early college admission enrollment. Early college admission enrollments are reported as regular enrollments by USHE institutions.

**3.5. Early College High School:** a public high school, generally affiliated with a college or university, whose academic goal is to assist accelerated students in earning college credit up to an associate degree concurrent with a high school diploma. Students are counted in the average daily membership of the high school. College credit is earned through concurrent enrollment and early college courses. The early college high school negotiates for and pays any applicable tuition and fees for early college courses.

**3.6. Instructor :** a licensed LEA K-12 educator who qualifies and is approved to teach concurrent enrollment courses as an adjunct faculty within an institution's academic department.

**3.7. Interactive Video Conferencing (IVC):** two-way, real-time transmission of audio and video signals between computer equipment at two or more locations.

**3.8. Local Education Agency (LEA):** a school board/public school district or public charter school.

**3.9. Non-contractual Basis:** college credit courses public education students pursue on their own initiative. Such students must enter into an agreement between the student, parent(s)/guardian, high school administrator, and the USHE institution for the student to take the course; the course is considered to be offered on a non-contractual basis. The student is responsible for all enrollment expenses. USHE institutions report non-contractual enrollments as regular enrollments. Non-contractual basis concurrent enrollment is not eligible for state funding.

**3.10. Qualifying Experience:** an LEA employee's experience in an academic field that qualifies the LEA employee to teach a concurrent enrollment course in the academic field and may include the employee's (a) number of years teaching in the academic field; (b) holding a higher level secondary teaching credential issued by the state board; (c) research, publications, or other scholarly work in the academic field; (d) continuing professional education in the academic field; (e) a portfolio of work related to the academic field; or (f) professional work experience or certifications in the academic field.

**3.11. Snow College Concurrent Education Program (Snow CE):** a consistent two-year schedule of concurrent enrollment courses that Snow College delivers through IVC. Snow CE courses create a pathway for secondary school students, particularly in rural high schools, to earn college credits that apply toward earning an Associate of Science or Associate of Arts degree, or satisfy scholarship requirements and other objectives that best meet students' needs. Snow CE includes advisory support to participating secondary school students and their high school counselors to ensure that students' concurrent enrollment courses align with their academic and career goals. Regents Policy 165 governs the Snow CE program. Funding is appropriated under Utah Code §53B-16-206.

**3.12. Plan for College and Career Readiness :** secondary school process for academic and career planning, facilitated by school counselors with students and their parents or guardians.

**3.13. Supervision of CE Instructors:** professional development opportunities institutions provide to public educators who qualify as concurrent enrollment instructors to prepare them to teach the CE post-secondary curriculum.

**3.14. Technology Delivered Instruction:** Course instructions provided to students by common technology such as broadcast, interactive videoconferencing, or the Internet.

**3.15. Technology Intensive Concurrent Enrollment (TICE):** hybrid concurrent enrollment courses that blend different learning activities, both in classrooms and online. TICE courses include common course assessments and, when possible, utilize open education resources. All USHE institutions may offer TICE courses.

**3.16. Unique Student Identifier (SSID):** an alphanumeric code assigned to each public education student for identification purposes.

**3.17. Utah State Board of ~~Regents~~ Higher Education (UBHE~~SBR~~):** the governing body for the Utah System of Higher Education.

**3.18. Utah System of Higher Education (USHE):** the system of public colleges and universities governed by the Utah State Board of Regents.

**3.19. USHE Institution (Institution):** a credit-granting community college, ~~state college~~, or university within the Utah System of Higher Education.

**3.20. USHE Technical College: a technical college within USHE that provides technical education as defined in 53B-1-101.5(8)**

**3.210. Utah State Board of Education (USBE):** the system of public education districts and charter schools governed by the State Board of Education.

**R165-4. Purpose of Concurrent Enrollment:** Concurrent enrollment provides course options to prepared high school students that earn high school and college credit. Concurrent enrollment allows students to complete a high school diploma while concurrently earning credits for first or second year coursework at a USHE institution, which can accelerate college completion and reduce college costs.

**4.1. High Quality Opportunities:** Concurrent enrollment should provide high quality, college-level academic and career and technical education opportunities to qualified high school students.

**4.2. Qualitative Safeguards:** College instruction offered in the high school setting must have qualitative safeguards to preserve the rigor and standards of college requirements. The USHE institution granting the college credit for a given course is responsible to establish appropriate qualitative safeguards. To help ensure quality, consistent instruction, and student success, the sponsoring institutions should officially enroll students as concurrent enrollment students.

**4.3. Participating Institutions:** USHE credit-granting institutions may participate in the contractual basis concurrent enrollment program in compliance with controlling law and consistent with USBE rules governing the use of public education funds.

4.4. **Program Evaluation:** The USBE and USBRUBHE shall work in close cooperation in developing, implementing, and evaluating the concurrent enrollment program.

## R165-5. Students

5.1. **Student Status:** Students must be enrolled in, and counted in the average daily membership of, a Utah public school and have high school student status before and throughout enrollment in concurrent enrollment courses. Students must complete contractual basis concurrent enrollment courses prior to their high school graduation or participation in high school graduation exercises. Students who have received a diploma, whose class has graduated from high school, or who have participated in graduation exercises are not eligible to participate in the concurrent enrollment program.

5.2. **Eligibility Requirements:** USHE institutions and LEAs shall jointly establish student eligibility requirements. To predict a successful experience, institutions and LEAs may require:

5.2.1. students are in grade 9, 10, 11, or 12;

5.2.2. a grade point average, ACT score, or a placement score which predicts success (generally considered to be a "B" average or ACT score of 22 or higher);

5.2.3. supportive letters of recommendation;

5.2.4. approval of high school and college officials;

5.2.5. appropriate placement assessments for courses such as mathematics and English;

5.2.5.1. students must complete Secondary Math I, II, and III with a "C" average or better course grade in all three classes to enroll in a CE mathematics course; and

5.2.6. completion of institutionally established prerequisites for a course.

5.2.7. have on file a completed plan for college and career readiness.

5.3. **Concurrent Enrollment Participation Form/Parent Permission to Participate.** Before allowing an eligible student to participate in the concurrent enrollment program for the academic year, an institution shall ensure the student has completed the USHE concurrent enrollment participation form, signed an acknowledgement of program participation requirements, and obtained a signed parent/guardian permission form.

~~5.4. **3Early College High School Eligibility:** The Early College High School Program may enroll students in grades 9 and 10 without exception in concurrent enrollment courses. Eligibility requirements such as those listed in section 5.2 apply to Early College students.~~

5.5.5.4. **Identification of Eligible Students:** LEAs have the primary responsibility for identifying students who are eligible to participate in the concurrent enrollment program.

5.6.5.5. **Advising:** USHE institutions and LEAs shall jointly coordinate advising to prospective or current high school students who participate in the concurrent enrollment program. Advising shall include information on general education requirements at USHE institutions and how the students can choose concurrent enrollment courses to avoid duplication or excess credit hours.



**5.7.5.6. Tracking Student Achievement:** USHE institutions and LEAs shall jointly coordinate information technology systems to track individual students' academic achievement through both education systems in accordance with Utah Code §53B-1-109 and §53E-4-308.

**5.7.1.5.6.1.** USBE and USHE staff shall coordinate access to the SSID of a public education student who later attends an institution within the state system of higher education.

**5.7.2.5.6.2.** USHE information technology systems shall utilize the SSID of all students who have previously been assigned a unique student identifier.

**5.8.5.7. Advising Report:** Twelve weeks after the end of each semester, participating institutions may request from the Commissioner's Office a report listing each public high school student admitted to a USHE institution who was enrolled in 12 or more credit hours of concurrent enrollment courses per year and completed at least six of those credit hours from that institution. The report shall include:

**5.7.8.1** student's name and SSID;

**5.7.8.2** the student's LEA;

**5.7.8.3** the name of each concurrent enrollment course taken by the student;

**5.7.8.4** the institution where the student enrolled to take each concurrent enrollment course;

**5.7.8.5** the number of college credits the student earned in each concurrent enrollment course with a designation that indicates which credits the student earned at a grade "C" or higher.

## R165-6. Courses

**6.1. Choice of Courses:** The courses offered through concurrent enrollment should be introductory-level general education, career and technical education, ~~or pre-major college courses, or select upper division courses when approved by the State Board of Regents after consulting with the Utah State Board of Education~~state board. Concurrent enrollment courses must assist students in earning post-secondary certificates or degrees. Concurrent enrollment may only include college courses that correspond to high school courses typically offered in grades 11 or 12. Courses selected should reflect the strengths and resources of the respective schools and USHE institutions. Concurrent enrollment offerings are limited to courses in English, mathematics, fine arts, humanities, science, social science, world languages, and career and technical education.

~~**6.1.1. Early College High School Exception:** Early college high schools may offer, for concurrent enrollment, courses typically taught in grades 9 or 10.~~

**6.1.2.6.1.1. Accelerated Foreign Language Courses:** Institutions may offer 3000 level foreign language courses to accelerated foreign language students, including dual language immersion students.

**6.2. Master List:** The Office of the Commissioner of Higher Education (OCHE) and the USBE will jointly approve courses that are added to an institution-specific Concurrent Enrollment Master List. Only courses taken from the master list for a given academic year shall be reimbursed from state concurrent enrollment funds.

**6.2.1 Changes to Concurrent Enrollment Master List:** USHE institutions, after consultation with LEAs, shall provide the USBE with proposed new course offerings, including syllabi and curriculum materials by November 15 of the year proceeding the school year in which courses shall be offered.

**6.3. Number of Courses:** In general, institutions should limit the number of concurrent enrollment courses so they can focus on quality instruction and assure coordinated professional development activities for participating teachers and transferability of credit from institution to institution.

**6.4. Institution Responsibility:** The offering institution is responsible for course content, procedures, examinations, teaching materials, and monitoring of CE courses taught at a high school. The institution shall ensure the curriculum is consistent with Utah law and of comparable rigor and quality with courses offered on the institution campus. The institution shall ensure CE curriculum standards of instruction, practices for administering and grading assessments, and the course grade rubric are the same as when the course is taught on the institution campus. When possible, department exams should be used in the CE course. For courses that transfer as equivalent credit among USHE institutions, the institution will ensure articulated learning outcomes are met.

#### **R165-7. Credit**

**7.1. Permanent College Transcript:** All concurrent enrollment course registrations and grades are recorded on permanent college transcripts. Students who register for concurrent enrollment commit to having the final course grade on their permanent college record, regardless of the results.

**7.1.1. Credit Value:** College level courses taught in the high school carry the same credit hour value as when taught on a college or university campus and apply toward college/university graduation on the same basis as courses taught at the USHE institution where the credits are earned.

**7.2. Credit Hours Permitted:** Individual students will be permitted to earn up to 30 semester hours of college credits per year through contractual concurrent enrollment. Credits earned in excess of 30 must be on a non-contractual basis.

**7.3. Institution Credit:** USHE institutions are responsible for course registration and awarding college credit for concurrent enrollment courses.

**7.4. Transferability:** Credit earned through the concurrent enrollment program shall be transferable between USHE institutions. Students should be encouraged to seek advice from a college academic adviser to make course choices that will meet the student's educational goals.

**R165-8. Tuition, Fees, and Other Charges:** Regular tuition and fees may not be charged to high school students for participation in this program.

**8.1. Admissions Fee:** Students may be assessed a one-time admissions application fee per institution, which satisfies the general admissions application fee requirement for a full-time or part-time student at an institution. The institution may not charge any additional admissions application fees for continuous enrollment at that institution following high school graduation.

**8.1.1. Participation Fee:** The [USBRUBHE](#) may charge a one-time fee for students to participate in the concurrent enrollment program. Paying this fee does not satisfy the general admissions application fee required for full-time or part-time students at a USHE institution.

**8.2. Partial Concurrent Enrollment Tuition:** USHE institutions may charge secondary students partial tuition for each concurrent enrollment course for which the student receives college credit in the following amounts:

**8.2.1.** A USHE institution may charge a concurrent enrollment student who qualifies for free or reduced school lunch partial tuition of up to \$5 per credit hour;

**8.2.2.** If a concurrent enrollment course is taught by a public school educator in a public school facility, a USHE institution may charge up to \$10 per credit hour;

**8.2.3.** If a concurrent enrollment course is taught over interactive video conferencing (IVC), a USHE institution may charge up to \$15 per credit hour;

**8.2.4.** If a concurrent enrollment course is taught on a USHE campus, a USHE institution may charge up to \$30 per credit hour.

**8.2.5.** The [USBRUBHE](#) shall annually report to the Legislature's Higher Education Appropriations Subcommittee on regular tuition savings to CE students, any partial CE tuition charged, and justification for the distribution of money appropriated for concurrent enrollment, pursuant to Utah Code §53E-10-308.

**8.3. Fee Waivers:** Concurrent enrollment program costs attributable only to college credit or enrollment are not subject to fee waiver under public school rule R277-407. All students' costs related to concurrent enrollment classes, which may include consumables, lab fees, copying, and material costs, as well as textbooks required for the course, are subject to fee waiver consistent with R277-407. The LEA is responsible for these waivers. The contract between the USHE institution and the LEA may address the responsibility for fee waivers.

**R165-9. Location and Delivery:** Concurrent enrollment courses shall be offered at the most appropriate location, using the most appropriate educational technology for the course content, the faculty, and the students involved. Instruction may be delivered through live classroom instruction or other accepted instruction technologies. Instruction normally occurs during the school day with students released from regular high school coursework to participate in concurrent enrollment.

**9.1. Students within Commuting Distance:** Qualified students residing within commuting distance of a USHE institution may pursue their concurrent enrollment study on the institution campus with approval from their LEA.

**9.2. Designated Service Region Delivery:** Each USHE institution has the responsibility for offering concurrent enrollment courses within their designated service region per Regent Policy R315. If the local institution chooses not to offer a concurrent enrollment course, a LEA may ask another USHE institution to provide the course.

**9.3. Right of First Refusal:** A LEA shall contact the USHE institution with responsibility for that LEA's service region to request a CE course offering. The local institution shall indicate in writing whether it will offer the requested course within 30 days of the LEA contact and request.

**9.3.1. Exception for Technology Delivered Courses:** Concurrent enrollment courses which meet the definition of "Technology Delivered Instruction" are subject to designated service region requirements. Institutions desiring to offer technology delivered CE courses outside their

designated service region must receive a written endorsement from the local institution for each course they desire to offer before contracting with LEAs outside their designated service area. An annual system review of technology delivered courses shall be completed prior to November 30 of the year preceding the school year in which courses shall be offered to assure efficient and effective use of resources.

**R165-10. CE Instructor Qualifications:** College or university faculty or public school educators teach concurrent enrollment courses for the offering institution.

**10.1. Selection of CE Instructors** LEAs and the participating USHE institution shall jointly select instructors for concurrent enrollment courses. Selection criteria for instructors are the same as those criteria applied to other adjunct faculty appointments in specific departments within the USHE institution. Once approved as an adjunct, CE instructors who teach a CE course in 2018-19 or 2019-20 may continue to teach CE courses given curricular standards and student performance outcomes in the classes meet sponsoring academic department standards. Institutions shall establish a process for determining, in consultation with LEA partners, whether an eligible instructor who previously taught a CE course is no longer qualified to teach the CE course. The appropriate academic department at the institution must approve CE instructors prior to teaching the concurrent enrollment class.

**10.2. Institutional Faculty CE Instructors:** A USHE institution faculty member is an eligible CE instructor.

**10.3. LEA Employee Instructor Qualifications:** An LEA employee is an eligible CE instructor if the LEA employee is licensed under statutory Education Professional Licensure, is supervised by an institution of higher education, and

**10.3.1.** is approved as an eligible instructor by the institution of higher education that provides the concurrent enrollment course taught by the LEA employee as provided in section 10.4,

**10.3.2.** has an upper level mathematics credential issued by the State Board of Education, or

**10.3.3.** teaches a concurrent enrollment course that the LEA employee taught during the 2018-19 or 2019-20 school year .

**10.4.** A USHE institution shall approve an LEA employee as an eligible instructor:

**10.4.1.** For a career and technical education concurrent enrollment course, if the LEA employee has:

**10.4.1.1.** a degree, certificate, or industry certification in the concurrent enrollment course's academic field; or

**10.4.1.2.** qualifying experience, as determined by the institution of higher education.

**10.4.2.** For a concurrent enrollment course other than a career and technical education course, if the LEA employee has:

**10.4.2.1.** a master's degree or higher in the concurrent enrollment course's academic field;

10.4.2.2. a master's degree or higher in any academic field and at least 18 completed credit hours of graduate course work in an academic field that is relevant to the concurrent enrollment course; or

10.4.2.3. qualifying experience, as determined by the institution of higher education.

**10.5. Appeals Process for Instructor Qualification Approvals.** If a designated service area USHE institution determines an LEA employee is not qualified to teach a concurrent enrollment course and the LEA has exhausted all administrative remedies available at the institution, the LEA may appeal the decision in writing to the Commissioner of Higher Education within 15 calendar days of the institution's final decision. The Commissioner shall appoint an appeals committee consisting of the associate commissioner for academic affairs and two USHE chief academic officers who are uninvolved in the decision being appealed.

10.5.1. The appeals committee will review the LEA's appeal and the institution's decision.

10.5.2. The institution and LEA will provide the appeals committee with any material documents and information necessary for a complete review. The committee may request additional documentation or information as necessary.

10.5.3. The appeals committee will provide a recommendation to the Commissioner, which may include affirming or reversing the institution's decision.

10.5.4. The Commissioner shall make a final decision and issue it to the institution and the LEA in writing.

10.5.5. After the Commissioner has issued a decision, there will be no further appeals or reviews.

**10.6. Criminal Background Checks:** USHE faculty who are not public school educators and who teach concurrent enrollment courses defined under this policy in a high school shall complete a criminal background check consistent with Utah Code §53G-11, Part 4.<sup>3</sup> The faculty's institution must determine if a criminal background check is required and, if so, must complete the background check and maintain required documentation consistent with the law.

**10.7. Faculty Development:** Concurrent enrollment instructors should be included as fully as possible in the academic life of the supervising academic department. USHE institutions and LEAs shall jointly initiate faculty development, including appropriate workshop experiences to adequately prepare instructors to teach concurrent enrollment students and course content prior to offering concurrent enrollment courses. If a USHE institution uses an instructor of record or co-teaching instructional model, the institution faculty shall fully engage and prepare the public school educator to successfully teach the curriculum prior to the beginning of the course. CE instructors must complete any faculty development required by the sponsoring academic department at the institution prior to teaching the concurrent enrollment class. USHE faculty are responsible to understand and comply with federal and state laws governing public school student privacy and student records.

## R165-11. Funding

---

<sup>3</sup> See §53A-3-410 for detailed information on completing background checks.

**11.1. Source of Funds:** Each year, the Utah Legislature will appropriate funds for accelerated learning programs. A portion of those accelerated learning funds shall be allocated to the concurrent enrollment program.

**11.1.1. Eligibility to Receive Concurrent Funds:** To qualify for funds, a concurrent enrollment program shall comply with the requirements described in Utah Code §53E-10-302, including rules adopted in accordance with Utah Code §53E-10-307.

**11.2. Allocation of Funds:** Money appropriated to the USBE for concurrent enrollment shall first be allocated between LEAs and the USBRUBHE based upon completed student credit hours taught by public school educators and taught by college or university faculty. Completed means that a student earned credit for the course. Concurrent enrollment funds may not reimburse institutions for concurrent enrollment courses repeated by students. In accordance with Utah Code §53F-2-409, funds shall be allocated as follows:

**11.2.1.** for courses that are taught by public school educators (instructors) where the cost of instruction is borne by the LEA, 60 percent shall be allocated to LEAs and 40 percent shall be allocated to the USBRUBHE;

**11.2.2.** for courses that are taught by college or university faculty or where the cost of instruction is borne by the USHE institution, 40 percent shall be allocated to LEAs; and 60 percent shall be allocated to the USBRUBHE.

**11.3. Distribution of Funds among USHE Institutions:** The USBRUBHE shall make rules regarding the allocation of funds pertaining to USHE institutions participating in contractual basis concurrent enrollment. Each institution shall receive a pro-rated amount according to the number of semester credit hours completed.

~~11.2.3.~~**11.3.1. Snow CE Exception:** Credit earned through the Snow CE Program, which receives a separate appropriation through Utah Code §53B-16-206 for instructional, advising, and administrative costs will not receive the pro-rated per credit funding as long as the separate appropriation funding is in place.

**11.4. Annual Reports:** Annual reports shall be provided to legislative committees:

**11.4.1 Higher Education Appropriations:** USHE staff shall annually report to the Higher Education Appropriations Subcommittee on concurrent enrollment participation and growth, including data on what higher education tuition would have been charged for the hours of concurrent enrollment credit granted as required by Utah Code §53E-10-308.

**11.4.2 Public Education Appropriations:** USHE and USBE staff shall annually report to the Public Education Appropriations Subcommittee an accounting of the money appropriated for concurrent enrollment; and a justification of the split described in section 11.2.

**R165-12. Annual Concurrent Enrollment Contract:** Collaborating LEAs and USHE institutions will annually sign a contract that establishes the terms, conditions, and duties for the institution to offer concurrent enrollment courses to the LEA's students.

**12.1. Annual Contract Content:** The contracts shall include relevant policy for student eligibility and participation, course eligibility and delivery, and faculty eligibility and professional development. USHE and USBE staff review and amend the contract annually, as needed, to reflect current statute and rule.

**12.2. Annual Contract Deadline:** Copies of all annual contracts entered into between institutions and LEAs for the upcoming school year must be submitted by institutions to the USHE system office no later than May 30 annually. USHE will convey copies of all contracts to USBE.

**R165-13. Utah System of [Higher Education](#) Technical Colleges ~~-(UTech)~~ Agreements:** High school students may participate at a ~~UTech~~ [USHE technical college](#) campus to take contractual basis concurrent enrollment courses under the following conditions:

**13.1. Concurrent Enrollment Contract:** A concurrent enrollment contract (see R165-12 above) must be in place between the LEA and the USHE institution covering the instruction to be given at the [USHE technical college](#) ~~UTech~~ campus.

**13.2. ~~UCAT~~ Instruction and Costs:** The USHE institution enters into an agreement with the [USHE technical college](#) ~~UTech~~ to provide the instruction. The agreement clearly establishes apportionment of cost and revenue that could be transferred to the [technical college](#) ~~UTech~~, and the process for approval of [technical college](#) ~~UTech~~ instructors as institutional adjunct faculty (see R165-10).



**R165-1. Purpose:** To establish the principles, guidelines, and processes that govern Utah public higher education institutions when providing concurrent enrollment opportunities to Utah public education students.<sup>2</sup>

## R165-2. References

- 2.1. Utah Code §53E Chapter 10, Concurrent Enrollment
- 2.2. Utah Code §53E-4-206, Career and College Readiness Mathematics Competency Standards
- 2.3. Utah Code §53B-1-103, Establishment of State Board of Regents—Powers, Duties, and Authority
- 2.4. Utah State Board of Education Rule R277-713, Concurrent Enrollment of High School Students in College Courses
- 2.5. Utah State Board of Education Rule R277-407, School Fees
- 2.6. Utah Code §53B-1-109, Coordination of Higher Education and Public Education Information Technology Systems – Use of Unique Student Identifier
- 2.7. Utah Code §53E-4-308, Unique Student Identifier -- Coordination of Higher Education and Public Education Information Technology Systems
- 2.8. Utah Code §53G-11, Part 4, Background Checks– Notice – Payment of costs – Request for Review
- 2.9. Utah Code §53B-16-206, Snow College Concurrent Education Program
- 2.10. Utah Code §53E-10-307, Concurrent Enrollment Courses for Accelerated Foreign Language Students

## R165-3. Definitions

- 3.1. **Concurrent Enrollment:** college courses that Utah System of Higher Education (USHE) institutions offer to public school under a contractual agreement between the USHE institution and a Local Education Agency (LEA). Students continue to be enrolled in public schools, are counted in average daily membership, receive credit toward graduation, and concurrently receive college credit for courses. Concurrent enrollment is distinct from early college admission.
- 3.2. **Career and Technical Education Courses (CTE):** higher education courses that align to Utah State Board of Education (USB) 11-digit assignment codes beginning with “30 *Agriculture*” through “41 *Work-Based Learning*” that are not designated as general education courses, and that may qualify for

---

<sup>1</sup> Approved January 22, 1988; amended June 10, 2005 and July 28, 2006. Revisions approved May 29, 2009, November 18, 2011, May 16, 2014, September 16, 2016, and May 17, 2019

<sup>2</sup> This policy does not apply when a USHE institution is contracting concurrent opportunities with public education students of other states or with private high schools located within Utah.

funding under the Strengthening Career and Technical Education for the 21st Century Act (PL 115-224, Enacted July 31, 2018).

**3.3. Contractual Basis:** courses and instruction offered under an annual contract between a LEA and a USHE institution. Contractual basis concurrent enrollment is eligible for state funding through the appropriation for concurrent enrollment authorized under Utah Code §53 E-10-303.

**3.4. Early College:** enrollment in college credit courses by high school students who are academically prepared, meet college admissions requirements, have left high school prior to graduation, and are no longer counted in average daily membership. Concurrent enrollment policies and funding mechanisms do not apply to early college admission enrollment. Early college admission enrollments are reported as regular enrollments by USHE institutions.

**3.5. Early College High School:** a public high school, generally affiliated with a college or university, whose academic goal is to assist accelerated students in earning college credit up to an associate degree concurrent with a high school diploma. Students are counted in the average daily membership of the high school. College credit is earned through concurrent enrollment and early college courses. The early college high school negotiates for and pays any applicable tuition and fees for early college courses.

**3.6. Instructor :** a licensed LEA K-12 educator who qualifies and is approved to teach concurrent enrollment courses as an adjunct faculty within an institution's academic department.

**3.7. Interactive Video Conferencing (IVC):** two-way, real-time transmission of audio and video signals between computer equipment at two or more locations.

**3.8. Local Education Agency (LEA):** a school board/public school district or public charter school.

**3.9. Non-contractual Basis:** college credit courses public education students pursue on their own initiative. Such students must enter into an agreement between the student, parent(s)/guardian, high school administrator, and the USHE institution for the student to take the course; the course is considered to be offered on a non-contractual basis. The student is responsible for all enrollment expenses. USHE institutions report non-contractual enrollments as regular enrollments. Non-contractual basis concurrent enrollment is not eligible for state funding.

**3.10. Qualifying Experience:** an LEA employee's experience in an academic field that qualifies the LEA employee to teach a concurrent enrollment course in the academic field and may include the employee's (a) number of years teaching in the academic field; (b) holding a higher level secondary teaching credential issued by the state board; (c) research, publications, or other scholarly work in the academic field; (d) continuing professional education in the academic field; (e) a portfolio of work related to the academic field; or (f) professional work experience or certifications in the academic field.

**3.11. Snow College Concurrent Education Program (Snow CE):** a consistent two-year schedule of concurrent enrollment courses that Snow College delivers through IVC. Snow CE courses create a pathway for secondary school students, particularly in rural high schools, to earn college credits that apply toward earning an Associate of Science or Associate of Arts degree, or satisfy scholarship requirements and other objectives that best meet students' needs. Snow CE includes advisory support to participating secondary school students and their high school counselors to ensure that students' concurrent enrollment courses align with their academic and career goals. Regents Policy 165 governs the Snow CE program. Funding is appropriated under Utah Code §53B-16-206.

- 3.12. Plan for College and Career Readiness :** secondary school process for academic and career planning, facilitated by school counselors with students and their parents or guardians.
- 3.13. Supervision of CE Instructors:** professional development opportunities institutions provide to public educators who qualify as concurrent enrollment instructors to prepare them to teach the CE post-secondary curriculum.
- 3.14. Technology Delivered Instruction:** Course instructions provided to students by common technology such as broadcast, interactive videoconferencing, or the Internet.
- 3.15. Technology Intensive Concurrent Enrollment (TICE):** hybrid concurrent enrollment courses that blend different learning activities, both in classrooms and online. TICE courses include common course assessments and, when possible, utilize open education resources. All USHE institutions may offer TICE courses.
- 3.16. Unique Student Identifier (SSID):** an alphanumeric code assigned to each public education student for identification purposes.
- 3.17. Utah State Board of Higher Education (UBHE):** the governing body for the Utah System of Higher Education.
- 3.18. Utah System of Higher Education (USHE):** the system of public colleges and universities governed by the Utah State Board of Regents.
- 3.19. USHE Institution (Institution):** a credit-granting community college or university within the Utah System of Higher Education.
- 3.20. USHE Technical College:** a technical college within USHE that provides technical education as defined in 53B-1-101.5(8)
- 3.21. Utah State Board of Education (USB E):** the system of public education districts and charter schools governed by the State Board of Education.

**R165-4. Purpose of Concurrent Enrollment:** Concurrent enrollment provides course options to prepared high school students that earn high school and college credit. Concurrent enrollment allows students to complete a high school diploma while concurrently earning credits for first or second year coursework at a USHE institution, which can accelerate college completion and reduce college costs.

- 4.1. High Quality Opportunities:** Concurrent enrollment should provide high quality, college-level academic and career and technical education opportunities to qualified high school students.
- 4.2. Qualitative Safeguards:** College instruction offered in the high school setting must have qualitative safeguards to preserve the rigor and standards of college requirements. The USHE institution granting the college credit for a given course is responsible to establish appropriate qualitative safeguards. To help ensure quality, consistent instruction, and student success, the sponsoring institutions should officially enroll students as concurrent enrollment students.
- 4.3. Participating Institutions:** USHE credit-granting institutions may participate in the contractual basis concurrent enrollment program in compliance with controlling law and consistent with USB E rules governing the use of public education funds.

**4.4. Program Evaluation:** The USBE and UBHE shall work in close cooperation in developing, implementing, and evaluating the concurrent enrollment program.

## **R165-5. Students**

**5.1. Student Status:** Students must be enrolled in, and counted in the average daily membership of, a Utah public school and have high school student status before and throughout enrollment in concurrent enrollment courses. Students must complete contractual basis concurrent enrollment courses prior to their high school graduation or participation in high school graduation exercises. Students who have received a diploma, whose class has graduated from high school, or who have participated in graduation exercises are not eligible to participate in the concurrent enrollment program.

**5.2. Eligibility Requirements:** USHE institutions and LEAs shall jointly establish student eligibility requirements. To predict a successful experience, institutions and LEAs may require:

5.2.1. students are in grade 9, 10, 11, or 12;

5.2.2. a grade point average, ACT score, or a placement score which predicts success (generally considered to be a "B" average or ACT score of 22 or higher);

5.2.3. supportive letters of recommendation;

5.2.4. approval of high school and college officials;

5.2.5. appropriate placement assessments for courses such as mathematics and English;

5.2.5.1. students must complete Secondary Math I, II, and III with a "C" average or better course grade in all three classes to enroll in a CE mathematics course; and

5.2.6. completion of institutionally established prerequisites for a course.

5.2.7. have on file a completed plan for college and career readiness.

**5.3. Concurrent Enrollment Participation Form/Parent Permission to Participate.** Before allowing an eligible student to participate in the concurrent enrollment program for the academic year, an institution shall ensure the student has completed the USHE concurrent enrollment participation form, signed an acknowledgement of program participation requirements, and obtained a signed parent/guardian permission form.

**5.4. Identification of Eligible Students:** LEAs have the primary responsibility for identifying students who are eligible to participate in the concurrent enrollment program.

**5.5. Advising:** USHE institutions and LEAs shall jointly coordinate advising to prospective or current high school students who participate in the concurrent enrollment program. Advising shall include information on general education requirements at USHE institutions and how the students can choose concurrent enrollment courses to avoid duplication or excess credit hours.

**5.6. Tracking Student Achievement:** USHE institutions and LEAs shall jointly coordinate information technology systems to track individual students' academic achievement through both education systems in accordance with Utah Code §53B-1-109 and §53E-4-308.

**5.6.1.** USBE and USHE staff shall coordinate access to the SSID of a public education student who later attends an institution within the state system of higher education.

**5.6.2.** USHE information technology systems shall utilize the SSID of all students who have previously been assigned a unique student identifier.

**5.7. Advising Report:** Twelve weeks after the end of each semester, participating institutions may request from the Commissioner's Office a report listing each public high school student admitted to a USHE institution who was enrolled in 12 or more credit hours of concurrent enrollment courses per year and completed at least six of those credit hours from that institution. The report shall include:

**5.7.1** student's name and SSID;

**5.7.2** the student's LEA;

**5.7.3** the name of each concurrent enrollment course taken by the student;

**5.7.4** the institution where the student enrolled to take each concurrent enrollment course;

**5.7.5** the number of college credits the student earned in each concurrent enrollment course with a designation that indicates which credits the student earned at a grade "C" or higher.

## **R165-6. Courses**

**6.1. Choice of Courses:** The courses offered through concurrent enrollment should be introductory-level general education, career and technical education, pre-major college courses, or select upper division courses when approved by the Board after consulting with the Utah State Board of Education. Concurrent enrollment courses must assist students in earning post-secondary certificates or degrees. Concurrent enrollment may only include college courses that correspond to high school courses typically offered in grades 11 or 12. Courses selected should reflect the strengths and resources of the respective schools and USHE institutions. Concurrent enrollment offerings are limited to courses in English, mathematics, fine arts, humanities, science, social science, world languages, and career and technical education.

**6.1.1. Accelerated Foreign Language Courses:** Institutions may offer 3000 level foreign language courses to accelerated foreign language students, including dual language immersion students.

**6.2. Master List:** The Office of the Commissioner of Higher Education (OCHE) and the USBE will jointly approve courses that are added to an institution-specific Concurrent Enrollment Master List. Only courses taken from the master list for a given academic year shall be reimbursed from state concurrent enrollment funds.

**6.2.1 Changes to Concurrent Enrollment Master List:** USHE institutions, after consultation with LEAs, shall provide the USBE with proposed new course offerings, including syllabi and curriculum materials by November 15 of the year proceeding the school year in which courses shall be offered.

**6.3. Number of Courses:** In general, institutions should limit the number of concurrent enrollment courses so they can focus on quality instruction and assure coordinated professional development activities for participating teachers and transferability of credit from institution to institution.

**6.4. Institution Responsibility:** The offering institution is responsible for course content, procedures, examinations, teaching materials, and monitoring of CE courses taught at a high school. The institution shall ensure the curriculum is consistent with Utah law and of comparable rigor and quality with courses offered on the institution campus. The institution shall ensure CE curriculum standards of instruction, practices for administering and grading assessments, and the course grade rubric are the same as when the course is taught on the institution campus. When possible, department exams should be used in the CE course. For courses that transfer as equivalent credit among USHE institutions, the institution will ensure articulated learning outcomes are met.

#### **R165-7. Credit**

**7.1. Permanent College Transcript:** All concurrent enrollment course registrations and grades are recorded on permanent college transcripts. Students who register for concurrent enrollment commit to having the final course grade on their permanent college record, regardless of the results.

**7.1.1. Credit Value:** College level courses taught in the high school carry the same credit hour value as when taught on a college or university campus and apply toward college/university graduation on the same basis as courses taught at the USHE institution where the credits are earned.

**7.2. Credit Hours Permitted:** Individual students will be permitted to earn up to 30 semester hours of college credits per year through contractual concurrent enrollment. Credits earned in excess of 30 must be on a non-contractual basis.

**7.3. Institution Credit:** USHE institutions are responsible for course registration and awarding college credit for concurrent enrollment courses.

**7.4. Transferability:** Credit earned through the concurrent enrollment program shall be transferable between USHE institutions. Students should be encouraged to seek advice from a college academic adviser to make course choices that will meet the student's educational goals.

**R165-8. Tuition, Fees, and Other Charges:** Regular tuition and fees may not be charged to high school students for participation in this program.

**8.1. Admissions Fee:** Students may be assessed a one-time admissions application fee per institution, which satisfies the general admissions application fee requirement for a full-time or part-time student at an institution. The institution may not charge any additional admissions application fees for continuous enrollment at that institution following high school graduation.

**8.1.1. Participation Fee:** The UBHE may charge a one-time fee for students to participate in the concurrent enrollment program. Paying this fee does not satisfy the general admissions application fee required for full-time or part-time students at a USHE institution.

**8.2. Partial Concurrent Enrollment Tuition:** USHE institutions may charge secondary students partial tuition for each concurrent enrollment course for which the student receives college credit in the following amounts:

8.2.1. A USHE institution may charge a concurrent enrollment student who qualifies for free or reduced school lunch partial tuition of up to \$5 per credit hour;

8.2.2. If a concurrent enrollment course is taught by a public school educator in a public school facility, a USHE institution may charge up to \$10 per credit hour;

8.2.3. If a concurrent enrollment course is taught over interactive video conferencing (IVC), a USHE institution may charge up to \$15 per credit hour;

8.2.4. If a concurrent enrollment course is taught on a USHE campus, a USHE institution may charge up to \$30 per credit hour.

8.2.5. The UBHE shall annually report to the Legislature's Higher Education Appropriations Subcommittee on regular tuition savings to CE students, any partial CE tuition charged, and justification for the distribution of money appropriated for concurrent enrollment, pursuant to Utah Code §53E-10-308.

8.3. **Fee Waivers:** Concurrent enrollment program costs attributable only to college credit or enrollment are not subject to fee waiver under public school rule R277-407. All students' costs related to concurrent enrollment classes, which may include consumables, lab fees, copying, and material costs, as well as textbooks required for the course, are subject to fee waiver consistent with R277-407. The LEA is responsible for these waivers. The contract between the USHE institution and the LEA may address the responsibility for fee waivers.

**R165-9. Location and Delivery:** Concurrent enrollment courses shall be offered at the most appropriate location, using the most appropriate educational technology for the course content, the faculty, and the students involved. Instruction may be delivered through live classroom instruction or other accepted instruction technologies. Instruction normally occurs during the school day with students released from regular high school coursework to participate in concurrent enrollment.

9.1. **Students within Commuting Distance:** Qualified students residing within commuting distance of a USHE institution may pursue their concurrent enrollment study on the institution campus with approval from their LEA.

9.2. **Designated Service Region Delivery:** Each USHE institution has the responsibility for offering concurrent enrollment courses within their designated service region per Regent Policy R315. If the local institution chooses not to offer a concurrent enrollment course, a LEA may ask another USHE institution to provide the course.

9.3. **Right of First Refusal:** A LEA shall contact the USHE institution with responsibility for that LEA's service region to request a CE course offering. The local institution shall indicate in writing whether it will offer the requested course within 30 days of the LEA contact and request.

9.3.1. **Exception for Technology Delivered Courses:** Concurrent enrollment courses which meet the definition of "Technology Delivered Instruction" are subject to designated service region requirements. Institutions desiring to offer technology delivered CE courses outside their designated service region must receive a written endorsement from the local institution for each course they desire to offer before contracting with LEAs outside their designated service area. An annual system review of technology delivered courses shall be completed prior to November 30 of



the year preceding the school year in which courses shall be offered to assure efficient and effective use of resources.

**R165-10. CE Instructor Qualifications:** College or university faculty or public school educators teach concurrent enrollment courses for the offering institution.

**10.1. Selection of CE Instructors** LEAs and the participating USHE institution shall jointly select instructors for concurrent enrollment courses. Selection criteria for instructors are the same as those criteria applied to other adjunct faculty appointments in specific departments within the USHE institution. Once approved as an adjunct, CE instructors who teach a CE course in 2018-19 or 2019-20 may continue to teach CE courses given curricular standards and student performance outcomes in the classes meet sponsoring academic department standards. Institutions shall establish a process for determining, in consultation with LEA partners, whether an eligible instructor who previously taught a CE course is no longer qualified to teach the CE course. The appropriate academic department at the institution must approve CE instructors prior to teaching the concurrent enrollment class.

**10.2. Institutional Faculty CE Instructors:** A USHE institution faculty member is an eligible CE instructor.

**10.3. LEA Employee Instructor Qualifications:** An LEA employee is an eligible CE instructor if the LEA employee is licensed under statutory Education Professional Licensure, is supervised by an institution of higher education, and

**10.3.1.** is approved as an eligible instructor by the institution of higher education that provides the concurrent enrollment course taught by the LEA employee as provided in section 10.4,

**10.3.2.** has an upper level mathematics credential issued by the State Board of Education, or

**10.3.3.** teaches a concurrent enrollment course that the LEA employee taught during the 2018-19 or 2019-20 school year .

**10.4.** A USHE institution shall approve an LEA employee as an eligible instructor:

**10.4.1.** For a career and technical education concurrent enrollment course, if the LEA employee has:

**10.4.1.1.** a degree, certificate, or industry certification in the concurrent enrollment course's academic field; or

**10.4.1.2.** qualifying experience, as determined by the institution of higher education.

**10.4.2.** For a concurrent enrollment course other than a career and technical education course, if the LEA employee has:

**10.4.2.1.** a master's degree or higher in the concurrent enrollment course's academic field;

**10.4.2.2.** a master's degree or higher in any academic field and at least 18 completed credit hours of graduate course work in an academic field that is relevant to the concurrent enrollment course; or

10.4.2.3. qualifying experience, as determined by the institution of higher education.

**10.5. Appeals Process for Instructor Qualification Approvals.** If a designated service area USHE institution determines an LEA employee is not qualified to teach a concurrent enrollment course and the LEA has exhausted all administrative remedies available at the institution, the LEA may appeal the decision in writing to the Commissioner of Higher Education within 15 calendar days of the institution's final decision. The Commissioner shall appoint an appeals committee consisting of the associate commissioner for academic affairs and two USHE chief academic officers who are uninvolved in the decision being appealed.

10.5.1. The appeals committee will review the LEA's appeal and the institution's decision.

10.5.2. The institution and LEA will provide the appeals committee with any material documents and information necessary for a complete review. The committee may request additional documentation or information as necessary.

10.5.3. The appeals committee will provide a recommendation to the Commissioner, which may include affirming or reversing the institution's decision.

10.5.4. The Commissioner shall make a final decision and issue it to the institution and the LEA in writing.

10.5.5. After the Commissioner has issued a decision, there will be no further appeals or reviews.

**10.6. Criminal Background Checks:** USHE faculty who are not public school educators and who teach concurrent enrollment courses defined under this policy in a high school shall complete a criminal background check consistent with Utah Code §53G-11, Part 4.<sup>3</sup> The faculty's institution must determine if a criminal background check is required and, if so, must complete the background check and maintain required documentation consistent with the law.

**10.7. Faculty Development:** Concurrent enrollment instructors should be included as fully as possible in the academic life of the supervising academic department. USHE institutions and LEAs shall jointly initiate faculty development, including appropriate workshop experiences to adequately prepare instructors to teach concurrent enrollment students and course content prior to offering concurrent enrollment courses. If a USHE institution uses an instructor of record or co-teaching instructional model, the institution faculty shall fully engage and prepare the public school educator to successfully teach the curriculum prior to the beginning of the course. CE instructors must complete any faculty development required by the sponsoring academic department at the institution prior to teaching the concurrent enrollment class. USHE faculty are responsible to understand and comply with federal and state laws governing public school student privacy and student records.

## **R165-11. Funding**

**11.1. Source of Funds:** Each year, the Utah Legislature will appropriate funds for accelerated learning programs. A portion of those accelerated learning funds shall be allocated to the concurrent enrollment program.

---

<sup>3</sup> See §53A-3-410 for detailed information on completing background checks.

**11.1.1. Eligibility to Receive Concurrent Funds:** To qualify for funds, a concurrent enrollment program shall comply with the requirements described in Utah Code §53E-10-302, including rules adopted in accordance with Utah Code §53E-10-307.

**11.2. Allocation of Funds:** Money appropriated to the USBE for concurrent enrollment shall first be allocated between LEAs and the UBHE based upon completed student credit hours taught by public school educators and taught by college or university faculty. Completed means that a student earned credit for the course. Concurrent enrollment funds may not reimburse institutions for concurrent enrollment courses repeated by students. In accordance with Utah Code §53F-2-409, funds shall be allocated as follows:

**11.2.1.** for courses that are taught by public school educators (instructors) where the cost of instruction is borne by the LEA, 60 percent shall be allocated to LEAs and 40 percent shall be allocated to the UBHE;

**11.2.2.** for courses that are taught by college or university faculty or where the cost of instruction is borne by the USHE institution, 40 percent shall be allocated to LEAs; and 60 percent shall be allocated to the UBHE.

**11.3. Distribution of Funds among USHE Institutions:** The UBHE shall make rules regarding the allocation of funds pertaining to USHE institutions participating in contractual basis concurrent enrollment. Each institution shall receive a pro-rated amount according to the number of semester credit hours completed.

**11.3.1. Snow CE Exception:** Credit earned through the Snow CE Program, which receives a separate appropriation through Utah Code §53B-16-206 for instructional, advising, and administrative costs will not receive the pro-rated per credit funding as long as the separate appropriation funding is in place.

**11.4. Annual Reports:** Annual reports shall be provided to legislative committees:

**11.4.1 Higher Education Appropriations:** USHE staff shall annually report to the Higher Education Appropriations Subcommittee on concurrent enrollment participation and growth, including data on what higher education tuition would have been charged for the hours of concurrent enrollment credit granted as required by Utah Code §53E-10-308.

**11.4.2 Public Education Appropriations:** USHE and USBE staff shall annually report to the Public Education Appropriations Subcommittee an accounting of the money appropriated for concurrent enrollment; and a justification of the split described in section 11.2.

**R165-12. Annual Concurrent Enrollment Contract:** Collaborating LEAs and USHE institutions will annually sign a contract that establishes the terms, conditions, and duties for the institution to offer concurrent enrollment courses to the LEA's students.

**12.1. Annual Contract Content:** The contracts shall include relevant policy for student eligibility and participation, course eligibility and delivery, and faculty eligibility and professional development. USHE and USBE staff review and amend the contract annually, as needed, to reflect current statute and rule.

**12.2. Annual Contract Deadline:** Copies of all annual contracts entered into between institutions and LEAs for the upcoming school year must be submitted by institutions to the USHE system office no later than May 30 annually. USHE will convey copies of all contracts to USBE.

**R165-13. Utah System of Higher Education Technical College Agreements:** High school students may participate at a USHE technical college campus to take contractual basis concurrent enrollment courses under the following conditions:

**13.1. Concurrent Enrollment Contract:** A concurrent enrollment contract (see R165-12 above) must be in place between the LEA and the USHE institution covering the instruction to be given at the USHE technical college campus.

**13.2. Instruction and Costs:** The USHE institution enters into an agreement with the USHE technical college to provide the instruction. The agreement clearly establishes apportionment of cost and revenue that could be transferred to the technical college and the process for approval of technical college instructors as institutional adjunct faculty (see R165-10).



# MEMORANDUM

TAB B

April 10, 2020

## **Revisions to Policy R512, *Determination of Residence Status***

During the 2020 Legislative General Session the Legislature passed HB 45, which reflects recent changes to federal law governing veterans' benefits. In accordance with these statutory changes, Regent Policy R512 governing residency should be revised to remove the limit on time from discharge from the definition of "eligible person."

### **Commissioner's Recommendations**

The Commissioner recommends the Board approve this revision to Policy R512 effective immediately.

### **Attachments:**



## R512, Determination of Resident Status<sup>1</sup>

---

**R512-1. Purpose:** To define “resident” student for purposes of tuition in the Utah System of Higher Education (USHE).

### R512-2. References

- 2.1. Utah Code Ann. §53B-8-102, Definition of Resident Student
- 2.2. Utah Code Ann. §23-13-2, Definition of Domicile
- 2.3. Utah Code Ann. §31A-29-103, Definition of Domicile
- 2.4. Utah Code Ann. §41-1a-202, Definition of Domicile
- 2.5. Utah Code Ann. §53B-8-101 et seq., Tuition Waivers & Scholarships
- 2.6. Policy and Procedure R510, Tuition and Fee Policy
- 2.7. Policy and Procedure R513, Tuition Waivers & Reductions

### R512-3. Definitions

3.1. **“Continuous Utah residency status for one full year”** means the student has resided in Utah for 12 continuous months prior to the term for which resident student status is being sought.

3.2. **“Domicile”** shall be defined consistent with general Utah law defining domicile, and, for purposes of determining resident student status, shall be determined by the student's:

- (1) bodily presence, and
- (2) concurrent intent to reside permanently in that location.

All persons have a domicile somewhere. A person can have only one domicile. A domicile of choice is a domicile chosen by a person to replace his or her former domicile. To acquire a domicile of choice in a place, a person must intend to make that place his or her home for the time at least. A domicile, once established, continues until it is superseded by a new domicile. Also, once established, a domicile is not lost by an absence from it for months or even years, for the purpose of business or the like, if during such absence there exists an intent to resume residence in the place of domicile following the completion of the purpose of the absence.

3.3. **“Immediate family member”** means the spouse or dependent child of the individual requesting resident student status.

3.4. **“Military servicemember”** means an individual who is serving on active duty in the United States Armed Forces within the state of Utah; or an individual who is a member of a reserve component of the United State Armed Forces assigned in Utah; or an individual who is a member of the Utah National Guard; or an

---

<sup>1</sup> Adopted July 22, 1975; amended April 11, 1987, April 17, 1992, May 5, 1995, January 12, 2001, October 19, 2001, July 12, 2002, April 16, 2004, December 9, 2004, April 22, 2005, April 21, 2006, June 8, 2007, May 30, 2008, May 29, 2009, May 20, 2011, May 18, 2012, May 16, 2014, November 14, 2014, May 15, 2015 and May 20, 2016.

individual who maintains domicile in Utah, as described in Subsection 6.1.6., but is assigned outside of Utah pursuant to federal permanent change of station orders.

3.5. **"Military veteran"** means an individual who:

3.5.1. has served on active duty:

3.5.1.1. in the United State Armed Forces for at least 180 consecutive days or was a member of a reserve component and has been separated or retired with an honorable or general discharge; or

3.5.1.2. in the National Guard and has been separated or retired with an honorable or general discharge; or

3.5.1.3. incurred an actual service related injury or disability in the line of duty regardless of whether that person completed 180 days of active duty.

3.6. **"Parent"** means the biological or adoptive parent of the student, regardless of whether the parent has legal custody of the student or whether the parent claims the student as a dependent.

3.7. **"Eligible person"** means an individual entitled to benefits under Title 38 U. S. Code ~~Chapter 30 Montgomery GI Bill Active Duty Educational Assistance Program or Chapter 33 Post 9/11 Education Assistance Program~~ Veterans' Benefits.

3.8. **"Preponderance of the evidence"** means the existence of a fact is more probable than its nonexistence.

3.9. **"Resident student status"** means the condition of being a resident student for tuition purposes.

3.10. **"Substantial evidence"** means evidence that is more than a mere preponderance and is definite, clear, and convincing.

3.11. **"Utah residency"** means residing in Utah.

3.12. **"USHE institution"** means an institution within Utah's system of higher education.

#### R512-4. Resident Student Status

4.1. **Establishing Resident Student Status.** A student will be granted resident student status after he or she

4.1.1. has acquired domicile in Utah; or

4.1.2. has satisfied one or more of the exceptions set forth in this policy.

4.2. **Policies for Determining Resident Student Status.**

4.2.1. **Policies for Students Enrolled in Credit-Bearing Degree Programs.** Each institution shall have the responsibility of determining resident student status



according to the requirements of Utah Code Ann. §53B-8-102 and this policy. Each institution may, at its discretion, and at the recommendation of the president, implement its own policy regarding the criteria for resident student status for either undergraduate students or graduate students, or both, in credit-bearing degree programs, that deviates from the criteria set forth in this policy, provided the criteria implemented by the institution is more strict.

**4.2.2. Policies for Students Enrolled in Non-Credit Programs.** Because most non-credit applied technology programs are short-term (require less than a year to complete), USHE institutions offering non-credit courses or programs may, at their discretion, implement a policy that does not require residency classification for students enrolled in non-credit courses or programs.

**4.2.3. Exception to Establishing Resident Student Status:** Each institution may, at its discretion, and at the recommendation of the president, implement its own policy regarding the criteria for resident student status for either undergraduate students or graduate students, or both, in credit-bearing degree programs, that deviates from the criteria set forth in this policy. Such a policy shall not be more lenient than requiring a one-year waiting period as set forth here in 5.1.

**4.3 Rebuttable Presumption.** A student who has not previously acquired domicile in Utah and who enrolls at a USHE institution prior to residing in Utah for 12 continuous months will be presumed to not be domiciled in Utah and, therefore, will be classified as a nonresident student for tuition purposes. This presumption may be rebutted by substantial evidence.

**4.4 International Students:**

**4.4.1. Classification of International Students Who are in United States on Nonimmigrant Visas:** Students who are aliens and who are present in the United States on visitor, student, or other visas which authorize only temporary presence in this country, do not have the capacity to intend to reside in Utah for an indefinite period and therefore must be classified as nonresident.

**4.4.2. Classification of International Students Who are in United States on Immigrant Visas:** Students who are aliens and who have been granted immigrant or permanent resident status in the U.S. shall be classified for purposes of resident status according to the same criteria applicable to citizens.

**4.4.3. International Students Who Have Obtained Asylum or Refugee Status:** An international student who has obtained asylum or refugee status under U.S. immigration law shall be classified for purposes of resident status according to the same criteria applicable to citizens.

**4.5. Marriage to Utah Resident:** A person who marries a Utah resident is eligible to be granted resident student status after he or she has acquired domicile in Utah.

**4.6. Burden of Proof:** The burden is on the student to prove that he or she is eligible for resident student status prior to the first day of classes for the term the student seeks to attend as a resident student. Except as set forth in section 4.3 of this policy, the standard for establishing resident student status is by a preponderance of the evidence. The institution, through its registrar, or designated person, is authorized to require

written documents, affidavits, verifications, or other evidence deemed necessary to determine why a student is in Utah. The institution shall review all relevant evidence that is submitted by the student and shall make the residency determination based on the totality of the circumstances. The evidence submitted by the student shall include the evidence that is specifically required by the applicable section of this policy. In addition, a student may be required to file any or all of the following evidence within applicable timelines established by the institution.

- 4.6.1. A statement from the student describing employment and expected sources of support;
- 4.6.2. A statement from the student's employer;
- 4.6.3. Supporting statements from persons who might be familiar with the family situation;
- 4.6.4. Birth certificate;
- 4.6.5. Marriage certificate;
- 4.6.6. Documentation of eligibility for state social or rehabilitation services;
- 4.6.7. Documentation of immigration status and placement as political refugee;
- 4.6.8. Indicia of Utah domicile, including Utah voter registration, Utah vehicle registration, Utah driver's license or identification card, Utah state income tax return, rental contract or mortgage documents, bank records, and utility bills.

**4.7. Receipt of State Social Services Benefits:** A person who has been determined by a Utah governmental social or rehabilitation services agency to be a Utah resident for purposes of receiving state aid to attend a USHE institution is immediately eligible to apply for resident student status. The state aid must, at a minimum, cover the full cost of resident tuition. Upon the termination of such government agency support, the person is governed by the standards applicable to other persons. Any time spent residing in Utah during the time the individual received government aid shall count towards any applicable waiting period for Utah residency for tuition purposes upon termination of the government aid.

**4.8. Reciprocity:** The determination to grant residency to a student at a USHE institution shall be honored at other USHE institutions, unless:

- 4.8.1. the student obtained resident student status under false pretenses, or
- 4.8.2. the facts existing at the time of the granting of resident student status have significantly changed.

**4.9. Reclassification by the Institution:** If a student is classified as a resident, or granted residency by a USHE institution, the USHE institution may initiate a reclassification inquiry and in fact reclassify the student, based on any facts, error, or changes in facts or status which would justify such an inquiry, even if the error was on the part of the USHE institution.

**4.10. Procedures for Determining Resident Student Status:** If a student desires to be granted resident student status, he or she must comply with the following procedures:

- 4.10.1. Application Deadline:** Students must meet institutional application deadlines for each term. Institutions may establish a policy regarding acceptance of late residency applications for current term consideration. Unless institutional policy allows otherwise, institutions may not accept applications for resident student status or supporting documentation after the third week of the semester or term for which the student seeks resident student status. Ordinarily applications or supporting documentation received after the third week should be considered for the following semester.
- 4.10.2. Initial Classification:** Each institution shall initially classify all applicants as either resident or nonresident. If there is doubt concerning resident status, the applicant shall be classified as a nonresident.
- 4.10.3. Application for Reclassification:** Every student classified as a nonresident shall retain that status until he or she is officially reclassified to resident status.
- 4.10.4. Refund:** A decision favorable to the applicant shall be retroactive to the beginning of the academic period for which application for resident status was made, and shall require a refund of the nonresident portion of any tuition charges paid for that and subsequent academic periods.
- 4.10.5. Hearings:** Each institution shall be responsible for providing a process for students who have been denied resident student status to be heard. Each institution shall adopt procedures that fit the local campus situation, but the following guidelines shall be followed:
- 4.10.5.1.** Procedures for a hearing shall be set out in writing by the institution, subject to approval by the Office of the Commissioner.
  - 4.10.5.2.** The institution shall provide a hearing officer or hearing committee with appropriate clerical and other services as necessary to the effective function of the hearing process.
  - 4.10.5.3.** The student appealing the decision shall have the responsibility of providing evidence that proves that he or she has met the residency requirements. Students shall be given copies of the Regents' policies pertaining to determination of residency. The student shall also be given an explanation of the rationale of the decision-maker who previously ruled that the student was classified as a nonresident.
  - 4.10.5.4.** Both the student and the administration's representative are entitled to representation by counsel.
  - 4.10.5.5.** Oral and written evidence may be presented. It is not required that a formal, written, verbatim record of the proceedings be kept, but a written summary of the significant assertions and findings of the hearing shall be prepared.

4.10.5.6. It is not required that formal rules of evidence be followed; administrative hearing rules may be used.

4.10.5.7. Decisions of the hearing officer or hearing committee must be in writing and must give reasons for the decision.

4.11. **Declaration of Financial Independence:** In addition to submitting objective evidence of domicile, a person seeking resident student status must also submit a declaration of financial independence, which must include, at a minimum, evidence that the person is not claimed as a dependent on the most recently filed federal tax returns of any person who is not a resident of Utah. Institutional residency officers shall require such documentation at the time of initial application for resident student status.

4.12. **Penalties for Giving Incorrect or Misleading Information:** A student who gives incorrect or misleading information to evade payment of nonresident fees shall be subject to serious disciplinary action and must also pay the applicable nonresident fees for each term previously attended.

4.13. **Waivers of Nonresident Tuition—Nonresident Students Exempt from Nonresident Portion of Tuition:** The following students who attend a USHE institution may receive a waiver of nonresident tuition under Regents' Policy R513; however, these students may not use time spent in Utah as a student on any of these programs toward any waiting period that may be required for resident tuition status. For more information on all tuition waivers, please see Regents' Policy R513.

4.13.1. **Western Undergraduate Exchange (WUE) Students:** A student attending a USHE institution under the Western Undergraduate Exchange program is considered to be domiciled in his/her home state. (See Regents' Policy R513-8 for further details regarding WUE.)

4.13.2. **Western Regional Graduate Program (WRGP):** A student attending a USHE institution under the Western Regional Graduate Program is considered to be domiciled in his/her home state.

4.13.3. **Professional Student Exchange Program/WICHE Students:** A student attending a USHE institution under the Professional Student Exchange Program/WICHE Program is considered to be domiciled in his/her home state. (See Regents' Policy R513-8 for further details regarding WICHE.)

4.13.4. **Exemption for Alumni Legacy Scholarships:** The students attending a USHE institution under this scholarship are considered to be domiciled in his/her home state. (See Regents' Policy R513-17 for further details regarding Alumni Legacy Scholarships.)

4.13.5. **Dixie State University's Good Neighbor Students:** The students attending DSU under this scholarship are considered to be domiciled in his/her home state. (See Regents' Policy R513-4.2. for further details regarding Good Neighbor Students.)

**R512.5. "Student Who Has Come to Utah For the Purpose of Attending an Institution of Higher Education" Exception to Establishing Resident Student Status.**

**5.1. General Rule:** A student who has come to Utah for the purpose of attending an institution of higher education may be granted resident student status if, prior to the first day of classes of the term the student seeks to attend as a resident student, the student has:

- 5.1.1. maintained continuous Utah residency status for one full year;
- 5.1.2. submitted a written declaration that the student has relinquished residency in any other state;
- 5.1.3. submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere; and
- 5.1.4. submitted a declaration of financial independence to include documentation that the student is not claimed as a dependent on the tax returns of any person who is not a resident of Utah (see section 4.12 above).

**5.2 Evidence Required:** Students applying for resident student status under this section are expected to submit as much objective evidence as possible, including, but not limited to, providing evidence of, or explanation of the lack of evidence of, each of the following:

- 5.2.1. A Utah high school transcript issued in the past year confirming attendance at a Utah high school in the previous 12 months;
- 5.2.2. A Utah voter registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.3. A Utah driver license or identification card with an original date of issue or renewal date several months prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.4. A Utah vehicle registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.5. Evidence of employment in Utah for a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.6. Proof of payment of Utah resident income tax for the previous year;
- 5.2.7. A rental agreement or mortgage document showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status ; and
- 5.2.8. Utility bills showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status resident student status.

**5.3. Absence from state:** A student will not jeopardize his or her status under this section solely by absence from the state for a period of less than 30 total days during the 12-month period. See *Frame v. Residency Appeals Committee*, 675 P2d. 1157 (Utah 1983). If a student leaves the state for the purpose of satisfying the requirements for institutional internships, institutional courses, study abroad programs, or athletic training, required by the institution the student will not be deemed to be absent from the state for purposes of this section for the period of time that he or she can establish that these purposes were being met. Once a student has been granted resident student status, any future absence from the state will not negatively affect his or her resident student status.

Example: A student who comes to a Utah school on an athletic scholarship and who, during his or her first 12 months in Utah, is required to attend a training camp out of state, will be able to count the time out of state at the training camp as part of the 12-month waiting period that is requisite to being granted resident tuition status.

Example: After being granted resident student status, a student may be absent from the state for purposes such as temporary employment, education, religious, charitable, or military service and continue to be considered a resident for tuition purposes provided he or she has not taken action to establish domicile elsewhere during his or her absence from Utah.

#### **R512.6. "Military Service" Exception to Establishing Resident Student Status.**

**6.1.** A USHE institution shall grant resident student status for tuition purposes to:

**6.1.1.** a military servicemember, if the military servicemember provides:

**6.1.1.1.** the military servicemember's current United States military identification card; and

**6.1.1.2.** a statement from the military servicemember's current commander, or equivalent, stating that the military servicemember is assigned in Utah; or

**6.1.1.3.** evidence that the military servicemember is domiciled in Utah, as described in Subsection 6.1.6

**6.1.2.** a military servicemember's immediate family member, if the military servicemember's immediate family member provides:

**6.1.2.1.** the military servicemember's current United States military identification card or the immediate family member's current United States military identification card; and

**6.1.2.2.** a statement from the military servicemember's current commander, or equivalent, stating that the military servicemember is assigned in Utah; or

**6.1.2.3.** the military servicemember's current United States military identification card or the immediate family member's current United States military identification card, and evidence that the military servicemember is domiciled in Utah, as described in Subsection 6.1.6.

**6.1.3.** a military veteran, regardless of whether the military veteran served in Utah, if the military veteran provides:

6.1.3.1. evidence of an honorable or general discharge;

6.1.3.2. a signed written declaration that the military veteran has relinquished residency in any other state and does not maintain a residence elsewhere;

6.1.3.3. objective evidence that the military veteran has demonstrated an intent to establish residency in Utah, which may include any one of the following:

6.1.3.3.1. a Utah voter registration card;

6.1.3.3.2. a Utah driver license or identification card;

6.1.3.3.3. a Utah vehicle registration;

6.1.3.3.4. evidence of employment in Utah;

6.1.3.3.5. a rental agreement showing the military veteran's name and Utah address; or

6.1.3.3.6. utility bills showing the military veteran's name and Utah address.

6.1.4. a military veteran's immediate family member, regardless of whether the military veteran served in Utah, if the military veteran's immediate family member provides:

6.1.4.1. evidence of the military veteran's honorable or general discharge ~~within the last five years;~~

6.1.4.2. a signed written declaration that the military veteran's immediate family member has relinquished residency in any other state and does not maintain a residence elsewhere; and

6.1.4.3. objective evidence that the military veteran's immediate family member has demonstrated an intent to establish residency in Utah which may include any one of the items described in section 6.1.3.3. above.

6.1.5. an eligible person who provides:

6.1.5.1. evidence of eligibility under Title 38 U. S. Code ~~Chapter 30 Montgomery GI Bill - Active Duty Educational Assistance Program or Chapter 33 Post 9/11 Education Assistance Program~~ Veterans' Benefits; and

6.1.5.2. a signed written declaration that the eligible person will utilize GI Bill benefits; and

6.1.5.3. objective evidence that the eligible person has demonstrated an intent to establish residency in Utah, which may include any one of the items described in section 6.1.3.3. above.

6.1.6. Evidence of domicile as described in sections 6.1.1.3 and 6.1.2.3 includes:

- 6.1.6.1. a current Utah voter registration card;
- 6.1.6.2. a valid Utah driver license or identification card;
- 6.1.6.3. a current Utah vehicle registration
- 6.1.6.4. a copy of a Utah income tax return, in the military servicemembers's or military servicemember's spouse's name, filed as a resident in accordance with Utah Code Section 59-10-502; or
- 6.1.6.5. proof that the military servicemember or military servicemember's spouse owns a home in Utah, including a property tax notice for property owned in Utah.

**R512.7 "Membership of an American Indian Tribe" Exception to Establishing Resident Student Status.**

7.1. Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah is entitled to be granted resident student status.

7.2. Any American Indian who is a member of a federally recognized or known Utah tribe and has graduated from a Utah high school is entitled to be granted resident student status.

7.3. A list of recognized tribes will be maintained by the Office of the Commissioner of Higher Education and distributed to all campus residency officers.

**R512.8 "Job Corps Student" Exception to Establishing Resident Student Status.**

8.1. A Job Corps student is entitled to resident student status if the student:

8.1.1. is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and

8.1.2. submits verification that the student is a current Job Corps student.

8.2. Upon termination of the student's Job Corps enrollment/participation, the student shall be subject to the same residency standards applicable to other persons under this policy. The time spent residing in Utah during the Job Corps enrollments will count towards the time period set forth in section 4.3 of this policy.

**R512.9 "Participation in Olympic Training Program" Exception to Establishing Resident Student Status.**

9.1. A Student who is residing in Utah to participate in a United States Olympic athlete training program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall be immediately eligible for resident student status for tuition purposes. The student shall certify his or her participation in the Olympic training program through a supporting letter from the United States Olympic Committee verifying eligibility.

9.2. Upon the termination of the Student's participation in such training program, the student shall be subject to the same residency standards applicable to other persons under this policy. The time spent residing in Utah during the Olympic athlete training program in Utah counts toward the time period set forth in section 4.3 of this policy.



**R512.10 “Parent Domiciled in Utah for at Least 12 Months” Exception to Establishing Resident Student Status.**

10.1. A dependent student who has at least one parent who has been domiciled in Utah for least 12 months prior to the first day of class of the term for which the student is seeking resident status is eligible for resident student status. The student is responsible to submit the documentation identified in section 4.7 of this policy demonstrating that the parent has established ~~domiciled~~domicile in Utah.

**R512.11 “Full-time, Permanent Employment in Utah” as Basis for Rebutting Presumption of Nonresident Student.**

11.1 A student who has come to Utah for full-time permanent employment, or who is an immediate family member of an individual who has come to Utah for full-time permanent employment, may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the move to Utah was, in good faith, based on an employer-requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent employment in Utah.

11.2. All relevant evidence concerning the motivation for the move should be considered, including, but not limited to, such factors as:

- 11.2.1. the employee's employment and educational history;
- 11.2.2. the dates when Utah employment was first considered, offered, and accepted;
- 11.2.3. when the person moved to Utah;
- 11.2.4. the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
- 11.2.5. whether the person applied for admission to a USHE institution sooner than four months from the date of moving to Utah;
- 11.2.6. evidence that the person is an independent person (at least 24 years of age, or not listed as a dependent on someone else's tax forms); and
- 11.2.7. any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

**R512.12 “Divorce, Death of Spouse and Long-Term Health Care Responsibilities of Family Members” as Basis for Rebutting Presumption of Nonresident Student.**

12.1. A student who resides in Utah for reasons related to divorce, the death of a spouse, or long-term health care responsibilities for the student's spouse, parent, sibling, or child, may rebut the presumption of nonresident status by providing substantial evidence that the reason for the student's move to Utah was, in good faith, based on the long-term health care responsibilities.

12.2. All relevant evidence concerning the motivation for the move shall be considered, including:

- 12.2.1. the student's employment and educational history;
- 12.2.2. the dates when the long-term health care or child care responsibilities in Utah were first considered, offered, and accepted;
- 12.2.3. when the student moved to Utah;
- 12.2.4. the dates when the student applied for admission, was admitted, and was enrolled as a postsecondary student;
- 12.2.5. whether the student applied for admission to a USHE institution sooner than four (4) months from the date of moving to Utah;
- 12.2.6. evidence that the student is an independent person who is
  - 13.2.6.1. at least 24 years of age; or
  - 13.2.6.2. not claimed as a dependent on someone else's tax returns; and
- 12.2.7. any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an USHE institution.



## R512, Determination of Resident Status<sup>1</sup>

---

**R512-1. Purpose:** To define “resident” student for purposes of tuition in the Utah System of Higher Education (USHE).

### R512-2. References

- 2.1. Utah Code Ann. §53B-8-102, Definition of Resident Student
- 2.2. Utah Code Ann. §23-13-2, Definition of Domicile
- 2.3. Utah Code Ann. §31A-29-103, Definition of Domicile
- 2.4. Utah Code Ann. §41-1a-202, Definition of Domicile
- 2.5. Utah Code Ann. §53B-8-101 et seq., Tuition Waivers & Scholarships
- 2.6. Policy and Procedure R510, Tuition and Fee Policy
- 2.7. Policy and Procedure R513, Tuition Waivers & Reductions

### R512-3. Definitions

3.1. **“Continuous Utah residency status for one full year”** means the student has resided in Utah for 12 continuous months prior to the term for which resident student status is being sought.

3.2. **“Domicile”** shall be defined consistent with general Utah law defining domicile, and, for purposes of determining resident student status, shall be determined by the student's:

- (1) bodily presence, and
- (2) concurrent intent to reside permanently in that location.

All persons have a domicile somewhere. A person can have only one domicile. A domicile of choice is a domicile chosen by a person to replace his or her former domicile. To acquire a domicile of choice in a place, a person must intend to make that place his or her home for the time at least. A domicile, once established, continues until it is superseded by a new domicile. Also, once established, a domicile is not lost by an absence from it for months or even years, for the purpose of business or the like, if during such absence there exists an intent to resume residence in the place of domicile following the completion of the purpose of the absence.

3.3. **“Immediate family member”** means the spouse or dependent child of the individual requesting resident student status.

3.4. **“Military servicemember”** means an individual who is serving on active duty in the United States Armed Forces within the state of Utah; or an individual who is a member of a reserve component of the United State Armed Forces assigned in Utah; or an individual who is a member of the Utah National Guard; or an

---

<sup>1</sup> Adopted July 22, 1975; amended April 11, 1987, April 17, 1992, May 5, 1995, January 12, 2001, October 19, 2001, July 12, 2002, April 16, 2004, December 9, 2004, April 22, 2005, April 21, 2006, June 8, 2007, May 30, 2008, May 29, 2009, May 20, 2011, May 18, 2012, May 16, 2014, November 14, 2014, May 15, 2015 and May 20, 2016.

individual who maintains domicile in Utah, as described in Subsection 6.1.6., but is assigned outside of Utah pursuant to federal permanent change of station orders.

3.5. **"Military veteran"** means an individual who:

3.5.1. has served on active duty:

3.5.1.1. in the United State Armed Forces for at least 180 consecutive days or was a member of a reserve component and has been separated or retired with an honorable or general discharge; or

3.5.1.2. in the National Guard and has been separated or retired with an honorable or general discharge; or

3.5.1.3. incurred an actual service related injury or disability in the line of duty regardless of whether that person completed 180 days of active duty.

3.6. **"Parent"** means the biological or adoptive parent of the student, regardless of whether the parent has legal custody of the student or whether the parent claims the student as a dependent.

3.7. **"Eligible person"** means an individual entitled to benefits under Title 38 U. S. Code Veterans' Benefits.

3.8. **"Preponderance of the evidence"** means the existence of a fact is more probable than its nonexistence.

3.9. **"Resident student status"** means the condition of being a resident student for tuition purposes.

3.10. **"Substantial evidence"** means evidence that is more than a mere preponderance and is definite, clear, and convincing.

3.11. **"Utah residency"** means residing in Utah.

3.12. **"USHE institution"** means an institution within Utah's system of higher education.

#### **R512-4. Resident Student Status**

4.1. **Establishing Resident Student Status.** A student will be granted resident student status after he or she

4.1.1. has acquired domicile in Utah; or

4.1.2. has satisfied one or more of the exceptions set forth in this policy.

4.2. **Policies for Determining Resident Student Status.**

4.2.1. **Policies for Students Enrolled in Credit-Bearing Degree Programs.** Each institution shall have the responsibility of determining resident student status according to the requirements of Utah Code Ann. §53B-8-102 and this policy.

Each institution may, at its discretion, and at the recommendation of the president, implement its own policy regarding the criteria for resident student status for either undergraduate students or graduate students, or both, in credit-bearing degree programs, that deviates from the criteria set forth in this policy, provided the criteria implemented by the institution is more strict.

**4.2.2. Policies for Students Enrolled in Non-Credit Programs.** Because most non-credit applied technology programs are short-term (require less than a year to complete), USHE institutions offering non-credit courses or programs may, at their discretion, implement a policy that does not require residency classification for students enrolled in non-credit courses or programs.

**4.2.3. Exception to Establishing Resident Student Status:** Each institution may, at its discretion, and at the recommendation of the president, implement its own policy regarding the criteria for resident student status for either undergraduate students or graduate students, or both, in credit-bearing degree programs, that deviates from the criteria set forth in this policy. Such a policy shall not be more lenient than requiring a one-year waiting period as set forth here in 5.1.

**4.3 Rebuttable Presumption.** A student who has not previously acquired domicile in Utah and who enrolls at a USHE institution prior to residing in Utah for 12 continuous months will be presumed to not be domiciled in Utah and, therefore, will be classified as a nonresident student for tuition purposes. This presumption may be rebutted by substantial evidence.

#### **4.4 International Students:**

**4.4.1. Classification of International Students Who are in United States on Nonimmigrant Visas:** Students who are aliens and who are present in the United States on visitor, student, or other visas which authorize only temporary presence in this country, do not have the capacity to intend to reside in Utah for an indefinite period and therefore must be classified as nonresident.

**4.4.2. Classification of International Students Who are in United States on Immigrant Visas:** Students who are aliens and who have been granted immigrant or permanent resident status in the U.S. shall be classified for purposes of resident status according to the same criteria applicable to citizens.

**4.4.3. International Students Who Have Obtained Asylum or Refugee Status:** An international student who has obtained asylum or refugee status under U.S. immigration law shall be classified for purposes of resident status according to the same criteria applicable to citizens.

**4.5. Marriage to Utah Resident:** A person who marries a Utah resident is eligible to be granted resident student status after he or she has acquired domicile in Utah.

**4.6. Burden of Proof:** The burden is on the student to prove that he or she is eligible for resident student status prior to the first day of classes for the term the student seeks to attend as a resident student. Except as set forth in section 4.3 of this policy, the standard for establishing resident student status is by a preponderance of the evidence. The institution, through its registrar, or designated person, is authorized to require written documents, affidavits, verifications, or other evidence deemed necessary to determine why a student is in

Utah. The institution shall review all relevant evidence that is submitted by the student and shall make the residency determination based on the totality of the circumstances. The evidence submitted by the student shall include the evidence that is specifically required by the applicable section of this policy. In addition, a student may be required to file any or all of the following evidence within applicable timelines established by the institution.

- 4.6.1. A statement from the student describing employment and expected sources of support;
- 4.6.2. A statement from the student's employer;
- 4.6.3. Supporting statements from persons who might be familiar with the family situation;
- 4.6.4. Birth certificate;
- 4.6.5. Marriage certificate;
- 4.6.6. Documentation of eligibility for state social or rehabilitation services;
- 4.6.7. Documentation of immigration status and placement as political refugee;
- 4.6.8. Indicia of Utah domicile, including Utah voter registration, Utah vehicle registration, Utah driver's license or identification card, Utah state income tax return, rental contract or mortgage documents, bank records, and utility bills.

**4.7. Receipt of State Social Services Benefits:** A person who has been determined by a Utah governmental social or rehabilitation services agency to be a Utah resident for purposes of receiving state aid to attend a USHE institution is immediately eligible to apply for resident student status. The state aid must, at a minimum, cover the full cost of resident tuition. Upon the termination of such government agency support, the person is governed by the standards applicable to other persons. Any time spent residing in Utah during the time the individual received government aid shall count towards any applicable waiting period for Utah residency for tuition purposes upon termination of the government aid.

**4.8. Reciprocity:** The determination to grant residency to a student at a USHE institution shall be honored at other USHE institutions, unless:

- 4.8.1. the student obtained resident student status under false pretenses, or
- 4.8.2. the facts existing at the time of the granting of resident student status have significantly changed.

**4.9. Reclassification by the Institution:** If a student is classified as a resident, or granted residency by a USHE institution, the USHE institution may initiate a reclassification inquiry and in fact reclassify the student, based on any facts, error, or changes in facts or status which would justify such an inquiry, even if the error was on the part of the USHE institution.

**4.10. Procedures for Determining Resident Student Status:** If a student desires to be granted resident student status, he or she must comply with the following procedures:

- 4.10.1. **Application Deadline:** Students must meet institutional application deadlines for each term. Institutions may establish a policy regarding acceptance of late

residency applications for current term consideration. Unless institutional policy allows otherwise, institutions may not accept applications for resident student status or supporting documentation after the third week of the semester or term for which the student seeks resident student status. Ordinarily applications or supporting documentation received after the third week should be considered for the following semester.

- 4.10.2. **Initial Classification:** Each institution shall initially classify all applicants as either resident or nonresident. If there is doubt concerning resident status, the applicant shall be classified as a nonresident.
- 4.10.3. **Application for Reclassification:** Every student classified as a nonresident shall retain that status until he or she is officially reclassified to resident status.
- 4.10.4. **Refund:** A decision favorable to the applicant shall be retroactive to the beginning of the academic period for which application for resident status was made, and shall require a refund of the nonresident portion of any tuition charges paid for that and subsequent academic periods.
- 4.10.5. **Hearings:** Each institution shall be responsible for providing a process for students who have been denied resident student status to be heard. Each institution shall adopt procedures that fit the local campus situation, but the following guidelines shall be followed:
  - 4.10.5.1. Procedures for a hearing shall be set out in writing by the institution, subject to approval by the Office of the Commissioner.
  - 4.10.5.2. The institution shall provide a hearing officer or hearing committee with appropriate clerical and other services as necessary to the effective function of the hearing process.
  - 4.10.5.3. The student appealing the decision shall have the responsibility of providing evidence that proves that he or she has met the residency requirements. Students shall be given copies of the Regents' policies pertaining to determination of residency. The student shall also be given an explanation of the rationale of the decision-maker who previously ruled that the student was classified as a nonresident.
  - 4.10.5.4. Both the student and the administration's representative are entitled to representation by counsel.
  - 4.10.5.5. Oral and written evidence may be presented. It is not required that a formal, written, verbatim record of the proceedings be kept, but a written summary of the significant assertions and findings of the hearing shall be prepared.
  - 4.10.5.6. It is not required that formal rules of evidence be followed; administrative hearing rules may be used.

- 4.10.5.7. Decisions of the hearing officer or hearing committee must be in writing and must give reasons for the decision.

4.11. **Declaration of Financial Independence:** In addition to submitting objective evidence of domicile, a person seeking resident student status must also submit a declaration of financial independence, which must include, at a minimum, evidence that the person is not claimed as a dependent on the most recently filed federal tax returns of any person who is not a resident of Utah. Institutional residency officers shall require such documentation at the time of initial application for resident student status.

4.12. **Penalties for Giving Incorrect or Misleading Information:** A student who gives incorrect or misleading information to evade payment of nonresident fees shall be subject to serious disciplinary action and must also pay the applicable nonresident fees for each term previously attended.

4.13. **Waivers of Nonresident Tuition—Nonresident Students Exempt from Nonresident Portion of Tuition:** The following students who attend a USHE institution may receive a waiver of nonresident tuition under Regents' Policy R513; however, these students may not use time spent in Utah as a student on any of these programs toward any waiting period that may be required for resident tuition status. For more information on all tuition waivers, please see Regents' Policy R513.

4.13.1. **Western Undergraduate Exchange (WUE) Students:** A student attending a USHE institution under the Western Undergraduate Exchange program is considered to be domiciled in his/her home state. (See Regents' Policy R513-8 for further details regarding WUE.)

4.13.2. **Western Regional Graduate Program (WRGP):** A student attending a USHE institution under the Western Regional Graduate Program is considered to be domiciled in his/her home state.

4.13.3. **Professional Student Exchange Program/WICHE Students:** A student attending a USHE institution under the Professional Student Exchange Program/WICHE Program is considered to be domiciled in his/her home state. (See Regents' Policy R513-8 for further details regarding WICHE.)

4.13.4. **Exemption for Alumni Legacy Scholarships:** The students attending a USHE institution under this scholarship are considered to be domiciled in his/her home state. (See Regents' Policy R513-17 for further details regarding Alumni Legacy Scholarships.)

4.13.5. **Dixie State University's Good Neighbor Students:** The students attending DSU under this scholarship are considered to be domiciled in his/her home state. (See Regents' Policy R513-4.2. for further details regarding Good Neighbor Students.)

**R512.5. "Student Who Has Come to Utah For the Purpose of Attending an Institution of Higher Education" Exception to Establishing Resident Student Status.**

5.1. **General Rule:** A student who has come to Utah for the purpose of attending an institution of higher education may be granted resident student status if, prior to the first day of classes of the term the student seeks to attend as a resident student, the student has:

- 5.1.1. maintained continuous Utah residency status for one full year;



- 5.1.2. submitted a written declaration that the student has relinquished residency in any other state;
- 5.1.3. submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere; and
- 5.1.4. submitted a declaration of financial independence to include documentation that the student is not claimed as a dependent on the tax returns of any person who is not a resident of Utah (see section 4.12 above).

**5.2 Evidence Required:** Students applying for resident student status under this section are expected to submit as much objective evidence as possible, including, but not limited to, providing evidence of, or explanation of the lack of evidence of, each of the following:

- 5.2.1. A Utah high school transcript issued in the past year confirming attendance at a Utah high school in the previous 12 months;
- 5.2.2. A Utah voter registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.3. A Utah driver license or identification card with an original date of issue or renewal date several months prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.4. A Utah vehicle registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.5. Evidence of employment in Utah for a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;
- 5.2.6. Proof of payment of Utah resident income tax for the previous year;
- 5.2.7. A rental agreement or mortgage document showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status ; and
- 5.2.8. Utility bills showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status resident student status.

**5.3. Absence from state:** A student will not jeopardize his or her status under this section solely by absence from the state for a period of less than 30 total days during the 12-month period. See *Frame v. Residency Appeals Committee*, 675 P2d. 1157 (Utah 1983). If a student leaves the state for the purpose of satisfying the requirements for institutional internships, institutional courses, study abroad programs, or athletic training, required by the institution the student will not be deemed to be absent from the state for purposes of this section for the period of time that he or she can establish that these purposes were being met. Once a student has

been granted resident student status, any future absence from the state will not negatively affect his or her resident student status.

Example: A student who comes to a Utah school on an athletic scholarship and who, during his or her first 12 months in Utah, is required to attend a training camp out of state, will be able to count the time out of state at the training camp as part of the 12-month waiting period that is requisite to being granted resident tuition status.

Example: After being granted resident student status, a student may be absent from the state for purposes such as temporary employment, education, religious, charitable, or military service and continue to be considered a resident for tuition purposes provided he or she has not taken action to establish domicile elsewhere during his or her absence from Utah.

#### **R512.6. "Military Service" Exception to Establishing Resident Student Status.**

**6.1.** A USHE institution shall grant resident student status for tuition purposes to:

**6.1.1.** a military servicemember, if the military servicemember provides:

**6.1.1.1.** the military servicemember's current United States military identification card; and

**6.1.1.2.** a statement from the military servicemember's current commander, or equivalent, stating that the military servicemember is assigned in Utah; or

**6.1.1.3.** evidence that the military servicemember is domiciled in Utah, as described in Subsection 6.1.6

**6.1.2.** a military servicemember's immediate family member, if the military servicemember's immediate family member provides:

**6.1.2.1.** the military servicemember's current United States military identification card or the immediate family member's current United States military identification card; and

**6.1.2.2.** a statement from the military servicemember's current commander, or equivalent, stating that the military servicemember is assigned in Utah; or

**6.1.2.3.** the military servicemember's current United States military identification card or the immediate family member's current United States military identification card, and evidence that the military servicemember is domiciled in Utah, as described in Subsection 6.1.6.

**6.1.3.** a military veteran, regardless of whether the military veteran served in Utah, if the military veteran provides:

**6.1.3.1.** evidence of an honorable or general discharge;

**6.1.3.2.** a signed written declaration that the military veteran has relinquished residency in any other state and does not maintain a residence elsewhere;

6.1.3.3. objective evidence that the military veteran has demonstrated an intent to establish residency in Utah, which may include any one of the following:

- 6.1.3.3.1. a Utah voter registration card;
- 6.1.3.3.2. a Utah driver license or identification card;
- 6.1.3.3.3. a Utah vehicle registration;
- 6.1.3.3.4. evidence of employment in Utah;
- 6.1.3.3.5. a rental agreement showing the military veteran's name and Utah address; or
- 6.1.3.3.6. utility bills showing the military veteran's name and Utah address.

6.1.4. a military veteran's immediate family member, regardless of whether the military veteran served in Utah, if the military veteran's immediate family member provides:

- 6.1.4.1. evidence of the military veteran's honorable or general discharge;
- 6.1.4.2. a signed written declaration that the military veteran's immediate family member has relinquished residency in any other state and does not maintain a residence elsewhere; and
- 6.1.4.3. objective evidence that the military veteran's immediate family member has demonstrated an intent to establish residency in Utah which may include any one of the items described in section 6.1.3.3. above.

6.1.5. an eligible person who provides:

- 6.1.5.1. evidence of eligibility under Title 38 U. S. Code Veterans' Benefits; and
- 6.1.5.2. a signed written declaration that the eligible person will utilize GI Bill benefits; and
- 6.1.5.3. objective evidence that the eligible person has demonstrated an intent to establish residency in Utah, which may include any one of the items described in section 6.1.3.3. above.

6.1.6. Evidence of domicile as described in sections 6.1.1.3 and 6.1.2.3 includes:

- 6.1.6.1. a current Utah voter registration card;
- 6.1.6.2. a valid Utah driver license or identification card;
- 6.1.6.3. a current Utah vehicle registration

6.1.6.4. a copy of a Utah income tax return, in the military servicemembers's or military servicemember's spouse's name, filed as a resident in accordance with Utah Code Section 59-10-502; or

6.1.6.5. proof that the military servicemember or military servicemember's spouse owns a home in Utah, including a property tax notice for property owned in Utah.

#### **R512.7 "Membership of an American Indian Tribe" Exception to Establishing Resident Student Status.**

7.1. Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah is entitled to be granted resident student status.

7.2. Any American Indian who is a member of a federally recognized or known Utah tribe and has graduated from a Utah high school is entitled to be granted resident student status.

7.3. A list of recognized tribes will be maintained by the Office of the Commissioner of Higher Education and distributed to all campus residency officers.

#### **R512.8 "Job Corps Student" Exception to Establishing Resident Student Status.**

8.1. A Job Corps student is entitled to resident student status if the student:

8.1.1. is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and

8.1.2. submits verification that the student is a current Job Corps student.

8.2. Upon termination of the student's Job Corps enrollment/participation, the student shall be subject to the same residency standards applicable to other persons under this policy. The time spent residing in Utah during the Job Corps enrollments will count towards the time period set forth in section 4.3 of this policy.

#### **R512.9 "Participation in Olympic Training Program" Exception to Establishing Resident Student Status.**

9.1. A Student who is residing in Utah to participate in a United States Olympic athlete training program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall be immediately eligible for resident student status for tuition purposes. The student shall certify his or her participation in the Olympic training program through a supporting letter from the United States Olympic Committee verifying eligibility.

9.2. Upon the termination of the Student's participation in such training program, the student shall be subject to the same residency standards applicable to other persons under this policy. The time spent residing in Utah during the Olympic athlete training program in Utah counts toward the time period set forth in section 4.3 of this policy.

#### **R512.10 "Parent Domiciled in Utah for at Least 12 Months" Exception to Establishing Resident Student Status.**

10.1. A dependent student who has at least one parent who has been domiciled in Utah for least 12 months prior to the first day of class of the term for which the student is seeking resident status is eligible for

resident student status. The student is responsible to submit the documentation identified in section 4.7 of this policy demonstrating that the parent has established domicile in Utah.

#### **R512.11 “Full-time, Permanent Employment in Utah” as Basis for Rebutting Presumption of Nonresident Student.**

11.1 A student who has come to Utah for full-time permanent employment, or who is an immediate family member of an individual who has come to Utah for full-time permanent employment, may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the move to Utah was, in good faith, based on an employer-requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent employment in Utah.

11.2. All relevant evidence concerning the motivation for the move should be considered, including, but not limited to, such factors as:

- 11.2.1. the employee's employment and educational history;
- 11.2.2. the dates when Utah employment was first considered, offered, and accepted;
- 11.2.3. when the person moved to Utah;
- 11.2.4. the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
- 11.2.5. whether the person applied for admission to a USHE institution sooner than four months from the date of moving to Utah;
- 11.2.6. evidence that the person is an independent person (at least 24 years of age, or not listed as a dependent on someone else's tax forms); and
- 11.2.7. any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

#### **R512.12 “Divorce, Death of Spouse and Long-Term Health Care Responsibilities of Family Members” as Basis for Rebutting Presumption of Nonresident Student.**

12.1. A student who resides in Utah for reasons related to divorce, the death of a spouse, or long-term health care responsibilities for the student's spouse, parent, sibling, or child, may rebut the presumption of nonresident status by providing substantial evidence that the reason for the student's move to Utah was, in good faith, based on the long-term health care responsibilities.

12.2. All relevant evidence concerning the motivation for the move shall be considered, including:

- 12.2.1. the student's employment and educational history;
- 12.2.2. the dates when the long-term health care or child care responsibilities in Utah were first considered, offered, and accepted;
- 12.2.3. when the student moved to Utah;

- 12.2.4. the dates when the student applied for admission, was admitted, and was enrolled as a postsecondary student;
- 12.2.5. whether the student applied for admission to a USHE institution sooner than four (4) months from the date of moving to Utah;
- 12.2.6. evidence that the student is an independent person who is
  - 13.2.6.1. at least 24 years of age; or
  - 13.2.6.2. not claimed as a dependent on someone else's tax returns; and
- 12.2.7. any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an USHE institution.



# MEMORANDUM

TAB C

April 10, 2020

## **Revisions to Regent Policy R611, *Veterans Tuition Gap Program***

During the 2020 Legislative General Session the Legislature passed HB 45, which reflects recent changes to federal law governing veterans' benefits. In accordance with these statutory changes, Regent Policy R611 governing the Veterans Tuition Gap Program should be revised to allow funding under this program to be used for books and fees as well as tuition.

### **Commissioner's Recommendation**

The Commissioner recommends the Board approve this revision to Regent Policy R611 effective immediately.

### **Attachments**

## R611, Veterans Tuition Gap Program

**R611-1. Purpose:** To provide Board of Regents ("the Board") policy and procedures for implementing the Veterans Tuition Gap Program, Utah Code Title 53B, Chapter 13b, enacted in S.B. 16 by the 2014 General Session of the Utah Legislature.

**R611-2. References:**

- 2.1. Utah Code §68-3-15.5 (Definition of Veteran)
- 2.2. Utah Code §53B-8-106 (Resident tuition - Requirements - Rules)
- 2.3. Utah Code §53B-8-102 (Definition of Resident Student)
- 2.4. Utah Code §53B-13b-101 to 104 (Veterans Tuition Gap Program Act)
- 2.5. Policy and Procedures R512, Determination of Resident Status

**R611-3. Effective Date:** These policies and procedures are effective July 1, 2017.

**R611-4. Policy**

4.1. **Program Description:** The Veterans Tuition Gap Program (VeT Gap) is a State supplement grant to provide ~~assistance that can cover tuition, fees, and books assistance~~ for veterans who are attending institutions of higher education in Utah and whose benefits under the federal program have been exhausted or are not available. This program is only available to higher education institutions that grant baccalaureate degrees.

4.2. **Award Year:** The award year for VeT Gap is the twelve-month period coinciding with the state fiscal year beginning July 1 and ending June 30.

4.3. **Institutions Eligible to Participate:** Eligible institutions include those listed in Utah Code, Subsection 53B-2-101(1) and private, nonprofit, postsecondary institutions as recognized by the Internal Revenue Service or State of Utah that are located within the State of Utah and accredited by an accrediting organization recognized by the United States Department of Education.

4.4. **Students Eligible to Participate:** To be eligible for assistance from VeT Gap funds, a student:

4.4.1. must be a resident student of the State of Utah under Utah Code §53B-8-102 and Board Policy R512 or exempt from paying the nonresident portion of total tuition under Utah Code §53B-8-106; and

4.4.2. must be a veteran as defined by Utah Code Section 68-3-12.5; and

4.4.3. must be unconditionally admitted and currently enrolled in an eligible program leading to a bachelor's degree at an eligible institution; and

4.4.4. must be maintaining satisfactory academic progress, as defined by the institution, toward

<sup>1</sup> Adopted July 18, 2014, amended January 19, 2018.



the degree in which enrolled; and

4.4.5. has exhausted the federal benefit under any veterans educational assistance program or such benefits are unavailable; and

4.4.6. has not completed a bachelor's degree; and

4.4.7. must be in the final year of his or her academic baccalaureate program.

4.5. **Length of Award Period.** A qualifying military veteran may receive a program grant until the earlier of the following occurs:

4.5.1. the qualifying military veteran completes the requirements for a bachelor's degree; or

4.5.2. 12 months from the beginning of the initial academic term for which the qualifying military veteran receives an initial program grant.

4.6. **Program Administrator:** The program administrator for the VeT Gap is the Associate Commissioner for Student Financial Aid, or a person designated in a formal delegation of authority by the Associate Commissioner, under executive direction of the Commissioner of Higher Education.

4.7. **Availability of Funds for the Program:** Funds available for VeT Gap allocations to institutions may come from specifically earmarked state appropriations, or from other sources such as private contributions. Amounts available for allocations each year shall be allocated as follows:

4.8. **Allocation of Program Funds to Institutions**

4.8.1. Annually, the participating institution will provide the following required data, for the most recently completed academic year, by March 1st. The director of financial aid of an eligible institution, in consultation with the institution's veterans affairs officer, will demonstrate intention to continue participation in VeT Gap by submitting to the program administrator a certification, subject to audit, of ~~(a)~~ the total number of veterans who were resident students of the state of Utah under Utah Code §53B-8-102 and Board Policy R512 who have graduated from the institution with a baccalaureate degree in the most recently completed academic year.

4.8.2. Failure to submit the certification required in 4.7.1 by the requested date constitutes an automatic decision by an eligible institution not to participate in the program for the next fiscal year.

4.8.3. Allocation of program funds to participating institutions will be based on the total number of an institution's students who are veterans and Utah residents who graduated with a baccalaureate degree in the most recently completed academic year and the proportion of each participating institution's number of those students to the total population of such students. For example:

$$\frac{\text{A participating institution's number of Utah resident students who are veterans and graduated with a baccalaureate degree during the most recently completed academic year}}{\text{Total number of Utah resident students who are veterans and graduated from all participating institutions with a baccalaureate degree during the most recently completed academic year}} = \text{\% of VeT Gap funds allocated to the participating institution}$$

<sup>1</sup> Adopted July 18, 2014, amended January 19, 2018.

4.8.4. The program administrator will send official notification of each participating institution's allocation to the director of financial aid each academic year.

4.78.5. The program administrator will send a blank copy of the format for the institutional VeT Gap performance report, to be submitted within 30 days of the end of the applicable academic year, to the director of financial aid of each participating institution each academic year.

**4.9. Institutional Participation Agreement:** Each participating institution will enter into a written agreement with the program administrator or assigned designee agreeing to abide by the program policies, accept and disburse funds per program rules, provide the required report each year and retain documentation for the program to support the awards and actions taken. By accepting the funds, the participating institution agrees to the following terms and conditions:

**4.9.1. Use of Program Funds Received by the Institution**

4.98.1.1. The institution may at its discretion place up to, but in no case more than, 3.0% of the total amount of program funds allocated to it for the award year in a budget for student financial aid administrative expenses of the institution.

4.98.1.2. The institution may not carry forward or carry back from one fiscal year to another any of its VeT Gap allocation for a fiscal year. Any unused funds will be returned to the program administrator as directed. Returned funds will be re-distributed to eligible institutions as regular VeT Gap allocations for disbursement the next award year.

4.98.1.3. The institution may establish processes to determine the distribution of funds to students so long as it does so in accordance with provisions established in this policy.

**4.9.2. Determination of Awards to Eligible Students**

4.9.2.1. Student Cost of Attendance budgets will be established by the institution, in accordance with Federal regulations applicable to student financial aid programs under Title IV of the Higher Education Act as amended, for specific student categories authorized in the Federal regulations, and providing for the total of costs payable to the institution plus other direct educational expenses, transportation and living expenses.

4.9.2.2. The total amount of any VeT Gap funds awarded to an eligible student in an academic year will not exceed the amount of tuition, fees, and books ~~(not fees)~~ for that academic year and may be impacted by the following:

(a) An eligible student whose period of enrollment is less than the normally-expected period of enrollment within the award year (such as two semesters, three quarters, nine months, or 900 clock hours) will be awarded an amount in proportion to the normally-expected period of enrollment represented by the term, or terms, (e.g. semester or quarter) for which the student is enrolled; or

(b) The minimum student award amount may be the balance of funds remaining in the institution's allocation for the award year in the case that the previous eligible student receiving a VeT Gap award for the year reduced the total available funds to an amount less than that for which an individual qualified.

<sup>1</sup> Adopted July 18, 2014, amended January 19, 2018.

4.9.2.3. VeT Gap funds will be awarded and packaged on an annual award year basis unless the remaining period of enrollment until completion of the academic program is less than one award year. Funds will be paid one quarter or semester at a time (or in thirds, if applicable to some other enrollment basis such as total months or total clock hours), contingent upon the student's maintaining satisfactory progress as defined by the institution in published policies or rules.

4.9.2.4. All awards under the program will be made in accordance with current Federal Title IV non-discrimination requirements.

4.9.2.5. Students receiving financial aid under the program will be required to agree in writing to use the funds received for expenses covered in the student's cost of attendance budget.

a) The student's signature on the Free Application for Federal Student Aid satisfies this requirement.

(b) If the institution determines, after opportunity for a hearing on appeal according to established institutional procedures, that a student used VeT Gap funds for other purposes, the institution will disqualify the student from VeT Gap eligibility beginning with the quarter, semester or other defined enrollment period after the one in which the determination is made.

4.9.2.6. In no case will the institution initially award program funds in amounts which, with Federal Direct, Federal Direct PLUS and/or Federal Perkins Loans and other financial aid from any source, both need and merit-based, and with expected family contributions, exceed the cost of attendance for the student at the institution for the award year.

4.9.2.7. If, after the student's aid has been packaged and awarded, the student later receives other financial assistance (for example, merit or program-based scholarship aid) or the student's cost of attendance budget changes, resulting in a later over award of more than \$500, the institution will appropriately reduce the amount of financial aid disbursed to the student so that the total does not exceed the cost of attendance.

4.9.3. **Reports:** The institution will submit an annual report within 30 days after completion of the award year, providing information on individual awards and such other program-relevant information as the Board may reasonably require.

4.9.4. **Records Retention and Cooperation in Program Reviews:** The institution will cooperate with the program administrator in providing records and information requested for any scheduled audits or program reviews, and will maintain records substantiating its compliance with all terms of the participation agreement for three years after the end of the award year, or until a program review has been completed and any exceptions raised in the review have been resolved, whichever occurs first. If at the end of the three year retention period, an audit or program review exception is pending resolution, the institution will retain records for the award year involved until the exception has been resolved.

---

<sup>1</sup> Adopted July 18, 2014, amended January 19, 2018.

## R611, Veterans Tuition Gap Program

**R611-1. Purpose:** To provide Board of Regents ("the Board") policy and procedures for implementing the Veterans Tuition Gap Program, Utah Code Title 53B, Chapter 13b, enacted in S.B. 16 by the 2014 General Session of the Utah Legislature.

**R611-2. References:**

- 2.1. Utah Code §68-3-15.5 (Definition of Veteran)
- 2.2. Utah Code §53B-8-106 (Resident tuition - Requirements - Rules)
- 2.3. Utah Code §53B-8-102 (Definition of Resident Student)
- 2.4. Utah Code §53B-13b-101 to 104 (Veterans Tuition Gap Program Act)
- 2.5. Policy and Procedures R512, Determination of Resident Status

**R611-3. Effective Date:** These policies and procedures are effective July 1, 2017.

**R611-4. Policy**

- 4.1. **Program Description:** The Veterans Tuition Gap Program (VeT Gap) is a State supplement grant to provide assistance that can cover tuition, fees, and books for veterans who are attending institutions of higher education in Utah and whose benefits under the federal program have been exhausted or are not available. This program is only available to higher education institutions that grant baccalaureate degrees.
- 4.2. **Award Year:** The award year for VeT Gap is the twelve-month period coinciding with the state fiscal year beginning July 1 and ending June 30.
- 4.3. **Institutions Eligible to Participate:** Eligible institutions include those listed in Utah Code, Subsection 53B-2-101(1) and private, nonprofit, postsecondary institutions as recognized by the Internal Revenue Service or State of Utah that are located within the State of Utah and accredited by an accrediting organization recognized by the United States Department of Education.
- 4.4. **Students Eligible to Participate:** To be eligible for assistance from VeT Gap funds, a student:
  - 4.4.1. must be a resident student of the State of Utah under Utah Code §53B-8-102 and Board Policy R512 or exempt from paying the nonresident portion of total tuition under Utah Code §53B-8-106; and
  - 4.4.2. must be a veteran as defined by Utah Code Section 68-3-12.5; and
  - 4.4.3. must be unconditionally admitted and currently enrolled in an eligible program leading to a bachelor's degree at an eligible institution; and
  - 4.4.4. must be maintaining satisfactory academic progress, as defined by the institution, toward the degree in which enrolled; and

<sup>1</sup> Adopted July 18, 2014, amended January 19, 2018.

4.4.5. has exhausted the federal benefit under any veterans educational assistance program or such benefits are unavailable; and

4.4.6. has not completed a bachelor's degree; and

4.4.7. must be in the final year of his or her academic baccalaureate program.

4.5. **Length of Award Period.** A qualifying military veteran may receive a program grant until the earlier of the following occurs:

4.5.1. the qualifying military veteran completes the requirements for a bachelor's degree; or

4.5.2. 12 months from the beginning of the initial academic term for which the qualifying military veteran receives an initial program grant.

4.6. **Program Administrator:** The program administrator for the VeT Gap is the Associate Commissioner for Student Financial Aid, or a person designated in a formal delegation of authority by the Associate Commissioner, under executive direction of the Commissioner of Higher Education.

4.7. **Availability of Funds for the Program:** Funds available for VeT Gap allocations to institutions may come from specifically earmarked state appropriations, or from other sources such as private contributions. Amounts available for allocations each year shall be allocated as follows:

4.8. **Allocation of Program Funds to Institutions**

4.8.1. Annually, the participating institution will provide the following required data, for the most recently completed academic year, by March 1st. The director of financial aid of an eligible institution, in consultation with the institution's veterans affairs officer, will demonstrate intention to continue participation in VeT Gap by submitting to the program administrator a certification, subject to audit, of ~~(a)~~ the total number of veterans who were resident students of the state of Utah under Utah Code §53B-8-102 and Board Policy R512 who have graduated from the institution with a baccalaureate degree in the most recently completed academic year.

4.8.2. Failure to submit the certification required in 4.7.1 by the requested date constitutes an automatic decision by an eligible institution not to participate in the program for the next fiscal year.

4.8.3. Allocation of program funds to participating institutions will be based on the total number of an institution's students who are veterans and Utah residents who graduated with a baccalaureate degree in the most recently completed academic year and the proportion of each participating institution's number of those students to the total population of such students. For example:

$$\frac{\text{A participating institution's number of Utah resident students who are veterans and graduated with a baccalaureate degree during the most recently completed academic year}}{\text{Total number of Utah resident students who are veterans and graduated from all participating institutions with a baccalaureate degree during the most recently completed academic year}} = \text{\% of VeT Gap funds allocated to the participating institution}$$

<sup>1</sup> Adopted July 18, 2014, amended January 19, 2018.

4.8.4. The program administrator will send official notification of each participating institution's allocation to the director of financial aid each academic year.

4.8.5. The program administrator will send a blank copy of the format for the institutional VeT Gap performance report, to be submitted within 30 days of the end of the applicable academic year, to the director of financial aid of each participating institution each academic year.

4.9. **Institutional Participation Agreement:** Each participating institution will enter into a written agreement with the program administrator or assigned designee agreeing to abide by the program policies, accept and disburse funds per program rules, provide the required report each year and retain documentation for the program to support the awards and actions taken. By accepting the funds, the participating institution agrees to the following terms and conditions:

4.9.1. **Use of Program Funds Received by the Institution**

4.8.1.1. The institution may at its discretion place up to, but in no case more than, 3.0% of the total amount of program funds allocated to it for the award year in a budget for student financial aid administrative expenses of the institution.

4.8.1.2. The institution may not carry forward or carry back from one fiscal year to another any of its VeT Gap allocation for a fiscal year. Any unused funds will be returned to the program administrator as directed. Returned funds will be re-distributed to eligible institutions as regular VeT Gap allocations for disbursement the next award year.

4.8.1.3. The institution may establish processes to determine the distribution of funds to students so long as it does so in accordance with provisions established in this policy.

4.9.2. **Determination of Awards to Eligible Students**

4.9.2.1. Student Cost of Attendance budgets will be established by the institution, in accordance with Federal regulations applicable to student financial aid programs under Title IV of the Higher Education Act as amended, for specific student categories authorized in the Federal regulations, and providing for the total of costs payable to the institution plus other direct educational expenses, transportation and living expenses.

4.9.2.2. The total amount of any VeT Gap funds awarded to an eligible student in an academic year will not exceed the amount of tuition, fees, and books for that academic year and may be impacted by the following:

(a) An eligible student whose period of enrollment is less than the normally-expected period of enrollment within the award year (such as two semesters, three quarters, nine months, or 900 clock hours) will be awarded an amount in proportion to the normally-expected period of enrollment represented by the term, or terms, (e.g. semester or quarter) for which the student is enrolled; or

(b) The minimum student award amount may be the balance of funds remaining in the institution's allocation for the award year in the case that the previous eligible student receiving a VeT Gap award for the year reduced the total available funds to an amount less than that for which an individual qualified.

---

<sup>1</sup> Adopted July 18, 2014, amended January 19, 2018.

**4.9.2.3.** VeT Gap funds will be awarded and packaged on an annual award year basis unless the remaining period of enrollment until completion of the academic program is less than one award year. Funds will be paid one quarter or semester at a time (or in thirds, if applicable to some other enrollment basis such as total months or total clock hours), contingent upon the student's maintaining satisfactory progress as defined by the institution in published policies or rules.

**4.9.2.4.** All awards under the program will be made in accordance with current Federal Title IV non-discrimination requirements.

**4.9.2.5.** Students receiving financial aid under the program will be required to agree in writing to use the funds received for expenses covered in the student's cost of attendance budget.

a) The student's signature on the Free Application for Federal Student Aid satisfies this requirement.

(b) If the institution determines, after opportunity for a hearing on appeal according to established institutional procedures, that a student used VeT Gap funds for other purposes, the institution will disqualify the student from VeT Gap eligibility beginning with the quarter, semester or other defined enrollment period after the one in which the determination is made.

**4.9.2.6.** In no case will the institution initially award program funds in amounts which, with Federal Direct, Federal Direct PLUS and/or Federal Perkins Loans and other financial aid from any source, both need and merit-based, and with expected family contributions, exceed the cost of attendance for the student at the institution for the award year.

**4.9.2.7.** If, after the student's aid has been packaged and awarded, the student later receives other financial assistance (for example, merit or program-based scholarship aid) or the student's cost of attendance budget changes, resulting in a later over award of more than \$500, the institution will appropriately reduce the amount of financial aid disbursed to the student so that the total does not exceed the cost of attendance.

**4.9.3. Reports:** The institution will submit an annual report within 30 days after completion of the award year, providing information on individual awards and such other program-relevant information as the Board may reasonably require.

**4.9.4. Records Retention and Cooperation in Program Reviews:** The institution will cooperate with the program administrator in providing records and information requested for any scheduled audits or program reviews, and will maintain records substantiating its compliance with all terms of the participation agreement for three years after the end of the award year, or until a program review has been completed and any exceptions raised in the review have been resolved, whichever occurs first. If at the end of the three year retention period, an audit or program review exception is pending resolution, the institution will retain records for the award year involved until the exception has been resolved.

---

<sup>1</sup> Adopted July 18, 2014, amended January 19, 2018.



# MEMORANDUM

TAB D

April 10, 2020

## **Revision to Policy R609C, *Regents' Scholarship* and R604, *New Century Scholarship***

Regent Policies R609C and R604 are to be adjusted due to new statutory requirements and clarifying technical changes identified in cooperation with institution Financial Aid Directors:

- Establishes uniform data reporting requirements for the institutions that participate in the Regents' and New Century Scholarship programs.
- Adjusts the minimum credit hours required for students to maintain scholarship award eligibility for both the Regents' and New Century Scholarships to 12 credits.
- Allows the Regents' Scholarship to be awarded to students enrolling at an accredited, private, non-profit institution per [S.B. 117, \*Higher Education Financial Aid Amendments\*](#), in the 2020 Legislative Session.
- Clarifies the role of Commissioner's staff and institutions in accepting deferments and leaves of absence associated with the Regents' and New Century scholarship programs.
- Clarifies requirements for students to maintain scholarship award eligibility that better ensures timely degree completion.
- Removes the requirement that recipients have no criminal record, per [S.B. 162 \*Educational Financial Aid for Students with a Criminal Record\*](#), in the 2020 Legislative Session.
- Removes duplicate and outdated language.

### **Commissioner's Recommendations**

The Commissioner recommends the Board approve the technical and statutorily required revisions to policies R609C and R604.



**R609-1 Purpose:** The Regents' Scholarship encourages students to complete the Regents' Recommended High School Curriculum, in order to provide better access to higher education opportunities and to reward students for preparing academically for college.

### R609-2 References

- 2.1. Utah Code -Section 53B-8-108 et seq., Regents' Scholarship Program.
- 2.2. Utah Code Section 53B-2-101(1), Institutions of Higher Education
- 2.3. Utah Admin. Code §R277-700-7, High School Requirements (Effective for Graduating Students Beginning with the 2010-2011 School Year).

### R609-3 Definitions

- 3.1. **"Advanced Math"** means any of the following courses: pre-calculus, calculus, statistics, AP calculus AB, AP calculus BC, AP statistics, college courses Math 1030 and higher, IB Math SL, HL, and Further Math.
- 3.2. **"Board"** means the Utah [State Board of Regents/Higher Education](#).
- 3.3. **"College Course Work"** means any instance in which college credit is earned, including but not limited to, concurrent enrollment, distance education, dual enrollment, or early college.
- 3.4. **"Eligible Institutions"** means institutions of higher education listed in Utah Code Section 53B-2-101(1), [or a private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities.](#)
- 3.5. **"Excusable Neglect"** means a failure to take proper steps at the proper time, not in consequence of carelessness, inattention, or willful disregard of the scholarship application process, but in consequence of some unexpected or unavoidable hindrance or accident.
- 3.6. **"Good Cause"** means the student's failure to meet a scholarship application process requirement was due to circumstances beyond the student's control or circumstances that are compelling and reasonable.
- 3.7. **"High School"** means a public school established by the Utah State Board of Education or private high school within the boundaries of the State of Utah. If a private high school, it shall be accredited by a regional accrediting body approved by the Board.
- 3.8. **"Scholarship Appeals Committee"** means the committee designated by Commissioner of Higher Education to review appeals of Regents' Scholarship award decisions and take final agency action regarding awards.

<sup>1</sup> Adopted June 4, 1999, amended July 12, 1999, April 20, 2001, May 31, 2002, September 15, 2006. Amended and approved by the Board of Regents October 16, 2009, April 1, 2010, March 25, 2011, March 29, 2013, April 1, 2016, November 17, 2017, and May 17, 2019.

3.9. “**Scholarship Award**” means a -scholarship awarded to all applicants who meet the eligibility requirements of section R609-4.

3.10. “**Scholarship Staff**” means the employees assigned to review Regents’ Scholarship applications and make ~~initial~~ decisions awarding the scholarships and deferments.

3.11. “**Substantial Compliance**” means the applicant, in good faith, demonstrated clear intent to comply with the scholarship application requirements and has demonstrated likely eligibility, but failed to precisely comply with the application specifics.

#### R609-4 Award Requirements

4.1. To qualify for the Regents' Scholarship, the applicant shall satisfy the following criteria:

4.1.1. Graduate from a Utah high school with a minimum, non-weighted GPA of 3.3.

4.1.2. Complete four credits of English.

4.1.3. Complete four credits of math, including one course of advanced math.

4.1.4. Complete three credits of lab-based biology, chemistry and physics.

4.1.5. Complete two credits of world languages.

4.1.6. Complete three credits of social science.

4.1.7. Complete the ACT with a minimum score of 22.

4.1.8. Complete and submit the Free Application for Federal Student Aid (FAFSA).

4.2. A student may satisfy a course requirement through a competency-based assessment provided it is documented for credit on an official transcript.

4.3. The courses completed must be unique except when repeated for a higher grade.

4.4. Repeated course work will not count toward accumulation of required credits.

4.5. **College Course Work:** College course work will only be evaluated if the applicant submits an official college transcript. If an applicant enrolls in and completes a college course worth three or more college credits, this shall be counted as one high school credit toward the scholarship requirements.

4.6. **Mandatory Enrollment:** An award recipient attending a credit-granting eligible institution shall enroll ~~in a minimum of 12 credit hours per academic semester,~~ beginning with the fall semester after high school graduation. An award recipient attending a non-credit granting institution must enroll full time in a program eligible for federal aid by September 1 after high school graduation. ~~The institution at which the student attends shall verify the recipient has met the enrollment requirement.~~

4.6.1. Scholarship recipients must elect whether to use the award funds at credit granting institutions or non-credit granting institutions. ~~The decision is irrevocable; recipients may not transfer awards between non-credit granting and credit granting institutions.~~

4.7. **New Century Scholarship:** A recipient shall not receive both a Regents' Scholarship and the New Century Scholarship established in Utah Code Section 53B-8-105.

## 609-5 Application Procedures

5.1. **Application Deadline:** Applicants shall submit an official scholarship application no later than February 1 of the year that they graduate from high school. -The Board may establish a priority deadline each year. Applicants who meet the priority deadline may be given first priority or consideration for the scholarship. Subject to funding, students may be considered based on the date of they completed and submitted their application.

5.2. **Required Documentation:** Applicants shall submit the following documents:

5.2.1. The online Regents' Scholarship application.

5.2.2. An official high school paper or electronic transcript, official college transcript(s) when applicable, and any other miscellaneous official transcripts demonstrating all completed courses and GPA.

5.2.3. If a student completed coursework at an educational institution outside of the district from which the student graduated, the student must submit an official transcript from the school at which he or she completed the coursework if the courses completed and grades earned are not reflected in the official high school transcript.

5.2.4. Verified ACT score(s).

## R609-6 Award Amounts and Renewals.

6.1. **Funding Constraints of Awards:** The Board will determine award amounts, depending on the annual legislative appropriation, whether the institution is a credit granting or non-credit granting institution, and the number of qualified applicants. Awards shall be adjusted for students enrolled at an eligible private or nonprofit college or university based on 53B-8-205.

6.2. **Scholarship Award:** Students who meet the eligibility criteria and enroll at a credit granting institution will receive a four-semester scholarship award, a maximum ~~the amount of which~~ will be determined annually by the Board. Students who enroll in a non-credit granting institution will receive a one-time scholarship award, the amount of which will be determined annually by the Board, which the institution may disburse over the course of a recipient's enrollment within this policy's limits and requirements.

6.3. **Ongoing Eligibility:** If a student receives an award disbursement, the Scholarship recipient musts ~~who~~ enroll at a credit granting institution, must maintain a 3.0 GPA and complete a minimum of 12 credit hours per academic semester to remain eligible for future disbursements. the award. -Students who earn less than a 3.0 Semester GPA will be placed on probation. If the recipient again at any time earns less than a 3.03 GPA the scholarship may be revoked. Institutions shall verify the recipient has met these requirements. -Recipients who do not maintain eligibility forfeit the remaining award amount.

## R609-7. Time Constraints and Deferrals

7.1. **Time Limitation:** Scholarship funds are only available to a recipient for five years after their high school graduation date.

7.2. Upon the first day a recipient begins courses using the scholarship funds at a non-credit granting institution, the recipient must use the award in its entirety within two years, unless extended under section 7.3. This time limit does not extend ~~the~~ the five-year award availability under section 7.1.

7.3. **Deferral or Leave of Absence:** Recipients who will not enroll continuously for Fall and Spring/Winter at an eligible institution ~~as institution~~ a student shall apply for a deferral or leave of absence with their institution.

7.3.1. Deferrals may be granted at the discretion of the scholarship review committee. ~~or~~ ~~Leaves of absence may be granted, at the discretion of the institution.~~ Deferrals and leaves of absences may be granted, for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

7.3.2. An approved deferral or leave of absence will not extend the time limits of the scholarship. The scholarship may only be used for academic terms that begin within five years after the recipient's high school graduation date.

#### R609-8 Transfers

8.1. Recipients who elect to attend a credit granting institution may transfer to another credit granting institution and retain the scholarship award. ~~Recipients are responsible to inform the Office of the Commissioner of their intent to transfer. The Office of the Commissioner shall coordinate the transfer of scholarship funds and information.~~

#### R609-9 Scholarship Determinations and Appeals

9.1. **Scholarship Determinations:** Submission of a scholarship application does not guarantee a scholarship award. ~~The Scholarship Staff shall review individual scholarship applications and determine eligibility. Awards are based on available funding, applicant pool, and applicants' completion of scholarship criteria by the specified deadline.~~

9.2. **Appeals:** An applicant has the right to appeal the Scholarship Staff's adverse decision by filing an appeal with the Scholarship Appeals Committee subject to the following conditions:

9.2.1. Applicants may submit a written appeal through either the U.S. Mail or their Regents Scholarship Student Account. ~~Appeals must be postmarked (if mailed) or submitted online within 30 days of the date on which the scholarship notification was issued.~~

9.2.2. In the appeal, the applicant must provide his or her full name, mailing address, the high school he or she last attended, a statement of the reason for the appeal, and all information or evidence that supports the appeal. The failure of an applicant to provide the information in this subsection shall not preclude the acceptance of an appeal.

9.2.3. An appeal filed before the applicant receives official notification from the Scholarship Staff of its decision may not be considered.

9.2.4. If an applicant failed to file his or her appeal on time, the Scholarship Appeals Committee shall notify the applicant of the late filing and give him or her an opportunity to explain the reasons for failing to file the appeal by the deadline. The Scholarship Appeals Committee shall not have

jurisdiction to consider the merits of an appeal that is filed beyond the deadline unless it determines the applicant established excusable neglect.

9.2.5. The Scholarship Appeals Committee shall review the appeal to determine if the award decision was made in error, or if the applicant demonstrated substantial compliance with the scholarship application requirements but failed to meet one or more requirements for good cause.

9.2.6. If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that the initial decision was made in error, it shall either reverse the initial decision or remand it back to the Scholarship Staff for further review in accordance with the Appeals Committee's instructions.

9.2.7. If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that he or she demonstrated substantial compliance with the application process requirements and good cause for failing to meet one or more of the requirements, the Appeals Committee shall grant the applicant a reasonable period of time to complete the remaining requirements and to resubmit the completed application to the Scholarship Staff for a redetermination. In such a case, the applicant shall have the right to appeal an adverse decision according to this rule.

9.2.8. The Scholarship Appeals Committee's decision shall be in writing and contain its findings of facts, reasoning and conclusions of law and notice of the right to judicial review.

9.2.9. The Scholarship Appeals Committee's decision represents the final agency action. An applicant who disagrees with the Scholarship Appeal Committee's Decision may seek judicial review in accordance with Utah Code Ann. 63G-4-402.

## R609-10 Reporting

10.1. As directed by Commissioner's staff, eligible institutions shall report to the Board ~~of Regents~~ the following:

10.1.1. The names of students the institutions awarded Regents' Scholarship funds.

10.1.2. Enrollment information such as the current GPA, the number of credits completed, and deferment or leave of absence information.

10.1.3. Other information deemed necessary to evaluate eligibility or the effectiveness of the program.

10.2. The Board ~~of Regents~~ may, at any time, request additional documentation or data related to the Regents Scholarship and may review or formally audit an eligible institution's compliance with this policy.

**R609-1 Purpose:** The Regents' Scholarship encourages students to complete the Regents' Recommended High School Curriculum, in order to provide better access to higher education opportunities and to reward students for preparing academically for college.

### R609-2 References

- 2.1. Utah Code Section 53B-8-108 et seq., Regents' Scholarship Program.
- 2.2. Utah Code Section 53B-2-101(1), Institutions of Higher Education
- 2.3. Utah Admin. Code §R277-700-7, High School Requirements (Effective for Graduating Students Beginning with the 2010-2011 School Year).

### R609-3 Definitions

- 3.1. **"Advanced Math"** means any of the following courses: pre-calculus, calculus, statistics, AP calculus AB, AP calculus BC, AP statistics, college courses Math 1030 and higher, IB Math SL, HL, and Further Math.
- 3.2. **"Board"** means the Utah Board of Higher Education.
- 3.3. **"College Course Work"** means any instance in which college credit is earned, including but not limited to, concurrent enrollment, distance education, dual enrollment, or early college.
- 3.4. **"Eligible Institutions"** means institutions of higher education listed in Utah Code Section 53B-2-101(1), or a private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities.
- 3.5. **"Excusable Neglect"** means a failure to take proper steps at the proper time, not in consequence of carelessness, inattention, or willful disregard of the scholarship application process, but in consequence of some unexpected or unavoidable hindrance or accident.
- 3.6. **"Good Cause"** means the student's failure to meet a scholarship application process requirement was due to circumstances beyond the student's control or circumstances that are compelling and reasonable.
- 3.7. **"High School"** means a public school established by the Utah State Board of Education or private high school within the boundaries of the State of Utah. If a private high school, it shall be accredited by a regional accrediting body approved by the Board.
- 3.8. **"Scholarship Appeals Committee"** means the committee designated by Commissioner of Higher Education to review appeals of Regents' Scholarship award decisions and take final agency action regarding awards.

---

<sup>1</sup> Adopted June 4, 1999, amended July 12, 1999, April 20, 2001, May 31, 2002, September 15, 2006. Amended and approved by the Board of Regents October 16, 2009, April 1, 2010, March 25, 2011, March 29, 2013, April 1, 2016, November 17, 2017, and May 17, 2019.

3.9. **“Scholarship Award”** means a scholarship awarded to all applicants who meet the eligibility requirements of section R609-4.

3.10. **“Scholarship Staff”** means the employees assigned to review Regents’ Scholarship applications and make decisions awarding the scholarships and deferments.

3.11. **“Substantial Compliance”** means the applicant, in good faith, demonstrated clear intent to comply with the scholarship application requirements and has demonstrated likely eligibility, but failed to precisely comply with the application specifics.

#### **R609-4 Award Requirements**

4.1. To qualify for the Regents' Scholarship, the applicant shall satisfy the following criteria:

4.1.1. Graduate from a Utah high school with a minimum, non-weighted GPA of 3.3.

4.1.2. Complete four credits of English.

4.1.3. Complete four credits of math, including one course of advanced math.

4.1.4. Complete three credits of lab-based biology, chemistry and physics.

4.1.5. Complete two credits of world languages.

4.1.6. Complete three credits of social science.

4.1.7. Complete the ACT with a minimum score of 22.

4.1.8. Complete and submit the Free Application for Federal Student Aid (FAFSA).

4.2. A student may satisfy a course requirement through a competency-based assessment provided it is documented for credit on an official transcript.

4.3. The courses completed must be unique except when repeated for a higher grade.

4.4. Repeated course work will not count toward accumulation of required credits.

4.5. **College Course Work:** College course work will only be evaluated if the applicant submits an official college transcript. If an applicant enrolls in and completes a college course worth three or more college credits, this shall be counted as one high school credit toward the scholarship requirements.

4.6. **Mandatory Enrollment:** An award recipient attending a credit-granting eligible institution shall enroll beginning with the fall semester after high school graduation. An award recipient attending a non-credit granting institution must enroll full time in a program eligible for federal aid by September 1 after high school graduation.

4.6.1. Scholarship recipients must elect whether to use the award funds at credit granting institutions or non-credit granting institutions. The decision is irrevocable; recipients may not transfer awards between non-credit granting and credit granting institutions.

**4.7. New Century Scholarship:** A recipient shall not receive both a Regents' Scholarship and the New Century Scholarship established in Utah Code Section 53B-8-105.

## **609-5 Application Procedures**

**5.1. Application Deadline:** Applicants shall submit an official scholarship application no later than February 1 of the year that they graduate from high school. The Board may establish a priority deadline each year. Applicants who meet the priority deadline may be given first priority or consideration for the scholarship. Subject to funding, students may be considered based on the date of they completed and submitted their application.

**5.2. Required Documentation:** Applicants shall submit the following documents:

**5.2.1.** The online Regents' Scholarship application.

**5.2.2.** An official high school paper or electronic transcript, official college transcript(s) when applicable, and any other miscellaneous official transcripts demonstrating all completed courses and GPA.

**5.2.3.** If a student completed coursework at an educational institution outside of the district from which the student graduated, the student must submit an official transcript from the school at which he or she completed the coursework if the courses completed and grades earned are not reflected in the official high school transcript.

**5.2.4.** Verified ACT score(s).

## **R609-6 Award Amounts and Renewals.**

**6.1. Funding Constraints of Awards:** The Board will determine award amounts, depending on the annual legislative appropriation, whether the institution is a credit granting or non-credit granting institution, and the number of qualified applicants. Awards shall be adjusted for students enrolled at an eligible private or nonprofit college or university based on 53B-8-205.

**6.2. Scholarship Award:** Students who meet the eligibility criteria and enroll at a credit granting institution will receive a four-semester scholarship award, a maximum amount will be determined annually by the Board. Students who enroll in a non-credit granting institution will receive a one-time scholarship award, the amount of which will be determined annually by the Board, which the institution may disburse over the course of a recipient's enrollment within this policy's limits and requirements.

**6.3. Ongoing Eligibility:** If a student receives an award disbursement, the recipient must enroll at a credit granting institution, maintain a 3.0 GPA and complete a minimum of 12 credit hours per academic semester to remain eligible for future disbursements. . Students who earn less than a 3.0 Semester GPA will be placed on probation. If the recipient again at any time earns less than a 3.0 GPA the scholarship may be revoked. Institutions shall verify the recipient has met these requirements. Recipients who do not maintain eligibility forfeit the remaining award amount.

## **R609-7. Time Constraints and Deferrals**

**7.1. Time Limitation:** Scholarship funds are only available to a recipient for five years after their high school graduation date.



7.2. Upon the first day a recipient begins courses using the scholarship funds at a non-credit granting institution, the recipient must use the award in its entirety within two years, unless extended under section 7.3. This time limit does not extend the five-year award availability under section 7.1.

7.3. **Deferral or Leave of Absence:** Recipients who will not enroll continuously for Fall and Spring/Winter at an eligible institution a student shall apply for a deferral or leave of absence with their institution.

7.3.1. Deferrals may be granted at the discretion of the scholarship review committee. Leaves of absence may be granted, at the discretion of the institution. Deferrals and leaves of absence may be granted for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

7.3.2. An approved deferral or leave of absence will not extend the time limits of the scholarship. The scholarship may only be used for academic terms that begin within five years after the recipient's high school graduation date.

#### R609-8 Transfers

8.1. Recipients who elect to attend a credit granting institution may transfer to another credit granting institution and retain the scholarship award. Recipients are responsible to inform the Office of the Commissioner of their intent to transfer. The Office of the Commissioner shall coordinate the transfer of scholarship funds and information.

#### R609-9 Scholarship Determinations and Appeals

9.1. **Scholarship Determinations:** Submission of a scholarship application does not guarantee a scholarship award. The Scholarship Staff shall review individual scholarship applications and determine eligibility. Awards are based on available funding, applicant pool, and applicants' completion of scholarship criteria by the specified deadline.

9.2. **Appeals:** An applicant has the right to appeal the Scholarship Staff's adverse decision by filing an appeal with the Scholarship Appeals Committee subject to the following conditions:

9.2.1. Applicants may submit a written appeal through either the U.S. Mail or their Regents Scholarship Student Account. Appeals must be postmarked (if mailed) or submitted online within 30 days of the date on which the scholarship notification was issued.

9.2.2. In the appeal, the applicant must provide his or her full name, mailing address, the high school he or she last attended, a statement of the reason for the appeal, and all information or evidence that supports the appeal. The failure of an applicant to provide the information in this subsection shall not preclude the acceptance of an appeal.

9.2.3. An appeal filed before the applicant receives official notification from the Scholarship Staff of its decision may not be considered.

9.2.4. If an applicant failed to file his or her appeal on time, the Scholarship Appeals Committee shall notify the applicant of the late filing and give him or her an opportunity to explain the reasons for failing to file the appeal by the deadline. The Scholarship Appeals Committee shall not have

jurisdiction to consider the merits of an appeal that is filed beyond the deadline unless it determines the applicant established excusable neglect.

9.2.5. The Scholarship Appeals Committee shall review the appeal to determine if the award decision was made in error, or if the applicant demonstrated substantial compliance with the scholarship application requirements but failed to meet one or more requirements for good cause.

9.2.6. If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that the initial decision was made in error, it shall either reverse the initial decision or remand it back to the Scholarship Staff for further review in accordance with the Appeals Committee's instructions.

9.2.7. If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that he or she demonstrated substantial compliance with the application process requirements and good cause for failing to meet one or more of the requirements, the Appeals Committee shall grant the applicant a reasonable period of time to complete the remaining requirements and to resubmit the completed application to the Scholarship Staff for a redetermination. In such a case, the applicant shall have the right to appeal an adverse decision according to this rule.

9.2.8. The Scholarship Appeals Committee's decision shall be in writing and contain its findings of facts, reasoning and conclusions of law and notice of the right to judicial review.

9.2.9. The Scholarship Appeals Committee's decision represents the final agency action. An applicant who disagrees with the Scholarship Appeal Committee's Decision may seek judicial review in accordance with Utah Code Ann. 63G-4-402.

## **R609-10 Reporting**

10.1. As directed by Commissioner's staff, eligible institutions shall report to the Board the following:

10.1.1. The names of students the institutions awarded Regents' Scholarship funds.

10.1.2. Enrollment information such as the current GPA, the number of credits completed, and deferment or leave of absence information.

10.1.3. Other information deemed necessary to evaluate eligibility or the effectiveness of the program.

10.2. The Board may, at any time, request additional documentation or data related to the Regents Scholarship and may review or formally audit an eligible institution's compliance with this policy.

**R604-1. Purpose:** The New Century Scholarship encourages students to accelerate their education by earning an Associate's degree in high school from an institution within the Utah System of Higher Education.

## R604-2. References

- 2.1. Utah Code §53B-8-105 (2010).
- 2.2. Policy and Procedures R609, Regents' Scholarship.

## R604-3. Definitions

- 3.1. **"Applicant"**: is a student who is in their last term in high school and on track to complete the high school graduation requirements of a public school established by the Utah State Board of Education and the student's school district or charter school or a private high school in the state that is accredited by a regional accrediting body approved by the Utah State Board of Regents, or a home-school student.
- 3.2. **"Associate's Degree"**: An Associate of Arts, Associate of Science, or Associate of Applied Science degree received from, or verified by, a regionally accredited institution within the Utah System of Higher Education. If the institution does not offer the above listed degrees, equivalent academic requirements will suffice under subsection 3.5.2. of this policy.
- 3.3. **"Awards"**: New Century Scholarship funds.
- 3.4. **"Board"**: The Utah ~~State~~ Board of ~~Regents~~ Higher Education.
- 3.5. **"Completes the requirements for an associate degree"**: Means that an applicant completes either of the following:
  - 3.5.1. all the required courses for an associate degree from an institution within the Utah System of Higher Education that offers Associate's degrees; and applies for the Associate's degree from the institution; or
  - 3.5.2. all the required courses for an equivalency to the associate degree from a higher education institution within the Utah System of Higher Education that offers Baccalaureate degrees but does not offer Associate's degrees.<sup>2</sup>
- 3.6. **"Excusable Neglect"** means a failure to take proper steps at the proper time, not in consequence of carelessness, inattention, or willful disregard in the processing of an appeal, but in consequence of some unexpected or unavoidable hindrance or accident.
- 3.7. **"Good Cause"** means the student's failure to meet a scholarship application process requirement was due to circumstances beyond the student's control or circumstances that are compelling and reasonable.

<sup>1</sup> Adopted June 4, 1999, amended July 12, 1999, April 20, 2001, May 31, 2002, September 15, 2006. Amended and approved by the Board of Regents October 16, 2009, April 1, 2010, March 25, 2011, March 29, 2013, April 1, 2016, and May 17, 2019

<sup>2</sup> Please note the requirement to have the coursework certified by the campus registrar under subsection 5.3 of this policy.

3.8. **"High school"**: a public high school established by the Utah State Board of Education or private high school within the boundaries of the State of Utah. If a private high school, it shall be accredited by a regional accrediting body approved by the Board.

3.9. **"High school graduation date"**: the day on which the recipient's class graduates from high school. For home-schooled student refer to subsection 4.2.1 of this policy.

3.10. **"Home-schooled"**: refers to a student who has not graduated from a Utah high school and received a high school grade point average (GPA).

3.11. **"Math and science curriculum"**: the rigorous math and science curriculum developed and approved by the Board which, if completed, qualifies a high school student for an award. Curriculum requirements can be found at the website of the Utah System of Higher Education.

3.12. **"New Century Scholarship"**: a renewable scholarship to be awarded to applicants who complete the eligibility requirements of section 4 of this policy.

3.13. **"Reasonable progress"**: enrolling and completing at least twelve credit hours during Fall and Spring semesters and earning a 3.3 GPA or higher each semester. If applicable, students attending summer must enroll full-time according to their institution and or program policy regarding full-time status.

3.14. **"Recipient"**: an applicant who receives an award under the requirements set forth in this policy.

3.15. **"Renewal Documents"**: a college transcript demonstrating that the recipient has met the required semester GPA and a detailed schedule providing proof of enrollment in twelve credit hours for the semester which the recipient is seeking award payment.

3.16. **"Scholarship Appeals Committee"**: means the committee designated by Commissioner of Higher Education to review appeals of Regents' Scholarship award decisions and take final agency action regarding awards.

3.17. **"Scholarship Staff"** means the group assigned to review Regents' Scholarship applications and make ~~initial~~ decisions awarding the scholarships and deferments.

3.18. **"Substantial Compliance"** means the applicant, in good faith, complied with the substantial or essential scholarship application requirements and has demonstrated likely eligibility but failed to comply exactly with the application specifics.

3.19. **"The Utah System of Higher Education-- USHE"**: the Utah System of Higher Education, which includes the University of Utah, Utah State University, Weber State University, Southern Utah University, Snow College, Dixie State University, Utah Valley University, and Salt Lake Community College.

**R604-4. Recipient Requirements:** This section enumerates the requirements to qualify as a recipient. Subsection 4.1. creates the general academic requirements. Subsections 4.2 and 4.3 clarify the exceptions and requirements specific for home-schooled students and students whose graduation date occurs in 2010 or before. Subsections 4.4. through 4.7. establish other generally applicable requirements.

4.1 **General Academic Requirements:** Unless an exception applies, to qualify as a recipient a student shall:

4.1.1. complete the requirements for an associate degree<sup>3</sup> or the math and science curriculum at a regionally accredited institution within the Utah ~~State~~ System of Higher Education

4.1.1.1. with at least a 3.0 grade point average

4.1.1.2. by applicant's high school graduation date; and

4.1.2. complete the high school graduation requirements of a Utah high school with at least a 3.5 cumulative GPA.

4.2. **Utah Home-schooled Students:** For Utah home-schooled applicants the following exceptions and requirements apply:

4.2.1. **High School Graduation Date for Home-schooled Applicants:**

4.2.1.1. **Completes High School in 2011 and After:** If a home-schooled applicant would have completed high school in 2011 or after, the high school graduation date (under subsection 4.1.1.2.) is June 15 of the year the applicant would have completed high school;

4.2.2. **ACT Composite Score Requirement:** A composite ACT score of 26 or higher is required in place of the high school GPA (under subsection 4.1.2).

4.3. **Mandatory Fall Term Enrollment:** A recipient shall enroll in ~~and successfully complete twelve credit hours at~~ an eligible institution by Fall semester immediately following the student's high school graduation date or receive an approved deferral or leave of absence ~~from the Board~~ under subsection 8.7 of this policy. ~~Documentation shall include the recipient's name, the semester the recipient will attend, the name of the institution they are attending and the number of credits for which the recipient is enrolled.~~

4.4. **Citizenship Requirement:** A recipient shall certify under penalty of law they are a citizen of the United States or a noncitizen who is eligible to receive federal student aid.

~~4.5. **No Criminal Record Requirement:** A recipient shall not have a criminal record, with the exception of a misdemeanor traffic citation.~~

~~4.65. **Regents' Scholarship:** A recipient shall not receive both New Century and ~~an award and the Regents' Scholarship~~ established in Utah Code §53B-8-108 and administered in R609.~~

**R604-5 Application Procedures:** This section establishes the basic application procedures for an award.

5.1. **Application Contact:** Qualifying students shall apply for the award through the Board.

5.2. **General Procedure:** An application for an award shall contain the following:

5.2.1. **Application Form:** the official online application will become available on the New Century website.

<sup>3</sup> Please refer to section 3.5 for clarification.

**5.2.2. College Transcript:** an official college transcript showing college courses, Advanced Placement and transfer work an applicant has completed to meet the requirements for the associate degree and verification of the date the award was earned; and

**5.2.3. High School Transcript:** an official high school transcript with high school graduation dated posted (if applicable).

**5.2.4. ACT Score:** a copy of the student's verified ACT score (if applicable).

**5.3. Registrar Verification:** If an applicant is enrolled at an institution which does not offer an associate degree or an institution that will not award the associate degree until the academic on-campus residency requirement has been met, the registrar must verify that the applicant has completed the equivalent academic requirements under 4.1.1.

**5.4. Application Deadline:** Applicants shall meet the following deadlines:

**5.4.1. Application Submission:** Applicants must submit the official scholarship application no later than February 1 of the year of their high school graduation date or the year they would have graduated from high school.

**5.4.2. Support Documentation Submission:** All necessary support documentation shall be submitted on or before September 1 following the student's high school graduation date. In some cases exceptions may be made as advanced placement and transfer work verification may be delayed at an institutional level and no fault of the applicant. Scholarship awards may be denied if all documentation is not complete and submitted by the specified deadlines. And if any documentation demonstrates that the applicant did not satisfactorily fulfill all coursework and GPA requirements, or if any information, including the attestation of criminal record and citizenship status, proves to be falsified.

**5.4.3. Priority Deadline:** A priority deadline may be established each year. Applicants who meet the priority deadline may be given first priority of consideration for awards.

**5.5. Incomplete Documentation:** Applications or other submissions that have missing information or missing documents are considered incomplete, will not be considered, and may result in failure to meet a deadline.

**R604-6 Awards:** This section establishes the total value of an award, the power of the Board to change that value, and the eligible institutions where the award may be used.

**6.1. Value of the Award:** -The award is up to the amount provided by the law and determined each Spring by the Board based on legislative funding and number of applicants. -The total value may change in accordance with subsection 6.2.

**6.2. The Board May Decrease Award:** If the appropriation from the Utah Legislature for the scholarship is insufficient to cover the costs associated with the scholarship, the Board may reduce or limit the award.

**6.3. Eligible Institutions:** An award may be used at the following institutions:

**6.3.1.** For recipients whose high school graduation date is on or before July 1, 2019, award funds may be used at a four-year institution within the Utah System of Higher Education that offers

Baccalaureate programs or a private not-for-profit higher education four-year institution in the state of Utah accredited by the Northwest Commission on Colleges and Universities that offers Baccalaureate programs.

6.3.2. For recipients whose high school graduation date is after July 1, 2019, funds may be used at a four-year institution within the Utah System of Higher Education that offers Baccalaureate programs.-

6.4. **Enrollment at Multiple Institutions:** The award may only be used at the institution from which the student is earning a Baccalaureate degree.

6.5. **Student Transfer:** The award may be transferred to a different eligible institution upon the request of the recipient.

~~6.6. **Regents' Scholarship:** A recipient shall not receive both a Regents' Scholarship and the New Century Scholarship established in Utah Code Section 53B-8-201.~~

**R604-7 Disbursement of Award:** This section details the disbursement of the award amounts.

7.1. **Disbursement Schedule of Award:** The award shall be disbursed semester-by-semester over the shortest of the following time periods:

7.1.1. Four semesters of enrollment in twelve credit hours;

7.1.2. sixty credit hours; or

7.1.3. until the recipient meets the requirements for a baccalaureate degree.

7.2. **Enrollment Documentation:** ~~Institutions shall verify the recipient has met the requirements outlined in R604-8. Recipients who do not maintain eligibility may forfeit the remaining award amount. The recipient shall submit to the Scholarship staff a detailed copy of a class schedule verifying that the recipient is enrolled in twelve credit hours or more at an eligible institution. Documentation must include the student's name, the semester the recipient will attend, institution that they are attending and the number of credits the recipient is enrolled.~~

7.4. **Dropped Hours after Award:** If a recipient drops credit hours after having received the award which results in enrollment below twelve credit hours, the scholarship will be revoked and the student may will no longer be eligible for future awards (see 8.1) unless the student needs fewer than twelve credit hours for completion of a degree.

**R604-8. Continuing Eligibility:** This section establishes the expectations of recipients to renew their award.

8.1 **Reasonable Progress Toward Degree Completion:** The Board may cancel a recipient's scholarship if the student fails to:

8.1.1. **Maintain 3.3 GPA:** to maintain a 3.3 GPA or higher for each semester for which he or she has received awards; or

8.1.2. **Reasonable Progress:** to make reasonable progress (twelve credit hours) toward the completion of a Baccalaureate degree, and submit the documentation by the deadline as described in subsection 8.2. -A recipient must apply and receive an approved deferral or leave of absence

under subsection 8.7 if he or she will not enroll in twelve credit hours continuously for Fall and Spring semesters.

~~8.2. —Duty of Student to Report Reasonable Progress: Each semester, the recipient must submit to the Board a copy of his or her grades to verify that he or she has met the required grade point average and has completed a minimum of twelve credit hours each semester. Recipients will not be paid for the coming semester until the requested documentation has been received. These documents must be submitted by established deadlines.~~

**8.23. Probation:** If a recipient earns less than a 3.3 GPA in any single semester, the recipient must earn a 3.3 GPA or better the following semester to maintain eligibility for the scholarship. If the recipient again at any time earns less than a 3.3 GPA the scholarship will be revoked.

**8.34. Final Semester:** A recipient will not be required to enroll in twelve credit hours if the recipient can complete the degree program with fewer credits.

**8.45. No Awards after Five Years:** The Board will not make an award to a recipient for an academic term that begins more than five years after the recipient's high school graduation date.

**8.56. No Guarantee of Degree Completion:** An award does not guarantee that the recipient will complete his or her Baccalaureate program within the recipient's scholarship eligibility period.

**8.67. Deferral or Leave of Absence:**

~~8.67.1.~~ A recipient shall apply to the Board for a deferral ~~of award or a~~ leave of absence ~~request are reviewed and approved by the institution the student is attending. Student are required to submit deferral and leave of absence request~~ if they do not continuously enroll ~~in fall and spring semester~~ in twelve credit hours.

~~8.67.2.~~ A deferral or leave of absence will not extend the time limits of the scholarship under subsection 8.5.

~~8.67.3.~~ Deferrals or leaves of absence may be granted, ~~at the discretion of the decision maker Board,~~ for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

## R604-9 Appeals

**9.1. Scholarship Determinations:** Submission of a scholarship application does not guarantee a scholarship award. ~~The Scholarship Staff shall review individual scholarship applications and make the awards determination. Awards are based on available funding, applicant pool, and applicants' completion of scholarship criteria by the specified deadline.~~

**9.2. Appeals:** An applicant has the right to appeal the Scholarship Staff's decision by filing an appeal with the Scholarship Appeals Committee subject to the following conditions:

**9.2.1.** Appeals must be ~~hand-delivered to the office or postmarked~~ submitted within 30 days of the date on which the scholarship notification was issued.

**9.2.2** In the appeal, the applicant must provide his or her full name, mailing address, the high school he or she last attended, a statement of the reason for the appeal, and all information



or evidence that supports the appeal. The failure of an applicant to provide the information in this subsection shall not preclude the acceptance of an appeal.

- 9.2.3. An appeal filed before the applicant receives official notification from the Scholarship Staff regarding their application shall not be considered.
- 9.2.4. If an applicant failed to file his or her appeal on time, the Scholarship Appeals Committee shall notify the applicant and give him or her an opportunity to show that the appeal was timely or that it was delayed for excusable neglect. If it is found that the appeal was not timely and the delay was without excusable neglect, the Scholarship Appeals Committee shall not have jurisdiction to consider the merits.
- 9.2.5. The Scholarship Appeals Committee may consider a late appeal on its merits if it determines the appeal was delayed because of excusable neglect.
- 9.2.6. The Scholarship Appeals Committee shall review the appeal to determine if the award decision was made in error, or if the applicant demonstrated substantial compliance with the scholarship application requirements but failed to meet one or more requirements for good cause.
- 9.2.7. If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that the initial decision was made in error, it shall either reverse the initial decision or remand it back to the Scholarship Staff for further review in accordance with the Appeals Committee's instructions.
- 9.2.8. If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that he or she demonstrated substantial compliance with the application process requirements and good cause for failing to meet one or more of the requirements, the Appeals Committee shall grant the applicant a reasonable period of time to complete the remaining requirements and to resubmit the completed application to the Scholarship Staff for a redetermination.
- 9.2.9. The Scholarship Appeals Committee's decision shall be in writing and contain its findings of facts, reasoning and conclusions of law and notice of the right to judicial review.
- 9.2.10. The Scholarship Appeals Committee's decision represents the final agency action. An applicant who disagrees with the Scholarship Appeal Committee's Decision may seek judicial review in accordance with Utah Code Ann. 63G-4-402.

#### R609-10 Reporting

##### 10.1. As directed by Commissioner's staff, eligible institutions shall report to the Board the following:

###### 10.1.1. The names of students the institutions awarded New Century Scholarship funds.

###### 10.1.2. Enrollment information such as the current GPA, the number of credits completed, and deferment or leave of absence information.

###### 10.1.3. Other information deemed necessary to evaluate eligibility or the effectiveness of the program.

10.2. The Board may, at any time, request additional documentation or data related to the Regents Scholarship and may review or formally audit an eligible institution's compliance with this policy.



# MEMORANDUM

TAB E

April 10, 2020

## **Revision of Policy R620, *Access Utah Promise Scholarship***

H.B. 103, *Utah Promise Scholarship Program Amendments* makes a technical change that allows institutions to more efficiently use state funds under this program, while ensuring tuition and fee waivers are still used wherever possible to fund the full amount of the scholarship. This issue was brought to the Commissioner's Office through feedback by the USHE Financial Aid offices.

### **Commissioner's Recommendation**

The Commissioner recommends the Board approve the revisions to Policy R620 to conform to recently adopted legislation.

## R620, Access Utah Promise Scholarship

---

**R620-1 Purpose:** To provide the Board of Regents ("The Board") policy and procedures for implementing the Access Utah Promise Scholarship ("Promise Scholarship"). This program provides a statewide needs-based scholarship program to expand access to postsecondary opportunities for all students who face financial barriers in paying for college. The program provides students an award for up to full tuition and fees in qualifying circumstances.

### R620-2. References<sup>1</sup>

- 2.1. Utah Code [§53B-8-301-304](#) (Access Utah Promise Scholarship Program)
- 2.2. Utah Code [§63G-12-402](#) (Receipt of state, local, or federal public benefits – Verification Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.)
- 2.3. Utah Code [§53B-2-101\(1\)](#) (Institutions of Higher Education)
- 2.4. Utah Code [§53B-8-102](#) (Definition of Resident Student)
- 2.5. Policy and Procedures [R512](#), Determination of Resident Status

### R620-3. Definitions

- 3.1. "Institution" means institutions of higher education listed in Utah Code Section 53B-2-101(1).
- 3.2. "Promise Partner" an employer that has applied to the Board, and has established a Memorandum of Understanding (MOU) with the Board.

### R620-4. Scholarship Administration

- 4.1. **Eligibility:** To qualify for a Promise Scholarship, applicants must meet the following criteria:
  - 4.1.1. Have a high school diploma or equivalent;
  - 4.1.2. Not have previously earned an associate degree or higher postsecondary degree;
  - 4.1.3. Be a resident of the State of Utah under Utah Code [§53B-8-102](#) and Regent Policy [R512](#).
  - 4.1.4. Demonstrate financial need, in accordance with sections 4.2 and 4.7;
  - 4.1.5. Accept all other grants, tuition and/or fee waivers, and scholarships offered to the applicant to attend the institution in which the applicant enrolls; and
  - 4.1.6. Maintain academic good standing as defined by the institution at which they attend.
- 4.2. **Award Criteria:** An institution shall establish criteria to assess an applicant's financial need. The criteria shall use quantifiable, need-based measures (for example, institutions may establish a range with a

---

<sup>1</sup> Adopted May 17, 2019

minimum and maximum Expected Family Contribution (EFC) based on the Free Application for Federal Student Aid within which an eligible recipient's EFC must fall to be eligible for an award). Institutions shall annually revise and publish eligibility criteria by February 1 in all publications referencing the scholarship.

**4.3. Scholarship Award:** The institution may award an amount to each eligible recipient up to the cost of published tuition and fees.

**4.4. Last Dollar In:** When determining the award amount, the institution shall first apply the total value of all grants, ~~tuition waivers, fee waivers,~~ and scholarships the recipient has received. The institution may then award an amount not to exceed the recipient's remaining cost of tuition and fees. If, after the recipient's aid has been packaged and awarded, the student later receives other financial assistance of more than \$500, the institution will appropriately reduce the amount of financial aid disbursed to the student so that the total Promise Scholarship does not exceed the cost of tuition and fees.

**4.5. Scholarship Duration:** A recipient may receive scholarship funds until the earliest of the following events occurs:

4.5.1. Two years after the initial award;

4.5.2. A recipient uses the scholarship for four semesters;

4.5.3. A recipient meets the academic qualifications for an associate degree; or

4.5.4. For USHE institutions that do not offer an associate degree, a recipient earns a cumulative total of 60 credits.

**4.6. Application Process:** Institutions shall establish an application process that applicants can easily access and complete. The Board may require an institution to modify an application or process that is overly cumbersome or confusing.

**4.7. Prioritizing Awards:** An institution shall, when possible, use other funding sources, tuition waivers, and fee waivers to fully fund awards. If an institution, after having exhausted those funding sources, does not have enough appropriated Promise Scholarship funds ~~or other funding sources~~ to award all eligible applicants, it may establish procedures to prioritize which applicants will receive awards based on financial need.

**4.8. Competency-based Assessment:** Institutions shall evaluate a recipient's knowledge, skills, and competencies acquired through formal or informal education outside the traditional postsecondary academic environment, and award appropriate credit for the recipient's prior learning.

**4.9. Outreach:** Institutions may advertise the Promise Scholarship under another name. All publications about the Promise Scholarship shall include disclosure that program funds are limited and subject to change.

## R620-5 Transfers

**5.1.** A recipient may transfer to another institution and retain eligibility for the scholarship, if the recipient meets the qualifications defined in sections 4.2 at the institution to which the recipient is transferring. Recipients are responsible to inform the financial aid office at the institution to which they are transferring that they are receiving the Promise Scholarship at their current institution. The financial aid offices at the respective institutions shall coordinate the transfer of scholarship information. Upon transfer, the institution shall prioritize the award of any eligible recipient before all others awarded in accordance with section 4.7 of

this policy. The institution to which the recipient is transferring shall make adjustments in a recipient's award in accordance with section 4.3 of this policy.

#### **R620-6 Distribution of Award Funds to Institutions**

6.1. As a condition of program participation, an eligible institution's financial aid director will report to the Board the total dollar amount of Federal Pell Grant funds awarded to resident students at the institution for the most recently completed academic year by March 1 each year.

6.1.1. An institution that fails to report the total amount of Pell Grant funds by March 1 is ineligible to participate in the program for the next fiscal year.

6.2. The Board will allocate program funds to eligible institutions in proportion to each eligible institution's percentage of the total Federal Pell Grant funds received for Utah resident students in the most recently completed award year by all participating institutions.

**R620-7 Deferral or Leave of Absence:** A recipient shall apply for a deferral or leave of absence if they do not continuously enroll and wish to continue to receive the scholarship.

7.1. Institutions shall develop a process for recipients to apply for deferrals or leaves of absence, which may be granted for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

#### **R620-8 Utah Promise Partners**

8.1. The Board, in consultation with the Talent Ready Utah Center at the Governor's Office of Economic Development, may select employers as Promise Partners whose employees may be eligible to receive a partner award. The Board shall establish an MOU with any selected Promise Partner that includes requirements related to an employer providing reimbursement to an employee who receives an award. The reimbursement of a Promise Partner to a corresponding recipient employed by that Promise Partner must be applied during the eligible term of the award in accordance with section 4.4. of this policy.

8.2. An employee is eligible to receive an award in accordance with the requirements of section 4.1 of this policy in addition to any criteria and limitations established through a corresponding MOU with a Promise Partner.

8.3. A recipient of an award who is an employee of a Promise Partner is subject to the same conditions as all other recipients under this policy.

#### **R620-9 Reporting**

9.1. During the first year of the program, no later than October 1, 2019, participating institutions shall report to the Board all requested data on Promise Scholarships awarded to date.

9.2. Annually, the Board will distribute a Promise Scholarship performance report template to the director of financial aid of each participating institution before the end of each fiscal year. The institution will submit the completed report by July 31 of each year.

9.3. The Board may, at any time, request additional documentation or data related to the Promise Scholarship and may review or formally audit an institution's compliance with this policy. The institution will cooperate with the Board in providing records and information requested for any scheduled audits or program reviews. Participating institutions shall maintain records substantiating its compliance with all the

program's terms for three years after the end of the award year, or until a program review has been completed and any exceptions raised in the review have been resolved, whichever occurs first. If at the end of the three-year retention period, an audit or program review exception is pending resolution, the institution will retain records for the award year involved until the exception has been resolved.

**R620-10 Institutional Participation Agreement:** Each participating institution will enter into a written agreement with the Board or assigned designee agreeing to abide by the program policies, accept and disburse funds per program rules, provide the required report each year, and retain documentation for the program to support the awards and actions taken. By accepting the funds, the participating institution agrees to the additional following terms and conditions:

**10.1.** The institution may at its discretion use up to three percent of the allocated program funds for its student financial aid administrative expenses.

**10.2.** The institution may not carry forward or carry back from one award year to another any of its Promise Scholarship allocation. Any exception to this rule must be approved in advance by the Board. The institution will inform the Board immediately if it determines it will not be able to utilize all program funds allotted to it for an award year. Absent any exception for a carry forward amount, institutions shall return unused funds to the Board. The Board will redistribute unused to the other eligible institutions as supplemental Promise Scholarship allocations for disbursement during the same award year. The portion of Promise Scholarship allocations budgeted for administrative expenses pursuant to Section 10.1 will not be part of any carryover.

## R620, Access Utah Promise Scholarship

---

**R620-1 Purpose:** To provide the Board of Regents ("The Board") policy and procedures for implementing the Access Utah Promise Scholarship ("Promise Scholarship"). This program provides a statewide needs-based scholarship program to expand access to postsecondary opportunities for all students who face financial barriers in paying for college. The program provides students an award for up to full tuition and fees in qualifying circumstances.

### R620-2. References<sup>1</sup>

- 2.1. Utah Code [§53B-8-301-304](#) (Access Utah Promise Scholarship Program)
- 2.2. Utah Code [§63G-12-402](#) (Receipt of state, local, or federal public benefits – Verification Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.)
- 2.3. Utah Code [§53B-2-101\(1\)](#) (Institutions of Higher Education)
- 2.4. Utah Code [§53B-8-102](#) (Definition of Resident Student)
- 2.5. Policy and Procedures [R512](#), Determination of Resident Status

### R620-3. Definitions

- 3.1. "Institution" means institutions of higher education listed in Utah Code Section 53B-2-101(1).
- 3.2. "Promise Partner" an employer that has applied to the Board, and has established a Memorandum of Understanding (MOU) with the Board.

### R620-4. Scholarship Administration

- 4.1. **Eligibility:** To qualify for a Promise Scholarship, applicants must meet the following criteria:
  - 4.1.1. Have a high school diploma or equivalent;
  - 4.1.2. Not have previously earned an associate degree or higher postsecondary degree;
  - 4.1.3. Be a resident of the State of Utah under Utah Code [§53B-8-102](#) and Regent Policy [R512](#).
  - 4.1.4. Demonstrate financial need, in accordance with sections 4.2 and 4.7;
  - 4.1.5. Accept all other grants, tuition and/or fee waivers, and scholarships offered to the applicant to attend the institution in which the applicant enrolls; and
  - 4.1.6. Maintain academic good standing as defined by the institution at which they attend.
- 4.2. **Award Criteria:** An institution shall establish criteria to assess an applicant's financial need. The criteria shall use quantifiable, need-based measures (for example, institutions may establish a range with a

---

<sup>1</sup> Adopted May 17, 2019



minimum and maximum Expected Family Contribution (EFC) based on the Free Application for Federal Student Aid within which an eligible recipient's EFC must fall to be eligible for an award). Institutions shall annually revise and publish eligibility criteria by February 1 in all publications referencing the scholarship.

**4.3. Scholarship Award:** The institution may award an amount to each eligible recipient up to the cost of published tuition and fees.

**4.4. Last Dollar In:** When determining the award amount, the institution shall first apply the total value of all grants and scholarships the recipient has received. The institution may then award an amount not to exceed the recipient's remaining cost of tuition and fees. If, after the recipient's aid has been packaged and awarded, the student later receives other financial assistance of more than \$500, the institution will appropriately reduce the amount of financial aid disbursed to the student so that the total Promise Scholarship does not exceed the cost of tuition and fees.

**4.5. Scholarship Duration:** A recipient may receive scholarship funds until the earliest of the following events occurs:

4.5.1. Two years after the initial award;

4.5.2. A recipient uses the scholarship for four semesters;

4.5.3. A recipient meets the academic qualifications for an associate degree; or

4.5.4. For USHE institutions that do not offer an associate degree, a recipient earns a cumulative total of 60 credits.

**4.6. Application Process:** Institutions shall establish an application process that applicants can easily access and complete. The Board may require an institution to modify an application or process that is overly cumbersome or confusing.

**4.7. Prioritizing Awards:** An institution shall, when possible, use other funding sources, tuition waivers, and fee waivers to fully fund awards. If an institution, after having exhausted those funding sources, does not have enough appropriated Promise Scholarship funds to award all eligible applicants, it may establish procedures to prioritize which applicants will receive awards based on financial need.

**4.8. Competency-based Assessment:** Institutions shall evaluate a recipient's knowledge, skills, and competencies acquired through formal or informal education outside the traditional postsecondary academic environment, and award appropriate credit for the recipient's prior learning.

**4.9. Outreach:** Institutions may advertise the Promise Scholarship under another name. All publications about the Promise Scholarship shall include disclosure that program funds are limited and subject to change.

## R620-5 Transfers

**5.1.** A recipient may transfer to another institution and retain eligibility for the scholarship, if the recipient meets the qualifications defined in sections 4.2 at the institution to which the recipient is transferring. Recipients are responsible to inform the financial aid office at the institution to which they are transferring that they are receiving the Promise Scholarship at their current institution. The financial aid offices at the respective institutions shall coordinate the transfer of scholarship information. Upon transfer, the institution shall prioritize the award of any eligible recipient before all others awarded in accordance with section 4.7 of

this policy. The institution to which the recipient is transferring shall make adjustments in a recipient's award in accordance with section 4.3 of this policy.

#### **R620-6 Distribution of Award Funds to Institutions**

6.1. As a condition of program participation, an eligible institution's financial aid director will report to the Board the total dollar amount of Federal Pell Grant funds awarded to resident students at the institution for the most recently completed academic year by March 1 each year.

6.1.1. An institution that fails to report the total amount of Pell Grant funds by March 1 is ineligible to participate in the program for the next fiscal year.

6.2. The Board will allocate program funds to eligible institutions in proportion to each eligible institution's percentage of the total Federal Pell Grant funds received for Utah resident students in the most recently completed award year by all participating institutions.

**R620-7 Deferral or Leave of Absence:** A recipient shall apply for a deferral or leave of absence if they do not continuously enroll and wish to continue to receive the scholarship.

7.1. Institutions shall develop a process for recipients to apply for deferrals or leaves of absence, which may be granted for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

#### **R620-8 Utah Promise Partners**

8.1. The Board, in consultation with the Talent Ready Utah Center at the Governor's Office of Economic Development, may select employers as Promise Partners whose employees may be eligible to receive a partner award. The Board shall establish an MOU with any selected Promise Partner that includes requirements related to an employer providing reimbursement to an employee who receives an award. The reimbursement of a Promise Partner to a corresponding recipient employed by that Promise Partner must be applied during the eligible term of the award in accordance with section 4.4. of this policy.

8.2. An employee is eligible to receive an award in accordance with the requirements of section 4.1 of this policy in addition to any criteria and limitations established through a corresponding MOU with a Promise Partner.

8.3. A recipient of an award who is an employee of a Promise Partner is subject to the same conditions as all other recipients under this policy.

#### **R620-9 Reporting**

9.1. During the first year of the program, no later than October 1, 2019, participating institutions shall report to the Board all requested data on Promise Scholarships awarded to date.

9.2. Annually, the Board will distribute a Promise Scholarship performance report template to the director of financial aid of each participating institution before the end of each fiscal year. The institution will submit the completed report by July 31 of each year.

9.3. The Board may, at any time, request additional documentation or data related to the Promise Scholarship and may review or formally audit an institution's compliance with this policy. The institution will cooperate with the Board in providing records and information requested for any scheduled audits or program reviews. Participating institutions shall maintain records substantiating its compliance with all the

program's terms for three years after the end of the award year, or until a program review has been completed and any exceptions raised in the review have been resolved, whichever occurs first. If at the end of the three-year retention period, an audit or program review exception is pending resolution, the institution will retain records for the award year involved until the exception has been resolved.

**R620-10 Institutional Participation Agreement:** Each participating institution will enter into a written agreement with the Board or assigned designee agreeing to abide by the program policies, accept and disburse funds per program rules, provide the required report each year, and retain documentation for the program to support the awards and actions taken. By accepting the funds, the participating institution agrees to the additional following terms and conditions:

**10.1.** The institution may at its discretion use up to three percent of the allocated program funds for its student financial aid administrative expenses.

**10.2.** The institution may not carry forward or carry back from one award year to another any of its Promise Scholarship allocation. Any exception to this rule must be approved in advance by the Board. The institution will inform the Board immediately if it determines it will not be able to utilize all program funds allotted to it for an award year. Absent any exception for a carry forward amount, institutions shall return unused funds to the Board. The Board will redistribute unused to the other eligible institutions as supplemental Promise Scholarship allocations for disbursement during the same award year. The portion of Promise Scholarship allocations budgeted for administrative expenses pursuant to Section 10.1 will not be part of any carryover.



# MEMORANDUM

TAB G

April 10, 2020

## Campus Safety Study

S.B. 80, *Campus Safety Amendments*, requires the State Board of Regents to study and make recommendations for providing public safety services on college and university campuses. The study and any recommendations are due on or before the November 2021 Education Interim Legislative Committee meeting. The Office of the Commissioner will work closely with board leadership and legislative sponsors to establish a primary committee representing institutions, law enforcement, and advocacy organizations as the principals of the study, chaired by a Regent. The committee will rely on additional practitioners, institution leaders, and subject matter experts to inform the study.

### Scope of Study

- Policies and practices for hiring, supervision, and firing of campus law enforcement officers.
- Training of campus law enforcement in responding to incidents of sexual violence or other crimes reported by or involving a student, including training related to lethality or similar assessments.
- How campus law enforcement and local law enforcement respond to reports of incidents of sexual violence or other crimes reported by or involving a student, including supportive measures for victims and disciplinary actions for perpetrators.
- Training provided to faculty, staff, students, and student organizations on campus safety and prevention of sexual violence.
- Roles, responsibilities, jurisdiction, and authority of local law enforcement and campus law enforcement.
- How an institution and local law enforcement coordinate to respond to on-campus and off-campus incidents requiring public safety services.
- Any issues that may affect the timeliness of a response to an on-campus or off-campus incident reported by or involving a student.
- Infrastructure, staffing, and equipment considerations that impact the effectiveness of campus law enforcement or local law enforcement responses to an on-campus or off-campus incident reported by or involving a student.
- The benefits and disadvantages of an institution employing campus law enforcement compared to local law enforcement providing public safety services on an institution campus.
- An institution's compliance with federal and state crime statistic reporting requirements.
- How an institution informs faculty, staff, and students about a crime or emergency on campus.

- National best practices for providing public safety services on institution campuses, including differences in best practices based on the size, infrastructure, location, and other relevant characteristics of a college or university.

**External Partners (Tentative)**

- Utah Department of Health
- Utah Office for Victims of Crime
- Utah Council on Victims of Crime  
local law, districts or special service districts that provide 911 and emergency dispatch service
- Utah Domestic Violence Coalition
- Utah Coalition Against Sexual Violence

**Commissioner's Recommendation**

This is an information item; no action is required.



April 10, 2020

## Veterans Services Report- Five Year Follow-up to Feasibility Study

The attached document provides a follow-up report to a study conducted in 2014 that examined services USHE institutions provide to military veterans. To enhance veteran services at institutions of higher education in the state, the 2014 Utah Legislature required the USHE Board of Regents to:

- Study the feasibility of providing a veterans center or veterans services at each state institution of higher education
- Develop a plan for implementing centers or services
- Prepare a report of the study and plan with recommendations for implementation

In response to this legislation, the Office of the Commissioner of Higher Education conducted a survey among USHE institutions during the fall of 2014. After compiling results, a summary report with recommendations was provided to the USHE Board of Regents.

The report provided to the Board in 2014 was used as a basis by the Utah Department of Veterans and Military Affairs to request and receive legislative funding that has been used to augment veteran services among Utah's postsecondary institutions. Funding for this purpose became available FY 2016-17 and, based on proposals received from institutions, was distributed to institutions each of the last three fiscal years.

In an effort to assess progress made at USHE institutions since the initial veterans services survey was conducted in 2014, the Utah Department of Veterans and Military Affairs and the Commissioner's Office conducted a follow-up survey in late 2019. This document provides an analysis and summary of the 2019 survey.

The following points highlight findings of the 2019 survey:

1. Services to veterans at USHE institutions have become more visible and pronounced. Seven institutions now offer walk-in veterans centers, compared to three institutions in 2014. This is a significant accomplishment on the part of the institutions and reflects an increased priority given to veterans services.

2. Seven of the eight USHE institutions reported providing services in 2019 that they did not provide in 2014. There were 20 instances where a service was reported as not provided by an institution in 2014, but was reported as provided in 2019. Likewise, there were 17 instances where a service was reported as provided in 2014 but was reported as not provided in 2019.
3. Six out of 23 services that were examined in the survey were identified as the highest concentration of services not currently provided by USHE institutions. These services constitute the most significant opportunity for improvement on a statewide basis.
4. Developing a comprehensive set of metrics that measure success of veteran students is a work in progress. While some measures of success have been realized, much work remains to be done to develop metrics that provide meaningful indicators of success for veterans' achievements in higher education programs.

### **Recommendation**

This report is for information to the Academic and Student Affairs Committee of the State Board of Regents; no action is required. Institutions are encouraged to review the report and use its recommendations as guidance for continued improvement to enhance services to military veterans.

### **Attachment**



# GENERAL REPORT

April 2020

Blair K. Carruth, Ph.D.

## Veterans Services Summary Report

The [National Conference on Citizenship's 2017 report on veterans civic health](#)<sup>1</sup> showed that contributions veterans make to their respective communities are significant. In general, veterans were found to be more engaged than non-veterans in volunteerism, community service, political processes, and charitable giving. Along with military service to the country, the lifelong impacts veterans continue to have on society make this nation a better place.

Institutions in the Utah System of Higher Education are committed to serving veterans and helping them succeed in achieving their postsecondary educational goals. Additionally, assisting veterans is an important element in increasing the number of adults in Utah earning college certificates and degrees. Providing specialized support services to veterans while they engage in higher educational programs recognizes their sacrifices, contributions, and the value they provide to society. Providing services to veterans is part of the commitment USHE institutions have to provide opportunities and access for those who desire a postsecondary credential.

This report documents progress made by each USHE institution since 2014 when the Utah System of Higher Education completed [a benchmarking survey on the current state of veterans support services](#)<sup>2</sup> at Utah public colleges and universities. It also identifies opportunities for improvement and provides recommendations.

### Background

To better understand services provided to veterans among USHE institutions, the 2014 Utah Legislature, via [S.B. 68, Veterans Centers](#)<sup>3</sup>, required the USHE Board of Regents to:

- Study the feasibility of providing a veterans center or veterans services at each state institution of higher education
- Develop a plan for implementing centers or services
- Prepare a report of the study and plan with recommendations for implementation

---

<sup>1</sup> National Conference on Citizenship, *2017 Veterans Civic Health Index*, <https://ncoc.org/national-reports-tup/2017-veterans-civic-health-index/>

<sup>2</sup> Utah System of Higher Education, *Walk-in Centers and Services for Veterans Recommendations to the Utah State Board of Regents*, <https://ushe.edu/wp-content/uploads/pdf/reports/VeteransServicesStudy.pdf>

<sup>3</sup> Utah State Legislature, *S.B. 69, Veterans Centers*, <https://le.utah.gov/~2014/bills/static/SBo068.html>



In response to this legislation, the Office of the Commissioner of Higher Education conducted a survey among USHE institutions to assess the [status of veterans services in 2014](#)<sup>4</sup>. After compiling the survey results, a summary report with recommendations was provided to the USHE Board of Regents.

The report provided to the Board in 2014 was used as a basis by the Utah Department of Veterans and Military Affairs to request and receive legislative funding that has been used to augment veterans services among Utah's postsecondary institutions. Funding for this purpose became available FY 2016-17 and, based on proposals received from institutions, was distributed to institutions each of the last three fiscal years.

In an effort to assess progress made at USHE institutions since the initial veterans services survey was conducted in 2014, the Utah Department of Veterans and Military Affairs and the Commissioner's Office conducted a follow-up survey in 2019. This document provides an analysis and summary of the 2019 survey. As with the 2014 survey, the 2019 survey examined the following information:

- The levels of service provided to veterans
- Specific services provided to veterans
- Identification of gaps in service
- Criteria to assess levels of service
- Criteria to assess when a walk-in veterans center would be appropriate for an institution to provide
- Estimated costs associated with service enhancement

In addition, the 2019 survey included a section on metrics that was not part of the [2014 survey](#). Each institution's survey was completed under the direction of the respective institution's chief student affairs officer.

## Summary of Main Findings

The following points highlight findings of the 2019 survey:

1. Services to veterans at USHE institutions have become more visible and pronounced. Seven institutions now offer walk-in veterans centers, compared to three institutions in 2014. This is a significant accomplishment on the part of the institutions and reflects an increased priority given to veterans services.
2. Seven of the eight USHE institutions reported providing services in 2019 that they did not provide in 2014. There were 20 instances where a service was not provided by an institution in 2014, but

---

<sup>4</sup> Utah System of Higher Education, *Walk-in Centers and Services for Veterans Recommendations to the Utah State Board of Regents*, <https://ushe.edu/wp-content/uploads/pdf/reports/VeteransServicesStudy.pdf>

was provided in 2019. There were 17 instances where a service was provided in 2014 but was reported as not provided in 2019.

3. Six out of 23 services that were examined in the survey were identified as the highest concentration of services not currently provided by USHE institutions. These services constitute the most significant opportunity for improvement on a statewide basis.
4. Developing a comprehensive set of metrics that measure success of veteran students is a work in progress. While some measures of success have been realized, much work remains to be done to develop metrics that provide meaningful indicators of success for veterans' achievements in higher education programs.

### **Criteria to Determine Levels of Service to Veterans, Including Walk-in Veterans Centers**

While all institutions within USHE are responsive in providing services for veterans, the services provided vary from one institution to another. In assessing services, it was helpful to consider services by level. In doing so, the following definitions were used:

- **Level 1—Veterans Support Staff:** Institution assigns full-time staff member(s) whose responsibility is to provide services to veterans. These staff members have other responsibilities assigned to them outside of their responsibilities to veterans.
- **Level 2—Dedicated Veterans Support Office:** Institution has at least one position assigned to provide services to veterans on a full-time basis.
- **Level 3—Veterans Services Center:** Institution has at least one position assigned to provide services to veterans on a full-time basis and offers exclusive services to veterans beyond services that are available to all students.
- **Level 4—Veterans Services with Walk-in Veterans Center:** Institution has at least one position assigned to provide services to veterans on a full-time basis, offers exclusive services to veterans beyond services that are available to all students, and provides dedicated space for use by veterans.

Respondents were asked to assess the level at which their institutions provide services to veterans. They were also asked to specify a range of veteran enrollment they believed was reasonable to justify providing each level of service identified above.

Predominately, responses suggested that once an institution enrolls more than 50 students, it should provide services to veterans at Level 4 and that Level 1 was appropriate for institutions enrolling 50 or fewer veterans. Responses showed complete consistency between the level of service at which institutions

reported they operate and the recommended service level at which they believed they should be operating. In the 2014 study, there was a greater range of disparity between actual and recommended levels of service, and at what enrollment a given level of service should be provided. Survey responses show that institutions have made considerable progress increasing levels of service to veterans over the last five years with seven institutions now offering walk-in veterans centers, up from three institutions in 2014.

See Table 1 below.

**Table 1. Current and Recommended Service Levels for Veterans**

	2014 Survey			2019 Survey		
Institution	Estimated Veterans Enrolled Fall 2013*	Self-identified Service Level	Recommended Service Level	Estimated Veterans Enrolled Fall 2019*	Self-identified Service Level	Recommended Service Level
University of Utah	915	4	4	1150	4	4
Utah State University	525	4	4	659	4	4
Weber State University	913	4	4	642	4	4
Southern Utah University	450	1	4	500	4	4
Snow College	46	1	1	15	1	1
Dixie State University	209	2	2	152	4	4
Utah Valley University	900	2	4	935	4	4
Salt Lake Community College	1300	4	4	851	4	4

## Services for Veterans

To further understand veterans services on USHE campuses, respondents were asked to consider not only the level of service their respective institutions provide, but also the breadth of services. The latter refers to the number of actual services provided to veterans.

A list of services was developed for the [2014 survey](#)<sup>5</sup> that included 26 services. This same list was used as a basis for the 2019 survey but was updated to reflect current conditions. The updated list contained 23 of the original 26 services. The services listed in the survey were derived from:





- Conversations and feedback from USHE institutional personnel who work with veterans
- Conversations with executive officers of the [Utah Department of Veterans and Military Affairs](#)<sup>6</sup>
- Members of the Utah Legislative Veterans Reintegration Task Force (now known as the [Veterans and Military Affairs Commission](#)<sup>7</sup>)
- Personnel on the Utah Veterans Education and Training Working Group
- Information gathered from national bodies including the U.S. Department of Veterans Affairs and American Council on Education

For each of the 23 services, respondents were asked to identify which services their respective institutions currently provide to veterans. Additionally, for services that were not currently offered, they were asked to identify which services could be provided without additional costs, which services could be provided with additional funding, and which services would not be feasible to provide even if additional funding were available.

Table 2, below, provides a breakdown of the responses to this inquiry. Results demonstrated that to varying degrees all institutions have opportunities to increase services to veterans. Service items identified in the survey were grouped into two service levels, Service Level 1 and Service Level 4 (since these are the service levels that apply to USHE institutions).

**Table 2. Recommended Services for Veterans by Service Level and Institutions**

Key to Table 2:

-  = Currently provided by institution
-  = Currently not provided by institution but could be provided without additional funding
-  = Currently not provided by institution but could be provided with additional funding
-  = Currently not provided by institution, and is not feasible to provide service even if additional funds were available

\*A color indicated in parentheses denotes the status of the service as reported in the 2014 survey. Where no color is specified in parentheses, there was no change between the 2014 and 2019 surveys.

<sup>5</sup> Utah System of Higher Education, *Walk-in Centers and Services for Veterans Recommendations to the Utah State Board of Regents*, <https://ushe.edu/wp-content/uploads/pdf/reports/VeteransServicesStudy.pdf>

<sup>6</sup> Utah Department of Veterans and Military Affairs, <https://veterans.utah.gov/>

<sup>7</sup> Utah State Legislature, *2019 Veterans and Military Affairs Commission*, <https://le.utah.gov/asp/interim/Commit.asp?Year=2019&Com=SPEVMA>

**Table 2: Service Level 1- Recommended to be provided by all USHE institutions**

Facilitate certification of <a href="#">United States Department of Veterans Affairs educational benefits</a> <sup>8</sup>	U of U	USU	WSU	SUU	Snow	DSU	UVU	SLCC
Provide guidance to help veterans complete the <a href="#">application for United States Department of Veterans Affairs educational benefits</a> <sup>9</sup>	U of U	USU	WSU	SUU	Snow	DSU	UVU	SLCC
Commit to practice the principles of excellence established by Executive Order <a href="#">13607- Establishing Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members</a> <sup>10</sup>	U of U	USU	WSU	SUU	Snow	DSU	UVU	SLCC
Include statement of <a href="#">veterans preference</a> <sup>11</sup> in institutional employee recruitment and hiring documents	U of U	WSU	SUU	Snow	DSU	UVU	SLCC	USU (Blue)
Award credit to veterans for learning demonstrated through prior military experience and training in accordance with <a href="#">Utah Code 53B-16-107</a> <sup>12</sup>	U of U	WSU	SUU	Snow	DSU	UVU	SLCC	USU (Blue)
Provide guidance to help veterans obtain Utah residency status	U of U	USU	WSU	SUU	DSU	UVU	SLCC	Snow (Blue)

<sup>8</sup> U.S. Department of Veterans Affairs, *VA education and training benefits*, <https://www.va.gov/education/>

<sup>9</sup> U.S. Department of Veterans Affairs, *How to apply for the GI Bill and related benefits*, <https://www.va.gov/education/how-to-apply/>

<sup>10</sup> The White House, *Executive Order -- Establishing Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members*, <https://obamawhitehouse.archives.gov/the-press-office/2012/04/27/executive-order-establishing-principles-excellence-educational-instituti>

<sup>11</sup> U.S. Department of Labor, *Veterans' Preference Information*, <https://www.dol.gov/agencies/vets/programs/vetspref>

<sup>12</sup> Utah State Legislature, *Utah Code 53B-16-107, Credit for military service training –Notification – Transferability – Reporting*, <https://le.utah.gov/xcode/Title53B/Chapter16/53B-16-S107.html>

to qualify for in-state tuition								
Advocate for veterans with campus entities and personnel	U of U	USU	WSU	SUU	DSU	UVU	SLCC	Snow (Blue)
Utilize the resources, counsel, and guidance available in the <a href="#">American Council on Education's Toolkit for Veteran Friendly Institutions</a> <sup>13</sup>	U of U	USU (Green)	WSU (Green)	SUU (Green)	DSU	UVU	SLCC	Snow (Blue)
Work with veterans and academic personnel to assist in resolving enrollment and program entry requirement issues	USU	WSU	Snow	DSU	UVU	SLCC	U of U	SUU
Develop tracking system to identify all enrolled veterans each semester including those using VA benefits and those not using VA benefits	U of U	USU (Yellow)	WSU (Green)	DSU (Yellow)	UVU	SLCC	SUU	Snow
Provide guidance to support veterans with admission into educational programs at the institution	WSU	Snow	DSU	UVU	SLCC	U of U (Blue)	USU (Yellow)	SUU

**Table 2: Service Level 4- Recommended to be provided by UU, USU, WSU, DSU, UVU, and SLCC- Service items included in Service Level 1 above plus the following:**

Participate in the <a href="#">United States Department of Veterans Affairs work study program</a> <sup>14</sup>	U of U	USU	WSU	SUU	DSU	UVU (Yellow)	SLCC	Snow
Establish an office that serves as a central point of service for veterans	U of U	WSU	WSU	SUU (Green)	DSU	UVU	SLCC	Snow (Green)
Upon admission, identify and contact veterans to make them aware of veterans services at the institution	U of U (Yellow)	USU	SUU (Green)	DSU (Yellow)	UVU	SLCC	WSU (Yellow)	Snow (Yellow)

<sup>13</sup> American Council on Education, *Toolkit for Veteran Friendly Institutions*, <https://www.acenet.edu/Documents/Veterans-Toolkit-2018.pdf>

<sup>14</sup> U.S. Department of Education, *Work study*, <https://www.va.gov/education/about-gi-bill-benefits/how-to-use-benefits/work-study/>

Contact enrolled veterans each semester and invite them to take advantage of services available to them	U of U	USU (Green)	SUU	DSU (Yellow)	UVU	SLCC	WSU	Snow
Support professional development of veterans service personnel at annual out-of-state meetings such as <a href="#">WAVES</a> <sup>15</sup> or <a href="#">NAVPA</a> <sup>16</sup>	U of U	USU	SUU	DSU	UVU (Green)	SLCC	WSU (Green)	Snow (Blue)
Provide a formal process for veterans issues to be represented or heard within student government or student body organizations	WSU	SUU	UVU (Yellow)	SLCC	U of U	USU	Snow (Grey)	DSU (Blue)
Provide orientation services for veterans who have been recently admitted to the institution	SUU (Green)	UVU	SLCC	U of U (Blue)	USU (Blue)	WSU (Blue)	Snow	DSU (Blue)
Develop and implement outreach training and/or materials designed to help members of the campus community better understand needs and issues of veterans	U of U	SUU (Green)	DSU (Green)	UVU	USU	WSU	SLCC (Blue)	Snow (Green)
Assist veterans to transition from school to the workplace	U of U	SUU (Yellow)	UVU	USU (Yellow)	WSU	DSU	SLCC (Blue)	Snow (Blue)
Contact enrolled veterans each semester to assist them with retention and completion	UVU	SLCC (Green)	U of U (Blue)	USU	WSU	SUU (Yellow)	Snow	DSU
Provide an academic outreach program to help underprepared veterans achieve success in college courses	UVU	SLCC	U of U	USU	WSU	SUU	Snow	DSU
Establish a standing committee composed of academic and	WSU	U of U	USU	DSU	UVU (Blue)	SLCC (Blue)	SUU (Yellow)	Snow (Yellow)

<sup>15</sup> WAVES, *Western Association of Veterans Education Specialists*, <https://www.uswaves.org/>

<sup>16</sup> NAVPA, *National Association of Veterans' Program Administrators*, <https://www.navpa.org/>

student services personnel to discuss common veterans' issues and make recommendations to appropriate individuals and groups for improvement								
--	--	--	--	--	--	--	--	--

## Metrics

The 2019 survey added a section on veteran success metrics. Institutions were asked to provide 11 metrics centered on veteran enrollment, retention, completion, and employment. The ability for institutions to report on all 11 metrics was mixed. Generally, institutions were able to identify veteran enrollment and have made progress in the ability to identify veterans upon enrollment. Likewise, some aspects of retention from one year to the next did not appear to present significant barriers for institutions to measure; however, deeper analysis of non-retained veterans (i.e., transfer to different institutions and employment data) presented challenges in data gathering. For example, not all survey respondents were familiar with or had ready access to Utah unemployment insurance wage records or the [National Student Clearinghouse](#)<sup>17</sup>, where employment and student transfer data are available.

Obtaining meaningful completion data was also met with challenges. Year-to-year completion data were generally available, although this data does not address cohort completion rates, a metric that is a more meaningful measure of completion. Determining an eight-year cohort completion rate presented challenges for several institutions.

Institutional research offices are often over-taxed with existing workloads. New data requests that add to these workloads without commensurate resources can stress the ability of an institution to respond regularly and systematically to on-going data needs.

## Estimated Costs

Institutions were asked to identify costs associated with providing services identified in the blue category of Table 2. While cost information was not provided by all institutions, information that was provided is summarized in Tables 3 and 4 below. Cost information reflects salaries and benefits that are in addition to federal Veterans Administration work-study funds.

<sup>17</sup> National Student Clearinghouse, <https://www.studentclearinghouse.org/>  
UTAH SYSTEM OF HIGHER EDUCATION



**Table 3. One-time Costs: Enhancement of services for veterans and increase in service levels**

Cost Item	U of U	USU	WSU	SUU	Snow	DSU	UVU	SLCC	USHE Total
Acquisition of Space									
Remodeling				10,000		20,000			30,000
Furnishings		5,000		5,000		7,000			17,000
Full-time Salaries				38,000					38,000
Full-time Benefits				5,700					5,700
Part-time staff wages beyond veterans work-study positions									
Part-time staff benefits beyond veterans work-study positions									
Operations and Maintenance									
Current Expense									
Travel, out-of-state									
Travel, in-state									
Other costs (specify) DSU-tutoring/counseling; SUU-Marketing publications, veteran orientation, student mentors									
Subtract costs associated with existing or potential funds that could be used to off-set costs identified above		-30,000							
<b>Total Costs</b>		<b>-25,000</b>		<b>58,700</b>		<b>27,000</b>			<b>90,700</b>

**Table 4. On-going Costs: Enhancement of services for veterans and increase in service levels**

Cost Item	U of U	USU	WSU	SUU	Snow	DSU	UVU	SLCC	USHE Total
Acquisition of Space									
Remodeling				3,000					3,000
Furnishings			1,000	300					1,300
Full-time Salaries	98,000	51,000	40,000	38,000					227,000
Full-time Benefits	39,200	23,460	18,000	5,700					86,360
Part-time staff wages beyond veterans work-study positions		17,160				22,360			39,520
Part-time staff benefits beyond veterans work-study positions		1,373							1,373
Operations and Maintenance	900	18,638				3,900			23,438
Current Expense		5,000	2,500						7,500
Travel, out-of-state	4,000	5,000	12,000			6,500			27,500
Travel, in-state	1,000	2,000				1,000			4,000
Other costs	45,000	21,938				21,000			87,938
Subtract costs associated with existing or potential funds that could be used to offset costs identified above						-3,900			3,900
<b>Total Costs</b>	<b>188,100</b>	<b>145,569</b>	<b>73,500</b>	<b>47,000</b>		<b>50,860</b>			<b>505,029</b>

Notes to on-going costs table (above):

- U of U Salaries and Benefits: Veterans Services Center Assistant Director (\$52K) Veterans Admissions Coordinator (\$46K). These positions would improve staffing in order to increase outreach and support and to provide deliberate support of veteran admissions.
- U of U Travel: Professional development for assistant director and veteran admissions coordinator

- U of U Operations and Maintenance: Cost of a monthly veteran orientation program offered in conjunction with the general transfer orientation. Approximately \$75/month to cover space, parking for speakers, and materials.
- U of U Other: Host Warrior Scholar Program
- USU Other: Academic Bridge Program
- DSU Other: Tutoring Assistance
- DSU Other: Veteran Outreach

## Findings

1. Seven institutions now offer walk-in veterans centers, compared to three institutions in 2014.
2. Tabulating the change in responses from the 2014 survey, seven of the eight USHE institutions reported providing services in 2019 that they did not provide in 2014. Twenty instances were reported where a service was not provided by an institution in 2014, but was provided in 2019. There were 17 instances where a service was provided in 2014 but reported as not provided in 2019.
3. From the list of services measured in the survey, Southern Utah University reported the greatest number of new services offered between 2014 and 2019, with six new services provided to veterans.
4. Areas of highest concentration of services not currently provided include (services are not provided by five of the eight institutions):
  - Provide orientation services for veterans who have been recently admitted to the institution
  - Develop and implement outreach training and/or materials designed to help members of the campus community better understand needs and issues of veterans
  - Assist veterans to transition from school to the workplace
  - Contact enrolled veterans each semester to assist them with retention and completion
  - Provide an academic outreach program to help underprepared veterans achieve success in college courses
  - Establish a standing committee composed of academic and student services personnel to discuss common veterans' issues and make recommendations to appropriate individuals and groups for improvement
5. Institutions generally were able to identify the veteran success metrics related to veteran enrollment and year-to-year retention and completion, although providing deeper analysis pertaining to transfer, employment, and cohort completion rates presented challenges.

6. Combined responses from institutions that provided cost information suggest that \$90,700 of one-time funds and \$505,029 of on-going funds are needed to address service gaps identified by this survey.

## Recommendations

1. Where items are coded in Table 2 as yellow (not currently offered, but could be offered without additional funding), institutions should examine why these services are not offered and develop strategies to provide them.
2. Where items are coded in Table 2 as green (not currently offered, but could be offered with additional funding), institutions should work with the State Department of Veterans and Military Affairs to identify funding from institutional and state sources aimed at reducing the gaps in service, especially in those cases where a service is associated with a Service Level recommended for the institution.
3. Where services were provided in 2014 but were not reported as being provided in 2019, institutions should examine why these services were no longer provided and determine strategies to offer these services, as per recommendations one or two above.
4. For each item having the highest concentration of not being provided (identified in item four of the Findings section above), institutions not providing these services should pay particular attention to developing strategies and approaches to implementing them so as to increase the breadth of services to veterans across the state.
5. Training and resources are needed to assist institutions to gather veteran success metrics, particularly obtaining cohort completion rates and information from Utah's unemployment insurance wage records and the [National Student Clearinghouse](https://www.studentclearinghouse.org/)<sup>18</sup> and then matching this information with institutional data. It is recommended that veteran services stakeholders discuss data needs with institutional research offices to better understand the metrics that are needed—those that can be obtained with existing resources and what additional resources would be needed to address gaps that currently exist in providing veteran success metrics.

---

<sup>18</sup> National Student Clearinghouse, <https://www.studentclearinghouse.org/>  
UTAH SYSTEM OF HIGHER EDUCATION



# MEMORANDUM

TAB A

May 8, 2020

## Southern Utah University – Campus Master Plan

Regent policy R706, *Capital Facilities Master Planning* requires the USHE Board of Regents to review and approve institutional campus master plans every two years. The Board last approved Southern Utah University's master plan in July 2018.

The University seeks to review and approve the current institutional campus master plan. A letter from the institution describing the master plan updates is attached, along with a map. University officials will be present at the meeting to respond to Board questions.

### **Commissioner's Recommendations**

The Commissioner recommends the Board approve the Southern Utah University Master Plan.

### **Attachment**

April 27, 2020

Commissioner David R. Woolstenhulme  
Utah System of Higher Education  
Board of Regents Building, Two Gateway  
60 South 400 West  
Salt Lake City, UT 84101-1284

Subject: 2020 Southern Utah University Campus Master Plan Update

Dear Commissioner Woolstenhulme:

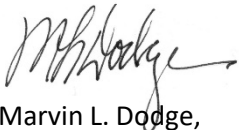
Southern Utah University requests review and approval of an update to its Campus Master Plan per Board of Regent policy. Changes made to this plan are described below and outlined on the master plan map.

- A. Change the Campus Master Plan date from 2018 to 2020
- B. Add restroom concepts to athletic area
- C. Remove demolished houses from the Renaissance block
- D. Adjust campus boundary to include the new President's Residence
- E. Change Windsor Court buildings to red for future replacement
- F. Add SUU on Main – a leased space for Enrollment Management
- G. Illustrate proposed parking at 700 W 200 S and adjust building footprint for the new Academic Building
- H. Adjust the building list and respective map numbers to accommodate the new President's Residence (34), the Child and Family Development Center (6), the Music Technology Center (32), and SUU on Main – Enrollment Management (44)

We have also included a campus map of University properties acquired for the SUU Aviation Program. The University currently owns five (5) separate buildings at the airport. Hangars 1 and 3 are used for aircraft storage, Hangar 2 is the maintenance hangar, Hangar 4 is the home of SUU's new Aviation Maintenance Technician Program, and Building 5 houses office space and fixed and rotor-wing simulators. The airport property will be included in the next comprehensive Campus Master Plan initiative, to be completed prior to July 2022.

I look forward to responding to any questions the Board may have at their next meeting.

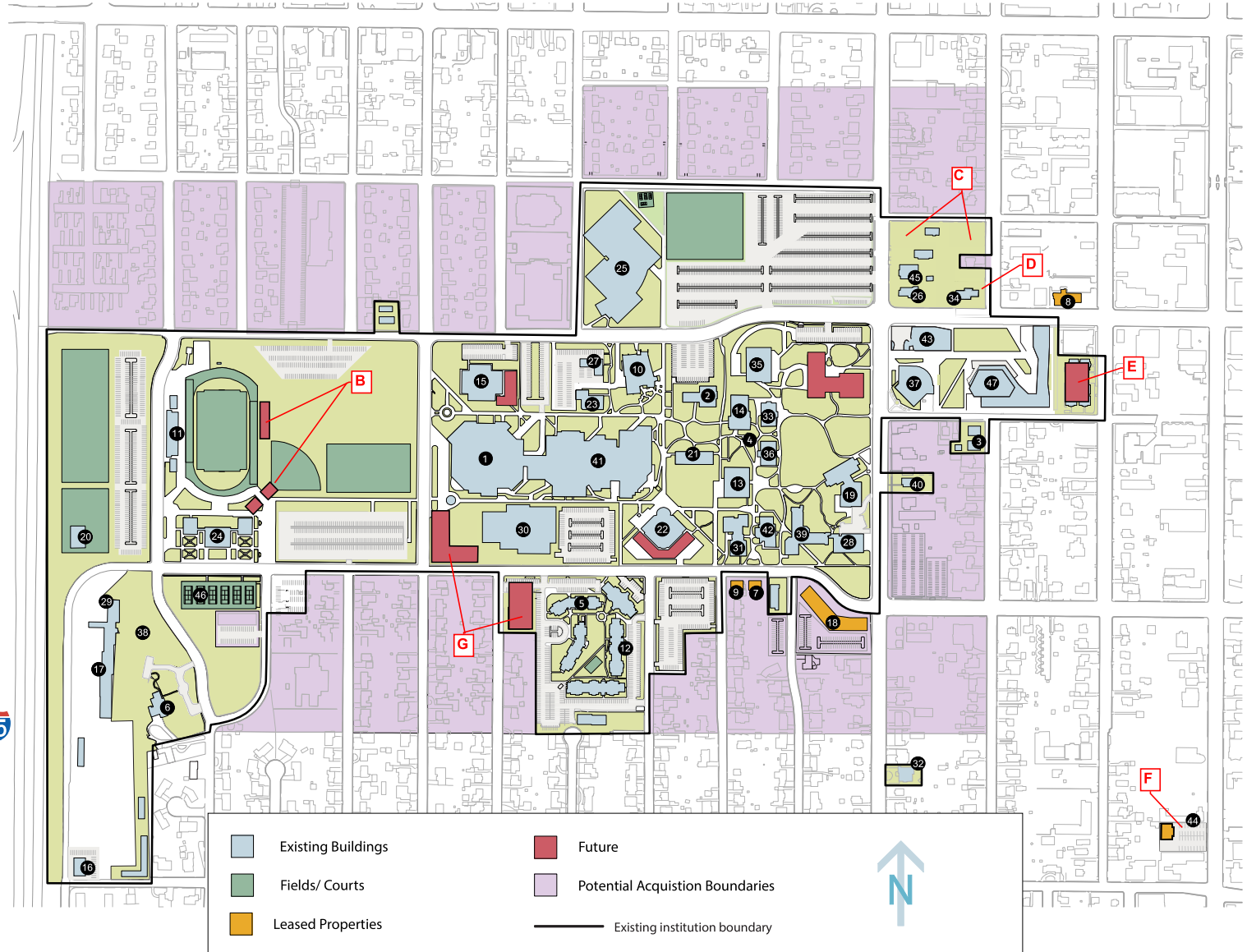
Sincerely,



Marvin L. Dodge,  
CFO, Vice President

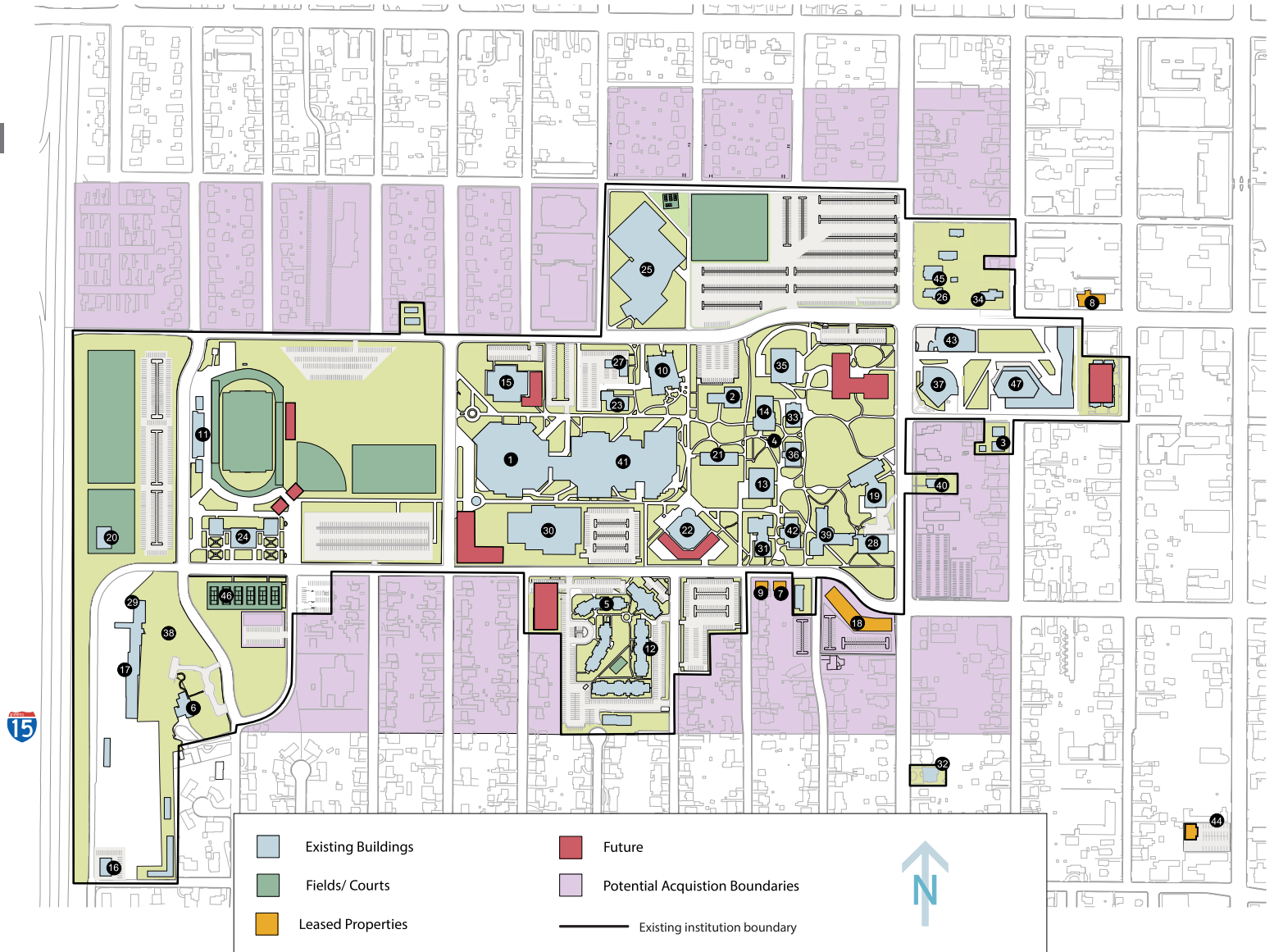
## EXISTING CAMPUS BUILDINGS

1. America First Event Center
2. Bennion Building
3. Burch Mann House
4. Carter Carillon
5. Cedar Hall
6. Child and Family Development Center
7. Community Engagement Center
8. Community Outreach Center
9. Confucius Institute
10. Dixie L. Leavitt School of Business
11. Eccles Coliseum
12. Eccles Living & Learning Center
13. Electronic Learning Center
14. Emma Eccles Jones Education Building
15. Engineering and Technology
16. Facilities Management Administration
17. Facilities Management Shops
18. Founders Hall
19. General Classroom Building
20. George S. Eccles Sports Performance Center
21. Geoscience Building
22. Gerald R. Sherratt Library
23. Heat Plant
24. J.D. & Alice C Harris Center
25. J.L. Sorenson Physical Education Building
26. J. Reuben Clark, Jr. Alumni House
27. Leadership Engagement Center
28. L.S. & Aline W. Skaggs Center for Health & Molecular Sciences
29. Motor Pool
30. Multipurpose Center
31. Music Center
32. Music Technology Center
33. Old Main
34. President's Residence
35. R. Haze Hunter Conference Center
36. R.C. Braithwaite Liberal Arts Center
37. Randall L. Jones Theatre
38. Rocky Mountain Power Challenge Course
39. Science Center
40. Shakespeare Child Care Center
41. Sharwan Smith Student Center
42. South Hall
43. Southern Utah Museum of Art
44. SUU on Main – Enrollment Management
45. SUU Police
46. Tennis Courts
47. Utah Shakespeare Festival



EXISTING CAMPUS BUILDINGS

1. America First Event Center
2. Bennion Building
3. Burch Mann House
4. Carter Carillon
5. Cedar Hall
6. Child and Family Development Center
7. Community Engagement Center
8. Community Outreach Center
9. Confucius Institute
10. Dixie L. Leavitt School of Business
11. Eccles Coliseum
12. Eccles Living & Learning Center
13. Electronic Learning Center
14. Emma Eccles Jones Education Building
15. Engineering and Technology
16. Facilities Management Administration
17. Facilities Management Shops
18. Founders Hall
19. General Classroom Building
20. George S. Eccles Sports Performance Center
21. Geoscience Building
22. Gerald R. Sherratt Library
23. Heat Plant
24. J.D. & Alice C Harris Center
25. J.L. Sorenson Physical Education Building
26. J. Reuben Clark, Jr. Alumni House
27. Leadership Engagement Center
28. L.S. & Aline W. Skaggs Center for Health & Molecular Sciences
29. Motor Pool
30. Multipurpose Center
31. Music Center
32. Music Technology Center
33. Old Main
34. President's Residence
35. R. Haze Hunter Conference Center
36. R.C. Braithwaite Liberal Arts Center
37. Randall L. Jones Theatre
38. Rocky Mountain Power Challenge Course
39. Science Center
40. Shakespeare Child Care Center
41. Sharwan Smith Student Center
42. South Hall
43. Southern Utah Museum of Art
44. SUU on Main – Enrollment Management
45. SUU Police
46. Tennis Courts
47. Utah Shakespeare Festival







## Aviation Instructional Center

1. Hangar 1
2. Hangar 2
3. Hangar 3
4. Hangar 4
5. Matheson Annex

\*SUU intends to develop plans in the near future for an additional building near the airport. This facility would house classrooms, labs, and office space oriented toward aviation and air/power frame instruction.





# MEMORANDUM

TAB B

May 8, 2020

## Southern Utah University – Investment Policy Revision

Regents policy R541, *Management and Reporting of Institutional Investments* requires the Board to approve changes to USHE institutional investment policies. Southern Utah University (SUU) requests approval of revisions to their University Investment Policy to ensure compliance with current financial laws, regulations, and stewardship.

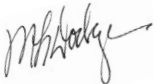
Revisions to the SUU investment policy include: Trustee reporting, management of cash flows, reinstating the Trustee Advisory Committee, Public Treasurer qualifications, and outlining duties and responsibilities of both. Additional updates include allowable investment instruments, asset allocation, appropriate diversification strategies, and risk tolerance. All revisions received approval from applicable University committees and from the Board of Trustees on March 25, 2020. University representatives will be in attendance to address any specific questions.

### **Commissioner's Recommendation**

The Commissioner recommends the Board approve the changes to the SUU investment policy as proposed.

### **Attachment**



Date: April 27, 2020  
To: Utah State Board of Regents  
From: Marvin L. Dodge   
Subject: Revisions to Policy 10.12 *University Investment Policy*

---

The latest revisions to SUU's Investment Policy ensure ongoing compliance with changing financial laws and regulations. They also ensure University leadership is fulfilling its stewardship over investment funds. Policy revisions outlined in this document were drafted by the University Controller in collaboration with Accounting Services and Soltis Investment Advisors, SUU's contracted investment consultant. All revisions are compliant with the Utah Money Management Act and the Uniform Prudent Management of Institutional Funds Act.

Investment policies and procedures for public institutions are highly regulated by the state due to the sensitive nature of public funds and dynamic markets. As such, changes to the Investment policy require approval by both the University Board of Trustees and the Utah State Board of Regents prior to implementation.

General provisions include the management of cash flows to maximize financial returns, monthly and quarterly reporting to Trustees, reinstating the Trustee Investment Advisory Committee, setting qualifications for SUU's Public Treasurer, and outlining the duties and responsibilities of both.

The policy also provides guidelines for appropriate and allowable investment instruments, asset allocation, appropriate diversification, and establishes a long-term horizon to ensure principal growth outpaces inflation while maintaining a rate of return sufficient to meet annual scholarship needs.

Policy revisions received approval from applicable committees within the University, and ultimately by the Board of Trustees on March 25, 2020.



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 1 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

- I. **PURPOSE:** To establish policies and guidelines related to the investment of public funds and the reporting of such investments in accordance with applicable statutes or rules.
- II. **SCOPE:** This policy applies to all funds owned, held, or administered by the University regardless of the source from which these funds are derived.
- III. **REFERENCES:**
  - A. Southern Utah University Policy 5.7 *Conflicts of Interest*
  - B. Utah Administrative Code R628 *Rules of the State Money Management Council*
  - C. Utah Code 51-7 *State Money Management Act*
  - D. Utah Code 51-8 *Uniform Prudent Management of Institutional Funds Act*
  - E. Utah State Board of Regents Policy R541 *Management and Reporting of Institutional Investments*
- IV. **DEFINITIONS:**
  - A. **State Funds:** Public money raised by operation of law for the support and operation of the state government, such as from legislative appropriations for the support and operation of the University.
  - B. **Public Funds:** State funds and all other money, funds, and accounts, regardless of the source, which are owned, held or administered by the University.
  - C. **Donated Funds:** Funds acquired by gift, devise or bequest to the University.
  - D. **Public Treasurer:** A University employee who has been designated by the Board of Trustees as the University's Public Treasurer as defined in the State Money Management Act, and who has the responsibility for the safekeeping and investment of any public funds.
  - E. **Investments:** As used in this policy, investments refer to all funds held by the University under provisions of the State Money Management Act or UPMIFA.
- V. **GENERAL PROVISIONS:**
  - A. The investment of public funds by the University shall comply with applicable



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 2 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

statutory provisions, including the State Money Management Act, the rules of the State Money Management Council, the Uniform Prudent Management of Institutional Funds Act, and with the policies of the State Board of Regents and the Southern Utah University Board of Trustees.

- B. University Objectives: The University shall manage its cash flow in a manner that will maximize cash available for investment. Available funds shall be invested in accordance with the following objectives:
1. Protection and safety of the principal
  2. Liquidity and term of investment which will provide funds for anticipated expenditures in a timely manner
  3. Investment of funds recognizing the needs of both operating accounts and endowed funds
  4. Conformity with state law, pertinent bond resolutions or indentures, or other pertinent legal restrictions
  5. Maximize the rate of return consistent with the foregoing objectives
- C. Investments Administered on an Individual Basis
1. The following types of funds and investments shall be administered on an individual basis in accordance with their terms, restrictions, and/or governing policies:
    - a) Funds held in trust by others, the income of which accrues to the University
    - b) Investments of the State Land Board and any other State agencies administered on behalf of the University
    - c) Investments of funds restricted by donor agreements
    - d) Bond reserve investments in compliance with bond agreements
    - e) Funds approved for individual investment by the Investment Advisory Committee.
- D. Delegation of Responsibility:
1. Board of Trustees
    - a) The State Board of Regents has delegated to each institutional Board of Trustees full responsibility to manage and report institutional investments in compliance with Regents Policy R 541.



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 3 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

- b) The Board of Trustees has investment oversight responsibilities and shall approve the investment policy, and designate a Public Treasurer.
  - c) The Board of Trustees shall review and approve monthly investment reports and quarterly reports of the institution's endowment portfolio.
  - d) The Board of Trustees shall require institutional compliance with the State Money Management Act Rules of the Money Management Council and UPMIFA.
  - e) The Board of Trustees shall approve external professional investment advisor(s) and manager(s) for the University.
  - f) The Board of Trustees shall designate one member as Chair of the Investment Advisory Committee.
- 2. President of the University
  - a) Recommend University investment policies, including changes or modifications, to the Board of Trustees for approval.
  - b) Review and evaluate the University's investment performance through approval of monthly investment reports and quarterly endowment portfolio reports.
  - c) Make recommendations to the Board of Trustees regarding external professional investment advisors and/or managers for the University.
  - d) Recommend to the Board of Trustees an employee to serve as Public Treasurer.
  - e) Appoint up to four (4) individuals to serve on the Investment Advisory Committee at least one (1) of which shall be a qualified investment management professional.
- 3. Public Treasurer
  - a) The Public Treasurer is appointed by the Board of Trustees. If a specific appointment of a Public Treasurer by the Board of Trustees has not been made, the Vice President of Finance and Administration is considered appointed.
  - b) The Public Treasurer shall have:
    - i. Demonstrated investment knowledge and experience through professional endeavors and/or through obtaining financial certifications;



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 4 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

- ii. Integrity and strong moral character;
    - iii. The ability to build relationships with investment, banking, and other personnel;
    - iv. Possess financial acumen with proven ability to educate others on investments.
  - c) The Public Treasurer, in accordance with advice from the Investment Advisory Committee shall:
    - i. Develop and submit investment policies, guidelines, operating procedures, and asset allocation changes to the Investment Advisory Committee for review;
    - ii. Recommend investment policies, including changes or modifications, to the President for approval by the Board of Trustees;
    - iii. Invest and reinvest the proceeds of the investment portfolio(s);
    - iv. Review and evaluate the University's investment performance by reviewing and approving monthly investment reports and quarterly endowment portfolio reports as prescribed for the Board of Trustees;
    - v. Approve the distribution of investment earnings.
    - vi. Contract with independent professional investment advisors and/or managers for the University;
    - vii. Approve and/or ratify University investment actions;
    - viii. Sign Public Treasurer assertion on reports;
    - ix. Supervise the daily investment program operation;
    - x. Approve University investments except as delegated to external investment managers;
    - xi. Meet quarterly, or as needed, with the Board of Trustees to review investment performance.
- 4. Investment Advisory Committee shall include the following members as appointed by the Board of Trustees and President:
  - a) The Public Treasurer;
  - b) The Vice President for Finance and Administration (if not appointed as Public Treasurer);
  - c) One (1) Board of Trustees member appointee, who serves as Chair;



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 5 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

- d) Up to four (4) additional Presidential appointees, of which at least one (1) appointee shall be a qualified investment management professional.
  - e) The Investment Advisory Committee shall:
    - i. Monitor performance of internal and independent investment advisors and/or managers;
    - ii. Review the University's current investment portfolio and investment performance;
    - iii. Review the University's current investment strategy and recommend investment strategy to be employed for the future;
    - iv. Recommend appropriate revisions to investment policies and guidelines;
    - v. Recommend to the Public Treasurer the engagement, termination or continuation of independent investment advisors and/or managers;
    - vi. Forward committee recommendations for investment actions to the Public Treasurer.
    - vii. Consider all other items referred to the committee by the Public Treasurer;
    - viii. Meet at least quarterly or as often as may be necessary to fulfill its function.
5. Internal Investment and Accounting Personnel shall assist the Public Treasurer in managing the operational activities of the investment portfolio(s), including recording, reporting, the execution of investment strategies, and due diligence oversight. These individuals are generally not members of the Investment Advisory Committee, but may attend meetings as needed as support staff.

**VI. POLICY**

- A. Authority to Manage Public Funds:  
The authority to manage the University's public funds, subject to limitations required by paragraph V.C, is delegated to the Public Treasurer or designee. If specifically approved by the Public Treasurer, the authority to invest public funds may also be delegated to independent investment advisors and/or managers, but in no way reduces the role of the Public Treasurer's responsibility for full compliance with the Money Management Act or rules





**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 6 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

of the Money Management Council (see Rule 19.5.2 of the Rules of the Money Management Council).

- B. Approval of Investment Decisions:  
Entering into repurchase agreements, the purchase of money market funds, redemption of securities, and the sale of securities donated to the University, must be approved by one of the following University officials:
- a) President of the University
  - b) Chair of the Investment Advisory Committee
  - c) Public Treasurer
  - d) Vice President of Finance and Administration (if not designated as Public Treasurer)

All other investment purchases must be approved by two of the above listed University officials. No person may engage in investment transactions on behalf of the University except as provided under the terms of this policy.

- C. Investment Pools
- 1. Ordinarily, funds will be pooled for investment purposes.
    - a) Specific investment pools or portfolios may be established to:
      - i. Ensure compliance with specific provisions of the State Money Management Act and rules of the State Money Management Council or UPMIFA.
      - ii. Ensure compliance with any legal restrictions, such as bond covenants or trust agreements.
      - iii. Ensure compliance with donor instruments relating to gifts or bequests.
      - iv. Meet investment objectives of groups of similar accounts.
      - v. Provide liquidity to meet operating need of the University.
    - b) Investment pools may be established only upon approval of the Public Treasurer after consultation with the Investment Advisory Committee.
    - c) Guidelines for the operation and management of each investment pool will periodically be reviewed by the Investment Advisory Committee.
- D. Distribution of Pooled Investment Income:  
Investment income will be distributed to all eligible accounts that provide



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 7 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

funds for investment income distribution. Rates will be recommended by the Public Treasurer and approved by the Investment Advisory Committee. Eligible accounts include endowment, quasi-endowment, or reserve accounts as approved by the President or Public Treasurer. Investment income attributable to other types of accounts shall be credited to the President's discretionary earnings account.

**E. Reporting Requirements:**

1. The Public Treasurer shall submit monthly investments reports of all investment pools, funds managed by external managers, funds separately invested, endowment trusts, and bond reserve funds to the Board of Trustees.
2. All reports shall include the Public Treasurer's assertion that, to the best of the Public Treasurer's knowledge, the institution is in compliance with the Utah State Money Management Act and the rules of the Money Management Council and UPMIFA.
3. The Public Treasurer shall submit a monthly investment performance report to the Secretary of the Board of Trustees within 45 days of the end of each month for inclusion in the agenda of the next Board of Trustees' meeting. Within 30 days of Board of Trustees approval, the University shall submit to the Board of Regents, a copy of the reports submitted to the Board of Trustees.
4. The Public Treasurer shall submit quarterly reports of the endowment portfolio to the Secretary of the Board of Trustees within 45 days of the end of the quarter for inclusion in the agenda of the next Board of Trustees meeting.
5. Semiannually, the University shall submit to the Money Management Council, in form provided by the Council, a written report of investments held at June 30 and December 31 on or before July 31 and January 31 of each year, respectively.
6. Annually, the University shall submit, on forms provided by the Office of the Commissioner of Higher Education, a summary report of all investments under its jurisdiction.
7. The University, through its internal auditors or independent auditors, shall annually audit its institutional investments and shall send the completed audit report to the Board of Regents Audit Manager by January 15 of each year. These audits shall be conducted using generally accepted auditing standards.
8. The Board of Trustees shall submit an annual report to the Governor and the Legislature summarizing all investments under the



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 8 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

University's jurisdiction.

F. Internal Controls:

The University shall establish a system of internal controls which shall be evaluated by University internal auditors and independent external auditors annually. The controls include, but are not limited to the segregation of the investing and recording duties, investing and reporting responsibilities, as well as compliance review, and shall be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties, or imprudent actions by University employees and officers.

VII. INDEPENDENT INVESTMENT ADVISORS

A. The University may use the services of qualified independent investment advisors to conduct investment transactions on behalf of the Public Treasurer as permitted by the State Money Management Act, Rules of the Money Management Council, and University Policy. Due diligence in the selection of any investment advisor and monitoring compliance with these statutes, rules, and policies, and the performance of investment advisors is the responsibility of the Public Treasurer.

B. Independent Investment Advisors shall:

1. Act in accordance with fiduciary responsibilities and applicable statutes, rules and policies;
2. Comply with guidelines and procedures established by the Board of Trustees and/or the Investment Advisory Committee regarding the prudent investment of public funds under the University's jurisdiction;
3. Provide guidance to the Investment Advisory Committee on matters pertaining to the investment of assets;
4. Communicate promptly with the Public Treasurer and/or designated internal investment personnel regarding all significant matters, including but not limited to operational, financial, regulatory, and legal matters, or modifications to the existing investment advisory agreement;
5. Recommend appropriate changes to the investment policies, guidelines, and objectives;
6. Monitor and communicate capital market trends, asset mix and allocation strategies, and strategic rebalancing;
7. Execute timely reallocation of assets, as necessary;
8. Measure, evaluate, and report on the performance of investments and



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 9 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

- investment managers;
- 9. Deliver securities to the University's custodial bank(s) on a delivered versus payment methodology;
- 10. Provide additional recommendations, support, and advice as required.

**VIII. QUALIFIED DEPOSITORIES AND SECURITIES CUSTODIANS:**

- A. Qualified depositories as defined by the State Money Management Act include securities custodians who hold public funds for investment purposes.
- B. Qualified depositories act in the fiduciary status for the University and for public funds held in behalf of the University. As such, they shall:
  - 1. Communicate promptly with the Public Treasurer and/or designated internal investment and accounting personnel regarding all significant matters, including but not limited to operational, financial, regulatory, and legal matters, or modifications to the existing qualified depository agreement;
  - 2. Provide safekeeping of public funds and securities, which include the collection of dividends and interest payments, cash disbursements, and cash flow management as directed;
  - 3. Issue compete and accurate monthly statements of account balances, security holdings, and positions priced in accordance with industry standards, including income and cash flows received.

**IX. ETHICS AND CONFLICTS OF INTEREST:**

The Public Treasurer, University officials, Investment Advisory Committee members, and independent investment advisors and/or managers involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which might impair their ability to make impartial investment decisions. Investment officials shall disclose confidentially to the University President and to University Counsel, any material financial interests in financial institutions that conduct business with the University, and any large personal financial/investment positions that may affect performance of investment duties or the performance of the University's portfolio.

**X. INVESTMENT GROUPINGS AND GUIDELINES**

- A. Cash Management Investment Pool
  - 1. Consists of available cash in excess of estimated daily operating requirements from all University and agency funds.
  - 2. Funds in this pool may only be invested in investments that meet the criteria of the Utah State Money Management Act and Rules of the



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 10 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

- State Money Management Council.
3. Net earnings (realized gains/losses, dividends, and interest [net of expenses]) will be distributed to the fund groups, sub-fund groups, and to specific restricted fund accounts (when required by contractual agreement) that participate in the investment pool. The method of allocation will be based on the average daily cash balance.

**B. Endowment Pool**

1. The endowment pool (Pool) consists of endowment funds that are not restricted by donors as to the type of investment.
2. Investment of these funds are conducted under the total return concept of the Uniform Prudent Management of Institutional Funds Act (UPMIFA), whereby “net appreciations, realized and unrealized, in the fair value of assets of an endowment fund” may be appropriated for expenditure. UPMIFA was adopted into state law under Utah Code Section 51, Chapter 8.
3. The Pool has a long-term investment horizon in excess of ten years and essentially in perpetuity with the primary objective of growth of principal over time. Principal growth should ensure that the real purchasing power of the Pool is maintained after inflation, costs, and spending are considered. A long-term average annual return of 4% above inflation, as measured by the Consumer Price Index (CPI) is reasonable. Hence, the Pool will provide a stable source of financial support for the needs of the University.
4. In order to meet the long-term investment goals of the Pool, it is recognized by the Board that risk is necessary, returns will fluctuate, and market volatility is evident. As such, the Pool will be managed in a manner that seeks to minimize principal fluctuations consistent with the stated objectives over the long-term. Asset allocation will be a major determinant of investment performance. Risk will be minimized through diversification of assets, including international investments. Tolerance for volatility and risk could include declines in the value of the portfolio as great as 20% in any given year and losses as often as four out of ten years to achieve maximum returns. Historical performance is not a guarantee of future performance.
5. These Operating Guidelines will designate how the Pool shall be managed. Once approved by the Board, the Public Treasurer shall have the authority to manage the Pool within these Guidelines without further authorization from the Board.
  - a) Asset Allocation: The Public Treasurer shall invest the Pool



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 11 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

using an asset allocation that is designed to meet the Pool's long-term goals based on the state objectives of the Pool. Decisions are based upon the current economic and market environment as well as historical performance of asset classes.

- b) **Illiquid Investments:** Investments in and commitments to illiquid investment strategies are outside of standard practices. As such, alternative investment strategies are to be executed with professional investment manager funds. Strategies outside of these criteria shall be analyzed and discussed by the Investment Advisory Committee separately for approval.
- c) **Targets and Ranges:** Target allocations and ranges for each investment strategy will be set forth by the Investment Advisory Committee. Deviations from target allocations will occur due to market fluctuations, as well as the necessity for extended period of time to fully implement the asset allocation plan.
- d) **Rebalancing:** To ensure the Pool does not incur undue risks from deviations from the policy portfolio, an asset class analysis will occur on a quarterly basis. As such, asset classes with greater than a 5 percent deviation from the target allocation will be adjusted.
- e) **Standard of Conduct:** In managing and investing the Pool, the University shall:
  - i. Act as a prudent investor would, by considering the purposes, terms, distribution requirements, and other circumstances of the endowment. In satisfying this standard, the University shall exercise reasonable care, skill, and caution;
  - ii. Investment and management decisions respecting individual assets must be evaluated not in isolation but in the context of the endowment portfolio as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the endowment;
  - iii. Consideration of the following factors, if relevant, should be followed:
    - General economic conditions;
    - The possible effect of inflation or deflation;
    - The role that each investment or course of



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 12 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

- action plays within the overall portfolio;
  - The expected total return from income and the appreciation of capital;
  - Needs for liquidity, regularity of income, and preservation or appreciation of capital; and
  - An asset's special relationship or special value, if any, to the purposes of the endowment or to one or more of the beneficiaries.
- iv. Make a reasonable effort to verify facts relevant to the management and investment of the Pool;
- v. Incur only costs that are reasonable and appropriate in relation to the assets, the University purposes, and the skills available to the University.
- f) Delegation: The Public Treasurer, upon advice from the Investment Advisory Committee, and in accordance with Section VII, paragraph A above, may delegate to an external Investment Advisor the investment of all or part of the Pool, subject to any specific limitation set forth in a gift instrument. This delegation, through exercise of reasonable care, skill, and caution ensures that the scope and terms of the delegation are consistent with the purposes of the University and the Pool, as well as ensuring periodic review of actions to ensure that high standards of fiduciary duty are met in compliance with applicable laws and regulations.
- g) Fund Manager Selection: The Public Treasurer, or external advisor(s) as delegated, shall conduct a due-diligence process for selection of fund managers which includes both a qualitative and quantitative evaluation. This process ensures that the recommended fund manager(s) performance and investment style aligns with the University's investment objectives and risk profile as outlined.
- i. Qualitative Evaluation: These factors include, but are not limited to:
- Investment management process, including theory and implementation;
  - Operational capabilities, including personnel, scalability, communication, service, and compliance;
  - Education and professional designations;
  - Industry experience, technical knowledge, and



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 13 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

- application;
- Organizational stability and integrity;
- Investment vehicle structure including inception date, total assets, and expense ratios or fees;
- Investment research capability, including economic factors;
- Audited performance measures;
- Conflicts of interest.
- ii. Qualitative Evaluation: Performance will be measured on a short-term (1-3 years) and longer-term basis (full market cycle) considering positive and negative market cycles. Manager(s) must show top-quartile performance that outperforms their respective benchmark. In addition, manager(s) should have a 5-year track record and at least \$50 million in assets under management.
- h) Fund Manager Removal: Evaluation of managers occurs on a periodic basis. Managers failing to meet the following factors are subject to additional review (Watch Status), with the potential removal from the portfolio:
  - i. Portfolio manager turnover;
  - ii. Significant asset size changes, including large inflows and outflows;
  - iii. Performance issues, which may include and are not limited to the following:
    - Underperforming their specific index on a cumulative total rate of return basis;
    - Lagging performance on a 3-year and 5-year basis in comparison to their respective index (benchmark);
    - Falling below top-quartile performance over a full market cycle.
  - iv. Investment philosophy and/or style deviations from the original selection criteria;
  - v. Significant organizational changes, including but not limited to management changes, ownership changes, and legal issues.
- i) Proxy Voting: Proxies shall be voted on for the exclusive benefit of the participants and beneficiaries of the Pool. Unless specific direction is provided from the Public





**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 14 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

- Treasurer and/or Investment Advisory Committee, then Investment Advisor(s) and Manager(s) shall vote proxies in accordance with this Guideline.
- j) Security Trade Execution: Purchase and sale of securities should be done in a manner designed to receive the combination of best price and execution, regardless of whether the trade is placed by the Public Treasurer or a designated external advisor(s).
  - k) Liquidity: The Pool shall be managed to maintain at least 70% of its assets in highly marketable securities that can be liquidated at market prices if needed.
6. The following Investment Strategies, Guidelines and Restrictions should be followed:
- a) The Pool will be diversified by asset class and within asset classes to mitigate the disproportionate impact that one security or asset class can have on overall performance. For instance, concentration of holdings in individual issues, corporations, or industries will be limited.
  - b) As a general rule, not more than 5 percent of the outstanding shares of any one security may be held. Fixed income securities, excluding U.S. Treasury and federal agency debt will not exceed 5 percent of the total bond portfolio, while not more than 10 percent of the total stock portfolio may be invested in stock of a single issuer. Investments in individual mutual funds will be limited to 15 percent. Aggregate investments in mutual fund families will be limited to less than 30 percent of the Pool. Investments in securities of issuers representing a single major industry shall not exceed 10 percent of the Pool's total market value. Investments in Alternative Investments shall not exceed 10 percent of the Pool's total market value. Quarterly balancing will occur, as necessary.
  - c) Spending:
    - i. Policy spending rate: The policy spending rate for the Pool shall be determined annually by the Investment Advisory Committee, but a spending rate of 4 percent is desirable.
    - ii. Spending formula: The policy spending rate will be applied each fiscal year to the rolling average of the



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 15 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

- previous 12 quarters' ending-period endowment value amount (or shorter period where there is not 12 previous quarters) to determine the annual appropriation.
- iii. Special appropriation and decisions not to spend: The Board of Trustees will approve, with proper notice, any special appropriation or decision not to spend the amount indicated by the spending formula.
- iv. Standard of conduct: Subject to the intent of a donor expressed in a gift instrument, the University may appropriate for expenditure or accumulate so much of the Pool as the Board determines to be prudent for the uses, benefit, purposes, and duration for which each of the separate endowments of the Pool is established. The University shall act in good faith, care, and prudence as an ordinary person would in making a determination to appropriate or accumulate. The following factors, if relevant, would guide the decision:
- The purposes of the University and the investment;
  - General economic conditions;
  - The possible effect of inflation or deflation;
  - The expected total return from income and the appreciation of investments;
  - The duration and preservation of the Pool;
  - Other resources of the University; and
  - University's investment policy.
- d) Equity Securities: This asset class includes domestic and international common stock, American Depository Receipts (ADRs), preferred stock, and convertible stock which meet the total return objectives of the Pool. Their purpose is to provide capital appreciation, growth of income, and current income. Equity holdings shall be restricted to quality, readily marketable securities of actively traded corporations on the major U.S. and International exchanges. For the purpose of reporting, balanced funds, real estate investment trusts (REITs), and pooled or commingled investment funds without a clear primary purpose are also categorized as equity investments.
- e) Fixed Income Securities: This asset class includes, but is not



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 16 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

limited to, U.S. Treasury, federal agencies, U.S. government guaranteed obligations, non-U.S. dollar denominated securities, public and private corporate debt, mortgages and asset-backed securities, and non-investment grade debt. Also included are money market instruments such as commercial paper, certificates of deposit, time deposits, bankers' acceptances, repurchase agreements, and U.S. Treasury and agency obligations. Fixed income investments shall be quality, readily marketable securities where credit quality, sector, duration and issuer concentrations are considered. Their purpose is to provide a current income stream, reduce overall Pool volatility, and provide appropriate hedges for deflation or inflation, as needed. Active management of fixed income securities is preferred to capitalize on opportunities arriving from mergers or acquisitions, credit rating changes, interest rate volatility, spread changes, or other abnormalities.

- f) Cash and Equivalents: This asset class includes high quality commercial paper (A-1, P-1 or higher, maturing in 360 days or less), repurchase agreements, U.S. Treasury Bills, certificates of deposit, and money market funds. Their purpose is to act as a depository for income distributions, temporary hold funds for further investment, spending or expense needs, and preserve the Pool's principal value. Cash reserves will be kept at a minimum.
- g) Alternative Investments: This asset class consists of the below permitted investments for the Pool, subject to the Guidelines set forth in each section:
  - i. Marketable Alternative Strategies: Investments may include, but not limited to domestic and international equity-oriented or market-neutral hedge funds.
  - ii. Private Capital: Investment allocations may include venture capital, private equity and international private capital investments. Such investments are typically held in the form of professionally managed pooled limited partnerships and must be purchased through professional investment manager funds.
  - iii. Energy & Natural Resources: Investments may include oil, gas, commodity-based, and timber investments. Such investments are typically held in the form of professionally managed pooled limited



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 17 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

- partnerships and must be purchased through professional investment manager funds.
- iv. Private Equity Real Estate: Investments may include income producing commercial and residential property exclusive of professionally managed pooled real estate investment funds (REITs).
  - v. Distressed Debt: Investments may include the debt securities of companies undergoing bankruptcy or reorganization. Such investments must be purchased through professionally managed funds.
  - vi. Derivatives and Derivative Securities: Derivatives are contracts or securities whose market value is related to the value of another security, index, or financial instrument. Investments in derivatives include, but are not limited to futures, forwards, options, options of futures, warrants, and interest-only and principal-only strips. Derivative investment strategies are appropriate for hedging market, interest rate, or currency risk, adjusting duration, as well as maintaining or gaining cost-effective exposure to a desired asset class. Counterparty risk, investment manager(s) experience, applicable internal controls, and the strategy and nature of the investment are important considerations. Speculative derivative investments are not permissible.
  - vii. Lending: Loans of Quasi-Endowment funds may be executed with approval from the Investment Advisory Committee, as a method to provide capital inflows for institutional purposes as the endowment continues to generate income. These loans are not included in the existing spending policy. Loan documentation is required, as well as applicable revenues to ensure payback within a reasonable timeframe. Loans are executed at prevailing market interest rates in a fixed and/or variable fashion. Securities lending is also a permissible form of generating income for the Pool. A separate written agreement and appropriate custody of assets is required.
  - viii. Investment Restrictions: The Investment Advisory Committee may modify or waive any of the restrictions or guidelines as a result of a



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**  
**Date Approved: 07/27/90**  
**Date Amended: 03/25/20**  
**Reviewed w/no Changes:**  
**Office of Responsibility: VPFA**  
**Page 18 of 18**

---

**UNIVERSITY INVESTMENT POLICY**

---

comprehensive review of an investment manager(s) or strategy. As such, an addendum which supports these actions and reporting to the Board of Trustees at the next scheduled meeting is required.

**C. Separately Invested Funds:**

These are separate investments (non-pooled) generally consisting of donor restricted investments, investments under annuity agreements with donors, investments of agency funds, endowment and other trusts, or other separate investments recommended by the Investment Advisory Committee. Dividends, interest, realized gains or losses, and any associated expenses are recorded directly upon receipt of payment to the individual fund.

**D. Trust Funds:**

These funds are separate investments consisting of monies managed by an external trustee as part of a specific funding agreement. Investments are made pursuant to the funding agreement. Investments of Trust Funds are reviewed and discussed by the external trustee and the Public Treasurer to assure the maximum possible earnings are attained.



SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 10.12

Date Approved: 07/27/90

Date Amended: 05/04/12

Reviewed w/no Changes:

Office of Responsibility: VP FA Fin & Gov Rel Admin

Page 1 of 26

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

I. PURPOSE: To establish University policies and procedures-guidelines related to the investment of public funds and gifts and the reporting of such investments in accordance with applicable statutes or rules.

II. SCOPE: This policy applies to all funds owned, held, or administered by the University regardless of the source from which these funds are derived.

III. REFERENCES:

A. Southern Utah University Policy 5.7 *Conflicts of Interest Policy* (SUU Policy 5.7)

B. Utah Administrative Code R628 *Rules of the State Money Management Council*

A.C. Utah Code 51-7 *State Money Management Act, Section 5, Chapter 7* (Utah Code 51-7)

B.D. Utah Code 51-8 *Uniform Prudent Management of Institutional Funds Act, Section 51, Chapter 8* (UPMIFA) (Utah Code 51-8)

E. Utah State Board of Regents Policy R541 *Management and Reporting of Institutional Investments*

C.A. *Conflicts of Interest Policy* (SUU Policy 5.7)

D. *Investment Guidelines and Investment Groupings*

IV. DEFINITIONS:

A. State Money Funds:— Monies Public money raised by operation of law for the support and operation of the state government, such as from legislative appropriations for the support and operation of the University.

B. Public Funds:— State money funds and all other money, funds, and accounts, regardless of the source, which are owned, held or administered by the University.

C. Donated Funds:— Funds acquired by gift, devise or bequest to the University. by gift, devise or bequest.

D. Public Treasurer:— A University employee who has been designated by the Board of Trustees as the University's Public Treasurer as defined in the State Money Management Act, and who has the responsibility for the safekeeping and investment of any public funds.

E. Investments:— As used in this policy, "investments" refers to all funds held



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**

**Date Approved: 07/27/90**

**Date Amended: 05/04/12**

**Reviewed w/no Changes:**

**Office of Responsibility: VP FA ~~Fin & Gov Rel~~ Admin**

**Page 2 of 26**

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

by the University under provisions of the State Money Management Act or UPMIFA.

**V. GENERAL PROVISIONS:**

A. The investment of public funds by the University shall comply with applicable statutory provisions, including the State Money Management Act, the rules of the State Money Management Council, the Uniform Prudent Management of Institutional Funds Act, and with the policies of the State Board of Regents and the Southern Utah University Board of Trustees. ~~The President of the University shall recommend for appointment by the Board of Trustees, an employee of the University to serve as the University's Public Treasurer and employees to serve as the Treasurer's designees. These nominees shall possess demonstrated skills and capabilities in the management of institutional cash and investments.~~

B. ~~University Objectives:~~— The University shall manage its cash flow in a manner that will maximize cash available for investment. Available funds shall be invested in accordance with the following objectives:

1. Protection and safety of the principal
2. Liquidity and term of investment which will provide funds for anticipated expenditures in a timely manner
3. Investment of funds recognizing the needs of both operating accounts and endowed funds
4. ~~Conformity to~~ with state law, pertinent bond resolutions or indentures, or other pertinent legal restrictions
5. Maximize the rate of return consistent with the foregoing objectives

B.C. ~~Investments Administered on an Individual Basis~~

1. The following types of funds and investments shall be administered on an individual basis in accordance with their terms, restrictions, and/or governing policies:
  - a) Funds held in trust by others, the income of which accrues to the University
  - b) Investments of the State Land Board and any other State agencies administered on behalf of the University
  - c) Investments of funds restricted by donor agreements
  - d) Bond reserve investments in compliance with bond agreements
  - e) Funds approved for individual investment by the Investment



SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 10.12

Date Approved: 07/27/90

Date Amended: 05/04/12

Reviewed w/no Changes:

Office of Responsibility: VP FA ~~Fin & Gov~~ RelAdmin

Page 3 of 26

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

Advisory Committee.

C.D. Delegation of Responsibility:

1. Board of Trustees

- a) The State Board of Regents has delegated to each institutional Board of Trustees full responsibility to manage and report institutional investments in compliance with Regents Policy R-541.
- b) The Board of Trustees has investment oversight responsibilities and shall ~~adopt institutional~~ approve the investment policy ~~and procedure regarding investments, and~~ designate a Public Treasurer, ~~and approve the format of reports submitted for its review.~~
- c) The Board of Trustees shall review and approve monthly investment reports ~~of portfolio activity~~ and quarterly ~~performance~~ reports of the institution's endowment portfolio.
- d) The Board of Trustees shall require institutional compliance with the State Money Management Act Rules of the Money Management Council and UPMIFA.
- e) The Board of Trustees shall approve external professional investment advisor(s) and manager(s) for the University.
- f) The Board of Trustees shall designate one member as Chair of the Investment Advisory Committee.

2. President of the University

- a) Recommend University investment policies, including changes or modifications, to the Board of Trustees for approval.
- b) Review and evaluate the University's investment performance through approval of monthly investment reports and quarterly endowment portfolio reports.
- c) Make recommendations to the Board of Trustees regarding external professional investment advisor~~(s)~~s and ~~/or~~ manager~~(s)~~s for the University.
- d) Recommend to the Board of Trustees an employee to serve as Public Treasurer ~~and other employees to serve as designees.~~
- e) Appoint up to four (4) individuals to serve on the Investment Advisory Committee at least one (1) of which shall be a qualified investment management professional.





SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 10.12

Date Approved: 07/27/90

Date Amended: 05/04/12

Reviewed w/no Changes:

Office of Responsibility: VP ~~FA~~ Fin & Gov Rel Admin

Page 4 of 26

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

3. Public Treasurer

- a) The Public Treasurer is appointed by the Board of Trustees. If a specific appointment of a Public Treasurer by the Board of Trustees has not been made, the Vice President of Finance and Administration is considered appointed.
- b) The Public Treasurer shall have:
  - i. Demonstrated investment knowledge and experience through professional endeavors and/or through obtaining financial certifications;
  - ii. Integrity and strong moral character;
  - iii. The ability to build relationships with investment, banking, and other personnel;
  - iv. Possess financial acumen with proven ability to educate others on investments.
- c) The Public Treasurer, in accordance with advice from the Investment Advisory Committee shall:
  - i. Develop and submit investment policies, ~~guidelines,~~ operating procedures, and asset allocation changes to the Investment Advisory Committee for review;
  - ii. ~~and~~ Recommend investment policies, including changes or modifications, to the President for approval by the Board of Trustees;
  - a)iii. Invest and reinvest the proceeds of the investment portfolio(s);
  - b)iv. Review and evaluate the University's investment performance ~~by reviewing and approving monthly investment reports and quarterly endowment portfolio reports as prescribed for the Board of Trustees;~~
  - i.v. Approve the distribution of investment earnings.
  - e)vi. ~~Make recommendations to the President regarding external~~ Contract with independent professional investment advisor(s) and/or manager(s) for the University;
  - d)vii. Approve and/or ratify University investment actions;
  - e)viii. Sign Public Treasurer assertion on reports;
  - f)ix. Supervise the daily investment program operation;
  - g)x. Approve University investments except as delegated to external investment managers;



SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 10.12

Date Approved: 07/27/90

Date Amended: 05/04/12

Reviewed w/no Changes:

Office of Responsibility: VP FA ~~Fin & Gov Rel~~ Admin

Page 5 of 26

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

- ~~h) — Prepare an annual presentation of Investment Performance for the Board of Trustees.~~
- ~~i) xi. Meet quarterly, or as needed, with the President's Council Board of Trustees to review investment performance.~~
- ~~j) — Supervise the preparation of the transmittal letter for the President's signature transmitting applicable reports to the State Board of Regents.~~
- ~~k) xii. Approve quasi-endowment account requests to the Public Treasurer.~~

4. Investment Advisory Committee shall include the following members as appointed by the Board of Trustees and President:

- ~~a) The Public Treasurer;~~
- ~~a) b) The Vice President for Finance and Administration (if not appointed as Public Treasurer);~~
- ~~b) c) Two (2) One (1) Board of Trustees member appointees, one who serves as Chair;~~
- ~~e) d) Up to four (4) additional Presidential appointees, of which at least one (1) appointee shall be a qualified investment management professional.~~

~~At least two (2) committee members must be qualified investment management professionals.~~

~~5-c)~~ The Investment Advisory Committee shall:

- ~~a) i. Monitor performance of internal and external investment managers independent investment advisors and/or managers;~~
- ~~b) ii. Review the University's current investment portfolio and investment results performance;~~
- ~~e) iii. Review the University's current investment strategy and recommend investment strategy to be employed for the future;~~
- ~~d) iv. Recommend appropriate revisions to investment policies and guidelines;~~
- ~~e) v. Recommend to the Board of Trustees Public Treasurer the engagement, termination or continuation of external mangers and investment advisors independent investment advisors and/or managers;~~
- ~~f) vi. Forward committee recommendations for investment actions to the Public Treasurer.~~



SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 10.12

Date Approved: 07/27/90

Date Amended: 05/04/12

Reviewed w/no Changes:

Office of Responsibility: VP FA Fin & Gov Rel Admin

Page 6 of 26

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

i.vii. Consider all other items referred to the committee by the Public Treasurer;

viii. Meet at least quarterly or as often as may be necessary to fulfill its function.

6.5. Internal Investment and Accounting Personnel shall assist the Public Treasurer in managing the operational activities of the investment portfolio(s), including recording, reporting, the execution of investment strategies, and due diligence oversight. These individuals are generally not members of the Investment Advisory Committee, but may attend meetings as needed as support staff.

VI. POLICY

A. Authority to Manage Public Funds:-

The authority to manage the University's public funds, subject to ~~investment transaction approvals~~ limitations required by paragraph V.BC, is delegated to the ~~University's~~ Public Treasurer or designee. If specifically approved by the ~~Board of Trustees~~ Public Treasurer, the authority to invest public funds may also be delegated to independent investment advisors and/or manager(s), but in no way reduces the role of the Public Treasurer's responsibility for full compliance with the Money Management Act or rules of the Money Management Council (see Rule 19.5.2 of the Rules of the Money Management Council).

B. Approval of Investment Decisions:-

Entering into repurchase agreements, the purchase of money market funds, redemption of securities, and the sale of securities donated to the University, ~~in accordance with paragraph IV.C,~~ must be approved by one of the following University officials:

- a) President of the University
- b) Chair of the Investment Advisory Committee
- c) Public Treasurer or designee
- e)d) Vice President of Finance and Administration (if not designated as Public Treasurer)

All other investment purchases must be approved by two of the above listed University officials. No person may engage in ~~an~~ investment transactions on behalf of ~~Southern Utah~~ the University except as provided under the terms of this policy.



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**

**Date Approved: 07/27/90**

**Date Amended: 05/04/12**

**Reviewed w/no Changes:**

**Office of Responsibility: VP FA ~~Fin & Gov Rel~~ Admin**

**Page 7 of 26**

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

**C. Investment Pools**

1. Ordinarily, funds will be pooled for investment purposes.
  - a) Specific investment pools or portfolios may be established to:
    - i. Ensure compliance with specific provisions of the State Money Management Act and rules of the State Money Management Council or UPMIFA.
    - ii. Ensure compliance with any legal restrictions, such as bond covenants or trust agreements.
    - iii. Ensure compliance with donor instruments relating to gifts or bequests.
    - iv. Meet investment objectives of groups of similar accounts.
    - v. Provide liquidity to meet operating need of the University.
  - b) Investment pools may be established only upon approval of the ~~President or the~~ Public Treasurer after consultation with the Investment Advisory Committee ~~and the Chair of the Board of Trustees.~~
  - c) Guidelines for the operation and management of each investment pool will periodically be reviewed by the Investment Advisory Committee.

- D. Distribution of Pooled Investment Income:—**  
Investment income will be distributed to all eligible accounts that provide funds for investment income distribution. ~~rates~~ Rates will be recommended by the ~~Investment Advisory Committee~~ Public Treasurer and approved by the ~~Public Treasurer~~ Investment Advisory Committee.  
Eligible accounts include endowment, quasi-endowment, or reserve accounts as approved by the President or Public Treasurer. Investment income attributable to other types of accounts shall be credited to the President's discretionary earnings account.

- E. Reporting Requirements:—**
1. The Public Treasurer shall submit monthly investments reports of ~~the Cash Management~~ all Investment investment Pool ~~pools~~, funds managed by external managers, funds separately invested, endowment trusts, and bond reserve funds ~~monthly~~ to the Board of Trustees.
  2. All reports shall include the Public Treasurer's assertion that, to the best of the Public Treasurer's knowledge, the institution is in



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**

**Date Approved: 07/27/90**

**Date Amended: 05/04/12**

**Reviewed w/no Changes:**

**Office of Responsibility: VP FA Fin & Gov Rel Admin**

**Page 8 of 26**

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

- compliance with the Utah State Money Management Act and the rules of the Money Management Council and UPMIFA.
3. The Public Treasurer shall submit a monthly investment performance report to the Secretary of the Board of Trustees within 45 days of the end of each month for inclusion in the agenda of the next Board of Trustees' meeting. Within 30 days of Board of Trustees approval, the University shall submit to the Board of Regents, a copy of the reports submitted to the Board of Trustees.
  4. The Public Treasurer shall submit quarterly reports of investment-the endowment portfolios to the Secretary of the Board of Trustees within 45 days of the end of the quarter for inclusion in the agenda of the next Board of Trustees meeting.
  5. ~~The University shall submit to the Board of Regents a copy of the reports submitted to its Board of Trustees within 60 days-~~ of Semiannually, the University shall submit to the Money Management Council, in form provided by the Council, a written report of investments held at June 30 and December 31 on or before July 31 and January 31 of each year, respectively.  
~~submission to the Board of Trustees. Reports submitted to the Board of Regents shall be accompanied by a transmittal letter to the commissioner of the Utah System of Higher Education indicating that the President has reviewed the reports.~~
  6. Annually, the University shall submit, in the format determined on forms provided by the Office of the Commissioner of Higher Education, a summary report of ~~its money management activities for the prior fiscal year~~ all investments under its jurisdiction. ~~The report shall include the University's internal auditor's opinion regarding: (1) the fairness of the report in accordance with generally accepted accounting principles, and (2) compliance with the applicable state statutes, in particular, the State Money Management Act, rules of the Money Management Council, the Uniform Prudent Management of Institutional Funds Act, or policies of the Board of Trustees and the State Board of Regents.~~
  7. The University, through its internal auditors or independent auditors, shall annually audit its institutional investments and shall send the completed audit report to the Board of Regents Audit Manager by January 15 of each year. These audits shall be conducted using generally accepted auditing standards.
  - 6.8. The Board of Trustees shall submit an annual report to the Governor and the Legislature summarizing all investments under the University's jurisdiction.



SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 10.12

Date Approved: 07/27/90

Date Amended: 05/04/12

Reviewed w/no Changes:

Office of Responsibility: VP FA Fin & Gov Rel Admin

Page 9 of 26

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

F. Internal Controls:—

The University shall establish a system of internal controls which shall be evaluated by University internal auditors and independent external auditors annually. The controls include, but are not limited to the segregation of the investing and recording duties, investing and reporting responsibilities, as well as compliance review, and shall be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties, or imprudent actions by University employees and officers.

VII. INDEPENDENT INVESTMENT ADVISORS

A. The University may use the services of qualified independent investment advisors ~~for to conduct~~ investment ~~consultation and performance review~~ transactions on behalf of the Public Treasurer as permitted by the State Money Management Act, Rules of the Money Management Council, and University Policy. Due diligence in the selection of any investment advisor and monitoring compliance with these statutes, rules, and policies, and the performance of investment advisors is the responsibility of the Public Treasurer. Any such qualified advisor will be required to submit quarterly performance review reports to the Public Treasurer and Investment Advisory Committee. The qualified advisor must possess knowledge of the Utah State Money Management Act, the Rules of the Money Management Council, and the Uniform Prudent Management of Institutional Funds Act.

B. Independent Investment Advisors shall:

1. Act in accordance with fiduciary responsibilities and applicable statutes, rules and policies;
2. Comply with guidelines and procedures established by the Board of Trustees and/or the Investment Advisory Committee regarding the prudent investment of public funds under the University's jurisdiction;
3. Provide guidance to the Investment Advisory Committee on matters pertaining to the investment of assets;
4. Communicate promptly with the Public Treasurer and/or designated internal investment personnel regarding all significant matters, including but not limited to operational, financial, regulatory, and legal matters, or modifications to the existing investment advisory agreement;
5. Recommend appropriate changes to the investment policies, guidelines, and objectives;
6. Monitor and communicate capital market trends, asset mix and allocation strategies, and strategic rebalancing;





SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 10.12

Date Approved: 07/27/90

Date Amended: 05/04/12

Reviewed w/no Changes:

Office of Responsibility: VP FA Fin & Gov Rel Admin

Page 10 of 26

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

7. Execute timely reallocation of assets, as necessary;
8. Measure, evaluate, and report on the performance of investments and investment managers;
9. Deliver securities to the University's custodial bank(s) on a delivered versus payment methodology;
10. Provide additional recommendations, support, and advice as required.

VIII. RELATIONSHIPS WITH FINANCIAL INSTITUTIONS QUALIFIED DEPOSITORIES AND SECURITIES CUSTODIANS:

- A. Qualified depositories as defined by the State Money Management Act ~~shall be selected and retained in accordance with Regents Policy R-543~~ include securities custodians who hold public funds for investment purposes.
- B. Qualified depositories act in the fiduciary status for the University and for public funds held in behalf of the University. As such, they shall:
  1. Communicate promptly with the Public Treasurer and/or designated internal investment and accounting personnel regarding all significant matters, including but not limited to operational, financial, regulatory, and legal matters, or modifications to the existing qualified depository agreement;
  2. Provide safekeeping of public funds and securities, which include the collection of dividends and interest payments, cash disbursements, and cash flow management as directed;
  3. Issue complete and accurate monthly statements of account balances, security holdings, and positions priced in accordance with industry standards, including income and cash flows received.

IX. ETHICS AND CONFLICTS OF INTEREST:

The Public Treasurer, University officials, ~~and~~ Investment Advisory Committee members, and independent investment advisors and/or managers involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which might impair their ability to make impartial investment decisions. Investment officials shall disclose confidentially to the University President and to ~~the~~ University Counsel, any material financial interests in financial institutions that conduct business with the University, and any large personal financial/investment positions that may affect performance of investment duties or the performance of the University's portfolio.

X. INVESTMENT GROUPINGS AND GUIDELINES ~~AND INVESTMENT GROUPINGS~~

- A. Purpose: Cash Management Investment Pool



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**

**Date Approved: 07/27/90**

**Date Amended: 05/04/12**

**Reviewed w/no Changes:**

**Office of Responsibility: VP FA Fin & Gov Rel Admin**

**Page 11 of 26**

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

~~To establish University guidelines and groupings related to the investment of all funds within the control of the University.~~

- ~~1. Consists of available cash in excess of estimated daily operating requirements from all University and agency funds.~~
- ~~2. Funds in this pool may only be invested in investments that meet the criteria of the Utah State Money Management Act and Rules of the State Money Management Council.~~
- ~~3. Net earnings (realized gains/losses, dividends, and interest [net of expenses]) will be distributed to the fund groups, sub-fund groups, and to specific restricted fund accounts (when required by contractual agreement) that participate in the investment pool. The method of allocation will be based on the average daily cash balance.~~

**B. References: Endowment Pool**

- ~~1. Utah State Board of Regents Investment Policy, R-541 The endowment pool (Pool) consists of endowment funds that are not restricted by donors as to the type of investment.~~
- ~~2. State Money Management Act, Section 51, Chapter 7 Investment of these funds are invested conducted under the total return concept of the Uniform Prudent Management of Institutional Funds Act (UPMIFA), whereby "net appreciations, realized and unrealized, in the fair value of assets of an endowment fund" may be appropriated for expenditure. UPMIFA was adopted into state law under Utah Code Section 51, Chapter 8.~~
- ~~3. Rule of the State Money Management Council The Pool has a long-term investment horizon in excess of ten years and essentially in perpetuity with the primary objective of growth of principal over time. Principal growth should ensure that the real purchasing power of the Pool is maintained after inflation, costs, and spending are considered. A long-term average annual return of 4% above inflation, as measured by the Consumer Price Index (CPI) is reasonable. Hence, the Pool will provide a stable source of financial support for the needs of the University.~~
- ~~4. Uniform Prudent Management of Institutional Funds Act (UPMIFA), Section 51, Chapter 8. In order to meet the long-term investment goals of the Pool, it is recognized by the Board that risk is necessary, returns will fluctuate, and market volatility is evident. As such, the Pool will be managed in a manner that seeks to minimize principal fluctuations consistent with the stated objectives over the long-term. Asset allocation will be a major determinant of investment performance. Risk will be minimized through diversification of assets, including international investments. Tolerance for volatility~~





**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**

**Date Approved: 07/27/90**

**Date Amended: 05/04/12**

**Reviewed w/no Changes:**

**Office of Responsibility: VP FA Fin & Gov Rel Admin**

**Page 12 of 26**

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

and risk could include declines in the value of the portfolio as great as 20% in any given year and losses as often as four out of ten years to achieve maximum returns. Historical performance is not a guarantee of future performance.

5. These Operating Guidelines will designate how the Pool shall be managed. Once approved by the Board, the Public Treasurer shall have the authority to manage the Pool within these Guidelines without further authorization from the Board.
  - a) Asset Allocation: The Public Treasurer shall invest the Pool using an asset allocation that is designed to meet the Pool's long-term goals based on the state objectives of the Pool. Decisions are based upon the current economic and market environment as well as historical performance of asset classes.
  - b) Illiquid Investments: Investments in and commitments to illiquid investment strategies are outside of standard practices. As such, alternative investment strategies are to be executed with professional investment manager funds. Strategies outside of this criteria shall be analyzed and discussed by the Investment Advisory Committee separately for approval.
  - c) Targets and Ranges: Target allocations and ranges for each investment strategy will be set forth by the Investment Advisory Committee. Deviations from target allocations will occur due to market fluctuations, as well as the necessity for extended period of time to fully implement the asset allocation plan.
  - d) Rebalancing: To ensure the Pool does not incur undue risks from deviations from the policy portfolio, an asset class analysis will occur on a quarterly basis. As such, asset classes with greater than a 5 percent deviation from the target allocation will be adjusted.
  - e) Standard of Conduct: In managing and investing the Pool, the University shall:
    - i. Act as a prudent investor would, by considering the purposes, terms, distribution requirements, and other circumstances of the endowment. In satisfying this standard, the University shall exercise reasonable care, skill, and caution;
    - ii. Investment and management decisions respecting individual assets must be evaluated not in isolation



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**

**Date Approved: 07/27/90**

**Date Amended: 05/04/12**

**Reviewed w/no Changes:**

**Office of Responsibility: VP FA ~~Fin & Gov~~ RelAdmin**

**Page 13 of 26**

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

- but in the context of the endowment portfolio as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the endowment;
- iii. Consideration of the following factors, if relevant, should be followed:
- General economic conditions;
  - The possible effect of inflation or deflation;
  - The role that each investment or course of action plays within the overall portfolio;
  - The expected total return from income and the appreciation of capital;
  - Needs for liquidity, regularity of income, and preservation or appreciation of capital; and
  - An asset's special relationship or special value, if any, to the purposes of the endowment or to one or more of the beneficiaries.
- iv. Make a reasonable effort to verify facts relevant to the management and investment of the Pool;
- v. Incur only costs that are reasonable and appropriate in relation to the assets, the University purposes, and the skills available to the University.
- f) Delegation: The Public Treasurer, upon advice from the Investment Advisory Committee, and in accordance with Section VII, paragraph A above, may delegate to an external Investment Advisor the investment of all or part of the Pool, subject to any specific limitation set forth in a gift instrument. This delegation, through exercise of reasonable care, skill, and caution ensures that the scope and terms of the delegation are consistent with the purposes of the University and the Pool, as well as ensuring periodic review of actions to ensure that high standards of fiduciary duty are met in compliance with applicable laws and regulations.
- g) Fund Manager Selection: The Public Treasurer, or external advisor(s) as delegated, shall conduct a due-diligence process for selection of fund managers which includes both a qualitative and quantitative evaluation. This process ensures that the recommended fund manager(s) performance and investment style aligns with the University's investment objectives and risk profile as outlined.



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**

**Date Approved: 07/27/90**

**Date Amended: 05/04/12**

**Reviewed w/no Changes:**

**Office of Responsibility: VP FA Fin & Gov RelAdmin**

**Page 14 of 26**

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

i. Qualitative Evaluation: These factors include, but are not limited to:

- Investment management process, including theory and implementation;
- Operational capabilities, including personnel, scalability, communication, service, and compliance;
- Education and professional designations;
- Industry experience, technical knowledge, and application;
- Organizational stability and integrity;
- Investment vehicle structure including inception date, total assets, and expense ratios or fees;
- Investment research capability, including economic factors;
- Audited performance measures;
- Conflicts of interest.

ii. Qualitative Evaluation: Performance will be measured on a short-term (1-3 years) and longer-term basis (full market cycle) considering positive and negative market cycles. Manager(s) must show top-quartile performance that outperforms their respective benchmark. In addition, manager(s) should have a 5-year track record and at least \$50 million in assets under management.

h) Fund Manager Removal: Evaluation of managers occurs on a periodic basis. Managers failing to meet the following factors are subject to additional review (Watch Status), with the potential removal from the portfolio:

i. Portfolio manager turnover;

ii. Significant asset size changes, including large inflows and outflows;

iii. Performance issues, which may include and are not limited to the following:

- Underperforming their specific index on a cumulative total rate of return basis;
- Lagging performance on a 3-year and 5-year basis in comparison to their respective index (benchmark);
- Falling below top-quartile performance over a



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**

**Date Approved: 07/27/90**

**Date Amended: 05/04/12**

**Reviewed w/no Changes:**

**Office of Responsibility: VP FA Fin & Gov Rel Admin**

**Page 15 of 26**

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

- full market cycle.
- iv. Investment philosophy and/or style deviations from the original selection criteria;
  - v. Significant organizational changes, including but not limited to management changes, ownership changes, and legal issues.
  - i) Proxy Voting: Proxies shall be voted on for the exclusive benefit of the participants and beneficiaries of the Pool. Unless specific direction is provided from the Public Treasurer and/or Investment Advisory Committee, then Investment Advisor(s) and Manager(s) shall vote proxies in accordance with this Guideline.
  - j) Security Trade Execution: Purchase and sale of securities should be done in a manner designed to receive the combination of best price and execution, regardless of whether the trade is placed by the Public Treasurer or a designated external advisor(s).
  - k) Liquidity: The Pool shall be managed to maintain at least 70% of its assets in highly marketable securities that can be liquidated at market prices if needed.
6. The following Investment Strategies, Guidelines and Restrictions should be followed:
- a) The Pool will be diversified by asset class and within asset classes to mitigate the disproportionate impact that one security or asset class can have on overall performance. For instance, concentration of holdings in individual issues, corporations, or industries will be limited.
  - b) As a general rule, not more than 5 percent of the outstanding shares of any one security may be held. Fixed income securities, excluding U.S. Treasury and federal agency debt will not exceed 5 percent of the total bond portfolio, while not more than 10 percent of the total stock portfolio may be invested in stock of a single issuer. Investments in individual mutual funds will be limited to 15 percent. Aggregate investments in mutual fund families will be limited to less than 30 percent of the Pool. Investments in securities of issuers representing a single major industry shall not exceed 10 percent of the Pool's total market value. Investments in Alternative Investments shall not exceed 10 percent of the Pool's total market value. Quarterly balancing will occur, as



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**

**Date Approved: 07/27/90**

**Date Amended: 05/04/12**

**Reviewed w/no Changes:**

**Office of Responsibility: VP FA Fin & Gov RelAdmin**

**Page 16 of 26**

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

necessary.

c) Spending:

i. Policy spending rate: The policy spending rate for the Pool shall be determined annually by the Investment Advisory Committee, but a spending rate of 4 percent is desirable.

ii. Spending formula: The policy spending rate will be applied each fiscal year to the rolling average of the previous 12 quarters' ending-period endowment value amount (or shorter period where there is not 12 previous quarters) to determine the annual appropriation.

iii. Special appropriation and decisions not to spend: The Board of Trustees will approve, with proper notice, any special appropriation or decision not to spend the amount indicated by the spending formula.

iv. Standard of conduct: Subject to the intent of a donor expressed in a gift instrument, the University may appropriate for expenditure or accumulate so much of the Pool as the Board determines to be prudent for the uses, benefit, purposes, and duration for which each of the separate endowments of the Pool is established. The University shall act in good faith, care, and prudence as an ordinary person would in making a determination to appropriate or accumulate. The following factors, if relevant, would guide the decision:

- The purposes of the University and the investment;
- General economic conditions;
- The possible effect of inflation or deflation;
- The expected total return from income and the appreciation of investments;
- The duration and preservation of the Pool;
- Other resources of the University; and
- University's investment policy.

d) Equity Securities: This asset class includes domestic and international common stock, American Depositary Receipts (ADRs), preferred stock, and convertible stock which meet the total return objectives of the Pool. Their purpose is to provide capital appreciation, growth of income, and current



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**

**Date Approved: 07/27/90**

**Date Amended: 05/04/12**

**Reviewed w/no Changes:**

**Office of Responsibility: VP FA Fin & Gov Rel Admin**

**Page 17 of 26**

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

income. Equity holdings shall be restricted to quality, readily marketable securities of actively traded corporations on the major U.S. and International exchanges. For the purpose of reporting, balanced funds, real estate investment trusts (REITs), and pooled or commingled investment funds without a clear primary purpose are also categorized as equity investments.

e) Fixed Income Securities: This asset class includes, but is not limited to, U.S. Treasury, federal agencies, U.S. government guaranteed obligations, non-U.S. dollar denominated securities, public and private corporate debt, mortgages and asset-backed securities, and non-investment grade debt. Also included are money market instruments such as commercial paper, certificates of deposit, time deposits, bankers' acceptances, repurchase agreements, and U.S. Treasury and agency obligations. Fixed income investments shall be quality, readily marketable securities where credit quality, sector, duration and issuer concentrations are considered. Their purpose is to provide a current income stream, reduce overall Pool volatility, and provide appropriate hedges for deflation or inflation, as needed. Active management of fixed income securities is preferred to capitalize on opportunities arriving from mergers or acquisitions, credit rating changes, interest rate volatility, spread changes, or other abnormalities.

f) Cash and Equivalents: This asset class includes high quality commercial paper (A-1, P-1 or higher, maturing in 360 days or less), repurchase agreements, U.S. Treasury Bills, certificates of deposit, and money market funds. Their purpose is to act as a depository for income distributions, temporary hold funds for further investment, spending or expense needs, and preserve the Pool's principal value. Cash reserves will be kept at a minimum.

g) Alternative Investments: This asset class consists of the below permitted investments for the Pool, subject to the Guidelines set forth in each section:

i. Marketable Alternative Strategies: Investments may include, but not limited to domestic and international equity-oriented or market-neutral hedge funds.

ii. Private Capital: Investment allocations may include venture capital-, private equity and international





**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**

**Date Approved: 07/27/90**

**Date Amended: 05/04/12**

**Reviewed w/no Changes:**

**Office of Responsibility: VP FA Fin & Gov Rel Admin**

**Page 18 of 26**

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

- private capital investments. Such investments are typically held in the form of professionally managed pooled limited partnerships and must be purchased through professional investment manager funds.
- iii. Energy & Natural Resources: Investments may include oil, gas, commodity-based, and timber investments. Such investments are typically held in the form of professionally managed pooled limited partnerships and must be purchased through professional investment manager funds.
- iv. Private Equity Real Estate: Investments may include income producing commercial and residential property exclusive of professionally managed pooled real estate investment funds (REITs).
- v. Distressed Debt: Investments may include the debt securities of companies undergoing bankruptcy or reorganization. Such investments must be purchased through professionally managed funds.
- vi. Derivatives and Derivative Securities: Derivatives are contracts or securities whose market value is related to the value of another security, index, or financial instrument. Investments in derivatives include, but are not limited to futures, forwards, options, options of futures, warrants, and interest-only and principal-only strips. Derivative investment strategies are appropriate for hedging market, interest rate, or currency risk, adjusting duration, as well as maintaining or gaining cost-effective exposure to a desired asset class. Counterparty risk, investment manager(s) experience, applicable internal controls, and the strategy and nature of the investment are important considerations. Speculative derivative investments are not permissible.
- vii. Lending: Loans of Quasi-Endowment funds may be executed with approval from the Investment Advisory Committee, as a method to provide capital inflows for institutional purposes as the endowment continues to generate income. These loans are not included in the existing spending policy. Loan documentation is required, as well as applicable revenues to ensure payback within a reasonable timeframe. Loans are



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**

**Date Approved: 07/27/90**

**Date Amended: 05/04/12**

**Reviewed w/no Changes:**

**Office of Responsibility: VP FA Fin & Gov Rel Admin**

**Page 19 of 26**

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

executed at prevailing market interest rates in a fixed and/or variable fashion. Securities lending is also a permissible form of generating income for the Pool. A separate written agreement and appropriate custody of assets is required.

- 4.viii. Investment Restrictions: The Investment Advisory Committee may modify or waive any of the restrictions or guidelines as a result of a comprehensive review of an investment manager(s) or strategy. As such, an addendum which supports these actions and reporting to the Board of Trustees at the next scheduled meeting is required.

C. Definitions: Separately Invested Funds

Cash funds— all available cash from all University and agency funds. These are separate investments (non-pooled) generally consisting of donor restricted investments, investments under annuity agreements with donors, investments of agency funds, endowment and other trusts, or other separate investments recommended by the Investment Advisory Committee. Dividends, interest, realized gains or losses, and any associated expenses are recorded directly upon receipt or payment to the individual fund.

Reserve funds— Cash in excess of funds needed for operations that the Public Treasurer has authorized to be invested to earn a return on investment.

Endowment funds— as used in these guidelines, “endowment funds” include true endowment funds, term endowment funds, and quasi-endowment funds.

True endowment funds— as used in these guidelines, “true endowment funds” are institutional funds with respect to which a donor has stipulated, as a condition of the gift, that the gift is to be maintained inviolate and in perpetuity. True endowment funds are to be invested for the purpose of producing present or future income that may, also by donor stipulation, be expended or reinvested with the original gift. The principal, or corpus of the true endowment, must be maintained intact. Income that may be expended according to the donor’s stipulation may be restricted or unrestricted as to the purpose for which it is expended, but rather added to the principal or corpus in





**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**

**Date Approved: 07/27/90**

**Date Amended: 05/04/12**

**Reviewed w/no Changes:**

**Office of Responsibility: VP FA Fin & Gov Rel Admin**

**Page 20 of 26**

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

~~accordance with the donor's stipulation, assumes or takes on the same restrictions as the original gift.~~

~~Term endowment funds—the “term endowment funds” are similar to true endowments, except that, upon passage of a stated period (or time) or the occurrence of a particular event, all or part of the donation may be expended. True and term endowments are commonly referred to as donor restricted endowments.~~

~~Quasi-endowment funds—“quasi-endowment funds” are gifts, bequests, or designated institutional funds that are retained and managed like an endowment. Principal and interest of these funds may be utilized in accordance with the terms of the quasi-endowment agreement.~~

- D. Investment Groupings and Investment Pool Procedures Trust Funds:  
These funds are separate investments consisting of monies managed by an external trustee as part of a specific funding agreement. Investments are made pursuant to the funding agreement. Investments of Trust Funds are reviewed and discussed by the external trustee and the Public Treasurer to assure the maximum possible earnings are attained.
- ~~1. Cash Management Investment Pool~~
- ~~a) Consists of available cash in excess of estimated daily operating requirements from all University and agency funds.~~
  - ~~b) Funds in this pool may only be invested in investments that meet the criteria of Section 51-7-11 and 51-7-17 of the Utah State Money Management Act.~~
  - ~~c) This pool will not be managed on a unit (market value) method.~~
  - ~~d) Net earnings (realized gains/losses, dividends, and interest [net of expenses]) will be distributed to the fund groups, sub-fund groups, and to specific restricted fund accounts (when required by contractual agreement) that participate in the pool. The method of allocation will be based on the average daily cash balance. Net earnings distributed to the Endowment and Loan groups will be distributed annually to the individual funds participating in the pool.~~
  - ~~e) A management fee may be assessed up to 2% using the average daily cash balance method of allocation on all quasi-endowment reserve funds invested in the pool.~~
  - ~~f) This pool will be managed by University personnel.~~



SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 10.12  
Date Approved: 07/27/90  
Date Amended: 05/04/12  
Reviewed w/no Changes:  
Office of Responsibility: VP FA Fin & Gov Rel Admin  
Page 21 of 26

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

2. ~~Endowment Pool~~

- a) ~~The endowment pool consists of endowment funds that are not restricted by donors as to the type of investment.~~
- b) ~~Investments of these funds are invested under the total return concept of the Uniform Prudent Management of Institutional Funds Act, whereby “net appreciation, realized and unrealized, in the fair value of the assets of an endowment fund” may be appropriated for expenditure. UPMIFA was adopted into state law under Utah Code 13-29 and is the governing regulation for the University’s endowment funds.~~
- c) ~~This pool will be operated on a unit (market value) method.~~
- d) ~~The investment return objective of this pool will be to achieve a total rate of return, over a ten-year period, which exceeds the spending allocation rate plus the advancement/management fee by 2% per year on average.~~
- e) ~~The risk objective of this pool will be to construct an investment program that offers a high probability of achieving the stated investment return objective while keeping the frequency and magnitude of temporary declines at acceptable levels. A strategic asset allocation program will facilitate controlling downside volatility within acceptable ranges over a period of time.~~
- f) ~~The following asset allocation targets, in accordance with Regents policy R541-6.2.2 will guide the long-term investment activities for this pool:~~

<u>Asset Class</u>	<u>Allocation Range</u>
Equities	25%-100%
Fixed Income	0%-75%
Alternatives	0%-10%

~~The Public Treasurer, with the advice of the Investment Advisory Committee, will manage the asset allocation mix within the above Strategic Allocation targets and Allocation Ranges. It is expected that the asset allocation mix will be diversified among asset classes and designed to meet the rate return and risk objectives.~~

- g) ~~Rebalancing:~~
  - i. ~~Asset allocation ranges will be reviewed on a semi-annual basis.~~
  - ii. ~~The actual percentage allocations may vary as much as~~



SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 10.12

Date Approved: 07/27/90

Date Amended: 05/04/12

Reviewed w/no Changes:

Office of Responsibility: VP FA Fin & Gov Rel Admin

Page 22 of 26

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

~~+/- 5% before rebalancing to the Allocation Ranges is required.~~

- ~~iii.i. The Public Treasurer, with the advice of the Investment Advisory Committee, shall determine initial weighting and rebalancing parameters for allocation to the asset classes and within the asset class. The Public Treasurer may also accept advice from the University's investment advisor regarding asset allocation strategies.~~
- ~~iv. The funds in this pool may be managed and invested by:~~

- ~~• Qualified external managers~~
- ~~• Professional managers of commingled investment funds or mutual funds~~
- ~~• University personnel managing the Cash Management Investment Pool~~

- ~~v. In order to ensure a stable and predictable level of spending from year to year, fluctuations in annual investments will be "smoothed" by using a 12-quarter moving average of an endowment's market unit value for the three preceding fiscal years. More specifically, each endowment will be allocated an amount of spending up to 5 percent of the average of endowment account balances over the most recent three year period. In the case of new endowments, the most recent one, two, or three year periods will be used. It is possible, particularly in the case of new endowment accounts, for the annual return to be less than the spending allocation in the short term. Should any endowment account market value fall below its corpus value, spending on said endowment may be suspended and/or reduced to the amount of actual earnings.~~

~~Taking actual investment returns, inflation, and the advancement/management fee into consideration, the actual spending rate will be determined one year prior to the start of the fiscal year in which funds are to be expended. Portfolio returns in excess of the annual spending allocation (including realized/unrealized gains or losses, interest and dividends) shall be retained by the endowment in order to protect its value in real terms.~~



SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 10.12

Date Approved: 07/27/90

Date Amended: 05/04/12

Reviewed w/no Changes:

Office of Responsibility: VP FA Fin & Gov Rel Admin

Page 23 of 26

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

~~vs. inflation, and to grow the endowment's historical value over time. The spending allocation amount will be distributed to the individual accounts using the unit method.~~

- ~~vi. The University may withdraw an advancement/management fee from the endowment pool. This fee will be determined based upon a budget approved by the President and will not exceed 2 percent of the 12-quarter moving average of the portfolio fair market unit value for the three preceding fiscal years, with a budget lead time of one year.~~
- ~~vii. Cash inflows and outflows will be allocated in accordance with the Asset Allocation Guidelines.~~
- ~~viii. Special investment opportunities may necessitate an amendment to the Investment Guidelines and Investment Groupings.~~

~~3. Separately Invested Funds—~~

~~These are separate investments (non-pooled) generally consisting of donor restricted investments, investments under annuity agreements with donors, investments of agency funds, endowment and other trusts, or other separate investments recommended by the Investment Advisory Committee. Dividends, interest, gains or losses, and any associated expenses are recorded directly upon receipt or payment to the individual fund.~~

~~4. Bond Trust Funds—~~

~~These funds are separate investments consisting of monies managed by an external trustee as part of a bond funding agreement. Investments are made pursuant to the bond funding agreement. Investment of Bond Trust Funds are reviewed and discussed by the external trustee and the Public Treasurer to assure that the maximum possible earnings are attained.~~

~~E. Eligible Endowment Pool Investments—~~

~~1. Equities~~

- ~~a) The equity segment may be diversified across a spectrum of market capitalizations by allowing investments in small, medium, and large capitalization stocks.~~
- ~~b) The equity segment may be diversified across multiple regions,~~



SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 10.12

Date Approved: 07/27/90

Date Amended: 05/04/12

Reviewed w/no Changes:

Office of Responsibility: VP FA Fin & Gov Rel Admin

Page 24 of 26

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

~~including the United States, developed foreign markets, and emerging markets.~~

~~e)b) Equity holdings should be readily marketable and diversified by issue, industry, and sector.~~

~~d) Equity managers may invest in short-term commercial paper, money market mutual funds, or other money market investments, and short-term bond investments as a surrogate for cash reserves on occasion. The intent is to have the investment manager remain fully invested.~~

~~2. Fixed Income~~

~~a) Bond holdings should be diversified by country, issue, sector, coupon and quality and should be readily marketable.~~

~~b) Bond portfolios must have a minimum quality of investment grade or better.~~

~~c) Non-investment grade securities shall be limited to 15% of a manager's portfolio unless otherwise stated in the Investment Manager's guidelines.~~

~~d) Foreign securities shall be limited to 15% of a manager's portfolio, unless otherwise stated in the Investment Manager's guidelines.~~

~~e) Average portfolio duration should not exceed +/- 35% of the stated benchmark index, unless otherwise stated in the Investment Manager's guidelines.~~

~~3. Alternative Investments~~

~~a) In addition to the aforementioned investments, the University may invest in alternate investment funds that derive returns primarily from high yield and distressed debt (hedged or non-hedged), private capital (including venture capital, private equity, both domestic and international), natural resources, commodities, private real estate assets or absolute return and long/short funds (in "Alternative Investment Fund").~~

~~b) The University may invest up to 10% of available Endowment Pool funds in Alternative Investments.~~

~~c) The alternate investment segment of the portfolio should be diversified among types of investments. The following shall govern the investment of Alternative Investment Funds:~~

Investment

High Yield and Distressed Debt

Range

0%-10%



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**

**Date Approved: 07/27/90**

**Date Amended: 05/04/12**

**Reviewed w/no Changes:**

**Office of Responsibility: VP FA Fin & Gov Rel Admin**

**Page 25 of 26**

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

~~Private Capital, Natural Resources 0%-10%~~

~~Commodities and Private Real Estate~~

~~Absolute Return and Long/Short Funds 0%-10%~~

~~The above percentages are subject to prudent rebalancing practices.~~

~~4. Unique Situations~~

~~The Public Treasurer and the Investment Advisory Committee may execute alternative investment strategies to take advantage of one-time or unique situations.~~

~~F. Risk Tolerance:~~

~~The following guiding principles and measures shall be followed to control undue portfolio vitality in any Investing Grouping:~~

~~1. The University recognizes that the primary fiduciary obligation regarding the Investment Groupings is to prudently invest the portfolio to meet the investment objectives that will fulfill the purpose of the Investment Grouping.~~

~~2. The University fully recognizes the likelihood of periodic market declines and is willing to accept the possibility of some short-term declines in market value in order to achieve potentially higher long-term investment returns.~~

~~3. Assets of each Investment Grouping are to be diversified to protect against large investment losses and to reduce the probability of excessive performance volatility.~~

~~4. Diversification of assets is to be achieved by:~~

~~a) Allocating monies to various asset classes and investment styles within asset classes, and~~

~~b) Retaining investment management firm(s) with complementary investment philosophies, styles, and approaches.~~

~~5. Efforts should be made to preserve the principal value of Investment Groupings, but preservation shall not be imposed as a condition on each investment transaction.~~

~~G. Performance Evaluation and Review Process:~~

~~The Public Treasurer and the Investment Advisory Committee will evaluate~~



**SOUTHERN UTAH UNIVERSITY**  
**Policies and Procedures**

**Policy # 10.12**

**Date Approved: 07/27/90**

**Date Amended: 05/04/12**

**Reviewed w/no Changes:**

**Office of Responsibility: VP FA Fin & Gov Rel Admin**

**Page 26 of 26**

---

**SUBJECT: UNIVERSITY INVESTMENT POLICY**

---

~~the investment performance on a periodic basis, including but not limited to the following:~~

- ~~1. — The overall performance of each Investing Grouping.~~
- ~~2. — The overall performance of each investment manager's performance to the objectives of the Investment Grouping.~~
- ~~3. — The Investment Groupings asset allocation mix to its Investment Guidelines and capital markets outlook.~~
- ~~4. — The extent to how each investment manager has managed his or her portfolio consistent within that manager's stated investment philosophy and style.~~
- ~~5. — The extent to how the investment manager adhered to these guidelines.~~
- ~~6. — The risk and return profiles of each investment grouping and each investment manger to determine whether the Investment Grouping's goals and objectives are being met.~~
- ~~7. — A reasonable time horizon for evaluating the Investment Grouping's investment performance relative to the selected benchmark on a long-term basis (five to ten years).~~

- ~~H. — Review of Investment Guidelines and Investment Groupings:  
The Public Treasurer and the Investment Advisory Committee will review the Investment Guidelines and Investment Groupings periodically to determine that they continue to serve the investment needs of the University and our appropriate in view of changes with State and Federal regulations, the University, the Investment Groupings, and the capital markets.~~





# MEMORANDUM

TAB C

May 8, 2020

## University of Utah – Lease Agreement

Regent Policy R705, *Leased Space* requires the Board of Regents to approve institutional leases with state-appropriated funds that are more than \$250,000 per year, commit the institution for ten or more years, or lead to the establishment of regular state-supported daytime programs of instruction. The University of Utah requests Board approval to lease 30,487 square feet at 250 East 200 South in Salt Lake City, Utah for eleven years with an average annual rent of \$775,000.

The Rocky Mountain Center for Occupational & Environmental Health and Pediatrics Customer Care Center, both departments within the School of Medicine, currently lease space in Research Park. Both leases are expiring with no options to renew. The University requests authorization relocate the two departments to lease space at 250 East 200 South and make tenant improvements up to \$2 million. The University of Utah's Board of Trustees will review this item at its May 14, 2020 meeting.

### Commissioner's Recommendations

The Commissioner recommends that the Board authorize the University of Utah to enter into an amendment to lease space for the School of Medicine contingent on University of Utah Board of Trustees approval.

### Attachments



April 28, 2020

Commissioner David R. Woolstenhulme  
Board of Regents Building, The Gateway  
60 South 400 West  
Salt Lake City, Utah 84101-1284

Dear Commissioner Woolstenhulme:

The University of Utah hereby requests approval from the Board of Regents to enter into an Amendment to Lease for the following leased space:

250 East 200 South, Salt Lake City, Utah

- School of Medicine
- 30,487 sf
  - Rocky Mountain Center for Occupational & Environmental Health – 22k sf
  - Pediatrics Customer Care Center – 8.5k sf
- Average annual rent: \$775k (Modified Gross)
- Total lease term commitment: \$7.75M
- Term: Eleven (11) years
- Anticipated University out-of-pocket expenses for relocation and FF&E is \$2M after the landlord's tenant improvement allowance (per the attached Capital Budget Estimate).
- Purpose: Faculty offices with classroom and research components and administrative office space.

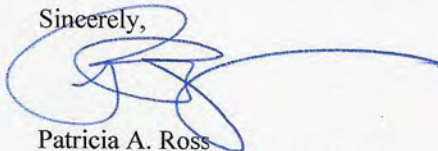
Both of the above identified departments within the School of Medicine are presently leasing space in Research Park. Both current leases will be expiring with no options to renew.

The University of Utah's Board of Trustees will be reviewing this Lease Amendment at its May 14, 2020 meeting at which time approval is anticipated.

Accordingly, we would welcome the opportunity to present this Lease Amendment to the Finance and Facilities Committee at the May 15, 2020 Board of Regents' meeting.

Thank you, as always, for your consideration and support.

Sincerely,



Patricia A. Ross  
Chief Business Strategy Officer

c: Dr. Ruth V. Watkins  
Dr. Richard P. Amon  
Malin Francis  
Jonathon Bates

**University of Utah**  
**Capital Budget Estimate (CBE)**  
**Non-State Funded Projects**

<b>Project Name:</b>		250 Tower - TI's at Garden, First, & Fourth Levels - Health Sciences/SOM	
<b>Client:</b>		Jonathon Bates, Executive Director Real Estate	
<b>Project Manager:</b>		Krin Kirijas, Project Manager Planning Design & Construction	
<b>Cost Summary</b>		<b>\$ Amount</b>	<b>Cost Per SF</b>
Facility Cost	\$ 2,364,778	\$91.53	Landlord TI Contributions/PM Fee
Additional Construction Cost	\$ (1,742,648)	(\$67.45)	
Site Cost	\$ -	\$0.00	
<b>Total Construction Cost</b>	<b>\$ 622,130</b>	<b>\$24.08</b>	
<b>Soft Costs:</b>			
Hazardous Materials	\$ -		
Pre-Design/Planning	\$ 3,100		
Design	\$ 91,577		
Furnishings & Equipment	\$ 694,743		
Information Technology	\$ 190,293		
Testing & Inspection	\$ 6,666		
Contingency	\$ 55,992		
Moving/Occupancy	\$ 31,836		
Builder's Risk Insurance (0.15% of Construction Budget)	\$ 933		
UofU Project Management Fee	\$ 72,441		
User Fees	\$ -		
Commissioning	\$ -		
Other Costs	\$ 20,000		
<b>Total Soft Costs</b>	<b>\$ 1,167,582</b>	<b>\$45.19</b>	
<b>Total Project Cost</b>	<b>\$ 1,789,712</b>	<b>\$69.27</b>	
<b>Non-State Funding:</b>			
	\$ -		
	\$ -		
	\$ -		
	\$ -		
	\$ -		
	\$ -	\$1,789,712	Difference to Total Project Cost.
<b>Project Information</b>			
Gross Square Feet	25,836	Base Cost Date	2/27/20
Net Square Feet	25,836	Estimated Bid Date	6/1/20
Net/Gross Ratio	100%	Est. Completion Date	11/1/20
		Last Modified Date	4/23/20
		Print Date	4/24/20



# MEMORANDUM

TAB D

May 8, 2020

## University of Utah – Series 2019 Revenue Bonds

Regent Policy R590, *Issuance of Revenue Bonds for Colleges and Universities*, requires the Board to review and approve the issuance and sale of revenue bonds that have been affirmatively authorized by the Utah State Legislature. The University of Utah requests Board authorization to issue up to \$130,000,000 of General Revenue Bonds for the following purposes that have been authorized by the state legislature:

- \$50,000,000 for the purchase of an office building at 102 S. 200 E. as approved by the Regents in November 2019 and authorized in the 2020 Legislative Session (H.B. 9); lease payments will be the primary source of repayment for the bonds.
- \$80,000,000 for the construction of a parking garage and roadway project for the University Hospital as approved by the Regents in November 2019 and authorized in the 2020 Legislative Session (H.B. 9); clinical, parking, and other non-state revenues will be the primary source of repayment for the bonds.

The relevant parameters of the requested issue are:

- Principal amount not to exceed \$130,000,000 (including costs of issuance and capitalized interest)
- Interest rate not to exceed 5%
- Interest rate for Variate Rate Bonds or Commercial Paper not to exceed 18%
- Discount from par not to exceed 2%
- Final maturity not to exceed 30 years from the date of issue

A copy of the request letter from the University, a financing summary from the financial advisor, and the Approving Resolution are attached. Representatives from the University will attend the meeting to provide additional information and answer questions from the Board.

### Commissioner's Recommendations

The Commissioner recommends approval of the proposed Authorizing Resolution to issue General Revenue bonds for the University of Utah as proposed.

### Attachment

May 1, 2020

Mr. David R. Woolstenhulme  
Interim Commissioner, Utah System of Higher Education  
Board of Regents Building  
The Gateway  
60 South 400 West  
Salt Lake City, UT 84101-1284

Dear Commissioner Woolstenhulme:

The purpose of this letter is to inform you of the University of Utah's plans to submit a bond parameters resolution (the "Resolution") to the State Board of Regents of the State of Utah (the "Regents" or the "Board"), to be considered during its May 2020 meeting, for the issuance of a General Revenue Bond or Bonds on behalf of the University of Utah (the "University") for the financing of (i) the purchase of an office building (the "Office Building Purchase"), (ii) the construction costs of a parking garage and roadway improvements surrounding the health science campus of the University (the "Parking and Roadways Project").

Details are as follows:

**Authorization to Bond up to \$50,000,000 for the Purchase of an Office Building** - The University currently leases office space in downtown Salt Lake City. The lease contains an option to purchase the building (the "Office Building"). The Office Building's purchase will use \$50 million of bond proceeds and certain monies of the University to exercise its purchase option in July 2020. The expected purchase price is approximately \$52.5 million. The anticipated debt service is expected to be less than the existing lease payments.

The University received bonding authorization for this project during the 2020 Legislative Session of up to \$50 million, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements. No state funds will be requested for the new facility.

**Authorization to Bond up to \$80,000,000 for the Construction of the Parking and Roadways Project** - The Parking and Roadways Project is to improve the patient and visitor experience at U Health. The project will design and construct: (1) upgrades to certain intersections and roadways, (2) a new 1,400 space Patient Parking Garage, and (3) an enclosed pedestrian bridge from the new garage to University Hospital. The project budget is expected to cost \$80 million and funding will come from bond proceeds plus any University monies, as necessary. Debt service is expected to be paid from Hospital clinical operations. No state funds will be requested for the new facility.

The University received bonding authorization for this project during the 2020 Legislative Session of up to \$80 million, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.


It is the University's current plan to bond for the purchase of Office Building and the Parking and Roadways projects with expected pricing in early June and closing in late June/early July.



The University has also received previous Regent authorization for refundings of outstanding debt. The University is analyzing such opportunities and may include such refundings in the upcoming bonding should favorable conditions appear.

Please feel free to call me should you or others have questions about the details of this funding request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cathy Anderson', with a long horizontal flourish extending to the right.

Cathy Anderson  
Chief Financial Officer

cc: Ruth V. Watkins, President  
Michael Good, Senior Vice President  
Daniel Reed, Senior Vice President  
Richard Amon  
Blake Wade  
Kelly Murdock  
Robert Muir



**PRELIMINARY REGENT FINANCING SUMMARY**  
**For**

**State Board of Regents of the State of Utah**  
**\$130,000,000\***  
**UNIVERSITY OF UTAH**  
**General Revenue Bonds**  
**Series 2020A and Series 2020B**  
**(The “Series 2020 Bonds”)**

---

Purpose:	To finance (1) The acquisition of a downtown Salt Lake City office building (the “Tower Building Project”), and (2) The construction of a 1,400 space “Patient Parking Garage”, and certain roadway improvements (the “Roadways Project”), both in and around the University’s Health Sciences Campus, together with other amounts necessary to pay costs of issuance, pay capitalized interest and fund a debt service reserve requirement, if any.
Not-to-Exceed Par Amount:	<b>\$130,000,000* (\$50,000,000 for the Tower Building Project--\$35 million tax-exempt and \$15 million taxable), and (\$80,000,000 for the Patient Parking Garage and Roadways Projects).</b>
Refunding Opportunities:	The University and its financing team are closely monitoring the current municipal market as it relates to the possible inclusion of refunding bonds within the Series 2020 transaction. Recent refunding analyses of certain outstanding University debt, however, argue against such a move, but market movements before the sale date could change that conclusion.
Security:	The Series 2020 Bonds will be payable from and secured by a General Revenue pledge which consists of substantially all income and revenues of the University authorized to be pledged, with the exception of (i) legislative appropriations, (ii) tuition and certain fees, and (iii) certain other revenues and income.
Ratings:	‘Aa1’ and ‘AA+’ ratings <i>are expected</i> by Moody’s Investors Service and S&P Global Ratings, respectively.

**Preliminary Financing Summary**  
**University of Utah Series 2020 Bonds**  
**Page 2 of 2**

Method of Sale:	Negotiated Public Offering
True Interest Cost:	TBD (given current market volatility, a preliminary rate is difficult to determine)
Underwriters:	The University recently engaged the firms of Barclays and JP Morgan to serve as underwriters for the Series 2020 Bonds.
Sale Date:	TBD – Current Calendar calls for early-June 2020, subject to market conditions
Closing Date:	TBD – Current Calendar calls for settlement early July 2020
Principal Payment Dates:	August 1 of each year, beginning August 1, 2021
Interest Payment Dates:	August 1 and February 1, beginning February 1, 2021
Interest Basis:	30/360
Parameters:	Not-to-Exceed Par for the Projects: \$130,000,000 Not-to-Exceed Term: 30-years from the date of the Bond's issuance Not-to-Exceed Coupon: 5.00% Not-to-Exceed Discount from Par: 2.00%
Optional Redemption:	May be non-callable or callable (par or make-whole) at the option of the University, as determined at the time of the sale
University Contacts:	Ms. Cathy Anderson, Chief Financial Officer (801-581-6940)  Mr. Robert Muir, Executive Director – Debt and Asset Management (801-585-5598)
Bond Counsel:	Mr. Blake Wade, Gilmore & Bell (801-258-2725)
Municipal Advisor:	Mr. Kelly Murdock, Stifel, Nicolaus & Company (385-799-1734)

*\*Preliminary, subject to change*

APPROVING RESOLUTION  
UNIVERSITY OF UTAH GENERAL REVENUE BONDS  
-TOWER BUILDING FACILITY  
-PATIENT PARKING GARAGE  
-ROADWAYS PROJECTS

Salt Lake City, Utah

May 15, 2020

The State Board of Regents of the State of Utah (the “Board”) (to be known as the Utah Board of Higher Education as of July 1, 2020) met in regular session (via electronic means) on May 15, 2020, commencing at 9:00 a.m. The following members were present:

Harris H. Simmons	Chair
Nina Barnes	Vice Chair
Jessellie B. Anderson	Member
Lisa-Michele Church	Member
Wilford W. Clyde	Member
Sanchaita Datta	Member
Alan E. Hall	Member
Marlin K. Jensen	Member
Ronald W. Jibson	Member
Patricia Jones	Member
Steven J. Lund	Member
Crystal Maggelet	Member
Sheva Mozafari	Student Regent
Christina Ortega	Member
Robert W. Prince	Member
Mark R. Stoddard	Member
Thomas Wright	Member

Absent:

Also Present:

David R. Woolstenhulme	Interim Commissioner of Higher Education
Geoffrey Landward	Secretary



After the meeting had been duly convened and called to order by the Chair, the roll had been called with the above result and after other matters not pertinent to this Resolution had been discussed, the agenda noted that one of the purposes of the meeting was the consideration of various matters with respect to the issuance and sale of the State Board of Regents of the State of Utah University of Utah General Revenue Bonds.

The following resolution was introduced in written form and after full discussion, pursuant to motion made by Regent \_\_\_\_\_ and a motion to second, was adopted by the following vote:

AYE:

NAY:

The resolution is as follows:

## RESOLUTION

A RESOLUTION OF THE STATE BOARD OF REGENTS OF THE STATE OF UTAH AUTHORIZING THE ISSUANCE AND SALE OF ITS UNIVERSITY OF UTAH GENERAL REVENUE BONDS, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$130,000,000, AUTHORIZING THE EXECUTION OF SUPPLEMENTAL INDENTURES, BOND PURCHASE AGREEMENTS AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH AND APPROVING OFFICIAL STATEMENTS; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, the State Board of Regents of the State of Utah (the “Board”) is established and exists under and pursuant to Section 53B-1-103, Utah Code Annotated 1953, as amended (the “Utah Code”); and

WHEREAS, pursuant to the provisions of Title 53B, Chapter 1, Utah Code, the Board is authorized to act as the governing authority of the University of Utah (the “University”) for the purpose of exercising the powers contained in Title 53B, Chapter 21, Utah Code and the specific authorization of H.B. 9 of the Utah Legislature’s 2020 General Session (expected to be codified as Section 63B-30-102, Utah Code Annotated 1953, as amended) (collectively, the “Act”); and

WHEREAS, pursuant to a General Indenture of Trust dated as of July 1, 2013, between the Board and Wells Fargo Bank, N.A., as trustee (the “Trustee”), as heretofore amended and supplemented (the “General Indenture”), the Board has issued, for and on behalf of the University, various series of its General Revenue Bonds; and

WHEREAS, pursuant to the Act, the Board, for and on behalf of the University, is authorized to issue bonds (i) for the purpose of purchasing the 102 Tower Building and related improvements (the “Tower Building Project”) in an amount not to exceed \$50,000,000 for acquisition and construction proceeds, together with other amounts necessary to pay costs of issuance, pay capitalized interest and fund any debt service reserve requirements and (ii) for the purpose of constructing a parking facility (the “Patient Parking Garage Project”), and certain roadway improvements (the “Roadways Project” and collectively with the Tower Building Project and the Patient Parking Garage Project, the “Project”) in an amount not to exceed \$80,000,000 for acquisition and construction proceeds, together with other amounts necessary to pay costs of issuance, pay capitalized interest and fund any debt service reserve requirements; and

WHEREAS, to accomplish the purposes set forth in the preceding recitals, the Board desires to authorize and approve the issuance and sale of its University of Utah General Revenue Bonds (with such additional or other title and/or series designation(s) as may be determined by the officers of the Board) in one or more series and to be issued

from time to time (the “Bonds”) pursuant to the General Indenture and one or more Supplemental Indentures of Trust between the Board and the Trustee (each a “Supplemental Indenture” and collectively with the General Indenture, the “Indenture”); and

WHEREAS, the Bonds shall be payable solely from the University’s revenues and other moneys pledged therefor in the Indenture and shall not constitute nor give rise to a general obligation or liability of the Board, the University or the State of Utah or constitute a charge against their general credit; and

WHEREAS, there has been presented to the Board at this meeting a form of a Bond Purchase Agreement (the “Bond Purchase Agreement”) to be entered into among the Board, the University and the underwriters or purchasers for the Bonds (the “Purchaser”), a form of a Preliminary Official Statement relating to the Bonds, in the event the Bonds are publicly sold (the “Preliminary Official Statement”), and a form of Supplemental Indenture; and

WHEREAS, the Board desires to grant to the Chair and/or Vice Chair of the Board and/or the Chair of the Finance and Facilities Committee of the Board, the authority to approve the interest rates, principal amount, terms, maturities, redemption features, and purchase prices at which the Bonds shall be sold and any changes with respect thereto from those terms which were before the Board at the time of adoption of this Resolution; provided such terms do not exceed the parameters set forth in this Resolution; and

WHEREAS, pursuant to the provisions of Senate Bill 111 of the 2020 General Legislative Session (“Senate Bill 111”), the name of the Board is expected to be changed to the Utah Board of Higher Education and the Board desires to authorize any changes to the documents authorized herein or otherwise necessary to reflect the revised name of the Board, when and if effective.

NOW, THEREFORE, BE IT RESOLVED BY THE STATE BOARD OF REGENTS OF THE STATE OF UTAH, AS FOLLOWS:

Section 1. All terms defined in the foregoing recitals hereto shall have the same meanings when used herein.

Section 2. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Board and the University and the officers of the Board or the University directed toward the issuance of the Bonds are hereby ratified, approved and confirmed.

Section 3. The Board hereby authorizes, approves and directs the use and distribution of the Preliminary Official Statement substantially in the form of one or more Preliminary Official Statements presented to the Board at this meeting in connection with the offering and sale of the Bonds, in the event the Bonds are publicly sold. The Chair, Vice Chair and/or Chair of the Finance and Facilities Committee of the Board (each reference to such officers including revised titles following implementation of Senate Bill 111) and the President, and Chief Financial Officer and Vice President for Administrative

Services (the “Chief Financial Officer”) of the University are hereby authorized to execute and deliver on behalf of the Board and the University one or more final Official Statements in substantially the same form and with substantially the same content as the form of the Preliminary Official Statement presented to this meeting with any such alterations, changes or additions as may be necessary to finalize the Official Statement. The preparation, use and distribution of one or more Official Statements is also hereby authorized. The appropriate officials of the Board and the University may elect to privately place the Bonds (or any portion thereof) with or without the use of an Official Statement.

Section 4. The Supplemental Indenture in substantially the form presented to this meeting is in all respects authorized, approved and confirmed. The Chair, Vice Chair and/or Chair of the Finance and Facilities Committee and Secretary of the Board and the President and Chief Financial Officer of the University are hereby authorized to execute and deliver one or more Supplemental Indentures in substantially the same form and with substantially the same content as the form of such document presented to this meeting for and on behalf of the Board and the University with such alterations, changes or additions as may be authorized hereby.

Section 5. For the purpose of providing funds to be used for (i) financing the cost of the Project (including capitalized interest) and (ii) paying costs of issuance of the Bonds, the Board hereby authorizes the issuance of the Bonds, from time to time and in one or more series, in the aggregate principal amount of not to exceed \$130,000,000. The Bonds shall mature on such date or dates, be subject to redemption, and bear interest at the rates as shall be approved by the Chair or Vice Chair of the Board or the Chair of the Finance and Facilities Committee, all within the parameters set forth on Exhibit A attached hereto and incorporated herein by reference. The issuance of the Bonds shall be subject to the final advice of Bond Counsel and to the approval of the office of the Attorney General of the State of Utah.

Section 6. The form, terms and provisions of the Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, interest rates, redemption and number shall be as set forth in the Indenture. The Chair, Vice Chair and/or Chair of the Finance and Facilities Committee and the Secretary of the Board and the President and Chief Financial Officer of the University are hereby authorized to execute and seal by manual or facsimile signature the Bonds and to deliver the Bonds to the Trustee for authentication. All terms and provisions of the Indenture and the Bonds are hereby incorporated in this Resolution. The appropriate officials of the Board and the University are hereby authorized to execute and deliver to the Trustee the written order of the Board for authentication and delivery of the Bonds in accordance with the provisions of the Indenture.

All or a portion of the Bonds may be issued as variable rate bonds or commercial paper and the University may provide the liquidity for the payment of such variable rate bonds or commercial paper from the General Revenues pledged under the Indenture or may limit payment of the purchase price for any optional or mandatory purchase to remarketing proceeds and, if determined advantageous, may also enter into liquidity agreements with credit providers and secure the repayment obligation of the Board and the University under

such liquidity agreements as a Security Instrument Agreement all as provided in the Indenture.

Section 7. The Bond Purchase Agreement in substantially the form presented to this meeting is hereby authorized, approved and confirmed. The Chair or Vice Chair of the Board and/or the Chair of the Finance and Facilities Committee and the President and Chief Financial Officer of the University are hereby authorized to execute and deliver one or more Bond Purchase Agreements in substantially the same form and with substantially the same content as the form of the Bond Purchase Agreement presented at this meeting for and on behalf of the Board and the University with final terms as may be established for the Bonds within the parameters set forth herein and with such alterations, changes or additions as may be necessary or as may be authorized hereby. The Chair or Vice-Chair of the Board and/or the Chair of the Finance and Facilities Committee and the President and Chief Financial Officer of the University are hereby authorized to specify and agree as to the final principal amounts, terms, discounts, maturities, interest rates (including variable rates), redemption features and purchase price with respect to the Bonds for and on behalf of the Board and the University and any changes thereto from those terms which were before the Board at the time of adoption of this Resolution, provided such terms are within the parameters set by this Resolution, with such approval to be conclusively established by the execution of the respective Bond Purchase Agreement and Supplemental Indenture. In the event that the foregoing officers determine that all or any portion of the Bonds should be privately placed, the Bond Purchase Agreement and Supplemental Indenture may be modified to conform to the agreement with such Purchasers, including agreement to pay breakage fees, default rates, taxable rates and other similar provisions customary in such placements, provided that such obligations are limited to the sources provided under the Indenture.

The Board intends that the Bonds authorized hereby be issued within 18 months of the date of this Resolution, unless such period is extended by the Board.

Section 8. The appropriate officials of the Board and the University, including without limitation the Chair or Vice Chair of the Board and/or the Chair of the Finance and Facilities Committee and the President and Chief Financial Officer of the University (including revised titles following implementation of Senate Bill 111) are authorized to make any alterations, changes or additions to the Indenture, the Bonds, the Bond Purchase Agreement, the Preliminary Official Statement, the Official Statement, or any other document herein authorized and approved which may be necessary to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Board or the provisions of the laws of the State of Utah or the United States or to permit the private placement or public sale of the Bonds, to conform such documents to the terms established for the Bonds and to update such documents with current information and practices, including variable rate and tender provisions.

Section 9. The appropriate officials of the Board and the University, including without limitation the Chair, Vice Chair, the Chair of the Finance and Facilities Committee,

Commissioner of Higher Education and Secretary of the Board and the President and Chief Financial Officer of the University, are hereby authorized and directed to (i) execute and deliver for and on behalf of the Board and the University any or all additional certificates, documents and other papers and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution and the documents authorized and approved herein and (ii) take all action necessary or reasonably required by the Indenture, the Preliminary Official Statement, the Official Statement, or the Bond Purchase Agreement to carry out, give effect to and consummate the transactions as contemplated thereby and are authorized to take all action necessary in conformity with the Act.

Section 10. Upon their issuance, the Bonds will constitute special limited obligations of the Board payable solely from and to the extent of the sources set forth in the Indenture. No provision of this Resolution, the Bonds, the Bond Purchase Agreement, the Official Statement, the Indenture or any other instrument executed in connection with the issuance of the Bonds, shall be construed as creating a general obligation of the Board or the University, or of creating a general obligation of the State of Utah or any political subdivision thereof, nor as incurring or creating a charge upon the general credit of the Board, the University, the State of Utah or any political subdivision thereof.

Section 11. If and when Senate Bill 111 takes effect, changing the name of the Board to the "Utah Board of Higher Education" the Board hereby authorizes any changes to the documents authorized herein or otherwise necessary to reflect the revised name of the Board.

Section 12. After any of the Bonds are delivered by the Trustee to or for the account of the Purchaser and upon receipt of payment therefor, this Resolution shall be and remain irrevocable until the principal of, premium, if any, and interest on the Bonds are deemed to have been fully discharged in accordance with the terms and provisions of the Indenture.

Section 13. If any provisions of this Resolution should be held invalid, the invalidity of such provisions shall not affect the validity of any of the other provisions of this Resolution.

Section 14. All resolutions of the Board or parts thereof inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 15. This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED BY THE STATE BOARD OF REGENTS OF THE  
STATE OF UTAH THIS 15<sup>TH</sup> DAY OF MAY, 2020.

STATE BOARD OF REGENTS OF THE  
STATE OF UTAH

---

Chair

ATTEST:

---

Secretary

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE    )

I, Geoffrey Landward, do hereby certify that I am the duly qualified and acting Secretary of the State Board of Regents of the State of Utah.

I further certify that the above and foregoing constitutes a true and correct copy of an excerpt of the minutes of a meeting of said Board held on May 15, 2020 and of a resolution adopted at said meeting, as said minutes and resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of said Board this May 15, 2020.

\_\_\_\_\_  
Secretary

(SEAL)



STATE OF UTAH                     )  
  : ss.  
COUNTY OF SALT LAKE    )

Due to Infectious Disease COVID-19 Novel Coronavirus, this public meeting will be held electronically in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 issued by Governor Herbert on March 18, 2020, and negating the requirement for an anchor location and subsequent posting of the Notice at the anchor location. The public may monitor or listen to open portions of the meeting electronically by following the instructions in the notice. No physical meeting location will be available.

I, Geoffrey Landward, the undersigned, the duly qualified and acting Secretary of the State Board of Regents of the State of Utah, do hereby certify, according to the records of said State Board of Regents in my official possession, and upon my own knowledge and belief, that:

(a) in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, public notice was given of the agenda, date, time and place of the May 15, 2020 public meeting held by the Members of the State Board of Regents by causing a Notice of Public Meeting, in the form attached hereto as Schedule 1 to be (i) published on the Utah Public Notice Website (<http://pmn.utah.gov>), at least 24 hours prior to the convening of such meeting; and (ii) provided at least 24 hours prior to the convening of such meeting, to the Deseret News and The Salt Lake Tribune, newspapers of general circulation within the geographic jurisdiction of the State Board of Regents, pursuant to their subscription to the Utah Public Notice Website (<http://pmn.utah.gov>), and to each local media correspondent, newspaper, radio station or television station which has requested notification of meetings of the State Board of Regents;

(b) in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, public notice of the 2019-2020 Annual Meeting Schedule of the State Board of Regents was given, specifying the date, time and place of the regular meetings of the State Board of Regents scheduled to be held during said years, by causing a Notice of Annual Meeting Schedule for the State Board of Regents, in the form attached hereto as Schedule 2, to be (i) posted at the principal office of the State Board of Regents at 60 South 400 West, Salt Lake City, Utah in November 2018; (ii) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year, and (iii) provided to a newspaper of general circulation within the geographic jurisdiction of the State Board of Regents pursuant to its subscription to the Utah Public Notice Website (<http://pmn.utah.gov>); and

(c) the State Board of Regents has adopted written procedures governing the holding of electronic meetings in accordance with Section 52-4-207 Utah Code Annotated 1953, as amended (a copy of which is attached hereto as Schedule 3). In accordance with said Section and the aforementioned procedures,

notice was given to each member of the State Board of Regents and to members of the public at least 24 hours before the meeting to allow members of the State Board of Regents and the public to participate in the meeting, including a description of how they could be connected to the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the State Board of Regents of the State of Utah, this May 15, 2020.

(SEAL)

---

Secretary

SCHEDULE 1

NOTICE OF PUBLIC MEETING

(See Transcript Document No. \_\_\_\_)

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

(See Transcript Document No. \_\_\_\_)

SCHEDULE 3

ELECTRONIC MEETING POLICY

EXHIBIT A

PARAMETERS OF THE BONDS

Principal amount not to exceed	\$130,000,000
Interest rate not to exceed	5.00%
Interest Rate for Variable Rate Bonds or Commercial Paper not to exceed	18%
Discount from par not to exceed	2.0%
Final maturity not to exceed	Thirty (30) years from the date thereof
May be non-callable or callable at the option of the University as determined at the time of sale	



# MEMORANDUM

TAB E

May 8, 2020

## USHE – Series 2020 Student Loan Revenue Bonds

State law (53B-13) empowers the Board to make or purchase student loan notes and other debt obligations and to issue and sell bonds for such purposes. The Utah Higher Education Assistance Authority (UHEAA) requests Board authorization for the Student Loan Purchase Program to:

- Request bondholders of certain outstanding bonds to consent to amend the related Indenture to permit the refinancing of the bonds issued thereunder
- Terminate the existing interest rate exchange agreement on the 2010EE bonds
- Enter into a Warehouse Loan, Security and Servicing Agreement up to \$327,500,000 with Royal Bank of Canada (the “Warehouse Agreement”), in order to provide short-term financing to facilitate the refinancing
- Issue up to \$327,500,000 of refunding revenue student loan bonds to provide permanent refinancing of the existing bonds where future savings opportunities exist and include language intended to facilitate a movement from historical LIBOR, as needed

The economic benefits from this transaction include an estimated \$21 million reduction in the amount of student loan revenue bonds outstanding, the termination of two interest rate exchange agreements with an estimated \$12 million termination payment from the counterparties to the Board, and the release of an estimated \$60 to \$75 million portfolio of FFELP loans and up to \$20 million of cash from the lien of the Series 1993 Indenture to the Board’s balance sheet. These economic benefits will be integral in supporting the Program’s operations and improving access to post-secondary education in the State of Utah.

A copy of the request letter from UHEAA, the approving resolution, and a financing summary from the financial advisor are attached. Representatives from UHEAA, Gilmore and Bell (bond counsel), and Hilltop Securities (financial advisor) will attend the meeting to provide additional information and answer questions from the Board.

### Commissioner’s Recommendations

The Commissioner recommends approval of the proposed Authorizing Resolution to seek consent to amend the existing Indenture, terminate the interest rate exchange agreement, enter into a Warehouse Agreement, and issue bonds to refinance the existing revenue bonds as proposed.

### Attachments

April 29, 2020

Dr. David R. Woolstenhulme  
Interim Commissioner, Utah System of Higher Education  
Board of Regents Building, The Gateway  
60 South 400 West  
Salt Lake City, UT 84101-1284

Dear Interim Commissioner Woolstenhulme:

The purpose of this letter is to inform you of the Utah Higher Education Assistance Authority's plans to submit a resolution (the "Resolution") to the State Board of Regents of the State of Utah (the "Regents" or the "Board") to be considered during its May 15, 2020 virtual meeting, to seek bondholder consent to amend the existing 1993 Indenture, to permit the early redemption of certain bonds, to terminate existing interest rate exchange agreements, to enter into a Warehouse Loan agreement, and to issue up to \$327,500,000 of revenue bonds to refund existing bonds where future savings opportunities exist.

### **Background**

Within the Board's outstanding 1993 General Indenture, the Board has certain 2010EE bonds totaling \$146,300,000 that bear a fixed interest rate of five percent. In order to match these bonds with variable rate student loan assets, the Board previously entered into interest rate exchange agreements and swapped the fixed rate to a variable rate indexed to LIBOR. Additionally, under the 1993 trust, the Board has \$67,911,000 of LIBOR indexed taxable floating rate notes and \$39,100,000 of tax-exempt auction rate certificates. The Board seeks approval to refinance the entire trust to take advantage of economic gains should market conditions prove favorable.

### **Transaction Requirements**

To refinance the 1993 Indenture bonds, the Board would seek consent from certain bondholders to permit the release of the eligible loans from the indenture and allow the early redemption of all the bonds. In conjunction with this refinance, the Board would terminate the existing interest rate exchange agreements. Currently, termination of the interest rate exchange agreements would provide a positive economic return to the Board.

In order to facilitate a short term refinancing, the Board is also seeking approval to enter into a Warehouse Loan, Security and Servicing Agreement ("Warehouse Agreement") between the Board and the Royal Bank of Canada. This Warehouse Agreement would be a temporary facility not to



exceed one year while the permanent financing is completed.

The long-term financing of the Board's 1993 Indenture would be complete with the issuance of the Series 2020 bonds, in an aggregate principal amount not to exceed \$327,500,000. The proposed variable interest rate on the 2020 bonds will be indexed to LIBOR however, the 2020 bonds will also include language intended to facilitate a movement from historical LIBOR, as needed. The proceeds of the 2020 bonds will permanently refinance the loans currently held under the 1993 Indenture, pay costs of the Indenture amendments, terminate the Interest Rate Exchange Agreements, fund capitalized interest, and make any required deposit to debt service reserves and pay costs of issuance of the 2020 Notes and related expenses.

The Board's obligations under the Warehouse Agreement and the 2020 indentures shall be payable from the revenues and other monies generated from the student loan assets held under the Warehouse Agreement and the related 2020 Indenture and are not a general obligation or liability of the Board or the State of Utah. The not-to-exceed parameters of the transactions are outlined in the table below:

	Warehouse Agreement	1993 Indenture Refinance
Principal amount not to exceed (including costs of issuance and capitalized interest)	\$327,500,000	\$327,500,000
Interest rate not to exceed	Variable Rate as provided in the Agreement but not to exceed 25% per annum	Variable Rate as provided in the Indenture but not to exceed 25% per annum
Discount from par not to exceed	N/A	20% In the aggregate
Underwriter's discount not to exceed (as a discount or fee)	N/A	0.625%
Final maturity from date of issue not to exceed	1 year	40 years
Expiration of the Board authorization	2 years	2 years

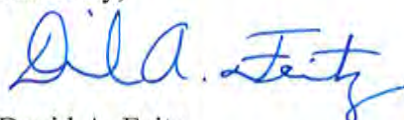
**Economic Advantages**

If the asset-backed markets stabilize and return to pre-COVID-19 levels, the execution of this transaction would allow the Board to realize economic benefits in the following categories:

- As much as a \$21 million reduction of total outstanding bonds against the financed FFELP student loan portfolio.
- A release of \$60 to \$75 million of unencumbered FFELP student loans from the indenture to the Board's balance sheet. The associated revenue stream from these unencumbered loans along with an expected cash release of up to \$20 million from the transaction, will be used to support the Board's operations and advance its mission of improving access to post-secondary education in the State of Utah as the FFELP portfolio amortizes over the next 5 to 10 years.
- The interest rate exchange agreements are in a net positive position for the Board and a termination of these agreements would result in a termination payment to the Board estimated in a pre-COVID-19 financial market at \$12 million.

The 1993 indenture and the proposed 2020 structure are both a variable rate financing structure indexed to LIBOR. As such, the anticipated benefits cannot be expressed as a Net Present Value savings percentage typical with a fixed rate financing. Please feel free to call me if you or others have questions about the details of this funding request.

Sincerely,



David A. Feitz  
Executive Director, UHEAA

cc: David A. Feitz, Executive Director  
Richard Amon  
Blake Wade  
Lee Donner



**Lee Donner**

Regional Managing Director

**Date:** April 23, 2020

**To:** David Feitz, Executive Director of UHEAA

**Cc:** David Schwanke, Deputy Executive Director of UHEAA

**Subject:** Refinancing Opportunity with Respect to Certain Bonds Issued under the State Board of Regents of the State Of Utah Series 1993 General Indenture

---

In our role as Financial Advisor to the State Board of Regents of the State of Utah (the “Board”) Hilltop Securities, Inc. (HTS) participated in an analysis of the potential economic advantages of and legal course of action to refinancing/restructuring most, if not all, of the outstanding bonds issued under the Board’s Series 1993 Indenture. This analysis occurred prior to the market disruption created by the onset of the COVID-19 pandemic, so the projected economic benefits are not achievable under current market conditions. However, if the asset-backed financing markets stabilize and interest rates for Federal Family Education Loan Program loan financings return to levels similar to what was available pre-COVID-19, the Board could, dependent on actual market conditions and investor appetite at the point of offering, potentially achieve economic benefits in the following categories and ranges:

- Reduction of the outstanding debt against the FFELP portfolio being financed by as much as \$21 million,
- Cash released to UHEAA’s balance sheet in the range of \$15 to \$20 million, which could, combined with the revenue stream from unpledged student loans on the Board’s balance sheet (see next item), be sufficient to offset the expected revenue declines (resulting from the pay-down of the Board’s student loan portfolios) and non-declining servicing and operating costs over the next 5 years,
- Unencumbered FFELP loans released to UHEAA’s balance sheet of as much as \$60 to \$75 million in principal balance

HTS recommends that the Board take all necessary steps to be prepared to launch a bondholder consent solicitation offer and subsequent refinancing of the Series 1993 trust at the point that market conditions permit reasonable economic benefits to be achieved. Since both the Series 1993 debt and the restructured debt are/would be variable rate, those benefits cannot be expressed as a Net Present Value Savings number as is typical in a fixed rate refunding. The economic benefits achieved would be in

This communication is for information only, not an offer, solicitation or recommendation, nor an official confirmation of any financial transaction. It is not to be considered research. The information is considered to be reliable, but Hilltop Securities Inc. does not warrant its completeness or accuracy, prices and availability are subject to change without notice. Clients should consult their own advisors regarding any accounting, legal or tax aspects. Investors are instructed to read the entire Official Statement to obtain information essential to the making of an informed investment decision.

Hilltop Securities Inc.  
505 West Fifth Street  
Suite 280  
Clifton, Texas 76634

mobile 254.253.0688  
lee.donner@hilltopsecurities.com  
HilltopSecurities.com

the form of: (1) a significant reduction in the amount of student loan revenue bonds outstanding, (2) termination of two interest rate exchange agreements with a termination payment from the counterparties to the Board, and (3) the release of a portfolio of FFELP loans and some cash from the lien of the Series 1993 Indenture to the Board's balance sheet as described above.

A handwritten signature in cursive script, appearing to read "Lee Janner". The signature is written in dark ink on a white background.

This communication is for information only, not an offer, solicitation or recommendation, nor an official confirmation of any financial transaction. It is not to be considered research. The information is considered to be reliable, but Hilltop Securities Inc. does not warrant its completeness or accuracy, prices and availability are subject to change without notice. We may trade, have long or short positions, or act as a market maker in any financial instrument discussed herein. Clients should consult their own advisors regarding any accounting, legal or tax aspects. Investors are instructed to read the entire Official Statement to obtain information essential to the making of an informed investment decision.

## STUDENT LOAN BOND RESTRUCTURE AUTHORIZATION

May 15, 2020

The State Board of Regents of the State of Utah (to be known as the Utah Board of Higher Education as of July 1, 2020) met in regular session by electronic means, on May 15, 2020, commencing at 9:00 a.m. The following members were present:

Harris H. Simmons	Chair
Nina Barnes	Vice Chair
Jessellie B. Anderson	Member
Lisa-Michele Church	Member
Wilford W. Clyde	Member
Sanchaita Datta	Member
Alan E. Hall	Member
Marlin K. Jensen	Member
Ronald W. Jibson	Member
Patricia Jones	Member
Steven J. Lund	Member
Crystal Maggelet	Member
Sheva Mozafari	Student Regent
Christina Ortega	Member
Robert W. Prince	Member
Mark R. Stoddard	Member
Thomas Wright	Member

Absent:

Also Present:

David R. Woolstenhulme	Interim Commissioner of Higher Education
Geoffrey Landward	Secretary

After the meeting had been duly convened and called to order by the Chair, the roll had been called with the above result, the Chair announced that one of the purposes of the meeting was the consideration of various matters on the agenda.

The following resolution was introduced in written form and pursuant to motion made by Regent \_\_\_\_\_ and seconded by Regent \_\_\_\_\_, was adopted by the following vote:

AYE:

NAY:

The resolution is as follows:

## RESOLUTION

A RESOLUTION OF THE STATE BOARD OF REGENTS OF THE STATE OF UTAH (THE “BOARD”) RELATING TO THE REFINANCING OF CERTAIN OUTSTANDING BONDS AND NOTES OF THE BOARD’S STUDENT LOAN PROGRAM AND AUTHORIZING AMENDMENTS TO BE MADE, EXECUTION OF A SUPPLEMENTAL INDENTURE AND OTHER DOCUMENTS AND SOLICITATION OF CONSENTS IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION OF A WAREHOUSE LINE OF CREDIT AND RELATED DOCUMENTS TO FURTHER SUCH REFINANCING; AUTHORIZING THE ISSUANCE AND SALE OF STUDENT LOAN BACKED NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$327,500,000; AUTHORIZING THE EXECUTION OF ONE OR MORE INDENTURES OF TRUST AND NOTE PURCHASE AGREEMENTS AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE PREPARATION AND USE OF AN OFFERING MEMORANDA; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, the State Board of Regents of the State of Utah (the “Board”) is established and exists under and pursuant to Section 53B-1-103, Utah Code Annotated 1953, as amended; and

WHEREAS, pursuant to Chapter 13, Title 53B, Utah Code Annotated 1953, as amended (the “Act”), the Board is empowered to make or purchase student loan notes and other debt obligations reflecting loans to students under its Student Loan Program and, in order to provide funds for such purposes, the Board is duly authorized to issue and sell bonds pursuant to the provisions of the Act; and

WHEREAS, the Board has previously entered into a General Indenture dated as of August 1, 1993 (the “1993 General Indenture”) and Supplemental Indentures First through Eighteenth (the “1993 Supplemental Indentures” and, collectively with the 1993 General Indenture, the “1993 Indenture”), pursuant to which the Board has issued multiple series of its Student Loan Revenue Bonds and Notes (collectively, the “1993 Indenture Bonds”); and

WHEREAS, the Board desires to refinance all or a portion of the 1993 Indenture Bonds in order to achieve debt service savings and other objectives of the Board (the “Refinance”); and

WHEREAS, in order to facilitate the Refinance, the Board has determined that certain amendments should be made to the 1993 Indenture and desires to execute one or

more Supplemental Indentures (collectively referred to herein as the “Supplemental Indenture”) to make such amendments (the “Amendments”); and

WHEREAS, the 1993 Indenture may be amended on the conditions provided therein and the Board desires to seek the consent of holders of certain of the 1993 Indenture Bonds to the Amendments; and

WHEREAS, in connection with the issuance of certain of the 1993 Indenture Bonds, the Board has entered into Interest Rate Exchange Agreements (collectively, the “Interest Rate Exchange Agreement”) and the Board desires to authorize the termination of the Interest Rate Exchange Agreement in connection with the Refinance and if determined to be necessary or advantageous to make amendments thereto; and

WHEREAS, in order to facilitate the Refinance, the Board anticipates the need to enter into a Warehouse Loan, Security and Servicing Agreement by and among the Board, and Royal Bank of Canada and others to be named therein (the “Warehouse Agreement”); and

WHEREAS, the Board desires to provide long term financing for the Board’s student loans held under the 1993 Indenture and in furtherance thereof, the Board considers it desirable and necessary for the benefit of the residents of the State of Utah to authorize and approve the issuance and sale of the Board’s Student Loan Backed Notes (to be issued in one or more series, from time to time, which may include both senior and subordinate notes, and with such other series designations that may be determined) (the “2020 Notes”) in an aggregate principal amount of not to exceed \$327,500,000 pursuant to one or more Indentures of Trust (each a “2020 Indenture” and collectively, the “2020 Indentures”) between the Board and The Bank of New York Mellon Trust Company, N.A. or another trustee selected by the Board (the “Trustee”); and

WHEREAS, the Board desires to use the proceeds of the 2020 Notes to (i) refinance all or a portion of the loans currently held under the 1993 Indenture and other loans of the Board and any cost of the Amendments and terminating the Interest Rate Exchange Agreement, (ii) fund capitalized interest and any required deposit to debt service reserves and (iii) pay costs of issuance of the 2020 Notes, execution of the Amendments and the Warehouse Agreement and related expenses; and

WHEREAS, the Board’s obligations under the Warehouse Agreement, the 2020 Notes, and the 2020 Indentures shall be payable solely from revenues and other moneys pledged therefor in the Warehouse Agreement and the related 2020 Indenture and shall not constitute nor give rise to a general obligation or liability of the Board or the State of Utah or constitute a charge against their general credit; and

WHEREAS, there has been presented to the Board at this meeting forms of (i) a Note Purchase Agreement (each a “Note Purchase Agreement”) between the Board and RBC Capital Markets, LLC as underwriter (the “Underwriter”), (ii) the 2020 Indenture, (iii) a Preliminary Offering Memorandum (each a “Preliminary Offering Memorandum”) for use in the marketing of the 2020 Notes; (iv) the Warehouse Agreement; (v) the



Supplemental Indenture; and (vi) other documents, all relating to the Refinance, the Amendments (including consent solicitation documentation and agreements) and the 2020 Notes (collective, the “Refinance Documents”); and

WHEREAS, pursuant to Section 53B-13-104(9) of the Act, the Board desires to grant to the Chair, Vice Chair and/or the Chair of the Finance and Facilities Committee of the Board the authority to approve the final terms of the Warehouse Agreement, the Amendments and the Supplemental Indenture, the Interest Rate Exchange Agreement termination or amendment, the 2020 Indenture, the Note Purchase Agreement, the Preliminary Offering Memorandum, the final principal amounts, terms, maturities, interest rates, redemption provisions and purchase prices at which the 2020 Notes shall be sold and any changes with respect thereto from those terms which were before the Board at the time of adoption of this Resolution, provided such terms do not exceed the parameters set forth in this Resolution; and

WHEREAS, to permit flexibility in meeting the objectives of the Board, the Board desires to also authorize the 2020 Notes to be issued in multiple series and from time to time for a period of up to two years following adoption of this Resolution, so long as the amount outstanding does not at any one time exceed the limit established by this Resolution; and

WHEREAS, pursuant to the provisions of Senate Bill 111 of the 2020 General Legislative Session (“Senate Bill 111”), the name of the Board is expected to be changed to the Utah Board of Higher Education and the Board desires to authorize any changes to the documents authorized herein or otherwise necessary to reflect the revised name of the Board, when and if effective.

NOW, THEREFORE, BE IT RESOLVED BY THE STATE BOARD OF REGENTS OF THE STATE OF UTAH, AS FOLLOWS:

Section 1. All terms defined in the foregoing recitals hereto shall have the same meanings when used herein.

Section 2. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board and the officers of the Board directed toward the Refinance, the Amendments, the execution of the Warehouse Agreement and the issuance of the 2020 Notes are hereby ratified, approved and confirmed.

Section 3. The Board hereby approves the forms of the Refinance Documents, including (without limitation) that the 2020 Notes may be issued in multiple series and with a separate 2020 Indenture for one or more Series and by means of separate Preliminary Offering Memoranda and final offering memoranda and Note Purchase Agreements relating thereto, so long as the amount outstanding at any one time does not exceed the limit established in this Resolution.

Section 4. The Board hereby authorizes, approves and directs the use and distribution of one or more Preliminary Offering Memoranda in substantially the form before the Board at this meeting in connection with the offering and sale of the 2020

Notes. The Chair, Vice Chair and/or Chair of the Finance and Facilities Committee and the Secretary of the Board (each reference to such officers including revised titles following implementation of Senate Bill 111) are hereby authorized to approve and deliver on behalf of the Board one or more final Offering Memoranda (each an “Offering Memorandum”) in substantially the same form and with substantially the same content as the form of the Preliminary Offering Memorandum before the Board at this meeting with any such alterations, changes or additions as may be necessary to finalize each Offering Memorandum. The preparation, use and distribution of each Offering Memorandum is also hereby authorized.

Section 5. The form of the 2020 Indenture substantially as presented to this meeting is in all respects authorized, approved and confirmed. The Chair, Vice Chair and/or Chair of the Finance and Facilities Committee and the Secretary of the Board are hereby authorized to execute and deliver 2020 Indentures in substantially the same form and with substantially the same content as the forms of such document presented to this meeting for and on behalf of the Board with such alterations, changes or additions as may be authorized by Section 13 hereof or necessary to confirm the terms of each Series of the 2020 Notes.

Section 6. The Board hereby approves the Amendments (including taking the actions necessary to solicit and receive the consents needed for the Amendments) and the Supplemental Indenture, in substantially the form presented to this meeting, is in all respects authorized, approved and confirmed. The Chair, Vice Chair and/or Chair of the Finance and Facilities Committee and the Secretary of the Board are hereby authorized to execute and deliver one or more Supplemental Indentures in the form and with substantially the same content as presented to this meeting for and on behalf of the Board with such alterations, changes or additions as may be authorized by Section 13 hereof or necessary to implement the Amendments.

Section 7. The Board hereby authorizes the actions necessary for the termination and/or amendment of the Interest Rate Exchange Agreement and the Chair, Vice Chair and/or Chair of the Finance and Facilities Committee and the Secretary of the Board are hereby authorized to approve the final terms of such termination and/or amendment and execute and deliver any documents required therefor.

Section 8. The Warehouse Agreement, in substantially the form before the Board at this meeting, is in all respects authorized, approved and confirmed. The Chair, Vice Chair and/or Chair of the Finance and Facilities Committee are hereby authorized to execute and deliver the Warehouse Agreement and the related fee letter and valuation agent agreements in the form and with substantially the same content as before the Board at this meeting for and on behalf of the Board with such alterations, changes or additions as may be authorized by Section 13 hereof. The indebtedness incurred under the Warehouse Agreement shall be within the parameters set forth on Exhibit D, all as approved by the Chair, Vice Chair and/or Chair of the Finance and Facilities Committee. In addition, without limiting the foregoing, the Board is hereby authorized to pledge all or any portion of the student loans held by the Board under the 1993 Indenture to payment of its obligations under the Warehouse Agreement.

Section 9. For the purpose of providing funds to (i) Refinance all or a portion of the loans held under the 1993 Indenture or otherwise by the Board and to pay costs of the Amendments and the Interest Rate Exchange Agreement termination, (ii) fund capitalized interest and any required deposits to debt service reserves and (iii) pay costs of issuance of the 2020 Notes, execution of the Amendments and the Warehouse Agreement and related expenses, the Board hereby authorizes the issuance of the 2020 Notes in the aggregate principal amount of not to exceed \$327,500,000. The 2020 Notes may be issued from time to time, in one or more series, including both senior and subordinate notes, and with such other series designations that may be determined. The 2020 Notes shall mature on such date or dates, be subject to redemption, and bear interest at the rates, as shall be approved by the Chair, Vice Chair and/or Chair of the Finance and Facilities Committee of the Board, all within the parameters set forth on Exhibit D attached hereto and incorporated herein by reference. The issuance of the 2020 Notes shall be subject to the final advice of Note Counsel and to the approval of the office of the Attorney General of the State of Utah.

Section 10. The form, terms and provisions of the 2020 Notes and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption and number shall be as set forth in the respective 2020 Indenture. The Chair, Vice Chair and/or Chair of the Finance and Facilities Committee and the Secretary of the Board are hereby authorized to execute and seal by manual or facsimile signature the 2020 Notes and to deliver the 2020 Notes to the Trustee for authentication. All terms and provisions of the 2020 Indenture and the 2020 Notes are hereby incorporated in this Resolution. The appropriate officials of the Board are hereby authorized to execute and deliver to the Trustee the written order of the Board for authentication and delivery of the 2020 Notes in accordance with the provisions of the related 2020 Indenture.

Section 11. The Chair, Vice Chair and/or Chair of the Finance and Facilities Committee of the Board are hereby authorized to execute and deliver a Note Purchase Agreement for one or more Series, in substantially the form and with substantially the same content as presented at this meeting for and on behalf of the Board with final terms as may be established for the related 2020 Notes and such alterations, changes or additions as may be authorized by Section 13 hereof. Pursuant to Section 53B-13-104(9) of the Act, the Chair, Vice Chair and/or Chair of the Finance and Facilities Committee of the Board, are each hereby authorized to specify and agree as to the final principal amounts, terms, discounts, maturities, interest rates, rate determination methods and purchase price (including notes sold at a premium or discount) with respect to the 2020 Notes for and on behalf of the Board by the execution of the related Note Purchase Agreement and 2020 Indenture and any changes with respect thereto from those terms which were before the Board at the time of adoption of this Resolution, provided such terms are within the parameters set by this Resolution.

Section 12. The appropriate officers of the Board, including without limitation the Chair, Vice Chair, Chair of the Finance and Facilities Committee, Commissioner of Higher Education, Associate Commissioner for Student Financial Aid, Executive Director of UHEAA, Deputy Executive Director of UHEAA and Secretary (including revised titles following implementation of Senate Bill 111) are hereby authorized to (i)

take all action necessary or reasonably required by the Amendments, the Warehouse Agreement, the 1993 Indenture, the Note Purchase Agreements and the 2020 Indentures to carry out, give effect to and consummate the Refinance and the transactions as contemplated hereby and are authorized to take all action necessary in conformity with the Act and (ii) execute and deliver for and on behalf of the Board any or all additional certificates, documents and other papers and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution and the documents authorized and approved herein.

Section 13. The appropriate officials of the Board, including without limitation the Chair, Vice Chair and/or Chair of the Finance and Facilities Committee are authorized to make any alterations, changes or additions to the Warehouse Agreement, the Supplemental Indenture, the 2020 Indentures, the 2020 Notes, the Note Purchase Agreements, the Preliminary Offering Memoranda, the Offering Memoranda, or any other document herein authorized and approved which may be necessary to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Board of the provisions of the laws of the State of Utah or the United States, all within the parameters established herein.

Section 14. Upon execution and delivery, the Warehouse Agreement shall and upon their issuance, the 2020 Notes of each Series and the obligations of the Board under the related 2020 Indenture will, constitute special limited obligations of the Board payable solely from and to the extent of the sources set forth in the Warehouse Agreement or the related 2020 Indenture and such 2020 Notes, as applicable. No provision of this Resolution, the Warehouse Agreement, the 2020 Notes, the 2020 Indentures, the Note Purchase Agreements, or any other instrument authorized hereby, shall be construed as creating a general obligation of the Board, or of creating a general obligation of the State of Utah or any political subdivision thereof, not as incurring or creating a charge upon the general credit of the Board, the State of Utah or any political subdivision thereof.

Section 15. After the Warehouse Agreement has been executed and delivered and the proceeds of advances thereunder have been made available to the Board and/or upon the issuance of any Series of the 2020 Notes and execution of the 2020 Indenture related thereto, this Resolution shall be and remain irrevocable until the aggregate outstanding amounts thereunder, all interest thereon and all other obligations thereunder or with respect thereto have been fully discharged in accordance with the terms and provisions of the Warehouse Agreement, the 2020 Notes and the related 2020 Indenture, as applicable.

Section 16. If and when Senate Bill 111 takes effect, changing the name of the Board to the "Utah Board of Higher Education" the Board hereby authorizes any changes to the documents authorized herein or otherwise necessary to reflect the revised name of the Board.

Section 17. If any provisions of this Resolution should be held invalid, the invalidity of such provisions shall not affect the validity of any of the other provisions of this Resolution.

Section 18. All resolutions of the Board or parts thereof inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 19. This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED BY THE STATE BOARD OF REGENTS OF THE  
STATE OF UTAH THIS 15<sup>TH</sup> DAY OF MAY, 2020.

STATE BOARD OF REGENTS OF THE  
STATE OF UTAH

(SEAL)

---

Chair

ATTEST:

---

Secretary

After the conduct of other business not pertinent to the above, the meeting was, on motion duly made and seconded, adjourned.

(SEAL)

---

Chair

ATTEST:

---

Secretary

STATE OF UTAH                    )  
   : ss.  
COUNTY OF SALT LAKE    )

I, Geoffrey Landward, do hereby certify that I am the duly qualified and acting Secretary of the State Board of Regents of the State of Utah.

I further certify that the above and foregoing constitutes a true and correct copy of an excerpt of the minutes of a meeting of said Board held on May 15, 2020 and of a resolution adopted at said meeting, as said minutes and resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of said Board this May 15, 2020.

---

Secretary

(SEAL)



STATE OF UTAH                     )  
  : ss.  
COUNTY OF SALT LAKE    )

I, Geoffrey Landward, the undersigned, the duly qualified and acting Secretary of the State Board of Regents of the State of Utah, do hereby certify, according to the records of said State Board of Regents in my official possession, and upon my own knowledge and belief, that:

(a) in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, public notice was given of the agenda, date, time and place of the May 15, 2020 public meeting held by the Members of the State Board of Regents by causing a Notice of Public Meeting, in the form attached hereto as Schedule 1 to be: (i) posted at the principal office of the State Board of Regents at 60 South 400 West, Salt Lake City, Utah, at least 24 hours prior to the convening of such meeting, said Notice of Public Meeting having continuously remained so posted and available for public inspection during the regular office hours of the State Board of Regents until the convening of the meeting; (ii) published on the Utah Public Notice Website (<http://pmn.utah.gov>), at least 24 hours prior to the convening of such meeting; and (iii) provided at least 24 hours prior to the convening of such meeting, to the Deseret News and The Salt Lake Tribune, newspapers of general circulation within the geographic jurisdiction of the State Board of Regents, pursuant to their subscription to the Utah Public Notice Website (<http://pmn.utah.gov>), and to each local media correspondent, newspaper, radio station or television station which has requested notification of meetings of the State Board of Regents;

(b) in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, public notice of the 2019-2020 Annual Meeting Schedule of the State Board of Regents was given, specifying the date, time and place of the regular meetings of the State Board of Regents scheduled to be held during said years, by causing a Notice of Annual Meeting Schedule for the State Board of Regents, in the form attached hereto as Schedule 2, to be (i) posted at the principal office of the State Board of Regents at 60 South 400 West, Salt Lake City, Utah in November 2018; (ii) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year, and (iii) provided to a newspaper of general circulation within the geographic jurisdiction of the State Board of Regents pursuant to its subscription to the Utah Public Notice Website (<http://pmn.utah.gov>); and

(c) the State Board of Regents has adopted written procedures governing the holding of electronic meetings in accordance with Section 52-4-207 Utah Code Annotated 1953, as amended (a copy of which is attached hereto as Exhibit C). In accordance with said Section and the aforementioned procedures, notice was given to each member of the State Board of Regents and to members of the public at least 24 hours before the meeting to allow members of the State Board of Regents and the public to participate in the meeting, including a

description of how they could be connected to the meeting. The State Board of Regents held the meeting (the anchor location) in the building where it normally meets and provided space and facilities at the anchor location so that interested persons and the public could attend and participate.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the State Board of Regents of the State of Utah, this May 15, 2020.

(SEAL)

---

Secretary

EXHIBIT A

NOTICE OF PUBLIC MEETING

EXHIBIT B

NOTICE OF ANNUAL MEETING SCHEDULE

EXHIBIT C

ELECTRONIC MEETING POLICY

## EXHIBIT D

### PARAMETERS FOR WAREHOUSE AGREEMENT

The indebtedness incurred under the Warehouse Agreement shall be:

in an aggregate principal amount of not to exceed \$327,500,000,

bear interest at variable rates as provided in the Warehouse Agreement and other documents related thereto and at rates which shall not at any time exceed 25% per annum and to be due and payable in not more than one year from the date of execution thereof

### PARAMETERS OF THE 2020 NOTES

Principal amount not to exceed	\$327,500,000
--------------------------------	---------------

Interest Rate for the Notes shall be at variable rates as provided in the Indenture but not to exceed at any one time	25% per annum
---	---------------

2020 Notes shall be sold to the Underwriter, with an underwriter's discount of not to exceed (as a discount or fee) of the face amount of the 2020 Notes.	0.625%
---	--------

Discount from par not to exceed	20.0% (in the aggregate, with respect to all Notes issued)
---------------------------------	--

Final maturity not to exceed	Forty (40) years from the date thereof
------------------------------	--

May be non-callable or callable at the option of Board as determined at the time of sale



# MEMORANDUM

TAB F

May 8, 2020

## USHE – 2020-21 Performance Funding Allocations

State statute (53-7-706) requires the Board to establish a model for performance funding and annually determine institutional performance necessary to receive legislative appropriations. For fiscal year 2020-21 the legislature appropriated \$29,500,000 of ongoing funds for Performance Funding in addition to \$1,005,800 of ongoing unallocated funds from 2019-20. Board members are asked to review the proposed \$30,505,800 2020-21 allocation in the attachment that was made using the model adopted by the Board in March 2019 and that is consistent with statute. Upcoming budget reductions by the legislature may reduce these funds and the Commissioner's Office requests the ability to reduce the final awards proportionate to any legislative reduction.

As required by statute the eligible funding amount for each institution is determined using 50% student FTE and 50% state appropriations. The amount is then divided and weighted among the performance metrics included in the model. The proposed final award amounts are calculated based on the actual performance achieved for each metric using a five-year rolling average comparison to a single year. In order for institutions to earn 100 percent of their eligible amount, they must demonstrate at least one percent improvement in the most current year when compared to the previous five-year average. If an institution achieves between zero percent and one percent for a particular metric, the award is a prorated percentage.

### Commissioner's Recommendation

The Commissioner recommends the Board allocate the following amounts to institutions based on the 2020-21 USHE Performance Funding model and authorize the Commissioner's Office to reduce those amounts proportionate to any legislative reductions to performance funding:

Institution	Award Amount
University of Utah	\$8,937,200
Utah State University	\$6,064,100
Weber State University	\$3,219,200
Southern Utah University	\$1,702,400
Snow College	\$875,700
Dixie State University	\$1,471,300

Utah Valley University	\$4,846,900
Salt Lake Community College	\$2,642,500
Unallocated	\$746,500
<hr/>	
Total	\$30,505,800

**Attachment**



**USHE FY 2021 ELIGIBLE PERFORMANCE FUNDING AMOUNT**  
**\$30,505,800**  
**DISTRIBUTION 50% ENROLLMENT 50% APPROPRIATIONS**

<b>Institution</b>	<b>2018-19 Annualized Budget Related FTE</b>	<b>% of FTE</b>	<b>50% \$ 15,252,900</b>	<b>2019-20 Total State Funded Appropriations</b>	<b>% of Approps</b>	<b>50% \$ 15,252,900</b>	<b>Eligible Performance Funding Amount</b>	<b>% of Total</b>
<b>UU</b>	30,213	24.30%	\$3,706,700	\$352,292,700	34.29%	\$5,230,500	\$8,937,200	29.30%
<b>USU</b>	21,835	17.56%	\$2,678,900	\$228,002,300	22.19%	\$3,385,200	\$6,064,100	19.88%
<b>WSU</b>	14,691	11.82%	\$1,802,400	\$95,423,600	9.29%	\$1,416,800	\$3,219,200	10.55%
<b>SUU</b>	7,998	6.43%	\$981,200	\$48,572,100	4.73%	\$721,200	\$1,702,400	5.58%
<b>SNOW</b>	3,594	2.89%	\$441,000	\$29,278,700	2.85%	\$434,700	\$875,700	2.87%
<b>DSU</b>	6,765	5.44%	\$830,000	\$43,193,000	4.20%	\$641,300	\$1,471,300	4.82%
<b>UVU</b>	24,457	19.67%	\$3,000,600	\$124,351,600	12.10%	\$1,846,300	\$4,846,900	15.89%
<b>SLCC</b>	14,770	11.88%	\$1,812,100	\$106,205,000	10.34%	\$1,576,900	\$3,389,000	11.11%
<b>Total</b>	<b>124,323</b>	<b>100.0%</b>	<b>\$15,252,900</b>	<b>\$1,027,319,000</b>	<b>100.0%</b>	<b>\$15,252,900</b>	<b>\$30,505,800</b>	<b>100.0%</b>

Sources: 2020 Data Book Tab C, Table 2. 2019-20 Appropriations Detail (sideways sheets).

Performance Funding Detail by Institution  
Recalibrated Amounts

**Research Universities**

	Completion	Underserved	Market	Research	Awards per 100	Total
<i>Weighting</i>	<i>15%</i>	<i>Students</i>	<i>Demand</i>		<i>FTE</i>	
		<i>10%</i>	<i>25%</i>	<i>10%</i>	<i>40%</i>	<i>100%</i>
<b>University of Utah</b>						
Available Allocation (29.31%)	\$1,340,580	\$ 893,720	\$2,234,300	\$ 893,720	\$3,574,880	\$8,937,200
1% Progress Measure (increase/decrease)	3.51%	92.07%	4.92%	24.64%	2.32%	
Actual Award within Available Allocation	\$1,340,580	\$ 893,720	\$2,234,300	\$ 893,720	\$3,574,880	\$8,937,200
Percent (%) Funded	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Balance	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$
<b>Utah State University</b>						
Available Allocation (20.27%)	\$ 909,615	\$ 606,410	\$1,516,025	\$ 606,410	\$2,425,640	\$6,064,100

1% Progress Measure (increase/decrease)	14.16%	49.95%	16.37%	20.33%	8.57%	
Actual Award within Available Allocation	\$ 909,615	\$ 606,410	\$1,516,025	\$ 606,410	\$2,425,640	\$6,064,100
Percent (%) Funded	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Balance	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$

**Regional Universities**

	Completion	Underserved	Market		Awards per	Total
<i>Weighting</i>	<i>15%</i>	<i>Students</i>	<i>Demand</i>		<i>FTE</i>	
		<i>10%</i>	<i>25%</i>		<i>50%</i>	
<b>Weber State University</b>						
Available Allocation (10.61%)	\$ 482,880	\$ 321,920	\$ 804,800		\$1,609,600	\$3,219,200
1% Progress Measure (increase/decrease)	6.70%	65.03%	12.05%		4.09%	
Actual Award within Available Allocation	\$ 482,880	\$ 321,920	\$ 804,800	\$	\$1,609,600	\$3,219,200
Percent (%) Funded	100.0%	100.0%	100.0%		100.0%	100.0%
Balance	\$ 0	\$ 0	\$ 0		\$ 0	\$
<b>Southern Utah University</b>						
Available Allocation (5.18%)	\$ 255,360	\$ 170,240	\$ 425,600		\$ 851,200	\$1,702,400
1% Progress Measure (increase/decrease)	34.15%	85.44%	10.78%		25.93%	
Actual Award within Available Allocation	\$ 255,360	\$ 170,240	\$ 425,600	\$	\$ 851,200	\$1,702,400
Percent (%) Funded	100.0%	100.0%	100.0%		100.0%	100.0%
Balance	\$ 0	\$ 0	\$ 0		\$ 0	\$

Performance Funding Detail by Institution  
Recalibrated Amounts

Regional Universities						
	Completion 15%	Underserved Students 10%	Market Demand 25%		Awards per FTE 50%	Total
<b>Weighting</b>						
<b>Dixie State University</b>						
Available Allocation (4.62%)	\$ 220,695	\$ 147,130	\$ 367,825		\$ 735,650	\$1,471,300
1% Progress Measure (increase/decrease)	15.30%	20.26%	21.33%		4.27%	
Actual Award within Available Allocation	\$ 220,695	\$ 147,130	\$ 367,825	\$	\$ 735,650	\$1,471,300
Percent (%) Funded	100.0%	100.0%	100.0%		100.0%	100.0%
Balance	\$ 0	\$ 0	\$ 0		\$ 0	\$
<b>Utah Valley University</b>						
Available Allocation (15.3%)	\$ 727,035	\$ 484,690	\$1,211,725		\$2,423,450	\$4,846,900
1% Progress Measure (increase/decrease)	17.37%	69.78%	27.83%		2.69%	
Actual Award within Available Allocation	\$ 727,035	\$ 484,690	\$1,211,725	\$	\$2,423,450	\$4,846,900
Percent (%) Funded	100.0%	100.0%	100.0%		100.0%	100.0%
Balance	\$ 0	\$ 0	\$ 0		\$ 0	\$
<b>Community Colleges</b>						
	Completion 15%	Underserved Students 10%	Market Demand 25%		Awards per FTE 50%	Total
<b>Weighting</b>						
<b>Snow College</b>						
Available Allocation (2.88%)	\$ 131,355	\$ 87,570	\$ 218,925		\$ 437,850	\$ 875,700
1% Progress Measure (increase/decrease)	16.45%	28.85%	1.09%		17.98%	
Actual Award within Available Allocation	\$ 131,355	\$ 87,570	\$ 218,925	\$	\$ 437,850	\$ 875,700
Percent (%) Funded	100.0%	100.0%	100.0%		100.0%	100.0%
Balance	\$ 0	\$ 0	\$ 0		\$ 0	\$
<b>Salt Lake Community College</b>						
Available Allocation (11.83%)	\$ 508,350	\$ 338,900	\$ 847,250		\$1,694,500	\$3,389,000
1% Progress Measure (increase/decrease)	-7.36%	25.82%	15.60%		0.86%	
Actual Award within Available Allocation	\$ 0	\$ 338,900	\$ 847,250	\$	\$1,456,323	\$2,642,500
Percent (%) Funded	0.0%	100.0%	100.0%		85.9%	78.0%
Balance	\$ 508,350	\$ 0	\$ 0		\$ 238,177	\$ 746,500
<b>Remaining Balances (to be reallocated based on performance next year)</b>						
	Completion	Underserved Students	Market Demand	Research	Awards/100 FTE	Total
	508,350	0	0.0	0	238,177	\$ 746,500

UTAH SYSTEM OF HIGHER EDUCATION  
PERFORMANCE FUNDING HISTORY  
FISCAL YEARS 2014 TO 2021

Institution	FY 2014	FY 2015	FY 2016		FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	Total	
	One-time	One-time	On-going	One-time	One-time	On-going	On-going	On-going	On-going	On-going	One-time
University of Utah	194,500	328,620	555,700	2,011,400	1,387,306	1,872,900	1,300,400	9,145,200	8,937,200	21,811,400	3,921,826
Utah State University	200,000	328,620	420,100	1,520,600	1,072,945	1,343,400	899,500	6,321,400	6,064,100	15,048,500	3,122,165
Weber State University	120,000	118,860	242,000	876,100	651,510	713,400	482,800	3,339,100	3,219,200	7,996,500	1,766,470
Southern Utah University	55,200	131,450	91,600	331,400	220,916	319,800	235,700	1,644,300	1,702,400	3,993,800	738,966
Snow College	53,600	82,480	51,400	186,200	139,173	180,900	113,100	753,400	875,700	1,974,500	461,453
Dixie State University	53,600	118,310	102,600	371,200	243,446	289,800	94,900	754,600	1,471,300	2,713,200	786,556
Utah Valley University	120,000	197,170	285,500	1,033,200	718,993	1,000,900	314,300	4,897,900	4,846,900	11,345,500	2,069,363
Salt Lake Community College	60,000	98,590	251,100	908,900	565,711	778,900	409,300	3,638,300	2,642,500	7,720,100	1,633,201
<b>Total</b>	<b>856,900</b>	<b>1,404,100</b>	<b>2,000,000</b>	<b>7,239,000</b>	<b>5,000,000</b>	<b>6,500,000</b>	<b>3,850,000</b>	<b>30,494,200</b>	<b>29,759,300</b>	<b>72,603,500</b>	<b>14,500,000</b>

Appropriated	1,000,000	1,500,000	2,000,000	7,000,000	5,000,000	6,500,000	3,850,000	31,500,000	29,500,000
Carry forward	-	143,100	-	239,000	-	-	-	-	1,005,800
Unallocated	(143,100)	(239,000)	-	-	-	-	-	(1,005,800)	(746,500)
Allocated	856,900	1,404,100	2,000,000	7,239,000	5,000,000	6,500,000	3,850,000	30,494,200	29,759,300



# MEMORANDUM

TAB D

April 10, 2020

## USHE Annual Money Management Report – FY 2019

As required by statute and Regents Policy R541, *Management and Reporting of Institutional Investments*, USHE institutions submit monthly and annual reports detailing the deposit and investment of funds. The Board of Regents subsequently submits an annual summary report of all investments by institution to both the Governor and the Legislature. The attached report serves as the annual summary report and meets the requirements outlined in policy and statute.

### **Commissioner's Recommendation**

This is an information item only; no action is required.

Attachment



## USHE Annual Money Management Report – FY 2019

### Background

On both a monthly and annual basis institutions prepare investment reports that are reviewed and approved by the institution treasurer and internal auditors. The treasurer certifies that the institution is in compliance with the Uniform Prudent Management of Institutional Funds Act (UPMIFA) and the State Money Management Act. The internal auditor verifies compliance with state statutes, Regents' policy, institutional policy, federal regulation, strength of controls, and confirms the completeness and accuracy of the investment reports. Completed reports are submitted to the institution's Board of Trustees for review and approval (as delegated by the Board of Regents) and forwarded to the Commissioner's Office for review and record keeping.

Statute requires that the annual summary report to the Governor and Legislature represent audited values. To meet this requirement, this report is prepared after the state auditors complete their annual financial audit of the institutions. The investment figures used in this report tie to the audited "Statement of Net Assets" found in the institution's financial statements.

The attached report demonstrates the relative size of institutional investments and the asset allocations in place at each school by investment category. The categories are:

- Endowment Investments - governed by UPMIFA and Regents Policy R541;
- Foundation Investments - governed by a Foundation Board of Trustees/Directors operating under the requirements of non-profit 501(c)(3)s; and
- Other Investments - all funds not endowment or foundation operating under the guidelines and requirements of Utah Code 51-7, and Utah Money Management Act.

### Additional Information

The Commissioner's staff has worked with USHE controllers to provide additional information regarding the oversight and review of the investment process to address Regent questions regarding: asset allocation, compliance with laws and regulations, return on assets, and risk management. The following information has been provided by the institutions describing their processes and procedures for evaluating the performance of their respective investments, the various benchmarks used in the

evaluation process, and clarifying notes describing the use of outside industry professionals to assist in the management of institutional investments.

## **Oversight and Review**

The responsibility for oversight, management, and reporting of assets invested (including the management of the portfolio, selection of investment products, and investiture/divestiture decisions) has been delegated by the Board of Regents to an institution's Board of Trustees. To assist with this charge, the institutions have created investment committees to help with the operational responsibilities. The membership of these committees vary by campus, but may include trustees, institutional officers, designated treasurers, institution employees, members of the business community, and/or investment professionals. Institutional use of outside professionals varies. In some cases, outside professionals (i.e. Commonfund, Wells Fargo, LCG Associates, Albourne America, and Strata Financial Services) are hired to manage pieces of investment portfolios. In other cases, individuals who are recognized as investment professionals may sit on the investment committees.

Investment committees are asked to evaluate the respective investments relative to returns, risk mitigation, institutional needs, reasonableness, effectiveness, overall position, prudence, and management cost, while maintaining compliance with statutes, policies, authorities, and regulations.

Reports of the positions, instruments, and balances are produced on a monthly and a quarterly basis by the designated treasurer, approved by committees, and presented to the institutional President and Board of Trustees for review and approval.

## **Performance Measurement**

Institutions use industry standard benchmarks to measure the return on their investments, allocation of assets, and risk level. The benchmark tools may include S&P 500, Russell 3000, Morgan Stanley (MSCI) for equity funds, UBS index, Barclays Capital Index, London Interbank Offered Rate (LIBOR), and peer group comparisons. Several institutions participate in a national survey by NACUBO – Commonfund Study of Endowments (which includes all major colleges and universities in the U.S.). The results of this annual study are a key indicator of how their investment practices and results compare to other major universities. The NACUBO study also provides insights into current investment trends and ways to improve overall results. Dixie State University has chosen to place the bulk of their investments with the University of Utah, thus getting the benefit of all the investment strategies the University of Utah has access to, as well as to professionals on staff.

## **Foundations**

Foundations are managed in a similar manner, having a board and committee that oversee and direct the investments of each foundation. The foundations are subject to federal regulations. In the case of Dixie

State University, the foundation is a completely separate entity from the institution. Dixie State University does not maintain any institutional investments within their foundation.

Utah State University's foundation is considered to be a part of the university or "dependent foundation", which is dedicated to maximizing support from private donations. As such, foundation funds are invested as part of the university endowment according to current university guidelines, oversight protocols, performance evaluation standards, and according to the same investment policies as all other university funds.

### **Note**

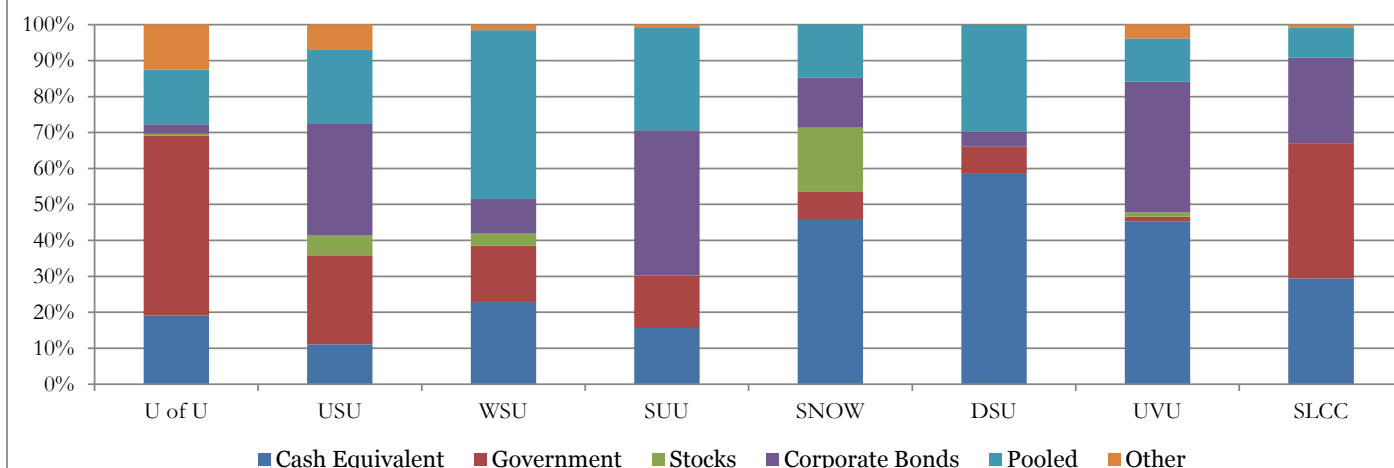
During FY 2019 SUU saw a decrease in their total investments of \$3,235,301. When SUU has a shortfall they will liquidate their investments to cover operations, such as payroll and operating expenses. During the year there were a couple of factors that lead to the increased use of cash. The first was an \$8.7M cash outlay for capital assets in excess of net cash state appropriations and capital gifts and grants. Some of the major items were for the purchase of the Warthen home (new President's residence), Athletic Training & Performance Center, Business building and Geosciences building. Secondly, there were \$2M in payments for debt service for lease/purchase of aircraft and hangers for the aviation program. It should be noted that the appropriations or gifts for some of these projects may have been received in a prior year. This can result in a timing difference between when the money is received and when the actual cash outlay occurs.

Between FY 2018 and 2019 DSU saw a decrease in their total investments of \$8,059,368, from \$59,103,497 in 2018 to \$51,044,129 in 2019. The 2018 FY amount included about \$14,000,000 in new bond funds whose purpose was to be used in new building construction. The use of these funds is the reason for the decrease in total investments for DSU between FY 2018 and 2019.



# 2019 Summary of USHE Investments

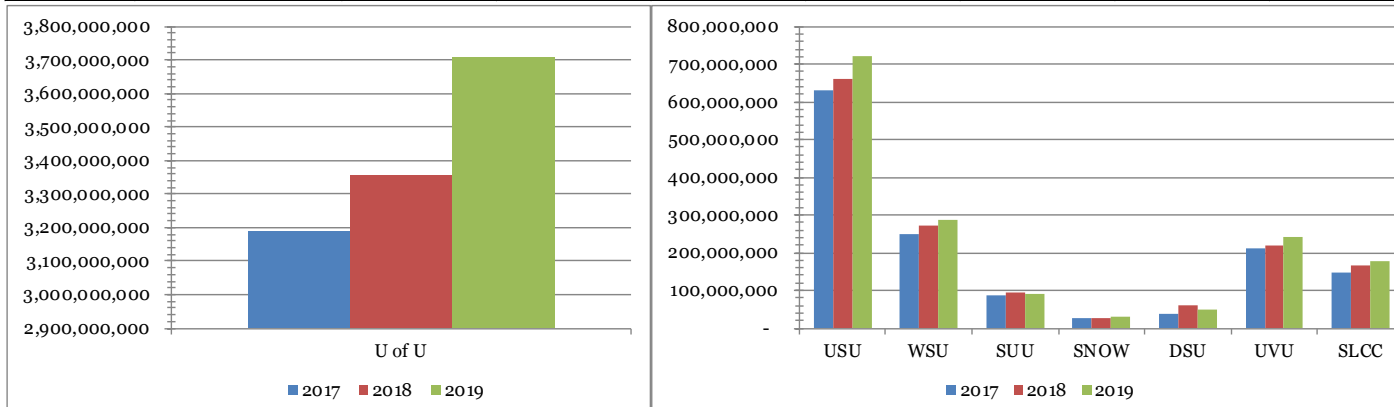
Category of Investment	Class	U of U	USU	WSU	SUU	SNOW	DSU	UVU	SLCC
Cash Equivalent	A	19.12%	11.10%	22.82%	15.60%	45.98%	58.46%	45.36%	29.45%
Government	B	49.95%	24.72%	15.69%	14.57%	7.50%	7.62%	1.24%	37.57%
Stocks	C	0.59%	5.53%	3.36%	0.01%	17.89%	0.04%	1.15%	0.00%
Corporate Bonds	D	2.65%	31.05%	9.65%	40.48%	13.83%	4.09%	36.34%	23.80%
Pooled	E	15.22%	20.54%	46.93%	28.40%	14.81%	29.76%	12.12%	8.42%
Other	F	12.47%	7.06%	1.55%	0.94%	0.00%	0.03%	3.78%	0.76%



Total investment allocation by each Institution, as of June 30, 2019.

## 3 Year Comparison of All Fund Investments

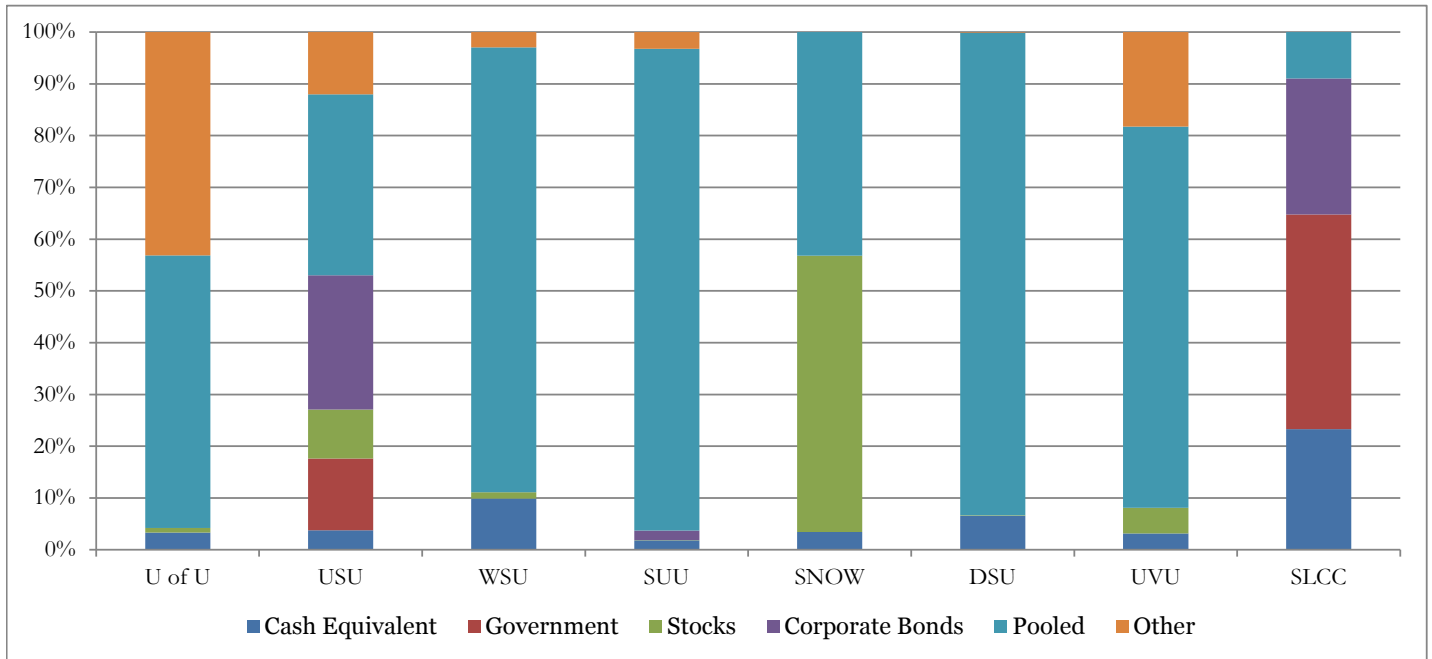
Fiscal Year	U of U	USU	WSU	SUU	SNOW	DSU	UVU	SLCC
2017	3,187,691,039	631,850,447	248,951,130	88,322,515	26,218,129	38,885,320	212,504,957	145,567,320
2018	3,355,923,908	659,092,628	271,168,629	94,504,351	25,809,903	59,103,497	218,862,656	167,551,537
2019	3,706,327,030	721,201,869	286,767,866	91,269,050	31,323,819	51,044,129	241,645,821	176,672,968



Summary of all funds invested by each institution over the previous three years. Data shows the trends that the institutions are seeing in the value of their respective investments. In an attempt to present all institutions at the appropriate visual scale, the University of Utah is displayed separately.

# Endowment Investments

Category of Investment	Class	U of U	USU	WSU	SUU	SNOW	DSU	UVU	SLCC
Cash Equivalent	A	3.30%	3.73%	9.87%	1.81%	3.41%	6.53%	3.17%	23.31%
Government	B	0.00%	13.91%	0.00%	0.00%	0.00%	0.00%	0.00%	41.45%
Stocks	C	0.89%	9.42%	1.26%	0.03%	53.41%	0.13%	4.92%	0.00%
Corporate Bonds	D	0.00%	25.96%	0.00%	1.85%	0.00%	0.00%	0.00%	26.26%
Pooled	E	52.67%	34.96%	85.93%	93.10%	43.18%	93.24%	73.64%	8.98%
Other	F	43.15%	12.02%	2.95%	3.21%	0.00%	0.11%	18.28%	0.00%



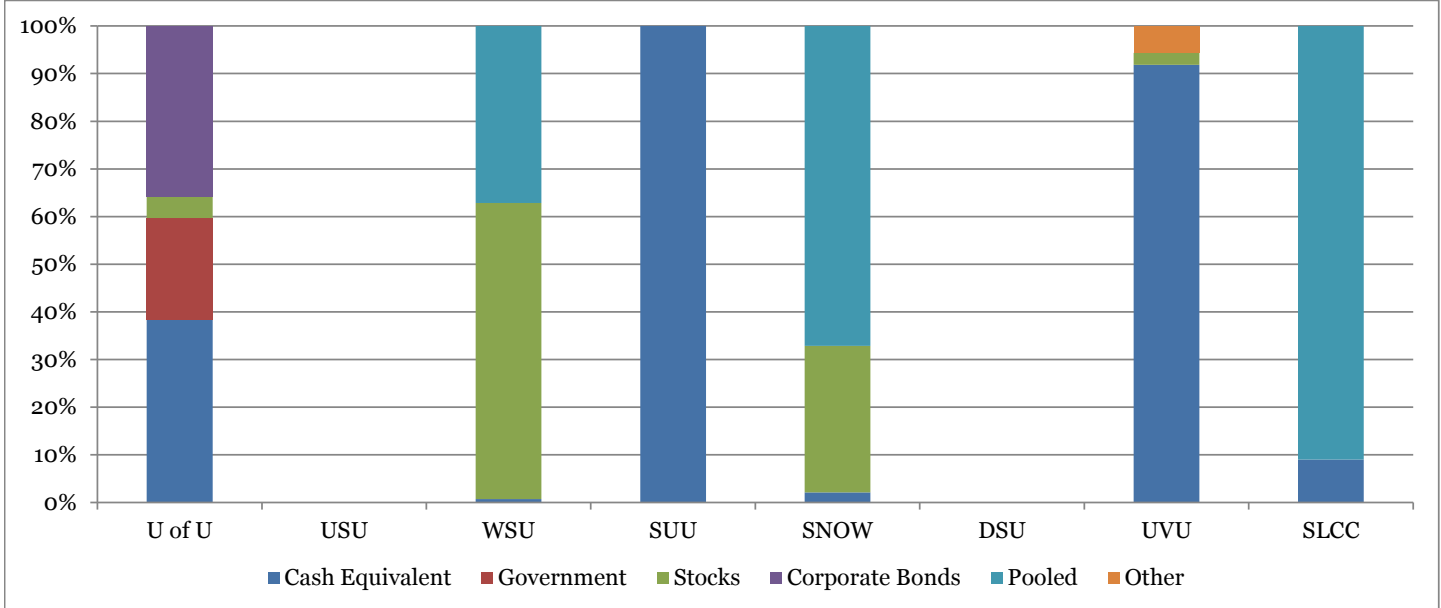
Investment allocation of endowment funds by category, as of June 30, 2019.

Category of Investment	Class	U of U	USU	WSU	SUU	SNOW	DSU	UVU	SLCC
Saving/Checking/Money Mkt Accounts	A	24,379,170	12,310,280	3,694,831	111,911	352,437	377,274	1,260,653	161,827
Repurchase Agreements	A	-	-	-	-	-	-	-	-
Certificates of Deposit	A	-	-	-	-	-	-	-	-
Commercial Paper	A	-	-	-	-	-	-	-	-
Utah PTIF Accounts	A	10,928,666	3,486,377	11,226,839	373,542	-	685,819	-	1,714,397
Obligations of US Government	B	-	43,537,422	-	-	-	-	-	3,336,612
Obligations of State/Local Government	B	-	15,394,491	-	-	-	-	-	-
Stocks	C	9,551,605	39,908,477	1,901,040	8,823	5,523,215	21,041	1,956,578	-
Corporate Bonds	D	-	109,973,281	-	493,918	-	-	-	2,114,197
Mutual Funds	E	564,243,335	119,244,796	-	24,926,801	4,465,165	15,188,156	29,297,066	722,839
Commonfund Accounts	E	-	28,856,059	129,928,451	-	-	-	-	-
Alternative	F	462,224,516	50,906,211	-	859,860	-	17,434	5,703,022	-
Other	F	-	-	4,456,806	-	-	-	1,568,254	-
<b>Total</b>		<b>1,071,327,292</b>	<b>423,617,394</b>	<b>151,207,967</b>	<b>26,774,855</b>	<b>10,340,817</b>	<b>16,289,724</b>	<b>39,785,573</b>	<b>8,049,872</b>
<b>Percent of Total</b>		<b>61.31%</b>	<b>24.24%</b>	<b>8.65%</b>	<b>1.53%</b>	<b>0.59%</b>	<b>0.93%</b>	<b>2.28%</b>	<b>0.46%</b>
<b>USHE Total</b>		<b>1,747,393,494</b>							

Schedule of total endowment funds invested by each institution, as of June 30, 2019. Endowment funds are invested according to policy guidelines of the Uniform Prudent Management of Institutional Funds Act (UPMIFA) and Regents Policy R541. Endowment investments by institution are shown at the sub-category level, which roll up into the six categories above.

# Foundation Investments

Category of Investment	Class	U of U	USU	WSU	SUU	SNOW	DSU	UVU	SLCC
Cash Equivalent	A	38.50%	0.00%	0.72%	100.00%	2.09%	0.00%	91.81%	9.02%
Government	B	21.19%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Stocks	C	4.44%	0.00%	62.10%	0.00%	30.77%	0.00%	2.52%	0.00%
Corporate Bonds	D	35.88%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Pooled	E	0.00%	0.00%	37.18%	0.00%	67.14%	0.00%	0.00%	90.98%
Other	F	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	5.67%	0.00%



Investment allocation of foundation funds by Institution, as of June 30, 2019.

Category of Investment	Class	U of U	USU	WSU	SUU	SNOW	DSU	UVU	SLCC
Saving/Checking/Money Mkt Accounts	A	94,851,326	-	71,276	10,678	5,463	-	1,142,405	1,402,478
Repurchase Agreements	A	-	-	-	-	-	-	-	-
Certificates of Deposit	A	10,315,341	-	-	-	-	-	-	-
Commercial Paper	A	-	-	-	-	-	-	-	-
Utah PTIF Accounts	A	-	-	19,139	398,038	-	-	29,042,187	-
Obligations of US Government	B	57,882,194	-	-	-	-	-	-	-
Obligations of State/Local Government	B	-	-	-	-	-	-	-	-
Stocks	C	12,115,704	-	7,743,806	-	80,284	-	829,572	-
Corporate Bonds	D	98,023,539	-	-	-	-	-	-	-
Mutual Funds	E	-	-	-	-	175,161	-	-	14,151,524
Commonfund Accounts	E	-	-	4,636,671	-	-	-	-	-
Alternative	F	-	-	-	-	-	-	-	-
Other	F	-	-	-	-	-	-	1,862,287	-
<b>Total</b>		<b>273,188,104</b>	<b>-</b>	<b>12,470,892</b>	<b>408,716</b>	<b>260,908</b>	<b>-</b>	<b>32,876,451</b>	<b>15,554,002</b>
<b>Percent of Total</b>		<b>81.61%</b>	<b>0.00%</b>	<b>3.73%</b>	<b>0.12%</b>	<b>0.08%</b>	<b>0.00%</b>	<b>9.82%</b>	<b>4.65%</b>
<b>USHE Total</b>		<b>334,759,073</b>							

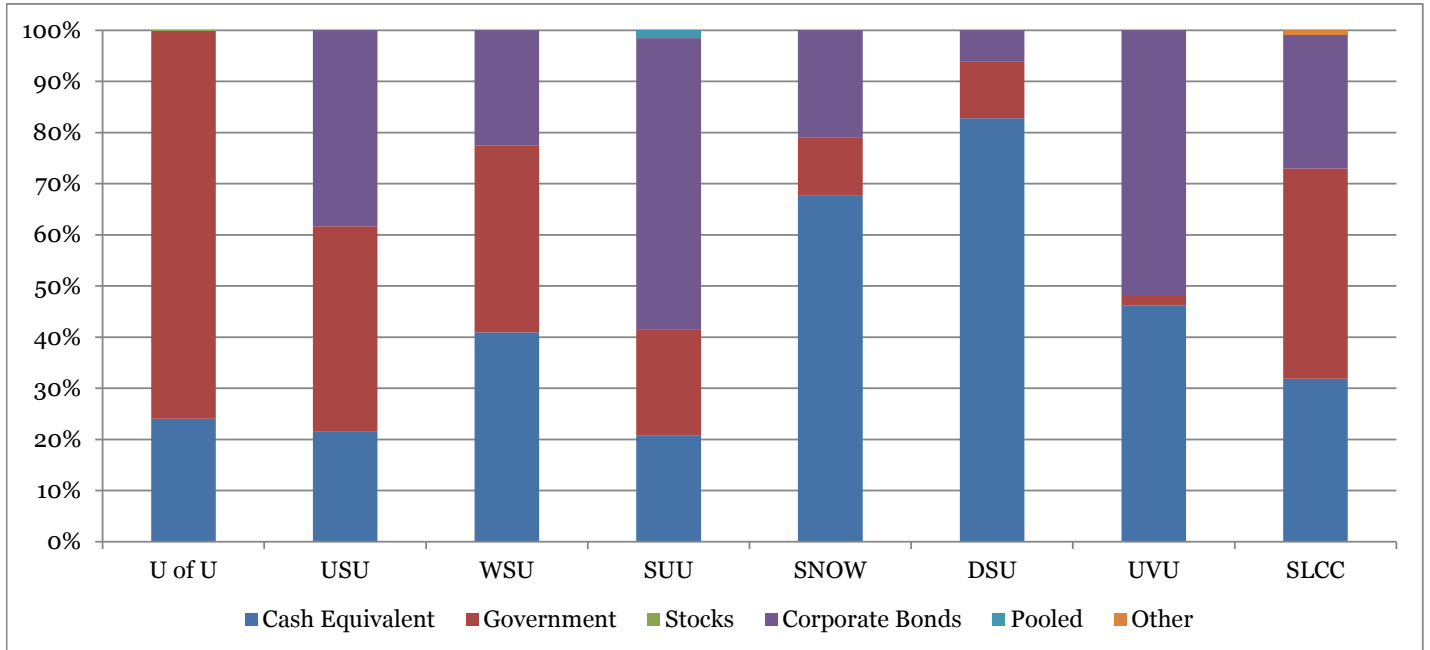
Schedule of total foundation funds invested by each institution, as of June 30, 2019. Foundation investments are approved by the Foundation's Board of Trustees, which operates under the requirements of nonprofit 501(c)(3) foundations. Foundation investments are shown at the sub-category level, which roll up into the six categories above. The following should be noted:

- USU Foundation is invested as part of the University Endowment, and is reported as part of their financial statements.
- DSU's Foundation is not part of the Institution.

Beginning in FY 2018, UVU's Foundation Board approved new bylaws that gives the University President approval authority on all Board Members. UVU Foundation is now a blended component of the University, (appearing as such in the FY 2018 Financial Statements). FY 2017 Financial Statements were restated in accordance with GASB Reporting Standards.

# Other Investments

Category of Investment	Class	U of U	USU	WSU	SUU	SNOW	DSU	UVU	SLCC
Cash Equivalent	A	24.05%	21.60%	40.97%	20.82%	67.77%	82.80%	46.25%	31.85%
Government	B	75.94%	40.11%	36.56%	20.75%	11.33%	11.19%	1.78%	41.18%
Stocks	C	0.02%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Corporate Bonds	D	0.00%	38.29%	22.47%	56.88%	20.90%	6.01%	51.97%	26.09%
Pooled	E	0.00%	0.00%	0.00%	1.55%	0.00%	0.00%	0.00%	0.00%
Other	F	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.88%



Investment allocation of other funds (not endowment or foundation) by Institution, as of June 30, 2019.

Category of Investment	Class	U of U	USU	WSU	SUU	SNOW	DSU	UVU	SLCC
Saving/Checking/Money Mkt Accounts	A	92,182,294	38,229,142	8,473,646	1,890,170	1,842,255	5,177,505	10,485,799	2,060,926
Repurchase Agreements	A	81,500,000	-	-	-	1,688,293	-	-	-
Certificates of Deposit	A	-	-	-	1,033,442	-	-	-	-
Commercial Paper	A	-	-	-	-	-	-	-	-
Utah PTIF Accounts	A	394,309,849	26,040,097	41,951,370	10,420,550	10,512,455	23,600,026	67,672,483	46,687,230
Obligations of US Government	B	1,792,959,875	111,547,470	45,004,737	13,295,157	2,147,774	3,888,025	3,002,120	63,032,322
Obligations of State/Local Government	B	500,940	7,812,358	-	-	200,048	-	-	-
Stocks	C	358,676	-	-	-	-	-	-	-
Corporate Bonds	D	-	113,955,408	27,659,254	36,453,904	4,331,269	2,088,849	87,823,395	39,939,537
Mutual Funds	E	-	-	-	992,256	-	-	-	-
Commonfund Accounts	E	-	-	-	-	-	-	-	-
Alternative	F	-	-	-	-	-	-	-	1,349,079
Other	F	-	-	-	-	-	-	-	-
<b>Total</b>		<b>2,361,811,634</b>	<b>297,584,475</b>	<b>123,089,007</b>	<b>64,085,479</b>	<b>20,722,094</b>	<b>34,754,405</b>	<b>168,983,797</b>	<b>153,069,094</b>
<b>Percent of Total</b>		<b>73.25%</b>	<b>9.23%</b>	<b>3.82%</b>	<b>1.99%</b>	<b>0.64%</b>	<b>1.08%</b>	<b>5.24%</b>	<b>4.75%</b>
<b>USHE Total</b>		<b>3,224,099,985</b>							

Schedule of total other investments by each institution, as of June 30, 2019. The guidelines and requirements for these investments follow Utah Code 51-7- Utah Money Management Act. These funds are required to be invested in a qualified depository. Amounts are shown at the sub-category level, which roll up into the six categories listed above.



# MEMORANDUM

TAB E

April 10, 2020

## USHE – Debt Ratio Analysis

Since 2015, the Commissioner's Office has prepared a debt ratio analysis of USHE institutional debt for the Board of Regents. Institutional controllers submit financial information from their audited annual financial statements for three reported ratios: viability, debt burden, and a composite index. These ratios have historically proven good basic measures of fiscal health, are industry standard formulas, and are presented to the Board for their information. The attached report provides detailed information on the formulas, institutional results for 2019, and observations from the calculations.

### Commissioner's Recommendation

This is an information item only; no action is required.

Attachment



# GENERAL REPORT

April 2020

Ben Langley

## USHE – Debt Ratio Analysis

### Background

During the March 2014 Regents Finance & Facilities Committee review of R588 Delegation of Debt Policy to Boards of Trustees, several members recommended the Commissioner's office prepare a system-wide debt ratio analysis to be presented in a future meeting, and to consider including in policy a statement requiring institutions to annually provide an informational debt report to the Board of Regents.

Three common ratios were chosen (viability, debt burden, and composite score) that historically have proven good basic measures, from the KPMG publication "Strategic Financial Analysis for Higher Education: Identifying, Measuring & Reporting Financial Risks 7th Edition." Each ratio is defined and presented by institution using industry standards and formulas.

**Viability Ratio:** measures how many times an institution can cover their entire long-term debt obligation using their total expendable net assets. A ratio of 1:1 or greater indicates that an institution has sufficient expendable net assets to satisfy debt obligations. As the ratio falls below 1:1, the institution's ability to respond to adverse conditions from internal resources diminishes, as does its ability to attract capital from external sources and its flexibility to fund new objectives.

**Debt Burden Ratio:** measures an institution's dependence on borrowed funds to finance its operation, by measuring the relative cost of borrowing to overall expenditures. Industry standards recommend 7% as the upper threshold for a healthy institution. The higher the ratio, the fewer resources are available for other operational needs. A level trend or a decreasing trend indicates that debt service has sufficient coverage, whereas a rising trend signifies an increasing demand on financial resources to pay back debt.

**Composite Index:** this calculation combines and weights all four ratios (viability, debt burden, leverage, and primary reserve) into one single financial metric. This allows a weakness or strength in a specific ratio to be offset by another ratio result, thereby allowing a more holistic approach to understanding the institution's total financial health. KPMG's publication establishes a threshold value of 3.0 for institutions that are considered to have a good financial position.

Institutional Controllers submitted all financial information from their audited annual financial statements, and will have reviewed the results along with Chief Financial Officers, Budget Officers, and OCHE staff.

## **Ratio Calculation Observations**

### *Salt Lake Community College*

Salt Lake Community College had no debt at Fiscal Year End, June 30, 2016. During FY 2017, their only debt was a DFCM Energy Loan, which is an interest free vehicle. This resulted in ratios that were not meaningful. For this reason, the report reflects “no debt” for both FY 2016 and 2017.

### *Snow College*

Between FY 2015 and FY 2018 Snow’s viability ratio was below the standard. The components of the viability ratio are expendable net assets/long term debt. For FY 2019 Snow’s viability ratio is above the standard at 1.25. The reason for this is an increase in Snow’s expendable net assets. Snow College’s viability ratio increased in FY 2019 because the College had better investment earnings, grant revenue was higher than prior years, and the foundation started a few different campaigns that increased the College’s gift revenue.

### *Southern Utah University*

During FY 2018 and 2019 SUU had a decline in its viability ratio and composite index. During fiscal years 2017 through 2019, SUU engaged in financing arrangements for the acquisition of airport hangars, flight simulators, and various fixed-wing and rotor-wing aircraft for operation of an Aviation Program. Total funding under these arrangements amounted to \$13.3 million, with a large share (\$10.9 million) on a 7-year lease-purchase arrangement, with the balance primarily financed through 7-year or 10-year notes payable to various individuals and entities. The current amount outstanding on these financing arrangements is \$10.3 Million. This is in addition to the \$12.4 million still outstanding on the issuance of 2011 auxiliary and 2016 refunding bonds. It should be noted that SUU is still well within the standard for the viability and composite index.

## **Ratios Not Meeting Standards**

### *Dixie State University*

Dixie recognizes that its viability ratio has been under the standard. The composite index is also below the standard but there is an increase to 2.28 in FY 2019. The main component that is negatively affecting the viability ratio and the composite index is the amount of long-term debt that Dixie has. As a growing institution, DSU must plan for the future. Part of that planning is to ensure that they have the appropriate housing and other facilities for their student population in place. In order to meet these needs the issuance of long-term bonds is sometimes necessary. The ratios are lower because DSU has bonded for student housing and for the Human Performance Center, which provides a facility to meet the health and

recreation needs of both current and future students. These facilities are necessary to meet DSU's growing student base.

### *Southern Utah University*

In FY 2016, SUU had a debt burden ratio of 9.3% and this is 2.3% higher than the standard. During FY 2016 the College acquired refunding bonds. SUU used the proceeds from these bonds to pay off \$10 Million of their 2008 auxiliary bonds. There was also a \$3.4 Million reduction from payoff of a line of credit for construction of SUU's Center for the Arts project that was completed that year. It should be noted that this is the only year from FY 2015 to FY 2019 that the ratio is out of the expectation. All of the other years presented are well within the 7.0% threshold.



## Debt Ratio Analysis

Utah System of Higher Education

Viability Ratio	FY15	FY16	FY17	FY18	FY19
University of Utah	2.10	2.14	2.11	2.32	2.49
Utah State University	2.66	1.79	1.90	1.67	1.95
Weber State University	2.36	2.64	2.77	3.10	3.48
Southern Utah University	3.82	4.02	3.48	2.81	2.82
Snow College	0.88	0.96	0.97	0.98	1.25
Dixie State University	0.71	0.61	0.97	0.63	0.60
Utah Valley University	2.06	5.42	2.75	3.77	4.18
Salt Lake Community College	17.91	no debt	no debt	8.20	9.58

Viability Ratio measures how many times an Institution can cover their entire long-term debt obligation using their total Expendable Net Assets. A ratio of 1:1 or greater indicates that an Institution has sufficient expendable net assets to satisfy debt obligations.

Debt Burden Ratio	FY15	FY16	FY17	FY18	FY19
University of Utah	5.9%	3.0%	2.9%	3.4%	2.7%
Utah State University	2.2%	2.3%	2.7%	2.5%	2.2%
Weber State University	2.0%	2.1%	1.9%	2.0%	1.9%
Southern Utah University	4.1%	9.3%	1.8%	2.7%	2.3%
Snow College	3.0%	2.7%	3.2%	2.7%	2.4%
Dixie State University	2.7%	1.8%	1.7%	2.4%	3.1%
Utah Valley University	2.4%	2.9%	2.0%	2.3%	1.5%
Salt Lake Community College	0.7%	no debt	no debt	0.0%	0.7%

Debt Burden Ratio measures an Institution's dependence on borrowed funds to finance its operation, by measuring the relative cost of borrowing to overall expenditures. The industry has established 7.0% as the upper threshold for a healthy institution. Debt Service is defined as Interest Expense + Principal Payments. Total Expenditure is defined as Total Expenses - Depreciation Expense + Principal Payments.

Composite Index	FY15	FY16	FY17	FY18	FY19
University of Utah	4.44	4.51	4.68	5.30	4.81
Utah State University	4.72	4.06	4.05	3.49	4.17
Weber State University	4.26	5.71	4.82	5.14	5.83
Southern Utah University	5.65	4.73	5.00	3.60	3.60
Snow College	1.62	0.87	1.53	3.12	3.51
Dixie State University	1.68	1.18	1.92	1.98	2.28
Utah Valley University	5.48	5.95	4.68	5.89	6.33
Salt Lake Community College	5.33	5.20	4.28	6.79	5.01

Composite Index: this calculation combines and weights all four ratios (viability, debt burden, leverage, and primary reserve) into one single financial metric. This allows a weakness or strength in a specific ratio to be offset by another ratio result, thereby allowing a more holistic approach to understanding the institution's total financial health.

### Industry Standards & Formulas

**1:1**

Expendable Net Assets  
Long-Term Debt

**< 7.0%**

Debt Service  
Total Expenditure

**> 3.00**

This is a combination of four financial ratios and the higher the number the greater the institutions financial health