



November 19, 2021

## General Consent Calendar

### A. MINUTES

1. Minutes of the Board Meetings – (Attachment)
2. 2022-23 Board Meeting Schedule – (Attachment)

### B. UHEAA

1. UHEAA Board Membership – (Attachment)

### C. FINANCE AND FACILITIES

1. SLCC Non-traditional arrangement – (Attachment)
2. Policy R207 Revision – (Attachment)
3. Policy R557 Revision – (Attachment)
4. Policy R558 Revision – (Attachment)
5. Appointment of Institution Audit Committee Members – (Attachment)

### D. TECHNICAL EDUCATION

1. Transition of Clock-Hour to Credit-Hour Programs – (Attachment)
2. Custom Fit Report – (Attachment)

### E. STUDENT AFFAIRS

1. Policy R582 Revision – (Attachment)
2. Policy R120 Revision – (Attachment)

### F. ACADEMIC EDUCATION

#### 1. PROGRAM NOTIFICATIONS

##### **ACTION:**

##### **Specialized Accreditation Report:**

1. Utah State University – Bachelor of Science in Forest Ecology and Management
2. Utah State University – Department of Theatre

##### **3-Year Report:**

3. Utah State University – Master of Science in Aviation Science
4. Utah State University – Bachelor of Science in Technology Systems
5. Utah State University – Master of Data Analytics

6. Utah State University – Accelerated Bachelor/Master of Landscape Architecture
7. Utah State University – Doctorate in Landscape Architecture and Environmental Planning

**7-Year Report:**

8. Utah State University – Department of Applied Sciences, Technology and Education
9. Utah State University – Department of Instructional Technology and Learning Sciences
10. Utah State University – Department of Special Education and Rehabilitation
11. Utah State University – Department of Political Science
12. Utah State University – Department of Watershed Sciences
13. University of Utah – Doctorate in Nursing
14. University of Utah – Gerontology Interdisciplinary Program

**INFORMATION:**

**New Program:**

15. Utah Valley University – Master of Science in Clinical Mental Health Counseling
16. Southern Utah University – Bachelor of Arts/Bachelor of Sciences in Aviation Administration and Leadership
17. Southern Utah University – Bachelor of Social Work
18. Utah State University – Associate of Arts in Art
19. Utah State University – Associate of Arts in Theatre
20. Utah State University – Master of Sciences in Engineering Education
21. Utah State University – Accelerated Bachelor in Landscape Architecture + Master of Science in Environmental Planning
22. Utah State University – Master of Financial Economics
23. Utah State University – Bachelor of Arts/Bachelor of Sciences in Data Analytics
24. Utah State University – Master of Ecological Restoration
25. Utah Valley University – Associate of Applied Sciences in Entertainment Design
26. Utah Valley University – Bachelor of Fine Arts in Entertainment Design
27. Utah Valley University – Bachelor of Applied Sciences in Transportation Technologies
28. Utah Valley University – Bachelor of Sciences in International Business

**NOTICE:**

**New Program:**

29. Utah Valley University – Certificate of Proficiency in Data Analytics and Decision Making
30. Southern Utah University – Minor in Special Education
31. University of Utah – Minor in Business Analytics

**New Emphasis:**

32. University of Utah – Master of Science in Clinical Investigation – Global Health Innovation and Technology Emphasis
33. Utah Valley University – Master of Education – School Counseling Emphasis

**Name Change:**

34. Southern Utah University – Nursing – Licensed Practical Nursing (LPN) Emphasis to BSN to Nursing – Health Professionals to BSN Emphasis

**New Center:**

35. University of Utah – Center for Reproductive and Sexual Health Access, Science, Coverage, Equity, Innovation and Training

**New Admin Unit:**

36. University of Utah – Department of Physical Medicine and Rehabilitation

**G. GRANT PROPOSALS**

1. University of Utah – DOD Defense Advanced Research Projects Agency; “DARPA COSYF”; \$3,300,930. Principal Investigator, Kim Hanseup.
2. University of Utah – NIH National Institute on Aging; “R01 Geriatric MTBE”; \$3,607,509. Principal Investigator, Peter C Fino.
3. University of Utah – Army Medical Research Acquisition Activity; “DODIIRA-LANDS Cycle Diabetes”; \$2,440,000. Principal Investigator, Katsuhiko Funai.
4. University of Utah – DOE Advanced Research Projects Agency-Energy; “Ironmaking-Open2021”; \$2,843,346. Principal Investigator, Hong Yong Sohn.
5. University of Utah – National Institutes of Health; “R01: Malone, Dan”; \$3,806,801. Principal Investigator, Daniel Malone.
6. University of Utah – NIH National Institute on Drug Abuse; “R01 Illudalogs in Addiction”; \$2,407,179. Principal Investigator, Amy M Barrios.
7. University of Utah – Washington University in St Louis; “ULRICH\_ROUND\_WU\_SUB”; \$3,896,913. Principal Investigator, Cornelia Ulrich.
8. University of Utah – NIH National Cancer Institute; “ULRICH\_ADIPOSETISSUE\_R01”; \$3,877,942. Principal Investigator, Cornelia Ulrich.
9. University of Utah – DHHS Health Resources & Services Admn; “Locke HRSA Oct2021”; \$2,955,997. Principal Investigator Amy Beth Locke.
10. University of Utah – DHHS National Institutes of Health; “R01 Dopamine Signaling”; \$2,864,694. Principal Investigator, Adrian Rothenfluh.
11. University of Utah – NIH Office of the Director; “Young\_DP2\_08.20.2021”; \$2,287,500. Principal Investigator, Martin McMahon.
12. University of Utah – DHHS National Institutes of Health; “R01\_Cardiac Recovery\_Sachse”; \$2,165,475. Principal Investigator, Frank Sachse.
13. University of Utah – NIH Natl Inst Neurology Disorders Stroke; “Extinguish”; \$21,631,421. Principal Investigator, Stacey Lynn Clardy.
14. University of Utah – NIH Natl Inst Neurology Disorders Stroke; “R35-ATAXIN-2 Complex Proteins”; \$7,442,000. Principal Investigator, Stefan Mattias Pulst.
15. University of Utah – DHHS National Institutes of Health; “Shepherd DP1”; \$5,337,500. Principal Investigator, Jason Dennis Shepherd.
16. University of Utah – NIH National Human Genome Research Inst; “Marth Calypso 2021”; \$4,594,777. Principal Investigator, Gabor T Marth.
17. University of Utah – NIH National Cancer Institute; “Marth U24 2021”; \$4,582,546. Principal Investigator, Gabor T Marth.
18. University of Utah – NIH Natl Inst Diabetes Digest Kidney Dis; “KUH U2C”; \$4,578,723. Principal Investigator, Elizabeth A Leibold.

19. University of Utah – NIH Natl Inst Biomedical Imaging & Bioeng; “Marth RO1 June 21, 2021”; \$3,798,292. Principal Investigator, Gabor T Marth.
20. University of Utah – University of Kansas; “VCC for Hypertension Control”; \$3,525,623. Principal Investigator, Srinivasan Beddhu.
21. University of Utah – DHHS National Institutes of Health; “PA-20-85 IM Hanley 9.7.21”; \$3,429,015. Principal Investigator, Timothy Hanley.
22. University of Utah – DHHS National Institutes of Health; “Park RO1RESUB AEROSL July 2021”; \$3,005,906. Principal Investigator, Albert H Park.
23. University of Utah – DHHS National Institutes of Health; “Marth RO1 C Resub July 2021”; \$2,975,390. Principal Investigator, Gabor T Marth.
24. University of Utah – DHHS Substance Abuse & Mental Health Svc Adm; “Samsha MAT-PDOA”; \$2,622,856. Principal Investigator, Adam Joseph Gordon.
25. University of Utah – NIH Natl Int Arthrit Muscoskel Skin Dis; “Kinematics of Amputation NIH”; \$2,592,500. Principal Investigator, Heath Byron Henninger.
26. Utah State University – Utah Governor’s Office of Economic Development; UIRA-Utah MEP Appropriation through GOED”; \$14,000,019. Principal Investigator, Stephen S Reed.
27. Utah State University – US Dept of Energy – Nuclear Energy University Programs; “Nuclear Science and Engineering Fellowship and Scholarship Support”; \$3,000,000. Principal Investigator, Ryan B Berke.
28. Utah State University – US National Science Foundation; “Utah STEM Master Educator Innovation”; \$2,999,987. Principal Investigator, Colby Tofel-Grehl.
29. Utah State University - Republic of Korea Global Hawk Tasking, Collection, Processing, Exploitation, and Dissemination Sustainment;” This performance-based work statement (PWS) describes the services required to support the Republic of Korea Air Force (ROKAF) Global Hawk (GH) Unmanned Aircraft System Tasking, Collection, Processing, Exploitation, and Dissemination (TCPED). The ROKAF GH TCPED capability is a scaled down version of the United States Air Force Distributed Common Ground System (DCGS). The TCPED system shall perform the following services: Coordinate with the ROKAF GH Ground Control Element (GCE) for information collection, process collected data, store processed and unprocessed collected Geospatial Intelligence (GEOINT) data, exploit/analyze the processed GEOINT data to produce intelligence reports, disseminate both processed/unprocessed data, intelligence reports, and provide situational awareness data. The TCPED service responsibilities required include system maintenance, administration, and management for support of ground system maintenance while conducting missions, and associated IT Operations administrative and operational support requirements) for the Command and Control, Intelligence, Surveillance, and Reconnaissance (C2ISR) Enterprise.”; \$35,221,295. Principal Investigator, Kyle Palmer.
30. Utah State University – RIFT – Niagara; “The Space Dynamics Laboratory will continue providing support and maintenance of the SmallSat Agile Transmit and Receive Network (SATRN)””; \$2,347,620. Principal Investigator, Nate Farnsworth.
31. Utah State University – Booz Allen Hamilton Research; “Space Dynamics Laboratory (SDL) will provide technical and/or scientific expertise and support to Booz Allen Hamiltons contract with the National Geospatial-Intelligence Agency (NGA) Research Directorate”; \$3,000,000. Principal Investigator, Rex Nethercott.
32. Utah State University – Utah System of Higher Education; “Stackable Credentials in Data Science at Utah State University; “\$2,245,164. Principal Investigator, John R Stevens.
33. Utah State University – US National Aeronautics & Space Administration; “Plasma Density Diagnostics Probes for Geomagnetic Storm Effects on the Ionospher”; \$16,48,759. Principal Investigator, Charles M Swenson.
34. Utah State University – NASA Goddard Space Flight Center; “The Space Dynamics Laboratory will provide all labor, materials, facilities, service, equipment, analyses and management activities necessary to procure parts and materials, assemble and test, and

- deliver the Capture Containment Module (CCM) camera system”; \$14,952,460. Principal Investigator, Roger Ellis.
35. Utah State University- Missile Defense Agency; “The Space Dynamics Laboratory shall provide Subject Matter Expertise (SME) and analytical services to support the Missile Defense Agency (MDA)/CR. Key support areas include systems engineering and technical assessments of missile defense programs, architectures, and technologies”; \$6,628,733. Principal Investigator, Jim Marshall.
  36. Utah State University – Missile Defense Agency; “The Space Dynamics Laboratory (SDL) will provide subject matter expertise to the Missile Defense Agency’s Space Systems (MDA/SS) programs”; \$4,414,048. Principal Investigator, Jim Marshall.
  37. Utah State University – Missile Defense; “The Space Dynamics Laboratory (SDL) will continue to perform in its capacity as a University Affiliated Research Center (UARC) for the Department of Defense (DoD)/Missile Defense Agency (MDA) for core research, development, and engineering capabilities, across the full range of SDLs UARC core competencies. Specifically, this includes work related to state-of-the-art and proof-of-concept sensor systems for airborne and space-based platforms, investigation of new sensor systems, modeling, simulation and analysis, rapid prototyping, experiments, proof-of-concept demonstrations, small satellite missions, and participation in the early phases of future DoD technology initiatives, including basic research”; \$3,000,000. Principal Investigator, Scott Conner.
  38. Utah State University – Air Force Materiel 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 (VIP-C) for the Air Force”; \$32,820,649. Principal Investigator, Shane Jenkins.
  39. Utah State University – Misc Federal Sponsors; “Cubesat Mission”; \$15,147,315. Principal Investigator, Jim Perry.
  40. Utah Valley University – Institute of Education Science; “Cognition and Student Learning”; \$1,254,000. Principal Investigator, Anton Tolman.
  41. Utah Valley University – Utah System of Higher Education; “An Automated Drone-based System with AI Training for Online Condition Monitoring, Fault Diagnosis and Reliability Prediction of Wind Turbine Blades”; \$1,071,405. Principal Investigator, Mohammad Shekaramiz.

## H. AWARDS

1. University of Utah – US Agency for International Development; “USAID Pakistan Hessa”; \$8,000,001. Principal Investigator, Michael Ernest Barber.
2. University of Utah – National Science Foundation; “CSOE”; \$4,000,000. Principal Investigator, Shelley D Minter.
3. University of Utah – DHHS Centers for Disease Control & Prev; “Shepherd A015 Data Streams”; \$4,916,756. Principal Investigator, Matthew H Samore.
4. University of Utah – NIH Natl Ctr for Advancing Transl Scnces; “Dean U24 NCATS Sept 2015”; \$3,488,938. Principal Investigator, J Michael Dean.
5. University of Utah – NIH Natl Inst Neurology Disorders Stroke; “Extinguish”; \$3,004,381. Principal Investigator, Stacey Lynn Clardy.
6. Utah State University – US National Science Foundation; “NSF Engineering Research Center for Advancing Sustainability through Powered Infrastructure for Roadway Electrification”; \$4,988,219. Principal Investigator, Regan Zane.
7. Utah State University – UT Governor’s Office of Economic Development; “UIRA-Utah MEP Appropriation through GOED”; \$14,000,000. Principal Investigator, Stephen S Reed.

8. Utah State University – Lockheed Martin Space Systems; “Diamondback”; \$3,550,720. Principal Investigator, Amy Secrist.
9. Utah State University – Naval Research Lab; “Dark Swarm in Degraded Environments”; \$3,861,411. Principal Investigator, Brad Petersen.
10. Utah State University – National Institute of Food and Agriculture; “Using Smart Foodscapes to Enhance the Sustainability of Western Rangelands”; \$6,800,000. Principal Investigator, Juan J Villalba.
11. Utah State University – US National Aeronautics & Space Administration; “Active Cooling for Methane Earth Sensors”; \$3,799,828. Principal Investigator, Charles M Swenson.
12. Utah State University – University of California at Berkeley; “Global Lyman Alpha Imagers of the Dynamic Exosphere – Heliophysics”; \$2,113,959. Principal Investigator, Bennet Keller.
13. Utah State University – Misc Federal Sponsors; “Yellowstone”; \$4,832,819. Principal Investigator, Jim Perry.
14. Utah Valley University – Department of Education; “TRIO Talent Search Program”; \$1,386,875. Principal Investigator, Michael Campbell.



**Utah System of Higher Education  
Virtual Meeting  
Thursday, September 16, 2021**

**COMMITTEE OF THE WHOLE  
MINUTES**

**Board Members Present**

Harris H. Simmons, chair  
Aaron Osmond, vice chair  
Nina R. Barnes, vice chair  
Jessellie B. Anderson  
Mike Angus  
Jera L. Bailey  
Stacey K. Bettridge  
Lisa Michele Church  
Wilford Clyde  
Sanchaita Datta  
Alan Hall  
Crystal Maggelet  
Tanner Marcum  
Arthur E. Newell  
Shawn Newell  
Scott Theurer

**Board Members Absent**

Patricia Jones  
Valirie Serawop

**Office of the Commissioner**

Dave R. Woolstenhulme, Commissioner of Higher Education  
Geoffrey Landward, Deputy Commissioner and General Counsel  
Rich Amon, Chief Financial Officer  
Trisha Dugovic, Director of Communication  
Malin Francis, Director of Facilities & Planning  
Brynn Fronk, Executive Assistant to the Utah Board of Higher Education  
Jared Haines, Senior Advisor for Technical Education  
Melanie Heath, Assistant Commissioner of Strategic Initiatives  
Malissa Jones, Office Manager  
Carrie Mayne, Chief Economist  
Loreen Olney, Administrative Assistant  
Kim Ziebarth, Associate Commissioner of Technical Education

**Institutional Presidents Present**

Chad Campbell, Bridgerland Technical College  
Richard B. Williams, Dixie State University  
Clay Christensen, Mountainland Technical College  
Mindy Benson, Southern Utah University  
Paul Hacking, Tooele Technical College  
Astrid S. Tuminez, Utah Valley University  
Taylor Randall, University of Utah

Darin Brush, Davis Technical College  
Kelle Stephens, Dixie Technical College  
Brad J. Cook, Snow College  
Brennan Wood, Southwest Technical College  
Aaron Weight, Uintah Basin Technical College  
Noelle Cockett, Utah State University  
Brad L. Mortensen, Weber State University



## Other Guests

Carson Howell, Vice President of Finances and Administrative Services, Snow College  
Robin Burr, Chief Facilities Officer, University of Utah  
Mark Halverson, Associate Vice President for Facilities and Campus Planning, Weber State University  
Richard Brown, Dean, College of Engineering, University of Utah  
Paul Morris, Vice President of Administrative Affairs, Dixie State University  
Holly Peterson, Vice President of Instruction, Mountainland Technical College  
Aaron Peterson, Board of Trustees Chair, Tooele Technical College

Chair Simmons called the meeting to order at 12:00 p.m.

## Committee of the Whole

### *Instructions for Capital Scoring (TAB A)*

Rich Amon gave introductory comments and instructions for capital scoring to the Board. This was an information item only; no action was taken.

### ***Degree Granting Institutions Presentations***

Presentations from the following degree granting institutions:

1. Utah Valley University – President Astrid Tuminez
2. Snow College – President Brad Cook
3. Utah State University – President Noelle Cockett
4. Southern Utah University – President Mindy Benson
5. University of Utah – President Taylor Randall and Richard Brown
6. Weber State University – President Brad Mortensen
7. Dixie State University – President Richard Williams

### *Finance and Facilities Committee Capital Tour Observations*

Board members Clyde, Angus, and Anderson shared observations from the Finance and Facilities Committee tours of the projects. Vice chair Barnes and Board member Bailey asked the Board to remember the students in rural Utah as they consider the asks. This was an information item only; no action was taken.

### *Board Scoring, Tabulation and Discussion*

Rich Amon explained the process of Board scoring and tabulation. This was a discussion item only; no action was taken.

### *Board Final Prioritization and Recommendations for Degree-Granting*

Rich Amon revealed the results of the scoring. Some Board members expressed concern that the weight of the Board criteria does not equal or exceed the criteria of the staff ranking. The Board agreed to revisit the scoring process in a future meeting for next year. **Board member Church made a motion to approve the following degree-granting capital facility requests as Board recommendations pursuant to the criteria and scoring they were asked to for legislative funding in priority order:**

1. **WSU – David O. McKay Education Building Renovation**
2. **USU – Animal Science Renovation**



3. **UVU – Engineering Building**
4. **DSU – General Classroom Building**
5. **SUU – Music Center Renovation**
6. **Snow – Center for Rural Studies and Community Development**
7. **UU – Interdisciplinary Computing Building**

**Vice chair Osmond seconded the motion with the amendment that the scoring rubric will go forward with the list of projects and the motion passed.**

### *Technical Education Institutions Presentations*

Presentations from the following technical education institutions:

1. Dixie Technical College – President Kelle Stephens
2. Davis Technical College – President Darin Brush
3. Mountainland Technical College – President Clay Christensen
4. Tooele Technical College – President Paul Hacking

### *Finance and Facilities Committee Capital Tour Observations*

Board members Angus and Clyde shared observations from the Finance and Facilities Committee tours of the projects. Vice chair Osmond informed the Board that prior to COVID-19 impacts, these projects had been prioritized with the U Tech Board for their consideration. This was an information item only; no action was taken.

### *Board Scoring, Tabulation and Discussion*

Rich Amon explained the process of Board scoring and tabulation. This was an information item only; no action was taken.

### *Board Final Prioritization and Recommendations for Technical Colleges*

Rich Amon revealed the results of the scoring. Some Board members expressed concern that under the scoring rubric rural institutions are negatively impacted. The Board agreed to revisit the scoring process in a future meeting for next year. **Board member Datta made a motion to approve the following technical college capital facility requests as Board recommendations for legislative funding in priority order:**

1. **Mountainland Technical College – Payson Campus**
2. **Davis Technical College – Campus Renovations/Program Expansion**
3. **Tooele Technical College – Tech Building Expansion**
4. **Dixie Technical College – New Classroom**

**Board member Theurer seconded the motion and the motion passed.**

### *Land Bank Requests Presentation*

A presentation from the following institution:

1. Bridgerland Technical College – President Chad Campbell

### *Board Recommendations for Land Bank Requests*

**Board member Theurer made a motion to approve the following land bank request as a Board recommendation for legislative funding:**

1. **Bridgerland Technical College**

**Board member Clyde seconded the motion and the motion passed.**

*Motion to Adjourn*

**Board member Datta made a motion to adjourn; Board member Arthur Newell seconded the motion and the motion passed.**

The meeting adjourned at 4:45 p.m.

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Geoffrey Landward, Secretary

Date Approved:



**Utah System of Higher Education  
Virtual Meeting  
Friday, September 17, 2021**

**COMMITTEE OF THE WHOLE  
MINUTES**

**Board Members Present**

Harris H. Simmons, chair  
Aaron Osmond, vice chair  
Nina R. Barnes, vice chair  
Jessellie B. Anderson  
Mike Angus  
Jera L. Bailey  
Stacey K. Bettridge  
Lisa Michele Church  
Alan Hall  
Patricia Jones  
Crystal Maggelet  
Tanner Marcum  
Arthur E. Newell  
Shawn Newell  
Scott Theurer

**Board Members Absent**

Wilford Clyde  
Sanchaita Datta  
Valirie Serawop

**Office of the Commissioner**

Dave R. Woolstenhulme, Commissioner of Higher Education  
Rich Amon, Chief Financial Officer  
Trisha Dugovic, Director of Communication  
Brynn Fronk, Executive Assistant to the Utah Board of Higher Education  
Jared Haines, Senior Advisor for Technical Education  
Julie Hartley, Associate Commissioner of Academic Education  
Melanie Heath, Assistant Commissioner of Strategic Initiatives  
Malissa Jones, Office Manager  
Spencer Jenkins, Chief Student Affairs Officer  
Geoffrey Landward, Deputy Commissioner and General Counsel  
Carrie Mayne, Chief Economist  
Will Pierce, Assistant Commissioner of Technical Education  
Scott Wyatt, Senior Executive Director of Online Education

**Institutional Presidents Present**

Chad Campbell, Bridgerland Technical College  
Richard B. Williams, Dixie State University  
Clay Christensen, Mountainland Technical College  
Deneece G. Huftalin, Salt Lake Community College  
Mindy Benson, Southern Utah University  
Paul Hacking, Tooele Technical College  
Astrid S. Tuminez, Utah Valley University

Darin Brush, Davis Technical College  
Kelle Stephens, Dixie Technical College  
Jim Taggart, Ogden-Weber Technical College  
Brad J. Cook, Snow College  
Brennan Wood, Southwest Technical College  
Aaron Weight, Uintah Basin Technical College  
Noelle Cockett, Utah State University  
Brad L. Mortensen, Weber State University

## **Southwest Technical College Board of Trustees**

Beverly Burgess  
Dave Staheli  
Mike Evans  
Darin Gifford  
Garrett Cottam  
Roger Howard

### **Other Guests**

Nouman Kante, Southern Utah University student  
Taylor Deutschlander, Southwest Technical College student  
James Mullenaux, Southwest Technical College Foundation Board Member

Chair Simmons called the meeting to order at 7:30 a.m.

### ***Closed Session***

**Board member Jones made a motion to go into closed session for the purposes of discussing the character, professional competence, or physical or mental health of an individual; Board member Shawn Newell seconded the motion and the motion was passed.**

### **Committee of the Whole**

Chair Simmons called the Committee of the Whole meeting to order at 9:00 a.m.

#### *Student Update*

Student updates were provided by Taylor Deutschlander from Southwest Technical College and Nouman Kante from Southern Utah University. This was an information item only; no action was taken.

#### *New Student Board Members*

Brynn Fronk administered the Oath of Office to new student Board member Tanner Marcum. This was an information item only; no action was taken.

#### *Committee Report (TAB A)*

Committee updates were provided by Board member Church, Board member Arthur Newell, Board member Shawn Newell, and Board member Angus. This was an information item only; no action was taken.

#### *Annual Report (TAB B)*

Commissioner Woolstenhulme reviewed the Annual Report with the Board members. This was an information item only; no action was taken.

*COVID-19 Update*

Commissioner Woolstenhulme and Spencer Jenkins provided an update on COVID-19. This was an information item only; no action was taken.

*Strategic Plan Update (TAB C)*

Melanie Heath provided an update on the Strategic Plan to the Board members. This was an information item only; no action was taken.

*Statewide Marketing Campaign (TAB D)*

Trisha Dugovic provided an update on the Statewide Marketing Campaign to the Board members. This was an information item only; no action was taken.

*Adult Education (TAB E)*

Melanie Heath provided an update on Adult Education to the Board members. This was an information item only; no action was taken.

*Performance Funding Review*

Rich Amon provided a Performance Funding Review update to the Board members. This was an information item only; no action was taken.

*Student Equity Commission*

Board member Marcum introduced the Student Equity Commission. This was an information item only; no action was taken.

*EDI Training: New Leadership Academy (TAB F)*

Board member Church introduced Amy Fulton, Director of the New Leadership Academy at the University of Utah, who provided an overview of NLA. This was an information item only; no action was taken.

*State Online Program*

Scott Wyatt introduced the State Online Program and task force. Board members requested Board, student and EDI representation on the task force. Some presidents requested in writing clarification of the Board's charge and expectation. Scott has agreed to bring clearly defined objectives of the program to the November Board meeting. This was a discussion item only; no action was taken.

*FY2022-23 USHE Operating Budget Request (TAB G)*

Rich Amon reviewed FY 2022-23 USHE Operating Budget Requests with the Board members. **Board member Arthur Newell made a motion to approve the FY2022-23 USHE operating budget priorities and authorize the Commissioner to make any subsequent technical adjustments, including rounding, necessary to finalize the budget prior to submitting to the Governor and Legislature; Board member Shawn Newell seconded the motion and the motion passed.**

*Talent Ready Utah*

Commissioner Woolstenhulme provided an update on Talent Ready Utah. **Board member Jera Bailey made a motion to authorize the Commissioner to enter into a memorandum of understanding with the Governor’s Office of Economic Opportunity to administer the Talent Ready Utah Program; Board member Barnes seconded the motion and the motion passed.**

*Student Safety (TAB H)*

**Board member Marcum made a motion to recommend the Commissioner’s staff work with student Board members and the chair of the Student Affairs Committee to develop policy that:**

- 1. Formalizes the role of the Campus Safety and Equity Commission**
  - 2. Enable the Board to provide equitable compensation via scholarship funds for students who provide their time and insights in support of Board priorities.**
- Board member Church seconded the motion and the motion passed.**

*Consent Calendar (TAB I)*

**Board member Jones made a motion to approve the consent calendar; Board member Barnes seconded the motion and the motion passed.**

*Motion to Adjourn*

**Board member Theurer made a motion to adjourn; Board member Angus seconded the motion and the motion passed.**

The meeting adjourned at 12:30 p.m.

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Geoffrey Landward, Secretary

Date Approved:



**Utah System of Higher Education  
Virtual Meeting  
Friday, October 1, 2021**

**COMMITTEE OF THE WHOLE  
MINUTES**

**Board Members Present**

Harris H. Simmons, Chair  
Aaron Osmond, Vice Chair  
Nina R. Barnes, Vice Chair  
Jessellie B. Anderson  
Jera L. Bailey  
Stacey K. Bettridge  
Lisa Michele Church  
Wilford W. Clyde  
Sanchaita Datta  
Patricia Jones  
Crystal Maggelet  
Tanner Marcum  
Arthur E. Newell  
Shawn Newell  
Valirie Serawop  
Scott Theurer

**Board Members Absent**

Alan Hall  
Mike Angus

**Office of the Commissioner**

Dave R. Woolstenhulme, Commissioner of Higher Education  
Geoffrey Landward, Deputy Commissioner and General Counsel  
Rich Amon, Chief Financial Officer  
Trisha Dugovic, Director of Communication  
Brynn Fronk, Executive Assistant to the Utah Board of Higher Education  
Julie Hartley, Associate Commissioner of Academic Education  
Melanie Heath, Associate Commissioner of Strategic Initiatives and Access  
Malissa Jones, Office Manager  
Carrie Mayne, Chief Economist  
Loreen Olney, Administrative Assistant  
Dave Schwanke, UHEAA  
Kim Ziebarth, Associate Commissioner of Technical Education

**Guests**

Lee Donner, Regional Managing Director, Hilltop Securities  
Tim Webb, Director, Hilltop Securities  
Mark Weadick, Managing Director, SL Capital Strategies  
Patrick Belica, Managing Director, SL Capital Strategies  
Wayne Vaught, Utah Valley University, Provost/Sr. Vice President for Academic Affairs  
Blake Wade, Attorney, Gilmore Bell



### **Institutional Presidents Present**

Chad Campbell, Bridgerland Technical College  
Clay Christensen, Mountainland Technical College  
Mindy Benson, Southern Utah University  
Astrid S. Tuminez, Utah Valley University  
Kelle Stephens, Dixie Technical College

James Taggart, Ogden-Weber Technical College  
Brad J. Cook, Snow College  
Brennan Wood, Southwest Technical College  
Brad L. Mortensen, Weber State University

### **Committee of the Whole**

Chair Simmons called the meeting to order at 2:00 p.m.

#### *Funding Recommendations for Dee/Emerging Tech grants from Deep Tech Advisory Council (TAB A)*

Board member Datta provided a summary to the Board of the funding recommendations for the Dee/Emerging Tech grants from the Deep Tech Advisory Council. **Board member Shawn Newell made a motion that the nine grant proposals selected by the Deep Technology Advisory Council be approved by the Board for recommendation to the legislature for funding; Board member Sanchaita Datta seconded the motion and the motion passed.**

#### *Masks in a Medical Setting*

Geoff Landward provided an update on masks in a medical setting to the Board. **Board member Jones made a motion to authorize USHE institutions to require face coverings for individuals in a medical setting at an institution of higher education in accordance with Utah Code 53B-3-103(2)(d); Board member Church seconded the motion and the motion passed.**

#### *Closed Session*

**Board member Datta made a motion to go into closed session to discuss fiduciary or commercial information of the Utah Higher Education Assistance Authority and to discuss the character, professional competence, or physical or mental health of an individual; Board member Barnes seconded the motion and the motion passed.**

#### *UHEAA Legacy Portfolio*

**Board member Church made a motion to approve the proposed Authorizing Resolution to sell the UHEAA FFELP loan portfolio and also authorize the Commissioner to work with the state legislature to establish a higher education endowment fund for funds released from the sale of the UHEAA FFELP loan portfolio; Board member Osmond seconded the motion and the motion passed.**

#### *Motion of Future Resolution for UHEAA*

**Board member Maggelet made a motion for a future resolution of appreciation for UHEAA; Board member Church seconded the motion and the motion passed.**

#### *Motion to Adjourn*

**Board member Jones made a motion to adjourn; Board member Anderson seconded the motion and the motion passed.**

Board Meeting Minutes

Friday, October 1, 2021

3

*The meeting adjourned at 3:50 p.m.*

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Geoffrey Landward, Secretary

Date Approved:



**Utah System of Higher Education  
Virtual Meeting  
Wednesday, October 27, 2021**

**COMMITTEE OF THE WHOLE  
MINUTES**

**Board Members Present**

Harris H. Simmons, Chair  
Nina R. Barnes, Vice Chair  
Aaron Osmond, Vice Chair  
Jesselie B. Anderson  
Mike Angus  
Jera L. Bailey  
Stacey Bettridge  
Lisa Michele Church  
Wilford W. Clyde  
Sanchaita Datta  
Alan E. Hall  
Patricia Jones  
Arthur E. Newell  
Shawn Newell  
Tanner Marcum  
Crystal Maggelet  
Valirie Serawop  
Scott Theurer

**Board Members Absent**

**Office of the Commissioner**

Dave R. Woolstenhulme, Commissioner of Higher Education  
Geoffrey Landward, Deputy Commissioner and General Counsel  
Trisha Dugovic, Director of Communication  
Brynn Fronk, Executive Assistant to the Utah Board of Higher Education  
Jared Haines, Senior Advisor for Technical Education  
Julie Hartley, Associate Commissioner of Academic Education  
Melanie Heath, Assistant Commissioner of Strategic Initiatives  
Malissa Jones, Office Manager  
Carrie Mayne, Chief Economist  
Loreen Olney, Administrative Assistant  
Kim Ziebarth, Associate Commissioner of Technical Education

**Institutional Presidents Present**

Richard B. Williams, Dixie State University  
Clay Christensen, Mountainland Technical College  
Denece G. Huftalin, Salt Lake Community College  
Mindy Benson, Southern Utah University

Astrid S. Tuminez, Utah Valley University  
Brad J. Cook, Snow College  
Brennan Wood, Southwest Technical College

**Dixie State University Board of Trustees Present**

Tiffany Wilson, Chair  
Colleen Kvetko, Vice Chair  
Betty Barnum

Larry Bergeson  
Ginger Chinn  
David Elkington  
Danny Ipson  
Deven Macdonald  
Penny Mills  
Kelli Prince

**Others present**

Julie Beck – Chair, Dixie State University Name Recommendation Committee  
Jordon Sharp – DSU Vice President of Marketing & Communication  
Cory O’Bray – DSU Student Government, VP of Marketing  
Deven Osborne – DSU student-athlete, member of Name Recommendation Committee  
Anilee Bundy Adams – DSU Assistant Director of Student Involvement & Leadership  
Stephanie Carter – Vice President of Public Affairs & Student Advancement, Uintah Basin Technical College  
Katie Webb Sanders – DSU Student Government  
Abbie Scherzinger – DSU Student Body Chief of Staff  
Karlee Myers – DSU Student Involvement Specialist  
Guillem Parra – DSU student  
Luke Kerouac – DSU Director of Student Involvement & Leadership

**Committee of the Whole**

Chair Simmons called the meeting to order at 9:00 a.m.

*Dixie State Naming*

Julie Beck, chair of the Dixie State University Name Recommendation Committee, presented the chair report to the Board members. She discussed the process and results of the committee’s research. Board member Marcum read a letter from the student leaders at Dixie State University which supported the new name recommendation. Members of the Dixie State University Board of Trustees made comments in support of the new name recommendation. Board member Bettridge expressed concern about losing the community’s support if the name were to be changed. Board members Jones, Hall, Shawn Newell, and Arthur Newell gave support of the name change. Board member Theurer agreed the name should be changed but does not support the proposed name.

Geoffrey Landward reviewed the Board’s statutory obligation.

**Board member Patricia Jones made a motion to approve and recommend the name of Utah Tech University to the Utah State Legislature; Board member Bailey seconded the motion and the motion passed.**

**Board member Arthur Newell made the motion to adjourn the meeting; Board member Barnes seconded the motion and the motion passed.**

The meeting adjourned at 10:15 a.m.

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Geoffrey Landward, Secretary

Date Approved:



## UTAH BOARD OF HIGHER EDUCATION 2022-2023 MEETING SCHEDULE

Thursday, <b>July 14, 2022</b>	8:00 AM – 2:00 PM	Board and Trustee Training
Thursday, <b>July 14, 2022</b>	2:00 PM – 5:00 PM	Finance and Facilities Committee <b>Zoom</b>
Thursday, <b>July 14, 2022</b>	6:00 PM	Trustee Dinner at <b>Southwest Technical College</b>
Friday, <b>July 15, 2022</b>	7:30 AM Meeting with Trustees 9:00 AM Committee of Whole	Board Meeting at <b>Southern Utah University</b>
Friday, <b>August 19, 2022</b>	8:00 AM – 3:00 PM 8:00 AM: Academic Education 10:00 AM: Technical Education 1:00 PM: Student Affairs	Committee Meeting <b>Zoom</b>
Thursday, <b>September 15, 2022</b>	10:00 AM – 11:30 AM	Finance and Facilities Committee <b>Zoom</b>
Thursday, <b>September 15, 2022</b>	11:30 AM – 5:00 PM	Board Meeting at <b>Dixie State University</b>
Thursday, <b>September 15, 2022</b>	6:00 PM	Trustee Dinner at <b>Dixie State University</b>
Friday, <b>September 16, 2022</b>	7:30 AM Meeting with Trustees 9:00 AM Committee of Whole	Board Meeting at <b>Dixie Technical College</b>
Friday, <b>October 21, 2022</b>	8:00 AM – 3:00 PM 8:00 AM: Academic Education 10:00 AM: Technical Education 1:00 PM: Student Affairs	Committee Meeting <b>Zoom</b>
Thursday, <b>November 17, 2022</b>	2:00 PM – 5:00 PM	Finance and Facilities Committee <b>Zoom</b>
Thursday, <b>November 17, 2022</b>	6:00 PM	Trustee Dinner at <b>Ogden Weber Technical College</b>
Friday, <b>November 18, 2022</b>	7:30 AM Meeting with Trustees 9:00 AM Committee of Whole	Board Meeting at <b>Weber State University</b>

Friday, <b>December 16, 2022</b>	8:00 AM – 3:00 PM 8:00 AM: Academic Education 10:00 AM: Technical Education 1:00 PM: Student Affairs	Committee Meeting <b>Zoom</b>
Thursday, <b>January 12, 2023</b>	2:00 PM – 5:00 PM	Finance and Facilities Committee <b>Zoom</b>
Thursday, <b>January 12, 2023</b>	6:00 PM	Trustee Dinner at <b>Tooele Technical College</b>
Friday, <b>January 13, 2023</b>	7:30 AM Meeting with Trustees 9:00 AM Committee of Whole	Board Meeting at <b>University of Utah</b>
Friday, <b>February 17, 2023</b>	8:00 AM – 3:00 PM 8:00 AM: Academic Education 10:00 AM: Technical Education 1:00 PM: Student Affairs	Committee Meetings <b>Zoom</b>
Thursday, <b>March 23, 2023</b>	2:00 PM – 5:00 PM	Finance and Facilities Committee <b>Zoom</b>
Thursday, <b>March 23, 2023</b>	6:00 PM	Trustee Dinner at <b>Davis Technical College</b>
Friday, <b>March 24, 2023</b>	7:30 AM Meeting with Trustees 9:00 AM Committee of Whole	Board Meeting at <b>Salt Lake Community College</b>
Friday, <b>April 14, 2023</b>	8:00 AM – 3:00 PM 8:00 AM: Academic Education 10:00 AM: Technical Education 1:00 PM: Student Affairs	Committee Meetings <b>Zoom</b>
Thursday, <b>May 18, 2023</b>	2:00 PM – 5:00 PM	Finance and Facilities Committee <b>Zoom</b>
Friday, <b>May 19, 2023</b>	7:30 AM Meeting with Trustees 9:00 AM Committee of Whole	Board Meeting at <b>Uintah Basin Technical College</b>
Friday, <b>June 16, 2023</b>	8:00 AM – 3:00 PM 8:00 AM: Academic Education 10:00 AM: Technical Education 1:00 PM: Student Affairs	Committee Meetings <b>Zoom</b>
Institutions to host in upcoming year: Snow College, Bridgerland Technical College, Utah State University, Utah Valley University, Mountainland Technical College		



UTAH SYSTEM OF  
HIGHER EDUCATION

# MEMORANDUM

November 19, 2021

## Temporary Exception to Board Policy R601-3.5—UHEAA Board Membership

Utah Code 53B-12-102(3) grants the Board of Higher Education authority to establish a board of directors to manage the Utah Higher Education Assistance Authority (UHEAA). By law, this board of directors shall have no fewer than five members. Under Board Policy R601, the Board established a UHEAA board of directors with 11 members. However, as UHEAA prepares for the sale of its remaining portfolios, several directors have resigned their appointments to the UHEAA board, potentially leaving the board with fewer than 11 members.

Rather than appoint new members during this transition period, the Board may make a temporary exception to existing policy and maintain the UHEAA board membership at the statutory minimum of five directors until the transition is complete, at which time the Board may revisit the role and purpose of a board of directors for My529 and other potential duties.

### **Commissioner's Recommendation**

The Commissioner recommends the Board temporarily suspend the membership requirements of Board Policy R601-3.5 and allow the UHEAA board to operate at the statutorily designated minimum membership of five directors.





# MEMORANDUM

TAB A

November 18, 2021

## Salt Lake Community College – Non-Traditional Arrangement Revision

Regent Policy R712, *Non-Traditional Arrangements for Development of Facilities on Campuses*, requires the Board to approve development projects by outside entities on institutional land. In March 2020, the Board approved Salt Lake Community College (SLCC) to enter into a contract for up to forty years with a private developer to develop a mixed-use project on the Meadowbrook Campus. SLCC requests Board approval to modify the project to extend the contract to a 99-year term for a mixed-use development including affordable housing, office space, and commercial space. The College will retain the option to sell the property in the future. Additional information about the project is provided in the attached letter and presentation from the College.

### Commissioner's Recommendations

The Commissioner recommends the Committee authorize, and forward to the full Board for approval, Salt Lake Community College to extend the contract for a mixed-use development with a private developer for a 99-year term. The authorization continues to be contingent on communication and review by the Attorney General's Office.

### Attachments



05 November 2021

Board of Higher Education  
c/o Commissioner Dave R. Woolstenhulme  
Two Gateway 60 S. 400 West  
Salt Lake City, UT 84101-1284

RE: SLCC-owned property at 218 W. 3900 South (Meadowbrook)

Commissioner:

Having previously come before the Board on 3/27/2020 to seek approval for developing the Meadowbrook property, the College has been working with the Boyer Company since that time under a Letter of Intent arrangement (signed 10/13/2020), and is now prepared to sign a long-term Ground Lease which will formalize the partnership between SLCC and Boyer in overseeing the future use of that property.

Initially the project as proposed by Boyer was contemplated as a multi-use development, with commercial/office space being done first, and affordable housing being done in a subsequent phase, with the timing of that phase to be determined. With the advent of COVID-19 and the corresponding drop in demand for commercial/office space, it was determined that Boyer should change the sequence of development projects to focus on affordable housing first, with commercial/office space following in a subsequent phase. The project, as originally proposed and approved by the Board in March 2020 assumed a 40 year financing term – based on the plan to focus on a commercial type development initially. Affordable housing was also mentioned with the caveat that a longer financing term would be necessary for that type of development. With the change brought about by COVID-19 and the corresponding change in direction, the need to alter the financing assumption to a 99 year term was made obvious.

The College now seeks approval to execute the Ground Lease with the Boyer Company for a 99 year lease agreement, which will reflect the College's fee-simple interest in the property – with no other considerations given by the institution. As part of the Ground Lease, the College maintains the right to sell the property at any time, with Boyer having the first right of refusal to purchase. The cash flow to the College over that time is illustrated on the accompanying schedule. Also attached, and in accordance with Board Rule 712, Section 5.6, the Attorney General's Office has reviewed and signed off on the Ground Lease provisions, including the 99 year term, pending formal approval by the Board.

Thank you for your continued support of the College as it seeks to address the needs of the communities it serves. Let me know if there is anything else you require from SLCC regarding this request.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jeffrey J. West".

Jeffrey J. West, CPA/MBA





**BOYER**



## **BOYER MEADOWBROOK PHASED APPROACH:**

### **PHASE I:**

- ~225 Multi-Family Units (60% AMI)
- Using roughly half of the acreage
- Buildings B and C to remain temporarily while market improves

### **PHASE II DEMOLISH BUILDINGS B AND C:**

- Construct Life Science/Office space
- Large floor plates of 25,000-35,000 SF, 3-5 stories (100-150,000 SF in total).
- Parking structure may be necessary depending on size and scale – market dependent
- If market demand doesn't materialize for this product, housing could be a possibility

Boyer is fully committed to this project and will remain in constant communication with stakeholders.





# PHASE I AFFORDABLE HOUSING



~225  
MULTI-FAMILY  
UNITS WITH  
STRUCTURED  
PARKING

POWER  
EASEMENT

ADD FENCING  
AS NECESSARY

ADD NEW  
DRIVEWAY

REMOVE  
SLCC  
STRUCTURAL  
SIGNAGE

IMPROVE  
LANDSCAPE







# PHASE II - COMMERCIAL

POTENTIAL  
PARKING  
STRUCTURE

FUTURE  
BUILDING II

BUILDING I  
(BIOTECH LIFE  
SCIENCE  
COMMERCIAL)













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## **THE BOYER COMPANY, L.C.**

101 S 200 E, Ste 200  
Salt Lake City, UT 84111

**Contact:** Nate Boyer, *President*

t. 801.300.1378 | [nboyer@boyercompany.com](mailto:nboyer@boyercompany.com) | f. 801.521.4793

**Contact:** Ryan Simmons, *Partner*

t. 801.366.7130 | [rsimmons@boyercompany.com](mailto:rsimmons@boyercompany.com)

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101 South 200 East, Suite 200  
Salt Lake City, UT 84111  
[www.boyercompany.com](http://www.boyercompany.com)

## Break Even Point at 7%

YEARS	% INCR EVERY 5 YRS	ANNUAL RENT	5 YEAR TOTALS	ACCUMULATED TOTALS	MONTHLY RENT
1 - 5	0	\$375,000	\$1,875,001	\$1,875,001	\$31,250
6 - 10	10	\$412,500	\$2,062,501	\$3,937,502	\$34,375
11 - 15	10	\$453,750	\$2,268,751	\$6,206,252	\$37,813
16 - 20	10	\$499,125	\$2,495,626	\$8,701,878	\$41,594
21 - 25	10	\$549,038	\$2,745,189	\$11,447,067	\$45,753
26 - 30	10	\$603,941	\$3,019,707	\$14,466,775	\$50,328
31 - 35	10	\$664,336	\$3,321,678	\$17,788,453	\$55,361
36 - 40	10	\$730,769	\$3,653,846	\$21,442,299	\$60,897
41 - 45	10	\$803,846	\$4,019,231	\$25,461,529	\$66,987
46 - 50	10	\$884,231	\$4,421,154	\$29,882,683	\$73,686
51 - 55	10	\$972,654	\$4,863,269	\$34,745,952	\$81,054
56 - 60	10	\$1,069,919	\$5,349,596	\$40,095,548	\$89,160
61 - 65	10	\$1,176,911	\$5,884,556	\$45,980,104	\$98,076
66 - 70	10	\$1,294,602	\$6,473,011	\$52,453,115	\$107,884
71 - 75	10	\$1,424,062	\$7,120,312	\$59,573,427	\$118,672
76 - 80	10	\$1,566,469	\$7,832,343	\$67,405,770	\$130,539
81 - 85	10	\$1,723,116	\$8,615,578	\$76,021,348	\$143,593
86 - 90	10	\$1,895,427	\$9,477,136	\$85,498,484	\$157,952
91 - 95	10	\$2,084,970	\$10,424,849	\$95,923,333	\$173,747
96 - 99	10	\$2,293,467	\$11,467,334	\$107,390,667	\$191,122

APPRAISED VALUE	GROUND LEASE %
\$5,700,000	7.00%
	\$399,000
adj. for unusable sq ftg	\$375,000

<b>Break even 13 years and 11 months =</b>	<b>\$5,714,690</b>
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STATE OF UTAH  
OFFICE OF THE ATTORNEY GENERAL



SEAN D. REYES  
ATTORNEY GENERAL

Spencer E. Austin  
Chief Criminal Deputy

Daniel Burton  
General Counsel

Ric Cantrell  
Chief of Staff

Melissa A. Holyoak  
Solicitor General

Brian L. Tarbet  
Chief Civil Deputy

November 1, 2021

Commissioner David R. Woolstenhulme  
Utah Board of Higher Education  
The Gateway  
60 South 400 West  
Salt Lake City, UT 84101-1284

RE: Proposed Ground Lease between Salt Lake Community College and Boyer Meadowbrook, L.C.

Dear Commissioner Woolstenhulme:

It is my understanding that Salt Lake Community College will be asking the Utah Board of Higher Education ("Board") to update its approval of the above referenced non-traditional transaction under the Board's Policy R712-5. As part of its presentation to the Board, the College has asked me to provide my approval of the proposed Ground Lease. Although I am not willing to do that because I understand that the transaction has not yet been approved by the Board, I can inform the Board by this letter that I have reviewed the latest draft that I have of the Ground Lease, and that, if Sections 2 and 5.1.2. of that draft are consistent with the Board's approval, I will give approval to its form and legal authority as required by said rule. Copies of Sections 2 and 5.1.2. of that draft are attached hereto for your reference.

Please let me know if you have a question.

Very truly yours,

A handwritten signature in blue ink, appearing to read "K. Olsen".

KEVIN V. OLSEN  
Assistant Attorney General

cc: Jeffrey West

otherwise agreed to by Landlord, be separated into more than two (2) separate ground leases; and (v) the real property under each separate ground lease will (A) contain at least two (2) acres; (B) have access (directly or through an easement) to and from a public roadway sufficient to develop a commercial building; and (C) have access (directly or through an easement) for connection to water, sewer, electric, gas and communication utilities sufficient to develop a commercial building.

2. Term; Delivery of Possession. The term of this Lease (the “**Term**”) shall be for a period of ninety-nine (99) full consecutive years commencing on the date of this Lease (also referred to herein as the “**Rent Commencement Date**”), and ending on November [ ] 1, 2120. Landlord shall deliver physical possession of the Property to Tenant at the commencement of the Term, free and clear of any tenancy or occupancy by third parties, subject only to the Permitted Encumbrances.

3. Rent and Other Payments.

3.1. Initial Fixed Rent. Commencing on the Rent Commencement Date and on each annual anniversary of the Rent Commencement Date thereafter, or if the Rent Commencement Date is other than the first day of a calendar month, on each annual anniversary of the first day of the calendar month occurring after the Rent Commencement Date, Tenant shall pay Landlord base annual rent in the amount of Three Hundred Seventy-Five Thousand and No/100 Dollars (\$375,000.00) (the “**Fixed Rent**”). In the event the Rent Commencement Date is on a day other than the first day of a calendar month, Tenant shall pay Landlord a prorated portion of Fixed Rent for such partial calendar month along with the full first year’s Fixed Rent on the Rent Commencement Date. The Fixed Rent shall be paid in advance on or before the first day of each year to which it relates. The Fixed Rent shall be delivered to Landlord at the address provided in Section 25, or at such other address as Landlord may specify in writing to Tenant.

3.2. Escalation of Fixed Rent. On each five (5) year anniversary of the Rent Commencement Date, the Fixed Rent, as previously adjusted pursuant to this Section 3.2, shall be increased by ten percent (10%).

3.3. Rent. The term “Rent” means the aggregate of Fixed Rent and any and all amounts payable by Tenant to Landlord under the terms of this Lease, other than Fixed Rent.

3.4. Net Rent. The Fixed Rent is absolutely net to Landlord. Tenant shall pay for all insurance, taxes, utilities, repairs, maintenance and other services and costs relating to the Property and the Improvements. Except as otherwise expressly set forth in this Lease, Landlord shall incur no cost or expense in connection with the Property or the Improvements during the Term.

4. Property Accepted “As-Is”. Tenant accepts the Property “as-is” without warranty or representation of any kind except as expressly set forth in this Lease. Landlord has provided Tenant with reasonable opportunities to conduct any inspections Tenant deemed appropriate to evaluate the Property and to determine the suitability of the Property for Tenant's purposes, including, without limitation, determining whether there are any Hazardous Materials (as defined in Section 10.3 below) on or under the Property, determining whether the Property has sufficient access, and determining whether all needed utilities and services will be available.



5. Use and Improvements.

5.1. Use.

5.1.1. The Property shall be used by the Tenant to construct and operate the Improvements for any lawful uses other than the Prohibited Uses (as defined below), under and in compliance with all Applicable Laws (as defined below).

~~5.2. Construction of Improvements by Tenant. The Future Improvements shall be constructed in accordance with the provisions of all Applicable Laws, and once commenced, shall be expeditiously constructed to completion.~~ 5.1.2 Such lawful uses shall include without limitation activities and operations which serve to provide Salt Lake Community College with the means to provide post-secondary education opportunities to the community or any other uses that benefit the citizens of Salt Lake County that is approved by Landlord, such approval not to be unreasonably withheld, conditioned, or delayed. (it being agreed the uses of the Property for residential, commercial, industrial, and retail uses, other than Prohibited Uses, are approved by Landlord). For purposes of this Section 5.1.2, Landlord agrees that by paying rent and performing its obligations under this Ground Lease, Tenant has complied with the provisions of this Section 5.1.2.

5.2. Construction of Improvements by Tenant. The Future Improvements shall be constructed in accordance with the provisions of all Applicable Laws, and once commenced, shall be expeditiously constructed to completion.

5.3. Ownership of Improvements. Landlord hereby quit claims the Existing Improvements to Tenant. All Future Improvements constructed on the Property shall be owned by Tenant (or, at Tenant's option as described herein, by subtenants with respect to improvements made by such subtenants, as provided by the terms of their respective leases) until expiration of the Term or sooner termination of this Lease, at which time, subject to the rights of a Leasehold Mortgagee, pursuant to a separate ground lease or sublease authorized pursuant to this Lease, all Improvements by whomever then owned shall become the property of Landlord. Tenant shall have the right to alter or modify all Improvements at any time during the Term so long as such alterations and modifications and the construction thereof comply with Applicable Laws, and once commenced, are expeditiously constructed to completion. The parties covenant for themselves and all persons claiming under them that the Improvements are and shall remain the personal property of Tenant (or subtenants, as the case may be) during the Term.

5.4. No Continuous Operation. Nothing herein shall require Tenant to construct or to continuously operate or occupy the Improvements or the Property; provided, however, that any vacation or under-utilization of the Improvements shall not excuse Tenant's obligations to pay rent as well as to maintain and repair the Improvements, if constructed, as provided in this Lease, or to comply with Applicable Laws.

5.5. Prohibited Uses. Except with Landlord's prior written consent, no portion of the Property will be used for any of the following uses (the "**Prohibited Uses**"):



UTAH SYSTEM OF  
HIGHER EDUCATION

# MEMORANDUM

TAB C

November 18, 2021

## **Revision and Renaming of Policy R207, *Institutional Residences for Colleges and Universities***

As part of the ongoing process to review and update Board policies, the Commissioner's Office recommends amendments to Policy R207, *Institutional Residences for Colleges and Universities in the Utah System of Higher Education*, including:

- Changing the policy number and title to R715, *Institutional Residences*
- Updating references, definitions, and policy to reflect changes in statute and to improve readability
- Clarifying the policy of the Board is to provide a housing allowance for presidents of degree-granting institutions and that when appropriate, the Board may designate an official residence
- Clarifying the process for designating an official institutional residence
- Defining criteria and processes for the disposal or conversion of a current institutional residence
- Clarifying that the policy does not apply to the Commissioner of Higher Education

A redline and clean version of the amended policy are included in the attachments.

### **Commissioner's Recommendation**

The Commissioner recommends the Board adopt changes to Policy R207 effective immediately and rename and renumber the policy to R715, *Institutional Residences*.

### **Attachments**

## ~~R207~~R715, Institutional Residences ~~for Colleges and Universities in the Utah System of Higher Education~~<sup>1</sup>

~~R715-207-1. Purpose:~~ To govern the designation, acquisition, operation, and disposal of an institutional residence for degree-granting institutions.~~provide for a designated institutional residence for each college and university, on or near the respective campuses, appropriate for the functions of the presidential office and the residential requirements of the presidents. The duties of a president require residence on or near the campus so as to permit personal hosting of activities and events and involvement in administrative problems requiring personal and immediate attention. Provision and maintenance of institutional residences serves the best interests of the institutions, protects the assets of the Utah System of Higher Education, and reflects generally accepted practice throughout American higher education.~~

### ~~R-715-207-2. References~~

~~2.1~~ Utah Code §53B-2-102, Board to Appoint President of Each Institution

~~2.2~~ Board Policy and Procedures-R205, Presidential Appointment, ~~Term of Office, and Compensation, and Benefits~~

~~R715-207-3. Institutional Residences in the System of Higher Education: Policy~~ The general policy of the Board is to provide a housing allowance for presidents of degree-granting institutions. In certain limited circumstances, the provision and maintenance of institutional residences may serve the best interests of the institution and the System, in which case the board may designate an official institutional residence for a degree-granting institution.

~~R715-43-1. Functions of an Official Institutional Residence:~~ The Board ~~may of Higher Education shall~~ designate an official institutional residence for ~~each college and university~~ degree-granting institution, located on or near the campus, owned and maintained by the institution, and occupied by the President as a condition of employment. Such a residence is considered an institutional resource to be used for the ~~convenience and~~ benefit of the institution. The institutional residence ~~is used by the President as an important extension of the campus in performing the functions of the presidential office. It will may~~ be the President's official residence and ~~shall~~ be used substantially for both administrative and social work-related purposes, ~~both administrative and social. The institutional residence serves as a vital~~

<sup>1</sup> Adopted April 22, 1975; amended June 28, 1979, April 20, 1982, May 15, 1984, and July 17, 1984, replaced February 26, 1988, amended March 25, 1988, August 19, 2005, July 17, 2009, March 29, 2013 and January 24, 2014. Adopted XXX; amended XXX Revised and renamed to R715 November 19, 2021.



center of social activity important to institutional advancement, where receptions for faculty, staff, students, and guests are held, and where influential visitors, lecturers, performers, potential donors, and others may be hosted.

### **R715-53-2: Criteria for Designation of Institutional Residences**

~~53-2.1.~~ The Board of Higher Education, in designating an official institutional residence, shall consider:

~~take into account the~~

5.1.1. Institutional mission

~~type of institution (research university, baccalaureate/masters degree granting institution, or community college),~~

5.1.2. Living standards and cost of housing in the community

5.1.3. Ability to meet the president's needs for campus-related activities

5.1.4. Accessibility to the campus

5.1.5. Suitability for family needs

5.1.6. Estimated cost or market value

~~;~~

5.1.7. Previous designated institutional residences

5.1.8. and Other appropriate factors:

~~53-2.2.~~ The institution, in consultation with the President, the Chair of the institutional Board of Trustees, and the Chair of the Board of Higher Education, shall prepare a report summarizing the facts as to addressing the adequacy and appropriateness of a facility requested to be an institutional residence, with special attention given to the criteria listed in 5.1. the residence on these points shall be prepared by the Commissioner in consultation with the President, the Chair of the institutional Board of Trustees, and the Chair of the Board of Higher Education. The institution shall submit the report shall will be submitted to the Commissioner for review prior to submission submitting it to both the institutional Board of Trustees and the Board of Higher Education for approval. If approved, the Office of the Commissioner will retain report will be filed in the Office of the Commissioner as evidence of official designation for future reference.

**R715-63-3: Initial Construction, Purchase, and Capital Enhancement:** Except as authorized in section ~~63-3.1~~ below, the costs of initial construction, purchase, ~~and~~ capital enhancement, major remodeling, landscaping, and improvements of existing and future institutional residences must have the

prior recommendation of the ~~institutional b~~Boards of ~~t~~Trustees and approval of the Board of Higher Education. Such costs will be financed from sources other than state-appropriated funds unless otherwise specifically authorized by the Board ~~of Higher Education~~.

~~63-3.1~~ The Board ~~members~~ delegates authority to the institutional Boards of Trustees to approve and oversee the capital enhancement of existing institutional residences when the following specific conditions are met:

~~63-3.1.1.~~ The total cost of the capital enhancement project does not exceed \$200,000 for the duration of the president's term in office.

~~The project remains subject to other applicable state approval processes.~~

~~63-3.1.2.~~ No state-appropriated funds ~~are~~may be used in the capital enhancements.

~~63-3.1.3.~~ The Ccapital enhancement ~~of institutional residences should enhance~~ further the purpose of the residence as a campus resource and as a home that satisfies~~well as meet~~ the familial needs of the president.

~~6.23-3.1.4.~~ Institutions engaging in capital enhancement of institutional residences using this delegated authority are required to report, at the next regularly scheduled meeting of the Board ~~of Higher Education~~, the amount of the bid accepted and a summary of the work to be performed.

~~R715-73-4.~~ **Disposal**Selling of a Current Institutional Residence: ~~Should the Board members~~ If an institution determines that an institutional residence is no longer adequate or suitable to meet the needs of the institution, the institution shall request authorization from the Board to dispose of the residence. ~~appropriate appraisals may be obtained, sufficient advertising and bid time allowed, and the residence sold. Revenue from the sale will be applied as designated and approved by the Board of Higher Education.~~

~~7.1.~~ In requesting Board authorization, the institution shall describe why the residence no longer meets institutional needs, indicate the property (if any) that will replace the current institutional residence, commission and submit a property appraisal determining fair market value of the property, and receive approval of the ~~institutional bo~~Board of ~~t~~Trustees.

~~7.2.~~ After Board approval, unless otherwise justified, the institution shall sell the property at or above fair market value. Revenue from the sale of the institutional residence shall be applied as designated and approved by the Board.

**R715-8 .-Conversion of a Current Institutional Residence:** If an institution determines that an institutional residence is no longer adequate or suitable to meet the needs of the institution, the institution shall request authorization from the Board to convert the residence to other uses.

[8.1](#). In requesting Board authorization, the institution shall describe why the residence no longer meets institutional needs, indicate the property (if any) that will replace the current institutional residence, and receive approval of the ~~institutional~~ Board of Trustees.

**[R715-93-5](#). Costs of Maintaining Institutional Residences:** Maintenance costs, including utilities, routine care of the residence and grounds, equipment replacement, repairs, and improvements, will be borne by the institution.

[9.1](#). ~~U~~The utility costs covered by this policy include fuel, power, water, sewer, garbage, internet service, cable or satellite television, basic telephone service, and long-distance telephone service for institutional purposes.

[93-5.2](#). Domestic assistance serving institutional purposes may be provided as appropriate, and as set forth and approved in the budget in [R715-103-6](#).

[93-5.3](#). With the approval of the ~~institutional~~ Board of Trustees, furnishings and equipment of a type serving primarily institutionally-related functions of the residence may be provided by the institution and shall remain on the property inventory of the institution.

[93-5.4](#). Fire and liability insurance shall be carried on all institutional residences and property, with the costs being borne by the institutions. Insurance costs on personal belongings shall be paid for by the [occupying](#) presidents.

**[R715-103-6](#). Budget Report to the Board of Higher Education:** On or before September 15 of each year, the ~~p~~President of each institution shall submit to the Office of the Commissioner of Higher Education a report summarizing the current fiscal year budgeted expenditures approved by the ~~institutional~~ Boards of Trustees for the institutional residences. [This report shall](#) detailing budgeted expenditures for maintenance costs, custodial and domestic assistance, and insurance, as provided in [R715-93-5](#). This report [is](#) to be submitted to the Commissioner and to be shared with the Board of Higher Education as an information item [with](#) ~~will also include~~ the previous year's actual expenditures [and](#) ~~long~~ with the [approved](#) budget ~~approved~~ for that year.

**[R715-113-7](#). Exceptions to Policy:** The provisions of this policy shall not apply to the Commissioner of Higher Education. ~~The Board of Higher Education may provide an equitable housing allowance, or make other equitable and appropriate arrangements, to accommodate the residential housing requirements of the Commissioner or institutional Presidents.~~

## R715, Institutional Residences<sup>1</sup>

**R715-1 Purpose:** To govern the designation, acquisition, operation, and disposal of an institutional residence for degree-granting institutions.

### R-715-2 References

**2.1** Utah Code §53B-2-102, Board to Appoint President of Each Institution

**2.2** Board Policy R205, Presidential Appointment, Compensation, and Benefits

**R715-3 Institutional Residences in the System of Higher Education:** The general policy of the Board is to provide a housing allowance for presidents of degree-granting institutions. In certain limited circumstances, the provision and maintenance of institutional residences may serve the best interests of the institution and the System, in which case the board may designate an official institutional residence for a degree-granting institution.

**R715-4 Functions of an Official Institutional Residence:** The Board may designate an official institutional residence for a degree-granting institution, located on or near the campus, owned and maintained by the institution, and occupied by the President as a condition of employment. Such a residence is considered an institutional resource to be used for the benefit of the institution. The institutional residence may be the President's official residence and shall be used substantially for both administrative and social work-related purposes.

### R715-5 Criteria for Designation of Institutional Residences

**5.1** The Board, in designating an official institutional residence, shall consider:

**5.1.1** Institutional mission

**5.1.2** Living standards and cost of housing in the community

**5.1.3** Ability to meet the president's needs for campus-related activities

**5.1.4** Accessibility to the campus

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<sup>1</sup> Adopted April 22, 1975; amended June 28, 1979, April 20, 1982, May 15, 1984, and July 17, 1984, replaced February 26, 1988, amended March 25, 1988, August 19, 2005, July 17, 2009, March 29, 2013 and January 24, 2014. Revised and renamed to R715 November 19, 2021.

**5.1.5** Suitability for family needs

**5.1.6** Estimated cost or market value

**5.1.7** Previous designated institutional residences

**5.1.8** Other appropriate factors

**5.2** The institution, in consultation with the president, the chair of the institutional board of trustees, and the Chair of the Board of Higher Education, shall prepare a report addressing the adequacy and appropriateness of a facility requested to be an institutional residence, with special attention given to the criteria listed in 5.1. The institution shall submit the report to the Commissioner for review prior to submitting it to the board of trustees and the Board of Higher Education for approval. If approved, the Office of the Commissioner will retain report for future reference.

**R715-6 Initial Construction, Purchase, and Capital Enhancement:** Except as authorized in section 6.1 below, the costs of initial construction, purchase, capital enhancement, major remodeling, landscaping, and improvements of existing and future institutional residences must have the prior recommendation of the boards of trustees and approval of the Board of Higher Education. Such costs will be financed from sources other than state-appropriated funds unless otherwise specifically authorized by the Board.

**6.1** The Board delegates authority to the institutional Boards of Trustees to approve and oversee the capital enhancement of existing institutional residences when the following specific conditions are met:

**6.1.1** The total cost of the capital enhancement project does not exceed \$200,000 for the duration of the president's term in office.

**6.1.2** No state-appropriated funds are used in the capital enhancements.

**6.1.3** The capital enhancement furthers the purpose of the residence as a campus resource and as a home that satisfies the familial needs of the president.

**6.2** Institutions engaging in capital enhancement of institutional residences using this delegated authority are required to report, at the next regularly scheduled meeting of the Board, the amount of the bid accepted and a summary of the work to be performed.

**R715-7 Disposal of a Current Institutional Residence:** If an institution determines that an institutional residence is no longer adequate or suitable to meet the needs of the institution, the institution shall request authorization from the Board to dispose of the residence.

**7.1** In requesting Board authorization, the institution shall describe why the residence no longer meets institutional needs, indicate the property (if any) that will replace the current institutional residence, commission and submit a property appraisal determining fair market value of the property, and receive approval of the board of trustees.

**7.2** After Board approval, unless otherwise justified, the institution shall sell the property at or above fair market value. Revenue from the sale of the institutional residence shall be applied as designated and approved by the Board.

**R715-8 Conversion of a Current Institutional Residence:** If an institution determines that an institutional residence is no longer adequate or suitable to meet the needs of the institution, the institution shall request authorization from the Board to convert the residence to other uses.

**8.1** In requesting Board authorization, the institution shall describe why the residence no longer meets institutional needs, indicate the property (if any) that will replace the current institutional residence, and receive approval of the board of trustees.

**R715-9 Costs of Maintaining Institutional Residences:** Maintenance costs, including utilities, routine care of the residence and grounds, equipment replacement, repairs, and improvements, will be borne by the institution.

**9.1** Utility costs covered by this policy include fuel, power, water, sewer, garbage, internet service, cable or satellite television, basic telephone service, and long-distance telephone service for institutional purposes.

**9.2** Domestic assistance serving institutional purposes may be provided as appropriate, and as set forth and approved in the budget in R715-10.

**9.3** With the approval of the board of trustees, furnishings and equipment of a type serving primarily institutionally-related functions of the residence may be provided by the institution and shall remain on the property inventory of the institution.

**9.4** Fire and liability insurance shall be carried on all institutional residences and property, with the costs being borne by the institutions. Insurance costs on personal belongings shall be paid for by the occupying president.

**R715-10 Budget Report to the Board:** On or before September 15 of each year, the president of each institution shall submit to the Office of the Commissioner a report summarizing the current fiscal year budgeted expenditures approved by the boards of trustees for the institutional residences. This report

shall detail budgeted expenditures for maintenance costs, custodial and domestic assistance, and insurance, as provided in R715-9. This report is to be submitted to the Commissioner and to be shared with the Board as an information item with the previous year's actual expenditures and the approved budget for that year.

**R715-11 Exceptions to Policy:** The provisions of this policy shall not apply to the Commissioner of Higher Education.



UTAH SYSTEM OF  
HIGHER EDUCATION

# MEMORANDUM

TAB D

November 18, 2021

## Revision of Policy R557, *Motor Vehicles*

As part of the ongoing process to review and update Board policies, the Commissioner's Office recommends amendments to Policy R557, *Motor Vehicles*, including:

- Updating references, definitions, and policy to reflect changes in statute and to improve readability
- Adapting the policy to technical colleges by exempting institutions with fewer than ten motor pool vehicles from required professional management and operation as an enterprise service

A redline and clean version of the amended policy are included in the attachments.

### **Commissioner's Recommendation**

The Commissioner recommends the Committee adopt changes to Policy R557 effective immediately and forward to the full Board for approval.

### **Attachments**



## R557, Motor Vehicles<sup>1</sup>

**R557-1. Purpose:** To provide guidelines and oversight for the purchase, maintenance and use of vehicles ~~at the institutions.~~

### R557-2. References

- 2.1. [Utah Code §41-1a-407](#) (Use of “EX” Plates by Political Subdivisions or State)
- 2.2. [Utah Code §63A, Chapter 9](#) (Division of Fleet Operations and Administration of State Vehicles)
- 2.3. [Utah Code §63G-6a](#) (Utah Procurement Code)
- 2.4. [Board Policy R205](#), Presidential Appointment, Term of Office, and Compensation and Benefits
- 2.5. [Board Policy R555](#), Providing Facilities, Goods and Services in Competition with the Private Sector
- 2.6. [Board Policy R556](#), Transportation in Campus Vehicles
- ~~2.7. Board Policy R558, Surplus Property~~
- 2.7.8. [Board Policy R567-3](#), Internal Audit Activities, Definitions

### R557-3. Definitions

- 3.1. **“Motor Pool Fleet”:** The motor pool fleet is comprised of all vehicles owned or leased by the institution ~~and maintained in a pool~~ for daily and monthly use by departments and employees of the institution.
- 3.2. **“Vehicle Fleet”:** The vehicle fleet is comprised of all licensed vehicles owned or leased by the institution, including the motor pool fleet.
- 3.3. **“Service Enterprises”:** Service enterprises are operations within the institution established by the institution to provide services to departments and employees of the institution. Fees are set at a level adequate to support projected operating requirements without generating excess revenues.
- 3.4. **“Commute”:** Commute means travel between ~~an~~ employee’s home and place of work more ~~often~~ than five times per month. Commute includes travel to any work site closer to ~~any~~ employee’s home than the principal place of assignment.

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<sup>1</sup> Adopted [November 3, 1995](#); amended [March 12, 1997](#), [March 18, 2005](#), [March 31, 2017](#), and [November 18, 2021](#)

**3.5. “Employee”:** Employee means any person who is paid by the institution or is acting as an agent of the institution in a volunteer position or as a student.

**3.6. “Incidental Personal Use”:** Use of a vehicle to obtain meals and lodging in connection with an authorized business trip.

## R557-4. Policy

**4.1. Ownership and Control of Vehicle Fleets:** Each institution shall monitor and control its vehicle fleet. ~~The~~An institution with more than ten vehicles in its motor pool shall:

**4.1.1.** employ professional management for its fleet;

**4.1.2.** operate the motor pool fleet as a service enterprise;

**4.1.3.** monitor, analyze, and evaluate the utilization of fleet vehicles ~~and analyze and evaluate to determine the~~ optimal fleet size ~~of the fleet~~;

**4.1.4.** ~~before any new or replacement vehicle is purchased,~~ review ~~both~~ the overall need for any potential the vehicle purchase pursuant to 4.1.3 and conduct a cost-benefit analysis ~~of entering into a for~~ long-term lease versus vehicle purchase;

**4.1.5.** comply with Utah Code §63G-6a, Utah Code Annotated (State Procurement Code) in the purchase of all vehicles; and

**4.1.6.** evaluate the need for and cost of departmentally ~~owned~~ vehicles versus vehicles included in the motor pool fleet, ~~and~~

~~— 4.1.7. dispose of vehicles in accordance with R558, Surplus Property.~~

**4.2. Marking of Vehicles and “EX” Plates:** In accordance with Utah Code §63A-9-601, all vehicles in the fleet shall display an identification ~~be marked~~ and have “EX” plates, unless exempted under that section or Utah Code §41-1a-407.

**4.3. Commute Policies:** Commute privileges should be authorized only when re it is ~~determined to be~~ beneficial to the institution. Institutions shall establish commute policies to provide:

**4.3.1.** authorization criteria for the use of vehicles for commuting;

**4.3.2.** disciplinary procedures and sanctions for unauthorized commuting; and

**4.3.3.** accounting guidelines for maintaining proper records of the taxable benefit to the employee of commuting in an institutional vehicle.

**4.4. Maintenance and Safe Use of Vehicles:** Institutions shall establish policies governing the maintenance and safe use of the vehicle fleet ~~by departments and employees~~. These policies shall provide:

**4.4.1.** for compliance with guidelines established by the Office of Risk Management in connection with providing vehicle insurance to the institution; and

**4.4.2.** for employee reporting of vehicles involved in accidents and traffic violations and; for compliance with seat belt laws, alcohol and drug regulations and other traffic laws.

**4.5. Use of Vehicles:** Fleet vehicles shall only be used for official institutional business purposes, except when:

- 4.5.1. personal use has been authorized for the President in compliance with Board policy;
- 4.5.2. commute privileges have been authorized pursuant to section 4.3; or
- 4.5.3. non-incident personal use has been specifically authorized by the President and reported to the institutional Board of Trustees.

**4.6. Vehicle Fleet Use Restricted by Board Policies:** Institutions shall comply with Board policies relating to vehicles use ~~in such as~~ R555, ~~Providing Facilities, Goods and Services in Competition with Private Enterprise,~~ and R556, ~~Transportation in Campus Vehicles.~~

**4.7. Annual Report:** Institutions shall ~~write and~~ submit an annual vehicle fleet report to the Division of Fleet Operations. The report shall include:

- 4.7.1. the number of vehicles in the vehicle fleet, a description of each vehicle owned or leased; ~~(including the license number, year, make, and model) of the vehicle,~~ and the person and administrative unit ~~within the institution~~ to whom each vehicle is assigned;
- 4.7.2. other information requested by the Division of ~~Administrative Services~~ Fleet Operations in compliance with Utah Code §63A-9-402; and
- 4.7.3. the number and names of employees with authorized commute privileges, ~~with~~ authorized personal use privileges, and who drive unmarked vehicles.

**4.8.7.4. Annual Motor Fleet Pool Report:** The annual motor ~~fleet pool~~ report shall be part of the regular budget process for institutions with more than ten vehicles in its motor pool and shall include:

- ~~4.8.7.4.1.~~ revenues and expenditures;
- ~~4.8.7.4.2.~~ rates and charges for vehicle use;
- ~~4.8.7.4.3.~~ vehicle utilization rates, and
- ~~4.8.7.4.3.~~ other pertinent information about the operations of motor pool fleet.

**4.9.8. Certification and Reporting Requirements:** Institutions shall annually certify the accuracy of the vehicle fleet report and motor pool fleet report and shall submit the certification to the Board of Higher Education Manager of Audit by January 15.

**4.10.9. Oversight by Board of Trustees:** The Board of Trustees of each institution shall review the institution's annual vehicle fleet reports and motor pool fleet reports and periodic internal audits prepared pursuant to Sections 4.7, ~~and~~ 4.8, and 4.9. The Board of Trustees shall monitor how the institution manages and uses vehicle fleets.

## R557, Motor Vehicles<sup>1</sup>

**R557-1. Purpose:** To provide guidelines and oversight for the purchase, maintenance and use of vehicles.

### R557-2. References

- 2.1. [Utah Code §41-1a-407](#) (Use of “EX” Plates by Political Subdivisions or State)
- 2.2. [Utah Code §63A, Chapter 9](#) (Division of Fleet Operations and Administration of State Vehicles)
- 2.3. [Utah Code §63G-6a](#) (Utah Procurement Code)
- 2.4. [Board Policy R205](#), Presidential Appointment, Term of Office, and Compensation and Benefits
- 2.5. [Board Policy R555](#), Providing Facilities, Goods and Services in Competition with the Private Sector
- 2.6. [Board Policy R556](#), Transportation in Campus Vehicles
- 2.7. [Board Policy R567-3](#), Internal Audit Activities, Definitions

### R557-3. Definitions

- 3.1. **“Motor Pool Fleet”:** The motor pool fleet is comprised of all vehicles owned or leased by the institution for daily and monthly use by departments and employees of the institution.
- 3.2. **“Vehicle Fleet”:** The vehicle fleet is comprised of all licensed vehicles owned or leased by the institution, including the motor pool fleet.
- 3.3. **“Service Enterprises”:** Service enterprises are operations within the institution established by the institution to provide services to departments and employees of the institution. Fees are set at a level adequate to support projected operating requirements without generating excess revenues.
- 3.4. **“Commute”:** Commute means travel between an employee’s home and place of work more than five times per month. Commute includes travel to any work site closer to an employee’s home than the principal place of assignment.
- 3.5. **“Employee”:** Employee means any person who is paid by the institution or is acting as an agent of the institution in a volunteer position or as a student.

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<sup>1</sup> Adopted November 3, 1995; amended March 12, 1997, March 18, 2005, March 31, 2017, and November 19, 2021

**3.6. “Incidental Personal Use”:** Use of a vehicle to obtain meals and lodging in connection with an authorized business trip.

## **R557-4. Policy**

**4.1. Ownership and Control of Vehicle Fleets:** Each institution shall monitor and control its vehicle fleet. An institution with more than ten vehicles in its motor pool shall:

- 4.1.1.** employ professional management for its fleet;
- 4.1.2.** operate the motor pool fleet as a service enterprise;
- 4.1.3.** monitor, analyze, and evaluate the utilization of fleet vehicles to determine optimal fleet size;
- 4.1.4.** review the overall need for any potential vehicle purchase pursuant to 4.1.3 and conduct a cost-benefit analysis for long-term lease versus vehicle purchase;
- 4.1.5.** comply with Utah Code §63G-6ain the purchase of all vehicles; and
- 4.1.6.** evaluate the need for and cost of departmentally-owned vehicles versus vehicles included in the motor pool fleet.

**4.2. Marking of Vehicles and “EX” Plates:** In accordance with Utah Code §63A-9-601, all vehicles in the fleet shall display an identification mark and have “EX” plates, unless exempted under that section or Utah Code §41-1a-407.

**4.3. Commute Policies:** Commute privileges should be authorized only when beneficial to the institution. Institutions shall establish commute policies to provide:

- 4.3.1.** authorization criteria for the use of vehicles for commuting;
- 4.3.2.** disciplinary procedures and sanctions for unauthorized commuting; and
- 4.3.3.** accounting guidelines for maintaining proper records of the taxable benefit to the employee of commuting in an institutional vehicle.

**4.4. Maintenance and Safe Use of Vehicles:** Institutions shall establish policies governing the maintenance and safe use of the vehicle fleet. These policies shall provide:

- 4.4.1.** for compliance with guidelines established by the Office of Risk Management in connection with providing vehicle insurance to the institution; and
- 4.4.2.** for employee reporting of vehicles involved in accidents and traffic violations and for compliance with seat belt laws, alcohol and drug regulations and other traffic laws.

**4.5. Use of Vehicles:** Fleet vehicles shall only be used for official institutional business purposes, except when:

- 4.5.1.** personal use has been authorized for the President in compliance with Board policy;
- 4.5.2.** commute privileges have been authorized pursuant to section 4.3; or

**4.5.3.** non-incident personal use has been specifically authorized by the President and reported to the institutional Board of Trustees.

**4.6. Vehicle Fleet Use Restricted by Board Policies:** Institutions shall comply with Board policies relating to vehicle use in R555 and R556.

**4.7. Annual Report:** Institutions shall submit an annual vehicle fleet report to the Division of Fleet Operations. The report shall include:

**4.7.1.** the number of vehicles in the vehicle fleet, a description of each vehicle owned or leased (including license number, year, make, and model), and the person and administrative unit to whom each vehicle is assigned;

**4.7.2.** other information requested by the Division of Fleet Operations in compliance with Utah Code §63A-9-402; and

**4.7.3.** the number and names of employees with authorized commute privileges, authorized personal use privileges, and who drive unmarked vehicles.

**4.8. Annual Motor Pool Report:** The annual motor pool report shall be part of the regular budget process for institutions with more than ten vehicles in its motor pool and shall include:

**4.8.1.** revenues and expenditures;

**4.8.2.** rates and charges for vehicle use;

**4.8.3.** vehicle utilization rates, and

**4.8.3.** other pertinent information about the operations of motor pool fleet.

**4.9. Certification and Reporting Requirements:** Institutions shall annually certify the accuracy of the vehicle fleet report and motor pool fleet report and shall submit the certification to the Board of Higher Education Manager of Audit by January 15.

**4.10. Oversight by Board of Trustees:** The Board of Trustees of each institution shall review the institution's annual vehicle fleet reports and motor pool fleet reports and periodic internal audits prepared pursuant to Sections 4.7, 4.8, and 4.9. The Board of Trustees shall monitor how the institution manages and uses vehicle fleets.



UTAH SYSTEM OF  
HIGHER EDUCATION

# MEMORANDUM

TAB E

November 18, 2021

## **Revision of Policy R558, *Surplus Property***

As part of the ongoing process to review and update Board policies, the Commissioner's Office recommends amendments to Policy R558, *Surplus*, including updating references, definitions, and policy to reflect changes in statute and to improve readability. A redline and clean version of the amended policy are included in the attachments.

### **Commissioner's Recommendation**

The Commissioner recommends the Finance and Facilities Committee adopt changes to Policy R558 effective immediately and forward to the full Board for approval.

### **Attachments**

## R558, Surplus Property<sup>1</sup>

**R558-1 Purpose:** To ~~provide for certain interaction between the institutions and the State Division of Purchasing and General Services relating to~~ govern institutional surplus property.

### R558-2

~~2.1 Utah Code [pw1] §63A-2-402 (State surplus property program — Participation by institutions of higher education)~~

### R558-2 Definitions

**2.1 “Surplus Property”:** Surplus property means property purchased by, seized by, or donated to, an institution which is no longer needed by the institution and is to be disposed of by the institution. Surplus property does not mean real property.

**2.2 “Internal Transfer”:** Internal transfer means transfer of surplus property internally within an institution.

**2.3 “External Sale”:** External sale means disposition of property outside of the institution.

### R558-3 Policy

**3.1 Institutional Programs:** Each institution shall maintain its own surplus property program.

**3.2 External Sale:** External disposition of property shall ~~be in compliance~~ comply with applicable restrictions of any donor, the federal government, or other entity from which the property was originally acquired.

**3.3 Preference for Internal Use:** Institutions are encouraged to transfer surplus property internally before disposing of the property externally.

~~**4.4 Notification to State Division of Purchasing and General Services:** Each institution shall submit to the State Division of Purchasing and General Services a listing of vehicles available for sale outside the institution, at least 15 days prior to the intended sale date.~~

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<sup>1</sup> Approved June 15, 1994; amended November 3, 1995, September 2, 1999, July 19, 2013, and November 19, 2021.



~~**4.5 Preference for Acquisitions of Surplus Property:** Institutions are encouraged to acquire federal surplus property from the State Division of Purchasing and General Services or from other institutions in order to reduce expenditures.~~

**3.4 Retention of Proceeds:** Proceeds from the sale of surplus property are retained by the institution.

**3.5 Oversight by and Report to the Board of Trustees:** The Board of Trustees of each institution is responsible for general oversight of surplus property operations. Each institution shall report annually to its Board of Trustees regarding its surplus property operation. The report shall provide information on revenues, expenditures, and allocation of net revenues in a form specified in the annual budget process.



## R558, Surplus Property<sup>1</sup>

**R558-1 Purpose:** To govern institutional surplus property.

### R558-2 Definitions

**2.1 “Surplus Property”:** Surplus property means property purchased by, seized by, or donated to, an institution which is no longer needed by the institution and is to be disposed of by the institution. Surplus property does not mean real property.

**2.2 “Internal Transfer”:** Internal transfer means transfer of surplus property internally within an institution.

**2.3 “External Sale”:** External sale means disposition of property outside of the institution.

### R558-3 Policy

**3.1 Institutional Programs:** Each institution shall maintain its own surplus property program.

**3.2 External Sale:** External disposition of property shall comply with applicable restrictions of any donor, the federal government, or other entity from which the property was originally acquired.

**3.3 Preference for Internal Use:** Institutions are encouraged to transfer surplus property internally before disposing of the property externally.

**3.4 Retention of Proceeds:** Proceeds from the sale of surplus property are retained by the institution.

**3.5 Oversight by and Report to the Board of Trustees:** The Board of Trustees of each institution is responsible for general oversight of surplus property operations. Each institution shall report annually to its Board of Trustees regarding its surplus property operation. The report shall provide information on revenues, expenditures, and allocation of net revenues in a form specified in the annual budget process.

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<sup>1</sup> Approved June 15, 1994; amended November 3, 1995, September 2, 1999, July 19, 2013, and November 19, 2021.



# MEMORANDUM

November 19, 2021

## Appointment of Institution Audit Committee Members

The state's [Internal Audit Act](#) designates the Board of Higher Education as the “appointing authority” for institution audit committees (see 63I-5-102(4)(c)) that appoints audit committee members (see 63I-5-102(5)(a)) at the eight degree-granting institutions of higher education (see (63I-5-201(3))).

[Board policy R565-4.3.2](#) requires each institution to have an audit committee of three to five members, including at least three members of the board of trustees. At least one audit committee member at each institution “should have financial expertise either through professional certification or experience... when practicable.” Up to two audit committee members could be community members who do not serve on the institution’s board of trustees.

The Dixie State University Board of Trustees recommend the following new members to the audit committees:

**Mitch Cloward** was appointed to the DSU Board of Trustees in 2021. Mitch serves as the administrator of Intermountain St. George Regional Hospital. He joined Intermountain Healthcare in October of 2002 as an operations director for Intermountain’s Medical Group. In 2006 he advanced to become hospital operations officer guiding surgical services, neurosciences, rehabilitation, lab and serving as on-site administrator of Dixie’s 400 East Campus. He became an administrator for both campuses in 2016. In 2015, the St. George Chamber of Commerce recognized Mitch with the “Innovator of the Year” award. He has served in many community capacities, including board chair for the Dixie Applied Technology College.

Mitch holds a Master of Healthcare Administration from Texas Woman’s University. His career began as a financial analyst for the Kelsey-Seybold Clinic in Houston, where he rapidly advanced to the administrator over physician practices. Within three years, he directed finance for Great West Life and Annuity/One Health Plan and became their vice president of network development for the Dallas and Fort Worth areas. His diverse background has given him broad and deep experience in insurance, physician practice management, and hospital operations. He and Jennifer, his wife, are the parents of five children, proud grandparents of Olive, and reside in Santa Clara, Utah.

**Danny Ipson** is the CFO and Managing Member at DATS Trucking/Overland Petroleum. After attending Dixie College, he earned a BA in Accounting and Business Management from Southern Utah University.

Danny has served the University in various capacities for over 25 years and has been the head baseball coach at Dixie High School for the past thirteen years. He and his wife, Jenny, have three children and one grandchild.

**Penny Mills** grew up in Orem, Utah, as the youngest of five children. She attended Vineyard Elementary, Lakeridge Jr. High, and Mountain View High School. She loves music and has sung with several performance choirs, including a tour with one stop at Carnegie Hall. As a sophomore in high school, Penny was a starting defensive player for the Lacrosse team at Timpanogos High School in 2012 (a team composed of students from Mountain View, Orem, and Timpanogos because there weren't enough players from any one of the schools alone to field a whole team). This team won the Division 2 Lacrosse State Championship. She loved the competition. Penny was the Senior Class President and a member of "Bruin Crew" (a student service organization) at Mountain View High.

Penny loves to work with people and help them find and live their dreams. She has worked in the food industry and retail, but her favorite job was for Alysse's Bridal & Formal in Provo, Utah. She was a Bridal Consultant and also one of the store "buyers" for the formal wear sold by Alysse's.

Penny is studying Communications with an emphasis in Applied Leadership at Dixie State. She loves DSU because it is a place where you can blaze trails to your dreams and live them. She loves the great leadership spirit. Penny got involved on campus as the administrative assistant to the vice president of student life. Most recently, before becoming student body president, she served as the vice president of service for DSUSA. Stop by Penny's office in the Gardner Student Center and say "hello". She loves meeting new people and wants to hear your ideas for making Dixie even greater than it already is!

### **Commissioner's Recommendation**

The Commissioner recommends the Board of Higher Education formally appoint the following new audit committee members recommended by five institution boards of trustees:

#### **Dixie State University**

Danny Ipson

Mitch Cloward

Penny Mills





UTAH SYSTEM OF  
HIGHER EDUCATION

# MEMORANDUM

November 19, 2021

## Transition of Clock-Hour to Credit-Hour Programs

As part of the strategic plan, the Utah Board of Higher Education approved the transition of technical education programs from clock-hours to credit-hours. In July, the Board passed policy R474 Clock-Hour to Credit-Hour Transition to guide the process. Within the policy, section 4.2 states that each program's transition to credit, including the delivery format, must be approved by the Board. This approval is required by:

- the Council on Occupational Education (COE), the agency that accredits the technical colleges;
- the U.S. Department of Education (financial aid eligible programs)

Section 4.3 of the policy states that institutions shall submit applications for approval of the clock-hour to credit-hour conversion by the accrediting body through the Office of the Commissioner (OCHE) following a prescribed schedule.

Technical colleges submitted applications for the first designated group of programs (those less than 600 clock-hours in length) to the OCHE. Following approval, the OCHE will submit the applications to the COE for approval.

By submitting applications through the OCHE, the total cost of transition is reduced from about \$200K to \$25K (from \$500 per program to about \$75). Based on the number of programs offered by each institution, technical colleges will reimburse the system office.

Because technical colleges offer certificates only, institutions must retain both clock-hours and credit-hours in the student information system. Once the transition of all programs is complete, credit-hours will be used in publications and articulation agreements. Credit will be an automatically calculated field in the student information system using a formula provided by the U.S. Department of Education. There will be some flexibility on implementation.

### **Commissioner's Recommendation**

The Commissioner recommends approval of the transition of the programs included in the attachment from clock-hours to credit-hours.

### **Attachment**

College	Alias	Program	Clock-hour length	Proposed Credit-Hours	Delivery Method*
Davis	Electrician	Electrician Apprentice	720	24	H
Davis	Esthetician	Esthetician	600	16	H
Davis	HVAC	Heating and Air Conditioning	720	24	H
Davis	Injection Molding	Injection Molding	720	24	H
Davis	Master Esthetician	Master Esthetician	600	16	H
Davis	Pharmacy Technician	Pharmacy Technician	750	23	H
Davis	Plumbing	Plumbing Apprentice	720	24	H
Davis	Practical Nursing	Practical Nurse	900	27	H
Dixie	Biotechnology	Biotechnology	900	28	T
Dixie	Electrician	Electrical Commercial	360	12	T
Dixie	Electrician	Electrical Residential	360	12	T
Dixie	HVAC	HVACR Technician	600	20	T
Dixie	Operations Management	Operations Management	720	22	T
Dixie	Pharmacy Technician	Pharmacy Technician	600	16	T
Dixie	Plumbing	Plumbing Commercial	180	6	T
Dixie	Plumbing	Plumbing Residential	540	18	T
Dixie	Practical Nursing	Practical Nursing	900	23	T
Mountainland	Central Sterile Technician	Central Sterile Technician	900	25	T
Mountainland	Electrician	Electrical Apprenticeship	720	24	T
Mountainland	HVAC	HVAC Apprenticeship	360	12	T
Mountainland	Pharmacy Technician	Pharmacy Technician	450	12	T
Mountainland	Plumbing	Plumbing Apprenticeship	720	24	T
Mountainland	Practical Nursing	Practical Nursing	900	28	T
Ogden-Weber	Electrician	Electrical Trades Preparation	500	16	TH
Ogden-Weber	Electrician	Electrician Apprentice Related Instruction	720	24	TD
Ogden-Weber	HVAC	HVAC Technologies Apprentice Related Instruction	680	15	TH
Ogden-Weber	Non-Destructive Inspection	Non-Destructive Inspection	900	27	TH
Ogden-Weber	Pharmacy Technician	Pharmacy Technician	600	16	TH
Ogden-Weber	Plumbing	Plumber Apprentice Related Instruction	720	24	TH
Ogden-Weber	Practical Nursing	Practical Nursing	900	22	TH
Southwest	Pharmacy Technician	Pharmacy Technician	600	17	TH
Southwest	Practical Nursing	Practical Nursing	900	25	TH

Tooele	Practical Nursing	Practical Nursing	900	22	T
Uintah Basin	Electrician	Electrical Technician	360	12	THD
Uintah Basin	Pharmacy Technician	Pharmacy Technician	600	17	T
Uintah Basin	Practical Nursing	Practical Nursing	900	25	T



UTAH SYSTEM OF  
HIGHER EDUCATION

# MEMORANDUM

November 19, 2021

## Custom Fit Report – FY 2021

Custom Fit is a state investment with industry in Utah's economic vitality and workforce development. It provides and supports training designed to aid in retention and expansion of Utah companies, attract new businesses to the state, and meet employers' specific educational needs. Custom Fit accomplishes this through jointly-funded partnerships between Utah companies and Utah System of Higher Education institutions.

In accordance with Policy R432-8.3 (Custom Fit – Annual Report), the eleven technical education institutions have submitted reports detailing Custom Fit activity for Fiscal Year 2021. The attached report summarizes the institution reports and reflects statewide Custom Fit activity.

As provided in the policy, the Technical Education Committee reviewed the report in its October 2021 meeting, and has forwarded it herewith to the Committee of the Whole.

### **Attachment**



## Custom Fit Report for the Fiscal Year Ended June 30, 2021

Program Report								
Institution	Companies Served	Trainees	Instructional Hours		Utilization	Companies Served	Trainees	Instructional Hours
Bridgerland Technical College	199	4,721	82,028		<b>Industry Sector</b> Information Technology: 73, 3,510, 53,646 Manufacturing: 325, 9,086, 169,197 Construction & Trades: 315, 3,188, 117,420 Services: 955, 8,334, 160,904 Mining, Fishing & Energy: 43, 984, 12,034 <b>Company Objective</b> Competitive Edge: 3,712, 2,832, 57,040 Growth: 7,254, 5,603, 124,203 Productivity: 13,219, 9,670, 196,985 <b>Training Objective</b> Business Development: 2,040, 1,439, 21,627 Certification/Health & Safety: 7,637, 6,270, 61,252 Certification/Professional: 1,651, 1,470, 26,631 Certification/Trades: 3,229, 2,036, 159,905 Employee Development: 7,211, 4,920, 60,328 Technical/Manufacturing: 1,583, 1,349, 38,090 Technical/Professional: 837, 694, 10,423			
Davis Technical College	182	2,229	63,177					
Dixie Technical College	155	1,254	23,450					
Mountainland Technical College	246	2,921	43,218					
Ogden-Weber Technical College	134	2,546	73,813					
Salt Lake Community College	85	745	22,368					
Snow College	95	453	14,299					
Southwest Technical College	81	615	34,331					
Tooele Technical College	61	389	10,665					
Uintah Basin Technical College	178	1,673	22,643					
Utah State University - Eastern	76	280	10,620					
<b>FY 2021 Total</b>	<b>1,492</b>	<b>17,826</b>	<b>400,611</b>					
<b>FY 2020 Total</b>	<b>1,760</b>	<b>18,742</b>	<b>357,254</b>					
<b>% Change</b>	<b>-15.2%</b>	<b>-4.9%</b>	<b>12.1%</b>					

Financial Report											
Institution	Funding					Use of Funds					
	Carried Over from Prior FY	State Appropriation	Company Contributions	Inst*	Total Funds Available	Direct Training Costs	Salaries/Benefits	Equipment	Other Expenses	Total Expenditures	Carried Over to Next FY
Bridgerland Technical College	\$22,572	\$500,000	\$591,375		\$1,113,947	866,254	235,230		6,562	1,108,046	\$5,901
Davis Technical College	114,084	684,600	384,557		1,183,241	760,570	297,456	17,290	26,466	1,101,782	81,459
Dixie Technical College	74,186	345,000	327,536		746,722	545,893	119,617	3,406	2,821	671,737	74,985
Mountainland Technical College	74,664	684,600	155,933		915,197	536,248	235,377		3,208	774,833	140,364
Ogden-Weber Technical College	143,881	684,600	496,333		1,324,814	784,498	247,830		427	1,032,755	292,059
Salt Lake Community College	446,969	460,800	249,668	92,510	1,249,947	735,658	92,510		594	828,762	421,185
Snow College	261,284	298,100	141,685		701,069	291,136	180,854			471,990	229,078
Southwest Technical College	39,934	345,000	206,951		591,885	344,919	169,886		9,780	524,585	67,300
Tooele Technical College	2,224	325,000	239,217		566,441	434,737	165,293		688	600,718	(34,277)
Uintah Basin Technical College	49,823	410,000	255,574		715,397	425,919	247,740	594	30,027	704,280	11,118
Utah State University - Eastern	269,274	273,100	122,368		664,742	245,575	95,050	11,653	35,255	387,532	277,209
<b>Total</b>	<b>\$1,498,895</b>	<b>\$5,010,800</b>	<b>\$3,171,197</b>	<b>\$92,510</b>	<b>\$9,773,402</b>	<b>\$5,971,407</b>	<b>\$2,086,843</b>	<b>\$32,942</b>	<b>\$115,828</b>	<b>\$8,207,020</b>	<b>\$1,566,381</b>

\*SLCC CF appropriation has been carried through regular institution E&G line item. Institution provides additional funding for salaries and benefits.

## R582, Per Diem Compensation for Services<sup>1</sup>

**R582-1 Purpose:** To authorize a per diem allowance for members in attendance at official meetings of the Board of Higher Education, the several institutional Boards of Trustees, and the Board of Directors of the Utah Higher Education Assistance Authority (other than salaried state employees), and the Student Finance Subcommittee (other than salaried state employees), and to bring such per diem allowances into conformity with general state policy.

### R582-2 References

- 2.1 [Utah Code 53B-1-104\(12\)](#) (Membership of the Board: Compensation)
- 2.2 [Utah Code 53B-2-104\(9\)](#) (Memberships of Boards of Trustees: Compensation)
- 2.3 [Utah Code 53B-12-101\(9\)](#) (Utah Higher Education Assistance Authority Designated)
- 2.4 [Utah Code 53B-12-102\(2\)](#) (UHEAA Board of Directors)
- 2.5 [Utah Code 63A-3-106](#) (Per Diem Rates for State Officers and Employees)
- 2.6 [Utah Code 63A-3-107](#) (Travel Expenses of Executive Branch Officers and Employees)

### R582-3 Policy

**3.1 Per Diem Rates Set by the Board:** Per diem rates in effect for all other state boards and commissions are not applicable to Board of Higher Education and institutional Boards of Trustees members in the System of Higher Education until the Board of Higher Education takes affirmative action to authorize their application.

**3.2 Similar Treatment for Higher Education Boards and Commissions:** The public service on higher education boards requires both sacrifice and dedication which should be recognized, pursuant to express legislative intent, by a suitable per diem allowance. Such allowances should be similar to those received by the members of other appointed state boards and commissions.

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<sup>1</sup> *Adopted July 21, 1989, amended May 29, 1998, and November 19, 2021.*

**3.3 Per Diem Rates the Same as Those Set by the State Director of Finance:** Per diem rate changes determined by the State Director of Finance for appointed members of state boards and commissions shall automatically be placed in effect for members in attendance at official meetings of the Board of Higher Education, the several institutional Boards of Trustees, and the Board of Directors of the Utah Higher Education Assistance Authority (other than salaried state employees) in accordance with applicable Board policies, as of the effective dates of the Director of Finance's determinations.

3.4 Stipends for students providing service to the Board: The Board may award stipends to students who serve as student board members defined in R609-3 or as members of the Campus Safety and Equity

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## R120, Board of Higher Education Bylaws<sup>1</sup>

**R609-1 Purpose:** To provide bylaws for the Board of Higher Education that will govern how the Board administers the Utah System of Higher Education and conducts regular Board business.

### R-609-2 References

[2.1 Title 53B, Chapter 1, Section 403, Committees](#)

[2.2 Title 53B, Chapter 1, Section 404, Membership of the Board](#)

[2.3 Title 53B, Chapter 1, Section 501, Initial Board Membership](#)

### R609-3 Bylaws

**3.1 Offices:** The principal office of the Board shall be located at the Utah Board of Higher Education Building, The Gateway, 60 South 400 West, Salt Lake City, Utah. The Board may have such other offices as the Board may designate or as the business of the Board may from time to time require.

**3.2 General Powers:** Under 53B-1-402, the Board is vested with the power to govern the Utah System of Higher Education. The Board shall address all issues requiring its action in a properly convened meeting. The Board may adopt rules and regulations to govern the conduct of its meetings, to manage the Board and to manage and supervise the Utah System of Higher Education, in accordance with these bylaws and the laws of this State.

**3.3 Board Members.** The Board shall consist of 18 members who are residents of the state and appointed by the governor with the advice and consent of the Senate. Two of the members shall be student members, one individual who is enrolled in a certificate program at a technical college at the time of the appointment one individual who is a fully matriculated student enrolled in a degree-granting institution. Except as provided in 53B-1-501, the Governor shall appoint Board members to six-year staggered terms, each of which begins on July 1 of the year of appointment. The Governor shall appoint student members to a one-year term. Each member shall hold office until his or her successor has been chosen and qualified.

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<sup>1</sup> Adopted June 17, 1970; amended July 28, 1970, September 11, 1970, January 20, 1971, July 27, 1971, December 20, 1973, July 22, 1975, July 14, 1980, August 31, 1981, October 11, 1985, September 12, 1986, August 6, 1987, December 16, 1988 and Bylaws February 24, 1989, June 18, 1993, May 31, 2002, September 11, 2003, March 30, 2012, March 29, 2013, March 30, 2018, and November 19, 2021.

**3.3.1 Oath of Office:** A member shall take the official oath of office before entering upon the duties of office. The oath shall be filed with the Division of Archives and Records Services.

**3.3.2 Simultaneous Service on Institutions' Boards of Trustees:** An individual may not serve simultaneously on the Board and on an institution's board of trustees.

**3.3.3 Consecutive Terms:** Unless otherwise provided in 53B-1-501, the Governor may appoint a member to a second consecutive full term without a recommendation from the nominating committee. Members who filled the unexpired term that resulted from the vacancy of a member may be appointed to serve up to one consecutive full term thereafter. Student members may not serve more than one full term.

**3.3.4 Vacancies:** A vacancy in the Board occurring before the expiration of a member's full term shall be immediately filled through the nomination and appointment processes described in 53B-1-404 and 406. An individual appointed to fill a vacancy shall be appointed to serve for the remainder of the unexpired term.

**3.3.5 Removal of Board Members:** The governor may remove a member of the board for cause after consulting with the president of the Senate.

**3.3.6 Resignation:** A member of the Board may resign at any time by giving written notice to the Board's chair or secretary. Unless otherwise specified in the notice, the resignation shall take effect upon receipt.

**3.3.7 Compensation:** A member of the Board shall receive a daily salary for each calendar day that the member attends a Board or Committee meeting as provided by statute. A member may also receive per diem and travel expenses as allowed by Section 53B-1-404(15).

**3.4 Regular Meetings:** The Board shall meet regularly at a time and place it shall determine. The Board may also meet, in full or executive session, at the request of the chair, the commissioner, or at least six members of the Board.

**3.4.1 Special Meetings:** The Board may convene a special meeting, in full or executive session, when called by the Board chair, the commissioner, or by request of six Board members. The chair or commissioner may designate the location or method for holding any special meeting.

### **3.5 Notice**

**3.5.1 Notice to Members of Board:** The Board secretary shall notify Board members and institutional presidents of the time and place of regular meetings of the Board at least seven days prior to the meeting, together with an agenda explaining the nature of the business to be acted upon. The Board secretary may provide shorter notice for special meetings.

**3.5.2 Notice to the Public:** The Board and Executive Committee—when taking action on behalf of the Board in accordance with Section 3.9.6—shall give public notice of their meetings as required by Section 52-4-202 of the Open and Public Meetings Act.

**3.6 Quorum:** The Board must have a quorum to take action. A quorum consists of 10 members. A quorum of any committee of the Board shall consist of a majority of its members. If less than a quorum is present at the time and place for any such meeting called, the Board or committee meeting may be adjourned without further notice.

### **3.7 Conducting Board Business**

**3.7.1 Agenda and Regular Order of Business:** The Board chair and the commissioner shall set the agenda for Board meetings in consultation with the Executive Committee. The official agenda shall constitute the principal business at regular meetings of the Board.

**3.7.2 Categories of Agenda Items:** The Board's business shall be listed in the agenda within the following categories:

**3.7.2.1 Action Items:** Items that are recommended for action and that require full discussion by the Board.

**3.7.2.2 Consent Calendar:** Items that are recommended for action and that have been fully discussed by a committee and do not require discussion by the full Board.

**3.7.2.3 Information Items:** Items that are not recommended for action, but are for information, such as presentation of institutional reports by heads of institutions and other items for informational purposes.

**3.7.3 Consent Calendar:** The Board may act on items in the Consent Calendar by voting on items either as a group or as items individually. Any item listed upon the Consent Calendar may, by majority vote of the Board, be transferred to the Action Items at the same or a subsequent meeting and made be subject to full discussion and deliberation.

**3.7.4 Rules of Procedure:** The Board and its committees shall follow Robert's Rules of Order in conducting all meetings.

**3.7.5 Open and Public Meetings Act:** The Board shall conduct its meetings in compliance with the Open and Public Meetings Act. If the Executive Committee intends to take action on behalf of the Board in accordance with Section 3.9.6, it shall conduct its meeting in compliance with the Open and Public Meetings Act.

### **3.7.6 Voting**

**3.7.6.1 Recording of Votes:** Any member so requesting shall have her or his vote recorded in the minutes, or on request of any member the vote of each member shall be recorded.

**3.7.6.2 Proxy Voting:** Proxy voting shall not be permitted at meetings of the Board or the meetings of its committees.

## **3.8 Board Officers and Staff**

**3.8.1** The officers of the Board shall be a chair, a vice-chair or vice-chairs, and a secretary. The Board's staff shall be the commissioner of higher education, an associate commissioner of academic education, an associate commissioner of technical education and other staff as the commissioner deems necessary.

### **3.8.2 Appointment, Election and Term of Office**

**3.8.2.1 Chair and Vice-Chair(s):** The Board shall elect a chair and up to two vice-chairs from among its members at its May/June meeting in each even numbered year. Beginning on the date of election, the chair and vice-chair(s) shall serve concurrently for two years and until their successors are chosen and qualified. A member may not serve more than two terms as chair.

**3.8.2.2 Secretary:** The Board shall appoint a full-time employee from the commissioner's staff to serve as secretary at the Board's discretion.

**3.8.2.3 Commissioner:** Upon approval by the governor and with the advice and consent of the Senate, the Board shall appoint a commissioner of higher education. The commissioner shall serve at the Board's pleasure.

**3.8.2.4 Associate Commissioners:** The commissioner shall appoint, subject to approval by the Board, an associate commissioner of technical education and an associate commissioner of academic education. The commissioner may also appoint, without the

Board's approval, other associate commissioners as needed. The associate commissioners shall serve at the commissioner's pleasure.

### **3.8.3 Removal of Board Officers or Commissioner**

**3.8.3.1 Chair and Vice-Chair:** The Board may remove a chair or vice-chair of the Board for cause.

**3.8.3.2 Commissioner:** The Board may terminate the commissioner. The Governor may terminate the commissioner, after consultation with the Board.

**3.8.4 Vacancies:** The Board may fill a vacancy in any Board office because of death, resignation, removal, disqualification or otherwise, according to the requirements of statutes and these bylaws, for the unexpired portion of the term.

**3.8.5 Chair:** The chair shall preside at all meetings of the Board and shall have such other duties, powers and responsibilities as directed by the Board or by these bylaws. In the absence of such specifications, the chair shall have the powers and authority and shall perform and discharge the duties of similar officers serving organizations with similar purposes and objectives as the Board.

**3.8.6 Vice-Chair(s):** The vice-chair(s) shall act as chair in the absence or disability of the chair and shall have such other duties, powers and responsibilities as the Board or chair may assign. In the event the office of chair becomes vacant, a vice-chair shall act as interim chair until the next regular meeting, at which time the Board shall elect a new chair to serve the balance of the unexpired term. If the office of vice-chair is similarly vacated, the Board shall elect a new vice-chair from among its members at the next regular meeting.

**3.8.7 Secretary:** The secretary shall make a record and maintain a record of all Board meetings and shall perform such other duties as the Board may direct.

### **3.8.8 Commissioner**

**3.8.8.1 Chief Executive Officer:** The commissioner shall act as the Board's chief executive officer and, subject to the control of the Board, shall supervise and control all of the business and affairs of the Board. The commissioner may enter into contracts or execute and deliver instruments that do not exceed \$100,000 on behalf of the Board without Board approval. For contracts or instruments that exceed \$100,000, the commissioner shall first obtain Board approval.



**3.8.8.2 Commissioner Interprets Board Policy:** The commissioner shall be responsible for interpreting the Board's policies.

**3.8.8.3 Advocacy:** The commissioner is authorized to advocate on behalf of the Board before the governor, the legislature, and other officials and governmental entities.

**3.8.8.4 Commissioner Represents Board:** In order to ensure that there is effective follow through in implementing the Board's action, the commissioner shall work with system's institutions on the Board's behalf to ensure they effectively implement the Board's policies, directives, strategies and goals.

**3.8.8.5 Information, Reports, Audits:** The commissioner is empowered to require information and reports from the institutions. The commissioner has the authority, after giving due notice to the presidents, to assign staff to audit records of institutions or otherwise verify data. Such audits shall be in response to the Board's instructions or to verify compliance with the Board's policies or applicable laws. The Board's audit committee shall prioritize the commissioner's audits.

**3.8.8.6 Board Policies Properly Executed:** After the Board has adopted a new policy, program, or taken an action, the commissioner shall ensure that it is properly carried out. The commissioner will collaborate with the Council of Presidents, and relevant institutional staff to implement new policies or directives and to periodically follow up on the implementation. Presidents shall cooperate with the commissioner to properly execute the Board's policies and directives.

**3.8.8.7 Statutory Duties:** The commissioner is responsible to ensure that the Board's policies, programs, and strategic plan are properly executed; furnish information about the Utah System of Higher Education and make recommendations regarding that information to the Board, provide state-level leadership in any activity affecting an institution of higher education, and perform other duties assigned by the Board.

**3.8.9 Commissioner's Staff:** The commissioner may appoint and hire a staff of professional, legal, and administrative personnel.

**3.8.9.1 Associate Commissioners:** The associate commissioner for technical education shall support the chair of the Technical Education Committee. The associate commissioner for academic education shall support the chair of the Academic Education Committee.

### **3.8.10. Salaries and Benefits**

**3.8.10.1 Chair and Vice-Chair:** The chair and vice-chair are compensated as members of the Board and shall not receive salaries.

**3.8.10.2 Secretary:** The commissioner shall set the salary of the secretary as a member of staff.

**3.8.10.3 Commissioner:** The Board shall set the salary of the commissioner.

**3.8.10.4 Commissioner's Staff:** The commissioner shall determine salaries, retirement provisions, and other benefits for the staff as described by statute.

**3.8.11 Contracts:** The Board may authorize any officer or officers or agents of the Board, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Board, and such authority may be general or may be confined to specific instances.

### **3.9 Committees**

**3.9.1. Committee Appointments:** The Board shall establish standing committees and such other special committees as the Board or the Board chair may determine to be necessary or appropriate. With the exception of the Executive Committee, the Board chair shall appoint the membership and a chair of all standing and special committees. Each standing committee shall serve concurrent two-year terms with the chair who appointed them.

**3.9.2. Standing Committees:** The Board shall form the following standing committees:

**3.9.2.1** Executive Committee

**3.9.2.2** Technical Education Committee

**3.9.2.3** Academic Education Committee

**3.9.2.4** Student Affairs and Access Committee

**3.9.2.5** Finance and Facilities Committee

**3.9.2.6** Audit Committee

**3.9.3 Special Committees:** In addition to the standing committees, the Board may form other special committees as needed.

**3.9.4 Staff Support:** The commissioner shall provide staffing and support to each standing and special committee.

**3.9.5 Committee Membership and Voting of Board Chair and Vice Chair:** The chair and vice-chair may be appointed to and serve as regular members of one or more standing committees, with full power to vote. The chair and vice-chair shall also be ex officio members of each standing committee to which they are not appointed on a regular basis, but in such ex officio capacity shall be without power to vote.

### **3.9.6 Executive Committee**

**3.9.6.1. Composition:** The Executive Committee shall be comprised of the Board chair, the Board vice-chair(s), the chairs of the technical, academic, student affairs, and finance and facilities standing committees, and one committee member at large appointed by the Board chair.

**3.9.6.2. Authority:** The Executive Committee may meet to address issues, identify areas of concern, set priorities or agenda items, or conduct other business requiring the Board's action during the interim period between Board meetings as provided in this section. The Executive Committee shall report to the Board at the Board's next meeting following an action undertaken.

**3.9.6.3. Routine Matters:** The Board authorizes the Executive Committee to act upon routine matters during the interim between the Board's regular meetings.

**3.9.6.4. Non-routine Matters:** The Executive Committee may not act on non-routine matters except under extraordinary and emergency circumstances.

**3.9.7. Committee Meetings:** Meetings of all committees of the Board may be held upon the call of the committee chair, the Board chair, or at the request of the commissioner.

### **3.10 Advisory Councils**

**3.10.1 Industry Advisory Council:** The Board shall establish an Industry Advisory Council that shall inform the committee for technical education; the committee for academic education; and the State Board of Education. The Industry Advisory Council shall include representation from (a) employers; (b) kindergarten through grade 12 representatives; (c) degree-granting institution faculty; and (d) technical college faculty.

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**3.11 Electronic Meetings:** The Board and the Executive Committee may convene and conduct an electronic meeting in accordance with Section 52-4-207 of the Open and Public Meetings Act. The members of those committees who participate by electronic communication may be counted in the quorum that is necessary to conduct and transact the Board's business. Such participation does not alter the requirements of notice, open and public meetings, and other applicable rules of the Board.

### **3.12 Public Information**

**3.12.1 Official Pronouncements:** The Board chair is the only member of the Board authorized to make official pronouncements for the Board, and then only as authorized by the Board. The commissioner as executive officer of the Board is authorized to speak for the Board and the Utah System of Higher Education with respect to any policy matters that have received the approval of the Board, and on administrative matters.

**3.12.2 Releases and General Information:** The commissioner or designee may issue news releases, general information and other communications regarding administration of the system of higher education, provided the releases are consistent with Board policies and directives.

### **3.13 Conflict of Interest**

**3.13.1** A potential conflict of interest is any direct and immediate interest or relationship, including financial interest exceeding \$2,000, with persons or businesses regulated by or directly affected by decisions of the Board, or persons or organizations which may present requests or issues before the Board. The interest of a spouse or other members of the immediate family/household or the interest of any other person which is constructively controlled by the member is included.

**3.13.2** Board members shall disclose potential conflicts of interest, in a signed written document provided by the Commissioner's Office. In the event the Board is taking action that involves issues with which a Board member has a potential conflict, the Board member shall orally disclose the conflict during a regularly scheduled public meeting and abstain from participating in discussion or voting on the issue.

**3.13.3** Board members are subject to the Ethics Act, Utah Code 67-16-7. The Commissioner's Office will provide training materials to Board members that explain the obligations of the Ethics Act. Board members are also encouraged to seek counsel from the Board's general counsel or the Attorney General's office if there is any potential doubt as to the applicability of this section or the Ethics Act.

**3.14 Amendment of Bylaws:** The Board may amend these bylaws at any regular meeting, provided that copies of any proposed amendments shall be submitted in writing to each member and to the commissioner at least seven days before the meeting at which they are to be proposed for vote.



## R120, Board of Higher Education Bylaws<sup>1</sup>

**R609-1 Purpose:** To provide bylaws for the Board of Higher Education that will govern how the Board administers the Utah System of Higher Education and conducts regular Board business.

### R-609-2 References

[2.1 Title 53B, Chapter 1, Section 403, Committees](#)

[2.2 Title 53B, Chapter 1, Section 404, Membership of the Board](#)

[2.3 Title 53B, Chapter 1, Section 501, Initial Board Membership](#)

### R609-3 Bylaws

**3.1 Offices:** The principal office of the Board shall be located at the Utah Board of Higher Education Building, The Gateway, 60 South 400 West, Salt Lake City, Utah. The Board may have such other offices as the Board may designate or as the business of the Board may from time to time require.

**3.2 General Powers:** Under 53B-1-402, the Board is vested with the power to govern the Utah System of Higher Education. The Board shall address all issues requiring its action in a properly convened meeting. The Board may adopt rules and regulations to govern the conduct of its meetings, to manage the Board and to manage and supervise the Utah System of Higher Education, in accordance with these bylaws and the laws of this State.

**3.3 Board Members.** The Board shall consist of 18 members who are residents of the state and appointed by the governor with the advice and consent of the Senate. Two of the members shall be student members, one individual who is enrolled in a certificate program at a technical college at the time of the appointment one individual who is a fully matriculated student enrolled in a degree-granting institution. Except as provided in 53B-1-501, the Governor shall appoint Board members to six-year staggered terms, each of which begins on July 1 of the year of appointment. The Governor shall appoint student members to a one-year term. Each member shall hold office until his or her successor has been chosen and qualified.

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<sup>1</sup> Adopted June 17, 1970; amended July 28, 1970, September 11, 1970, January 20, 1971, July 27, 1971, December 20, 1973, July 22, 1975, July 14, 1980, August 31, 1981, October 11, 1985, September 12, 1986, August 6, 1987, December 16, 1988 and Bylaws February 24, 1989, June 18, 1993, May 31, 2002, September 11, 2003, March 30, 2012, March 29, 2013, March 30, 2018, and November 19, 2021.

**3.3.1 Oath of Office:** A member shall take the official oath of office before entering upon the duties of office. The oath shall be filed with the Division of Archives and Records Services.

**3.3.2 Simultaneous Service on Institutions' Boards of Trustees:** An individual may not serve simultaneously on the Board and on an institution's board of trustees.

**3.3.3 Consecutive Terms:** Unless otherwise provided in 53B-1-501, the Governor may appoint a member to a second consecutive full term without a recommendation from the nominating committee. Members who filled the unexpired term that resulted from the vacancy of a member may be appointed to serve up to one consecutive full term thereafter. Student members may not serve more than one full term.

**3.3.4 Vacancies:** A vacancy in the Board occurring before the expiration of a member's full term shall be immediately filled through the nomination and appointment processes described in 53B-1-404 and 406. An individual appointed to fill a vacancy shall be appointed to serve for the remainder of the unexpired term.

**3.3.5 Removal of Board Members:** The governor may remove a member of the board for cause after consulting with the president of the Senate.

**3.3.6 Resignation:** A member of the Board may resign at any time by giving written notice to the Board's chair or secretary. Unless otherwise specified in the notice, the resignation shall take effect upon receipt.

**3.3.7 Compensation:** A member of the Board shall receive a daily salary for each calendar day that the member attends a Board or Committee meeting as provided by statute. A member may also receive per diem and travel expenses as allowed by Section 53B-1-404(15).

**3.4 Regular Meetings:** The Board shall meet regularly at a time and place it shall determine. The Board may also meet, in full or executive session, at the request of the chair, the commissioner, or at least six members of the Board.

**3.4.1 Special Meetings:** The Board may convene a special meeting, in full or executive session, when called by the Board chair, the commissioner, or by request of six Board members. The chair or commissioner may designate the location or method for holding any special meeting.

### **3.5 Notice**

**3.5.1 Notice to Members of Board:** The Board secretary shall notify Board members and institutional presidents of the time and place of regular meetings of the Board at least seven days prior to the meeting, together with an agenda explaining the nature of the business to be acted upon. The Board secretary may provide shorter notice for special meetings.

**3.5.2 Notice to the Public:** The Board and Executive Committee—when taking action on behalf of the Board in accordance with Section 3.9.6—shall give public notice of their meetings as required by Section 52-4-202 of the Open and Public Meetings Act.

**3.6 Quorum:** The Board must have a quorum to take action. A quorum consists of 10 members. A quorum of any committee of the Board shall consist of a majority of its members. If less than a quorum is present at the time and place for any such meeting called, the Board or committee meeting may be adjourned without further notice.

### **3.7 Conducting Board Business**

**3.7.1 Agenda and Regular Order of Business:** The Board chair and the commissioner shall set the agenda for Board meetings in consultation with the Executive Committee. The official agenda shall constitute the principal business at regular meetings of the Board.

**3.7.2 Categories of Agenda Items:** The Board's business shall be listed in the agenda within the following categories:

**3.7.2.1 Action Items:** Items that are recommended for action and that require full discussion by the Board.

**3.7.2.2 Consent Calendar:** Items that are recommended for action and that have been fully discussed by a committee and do not require discussion by the full Board.

**3.7.2.3 Information Items:** Items that are not recommended for action, but are for information, such as presentation of institutional reports by heads of institutions and other items for informational purposes.

**3.7.3 Consent Calendar:** The Board may act on items in the Consent Calendar by voting on items either as a group or as items individually. Any item listed upon the Consent Calendar may, by majority vote of the Board, be transferred to the Action Items at the same or a subsequent meeting and made be subject to full discussion and deliberation.

**3.7.4 Rules of Procedure:** The Board and its committees shall follow Robert's Rules of Order in conducting all meetings.

**3.7.5 Open and Public Meetings Act:** The Board shall conduct its meetings in compliance with the Open and Public Meetings Act. If the Executive Committee intends to take action on behalf of the Board in accordance with Section 3.9.6, it shall conduct its meeting in compliance with the Open and Public Meetings Act.

### **3.7.6 Voting**

**3.7.6.1 Recording of Votes:** Any member so requesting shall have her or his vote recorded in the minutes, or on request of any member the vote of each member shall be recorded.

**3.7.6.2 Proxy Voting:** Proxy voting shall not be permitted at meetings of the Board or the meetings of its committees.

## **3.8 Board Officers and Staff**

**3.8.1** The officers of the Board shall be a chair, a vice-chair or vice-chairs, and a secretary. The Board's staff shall be the commissioner of higher education, an associate commissioner of academic education, an associate commissioner of technical education and other staff as the commissioner deems necessary.

### **3.8.2 Appointment, Election and Term of Office**

**3.8.2.1 Chair and Vice-Chair(s):** The Board shall elect a chair and up to two vice-chairs from among its members at its May/June meeting in each even numbered year. Beginning on the date of election, the chair and vice-chair(s) shall serve concurrently for two years and until their successors are chosen and qualified. A member may not serve more than two terms as chair.

**3.8.2.2 Secretary:** The Board shall appoint a full-time employee from the commissioner's staff to serve as secretary at the Board's discretion.

**3.8.2.3 Commissioner:** Upon approval by the governor and with the advice and consent of the Senate, the Board shall appoint a commissioner of higher education. The commissioner shall serve at the Board's pleasure.

**3.8.2.4 Associate Commissioners:** The commissioner shall appoint, subject to approval by the Board, an associate commissioner of technical education and an associate commissioner of academic education. The commissioner may also appoint, without the

Board's approval, other associate commissioners as needed. The associate commissioners shall serve at the commissioner's pleasure.

### **3.8.3 Removal of Board Officers or Commissioner**

**3.8.3.1 Chair and Vice-Chair:** The Board may remove a chair or vice-chair of the Board for cause.

**3.8.3.2 Commissioner:** The Board may terminate the commissioner. The Governor may terminate the commissioner, after consultation with the Board.

**3.8.4 Vacancies:** The Board may fill a vacancy in any Board office because of death, resignation, removal, disqualification or otherwise, according to the requirements of statutes and these bylaws, for the unexpired portion of the term.

**3.8.5 Chair:** The chair shall preside at all meetings of the Board and shall have such other duties, powers and responsibilities as directed by the Board or by these bylaws. In the absence of such specifications, the chair shall have the powers and authority and shall perform and discharge the duties of similar officers serving organizations with similar purposes and objectives as the Board.

**3.8.6 Vice-Chair(s):** The vice-chair(s) shall act as chair in the absence or disability of the chair and shall have such other duties, powers and responsibilities as the Board or chair may assign. In the event the office of chair becomes vacant, a vice-chair shall act as interim chair until the next regular meeting, at which time the Board shall elect a new chair to serve the balance of the unexpired term. If the office of vice-chair is similarly vacated, the Board shall elect a new vice-chair from among its members at the next regular meeting.

**3.8.7 Secretary:** The secretary shall make a record and maintain a record of all Board meetings and shall perform such other duties as the Board may direct.

### **3.8.8 Commissioner**

**3.8.8.1 Chief Executive Officer:** The commissioner shall act as the Board's chief executive officer and, subject to the control of the Board, shall supervise and control all of the business and affairs of the Board. The commissioner may enter into contracts or execute and deliver instruments that do not exceed \$100,000 on behalf of the Board without Board approval. For contracts or instruments that exceed \$100,000, the commissioner shall first obtain Board approval.



**3.8.8.2 Commissioner Interprets Board Policy:** The commissioner shall be responsible for interpreting the Board's policies.

**3.8.8.3 Advocacy:** The commissioner is authorized to advocate on behalf of the Board before the governor, the legislature, and other officials and governmental entities.

**3.8.8.4 Commissioner Represents Board:** In order to ensure that there is effective follow through in implementing the Board's action, the commissioner shall work with system's institutions on the Board's behalf to ensure they effectively implement the Board's policies, directives, strategies and goals.

**3.8.8.5 Information, Reports, Audits:** The commissioner is empowered to require information and reports from the institutions. The commissioner has the authority, after giving due notice to the presidents, to assign staff to audit records of institutions or otherwise verify data. Such audits shall be in response to the Board's instructions or to verify compliance with the Board's policies or applicable laws. The Board's audit committee shall prioritize the commissioner's audits.

**3.8.8.6 Board Policies Properly Executed:** After the Board has adopted a new policy, program, or taken an action, the commissioner shall ensure that it is properly carried out. The commissioner will collaborate with the Council of Presidents, and relevant institutional staff to implement new policies or directives and to periodically follow up on the implementation. Presidents shall cooperate with the commissioner to properly execute the Board's policies and directives.

**3.8.8.7 Statutory Duties:** The commissioner is responsible to ensure that the Board's policies, programs, and strategic plan are properly executed; furnish information about the Utah System of Higher Education and make recommendations regarding that information to the Board, provide state-level leadership in any activity affecting an institution of higher education, and perform other duties assigned by the Board.

**3.8.9 Commissioner's Staff:** The commissioner may appoint and hire a staff of professional, legal, and administrative personnel.

**3.8.9.1 Associate Commissioners:** The associate commissioner for technical education shall support the chair of the Technical Education Committee. The associate commissioner for academic education shall support the chair of the Academic Education Committee.

### **3.8.10. Salaries and Benefits**

**3.8.10.1 Chair and Vice-Chair:** The chair and vice-chair are compensated as members of the Board and shall not receive salaries.

**3.8.10.2 Secretary:** The commissioner shall set the salary of the secretary as a member of staff.

**3.8.10.3 Commissioner:** The Board shall set the salary of the commissioner.

**3.8.10.4 Commissioner's Staff:** The commissioner shall determine salaries, retirement provisions, and other benefits for the staff as described by statute.

**3.8.11 Contracts:** The Board may authorize any officer or officers or agents of the Board, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Board, and such authority may be general or may be confined to specific instances.

### **3.9 Committees**

**3.9.1. Committee Appointments:** The Board shall establish standing committees and such other special committees as the Board or the Board chair may determine to be necessary or appropriate. With the exception of the Executive Committee, the Board chair shall appoint the membership and a chair of all standing and special committees. Each standing committee shall serve concurrent two-year terms with the chair who appointed them.

**3.9.2. Standing Committees:** The Board shall form the following standing committees:

**3.9.2.1** Executive Committee

**3.9.2.2** Technical Education Committee

**3.9.2.3** Academic Education Committee

**3.9.2.4** Student Affairs and Access Committee

**3.9.2.5** Finance and Facilities Committee

**3.9.2.6** Audit Committee

**3.9.3 Special Committees:** In addition to the standing committees, the Board may form other special committees as needed.

**3.9.4 Staff Support:** The commissioner shall provide staffing and support to each standing and special committee.

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