



**UTAH BOARD OF HIGHER EDUCATION
FINANCE AND FACILITIES COMMITTEE
TELECONFERENCE
Wednesday, September 14, 2022
2:00 PM**

AGENDA

ACTION:

- | | |
|--|-------|
| 1. Utah State University – Acquisition of Property by Exchange | TAB A |
| 2. University of Utah – Series 2022C Revenue Bonds | TAB B |
| 3. Technical Education Tuition Related Policy Revisions | TAB C |
| 4. Strategic Plan Updates | TAB D |
| 5. USHE FY 2024 Budget Request | TAB E |
| 6. Capital Facilities Dedicated Projects Policy Revision | TAB F |
| 7. Land Bank Requests | TAB G |
| 8. Shared Services | TAB H |
| 9. Mountainland Technical College – Acquisition of Property | TAB I |

DISCUSSION:

- | | |
|---|-------|
| 1. Capital Facilities Dedicated and Nondedicated Requests | |
| 2. UHEAA and My529 Updates | TAB N |
| 3. Finance and Facilities Schedule | |

INFORMATION:

- | | |
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| 1. Annual Contracts and Grants Report | TAB J |
| 2. Annual Institutional Residences Expense Report | TAB K |
| 3. Annual Report on Foreign Gifts and Donations | TAB L |
| 4. Utah State University – Blanding Property Acquisition | TAB M |

To ensure availability, individuals needing accommodations under the Americans with Disabilities Act (including auxiliary communicative aids and services) for this meeting or the materials should notify Brynn Fronk at brynn.fronk@ushe.edu, 60 South 400 West, Salt Lake City, UT 84180 (801-646-4783), at least three working days prior to the meeting.



MEMORANDUM

TAB A

September 14, 2022

Utah State University – Acquisition of Property by Exchange

Board Policy R703, *Acquisition of Real Property*, requires the institutions of Higher Education to seek Board approval for real property acquisitions that commit institutional funds in excess of \$1.5 million; Board Policy R704, *Disposal of Real Property*, requires Board approval of the disposal of real property with a price of more than \$1 million. Utah State University (USU) is requesting approval from the Board to acquire 64 acres of property located near 1500 West 4000 South in Wellsville, Utah, valued at \$2.09 million through an exchange of 7.67 acres of vacant property located at 2050 North 400 East, North Logan, valued at \$1.61 million. USU obtained independent appraisals to establish the fair market value of the property exchange. The difference in the market value will be paid by the College of Agriculture and Applied Sciences with farm commodity revenues.

Acquiring the property in Wellsville provides key access points to University owned properties and allows the Utah Agricultural Experiment Station (UAES) to produce additional feed to support livestock located at the adjacent Animal Science farm and near the Caine Dairy. The property in North Logan was used for research on agronomic and horticultural crops and practices, and urban development makes research on this site difficult. This function will move to other UAES controlled assets and sites deemed suitable for specific researchers' requests. Utah State University Board of Trustees approved the acquisition by exchange in their August 12, 2022, meeting.

Commissioner's Recommendation

The Commissioner recommends the Board authorize the property acquisition by exchange for Utah State University, as described in the accompanying documents.

Attachment



August 18, 2022

Commissioner Dave Woolstenhulme
Utah State Board of Regents
Board of Regents Building The Gateway
60 South 400 West
Salt Lake City, Utah 84101-1284

Subject: Real Property Acquisition by Exchange

Dear Commissioner Woolstenhulme:

Utah State University desires approval to acquire approximately 64 acres of agriculture property located near 1500 West 4000 South, Wellsville Utah, adjacent to the south farm property through an exchange of 7.67 acres of vacant property located at 2050 North 400 East, North Logan Utah as illustrated in Exhibits A and B.

Acquiring the property in Wellsville, provides two key access points making it more efficient to manage other University owned properties and will allow the Utah Agricultural Experiment Station (UAES) to produce additional feed to support livestock located at the adjacent Animal Science farm and near the Caine Dairy.

The North Logan property to be disposed was originally obtained to conduct research on agronomic and horticultural crops and practices. Urban development makes agronomic research at this site difficult due to interactions with the public and intentional, and unintentional damage to research plots. This function will move to other UAES controlled assets (i.e. Wellsville/Caine Dairy/Cache Junction farms) and sites deemed suitable for specific researcher requests due to the soil type and availability of dependable irrigation sources.

Independent appraisals were obtained by USU to establish the fair market value of the Wellsville and North Logan properties at \$2,090,000 and \$1,610,000, respectively, to complete an equivalent value transaction. The difference in market value will be paid by the College of Agriculture and Applied Sciences with available farm commodity revenues.

The Utah State University Board of Trustees approved the acquisition by exchange in their August 12, 2022, meeting.

We appreciate your support and request that this item be presented to the Utah Board of Higher Education during the September meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Cowley', written over the printed name.

David T. Cowley

Vice President for Finance & Administrative Services

cc: Juliette Tennert, Chief Financial Officer
Malin Francis, Director of Facilities & Planning
Noelle E. Cockett, President

EXHIBIT A

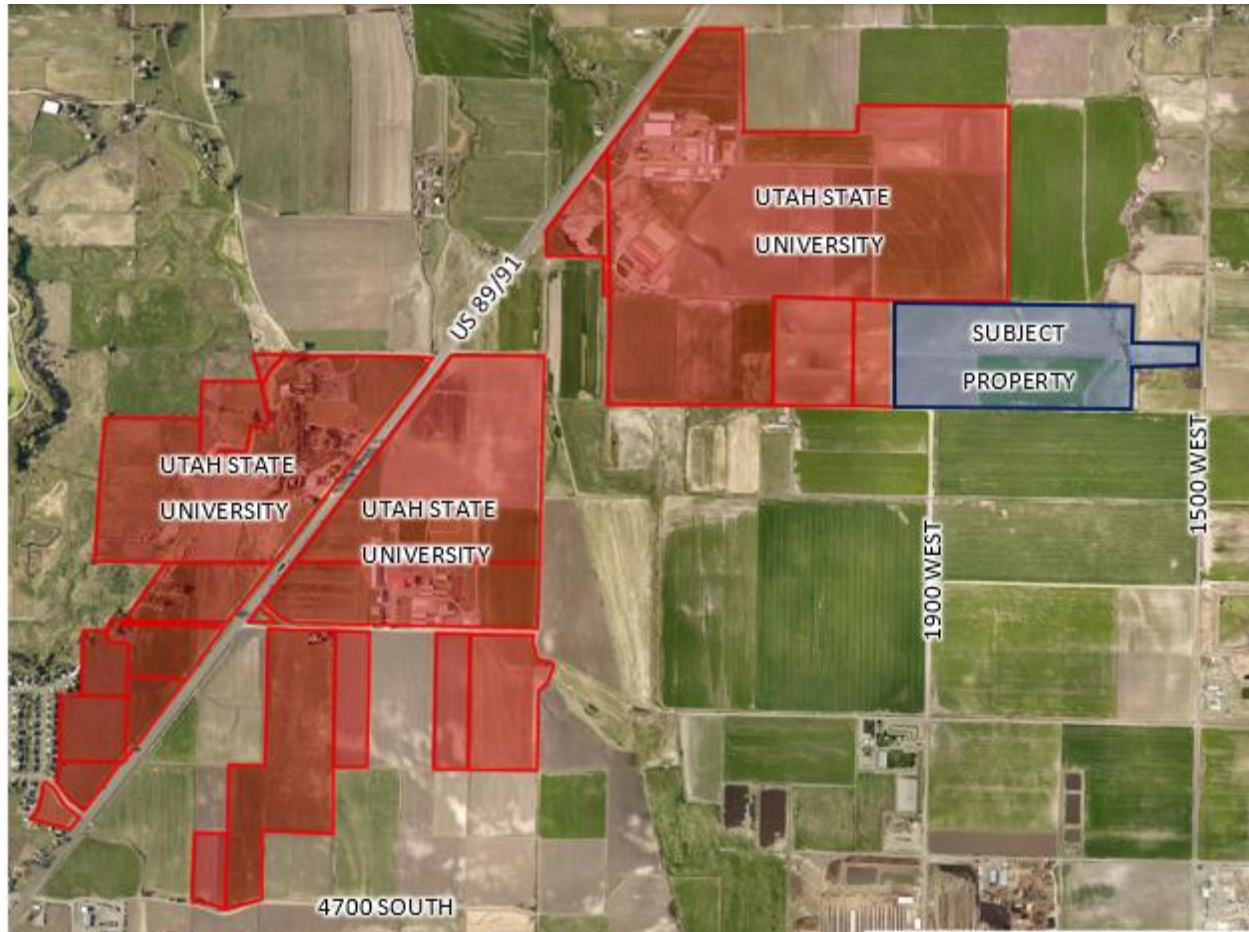
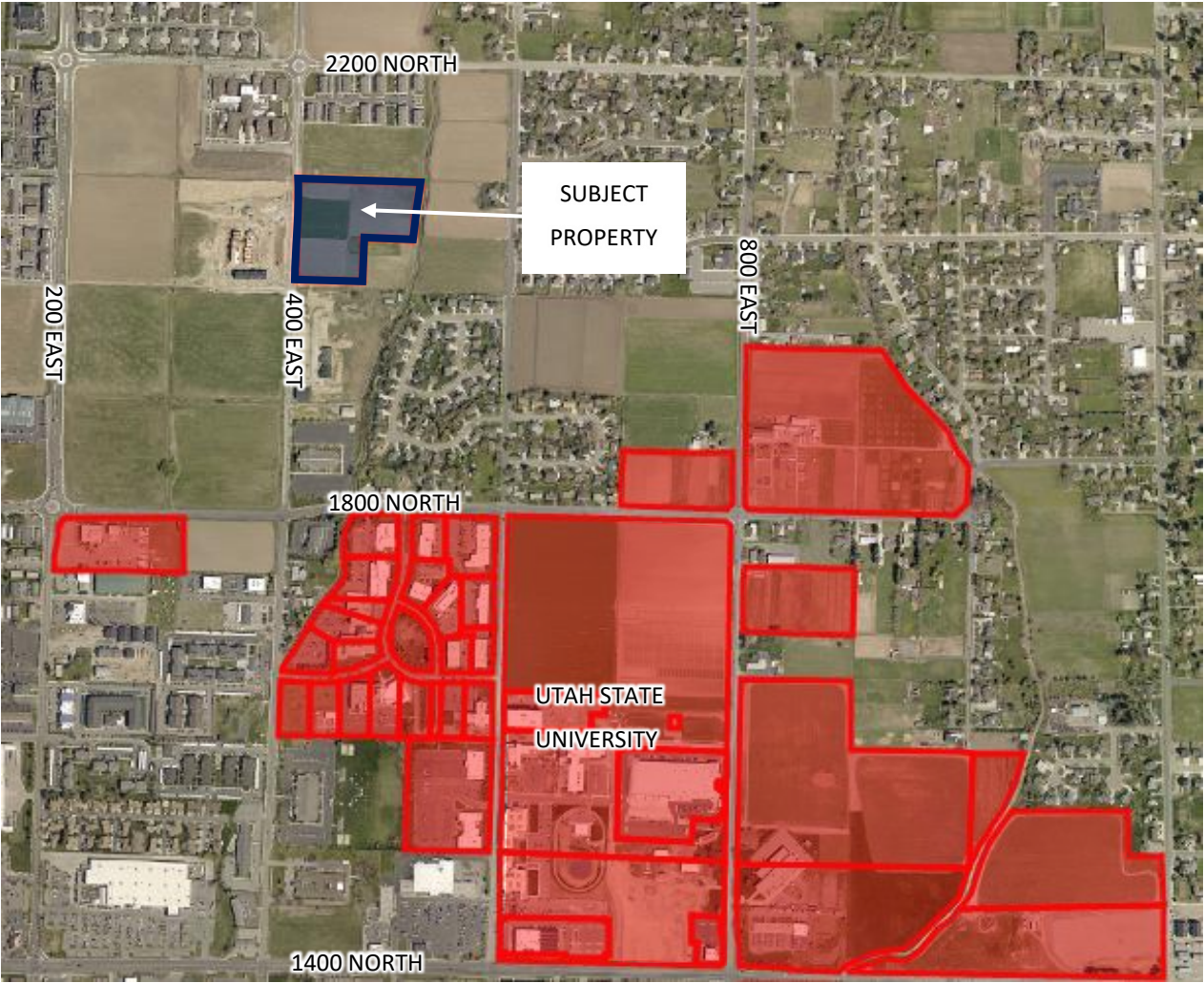


EXHIBIT B



September 14, 2022

University of Utah – Series 2022C Revenue Bonds

Board Policy R590, *Issuance of Revenue Bonds for Colleges and Universities*, requires the Board to review and approve the issuance and sale of revenue bonds. The University of Utah requests Board authorization to issue up to \$250,000,000 of General Revenue and Refunding Bonds for the purposes described in the following sections.

Request to Issue up to \$250,000,000 Authorized by State Legislature

The University of Utah requests Board authorization to issue General Revenue and Refunding Bonds for the following purposes that have been authorized by the state legislature:

- \$75,000,000 for the construction of the Med Ed Project, a 180,000 square-foot building that will replace the existing School of Medicine building. The University estimates that the MEB project will cost approximately \$185 million and will be funded through \$110 million of appropriations from the State Legislature and \$75 million of bonding proceeds. The University was approved in the 2017 session to bond up to \$190 million, and the Board approved the bonding of the MEDX Project in its December 18, 2020 meeting.
- \$25,000,000 for the construction of the Applied Sciences Project, a 40,700 square-foot renovation to the William Stewart Building, and a 100,000 square-foot addition. The University received \$60 million in State funding for the project in the 2021 legislative session and bonding authorization in the 2022 legislative session of up to \$25 million.
- \$100,000,000 for Refunding Outstanding Bonds. The University is seeking approval from the Board to refund up to \$100 million for all or any portion of the outstanding bonds issued by the Board on behalf of the University pursuant to certain parameters therein (including net present value savings of at least three percent). The Board approved a similar refunding authorization in its May 2021 meeting, and such authorization expires on November 18, 2022.

The relevant parameters of the requested issue are:

- Principal amount not to exceed \$250,000,000 (including costs of issuance and capitalized interest)
- Interest rate not to exceed 6.0%
- Discount from par not to exceed 2.0%
- Final maturity not to exceed 35 years from the date of issue

Attached is a copy of the request letter from the University, the approving resolution, and a financing summary from the financial advisor. Representatives from the University will attend the meeting to provide additional information and answer questions from the Board.

Commissioner's Recommendation

The Commissioner recommends approval of the proposed Authorizing Resolution to issue General Revenue and Refunding Bonds for the University of Utah.

Attachments

August 23, 2022

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

Dear Commissioner Woolstenhulme:

The purpose of this letter is to inform you of the University of Utah's plans to submit a bonding authority resolution (the "Resolution") to the Utah Board of Higher Education (the "Board"), to be considered during its September 2022 meeting, for the issuance of a General Revenue Bond or Bonds on behalf of the University of Utah (the "University") for the purpose of financing a portion of the costs to construct (a) the Medical Education Building project (the "Med Ed Project"), (b) the Applied Sciences Building project (the "Applied Sciences Project" and together with the Med Ed Project, the "Bonded Projects") and (c) authorization for refunding all or any portion of the outstanding bonds issued by the Board on behalf of the University for up to \$100,000,000 (the "Refunding Authorization"), together with other amounts necessary to pay costs of issuance, pay capitalized interest, if necessary, and fund any debt service reserve requirements. The University expects to price General Revenue Bonds for the Bonded Projects in November or December of 2022.

Details are as follows:

Authorization to Bond up to \$75,000,000 for the Construction of the Med Ed Project. The Med Ed Project is a 180,000-square-foot building that will replace the existing School of Medicine building, which opened in 1965 and no longer meets program needs. It will include teaching/learning space, anatomy/body donor student labs, medical simulation, community and study space, and offices for School of Medicine Administration. It will also include space for the University of Utah Global Health program. The University estimates that the MEB Project will cost approximately \$185.0 million and will be funded through \$110.0 million of appropriations from the State Legislature and \$75.0 million of bonding proceeds.

The University received legislative approval during the 2017 session to issue up to \$190.0 million in bonds, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements, for a new health care facility project to be known as the "Medical Education and Discovery Complex" ("MEDX Project") and for a rehabilitation hospital. The University used \$52.5 million of bond proceeds for the construction of the rehabilitation hospital in 2017, leaving \$137.5 million of bonding authorization. The Board previously approved the bonding of the MEDX Project in its December 18, 2020 meeting for the amount of \$137.5 million. This authorization is a subset of that

previous authorization. The MEDX Project consists of two separate buildings, the Med Ed Project and the Sorenson Innovation and Discovery Center (the “Discovery Center Project”). The University expects to bond for the Discovery Center Project at a later day.

The University’s Board of Trustees (“Trustees”) approved such bonding in its August 2022 meeting.

Authorization to Bond up to \$25,000,000 for the Construction of the Applied Sciences Project. The Applied Sciences Project will provide critical updates to the educational and research facilities of the University’s Departments of Physics and Astronomy and Atmospheric Sciences. Together, the two departments teach more than 5,600 students and house 46 faculty members, who bring in over \$10 million in outside research funding annually. The new construction, a 40,700 square-foot renovation to the William Stewart Building and a 100,000-square-foot addition, is expected to result in a 56 percent increase in capacity for experimental and computer labs. These new spaces will allow those departments to address critical bottlenecks in science and technology degree programs. The total cost of the Applied Sciences Project is approximately \$89.0 million.

The University received \$60.0 million in State funding for the Applied Sciences Project in the 2021 State legislative session. The University received bonding authorization for the Applied Sciences Project during the 2022 Legislative Session of up to \$25.0 million, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements. Additional funds for the remaining \$4.0 million of costs are expected to be received from the State and if not, University funds will be used.

The University’s Trustees approved such bonding in its August 2022 meeting.

Authorization to Bond up to \$100,000,000 for Refunding Outstanding Bonds. The University is seeking approval from the Board to refund up to \$100.0 million for all or any portion of the outstanding bonds issued by the Board on behalf of the University pursuant to certain parameters therein (including net present value savings of at least three percent). Such bonds may be issued in one or more series and combined with any other series of general revenue bonds, and issued from time to time and at any time within the 18 months following the adoption of this Resolution.

The Board approved a similar refunding authorization in its May 2021 meeting and such authorization expires November 18, 2022.

Given current interest rates in today’s municipal market, the University is seeking feedback and information from members of its Underwriting Pool relating to savings refunding opportunities that may exist among outstanding Bonds and which the University should strongly consider as part of its proposed General Revenue Bond issue.

Please feel free to call me should you or others have questions about the details of this funding request.

Sincerely,



Cathy Anderson
Chief Financial Officer

cc: Taylor Randall, President
Michael Good, Senior Vice President
Martell Teasley, Senior Vice President
Robert Muir, Associate Vice President
Juliette Tennert, Utah System of Higher Education
Malin Francis, Utah System of Higher Education
Randy Larsen, Gilmore & Bell, P.C.
Brad Patterson, Gilmore & Bell, P.C.
Kelly Murdock, Stifel, Nicolaus & Company

STIFEL

PRELIMINARY FINANCING SUMMARY for

Utah Board of Higher Education \$250,000,000* UNIVERSITY OF UTAH General Revenue and Refunding Bonds Series 2022C

| | |
|---------------------------|--|
| Purpose: | To finance a portion of the costs to construct (a) the Medical Education Building project (the “Med Ed Project”), (b) the Applied Sciences Building project (the “Applied Sciences Project” and together with the Med Ed Project, the “Bonded Projects”) and (c) authorization for refunding all or any portion of outstanding bonds issued by the Board on behalf of the University for up to \$100,000,000 (the “Refunding Authorization”), together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund a debt service reserve, if necessary. |
| Not-to-Exceed Par Amount: | \$250,000,000* (Includes costs of issuance and capitalized interest) |
| Security: | The Series 2022C Bonds will be payable from and secured by a General Revenue pledge which consists of substantially all income and revenues of the University authorized to be pledged, with the exception of (i) legislative appropriations, (ii) tuition and certain fees, and (iii) certain other revenues and income. |
| Ratings: | ‘Aa1’ and ‘AA+’ ratings with a stable outlook <i>are expected</i> by Moody’s Investors Service and S&P Global Ratings, respectively. |
| Method of Sale: | Negotiated Public Offering |
| True Interest Cost: | TBD (given current market volatility, a preliminary rate is difficult to determine) |

University of Utah Series 2022C Bonds
Preliminary Financing Summary
Page 2 of 2

| | |
|--------------------------|---|
| Underwriters: | TBD |
| Sale Date: | Current Calendar calls for a mid-November or early December, 2022 sale date, subject to market conditions. |
| Closing Date: | TBD – Current Calendar calls for settlement in mid-to late December 2022, or early January 2023. |
| Principal Payment Dates: | August 1 of each year |
| Interest Payment Dates: | August 1 and February 1, beginning August 1, 2023. |
| Interest Basis: | 30/360 |
| Parameters: | Not-to-Exceed Par for the Projects: \$250,000,000* Not-to-Exceed Term: 35-years from the date of the Bond's issuance. Not-to-Exceed Coupon: 6.00% Not-to-Exceed Discount from Par: 2.00% |
| Optional Redemption: | May be non-callable or callable (par or make-whole) at the option of the University, as determined at the time of the sale |
| University Contacts: | Ms. Cathy Anderson, Chief Financial Officer (801-581-6940) Mr. Robert Muir, Associate Vice President – Debt and Asset Management (801-585-5598) |
| Bond Counsel: | Mr. Brad Patterson, Gilmore & Bell (801-258-2724) |
| Municipal Advisor: | Mr. Kelly Murdock, Stifel, Nicolaus & Company (385-799-1731) |

**Preliminary, subject to change*



UTAH SYSTEM OF
HIGHER EDUCATION

MEMORANDUM

TAB C

September 14, 2022

Technical Education Tuition Related Policy Revisions

Background

Technical colleges are in the process of transitioning technical education from clock-hours to credit-hours. As part of this transition, the calculation of tuition will also need to be transitioned to a credit-based tuition calculation. To complete this process, several Board finance and facilities policies related to tuition and fees need to be modified to accommodate technical colleges and provide policies consistent with degree-granting institutions.

This work on policies relates to the Board's Strategic Plan priority of System Unification. One of the Board's System Unification strategies is merging system policies, and the related tactic is to review policies to ensure alignment between technical colleges and degree-granting institutions. Another Board strategy for System Unification is to increase the stackability of credentials from technical colleges to degree-granting institutions. The tactic relates to transitioning technical education from clock-hours to credit-hours.

In upcoming Board meetings, technical colleges will bring forward proposals for credit-based tuition as they begin to offer courses based on credit hours.

Policies to Revise to Ensure Applicability to Technical Colleges

The following policy actions are being proposed to ensure policy alignment between technical colleges and degree-granting institutions and to prepare for technical colleges to offer courses based on credit hours in accordance with the Board of Higher Education's strategic objective of System Unification.

Below is a summary of the proposed policy changes being recommended at this time:

R510, Tuition: Addresses tuition at technical colleges. Incorporates policy provisions from tech policies 204 and 205 related to the statutory requirement for no tuition for secondary students and low-cost tuition for post-secondary students.

R511, Tuition Disclosures and Consultation: Provides tuition disclosures for short enrollment periods of less than a semester, as found in technical education. Provides that general student fees should not be charged to students at technical colleges.

R512, *Determination of Resident Status*: Extends the provision that technical colleges are not required to determine residency status to credit-based courses at technical colleges.

R514, *Refunds of Tuition, Fees and Other Student Charges*: Addresses refunds for short enrollment periods, as found in technical education.

R516, *General Student Fees*: Provides that general student fees should not be charged to students at technical colleges.

R517, *Course and Program Fees*: Eliminates policy exceptions for technical colleges. With this revision, the policy provisions related to course and program fees will be fully applicable to technical colleges. The policy clause stating that course fees shall not be used to pay instructional services rendered by faculty and staff will apply to technical colleges and degree-granting institutions. Additionally, a provision that was formerly found in tech policy 204, has been added to R517. This provision allows technical colleges to waive fees for secondary students who qualify for fee waivers at the high school.

Technical College Policy to Rescind

204, *Tuition and Fees*, With the proposed revisions to policy R510, *Tuition*, a separate tuition policy for technical colleges is no longer necessary.

These proposed policy actions have been reviewed by finance officers of both degree-granting institutions and technical colleges at a meeting on August 5, 2022. They were presented as an informational item to the Technical Education Committee on August 19. At its September meeting, the Finance and Facilities Committee considered the recommended policy edits and rescissions.

Commissioner's Recommendation

The Commissioner recommends the following actions:

- All listed policy changes be considered and approved.
- Rescind Technical College policy 204.
- Policy provisions new to technical colleges are to have an effective date which is the earlier of when a course is offered for-credit, or July 1, 2023.

Attachments

R510, Tuition¹

R510-1 Purpose: To establish a tuition policy for the Utah System of Higher Education ("USHE") including identification of authorized tuition models and other tuition charges.

R510-2 References

- 2.1 [Utah Code § 53B-7-101](#), Combined Requests for Appropriations
- 2.2 [20 USC § 1091b](#), Institutional Refunds
- 2.3 [Board Policy R511](#), Tuition Disclosures and Consultation

R510-3 Definitions

3.1 “Degree-granting Institution” means an institution of higher education described in [Utah Code section 53-B-1-102\(1\)\(a\)](#).

3.2 “Secondary Student” means a student who:

3.2.1 [Is currently enrolled in grades 7-12 in a Utah public or private school, or who is eligible to enroll under Utah Administrative Code R277-419;](#)

3.2.2 [Regardless of age, has not previously been conferred a high school diploma, certificate of completion, adult education secondary diploma, high school equivalency diploma, or a secondary school completion credential for home school; or](#)

3.2.3 [Is no more than 18 years old on or before September 1 of the fiscal year in which they enrolled at the college;](#)

3.2.4 [Is a retained senior who was enrolled in less than grade 12 during the previous year and is not more than 19 years old on or before September 1 of the fiscal year in which they enrolled at the college; or](#)

¹ Approved October 24, 1986; amended June 19, 1987, August 7, 1987, July 27, 1990, March 21, 1992, September 18, 1992, November 6, 1992, September 24, 1993, September 23, 1994, November 4, 1994, June 23, 1995, November 3, 1995, August 1, 1996, September 11, 1997, November 13, 1998, January 21, 2000, March 17, 2000, March 16, 2001, March 14, 2002, July 2, 2002 and December 14, 2007, January 11, 2012, November 16, 2012, May 16, 2014, ~~and~~ November 16, 2018, ~~and XXX~~.

3.2.5 Meets the definition of a child with a disability under Utah Code section 53E-7-201(1) and is no more than 21 years old on or before September 1 of the fiscal year in which they enrolled at the college. For a student turning 22 years old after September 1 but prior to December 31, their classification as a secondary student shall extend to the beginning of the college's winter holiday. For a student turning 22 after December 31, their classification as a secondary student shall extend to the end of the fiscal year.

3.3 “Technical College” means an institution of higher education described in Utah Code section 53B-1-102(1)(b). Technical college also means a degree-granting institution with a technical college role.

R510-4 Setting Tuition

34.1 The Board of Higher Education shall set tuition, fees, and charges for each institution at levels necessary to meet budget requirements.

34.2 The president of each USHE institution, in consultation with their Board of Trustees ~~and student body leadership~~, may recommend institutional tuition rate adjustments to the Board of Higher Education for review and action. -Degree-granting institutions should also consult with student body leadership. -Presidents who wish to adjust their institution's tuition rate must submit a formal proposal to the Board of Higher Education that includes the following:

34.2.1 The total tuition adjustment in both dollars and percentage increase or decrease;

34.2.2 A detailed list of how the institution plans to use the additional tuition revenue, which may include tuition adjustments required to meet Legislative funding matches for compensation and internal service fees, faculty promotion and tenure adjustments, and other operating needs identified by the institution;

34.2.3 The anticipated impact of the proposed tuition adjustment on student access, retention, and completion rates;

34.2.4 Rationale and justification for why the tuition rate adjustment is necessary, including reference to the institution's efforts to fund the proposed uses with existing resources, through internal reallocation, or institutional efficiencies;

34.2.5 Documentation which shows support from the Board of Trustees; and

34.2.6 Documentation which shows students were advised of proposed tuition rates through Truth-in-tuition Hearings and at degree-granting institutions, Student Body Leadership Councils.

34.3 The Board shall include its projected tuition rates in its unified budget proposal to the Legislature.

34.4 In the first Board of Higher Education meeting following the legislative session, the Board shall vote on final proposed tuition adjustments, if any.

34.5 Tuition changes approved by the Board [for degree-granting institutions](#) take effect for the subsequent semester. [Tuition changes approved by the Board for technical colleges take effect for course work or enrollment periods that begin on or after July 1 of the fiscal year for which the rates are approved. The Board may designate a different effective date when deemed appropriate.](#)

R510.45 Annual Review

45.1 The Board shall annually review price competitive tuition data including: comparisons with national and regional tuition and fee data, institutional cost data, median income statistics, average student debt load data, general and course fee data, and other affordability factors the Board identifies to determine if tuition adjustments are necessary to maintain fairness and price competitiveness.

45.2 Under the direction of the Board Audit Subcommittee, the USHE internal auditor will select one or more institution's tuition adjustment proposals to verify accuracy, integrity, and reliability of the data provided to the Board of Higher Education at the end of the associated fiscal year.

R510.56 Tuition Cost Ratios [at Degree-granting Institutions](#)

56.1 Resident/Nonresident Tuition Cost Ratios: Undergraduate nonresident tuition shall be set at no less than three times the institutional undergraduate resident tuition rate. The Board may grant exceptions on a case-by-case basis.

56.2 Graduate/Undergraduate Tuition Cost Ratios: Tuition for resident and nonresident graduate students will be set at no less than 110 percent of tuition for undergraduate students.

R510.67 Authorized Tuition Models

67.1 [Degree-granting institutions](#) may use either one of the following tuition models:

67.1.1 A Linear Tuition Model in which the incremental tuition charge per student credit hour is the same without regard to the number of hours for which a student is enrolled.

67.1.2 A Plateau Model in which students carrying a defined full-time load are charged a uniform rate within a defined range of credit hours. Tuition per credit hour between one credit hour and the beginning of the plateau range shall increase in linear increments.

Students enrolled for credit hours beyond the plateau range shall be charged at the same rate-per-credit-hour as the credit hours preceding the plateau range. The plateau may be any range between 10 and 20 credit hours.

7.2 Technical colleges will use the linear tuition model described in subsection 6.1.1.

R510.7.8 Other Tuition Charges

7.8.1 Registration Costs: Registration costs shall be included in tuition, not assessed as a separate fee category.

7.8.2 Online Tuition: The Board may authorize alternative tuition schedules for online courses on a case-by-case basis.

7.8.3 Differential Tuition: The Board may authorize differential tuition schedules for programs on a case-by-case basis. In addition to initially approving differential tuition rates for academic programs, differential tuition increases beyond the regular institutional tuition increase proposal shall be approved by the Board. The institution shall use increased revenues from the differential tuition rate to benefit the impacted program and to help support related campus services. Institutions requesting differential tuition schedules should consult with students in the program and consider the following:

7.8.3.1 The student and workforce demand for the program;

7.8.3.2 The impact of differential tuition rates on student access and retention;

7.8.3.3 The tuition rates of comparable programs at other institutions; and

7.8.3.4 The potential earnings capacity of program graduates.

7.8.4 Apprenticeship Programs: Tuition for courses offered specifically for apprenticeship programs shall be at least one-half the tuition for other credit courses at the institution but shall not exceed regular tuition rates.

~~**7.5 Non-Credit Programs:** Short-term intensive training (STIT) funds are appropriated by the Legislature to each participating USHE institution. Tuition for non-credit CTE programs funded with~~

~~STIT dollars will be established by each institution at a level sufficient to cover program costs and in accordance with USHE guidelines and legislative intent.~~

8.5 Technical College Tuition

8.5.1 —No Tuition for Secondary Students at Technical Colleges

8.5.1.1 As prescribed in Utah Code section 53B-2a-106(1)(b)(ii), a secondary student who is formally scheduled in an approved course or program at a technical college shall not be charged tuition.

8.5.1.2 A secondary student shall not be charged tuition at a USHE technical college regardless of the day or time of the course or program. A student who is not a secondary student shall be considered a postsecondary student and shall be charged the institution's regular tuition rate. A student whose secondary status changes while enrolled in a defined-length course or program shall be allowed to complete the course or program without paying tuition.

8.5.1.3 A referral of a student by a public, private, or home school high school shall be sufficient documentation of secondary student status for tuition purposes.

8.5.2 Postsecondary Tuition at Technical Colleges. Technical colleges shall assess low-cost tuition to postsecondary students as prescribed in Utah Code section 53B-2a-106(1)(b)(i) and as approved by the Board of Higher Education.

8.7.6 Other Non-Credit Instruction: Tuition for other non-credit programs and courses shall be established by each USHE institution. The total of all available funds, including tuition, shall be sufficient to pay the total direct cost of providing such programs and courses, in the aggregate, for the institution.

8.7.7 Summer School: Institutions may reduce tuition rates for summer school students to incentivize students to attend during summer semesters.

8.7.8 Contract Credit Courses: Charges for credit courses provided under contract to outside agencies shall be at least sufficient to pay the total direct costs of providing such courses, in the aggregate for the institution.

87.9 Continuing Education Credit Enrollments: Students enrolled in Continuing Education credit courses other than contract courses shall be assessed tuition at no less than the regular charge per credit hour.

78.10 Medicine and Law: The Board will consider tuition for Medicine and Law programs separate from other programs.

78.11 Course Audit Registrations: Students must register to audit any class. Such audit hours will be part of their total load and they shall pay tuition at the same rate as paid by students registering for credit in the course.

78.12 Correction Facility Program Tuition: Reduced tuition for programs provided to inmates at state correctional facilities will be considered separately. The State Board of Education advisory council overseeing corrections education and recidivism reduction issues will determine inmate eligibility for participation in Board of Higher Education authorized tuition reductions.

R510, Tuition¹

R510-1 Purpose: To establish a tuition policy for the Utah System of Higher Education ("USHE") including identification of authorized tuition models and other tuition charges.

R510-2 References

- 2.1 [Utah Code § 53B-7-101](#), Combined Requests for Appropriations
- 2.2 [20 USC § 1091b](#), Institutional Refunds
- 2.3 [Board Policy R511](#), Tuition Disclosures and Consultation

R510-3 Definitions

3.1 “Degree-granting Institution” means an institution of higher education described in Utah Code section 53-B-1-102(1)(a).

3.2 “Secondary Student” means a student who:

3.2.1 Is currently enrolled in grades 7-12 in a Utah public or private school, or who is eligible to enroll under Utah Administrative Code R277-419;

3.2.2 Regardless of age, has not previously been conferred a high school diploma, certificate of completion, adult education secondary diploma, high school equivalency diploma, or a secondary school completion credential for home school; or

3.2.3 Is no more than 18 years old on or before September 1 of the fiscal year in which they enrolled at the college;

3.2.4 Is a retained senior who was enrolled in less than grade 12 during the previous year and is not more than 19 years old on or before September 1 of the fiscal year in which they enrolled at the college; or

¹ Approved October 24, 1986; amended June 19, 1987, August 7, 1987, July 27, 1990, March 21, 1992, September 18, 1992, November 6, 1992, September 24, 1993, September 23, 1994, November 4, 1994, June 23, 1995, November 3, 1995, August 1, 1996, September 11, 1997, November 13, 1998, January 21, 2000, March 17, 2000, March 16, 2001, March 14, 2002, July 2, 2002 and December 14, 2007, January 11, 2012, November 16, 2012, May 16, 2014, November 16, 2018, and XXX.

3.2.5 Meets the definition of a child with a disability under Utah Code section 53E-7-201(1) and is no more than 21 years old on or before September 1 of the fiscal year in which they enrolled at the college. For a student turning 22 years old after September 1 but prior to December 31, their classification as a secondary student shall extend to the beginning of the college's winter holiday. For a student turning 22 after December 31, their classification as a secondary student shall extend to the end of the fiscal year.

3.3 “Technical College” means an institution of higher education described in Utah Code section 53B-1-102(1)(b). Technical college also means a degree-granting institution with a technical college role.

R510-4 Setting Tuition

4.1 The Board of Higher Education shall set tuition, fees, and charges for each institution at levels necessary to meet budget requirements.

4.2 The president of each USHE institution, in consultation with their Board of Trustees, may recommend institutional tuition rate adjustments to the Board of Higher Education for review and action. Degree-granting institutions should also consult with student body leadership. Presidents who wish to adjust their institution's tuition rate must submit a formal proposal to the Board of Higher Education that includes the following:

4.2.1 The total tuition adjustment in both dollars and percentage increase or decrease;

4.2.2 A detailed list of how the institution plans to use the additional tuition revenue, which may include tuition adjustments required to meet Legislative funding matches for compensation and internal service fees, faculty promotion and tenure adjustments, and other operating needs identified by the institution;

4.2.3 The anticipated impact of the proposed tuition adjustment on student access, retention, and completion rates;

4.2.4 Rationale and justification for why the tuition rate adjustment is necessary, including reference to the institution's efforts to fund the proposed uses with existing resources, through internal reallocation, or institutional efficiencies;

4.2.5 Documentation which shows support from the Board of Trustees; and

4.2.6 Documentation which shows students were advised of proposed tuition rates through Truth-in-tuition Hearings and, at degree-granting institutions, Student Body Leadership Councils.

4.3 The Board shall include its projected tuition rates in its unified budget proposal to the Legislature.

4.4 In the first Board of Higher Education meeting following the legislative session, the Board shall vote on final proposed tuition adjustments, if any.

4.5 Tuition changes approved by the Board for degree-granting institutions take effect for the subsequent semester. Tuition changes approved by the Board for technical colleges take effect for course work or enrollment periods that begin on or after July 1 of the fiscal year for which the rates are approved. The Board may designate a different effective date when deemed appropriate.

R510.5 Annual Review

5.1 The Board shall annually review price competitive tuition data including: comparisons with national and regional tuition and fee data, institutional cost data, median income statistics, average student debt load data, general and course fee data, and other affordability factors the Board identifies to determine if tuition adjustments are necessary to maintain fairness and price competitiveness.

5.2 Under the direction of the Board Audit Subcommittee, the USHE internal auditor will select one or more institution's tuition adjustment proposals to verify accuracy, integrity, and reliability of the data provided to the Board of Higher Education at the end of the associated fiscal year.

R510.6 Tuition Cost Ratios at Degree-granting Institutions

6.1 Resident/Nonresident Tuition Cost Ratios: Undergraduate nonresident tuition shall be set at no less than three times the institutional undergraduate resident tuition rate. The Board may grant exceptions on a case-by-case basis.

6.2 Graduate/Undergraduate Tuition Cost Ratios: Tuition for resident and nonresident graduate students will be set at no less than 110 percent of tuition for undergraduate students.

R510.7 Authorized Tuition Models

7.1 Degree-granting institutions may use either one of the following tuition models:

7.1.1 A Linear Tuition Model in which the incremental tuition charge per student credit hour is the same without regard to the number of hours for which a student is enrolled.

7.1.2 A Plateau Model in which students carrying a defined full-time load are charged a uniform rate within a defined range of credit hours. Tuition per credit hour between one credit hour and the beginning of the plateau range shall increase in linear increments.

Students enrolled for credit hours beyond the plateau range shall be charged at the same rate-per-credit-hour as the credit hours preceding the plateau range. The plateau may be any range between 10 and 20 credit hours.

7.2 Technical colleges will use the linear tuition model described in subsection 6.1.1.

R510.8 Other Tuition Charges

8.1 Registration Costs: Registration costs shall be included in tuition, not assessed as a separate fee category.

8.2 Online Tuition: The Board may authorize alternative tuition schedules for online courses on a case-by-case basis.

8.3 Differential Tuition: The Board may authorize differential tuition schedules for programs on a case-by-case basis. In addition to initially approving differential tuition rates for academic programs, differential tuition increases beyond the regular institutional tuition increase proposal shall be approved by the Board. The institution shall use increased revenues from the differential tuition rate to benefit the impacted program and to help support related campus services. Institutions requesting differential tuition schedules should consult with students in the program and consider the following:

8.3.1 The student and workforce demand for the program;

8.3.2 The impact of differential tuition rates on student access and retention;

8.3.3 The tuition rates of comparable programs at other institutions; and

8.3.4 The potential earnings capacity of program graduates.

8.4 Apprenticeship Programs: Tuition for courses offered specifically for apprenticeship programs shall be at least one-half the tuition for other credit courses at the institution but shall not exceed regular tuition rates.

8.5 Technical College Tuition

8.5.1 No Tuition for Secondary Students at Technical Colleges

8.5.1.1 As prescribed in Utah Code section 53B-2a-106(1)(b)(ii), a secondary student who is formally scheduled in an approved course or program at a technical college shall not be charged tuition.

8.5.1.2 A secondary student shall not be charged tuition at a USHE technical college regardless of the day or time of the course or program. A student who is not a secondary student shall be considered a postsecondary student and shall be charged the institution's regular tuition rate. A student whose secondary status changes while enrolled in a defined-length course or program shall be allowed to complete the course or program without paying tuition.

8.5.1.3 A referral of a student by a public, private, or home school high school shall be sufficient documentation of secondary student status for tuition purposes.

8.5.2 Postsecondary Tuition at Technical Colleges. Technical colleges shall assess low-cost tuition to postsecondary students as prescribed in Utah Code section 53B-2a-106(1)(b)(i) and as approved by the Board of Higher Education.

8.6 Other Non-Credit Instruction: Tuition for other non-credit programs and courses shall be established by each USHE institution. The total of all available funds, including tuition, shall be sufficient to pay the total direct cost of providing such programs and courses, in the aggregate, for the institution.

8.7 Summer School: Institutions may reduce tuition rates for summer school students to incentivize students to attend during summer semesters.

8.8 Contract Credit Courses: Charges for credit courses provided under contract to outside agencies shall be at least sufficient to pay the total direct costs of providing such courses, in the aggregate for the institution.

8.9 Continuing Education Credit Enrollments: Students enrolled in Continuing Education credit courses other than contract courses shall be assessed tuition at no less than the regular charge per credit hour.

8.10 Medicine and Law: The Board will consider tuition for Medicine and Law programs separate from other programs.

8.11 Course Audit Registrations: Students must register to audit any class. Such audit hours will be part of their total load and they shall pay tuition at the same rate as paid by students registering for credit in the course.

8.12 Correction Facility Program Tuition: Reduced tuition for programs provided to inmates at state correctional facilities will be considered separately. The State Board of Education advisory council overseeing corrections education and recidivism reduction issues will determine inmate eligibility for participation in Board of Higher Education authorized tuition reductions.

R511, Tuition Disclosures and Consultation¹

R511-1 Purpose: To establish procedures (1) for institutions to consult with students prior to recommending tuition increases to the Board, (2) for the Board to consult with students prior to adopting projected tuition increases as part of the budget process, (3) for the Board to consult with students prior to approving increases of the tuition to be charged to the students at the institutions, and (4) for institutions to disclose to students the full cost of instruction and the amount of that cost that is covered by tuition.

R511-2 References

- 2.1 [Utah Code § 53B-7-101, Tuition](#) Recommendations
- 2.2 [Utah Code § 53B-7-101.5](#), Proposed Tuition Increases, Notice, Hearings
- 2.3 [Utah Code § 53B-7-105](#), Higher Education Cost Disclosure
- 2.4 [Board Policy R510, Tuition and Fees](#)

R511-3 Definitions

3.1 **“Full Cost of Instruction”** ~~is—~~ [as](#) derived from a calculation that allocates functional overhead expenditure categories to instruction, excluding the amount spent directly on research and public service or the overhead allocated to research and public service. Overhead categories defined by the National Association of College and University Business Officers include student services, institutional support, physical plant operation and maintenance, and academic support. Full cost of instruction is reported in the USHE Data Book for the most recently completed year.

3.2 **“Tuition”** ~~means—~~ Board-approved amounts ~~for~~ [charged to](#) a full-time undergraduate student [under Board Policy \(R510\)](#).

3.3 **“General Student Fees”**— [means](#) Board approved amounts which are assessed to students directly, required to be paid with tuition, and are generally dedicated to specific purposes, such as building revenue bonds, extracurricular student activities, additional student services such as health clinics or computer labs, or athletics, [\(See Board Policy R510\)](#). Fees for specific courses are not included. ~~Technical colleges are not authorized to charge general student fees.~~

3.4 **“Technical College”** [means an institution of higher education described in Utah Code section 53B-1-102\(1\)\(b\).](#)

¹ *Approved February 16, 2001, amended June 4, 2004, [and XXX](#).*

R511-4 Disclosures for Tuition Increases – “Truth in Tuition”

4.1 Institutional Consultation with Students: Prior to recommending a tuition increase to the Board of Higher Education, the President or ~~his or her~~[their](#) designee shall hold a public meeting to provide an explanation that is consistent with the format prescribed by Utah Code [section 53B-7-101.5.\(4\)](#) of the reasons for the proposed increase, how the revenue generated by the increase will be used, and an opportunity for public comment from students. ~~After consultation with student leaders, public~~ [Public](#) notice of the time, place, and purpose of the public meeting shall be provided through an advertisement in the student newspaper or by other forms of written notification at least two times within the ~~ten~~[10](#)-day period prior to the meeting date, consistent with the standards prescribed in Utah Code [section 53B-7-101.5. \(2\) and \(3\).](#) ~~For degree-granting institutions, the public notice shall follow consultation with student leaders.~~

4.1.1 Tuition Percentage: ~~—~~ Institutions shall disclose the aggregate percentage increase ~~of first and second tier tuition (Board Policy R510.3.1 and 3.2)~~ and the dollar increase per semester [or enrollment period](#).

4.2 Board of Higher Education Consultation with Students: The Board of Higher Education, prior to adopting projected tuition increases as part of the budget process or prior to approving any increase in tuition, shall hold a public hearing as part of a regularly scheduled meeting of the Board. In the hearing the Board shall provide an explanation of the reasons for the proposed increase, an explanation of how the revenue generated by the increase will be used, and an opportunity for public comment from students. The Board shall provide written notice of the hearing to the members of the Utah Council of Student-body Presidents at least one week prior to the date of the hearing.

R511-5 Disclosure of Tuition and Higher Education Costs

5.1 Disclosure of Tuition Relative to Full Cost of Instruction: ~~—~~ Consistent with Utah Code [section 53B-7-105](#), each institution shall disclose to its undergraduate resident students at the time of registration, in dollar figures for a full-time equivalent student (a) the full cost of instruction, (b) the amount collected from student tuition and fees, and (c) the difference between the amounts for the full cost of instruction and the student tuition and fees, noting that the difference between the cost and tuition was paid by state tax funds and other monies.

5.2 Amounts Based on One Semester/[Enrollment Period](#) for the Current Year: ~~—~~The amounts for full-time equivalent student tuition and general student fees and estimated full ~~costs~~ of instruction should be based on 15 credit hours for one semester for the current academic year [at a degree-granting institution or full-time for an enrollment period at a technical](#)

[college.](#) Tuition and fee amounts which support the full cost of instruction, prior to any reductions for statutory tuition waivers ([Board Policy R513](#)) or employee tuition remissions ([Board Policy R824](#)), shall be used.

5.3 Content of Cost Disclosure:— Amounts for the full cost of instruction shall be estimated by the Office of the Commissioner of Higher Education in consultation with the institutions, relying on existing USHE cost study reporting practices. The content of the disclosure shall be in a statement with essentially the same content as the following:

Full-time undergraduate resident students at [Institution Name] paying a [semester/~~weekly~~[enrollment period](#)] tuition and fee amount of [tuition dollar amount] (before any financial aid, scholarships, or waivers) contribute an estimated [percentage] percent to the full cost of instruction per full-time student of [full cost dollar amount]. The remaining support for the full cost of instruction is provided by [tax funds dollar amount] of state tax funds and [other funds dollar amount] of other institutional revenue sources.

5.4 Method of Cost Disclosure:— Institutions may choose to disclose this information through a variety of methods, so long as the information is disclosed plainly and is readily available for students and other constituencies. These methods may include disclosure through (1) the course catalog, (2) the course schedule, (3) tuition invoices, (4) tuition receipts, (5) the cashier's office window, or (6) other Internet and printed materials that list tuition schedules, tuition payment procedures and timelines, or other registration and tuition -related information.

R511, Tuition Disclosures and Consultation¹

R511-1 Purpose: To establish procedures (1) for institutions to consult with students prior to recommending tuition increases to the Board, (2) for the Board to consult with students prior to adopting projected tuition increases as part of the budget process, (3) for the Board to consult with students prior to approving increases of the tuition to be charged to the students at the institutions, and (4) for institutions to disclose to students the full cost of instruction and the amount of that cost that is covered by tuition.

R511-2 References

- 2.1 [Utah Code § 53B-7-101](#), Tuition Recommendations
- 2.2 [Utah Code § 53B-7-101.5](#), Proposed Tuition Increases, Notice, Hearings
- 2.3 [Utah Code § 53B-7-105](#), Higher Education Cost Disclosure
- 2.4 [Board Policy R510](#), Tuition and Fees

R511-3 Definitions

3.1 “Full Cost of Instruction” is as derived from a calculation that allocates functional overhead expenditure categories to instruction, excluding the amount spent directly on research and public service or the overhead allocated to research and public service. Overhead categories defined by the National Association of College and University Business Officers include student services, institutional support, physical plant operation and maintenance, and academic support. Full cost of instruction is reported in the USHE Data Book for the most recently completed year.

3.2 “Tuition” means Board-approved amounts charged to a full-time undergraduate student under Board Policy R510.

3.3 “General Student Fees” means Board approved amounts which are assessed to students directly, required to be paid with tuition, and are generally dedicated to specific purposes, such as building revenue bonds, extracurricular student activities, additional student services such as health clinics or computer labs, or athletics. (See Board Policy R510. Fees for specific courses are not included. Technical colleges are not authorized to charge general student fees.

3.4 “Technical College” means an institution of higher education described in Utah Code section 53B-1-102(1)(b).

¹ *Approved February 16, 2001, amended June 4, 2004, and XXX.*

R511-4 Disclosures for Tuition Increases – “Truth in Tuition”

4.1 Institutional Consultation with Students: Prior to recommending a tuition increase to the Board of Higher Education, the President or their designee shall hold a public meeting to provide an explanation that is consistent with the format prescribed by Utah Code section 53B-7-101.5.(4) of the reasons for the proposed increase, how the revenue generated by the increase will be used, and an opportunity for public comment from students. Public notice of the time, place, and purpose of the public meeting shall be provided through an advertisement in the student newspaper or by other forms of written notification at least two times within the 10-day period prior to the meeting date, consistent with the standards prescribed in Utah Code section 53B-7-101.5. (2) and (3). For degree-granting institutions, the public notice shall follow consultation with student leaders.

4.1.1 Tuition Percentage: Institutions shall disclose the aggregate percentage increase and the dollar increase per semester or enrollment period.

4.2 Board of Higher Education Consultation with Students: The Board of Higher Education, prior to adopting projected tuition increases as part of the budget process or prior to approving any increase in tuition, shall hold a public hearing as part of a regularly scheduled meeting of the Board. In the hearing the Board shall provide an explanation of the reasons for the proposed increase, an explanation of how the revenue generated by the increase will be used, and an opportunity for public comment from students. The Board shall provide written notice of the hearing to the members of the Utah Council of Student-body Presidents at least one week prior to the date of the hearing.

R511-5 Disclosure of Tuition and Higher Education Costs

5.1 Disclosure of Tuition Relative to Full Cost of Instruction: Consistent with Utah Code section 53B-7-105, each institution shall disclose to its undergraduate resident students at the time of registration, in dollar figures for a full-time equivalent student (a) the full cost of instruction, (b) the amount collected from student tuition and fees, and (c) the difference between the amounts for the full cost of instruction and the student tuition and fees, noting that the difference between the cost and tuition was paid by state tax funds and other monies.

5.2 Amounts Based on One Semester/Enrollment Period for the Current Year: The amounts for full-time equivalent student tuition and general student fees and estimated full costs of instruction should be based on 15 credit hours for one semester for the current academic year at a degree-granting institution or full-time for an enrollment period at a technical college. Tuition and fee amounts which support the full cost of instruction, prior to any reductions for statutory tuition waivers (Board Policy R513) or employee tuition remissions (Board Policy R824), shall be used.

5.3 Content of Cost Disclosure: Amounts for the full cost of instruction shall be estimated by the Office of the Commissioner of Higher Education in consultation with the institutions, relying on existing USHE cost study reporting practices. The content of the disclosure shall be in a statement with essentially the same content as the following:

Full-time undergraduate resident students at [Institution Name] paying a [semester/enrollment period] tuition and fee amount of [tuition dollar amount] (before any financial aid, scholarships, or waivers) contribute an estimated [percentage] percent to the full cost of instruction per full-time student of [full cost dollar amount]. The remaining support for the full cost of instruction is provided by [tax funds dollar amount] of state tax funds and [other funds dollar amount] of other institutional revenue sources.

5.4 Method of Cost Disclosure: Institutions may choose to disclose this information through a variety of methods, so long as the information is disclosed plainly and is readily available for students and other constituencies. These methods may include disclosure through (1) the course catalog, (2) the course schedule, (3) tuition invoices, (4) tuition receipts, (5) the cashier's office window, or (6) other Internet and printed materials that list tuition schedules, tuition payment procedures and timelines, or other registration and tuition -related information.

R512, Determination of Resident Status¹

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

R512-2 References

- 2.1 [Utah Code §Ann. 53B-8-102](#), Definition of Resident Student
- ~~2.2 Utah Code Ann. 23-13-2, Definition of Domicile~~
- ~~2.3 Utah Code Ann. 31A-29-103, Definition of Domicile~~
- 2.34 [Utah Code §Ann. 41-1a-202](#), Definition of Domicile
- 2.45 [Utah Code Title 53B, Chapter 8, Part 1](#) ~~Ann. 53B-8-101 et seq.~~, Tuition Waivers & Scholarships
- 2.56 [Board Policy and Procedure R510](#), Tuition and Fee Policy
- 2.67 [Board Policy and Procedure R513](#), Tuition Waivers & Reductions

R512-3 Definitions

3.1 “Continuous Utah ~~r~~Residency ~~s~~Status for ~~o~~One ~~f~~Full ~~y~~Year” means the student has resided in Utah for 12 continuous months prior to the term for which resident student status is being sought.

3.2 “Domicile” shall be defined consistent with general Utah law defining domicile, and, for purposes of determining resident student status, shall be determined by the student’s: (1) bodily presence, and (2) concurrent intent to reside permanently in that location.

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

¹ Adopted July 22, 1975; amended April 11, 1987, April 17, 1992, May 5, 1995, January 12, 2001, October 19, 2001, July 12, 2002, April 16, 2004, December 9, 2004, April 22, 2005, April 21, 2006, June 8, 2007, May 30, 2008, May 29, 2009, May 20, 2011, May 18, 2012, May 16, 2014, November 14, 2014, May 15, 2015, May 20, 2016, ~~and~~ May 15, 2020, [and XXX](#).

3.3 “Immediate fFamily mMember” means the spouse or unmarried dependent child of the individual requesting resident student status.

3.4 “Military sServicemember” means an individual who is serving on active duty in the United States Armed Forces within the state of Utah; or an individual who is a member of a reserve component of the United States Armed Forces assigned in Utah; or an individual who is a member of the Utah National Guard; or an individual who maintains domicile in Utah, as described in Ssubsection 6.1.6., but is assigned outside of Utah pursuant to federal permanent change of station orders.

3.5 “Military vVeteran” means an individual who:

3.5.1 hHas served on active duty:

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

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

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

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

3.7 “Eligible pPerson” means an individual entitled to benefits under Title 38 U. S. Code Veterans’ Benefits.

3.8 “Preponderance of the eEvidence” means the existence of a fact is more probable than its nonexistence.

3.9 “Resident sStudent sStatus” means the condition of being a resident student for tuition purposes.

3.10 “Substantial eEvidence” means evidence that is more than a mere preponderance and is definite, clear, and convincing.

3.11 “Utah rResidency” means residing in Utah.

3.12 “USHE Institution” means an institution within [the](#) Utah’s [System](#) of [Higher](#) [Education](#).

R512-4 Resident Student Status

4.1 Establishing Resident Student Status: A student will be granted resident student status after ~~he or she~~[they](#):

4.1.1 ~~H~~[has](#) acquired domicile in Utah; or

4.1.2 ~~H~~[has](#) satisfied one or more of the exceptions set forth in this policy.

4.2 Policies for Determining Resident Student Status:

4.2.1 Policies for Students Enrolled in Credit-Bearing Degree Programs: Each institution shall have the responsibility of determining resident student status according to the requirements of Utah Code [section Ann. §53B-8-102](#) and this policy. Each institution may, at its discretion, and at the recommendation of the president, implement its own policy regarding the criteria for resident student status for either undergraduate students or graduate students, or both, in credit-bearing degree programs, that deviates from the criteria set forth in this policy, provided the criteria implemented by the institution is ~~more~~ [stricter](#).

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

4.2.3. Policies for Students Enrolled at Technical Colleges: [Because most technical education is short-term \(requires less than a year to complete\), USHE technical colleges, and degree-granting institutions with a technical college role, may, at their discretion, implement a policy that does not require students enrolled in technical education courses or programs to establish residency.](#)

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

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

4.4 International Students:

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

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

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

4.5 Marriage to Utah Resident: A person who marries a Utah resident is eligible to be granted resident student status after ~~he or she~~[they](#) ~~have~~[has](#) acquired domicile in Utah.

4.6 Burden of Proof: The burden is on the student to prove that ~~he or she~~[they](#) ~~are~~[is](#) eligible for resident student status prior to the first day of classes for the term the student seeks to attend as a resident student. Except as set forth in [subsection 4.3](#) of this policy, the standard for establishing resident student status is by a preponderance of the evidence. The institution, through its registrar, or designated person, is authorized to require written documents, affidavits, verifications, or other evidence deemed necessary to determine why a student is in Utah. The institution shall review all relevant evidence that is submitted by the student and shall make the residency determination based on the totality of the circumstances. The evidence

submitted by the student shall include the evidence that is specifically required by the applicable section of this policy. In addition, a student may be required to file any or all of the following evidence within applicable timelines established by the institution.

4.6.1 A statement from the student describing employment and expected sources of support;

4.6.2 A statement from the student's employer;

4.6.3 Supporting statements from persons who might be familiar with the family situation;

4.6.4 Birth certificate;

4.6.5 Marriage certificate;

4.6.6 Documentation of eligibility for state social or rehabilitation services;

4.6.7 Documentation of immigration status and placement as political refugee;

4.6.8 Indicia of Utah domicile, including Utah voter registration, Utah vehicle registration, Utah driver's license or identification card, Utah state income tax return, rental contract or mortgage documents, bank records, and utility bills.

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

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

4.8.1 the student obtained resident student status under false pretenses, or

4.8.2 the facts existing at the time of the granting of resident student status have significantly changed.

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

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

4.10.1 Application Deadline: Students must meet institutional application deadlines for each term. Institutions may establish a policy regarding acceptance of late residency applications for current term consideration. Unless institutional policy allows otherwise, institutions may not accept applications for resident student status or supporting documentation after the third week of the semester or term for which the student seeks resident student status. Ordinarily applications or supporting documentation received after the third week should be considered for the following semester.

4.10.2 Initial Classification: Each institution shall initially classify all applicants as either resident or nonresident. If there is doubt concerning resident status, the applicant shall be classified as a nonresident.

4.10.3 Application for Reclassification: Every student classified as a nonresident shall retain that status until ~~he or she~~they are officially reclassified ~~to resident status~~as a resident.

4.10.4 Refund: A decision favorable to the applicant shall be retroactive to the beginning of the academic period for which application for resident status was made and shall require a refund of the nonresident portion of any tuition charges paid for that and subsequent academic periods.

4.10.5 Hearings: Each institution shall be responsible for providing a process for students who have been denied resident student status to be heard. Each institution shall adopt procedures that fit the local campus situation, but the following guidelines shall be followed:

4.10.5.1 Procedures for a hearing shall be set out in writing by the institution, subject to approval by the Office of the Commissioner.

4.10.5.2 The institution shall provide a hearing officer or hearing committee with appropriate clerical and other services as necessary to the effective function of the hearing process.

4.10.5.3 The student appealing the decision shall have the responsibility of providing evidence that proves that ~~he or she~~ they ~~have~~ has met the residency requirements. Students shall be given copies of the Board's policies pertaining to determination of residency. The student shall also be given an explanation of the rationale of the decision-maker who previously ruled that the student was classified as a nonresident.

4.10.5.4 Both the student and the administration's representative are entitled to representation by counsel.

4.10.5.5 Oral and written evidence may be presented. It is not required that a formal, written, verbatim record of the proceedings be kept, but a written summary of the significant assertions and findings of the hearing shall be prepared.

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

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

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

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

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

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

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

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

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

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

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

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

5.1.1 maintained continuous Utah residency status for one full year;

5.1.2 submitted a written declaration that the student has relinquished residency in any other state;

5.1.3 submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere; and

5.1.4 submitted a declaration of financial independence to include documentation that the student is not claimed as a dependent on the tax returns of any person who is not a resident of Utah (see [subsection 4.12](#) above)

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

5.2.1 A Utah high school transcript issued in the past year confirming attendance at a Utah high school in the previous 12 months;

5.2.2 A Utah voter registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;

5.2.3 A Utah driver license or identification card with an original date of issue or renewal date several months prior to the first day of class of the term for which the student is seeking resident status;

5.2.4 A Utah vehicle registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;

5.2.5 Evidence of employment in Utah for a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;

5.2.6 Proof of payment of Utah resident income tax for the previous year;

5.2.7 A rental agreement or mortgage document showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status; and

5.2.8 Utility bills showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status resident student status.

5.3 Absence from sState: A student will not jeopardize ~~his or her~~[their](#) status under this section solely by absence from the state for a period of less than 30 total days during the 12-month period. See *Frame v. Residency Appeals Committee*, 675 P2d. 1157 (Utah 1983). If a

student leaves the state for the purpose of satisfying the requirements for institutional internships, institutional courses, study abroad programs, or athletic training, required by the institution the student will not be deemed to be absent from the state for purposes of this section for the period of time that ~~he or she~~they can establish that these purposes were being met. Once a student has been granted resident student status, any future absence from the state will not negatively affect ~~his or her~~their resident student status.

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

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

R512.6 “Military Service” Exception to Establishing Resident Student Status.

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

6.1.1 ~~a~~ military servicemember, if the military servicemember provides:

6.1.1.1 the military servicemember’s current United States military identification card; and

6.1.1.2 a statement from the military servicemember’s current commander, or equivalent, stating that the military servicemember is assigned to Utah; or

6.1.1.3 evidence that the military servicemember is domiciled in Utah, as described in ~~S~~subsection 6.1.6

6.1.2 ~~a~~ military servicemember’s immediate family member, if the military servicemember’s immediate family member provides:

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

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

6.1.2.3 the military servicemember's current United States military identification card or the immediate family member's current United States military identification card, and evidence that the military servicemember is domiciled in Utah, as described in [S](#)ubsection 6.1.6.

6.1.3 [A](#) military veteran, regardless of whether the military veteran served in Utah, if the military veteran provides:

6.1.3.1 evidence of an honorable or general discharge;

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

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

6.1.3.3.1 a Utah voter registration card;

6.1.3.3.2 a Utah driver license or identification card;

6.1.3.3.3 a Utah vehicle registration;

6.1.3.3.4 evidence of employment in Utah;

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

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

6.1.4 [A](#) military veteran's immediate family member, regardless of whether the military veteran served in Utah, if the military veteran's immediate family member provides:

6.1.4.1 evidence of the military veteran's honorable or general discharge;

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

6.1.4.3 objective evidence that the military veteran’s immediate family member has demonstrated an intent to establish residency in Utah which may include any one of the items described in [subsection 6.1.3.3.](#) above.

6.1.5 ~~a~~[An](#) eligible person who provides:

6.1.5.1 evidence of eligibility under Title 38 U. S. Code Veterans’ Benefits; and

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

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

6.1.6 Evidence of domicile as described in [subsections 6.1.1.3 and 6.1.2.3](#) includes:

6.1.6.1 a current Utah voter registration card;

6.1.6.2 a valid Utah driver license or identification card;

6.1.6.3 a current Utah vehicle registration

6.1.6.4 a copy of a Utah income tax return, in the military servicemember’s or military servicemember’s spouse’s name, filed as a resident in accordance with Utah Code ~~S~~[section 59-10-502](#); or

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

R512.7 “Membership of an American Indian Tribe” Exception to Establishing Resident Student Status~~;~~

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

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

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

R512.8 “Job Corps Student” Exception to Establishing Resident Student Status.

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

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

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

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

R512.9 “Participation in Olympic Training Program” Exception to Establishing Resident Student Status.

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

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

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

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

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

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

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

11.2.1 the employee’s employment and educational history;

11.2.2 the dates when Utah employment was first considered, offered, and accepted;

11.2.3 when the person moved to Utah;

11.2.4 the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;

11.2.5 whether the person applied for admission to a USHE institution sooner than four months from the date of moving to Utah;

11.2.6 evidence that the person is an independent person (at least 24 years of age, or not listed as a dependent on someone else’s tax forms); and

11.2.7 any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

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

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

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

12.2.1 the student's employment and educational history;

12.2.2 the dates when the long-term health care or child care responsibilities in Utah were first considered, offered, and accepted;

12.2.3 when the student moved to Utah;

12.2.4 the dates when the student applied for admission, was admitted, and was enrolled as a postsecondary student;

12.2.5 whether the student applied for admission to a USHE institution sooner than four (4) months from the date of moving to Utah;

12.2.6 evidence that the student is an independent person who is

12.2.6.1 at least 24 years of age; or

12.2.6.2 not claimed as a dependent on someone else's tax returns; and

12.2.7 any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend a USHE institution.

R512, Determination of Resident Status¹

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

R512-2 References

- 2.1 [Utah Code § 53B-8-102](#), Definition of Resident Student
- 2.3 [Utah Code § 41-1a-202](#), Definition of Domicile
- 2.4 [Utah Code Title 53B, Chapter 8, Part 1](#), Tuition Waivers & Scholarships
- 2.5 [Board Policy R510](#), Tuition and Fee Policy
- 2.6 [Board Policy R513](#), Tuition Waivers & Reductions

R512-3 Definitions

3.1 “Continuous Utah Residency Status for One Full Year” means the student has resided in Utah for 12 continuous months prior to the term for which resident student status is being sought.

3.2 “Domicile” shall be defined consistent with general Utah law defining domicile, and, for purposes of determining resident student status, shall be determined by the student’s: (1) bodily presence, and (2) concurrent intent to reside permanently in that location.

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

3.3 “Immediate Family Member” means the spouse or unmarried dependent child of the individual requesting resident student status.

¹ Adopted July 22, 1975; amended April 11, 1987, April 17, 1992, May 5, 1995, January 12, 2001, October 19, 2001, July 12, 2002, April 16, 2004, December 9, 2004, April 22, 2005, April 21, 2006, June 8, 2007, May 30, 2008, May 29, 2009, May 20, 2011, May 18, 2012, May 16, 2014, November 14, 2014, May 15, 2015, May 20, 2016, May 15, 2020, and XXX.

3.4 “Military Servicemember” means an individual who is serving on active duty in the United States Armed Forces within the state of Utah; or an individual who is a member of a reserve component of the United States Armed Forces assigned in Utah; or an individual who is a member of the Utah National Guard; or an individual who maintains domicile in Utah, as described in subsection 6.1.6., but is assigned outside of Utah pursuant to federal permanent change of station orders.

3.5 “Military Veteran” means an individual who:

3.5.1 Has served on active duty:

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

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

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

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

3.7 “Eligible Person” means an individual entitled to benefits under Title 38 U. S. Code Veterans’ Benefits.

3.8 “Preponderance of the Evidence” means the existence of a fact is more probable than its nonexistence.

3.9 “Resident Student Status” means the condition of being a resident student for tuition purposes.

3.10 “Substantial Evidence” means evidence that is more than a mere preponderance and is definite, clear, and convincing.

3.11 “Utah Residency” means residing in Utah.

3.12 “USHE Institution” means an institution within the Utah System of Higher Education.

R512-4 Resident Student Status

4.1 Establishing Resident Student Status: A student will be granted resident student status after they:

4.1.1 Have acquired domicile in Utah; or

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

4.2 Policies for Determining Resident Student Status

4.2.1 Policies for Students Enrolled in Credit-Bearing Degree Programs: Each institution shall have the responsibility of determining resident student status according to the requirements of Utah Code section 53B-8-102 and this policy. Each institution may, at its discretion, and at the recommendation of the president, implement its own policy regarding the criteria for resident student status for either undergraduate students or graduate students, or both, in credit-bearing degree programs, that deviates from the criteria set forth in this policy, provided the criteria implemented by the institution is stricter.

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

4.2.3. Policies for Students Enrolled at Technical Colleges: Because most technical education is short-term (requires less than a year to complete), USHE technical colleges, and degree-granting institutions with a technical college role, may, at their discretion, implement a policy that does not require students enrolled in technical education courses or programs to establish residency.

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

4.3 Rebuttable Presumption: A student who has not previously acquired domicile in Utah and who enrolls at a USHE institution prior to residing in Utah for 12 continuous months will be

presumed to not be domiciled in Utah and, therefore, will be classified as a nonresident student for tuition purposes. This presumption may be rebutted by substantial evidence.

4.4 International Students

4.4.1 Classification of International Students Who are in United States on

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

4.4.2 Classification of International Students Who are in United States on

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

4.4.3 International Students Who Have Obtained Asylum or Refugee Status:

An international student who has obtained asylum or refugee status under U.S. immigration law shall be classified for purposes of resident status according to the same criteria applicable to citizens.

4.5 Marriage to Utah Resident: A person who marries a Utah resident is eligible to be granted resident student status after they have acquired domicile in Utah.

4.6 Burden of Proof: The burden is on the student to prove that they are eligible for resident student status prior to the first day of classes for the term the student seeks to attend as a resident student. Except as set forth in subsection 4.3 of this policy, the standard for establishing resident student status is by a preponderance of the evidence. The institution, through its registrar, or designated person, is authorized to require written documents, affidavits, verifications, or other evidence deemed necessary to determine why a student is in Utah. The institution shall review all relevant evidence that is submitted by the student and shall make the residency determination based on the totality of the circumstances. The evidence submitted by the student shall include the evidence that is specifically required by the applicable section of this policy. In addition, a student may be required to file any or all of the following evidence within applicable timelines established by the institution.

4.6.1 A statement from the student describing employment and expected sources of support;

4.6.2 A statement from the student's employer;

4.6.3 Supporting statements from persons who might be familiar with the family situation;

4.6.4 Birth certificate;

4.6.5 Marriage certificate;

4.6.6 Documentation of eligibility for state social or rehabilitation services;

4.6.7 Documentation of immigration status and placement as political refugee;

4.6.8 Indicia of Utah domicile, including Utah voter registration, Utah vehicle registration, Utah driver's license or identification card, Utah state income tax return, rental contract or mortgage documents, bank records, and utility bills.

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

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

4.8.1 the student obtained resident student status under false pretenses, or

4.8.2 the facts existing at the time of the granting of resident student status have significantly changed.

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

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

4.10.1 Application Deadline: Students must meet institutional application deadlines for each term. Institutions may establish a policy regarding acceptance of late residency applications for current term consideration. Unless institutional policy allows otherwise, institutions may not accept applications for resident student status or supporting documentation after the third week of the semester or term for which the student seeks resident student status. Ordinarily applications or supporting documentation received after the third week should be considered for the following semester.

4.10.2 Initial Classification: Each institution shall initially classify all applicants as either resident or nonresident. If there is doubt concerning resident status, the applicant shall be classified as a nonresident.

4.10.3 Application for Reclassification: Every student classified as a nonresident shall retain that status until they are officially reclassified as a resident.

4.10.4 Refund: A decision favorable to the applicant shall be retroactive to the beginning of the academic period for which application for resident status was made and shall require a refund of the nonresident portion of any tuition charges paid for that and subsequent academic periods.

4.10.5 Hearings: Each institution shall be responsible for providing a process for students who have been denied resident student status to be heard. Each institution shall adopt procedures that fit the local campus situation, but the following guidelines shall be followed:

4.10.5.1 Procedures for a hearing shall be set out in writing by the institution, subject to approval by the Office of the Commissioner.

4.10.5.2 The institution shall provide a hearing officer or hearing committee with appropriate clerical and other services as necessary to the effective function of the hearing process.

4.10.5.3 The student appealing the decision shall have the responsibility of providing evidence that proves that they have met the residency requirements. Students shall be given copies of the Board's policies pertaining to determination of residency. The student shall also be given an explanation of the rationale of the decision-maker who previously ruled that the student was classified as a nonresident.

4.10.5.4 Both the student and the administration's representative are entitled to representation by counsel.

4.10.5.5 Oral and written evidence may be presented. It is not required that a formal, written, verbatim record of the proceedings be kept, but a written summary of the significant assertions and findings of the hearing shall be prepared.

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

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

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

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

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

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

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

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

4.13.4 Exemption for Alumni Legacy Scholarships: The students attending a USHE institution under this scholarship are considered to be domiciled in their home state. *See* Board Policy R513-17 for further details regarding Alumni Legacy Scholarships.

4.13.5 Utah Tech University's Good Neighbor Students: The students attending Utah Tech University under this scholarship are considered to be domiciled in their home state. *See* Board Policy R513-4.2. for further details regarding Good Neighbor Students.

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

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

5.1.1 maintained continuous Utah residency status for one full year;

5.1.2 submitted a written declaration that the student has relinquished residency in any other state;

5.1.3 submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere; and

5.1.4 submitted a declaration of financial independence to include documentation that the student is not claimed as a dependent on the tax returns of any person who is not a resident of Utah (see subsection 4.12 above)

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

5.2.1 A Utah high school transcript issued in the past year confirming attendance at a Utah high school in the previous 12 months;

5.2.2 A Utah voter registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;

5.2.3 A Utah driver license or identification card with an original date of issue or renewal date several months prior to the first day of class of the term for which the student is seeking resident status;

5.2.4 A Utah vehicle registration dated a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;

5.2.5 Evidence of employment in Utah for a reasonable period (generally meaning within the past 90 days) prior to the first day of class of the term for which the student is seeking resident status;

5.2.6 Proof of payment of Utah resident income tax for the previous year;

5.2.7 A rental agreement or mortgage document showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status; and

5.2.8 Utility bills showing the student's name and Utah address for at least 12 months prior to the first day of class of the term for which the student is seeking resident status resident student status.

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

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

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

R512.6 “Military Service” Exception to Establishing Resident Student Status.

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

6.1.1 A military servicemember, if the military servicemember provides:

6.1.1.1 the military servicemember’s current United States military identification card; and

6.1.1.2 a statement from the military servicemember’s current commander, or equivalent, stating that the military servicemember is assigned to Utah; or

6.1.1.3 evidence that the military servicemember is domiciled in Utah, as described in subsection 6.1.6

6.1.2 A military servicemember’s immediate family member, if the military servicemember’s immediate family member provides:

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

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

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

6.1.3 A military veteran, regardless of whether the military veteran served in Utah, if the military veteran provides:

6.1.3.1 evidence of an honorable or general discharge;

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

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

6.1.3.3.1 a Utah voter registration card;

6.1.3.3.2 a Utah driver license or identification card;

6.1.3.3.3 a Utah vehicle registration;

6.1.3.3.4 evidence of employment in Utah;

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

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

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

6.1.4.1 evidence of the military veteran's honorable or general discharge;

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

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

6.1.5 An eligible person who provides:

6.1.5.1 evidence of eligibility under Title 38 U. S. Code Veterans' Benefits; and

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

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

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

6.1.6.1 a current Utah voter registration card;

6.1.6.2 a valid Utah driver license or identification card;

6.1.6.3 a current Utah vehicle registration

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

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

R512.7 “Membership of an American Indian Tribe” Exception to Establishing Resident Student Status

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

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

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

R512.8 “Job Corps Student” Exception to Establishing Resident Student Status.

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

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

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

8.2 Upon termination of the student's Job Corps enrollment/participation, the student shall be subject to the same residency standards applicable to other persons under this policy. The time

spent residing in Utah during the Job Corps enrollments will count towards the time period set forth in subsection 4.3 of this policy.

R512.9 “Participation in Olympic Training Program” Exception to Establishing Resident Student Status

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

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

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

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

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

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

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

11.2.1 the employee’s employment and educational history;

11.2.2 the dates when Utah employment was first considered, offered, and accepted;

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

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

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

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

- 12.2.1** the student's employment and educational history;
- 12.2.2** the dates when the long-term health care or child care responsibilities in Utah were first considered, offered, and accepted;
- 12.2.3** when the student moved to Utah;
- 12.2.4** the dates when the student applied for admission, was admitted, and was enrolled as a postsecondary student;
- 12.2.5** whether the student applied for admission to a USHE institution sooner than four (4) months from the date of moving to Utah;
- 12.2.6** evidence that the student is an independent person who is
 - 12.2.6.1** at least 24 years of age; or

12.2.6.2 not claimed as a dependent on someone else's tax returns; and

12.2.7 any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend a USHE institution.

R514, Refunds of Tuition, Fees, and Other Student Charges¹

R514-1 Purpose: To establish a refund policy for ~~the~~ Utah System of Higher Education (“USHE”) institutions for tuition, fees, and other student charges.

R514-2 References

- 2.1 [Utah Code § 53B-7-101](#), Combined Requests for Appropriations
- 2.2 [20 U.S. Code § 1091b](#), Institutional Refunds
- 2.3 [34 CFR § 668.22, Treatment of Title IV Funds When Student Withdraws](#)
- 2.4 ~~3~~ [Board Policy R510](#), Tuition
- 2.5 ~~4~~ [Board Policy R511](#), Tuition Disclosures and Consultation

R514-3 Refunds of ~~t~~Tuition, ~~F~~ees, and ~~O~~ther ~~S~~tudent ~~C~~harges

3.1 Refund Policy: Each institution shall provide refunds of tuition, fees, housing and meal, and other student charges to all students who either fail to enroll or who withdraw after enrolling. The refunds shall be at least as large as prescribed in this policy. This policy is designed to provide a fair and equitable refund policy for all students who withdraw, whether or not ~~they~~ receive ~~ing F~~ederal student financial aid, and also ~~for~~ [to support](#) specific compliance with the provisions of ~~Section 484B of the Federal Higher Education Act, as amended (20 USC 1091b)~~ [20 USC 1091b](#)), as applicable to students who receive ~~F~~ederal student financial aid (Federal campus-based student financial aid, Federal Pell Grants, Leveraging Educational Assistance Partnership Program aid, Federal Family Education Loan Program loans or Federal Direct Student Loan Program loans), and who fail to register or who withdraw after enrolling.

3.2 General Refund Policy for Students Who Withdraw from the Institution and Who Are Not First Time Enrollees in the Institution and Also Receiving Federal Student Financial Aid: Students who are not first time enrollees in the institution and also receiving Federal student financial aid, both as defined in Federal regulations, 34 CFR section 668.22, and who withdraw from the institution or drop courses shall be entitled to refunds of tuition, fees, and other student charges (including housing and meal contract charges) paid to the institution which meet or exceed the following requirements:

¹ Approved November 16, 2018; [amended XXX](#).

| Refund Period – Degree-Granting Institutions | Portion Refundable |
|---|---------------------------|
| Prior to 15 th calendar day of the quarter, semester, or other period of enrollment | at least 70% |
| From the 15 th calendar day of close business on the 21 st calendar day of the period of enrollment | at least 50% |
| After the 21 st calendar day | none |

| Refund Period – Technical Colleges and Technical Education at Degree-granting Institutions with a Technical College Role | |
|---|----------------------|
| Prior to beginning of class | 100% |
| After the 5th calendar day of the enrollment period | none |

3.2.1 Non Refundability of Application, Admission, and Late Registration Fees:

Late registration, application and admission fees are not required to be refunded for students who are not enrolled at the institution for the first time in the current enrollment period and also receiving ~~F~~ederal student financial aid.

3.2.2 Refunds in the Case of Meal Tickets or Contracts with Dollar Value

Rather than Time Periods: Where students purchase meal tickets or contracts with dollar value rather than covering specific time periods, a student who withdraws is entitled only to a refund of the unused portion of the dollar value of the ticket or contract.

3.3 Special Pro Rata Refund Policy for Students Who Fail to Enroll or Who Withdraw from the Institution and Who are First Time Enrollees in the

Institution and are Also Receiving Federal Student Financial Aid: Any student who is a first time enrollee in the institution and is also receiving Federal student financial aid, both as defined in ~~F~~ederal regulations, 34 CFR section 668.22, and who fails to register or who withdraws from the institution or otherwise fails to complete the period of enrollment for which registered, on or before the 60 percent point (in time) in the period of enrollment for which the student has paid tuition, fees, room and board, or other charges, shall be entitled to a pro rata refund of such tuition, fees, room and board, and other charges. The institution's pro rata refund policy for such students, and all calculations and determinations there under, are required to conform to the requirements of 34 CFR section 668.22.

3.4 Refunds for Students Who Withdraw from the Institution After the 60 Percent

Point: The institution may, but is not required to, provide for refunds for students ~~described in section 6.3~~ who withdraw from the institution after the 60 percent point (in time) in the period of enrollment for which the student has paid tuition, fees, room and board, or other charges.

3.5 Exceptions for Hardship: Refunds greater than provided for in this refund policy may be granted by the President or the President's designee for unusual hardship cases.

R514, Refunds of Tuition, Fees, and Other Student Charges¹

R514-1 Purpose: To establish a refund policy for Utah System of Higher Education (“USHE”) institutions for tuition, fees, and other student charges.

R514-2 References

- 2.1 [Utah Code § 53B-7-101](#), Combined Requests for Appropriations
- 2.2 [20 U.S. Code § 1091b](#), Institutional Refunds
- 2.3 [34 CFR § 668.22](#), Treatment of Title IV Funds When Student Withdraws
- 2.4 [Board Policy R510](#), Tuition
- 2.5 [Board Policy R511](#), Tuition Disclosures and Consultation

R514-3 Refunds of Tuition, Fees, and Other Student Charges

3.1 Refund Policy: Each institution shall provide refunds of tuition, fees, housing and meal, and other student charges to all students who either fail to enroll or who withdraw after enrolling. The refunds shall be at least as large as prescribed in this policy. This policy is designed to provide a fair and equitable refund policy for all students who withdraw, whether or not they receive federal student financial aid, and also to support specific compliance with the provisions of 20 USC 1091b, as applicable to students who receive federal student financial aid (Federal campus-based student financial aid, Federal Pell Grants, Leveraging Educational Assistance Partnership Program aid, Federal Family Education Loan Program loans or Federal Direct Student Loan Program loans), and who fail to register or who withdraw after enrolling.

3.2 General Refund Policy for Students Who Withdraw from the Institution and Who Are Not First Time Enrollees in the Institution and Also Receiving Federal Student Financial Aid: Students who are not first time enrollees in the institution and also receiving Federal student financial aid, both as defined in Federal regulations, 34 CFR section 668.22, and who withdraw from the institution or drop courses shall be entitled to refunds of tuition, fees, and other student charges (including housing and meal contract charges) paid to the institution which meet or exceed the following requirements:

| Refund Period – Degree-Granting Institutions | Portion Refundable |
|--|--------------------|
|--|--------------------|

¹ Approved November 16, 2018; amended XXX.

| | |
|---|--------------|
| Prior to 15 th calendar day of the quarter, semester, or other period of enrollment | at least 70% |
| From the 15 th calendar day of close business on the 21 st calendar day of the period of enrollment | at least 50% |
| After the 21 st calendar day | none |

| | |
|---|------|
| Refund Period – Technical Colleges and Technical Education at Degree-granting Institutions with a Technical College Role | |
| Prior to beginning of class | 100% |
| After the 5 th calendar day of the enrollment period | none |

3.2.1 Non Refundability of Application, Admission, and Late Registration Fees:

Late registration, application and admission fees are not required to be refunded for students who are not enrolled at the institution for the first time in the current enrollment period and also receiving federal student financial aid.

3.2.2 Refunds in the Case of Meal Tickets or Contracts with Dollar Value

Rather than Time Periods: Where students purchase meal tickets or contracts with dollar value rather than covering specific time periods, a student who withdraws is entitled only to a refund of the unused portion of the dollar value of the ticket or contract.

3.3 Special Pro Rata Refund Policy for Students Who Fail to Enroll or Who Withdraw from the Institution and Who are First Time Enrollees in the Institution and are Also Receiving Federal Student Financial Aid:

Any student who is a first time enrollee in the institution and is also receiving Federal student financial aid, both as defined in federal regulations, 34 CFR section 668.22, and who fails to register or who withdraws from the institution or otherwise fails to complete the period of enrollment for which registered, on or before the 60 percent point (in time) in the period of enrollment for which the student has paid tuition, fees, room and board, or other charges, shall be entitled to a pro rata refund of such tuition, fees, room and board, and other charges. The institution's pro rata refund policy for such students, and all calculations and determinations there under, are required to conform to the requirements of 34 CFR section 668.22.

3.4 Refunds for Students Who Withdraw from the Institution After the 60 Percent Point: The institution may, but is not required to, provide for refunds for students who withdraw from the institution after the 60 percent point (in time) in the period of enrollment for which the student has paid tuition, fees, room and board, or other charges.

3.5 Exceptions for Hardship: Refunds greater than provided for in this refund policy may be granted by the President or the President's designee for unusual hardship cases.

R516, General Student Fees

R516-1 Purpose: To establish the process for establishing, reviewing, revising, and repealing general student fees for ~~degree-granting~~ institutions in the Utah System of Higher Education ([“USHE”](#)).

R516-2 References

- 2.1 [Utah Code Title 53b Chapter 1](#), ~~{Governance, Powers, Rights, and Responsibilities}~~
- 2.2 [Utah Code § 53B-7-101](#), ~~{Combined Requests for Appropriations}~~
- 2.3 ~~Federal Higher Education Act, 20 U.S. Code § 1091b~~, ~~{Institutional Refunds}~~
- 2.4 [Board Policy: R510](#), ~~{Tuition}~~
- 2.5 [Board Policy: R514](#), ~~{Refunds of Tuition, Fees, and Other Student Charges}~~
- 2.6 [Board Policy: R511](#), ~~{Tuition Disclosures and Consultation}~~
- 2.7 [Board Policy: R590](#), ~~{Issuance of Bonds for Colleges and Universities}~~

R516-3 Definitions

- 3.1 **“Degree-granting institutions”** ~~means:~~ [a](#) An institution of higher education described in [Utah Code section 53-B-1-102\(1\)\(a\)](#)
- 3.2 **“General student fees”** ~~means:~~ [I](#) institution-wide mandatory fees assessed to students upon registration to benefit students broadly and to support student inclusion, enrichment, and success as a campus community.
- 3.3 **“General Student Fee Advisory Board”** ~~is:~~ [a](#) An institutional committee comprised of students, faculty, and administrators that oversees the establishment, review, revision, or repeal of general student fees.
- 3.4 **—“Technical college”** ~~means:~~ [a](#) An institution of higher education described in [Utah Code section 53B-1-102\(1\)\(b\)](#).

R516-4 Affordability in the Utah System of Higher Education: The Utah Board of Higher Education has established affordability as a top priority. To support that priority, institutions and boards of trustees should consider all alternatives before recommending new fees or fee increases. Boards of trustees should rigorously scrutinize requests for student fees and fee increases, ensuring they are justifiable, reasonable, and benefit students broadly, as described herein. Boards of trustees should particularly assess how general student fees support diversity, equity, and inclusion.

R516-5 Authority for Establishing General Student Fees: The Board is statutorily responsible to establish all general student fees. The Board normally establishes general student fees concurrently with tuition rates. Technical colleges are not authorized to charge general student fees. Therefore, the provisions of this policy shall not apply to technical colleges.

5.1 General Student Fee Purpose: Institutions must identify the specific purpose for which revenue generated from a general student fee will be used. Institutions may not use revenue from general student fees to fund instruction, academic support, general administrative expenses, or other expenses that should reasonably be covered with state appropriations or tuition. Institutions may request general student fees for the following purposes:

5.1.1 Student-Approved Facility Construction: Revenue from general student fees may be pledged to secure bonds to construct or renovate a specific facility that the student body approved in accordance with subsection 6.6. Such facilities shall be for the enrichment of the student experience and may not be for the construction of instructional space.

5.1.2 Student-Approved Facility Operation: Revenue from general student fees may be used to fund operation and maintenance, capital improvements, and other necessary operating expenses for student-approved facilities in ~~S~~ subsection 5.1.1.

5.1.3 Student Activities, Programs, and Services: Revenue from general student fees may be used to fund activities, programs, and services from which the general student body may benefit.

5.2 Publication of General Student Fees: Institutions shall publish tuition and general student fees on their websites.

5.3 Revenue from General Student Fees: Revenue from general student fees is restricted to the specific program areas, facilities, and services for which they are approved and shall be established to cover budgeted expenses. Institutions may accumulate fund balances for large expenditures or reserves needing multi-year revenues only if planned, budgeted and pre-approved by the institution's board of trustees. Institutions shall annually budget general student fee revenue and expenses and shall account for the revenue of each general student fee individually and separately from other sources.

5.4 Policy Implementation for Existing General Student Fees: An institution's general student fee advisory board, president, and board of trustees shall review existing general student fees to determine if the fees align with the categories in subsection 5.1. Existing fees that do not

align with subsection 5.1 shall be considered for repeal, transition to tuition, or for an exception to this policy as granted by the Utah Board of Higher Education.

R516-6 Process for Creating, Revising, and Repealing General Student Fees

6.1 General Student Fee Advisory Board: Each institution shall establish a general student fee advisory board which shall oversee establishing, revising, maintaining, or repealing general student fees.

6.1.1 Composition of Board: The majority of the General Student Fee Advisory Board shall be comprised of currently enrolled students. Administrators and faculty may also be appointed to the advisory board. The board shall be chaired by a currently enrolled student.

6.1.2 Appointment and Procedures of the Board: Each institution will adopt policies and procedures for appointing members of the general student fee advisory board and for the operation of the board consistent with this policy.

6.2 Institutional Policy: Each institution shall develop a general student fee policy to govern the institution's processes for establishing, reviewing, revising, or repealing general student fees. The institutional policy shall include the following elements:

6.2.1 Establishing Fees: Establishing new student fees shall be supported by a demonstrated need, a clear statement describing the purpose of the fee, and a sound budget plan.

6.2.2 Reviewing Fees: Each institution's general student fee advisory board and board of trustees shall annually review each general student fee to ensure the fee still meets established objectives. The general student fee advisory board shall require an annual report from each student fee program manager, review institutional enrollment projections and enrollment impact on general student fee revenue, examine whether each general student fee maybe proportionally adjusted with enrollment change, and assess the adequacy of fund balances as allowed in subsection 5.3. The general student fee advisory board shall provide a report of their annual review of each general student fee, including any recommendations for revision or repeal, to the board of trustees, which shall review the information and may make recommendations or revision or repeal of a general student fee.

6.2.3 Revising Fees: Proposed revisions to general student fees must include a rationale for the proposed change and a revised budget plan.

6.2.4 Repealing Fees: Institutions may recommend the repeal [of](#) a general student fee when pledged revenue is no longer needed for debt service or when programs, services, or activities are discontinued, or an alternative funding source is identified.

6.2.5 Five-Year Comprehensive Review: Beginning in 2020-21 and every five years thereafter, the general student fee advisory board and the board of trustees shall comprehensively review all general student fees and determine whether each fee should be retained, transitioned to tuition or state appropriations, or repealed. The board of trustees shall submit a report of their comprehensive review including the justification for each fee determination to the Utah Board of Higher Education.

6.2.6 Sunset of Student Approved Facility Construction Fees: Each general student fee established for constructing or renovating a student-approved facility under subsection 5.1.1 shall be repealed by the beginning of the academic year after bond obligations end. Fees created or adjusted for student-approved facility operation under 5.1.2 shall continue and be annually reviewed and adjusted according to the procedures set in this policy.

6.3 Student Notice and Student Hearing: Institutions proposing a new general student fee, revising an existing general student fee, or repealing a general student fee shall:

6.3.1 Notify currently enrolled students using a method(s) that the institution determines best reaches the majority of students (e.g. email, text, social media, student newspaper, digital signage, etc.) of the proposed change and the date, time, and location of a student hearing on the proposal.

6.3.2 Hold a student hearing which shall be attended by at least one student representative from the general student fee advisory board. The student representative shall provide a summary of student comments received during the hearing to the institution's board of trustees. The hearing may be held in conjunction with the institution's' truth-in-tuition hearing.

6.4 Board of Trustees Oversight and Review: The institution's board of trustees shall review requests to establish, revise, or repeal a general student fee and make a recommendation. The board of trustees shall consider the general student fee advisory board's recommendations and accompanying documentation of demonstrated need, purpose, and budget plan and shall ensure the recommendations comply with the purposes stated in this policy, including that they are justifiable, reasonable, and benefit students broadly, as described herein. The board of trustees shall provide its recommendations to the Utah Board of Higher Education for approval.

6.5 Board of Higher Education Approval: The Board shall consider a board of trustees' recommendation and, by majority vote in a public Board meeting, approve, modify, or deny the establishment, revision, continuance, or repeal of a general student fee.

6.6 General Student Body Voting for General Student Fee Funded Facility

Construction and Operation: Except as provided by [Ssubsection 6.6.4](#), institutions proposing new general student fees for student-approved facility construction or renovation projects shall conduct a vote of the student body.

6.6.1 Institutions shall notify currently enrolled students and provide them the following information regarding the purpose and amount of the proposed fees at least 30 days prior to a vote:

6.6.1.1 details of the proposed facility and estimated costs for construction;

6.6.1.2 the projected amount of the general student fee needed to fund the debt service for the cost of facility construction or renovation;

6.6.1.3 the estimated length of debt service;

6.6.1.4 the estimated costs, over the life of the facility, for the operation of the facility including operation and maintenance and capital improvements; and

6.6.1.5 the projected amount of the general student fee to cover the cost of facility operation including operations and maintenance, capital improvements, and other necessary operating expenses.

6.6.2 A majority of voting students must vote in favor of the proposal to move forward to the board of trustees.

6.6.3 In establishing a general student fee for student-approved facility construction, the board of trustees shall consider the results of the student body vote including the percentage of the student body who voted in the election and the percentage of students who voted in favor of the proposal.

6.6.4 General student fees that are proposed to renovate or replace an existing student-approved facility do not require a vote of the student body if the project does not expand the facility's capacity and does not exceed \$10,000,000 for institutions with a research mission,

\$6,000,000 for other degree-granting institutions with more than 10,000 student headcount and \$4,000,000 for other degree-granting institutions.

R516-7 Audit: In conjunction with the annual review of USHE institution tuition use required by [Board Policy R510-4](#), the USHE auditor shall review the selected institutions' general student fees for compliance with this policy.

R516-8 Option to Waive General Student Fees: Institutions may waive general student fees in whole or in part for students without prior Board authorization.

R516, General Student Fees

R516-1 Purpose: To establish the process for establishing, reviewing, revising, and repealing general student fees for institutions in the Utah System of Higher Education (“USHE”).

R516-2 References

- 2.1 [Utah Code Title 53b Chapter 1](#), Governance, Powers, Rights, and Responsibilities
- 2.2 [Utah Code § 53B-7-101](#), Combined Requests for Appropriations
- 2.3 [20 U.S. Code § 1091b](#), Institutional Refunds
- 2.4 [Board Policy R510](#), Tuition
- 2.5 [Board Policy R514](#), Refunds of Tuition, Fees, and Other Student Charges
- 2.6 [Board Policy R511](#), Tuition Disclosures and Consultation
- 2.7 [Board Policy R590](#), Issuance of Bonds for Colleges and Universities

R516-3 Definitions

- 3.1 **“Degree-granting institution”** means an institution of higher education described in Utah Code section 53-B-1-102(1)(a)
- 3.2 **“General student fees”** means institution-wide mandatory fees assessed to students upon registration to benefit students broadly and to support student inclusion, enrichment, and success as a campus community.
- 3.3 **“General Student Fee Advisory Board”** is an institutional committee comprised of students, faculty, and administrators that oversees the establishment, review, revision, or repeal of general student fees.
- 3.4 **“Technical college”** means an institution of higher education described in Utah Code section 53B-1-102(1)(b).

R516-4 Affordability in the Utah System of Higher Education: The Utah Board of Higher Education has established affordability as a top priority. To support that priority, institutions and boards of trustees should consider all alternatives before recommending new fees or fee increases. Boards of trustees should rigorously scrutinize requests for student fees and fee increases, ensuring they are justifiable, reasonable, and benefit students broadly, as described herein. Boards of trustees should particularly assess how general student fees support diversity, equity, and inclusion.

R516-5 Authority for Establishing General Student Fees: The Board is statutorily responsible to establish all general student fees. The Board normally establishes general student fees concurrently with tuition rates. Technical colleges are not authorized to charge general student fees. Therefore, the provisions of this policy shall not apply to technical colleges.

5.1 General Student Fee Purpose: Institutions must identify the specific purpose for which revenue generated from a general student fee will be used. Institutions may not use revenue from general student fees to fund instruction, academic support, general administrative expenses, or other expenses that should reasonably be covered with state appropriations or tuition. Institutions may request general student fees for the following purposes:

5.1.1 Student-Approved Facility Construction: Revenue from general student fees may be pledged to secure bonds to construct or renovate a specific facility that the student body approved in accordance with subsection 6.6. Such facilities shall be for the enrichment of the student experience and may not be for the construction of instructional space.

5.1.2 Student-Approved Facility Operation: Revenue from general student fees may be used to fund operation and maintenance, capital improvements, and other necessary operating expenses for student-approved facilities in subsection 5.1.1.

5.1.3 Student Activities, Programs, and Services: Revenue from general student fees may be used to fund activities, programs, and services from which the general student body may benefit.

5.2 Publication of General Student Fees: Institutions shall publish tuition and general student fees on their websites.

5.3 Revenue from General Student Fees: Revenue from general student fees is restricted to the specific program areas, facilities, and services for which they are approved and shall be established to cover budgeted expenses. Institutions may accumulate fund balances for large expenditures or reserves needing multi-year revenues only if planned, budgeted and pre-approved by the institution's board of trustees. Institutions shall annually budget general student fee revenue and expenses and shall account for the revenue of each general student fee individually and separately from other sources.

5.4 Policy Implementation for Existing General Student Fees: An institution's general student fee advisory board, president, and board of trustees shall review existing general student fees to determine if the fees align with the categories in subsection 5.1. Existing fees that do not align with subsection 5.1 shall be considered for repeal, transition to tuition, or for an exception to this policy as granted by the Utah Board of Higher Education.

R516-6 Process for Creating, Revising, and Repealing General Student Fees

6.1 General Student Fee Advisory Board: Each institution shall establish a general student fee advisory board which shall oversee establishing, revising, maintaining, or repealing general student fees.

6.1.1 Composition of Board: The majority of the General Student Fee Advisory Board shall be comprised of currently enrolled students. Administrators and faculty may also be appointed to the advisory board. The board shall be chaired by a currently enrolled student.

6.1.2 Appointment and Procedures of the Board: Each institution will adopt policies and procedures for appointing members of the general student fee advisory board and for the operation of the board consistent with this policy.

6.2 Institutional Policy: Each institution shall develop a general student fee policy to govern the institution's processes for establishing, reviewing, revising, or repealing general student fees. The institutional policy shall include the following elements:

6.2.1 Establishing Fees: Establishing new student fees shall be supported by a demonstrated need, a clear statement describing the purpose of the fee, and a sound budget plan.

6.2.2 Reviewing Fees: Each institution's general student fee advisory board and board of trustees shall annually review each general student fee to ensure the fee still meets established objectives. The general student fee advisory board shall require an annual report from each student fee program manager, review institutional enrollment projections and enrollment impact on general student fee revenue, examine whether each general student fee maybe proportionally adjusted with enrollment change, and assess the adequacy of fund balances as allowed in subsection 5.3. The general student fee advisory board shall provide a report of their annual review of each general student fee, including any recommendations for revision or repeal, to the board of trustees, which shall review the information and may make recommendations or revision or repeal of a general student fee.

6.2.3 Revising Fees: Proposed revisions to general student fees must include a rationale for the proposed change and a revised budget plan.

6.2.4 Repealing Fees: Institutions may recommend the repeal of a general student fee when pledged revenue is no longer needed for debt service or when programs, services, or activities are discontinued, or an alternative funding source is identified.

6.2.5 Five-Year Comprehensive Review: Beginning in 2020-21 and every five years thereafter, the general student fee advisory board and the board of trustees shall comprehensively review all general student fees and determine whether each fee should be retained, transitioned to tuition or state appropriations, or repealed. The board of trustees shall submit a report of their comprehensive review including the justification for each fee determination to the Utah Board of Higher Education.

6.2.6 Sunset of Student Approved Facility Construction Fees: Each general student fee established for constructing or renovating a student-approved facility under subsection 5.1.1 shall be repealed by the beginning of the academic year after bond obligations end. Fees created or adjusted for student-approved facility operation under 5.1.2 shall continue and be annually reviewed and adjusted according to the procedures set in this policy.

6.3 Student Notice and Student Hearing: Institutions proposing a new general student fee, revising an existing general student fee, or repealing a general student fee shall:

6.3.1 Notify currently enrolled students using a method(s) that the institution determines best reaches the majority of students (e.g. email, text, social media, student newspaper, digital signage, etc.) of the proposed change and the date, time, and location of a student hearing on the proposal.

6.3.2 Hold a student hearing which shall be attended by at least one student representative from the general student fee advisory board. The student representative shall provide a summary of student comments received during the hearing to the institution's board of trustees. The hearing may be held in conjunction with the institution's truth-in-tuition hearing.

6.4 Board of Trustees Oversight and Review: The institution's board of trustees shall review requests to establish, revise, or repeal a general student fee and make a recommendation. The board of trustees shall consider the general student fee advisory board's recommendations and accompanying documentation of demonstrated need, purpose, and budget plan and shall ensure the recommendations comply with the purposes stated in this policy, including that they are justifiable, reasonable, and benefit students broadly, as described herein. The board of trustees shall provide its recommendations to the Utah Board of Higher Education for approval.

6.5 Board of Higher Education Approval: The Board shall consider a board of trustees' recommendation and, by majority vote in a public Board meeting, approve, modify, or deny the establishment, revision, continuance, or repeal of a general student fee.

6.6 General Student Body Voting for General Student Fee Funded Facility

Construction and Operation: Except as provided by subsection 6.6.4, institutions proposing new general student fees for student-approved facility construction or renovation projects shall conduct a vote of the student body.

6.6.1 Institutions shall notify currently enrolled students and provide them the following information regarding the purpose and amount of the proposed fees at least 30 days prior to a vote:

6.6.1.1 details of the proposed facility and estimated costs for construction;

6.6.1.2 the projected amount of the general student fee needed to fund the debt service for the cost of facility construction or renovation;

6.6.1.3 the estimated length of debt service;

6.6.1.4 the estimated costs, over the life of the facility, for the operation of the facility including operation and maintenance and capital improvements; and

6.6.1.5 the projected amount of the general student fee to cover the cost of facility operation including operations and maintenance, capital improvements, and other necessary operating expenses.

6.6.2 A majority of voting students must vote in favor of the proposal to move forward to the board of trustees.

6.6.3 In establishing a general student fee for student-approved facility construction, the board of trustees shall consider the results of the student body vote including the percentage of the student body who voted in the election and the percentage of students who voted in favor of the proposal.

6.6.4 General student fees that are proposed to renovate or replace an existing student-approved facility do not require a vote of the student body if the project does not expand the facility's capacity and does not exceed \$10,000,000 for institutions with a research mission, \$6,000,000 for other degree-granting institutions with more than 10,000 student headcount and \$4,000,000 for other degree-granting institutions.

R516-7 Audit: In conjunction with the annual review of USHE institution tuition use required by Board Policy R510-4, the USHE auditor shall review the selected institutions' general student fees for compliance with this policy.

R516-8 Option to Waive General Student Fees: Institutions may waive general student fees in whole or in part for students without prior Board authorization.

R517, Course and Program Fees¹

R517-1 Purpose: To establish the process for establishing, reviewing, revising, and repealing course and program fees for institutions in the Utah System of Higher Education.

R517-2~~7~~ References

2.1 [Utah Code Title 53B, Chapter 1](#), (~~Governance, Powers, Rights, and Responsibilities~~)

R517-3~~7~~ Definitions

3.1~~7~~ ~~“Course Fees”~~ ~~means~~ ~~F~~fees established to cover allowable costs of a particular course not covered by tuition.

3.2~~7~~ ~~“Program Fees”~~ ~~means~~ ~~F~~fees established to cover allowable costs of a particular program of study not covered by tuition.

R517-4~~7~~ Affordability in the Utah System of Higher Education: The Utah Board of Higher Education has established affordability as a strategic priority. To support that priority, institutions and boards of trustees should consider the impact course fees and program fees have on the cost of attendance.

R517-5~~7~~ General Principles: In addition to Board-approved tuition and general student fees, institutions may assess course-based and program-based fees established in accordance with this policy. This policy does not apply to courses or programs that do not charge Board-approved tuition such as continuing education or self-supporting courses.

Course fees and program fees may be instituted to cover direct costs essential to the educational outcomes for specific course or program offerings, and often include materials that cannot be purchased by individual students or for which bulk purchases reduce the cost to students. Such direct costs include course materials, chemicals, tooling, uniforms, laundry, testing, off-site instructional activities, supplies used in instruction; instructional equipment; student licensure and certifications; maintenance of laboratory equipment, computer software, subscriptions or transportation in which the entire class participates.

¹ Adopted: May 21, 2021; [amended XXX](#).

5.1 Course and program fees should cover only the specific costs associated with the particular course or program.

5.2 Institutions may not charge course or program fees for costs that are incurred across all programs or courses.

5.3 Course and program fees should recover costs when no other dedicated funds are available for that purpose.

5.4 Institutions should set course and program fees based on the cost of the activity or service for which the fee is levied.

5.5 Institutions may use course and program fees only to support the activity or service for which the fee is being charged.

5.6 Institutions shall track and account course and program fees in such a way that the proper use of revenue can be evaluated or audited.

5.7 With the exception of equipment replaced on a rotating schedule, course and program fees shall be used each academic period for the benefit of the students who paid the fees.

5.8 Course and program fees ~~at degree-granting institutions~~ shall not be used to pay instructional services rendered by faculty, staff, and teaching assistants. Exceptions may include special instructional arrangements such as private music, aviation, clinical, and tutors.

5.9 Course and program fees should not be used to pay for materials that can be purchased directly by students through campus stores or other approved institutional entities.

Exceptions to these general principles shall be documented by the institution and reviewed periodically by the institution's course and program fee committee.

R517-6. Delegation of Authority to Establish Course Fees: The Board delegates to the boards of trustees the responsibility to review, approve, adjust, and repeal course fees and program fees.

R517-7. Institutional Policy: -Each institution shall develop a course and program fee policy and procedure to govern the institution's processes for establishing, reviewing, revising, and repealing course fees and program fees. The institutional policy shall include the following elements:

7.1. Institution Course and Program Fee Committee: Each institution shall establish a course and program fee committee, which shall oversee the establishing, revising, maintaining, or repealing course and program fees.

7.1.1. Appointment and Procedures of the Committee: -Each institution will adopt policies and procedures for appointing members of the course and program fee committee and for the operation of the committee consistent with this policy.

7.1.2. Student Participation in the Committee: -Institutions shall invite student participation in the course and program fee committee.

7.1.3. Duties of the Committee: The course and program fee committee shall ensure that course fees and program fees are justifiable, reasonable, and necessary for the specific course or program for which they are proposed.

7.1.3.1. The institutional course and program fee committees shall review all proposals to establish new course and program fees to ensure the proposals meet the general principles of this policy and are supported by a demonstrated need, a clear statement describing the purpose of the fee, and a sound budget plan. If the committee determines the proposed fee meets these criteria, it may forward the proposal to the board of trustees. The board of trustees shall review the proposed fee in accordance with the criteria in this policy and the institution's program and course fee policy and, if satisfied, may approve the new fee.

7.1.3.2. Institutional course and program fee committees shall review all proposed course and program fee revisions with their associated revised budget plans and evaluate the rationale for the proposed change.

7.1.3.3. Each institution's course and program fee committee shall review each course and program fee at least once every three years to ensure the fee still meets established objectives. As part of this review, the committees shall review fund balances for particular fees and ensure that the funds generated are used for their approved purpose.

7.2. Sunset of Course Fees: Course fees and program fees shall be repealed after a period prescribed by the institution's policy if not reviewed and renewed by the course and program fee committee.

7.3. Notice to Students: Institutions shall include information about approved course and program fees in each academic term's schedule available to students prior to registration. Any

changes to course and program fees must be approved and published in the schedule for the academic term in which the change shall be effective. Only course and program fees included in the schedule shall be assessed for the academic term.

7.4. Assessing Fees: Institutions shall assess course and program fees subject to the same billing, refund, and collections process as tuition and shall be accounted for through institutionally-authorized student and financial systems. [Technical colleges may, at their discretion, implement a policy to waive fees for secondary students who receive fee waivers at their high school.](#)

7.5. Allocating Fees: Institutional course and program fees shall be allocated for the approved purpose and accounted for within the institution's financial system in a manner to facilitate audit verification.

7.6. Board of Trustees Oversight and Review: The institution's board of trustees shall at least annually review the recommendations of the institution's course and program fee committee for requests to establish, revise, or repeal course and program fees.

R517-8. Periodic Audit Review: -Institutional or system internal auditors shall periodically review a sample of the institutions' course and program fees for compliance with this policy.

R517, Course and Program Fees¹

R517-1 Purpose: To establish the process for establishing, reviewing, revising, and repealing course and program fees for institutions in the Utah System of Higher Education.

R517-2 References

2.1 [Utah Code Title 53B, Chapter 1](#), Governance, Powers, Rights, and Responsibilities

R517-3 Definitions

3.1 “Course fees means fees established to cover allowable costs of a particular course not covered by tuition.

3.2 “Program Fees” means fees established to cover allowable costs of a particular program of study not covered by tuition.

R517-4 Affordability in the Utah System of Higher Education: The Utah Board of Higher Education has established affordability as a strategic priority. To support that priority, institutions and boards of trustees should consider the impact course fees and program fees have on the cost of attendance.

R517-5 General Principles: In addition to Board-approved tuition and general student fees, institutions may assess course-based and program-based fees established in accordance with this policy. This policy does not apply to courses or programs that do not charge Board-approved tuition such as continuing education or self-supporting courses.

Course fees and program fees may be instituted to cover direct costs essential to the educational outcomes for specific course or program offerings, and often include materials that cannot be purchased by individual students or for which bulk purchases reduce the cost to students. Such direct costs include course materials, chemicals, tooling, uniforms, laundry, testing, off-site instructional activities, supplies used in instruction; instructional equipment; student licensure and certifications; maintenance of laboratory equipment, computer software, subscriptions or transportation in which the entire class participates.

¹ Adopted: May 21, 2021; amended XXX.

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5.4 Institutions should set course and program fees based on the cost of the activity or service for which the fee is levied.

5.5 Institutions may use course and program fees only to support the activity or service for which the fee is being charged.

5.6. Institutions shall track and account course and program fees in such a way that the proper use of revenue can be evaluated or audited.

5.7 With the exception of equipment replaced on a rotating schedule, course and program fees shall be used each academic period for the benefit of the students who paid the fees.

5.8 Course and program fees shall not be used to pay instructional services rendered by faculty, staff, and teaching assistants. Exceptions may include special instructional arrangements such as private music, aviation, clinical, and tutors.

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Exceptions to these general principles shall be documented by the institution and reviewed periodically by the institution's course and program fee committee.

R517-6 Delegation of Authority to Establish Course Fees: The Board delegates to the boards of trustees the responsibility to review, approve, adjust, and repeal course fees and program fees.

R517-7 Institutional Policy: Each institution shall develop a course and program fee policy and procedure to govern the institution's processes for establishing, reviewing, revising, and repealing course fees and program fees. The institutional policy shall include the following elements:

7.1 Institution Course and Program Fee Committee: Each institution shall establish a course and program fee committee, which shall oversee the establishing, revising, maintaining, or repealing course and program fees.

7.1.1 Appointment and Procedures of the Committee: Each institution will adopt policies and procedures for appointing members of the course and program fee committee and for the operation of the committee consistent with this policy.

7.1.2 Student Participation in the Committee: Institutions shall invite student participation in the course and program fee committee.

7.1.3 Duties of the Committee: The course and program fee committee shall ensure that course fees and program fees are justifiable, reasonable, and necessary for the specific course or program for which they are proposed.

7.1.3.1 The institutional course and program fee committees shall review all proposals to establish new course and program fees to ensure the proposals meet the general principles of this policy and are supported by a demonstrated need, a clear statement describing the purpose of the fee, and a sound budget plan. If the committee determines the proposed fee meets these criteria, it may forward the proposal to the board of trustees. The board of trustees shall review the proposed fee in accordance with the criteria in this policy and the institution's program and course fee policy and, if satisfied, may approve the new fee.

7.1.3.2 Institutional course and program fee committees shall review all proposed course and program fee revisions with their associated revised budget plans and evaluate the rationale for the proposed change.

7.1.3.3 Each institution's course and program fee committee shall review each course and program fee at least once every three years to ensure the fee still meets established objectives. As part of this review, the committees shall review fund balances for particular fees and ensure that the funds generated are used for their approved purpose.

7.2 Sunset of Course Fees: Course fees and program fees shall be repealed after a period prescribed by the institution's policy if not reviewed and renewed by the course and program fee committee.

7.3 Notice to Students: Institutions shall include information about approved course and program fees in each academic term's schedule available to students prior to registration. Any

changes to course and program fees must be approved and published in the schedule for the academic term in which the change shall be effective. Only course and program fees included in the schedule shall be assessed for the academic term.

7.4 Assessing Fees: Institutions shall assess course and program fees subject to the same billing, refund, and collections process as tuition and shall be accounted for through institutionally-authorized student and financial systems. Technical colleges may, at their discretion, implement a policy to waive fees for secondary students who receive fee waivers at their high school.

7.5 Allocating Fees: Institutional course and program fees shall be allocated for the approved purpose and accounted for within the institution's financial system in a manner to facilitate audit verification.

7.6 Board of Trustees Oversight and Review: The institution's board of trustees shall at least annually review the recommendations of the institution's course and program fee committee for requests to establish, revise, or repeal course and program fees.

R517-8 Periodic Audit Review: Institutional or system internal auditors shall periodically review a sample of the institutions' course and program fees for compliance with this policy.



UTAH SYSTEM OF
HIGHER EDUCATION

MEMORANDUM

TAB D

September 14, 2022

Strategic Plan Updates

In 2020, Utah's two higher education systems merged, creating a single system of 16 higher education institutions. The newly created Utah Board of Higher Education embarked on a strategic planning process to guide the new system for the next five years. To develop the strategic plan, the Board and Office of the Commissioner of Higher Education engaged in a rigorous, collaborative, and creative process built on past initiatives from previous boards and incorporated feedback from institutions, state leaders, students, and other stakeholders. The Board formally adopted the strategic plan at the May 2021 Board meeting.

During the October 2021 Board committee meetings, each committee adopted specific strategies within the strategic plan that are relevant to the focus of that committee. Each Board committee ensures that their assigned strategies are progressing and on-track, and structures their committee agendas around these strategies.

In the year that the strategic plan has been in place, several revisions have been proposed to ensure the plan stays nimble and current. During the August 2022 and September 2022 committee meetings, each Board committee will consider changes to the strategies assigned to their committee and forward their recommendations on any changes to the full Board for consideration at the September 2022 Board meeting.

There are slight changes to the wording of the strategies and tactics assigned to this committee. There are no changes proposed to the Board's role or goals. The updated strategies assigned to the Finance and Facilities Committee are as follows:

Priority: Affordability

Board's Role: Remove structural barriers to affordability.

Goal: Increase student ability to pay the cost of attendance.

Goal: Ensure institutional costs of attendance remains within the standard of affordability year over year.

Strategy: Improve fiscal transparency and understanding.

Tactics:

- Develop and implement full cost of attendance reporting standards and tools.

- Refine the Board's definition of affordability.

Strategy: Coordinate and optimize financial aid.

Tactics:

- Evaluate, prioritize, and implement state student financial aid and scholarships.
- Streamline statewide H.B.144 affidavit process. Benchmark student participation in affidavits. Clarify how citizenship data is collected and used in relation to scholarships and admissions forms.
- Review and analyze the use of tuition waivers and identify opportunities for enhancing their efficacy.
- Evaluate the quality, effectiveness, and return on investment of existing scholarship and financial aid programs, and identify opportunities for better coordination and improvement.

Strategy: Ensure institutions' fiscal health and operational efficiency.

Tactics:

- Create a standardized cost structure model to compare the cost of delivering credentials across USHE and other relevant institutions.
- Develop and implement a fiscal health assessment tool.
- Update capital facilities funding policies and procedures to encourage efficient planning and requests.

Commissioner's Recommendation

The Commissioner recommends the Finance and Facilities Committee adopt the strategic plan strategies assigned to their committee as outlined above and forward this recommendation to the Committee of the Whole for inclusion in the updated strategic plan.



September 14, 2022

FY2023-24 USHE Operating Budget Request

The Fiscal Year 2023-24 USHE operating budget request was developed with consultation and discussion with the Council of Presidents, Business Vice Presidents, and Budget Officers for each institution. The request advances Board strategic objectives and balances adequate state tax funding to maintain affordability with current fiscal realities. The operating budget request complies with the Budget Development Process Guidelines adopted by the Board at the July 2022 meeting. For FY 2023-24, the Commissioner recommends a System operating budget request as follows:

1. Compensation and mandatory increases on par with state entities
2. Technical education institution priorities
 - a. \$10,200,000 for technical program growth and capacity
 - b. \$3,000,000 for technical education equipment
 - c. \$500,000 for custom fit
3. Degree-granting institution priorities
 - a. \$40,000,000 for performance funding institutional priorities
 - b. \$3,000,000 for degree-granting education equipment
 - c. \$987,000 for growth funding
4. Systemwide priorities
 - a. \$2,400,000 for cybersecurity
 - b. \$2,025,000 for student mental health
 - c. \$975,000 for student wellness case managers
 - d. \$850,000 for Technical education in degree-granting administration
 - e. Address unfunded operations and maintenance for state-funded buildings approved in the 2022 General Session

Additional information on the operating budget request is found in Attachment 1. Supplementary detail for each of the institutional requests is available upon request from the Commissioner's Office. Attachment 2 provides additional information on the funding formulas used to distribute: 1) technical education program growth and capacity, 2) technical education equipment, 3) degree-granting performance, and 4) degree-granting equipment.

Commissioner's Recommendation

The Commissioner recommends the Board approve the FY2023-24 USHE operating budget priorities and authorize the Commissioner to make any subsequent technical adjustments, including rounding, necessary to finalize the budget prior to submitting it to the Governor and Legislature.

Attachments

USHE – FY2023-24 Institutional and Board Priorities

Section 1: Compensation & Mandatory Increases

Faculty and staff are the backbone of the Utah System of Higher Education, and salary and benefits represent the single largest expenditure for USHE institutions. In order to reward performance and continue to attract world-class faculty and staff, the Board requests parity for USHE institutions with state employees in salary and benefit adjustments provided by the state legislature. Exact increases will be determined during the 2023 legislative session. The Board will also request funding for mandatory cost increases to insurance premiums, other state-provided internal service funds, as well as employee health insurance premium increases comparable to state employees. Typically, the legislature funds compensation increases with 75 percent state funds for degree-granting institutions and 100% for technical colleges, leaving 25 percent to be covered by tuition increases.

Section 2: Technical Education Priorities

\$13,700,000

Technical Education Growth and Capacity

\$10,200,000

USHE technical education institutions were asked to provide funding requests for regionally critical technical programs experiencing capacity challenges related to student demand. Institutions provided detailed funding requests including, performance indicators and explanations for need and demand. Recommended total appropriations (bold) were determined by allocating 1) \$2 million based on FTE increase between FY21 and FY22, 2) \$5 million based on estimated completions for program growth & expansion, 3) \$2.2 million for institutional and student support activities, and 4) \$1 million for new school funding. Institutional plans for how they would use their portion of the growth and capacity funds are listed below in priority order, with additional detail available upon request.

Bridgerland Technical College

\$1,025,400

| | |
|---|-----------|
| ▪ Nursing | \$716,900 |
| ▪ Pharmacy Technician | \$122,100 |
| ▪ Medical Assisting | \$315,100 |
| ▪ Dental Assisting | \$210,900 |
| ▪ Central Sterile Technician and IT Staff | \$312,600 |

Davis Technical College

\$881,600

| | |
|---|-----------|
| ▪ Student Success and Retention Coaches | \$239,300 |
| ▪ Career & Academic Advisors | \$180,000 |
| ▪ High Yield Diesel | \$129,000 |
| ▪ High Yield Culinary | \$104,500 |
| ▪ High Yield Apprenticeship | \$108,300 |
| ▪ Diversity Officer | \$ 95,700 |
| ▪ Hybrid (Online) Education Transformation Specialist | \$ 93,000 |
| ▪ Student Success and Tracking Software (CRM Add-on) | \$ 40,000 |

Dixie Technical College

\$951,900

| | |
|----------------------------------|-----------|
| ▪ Software & Computer Technology | \$445,000 |
| ▪ Transportation | \$369,000 |
| ▪ HVACR | \$128,000 |
| ▪ Healthcare | \$413,000 |
| ▪ Auto Tech Expansion | \$130,000 |
| ▪ Career Success Advisor | \$138,000 |
| ▪ Industrial Programs Expansion | \$245,000 |

| | |
|--|--------------------|
| Mountainland Technical College | \$2,797,400 |
| ▪ Apprenticeship Programs Expansion | \$530,000 |
| ▪ Health Programs Expansion | \$890,000 |
| ▪ Technology Programs Expansion | \$220,000 |
| ▪ Trades Programs Expansion | \$810,000 |
| ▪ Service Program Expansion | \$260,000 |
| ▪ Student Services Expansion | \$480,000 |
| ▪ Administrative Support Expansion | \$830,000 |
| Ogden-Weber Technical College | \$1,246,500 |
| ▪ Practical Nursing Additional Cohort | \$465,000 |
| ▪ Expansion Instructional Operating Hours | \$500,000 |
| ▪ Plumbing Trades Program | \$350,000 |
| ▪ Facilities Technician | \$355,000 |
| ▪ Disadvantaged Student Support | \$500,000 |
| ▪ BDO Campus Security Coverage | \$100,000 |
| Salt Lake Community College – Technical Education | \$786,600 |
| ▪ LPN Faculty and CNA Faculty Equity Adjustments | \$375,000 |
| ▪ HVAC Program Faculty | \$100,000 |
| ▪ CDL Program Faculty | \$100,000 |
| ▪ Electrician Program, Full-time Faculty | \$100,000 |
| ▪ Strategic Initiatives Director and Support | \$170,000 |
| ▪ Basic and Advance EMT Program | \$330,000 |
| ▪ Advanced Manufacturing A/D | \$110,000 |
| ▪ Architecture, Engineering Design Faculty | \$100,000 |
| Snow College – Technical Education | \$378,900 |
| ▪ Medical Assistant (2 locations) | \$254,000 |
| ▪ Welding faculty position | \$106,400 |
| ▪ Building Trades 11 month contract increase | \$ 27,000 |
| ▪ TE Admissions and Registration | \$ 84,800 |
| ▪ Apprenticeship Coordinator | \$ 92,100 |
| Southwest Technical College | \$306,800 |
| ▪ Full time faculty position - Welding Program | \$100,000 |
| ▪ Computer Science Adjunct Faculty | \$ 50,000 |
| ▪ Full time faculty position - Culinary | \$ 75,000 |
| ▪ Full time faculty position - Pharmacy Technician | \$ 45,000 |
| ▪ IT & Cybersecurity | \$100,000 |
| ▪ Student Services Expansion (Academic Advisor) | \$ 75,000 |
| ▪ Human Resources | \$ 38,500 |
| ▪ Distance Ed & Acc. Specialist | \$ 40,000 |
| ▪ Financial Aid Counselor | \$ 70,000 |
| Tooele Technical College | \$875,400 |
| ▪ CDL Instructor and Operating Expenses | \$195,000 |
| ▪ Pharmacy Technician Instructor | \$147,000 |
| ▪ Marketing Access Recruiter | \$150,000 |
| ▪ Emergency Medical Technician Instructor | \$ 30,000 |
| ▪ Student Success Coordinator | \$120,000 |
| ▪ Automotive Technology Instructor | \$175,000 |
| ▪ Surgical Technician Instructor | \$135,000 |
| ▪ Machinist Technology Instructor | \$180,000 |
| Uintah Basin Technical College | \$674,500 |
| ▪ Campus Security | \$210,000 |
| ▪ Advanced Energy Transportation | \$360,000 |
| ▪ CDL Expansion | \$240,000 |
| ▪ Energy Services Expansion | \$240,000 |

| | |
|-----------------------------|-----------|
| ▪ Tower Technician | \$120,000 |
| ▪ Electrical High Voltage | \$240,000 |
| ▪ Auto Technology Expansion | \$110,500 |

Utah State University – Technical Education **\$275,000**

| | |
|---|-----------|
| ▪ Police Officer Standards Training in Southeast Utah | \$150,000 |
| ▪ CDL in Southeast Utah | \$450,000 |

Technical Education Equipment **\$3,000,000**

USHE technical education institutions and degree granting institutions with regional technical education service areas submitted requests for equipment needed for growing programs. The targeted funding amount was allocated based on half the funding equally split and half the funding on enrollment. Detailed equipment lists are available upon request.

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|---|-----------|
| ▪ Bridgerland Technical College | \$356,500 |
| ▪ Davis Technical College | \$439,700 |
| ▪ Dixie Technical College | \$254,200 |
| ▪ Mountainland Technical College | \$414,800 |
| ▪ Ogden-Weber Technical College | \$385,800 |
| ▪ Salt Lake Community College – Technical Education | \$172,400 |
| ▪ Snow College – Technical Education | \$193,300 |
| ▪ Southwest Technical College | \$185,600 |
| ▪ Tooele Technical College | \$199,300 |
| ▪ Uintah Basin Technical College | \$185,700 |
| ▪ Utah State University – Technical Education | \$212,700 |

Custom Fit **\$500,000**

The custom-fit funding request of \$500,000 is to expand offerings and other support services for four institutions, including existing and expanding workforce, and new programs in Wasatch and Summit counties.

| | |
|----------------------------------|-----------|
| ▪ Bridgerland Technical College | \$100,000 |
| ▪ Mountainland Technical College | \$300,000 |
| ▪ Tooele Technical College | \$ 50,000 |
| ▪ Uintah Basin Technical College | \$ 50,000 |

Section 3: Degree-Granting Institution Priorities **\$43,987,000**

Performance Funding **\$40,000,000**

The FY 2023-24 budget request for performance funding for degree-granting institutions is \$40 million. USHE institutions were provided a preliminary target funding amount for their institutional needs based on the statutory allocation of performance funding. Half of the funds are based on the institutions' percent of total system FTE, and half are based on institutions' percent of state appropriations. Institutional plans for how they would use their portion of the performance funds are listed below, with additional detail available upon request.

University of Utah **\$11,586,300**

| | |
|---|-------------|
| ▪ Career Services | \$3,000,000 |
| ▪ Student Mental Health | \$ 600,000 |
| ▪ Student Peer Mentoring | \$ 900,000 |
| ▪ Cybersecurity Infrastructure | \$2,000,000 |
| ▪ Applicant Review and Acceptance Process | \$ 200,000 |
| ▪ Capacity, Access and Growth | \$1,500,000 |
| ▪ Research Development | \$1,500,000 |
| ▪ Workforce | \$1,886,300 |

Utah State University **\$8,004,800**

| | |
|---------------------------|-------------|
| ▪ Pathways Initiatives | \$1,000,000 |
| ▪ Need-based Scholarships | \$2,000,000 |

| | |
|------------------------------------|-------------|
| ▪ Campus Safety and Compliance | \$ 750,000 |
| ▪ Strategic Priority Initiatives | \$2,004,800 |
| ▪ Customer Relationship Management | \$1,500,000 |
| ▪ Graduate Student Initiative | \$ 750,000 |

Weber State University **\$4,081,600**

| | |
|---|-------------|
| ▪ Mandated Costs | \$ 400,000 |
| ▪ Salary & Wage Enhancement | \$1,200,000 |
| ▪ Equity, Diversity & Inclusion | \$ 589,400 |
| ▪ Retention & Completion | \$ 388,200 |
| ▪ Personalized Learning & Academic Excellence | \$ 175,000 |
| ▪ Community Anchor Mission | \$ 479,000 |
| ▪ Marketing & Branding | \$ 150,000 |
| ▪ Other - Administrative Services Software | \$ 150,000 |
| ▪ Other – IT | \$ 550,000 |

Southern Utah University **\$2,638,200**

| | |
|---|-------------|
| ▪ Faculty - Access & Market Demand | \$2,238,200 |
| ▪ Campus Safety & Shared Support Services | \$ 400,000 |

Utah Tech University **\$2,203,500**

| | |
|---|-------------|
| ▪ Faculty and Staff Compensation | \$1,203,500 |
| ▪ Faculty Review and Rank Advancement | \$ 200,000 |
| ▪ Pluralsight Partnership | \$ 450,000 |
| ▪ Continue Transition to Division I Athletics | \$ 350,000 |

Utah Valley University **\$6,255,700**

| | |
|--|--------------|
| ▪ Enhance Student Success and Accelerate Completion | \$ 800,000 |
| ▪ Institutional and Workforce Readiness | \$ 500,000 |
| ▪ Flexible Educational Opportunities for Timely Completion | \$1,700,000 |
| ▪ Digital Transformation/Cybersecurity | \$ 1,155,700 |
| ▪ High Demand Program Expansion | \$2,100,000 |

Snow College **\$1,273,000**

| | |
|----------------------------|------------|
| ▪ Success Coaches/Mentors | \$ 150,000 |
| ▪ Oracle DBA | \$ 105,000 |
| ▪ Student Tutoring Support | \$ 100,000 |
| ▪ Director of Admissions | \$ 109,100 |
| ▪ Wellness – Therapist | \$ 97,000 |
| ▪ 3+1 Program Development | \$ 80,000 |
| ▪ At-Risk Student Support | \$ 90,000 |
| ▪ Alumni Relations | \$ 97,000 |
| ▪ ADA Assistant | \$ 57,500 |
| ▪ Risk Management/Title IX | \$ 40,000 |
| ▪ HR Generalist | \$ 87,000 |
| ▪ General Counsel | \$ 180,000 |
| ▪ Workforce Redistribution | \$ 80,400 |

Salt Lake Community College **\$3,956,900**

| | |
|--------------------------------|-------------|
| ▪ Student Success | \$2,100,000 |
| ▪ Institutional Sustainability | \$1,856,900 |

Degree Granting Equipment**\$3,000,000**

Degree granting institutions have submitted requests for equipment needs for growing programs. USHE institutions were provided a preliminary target funding amount for their institutional needs based on the statutory allocation of performance funding. Half of the funds are based on the institutions' percent of total system FTE, and half are based on institutions' percent of state appropriations. Detailed equipment lists are available upon request.

| | |
|-------------------------------|-----------|
| ▪ University of Utah | \$868,900 |
| ▪ Utah State University | \$600,400 |
| ▪ Weber State University | \$306,200 |
| ▪ Southern Utah University | \$197,800 |
| ▪ Snow College | \$95,500 |
| ▪ Utah Tech University | \$165,300 |
| ▪ Utah Valley University | \$469,100 |
| ▪ Salt Lake Community College | \$296,800 |

Growth Funding (Preliminary)**\$987,000**

The preliminary growth funding request of \$987,000 is to expand offerings and other support services for two institutions that have demonstrated significant enrollment growth. This well-established growth formula is based on actual year-to-year FTE enrollment increases in 100 FTE increments and associated direct instructional costs by course level. Enrollment FTE numbers will be updated in October after fall third week data is available.

| | |
|-------------------------|------------|
| ▪ Utah State University | \$ 412,000 |
| ▪ Snow College | \$ 575,000 |

Section 4: Systemwide Priorities**\$6,250,000**

Three major areas have been identified for a systemwide funding request: \$3 million to support student mental health through regional wellness case managers, expanding existing on campus resources, and implementing JED campus strategic plans. \$850,000 to hire a Vice President for Technical Education at each of the three degree-granting institutions with a technical education role: USU, Snow, and SLCC. \$2.4 million to support system-wide cyber security

| | |
|--|-------------|
| ▪ Student Mental Health | \$2,025,000 |
| ▪ Cybersecurity | \$2,400,000 |
| ▪ Student Wellness Case Managers | \$ 975,000 |
| ▪ Technical Education Vice President at Degree-granting Institutions | \$ 850,000 |

In addition to these items, the system requests for currently unfunded operations and maintenance for state-funded buildings approved during the 2022 General Session.

**Technical Education Growth & Capacity Formula
Fiscal Year 2023-24 Budget Request**

| Variables: | | | | | 2,000,000 | | | | 5,000,000 | 2,200,000 | 1,000,000 | |
|----------------------------|----------|-----------------|---------------------------------|--|--|----------------------------------|--|----------------------|---|------------------------|---------------------|--|
| | | | FY21 - FY22 FTE Change | FY21 - FY22 FTE Change % of Total | (Part 1) % of Total Distribution | Growth & Program Expansion | Growth & Program Expansion % of Total | (Part 2) Capacity | (Part 3) Institutional and Student Support | (Part 4) New School | Total Allocation | |
| Institution | FY21 FTE | FY22 FTE EST | | | | | | | | | | |
| USU - Technical Education | 395 | 288 | - | 0% | - | 26 | 2% | 75,000 | 200,000 | | 275,000 | |
| Snow - Technical Education | | 215 | | 0% | - | 62 | 4% | 178,900 | 200,000 | | 378,900 | |
| SLC - Technical Education | 156 | 136 | - | 0% | - | 30 | 2% | 86,600 | 200,000 | 500,000 | 786,600 | |
| Bridgerland | 781 | 829 | 48 | 26% | 513,751 | 108 | 6% | 311,600 | 200,000 | | 1,025,400 | |
| Davis | 1,097 | 1,142 | 45 | 24% | 482,504 | 69 | 4% | 199,100 | 200,000 | | 881,600 | |
| Dixie | 402 | 444 | 41 | 22% | 443,232 | 107 | 6% | 308,700 | 200,000 | | 951,900 | |
| Mountainland | 1,065 | 1,049 | - | 0% | - | 727 | 42% | 2,097,400 | 200,000 | 500,000 | 2,797,400 | |
| Ogden-Weber | 910 | 939 | 30 | 16% | 316,640 | 253 | 15% | 729,900 | 200,000 | | 1,246,500 | |
| Southwest | 187 | 185 | - | 0% | - | 37 | 2% | 106,800 | 200,000 | | 306,800 | |
| Tooele | 216 | 237 | 21 | 11% | 219,476 | 158 | 9% | 455,900 | 200,000 | | 875,400 | |
| Uintah Basin | 183 | 186 | 2 | 1% | 24,398 | 156 | 9% | 450,100 | 200,000 | | 674,500 | |
| Totals: | 5,393 | 5,649 | 187 | 100% | 2,000,000 | 1,733 | 100% | 5,000,000 | 2,200,000 | 1,000,000 | 10,200,000 | |

Technical college FTE reflects only certificate-seeking students

FY 2024 EQUIPMENT AMOUNT - TECH COLLEGES, USU-E Tech, SC Tech, SLCC Tech

\$3,000,000

DISTRIBUTION 50% EQUAL 50% FTE

| Institution | 1/2 Equal Split | % of Total | FY22 FTE | % of Total | 1/2 Based on FTE | Eligible Funding Amount | % of Total |
|--------------------|------------------------|-------------------|-----------------|-------------------|-------------------------|--------------------------------|-------------------|
| BTC | 136,364 | 9.1% | 829 | 14.7% | 220,146 | \$356,500 | 11.9% |
| DTC | 136,364 | 9.1% | 1,142 | 20.2% | 303,307 | \$439,700 | 14.7% |
| DXTC | 136,364 | 9.1% | 444 | 7.9% | 117,831 | \$254,200 | 8.5% |
| MTC | 136,364 | 9.1% | 1,049 | 18.6% | 278,441 | \$414,800 | 13.8% |
| OWTC | 136,364 | 9.1% | 939 | 16.6% | 249,432 | \$385,800 | 12.9% |
| SLCC - Tech | 136,364 | 9.1% | 136 | 2.4% | 36,052 | \$172,400 | 5.7% |
| SNOW - Tech | 136,364 | 9.1% | 215 | 3.8% | 56,969 | \$193,300 | 6.4% |
| SWTC | 136,364 | 9.1% | 185 | 3.3% | 49,244 | \$185,600 | 6.2% |
| TTC | 136,364 | 9.1% | 237 | 4.2% | 62,896 | \$199,300 | 6.6% |
| UBTC | 136,364 | 9.1% | 186 | 3.3% | 49,321 | \$185,700 | 6.2% |
| USU - Tech | 136,364 | 9.1% | 288 | 5.1% | 76,360 | \$212,700 | 7.1% |
| Total | 1,500,000 | 100.0% | 5,649 | 100.0% | 1,500,000 | \$3,000,000 | 100.0% |

Sources: 2021-22 technical college certificate student FTE. Degree granting institutions include only technical education FTE.

FY 2024 ELIGIBLE PERFORMANCE FUNDING AMOUNT - DEGREE GRANTING

\$40,000,000

DISTRIBUTION 50% ENROLLMENT 50% APPROPRIATIONS

| Institution | 2021-22 Annualized Budget FTE | % of Total | 50% \$ 20,000,000 | 2022-23 Total State Funded Appropriations | % of Approps | 50% \$ 20,000,000 | Eligible Performance Funding Amount | % of Total |
|--------------------|--|-----------------------|------------------------------|--|-------------------------|------------------------------|--|-----------------------|
| UU | 31,864 | 25.50% | \$5,099,400 | \$423,054,200 | 32.44% | \$6,486,900 | \$11,586,300 | 28.97% |
| USU | 20,661 | 16.53% | \$3,306,500 | \$306,399,100 | 23.49% | \$4,698,300 | \$8,004,800 | 20.01% |
| WSU | 14,318 | 11.46% | \$2,291,400 | \$116,749,900 | 8.95% | \$1,790,200 | \$4,081,600 | 10.20% |
| SUU | 10,285 | 8.23% | \$1,646,000 | \$64,704,900 | 4.96% | \$992,200 | \$2,638,200 | 6.60% |
| SNOW | 4,005 | 3.20% | \$640,900 | \$41,224,000 | 3.16% | \$632,100 | \$1,273,000 | 3.18% |
| UT | 7,990 | 6.39% | \$1,278,700 | \$60,308,100 | 4.62% | \$924,800 | \$2,203,500 | 5.51% |
| UVU | 23,439 | 18.76% | \$3,751,100 | \$163,335,900 | 12.52% | \$2,504,600 | \$6,255,700 | 15.64% |
| SLCC | 12,410 | 9.93% | \$1,986,000 | \$128,530,400 | 9.85% | \$1,970,900 | \$3,956,900 | 9.89% |
| Total | 124,972 | 100.0% | \$20,000,000 | \$1,304,306,500 | 100.0% | \$20,000,000 | \$40,000,000 | 100.0% |

Sources: 2022-23 Appropriations Detail (sideways sheets) and USHE 2021-22 annualized budget related FTE.

FY 2024 EQUIPMENT AMOUNT - DEGREE GRANTING

\$3,000,000

DISTRIBUTION 50% ENROLLMENT 50% APPROPRIATIONS

| Institution | 2021-22 Annualized Budget FTE | % of Total | 50% \$ 1,500,000 | 2022-23 Total State Funded Appropriations | % of Approps | 50% \$ 1,500,000 | Eligible Performance Funding Amount | % of Total |
|--------------------|--|-----------------------|-----------------------------|--|-------------------------|-----------------------------|--|-----------------------|
| UU | 31,864 | 25.50% | \$382,500 | \$423,054,200 | 32.44% | \$486,400 | \$868,900 | 28.96% |
| USU | 20,661 | 16.53% | \$248,000 | \$306,399,100 | 23.49% | \$352,400 | \$600,400 | 20.01% |
| WSU | 14,318 | 11.46% | \$171,900 | \$116,749,900 | 8.95% | \$134,300 | \$306,200 | 10.21% |
| SUU | 10,285 | 8.23% | \$123,400 | \$64,704,900 | 4.96% | \$74,400 | \$197,800 | 6.59% |
| SNOW | 4,005 | 3.20% | \$48,100 | \$41,224,000 | 3.16% | \$47,400 | \$95,500 | 3.18% |
| UT | 7,990 | 6.39% | \$95,900 | \$60,308,100 | 4.62% | \$69,400 | \$165,300 | 5.51% |
| UVU | 23,439 | 18.76% | \$281,300 | \$163,335,900 | 12.52% | \$187,800 | \$469,100 | 15.64% |
| SLCC | 12,410 | 9.93% | \$149,000 | \$128,530,400 | 9.85% | \$147,800 | \$296,800 | 9.89% |
| Total | 124,972 | 100.0% | \$1,500,100 | \$1,304,306,500 | 100.0% | \$1,499,900 | \$3,000,000 | 100.0% |

Sources: 2022-23 Appropriations Detail (sideways sheets) and USHE 2021-22 annualized budget related FTE.



UTAH SYSTEM OF
HIGHER EDUCATION

MEMORANDUM

TAB F

September 14, 2022

Capital Facilities Dedicated Projects Policy Revision

Background

During the 2019 session, the legislature passed S.B. 102, *Higher Education Capital Facilities*, which created a new process for funding USHE capital facilities projects. For degree-granting institutions, the legislation requires the Board to allocate appropriations to the institutions based on a funding formula comprised of six factors. For technical education institutions, the legislation requires the Board to prioritize capital projects based on institutional need.

The Board adopted and revised several policies to implement S.B. 102 in July 2022. The Commissioner proposes one additional change:

R745, *Approval Process for Use of Dedicated Capital Project Funds*: This policy provides the process for the Utah Board of Higher Education's approval of Utah System of Higher Education ("USHE") institutions' use of capital development project funds appropriated by the legislature for dedicated capital projects. The proposed change allows institutions to request, and the Board to approve, projects based on the anticipated balance in the Higher Education Capital Projects Fund in the upcoming fiscal year.

Commissioner's Recommendation

The Commissioner recommends the Board approve the proposed change to R745.

Attachment



R745, Approval Process for Use of Dedicated Capital Project Funds¹

R745-1 Purpose: To provide the process for the Utah Board of Higher Education’s approval of Utah System of Higher Education (“USHE”) institutions’ use of capital development project funds appropriated by the legislature for dedicated capital projects.

R745-2 References

- 2.1** [Utah Code § 53B-2a-117](#), Technical Colleges – Capital Development
- 2.2** [Utah Code § 53B-22-201](#), Capital Developments
- 2.3** [Utah Code Title 63A, Chapter 5b](#), Administration of State Facilities
- 2.4** [Board Policy R701](#), Capital Facilities
- 2.5** [Board Policy R706](#), Capital Facilities Planning
- 2.6** [Board Policy R743](#), Degree-granting Institution Dedicated Capital Project Allocation Formula
- 2.7** [Board Policy R744](#), Technical College Capital Project Prioritization Process
- 2.8** [Board Policy R751](#), Institutional Facilities Space Utilization

R745-3 Definitions

3.1 “Capital Development Project” means:

- 3.1.1** A remodeling or site or utility improvement project with a total cost of \$3,500,000 or more;
- 3.1.2** A new facility with a construction cost of \$500,000 or more; or
- 3.1.3** A purchase of real property if an appropriation is requested and made for the purchase.

3.2 “Capital Projects Fund” means a capital project restricted fund created by Utah Code sections 53B-22-202 and 53B-2a-118 to receive appropriations for USHE dedicated projects.

3.3 “Capital Program” means the services to define the scope and purpose of a proposed capital project as defined by Utah Code section 63A-5b-502.

¹ Adopted May 21, 2021; amended and renumbered July 14, 2022.

3.4 “Dedicated Project” means a degree-granting institution’s capital development project funded by the institution’s allocation under Utah Code section 53B-22-201 or a capital development project from the Board’s prioritization of dedicated funds for technical colleges under Utah Code section 53B-2a-117.

R745-4 Approval Process: The Board shall annually review and authorize dedicated projects submitted by degree-granting institutions or projects prioritized by the Board for technical colleges under Board Policy R744-8.

4.1 Capital Programming and Cost Estimation: Before an institution may submit a dedicated capital project for Board approval and legislative consideration, the institution shall create a capital program to define the scope and purpose of the facility. In collaboration with the Department of Facilities Construction and Maintenance (“DFCM”), the institution shall use the program to create a realistic construction budget estimate (“CBE”) for the project.

4.2 Submissions: Institutions shall submit capital development requests for funding from dedicated project allocations to the Board for evaluation based on procedures developed annually by the Office of the Commissioner, including a submission of the capital program and the construction budget estimate. Each institution may submit one or more projects. Project costs for the combined total of all submitted projects must be less than or equal to the institution’s anticipated balance in the Higher Education Capital Projects Fund after the annual Board allocation for the upcoming fiscal year. Institutions may not submit projects to the Governor, DFCM, or the legislature without prior Board approval.

4.3 Board Review and Authorization of Projects: The Board shall annually review dedicated project requests submitted by a degree-granting institution or by a technical college after the Board has prioritized the college’s use of funds under Board Policy R744-8 and vote to authorize or deny each project. Subject to available funding, if a degree-granting institution’s dedicated capital project or a technical college dedicated capital project prioritized by the Board under R744-8 meets the requirements of R741, *Capital Facilities Threshold Requirements*, the Board may authorize the project.

4.4 Board Submission of Authorized Projects: The Board shall submit its approved dedicated projects to DFCM and the Governor for review and recommendation and to the legislature for further consideration and authorization to use allocated funds in the Higher Education Capital Projects Funds. Institutions may not spend allocated funds unless affirmatively authorized by the legislature and funded by the legislature for operation and maintenance.

R745-5 Operation and Maintenance for Dedicated Projects: Under Utah law, all authorized projects may request operation and maintenance funding from the legislature in conjunction with

dedicated capital project funding. If the legislature does not fund the operation and maintenance for a particular project, the requesting institution must identify funds to operate and maintain the facility before construction may begin.

R745-6 Review upon Completion of a Dedicated Project: As required by statute, the Board shall review the costs and design of each capital project completed using dedicated capital project funds. Institutions shall submit all costs of a dedicated capital project to the Board, including but not limited to soft costs, land purchases, programming, design, and construction costs upon substantial completion. The institution shall also provide information to the Board on design decisions and elements for discussion in relation to costs of construction.

September 14, 2022

Mountainland Technical College – Acquisition of Property

Board Policy R703, *Acquisition of Real Property*, requires the institutions of Higher Education to seek Board approval for real property acquisitions that commit institutional funds in excess of \$1.5 million. Mountainland Technical College (MTech) is requesting approval from the Board to acquire 8.2 acres of property located in the Wasatch Community in Heber, Utah. The purchase price has been set at \$3.0M and would be contingent on the following due diligence items:

- Appraisal
- Title Report and Insurance Commitment

This acquisition is being made to strategically leverage and support the Capital Development Request to construct the first building on the MTech Wasatch Campus.

Mountainland Technical College Board of Trustees approved the acquisition by exchange in their August 17, 2022, meeting.

Commissioner's Recommendation

The Commissioner recommends the Board authorize the property acquisition by exchange for Mountainland Technical College, as described in the accompanying documents.

Attachment



August 25, 2022

Mr. David Woolstenhulme
Commissioner
Utah System of Higher Education, Two Gateway
60 South 400 West
Salt Lake City, Utah 84101-1284

Dear Commissioner Woolstenhulme:

The Mountainland Technical College hereby requests approval from the Board of Higher Education to proceed with closing on the acquisition of 8.2 acres of vacant land in the Wasatch Community in Heber City, Utah. The purchase price has been set at \$3,000,000 and closing would be contingent on the completion of the following due diligence items:

- Appraisal
- Title Report and Insurance Commitment

This acquisition is being made strategically in order to leverage the current financial opportunities represented in the purchase terms and to further the Capital Development Request being submitted by the College. Mountainland Technical College will then continue to develop more in-depth plans once programming is complete to guide the development of the Wasatch Campus. Additional details on this request can be found in the attached information.

The Mountainland Technical College Board of Trustees approved this acquisition during its meeting on August 17, 2022.

Accordingly, I would appreciate an opportunity to present this purchase to the Finance and Facilities Committee at the September 15, 2022 Board of Higher Education meeting.

Thanks for your consideration and support

Sincerely,

Kirt Michaelis
Vice President, Administrative Services



MOUNTAINLAND

TECHNICAL COLLEGE



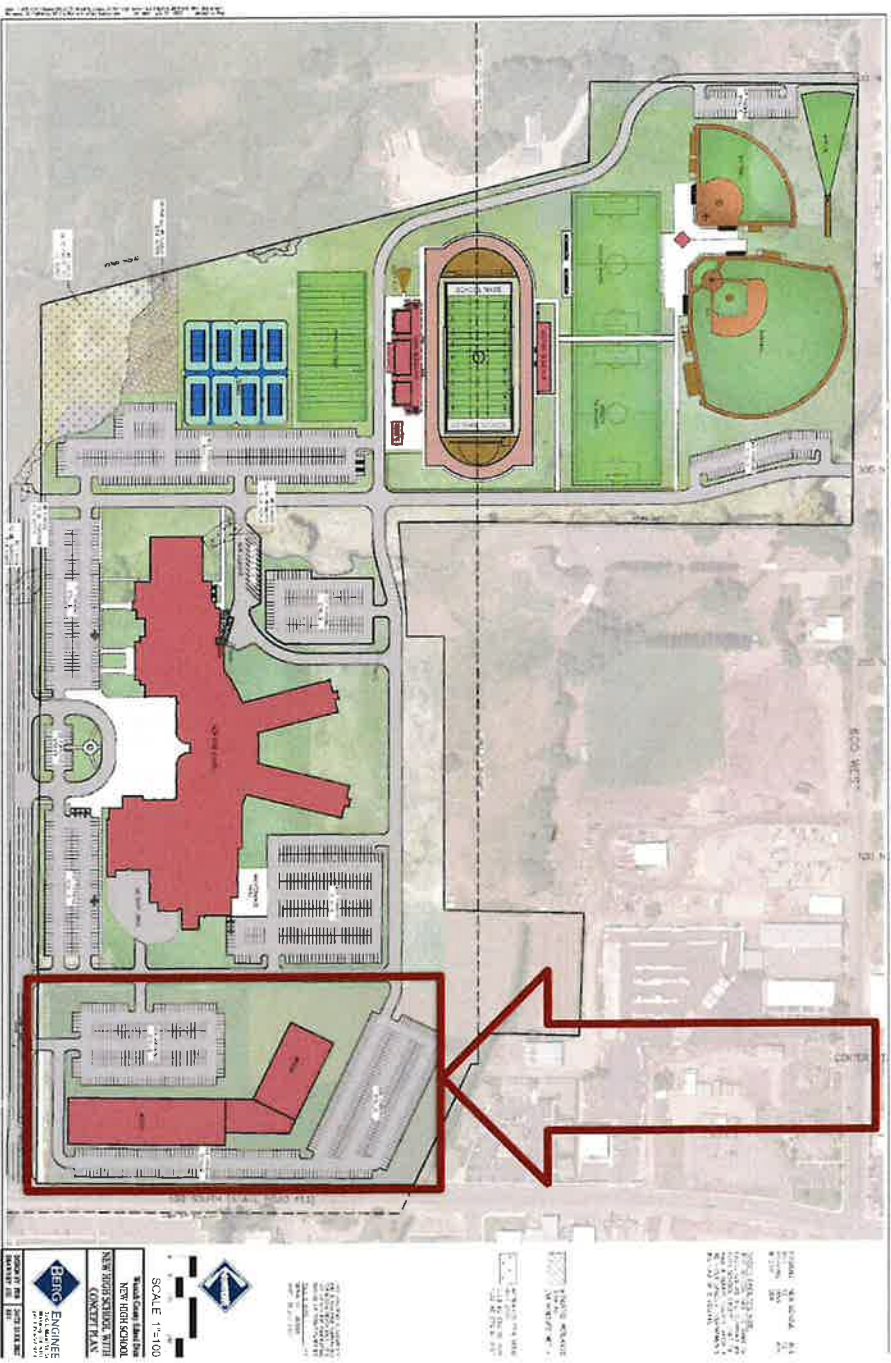
Heber City Land Acquisition
Kirt Michaelis, VP Administrative Services

Purchase Price and Donation

- Mountainland Technical College proposes to purchase 8.2 acres of vacant land for a purchase price of \$3 Million.
 - The purchase will happen in 2 parts
 - The first 2.9 acres of land will be purchased for \$1 Million.
 - The additional 5.3 acres will be purchased using an option that will be available to the College for the next two years.
- Wasatch County School District will donate an additional 2.5 acres of adjacent land if the 8.2 acres are purchased.
- Total purchase price \$3M
- Effective rate per acre with donation \$280K



Proposed Wasatch Campus



Recommendation

Approval to purchase 8.2 acres of vacant land in Heber City, Utah.

- Contingent on successful completion of due diligence items.





MOUNTAINLAND
TECHNICAL COLLEGE





September 14, 2022

Annual Contracts and Grants Report

Regent Policy R532, *Acceptance and Approval of Contracts and Grants*, requires USHE institutions to submit an annual report summarizing the number and dollar amounts of contract and grant awards received during the previous fiscal year.

The Board recognizes that securing research contracts and training grants provides significant benefits to the higher education community, the state of Utah, and society as a whole, by not only supporting critical advances in research but also through job creation. To ensure the Board is informed about the contracts and grants that institutions are engaged in, the Board has requested that an annual report be provided for each fiscal year that summarizes both the number of and dollar amount of awards received.

For FY 2022, the total number of contracts and grants (not including federal COVID-19 Relief), compared with the prior fiscal year, increased by 5 million or 0.1%, and the total dollar amount increased by \$10.6 million or 0.9%. Additionally, three federal COVID-19 relief grant funding of \$261 million was expended during FY22, received on a reimbursement basis, and is presented by institution in the following chart.

| Institution | CARES | HEERF II | ARPA | Total |
|--------------------------------|--------------|--------------|---------------|---------------|
| University of Utah | \$7,907,414 | \$4,003,098 | \$37,436,521 | \$49,347,034 |
| Utah State University | \$540,650 | \$1,323,779 | \$171,989 | \$2,036,418 |
| Weber State University | - | \$8,301,545 | \$32,364,416 | \$40,665,961 |
| Southern Utah University | \$23,559,364 | - | \$2,259,432 | \$25,818,796 |
| Snow College | - | \$2,946,949 | \$4,718,130 | \$7,665,079 |
| Utah Tech University | - | \$7,631,640 | \$19,451,544 | \$27,083,185 |
| Utah Valley University | - | \$791,823 | \$58,925,569 | \$59,717,392 |
| Salt Lake Community College | - | \$6,059,732 | \$31,989,592 | \$38,049,324 |
| Bridgerland Technical College | - | \$555,951 | \$1,062,504 | \$1,618,455 |
| Davis Technical College | - | - | \$2,713,710 | \$2,713,710 |
| Dixie Technical College | - | \$102,704 | \$573,545 | \$676,249 |
| Mountainland Technical College | - | \$147,935 | \$1,101,042 | \$1,248,977 |
| Ogden-Weber Technical College | - | \$1,042,915 | \$1,363,842 | \$2,406,757 |
| Southwest Technical College | - | \$96,291 | \$692,730 | \$789,021 |
| Tooele Technical College | - | - | \$671,584 | \$671,584 |
| Uintah Basin Technical College | - | - | \$463,694 | \$463,694 |
| Total | \$32,007,428 | \$33,004,363 | \$195,959,844 | \$260,971,635 |

Commissioner's Recommendation

This is an information item only; no action is required.

Attachment

| Utah System of Higher Education Contracts and Grants Report | | | | | | |
|--|------------------|-----------------|------------------|-----------------|----------|--------|
| Institution | Fiscal Year 2021 | | Fiscal Year 2022 | | % Change | |
| | No. | Total \$ Amount | No. | Total \$ Amount | No. | Amount |
| University of Utah | | | | | | |
| Research | 1,943 | \$469,756,812 | 1,906 | \$495,318,350 | -1.9% | 5.4% |
| Instruction | 187 | 32,333,697 | 231 | 38,290,560 | 23.5% | 18.4% |
| Clinical | 349 | 74,069,694 | 354 | 66,690,052 | 1.4% | -10.0% |
| Other | 454 | 64,499,626 | 491 | 86,161,133 | 8.1% | 33.6% |
| TOTAL Utah | 2,933 | \$640,659,829 | 2,982 | \$686,460,095 | 1.7% | 7.1% |
| Utah State University | | | | | | |
| Research | 1,027 | \$310,643,432 | 913 | \$294,015,601 | -11.1% | -5.4% |
| Instruction | 42 | 5,065,712 | 39 | 11,360,464 | -7.1% | 124.3% |
| Other | 348 | 48,618,925 | 377 | 70,558,098 | 8.3% | 45.1% |
| TOTAL USU | 1,417 | \$364,328,069 | 1,329 | \$375,934,164 | -6.2% | 3.2% |
| Weber State University | | | | | | |
| Research | 48 | \$4,136,680 | 41 | \$8,286,773 | -14.6% | 100.3% |
| Instruction | 31 | 2,872,357 | 68 | 10,583,647 | 119.4% | 268.5% |
| Other | 100 | 74,581,589 | 70 | 13,873,752 | -30.0% | -81.4% |
| TOTAL WSU | 179 | \$81,590,626 | 179 | \$32,744,172 | 0.0% | -59.9% |
| Southern Utah University | | | | | | |
| Research | 5 | \$87,114 | 10 | \$141,441 | 100.0% | 62.4% |
| Instruction | 18 | 789,909 | 12 | 1,078,952 | -33.3% | 36.6% |
| Other | 144 | 13,775,709 | 147 | 14,065,589 | 2.1% | 2.1% |
| TOTAL SUU | 167 | \$14,652,732 | 169 | \$15,285,982 | 1.2% | 4.3% |
| Snow College | | | | | | |
| Research | 3 | \$44,227 | 5 | \$60,825 | 66.7% | 37.5% |
| Instruction | 9 | 2,282,982 | 9 | 853,638 | 0.0% | -62.6% |
| Other | 6 | 291,637 | 9 | 1,526,496 | 50.0% | 423.4% |
| TOTAL Snow | 18 | \$2,618,846 | 23 | \$2,440,958 | 27.8% | -6.8% |
| Utah Tech University | | | | | | |
| Research | 3 | \$57,335 | 4 | \$53,084 | 33.3% | -7.4% |
| Instruction | 0 | 0 | 3 | 27,420 | | |
| Clinical | 1 | 81,228 | 1 | 99,960 | 0.0% | 23.1% |
| Other | 42 | 4,431,668 | 44 | 3,399,803 | 4.8% | -23.3% |
| TOTAL UT | 46 | \$4,570,230 | 52 | \$3,580,267 | 13.0% | -21.7% |
| Utah Valley University | | | | | | |
| Research | 22 | \$1,126,056 | 26 | \$1,967,448 | 18.2% | 74.7% |
| Instruction | 6 | 3,187,743 | 11 | 3,790,024 | 83.3% | 18.9% |
| Other | 45 | 5,616,181 | 50 | 6,235,095 | 11.1% | 11.0% |
| TOTAL UVU | 73 | \$9,929,980 | 87 | \$11,992,567 | 19.2% | 20.8% |
| Salt Lake Community College | | | | | | |
| Research | 8 | \$316,397 | 8 | \$424,149 | 0.0% | 34.1% |
| Instruction | 11 | 1,037,527 | 24 | 1,565,836 | 118.2% | 50.9% |
| Other | 36 | 3,717,633 | 51 | 3,727,496 | 41.7% | 0.3% |
| TOTAL SLCC | 55 | \$5,071,557 | 83 | \$5,717,481 | 50.9% | 12.7% |

| Utah System of Higher Education Contracts and Grants Report | | | | | | |
|--|------------------|-----------------|------------------|-----------------|----------|---------|
| Institution | Fiscal Year 2021 | | Fiscal Year 2022 | | % Change | |
| | No. | Total \$ Amount | No. | Total \$ Amount | No. | Amount |
| Bridgerland Technical College | | | | | | |
| Research | 0 | \$0 | 2 | \$564,606 | | |
| Instruction | 5 | 229,452 | 6 | 195,942 | 20.0% | -14.6% |
| TOTAL BTC | 5 | \$229,452 | 8 | \$760,548 | 60.0% | 231.5% |
| Davis Technical College | | | | | | |
| Instruction | 3 | \$208,322 | 6 | \$1,664,562 | 100.0% | 699.0% |
| Other | 4 | 2,821,635 | 3 | 1,665,292 | -25.0% | -41.0% |
| TOTAL DTC | 7 | \$3,029,957 | 9 | \$3,329,854 | 28.6% | 9.9% |
| Dixie Technical College | | | | | | |
| Other | 2 | 237,130 | 2 | 800,700 | 0.0% | 237.7% |
| TOTAL DXTC | 2 | \$237,130 | 2 | \$800,700 | 0.0% | 237.7% |
| Mountainland Technical College | | | | | | |
| Instruction | 1 | \$157,793 | 1 | \$474,181 | 0.0% | 200.5% |
| TOTAL MTC | 1 | \$157,793 | 1 | \$474,181 | 0.0% | 200.5% |
| Ogden-Weber Technical College | | | | | | |
| Instruction | 11 | \$580,300 | 4 | \$94,000 | -63.6% | -83.8% |
| Other | 2 | 698,600 | 2 | 727,500 | 0.0% | 4.1% |
| TOTAL OWTC | 13 | \$1,278,900 | 6 | \$821,500 | -53.8% | -35.8% |
| Southwest Technical College | | | | | | |
| Instruction | 2 | \$142,258 | 0 | \$0 | -100.0% | -100.0% |
| Other | 2 | 35,505 | 0 | 0 | -100.0% | -100.0% |
| TOTAL SWTC | 4 | \$177,763 | 0 | \$0 | -100.0% | -100.0% |
| Toole Technical College | | | | | | |
| Instruction | 3 | \$602,893 | 0 | \$0 | -100.0% | -100.0% |
| Other | 2 | 769,571 | 0 | 0 | -100.0% | -100.0% |
| TOTAL TTC | 5 | \$1,372,464 | 0 | \$0 | -100.0% | -100.0% |
| Uintah Basin Technical College | | | | | | |
| Instruction | 7 | \$672,820 | 7 | \$849,026 | 0.0% | 26.2% |
| TOTAL UBTC | 7 | \$672,820 | 7 | \$849,026 | 0.0% | 26.2% |
| Total USHE | | | | | | |
| Research | 3,059 | \$786,168,053 | 2,915 | \$800,832,277 | -4.7% | 1.9% |
| Instruction | 336 | 50,163,765 | 421 | 70,828,252 | 25.3% | 41.2% |
| Clinical | 350 | 74,150,922 | 355 | 66,790,012 | 1.4% | -9.9% |
| Other | 1,187 | 220,095,409 | 1,246 | 202,740,954 | 5.0% | -7.9% |
| TOTAL USHE | 4,932 | \$1,130,578,148 | 4,937 | \$1,141,191,496 | 0.1% | 0.9% |



UTAH SYSTEM OF
HIGHER EDUCATION

MEMORANDUM

TAB K

September 14, 2022

Annual Institutional Residences Expense Report

Board Policy R207, *Institutional Residences for Colleges and Universities in the Utah System of Higher Education*, requires USHE institutions to submit an annual report summarizing the actual and budgeted expenses, as approved by the institution's respective board of trustees, for institutional residences.

The Board has asked for an annual report summarizing the actual and budgeted expenses associated with institutional residences, including maintenance costs, custodial and domestic assistance, and insurance.

This report is used to inform the Board about institutional residence expenditures and help Boards of trustees and institutions monitor and maintain appropriate internal controls, ensure that institutional residence budgets and expenses are reviewed and approved annually, and provide transparency regarding the facility's operation and maintenance costs.

The attached report summarizes each institutional residence's approved budget and expenditures for the past three fiscal years. Footnotes have been added to describe any significant change from prior years, any significant variances between the budgeted and actual expenditures, and any significant capital improvements to the residence.

Commissioner's Recommendation

This is an information item only; no action is required.

Attachment

Utah System of Higher Education
Institutional Residences Expense Report
FY 2020-2023

| | 2019-20 | | 2020-21 | | 2021-22 | | 2022-23 | | |
|-------------------|------------|------------|-----------|-----------|-----------|-----------|-----------|--------------------|----------------|
| | Budget | Actual | Budget | Actual | Budget | Actual | Budget | Source of Funds | Square Footage |
| UofU | \$ 71,400 | \$ 62,549 | \$ 76,350 | \$ 61,705 | \$ 79,800 | \$ 68,338 | \$ 85,400 | Discretionary | 8,807 |
| USU | \$ 72,000 | \$ 99,079 | \$ 72,000 | \$ 36,988 | \$ 72,000 | \$ 36,772 | \$ 72,000 | E&G | 12,403 |
| WSU ¹ | \$ 28,300 | \$ 22,780 | \$ 29,150 | \$ 22,166 | \$ 29,200 | \$ 22,168 | \$ 29,200 | E&G | - |
| SUU ² | \$ 490,500 | \$ 589,159 | \$ 6,300 | \$ 6,303 | \$ 21,900 | \$ 6,986 | \$ 12,300 | E&G, Discretionary | 6,692 |
| Snow | \$ 59,052 | \$ 83,051 | \$ 11,400 | \$ 14,819 | \$ 11,400 | \$ 12,488 | \$ 11,400 | E&G, Discretionary | 6,128 |
| UT | \$ 23,500 | \$ 18,636 | \$ 27,500 | \$ 38,221 | \$ 42,000 | \$ 26,230 | \$ 52,500 | E&G, Auxiliary | 5,246 |
| UVU ¹ | \$ 21,300 | \$ 21,300 | \$ 21,300 | \$ 21,300 | \$ 21,300 | \$ 36,000 | \$ 48,000 | E&G | - |
| SLCC ¹ | \$ 21,300 | \$ 21,300 | \$ 21,300 | \$ 21,300 | \$ 21,300 | \$ 21,300 | \$ 21,300 | Discretionary | - |

Board Policy R207 provides for institutional coverage of expenses for maintenance, repair, utilities, insurance, and domestic assistance serving institutional purposes. Policy requires annual reports for the previous year's actual expenses and the current year's budget, as summarized in the table above.

¹WSU, UVU, SLCC - amounts reflect housing allowance and institutional functions.

²SUU - remodel of newly purchased home during FY19 and FY20 with \$320,000 for construction and \$130,000 for landscaping using discretionary funds; remodel of current residence to Child & Family Development Center funded from private donations. Minimal costs for FY21 as home remodel was completed in FY20.

Technical Colleges do not have institutional residences nor do Presidents receive a housing allowance.



UTAH SYSTEM OF
HIGHER EDUCATION

MEMORANDUM

TAB L

September 14, 2022

Annual Report on Foreign Gifts and Donations

In 2010, the Utah Legislature enacted [H.B. 114, Disclosure of Donations to Higher Education Institutions](#), which requires the Utah Board of Higher Education to report annually to the Legislature certain gifts of \$50,000 or more during the fiscal period beginning July 1 and ending on June 30.

Any donations or gifts made to USHE institutions from a foreign person or entity in the form of an endowment, scholarship, gift, donation, or grant of money or property of any kind that is \$50,000 or more in a given year, must be reported to the Legislature. The \$50,000 is increased to \$250,000 or more if the gift is from a permanent resident of the United States, as defined by section 245 of the [Immigration and Nationality Act](#), who has been a resident for ten years or more.

As per Board Policy [R545, Disclosure of Foreign Donations](#), all higher education institutions have reported to the Office of the Commissioner on foreign donations or gifts received. For the 2021-22 fiscal year, only the University of Utah and Utah State University have reportable donations to disclose.

The report shows the University of Utah and Utah State University received \$1,100,640 in foreign donations; no other USHE institution received a foreign donation that fit the statutory requirements.

| Institution | Foreign Donations FY 2021-22 |
|-----------------------|------------------------------|
| University of Utah | \$1,042,680 |
| Utah State University | \$57,960 |
| System Total | \$1,100,640 |

Commissioner's Recommendations

This is an information item only; no action is required.

| University of Utah | | | | | |
|-----------------------------------|---|---------------|------------------------|--|---|
| Name of Foreign Person/Individual | Country of Citizenship or Principal Residence | Date Received | \$ Amount of Each Gift | Aggregate \$ Amount per Foreign Person | If a Gift is Conditional - Describe Conditions/Restrictions |
| | | | | | |
| Jou, M.J. | Taiwan | 1/2/2021 | 50,000 | 50,000 | |
| Garret, Jean | Brazil | 1/2/2021 | 82,680 | 82,680 | |
| Kim, Yong | Korea, Republic of | 1/2/2021 | 200,000 | 200,000 | |
| Lassonde, Janelle | Canada | 1/2/2021 | 325,000 | 325,000 | |
| Lassonde, Pierre | Canada | 1/2/2021 | 325,000 | 325,000 | |
| Garver, Patrick | Canada | 1/2/2021 | 60,000 | 60,000 | |
| | | | | | |
| | University of Utah Total | | 1,042,680 | 1,042,680 | |

| Utah State University | | | | | |
|-----------------------------------|---|---------------|------------------------|--|---|
| Name of Foreign Person/Individual | Country of Citizenship or Principal Residence | Date Received | \$ Amount of Each Gift | Aggregate \$ Amount per Foreign Person | If a Gift is Conditional - Describe Conditions/Restrictions |
| | | | | | |
| Benevity Community Impact Fund | Canada | 07/09/2021 | 200 | | School of Teacher Education & Leadership (TEAL) |
| Benevity Community Impact Fund | Canada | 08/05/2021 | 180 | | Big Blue Scholarship Fund |
| Benevity Community Impact Fund | Canada | 08/05/2021 | 20 | | Computer Science |
| Benevity Community Impact Fund | Canada | 08/05/2021 | 20 | | Nutrition Dietetics & Food Sciences |
| Benevity Community Impact Fund | Canada | 08/05/2021 | 200 | | College of Engineering |
| Benevity Community Impact Fund | Canada | 08/05/2021 | 20 | | Animal Dairy and Veterinary Science |
| Benevity Community Impact Fund | Canada | 08/05/2021 | 100 | | Engineers Without Borders |
| Benevity Community Impact Fund | Canada | 08/05/2021 | 122 | | Utah State University |
| Benevity Community Impact Fund | Canada | 09/10/2021 | 20 | | Animal Dairy and Veterinary Science |
| Benevity Community Impact Fund | Canada | 09/10/2021 | 9,000 | | Swaner EcoCenter |
| Benevity Community Impact Fund | Canada | 09/10/2021 | 200 | | College of Engineering |
| Benevity Community Impact Fund | Canada | 09/10/2021 | 20 | | Computer Science |
| Benevity Community Impact Fund | Canada | 09/10/2021 | 20 | | Nutrition Dietetics & Food Sciences |
| Benevity Community Impact Fund | Canada | 09/10/2021 | 200 | | Engineers Without Borders |
| Benevity Community Impact Fund | Canada | 09/10/2021 | 366 | | Utah State University |
| Benevity Community Impact Fund | Canada | 10/07/2021 | 20 | | Animal Dairy and Veterinary Science |
| Benevity Community Impact Fund | Canada | 10/07/2021 | 200 | | College of Engineering |
| Benevity Community Impact Fund | Canada | 10/07/2021 | 100 | | Engineers Without Borders |
| Benevity Community Impact Fund | Canada | 10/07/2021 | 20 | | Computer Science |
| Benevity Community Impact Fund | Canada | 10/07/2021 | 20 | | Nutrition Dietetics & Food Sciences |
| Benevity Community Impact Fund | Canada | 10/07/2021 | 96 | | Rickert-Areno Engineering Scholarship |
| Benevity Community Impact Fund | Canada | 10/07/2021 | 222 | | Utah State University |
| Benevity Community Impact Fund | Canada | 11/11/2021 | 96 | | Rickert-Areno Engineering Scholarship |
| Benevity Community Impact Fund | Canada | 11/11/2021 | 200 | | College of Engineering |
| Benevity Community Impact Fund | Canada | 11/11/2021 | 20 | | Nutrition Dietetics & Food Sciences |
| Benevity Community Impact Fund | Canada | 11/11/2021 | 20 | | Computer Science |
| Benevity Community Impact Fund | Canada | 11/11/2021 | 20 | | Animal Dairy and Veterinary Science |
| Benevity Community Impact Fund | Canada | 11/11/2021 | 583 | | School of Teacher Education & Leadership (TEAL) |
| Benevity Community Impact Fund | Canada | 11/11/2021 | 225 | | Utah State University |
| Benevity Community Impact Fund | Canada | 12/13/2021 | 486 | | Natalie P. Andrews & Christopher Chaves e Silva Endowed Scholarship |
| Benevity Community Impact Fund | Canada | 12/13/2021 | 50 | | John & Dorothy Crockett Endowment |
| Benevity Community Impact Fund | Canada | 12/13/2021 | 150 | | Andrea Watts Saxton Make It All Better Scholarship Endowment |
| Benevity Community Impact Fund | Canada | 12/13/2021 | 100 | | Humanities & Social Sciences |
| Benevity Community Impact Fund | Canada | 12/13/2021 | 20 | | Animal Dairy and Veterinary Science |
| Benevity Community Impact Fund | Canada | 12/13/2021 | 300 | | College of Engineering |
| Benevity Community Impact Fund | Canada | 12/13/2021 | 96 | | Rickert-Areno Engineering Scholarship |
| Benevity Community Impact Fund | Canada | 12/13/2021 | 20 | | Nutrition Dietetics & Food Sciences |
| Benevity Community Impact Fund | Canada | 12/13/2021 | 1,009 | | Computer Science |
| Benevity Community Impact Fund | Canada | 12/13/2021 | 347 | | Utah State University |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 400 | | Student Emergency Hardship Fund |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 525 | | Huntsman Alumni Scholarship |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 20 | | Computer Science |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 20 | | Nutrition Dietetics & Food Sciences |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 200 | | Rex Leroy Hurst Endowment |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 20 | | Animal Dairy and Veterinary Science |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 3,000 | | Football |

| Utah State University | | | | | |
|-----------------------------------|---|---------------|------------------------|--|---|
| Name of Foreign Person/Individual | Country of Citizenship or Principal Residence | Date Received | \$ Amount of Each Gift | Aggregate \$ Amount per Foreign Person | If a Gift is Conditional - Describe Conditions/Restrictions |
| | | | | | |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 96 | | Rickert-Areno Engineering Scholarship |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 600 | | Aggies Unlimited |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 200 | | Computer Science Scholarship |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 192 | | Mathematics & Statistics Scholarship |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 150 | | STEM Initiative |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 100 | | Vicki Hurst Allan Endowed Scholarship in Computer Science |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 100 | | Stephen J. Allan Endowed Scholarship in Computer Science |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 950 | | College of Engineering |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 1,700 | | College of Engineering Scholarship |
| Benevity Community Impact Fund | Canada | 01/11/2022 | 2,117 | | Utah State University |
| Benevity Community Impact Fund | Canada | 02/11/2022 | 8,619 | | Evans Family Scholarship Endowment |
| Benevity Community Impact Fund | Canada | 02/11/2022 | 75 | | F. Ross & Mary Kay Peterson Scholarship |
| Benevity Community Impact Fund | Canada | 02/11/2022 | 5,000 | | Shane & Jennifer Lowe Student-Athlete Scholarship |
| Benevity Community Impact Fund | Canada | 02/11/2022 | 97 | | USU General Scholarships |
| Benevity Community Impact Fund | Canada | 02/11/2022 | 5,000 | | Ann Shallcross Johnson Scholarship |
| Benevity Community Impact Fund | Canada | 02/11/2022 | 145 | | Aimee Leaming Wilson "Be Kind" Scholarship Endowment |
| Benevity Community Impact Fund | Canada | 02/11/2022 | 97 | | Communicative Disorders & Deaf Education |
| Benevity Community Impact Fund | Canada | 02/11/2022 | 1,700 | | Tessa & Kevin White Family Scholarship Endowment |
| Benevity Community Impact Fund | Canada | 02/11/2022 | 20 | | Animal Dairy and Veterinary Science |
| Benevity Community Impact Fund | Canada | 02/11/2022 | 96 | | Rickert-Areno Engineering Scholarship |
| Benevity Community Impact Fund | Canada | 02/11/2022 | 20 | | Nutrition Dietetics & Food Sciences |
| Benevity Community Impact Fund | Canada | 02/11/2022 | 20 | | Computer Science |
| Benevity Community Impact Fund | Canada | 02/11/2022 | 192 | | IOPG Intern Travel |
| Benevity Community Impact Fund | Canada | 02/11/2022 | 200 | | College of Engineering |
| Benevity Community Impact Fund | Canada | 02/11/2022 | 1,139 | | Utah State University |
| Benevity Community Impact Fund | Canada | 03/11/2022 | 150 | | F. Ross & Mary Kay Peterson Scholarship |
| Benevity Community Impact Fund | Canada | 03/11/2022 | 67 | | Humanities & Social Sciences |
| Benevity Community Impact Fund | Canada | 03/11/2022 | 14 | | USU General Scholarships |
| Benevity Community Impact Fund | Canada | 03/11/2022 | 20 | | Animal Dairy and Veterinary Science |
| Benevity Community Impact Fund | Canada | 03/11/2022 | 96 | | Rickert-Areno Engineering Scholarship |
| Benevity Community Impact Fund | Canada | 03/11/2022 | 20 | | Computer Science |
| Benevity Community Impact Fund | Canada | 03/11/2022 | 20 | | Nutrition Dietetics & Food Sciences |
| Benevity Community Impact Fund | Canada | 03/11/2022 | 25 | | Women's Basketball |
| Benevity Community Impact Fund | Canada | 03/11/2022 | 450 | | College of Engineering |
| Benevity Community Impact Fund | Canada | 03/11/2022 | 778 | | Utah State University |
| Benevity Community Impact Fund | Canada | 03/30/2022 | 75 | | F. Ross & Mary Kay Peterson Scholarship |
| Benevity Community Impact Fund | Canada | 03/30/2022 | 20 | | Computer Science |
| Benevity Community Impact Fund | Canada | 03/30/2022 | 20 | | Nutrition Dietetics & Food Sciences |
| Benevity Community Impact Fund | Canada | 03/30/2022 | 20 | | Animal Dairy and Veterinary Science |
| Benevity Community Impact Fund | Canada | 03/30/2022 | 192 | | Rickert-Areno Engineering Scholarship |
| Benevity Community Impact Fund | Canada | 03/30/2022 | 25 | | Women's Basketball |
| Benevity Community Impact Fund | Canada | 03/30/2022 | 200 | | Mitch & Leslie Butikofer Scholarship |
| Benevity Community Impact Fund | Canada | 03/30/2022 | 257 | | Utah State University |
| Benevity Community Impact Fund | Canada | 04/12/2022 | 10 | | Nutrition Dietetics & Food Sciences |
| Benevity Community Impact Fund | Canada | 04/12/2022 | 10 | | Computer Science |
| Benevity Community Impact Fund | Canada | 04/12/2022 | 10 | | Animal Dairy and Veterinary Science |

| Utah State University | | | | | |
|---------------------------------------|---|---------------|------------------------|--|---|
| Name of Foreign Person/Individual | Country of Citizenship or Principal Residence | Date Received | \$ Amount of Each Gift | Aggregate \$ Amount per Foreign Person | If a Gift is Conditional - Describe Conditions/Restrictions |
| | | | | | |
| Benevity Community Impact Fund | Canada | 04/22/2022 | 10 | | Animal Dairy and Veterinary Science |
| Benevity Community Impact Fund | Canada | 04/22/2022 | 10 | | Computer Science |
| Benevity Community Impact Fund | Canada | 04/22/2022 | 10 | | Nutrition Dietetics & Food Sciences |
| Benevity Community Impact Fund | Canada | 05/10/2022 | 75 | | F. Ross & Mary Kay Peterson Scholarship |
| Benevity Community Impact Fund | Canada | 05/10/2022 | 100 | | Big Blue Scholarship Fund |
| Benevity Community Impact Fund | Canada | 05/10/2022 | 24 | | Statewide Campuses |
| Benevity Community Impact Fund | Canada | 05/10/2022 | 192 | | Rickert-Areno Engineering Scholarship |
| Benevity Community Impact Fund | Canada | 05/10/2022 | 400 | | Jon M. Huntsman School of Business |
| Benevity Community Impact Fund | Canada | 05/10/2022 | 37 | | Women's Basketball |
| Benevity Community Impact Fund | Canada | 05/10/2022 | 200 | | Mitch & Leslie Butikofer Scholarship |
| Benevity Community Impact Fund | Canada | 05/10/2022 | 443 | | Utah State University |
| Benevity Community Impact Fund | Canada | 06/03/2022 | 2 | | Utah State University |
| Benevity Community Impact Fund | Canada | 06/09/2022 | 75 | | F. Ross & Mary Kay Peterson Scholarship |
| Benevity Community Impact Fund | Canada | 06/09/2022 | 10 | | Student Emergency Hardship Fund |
| Benevity Community Impact Fund | Canada | 06/09/2022 | 50 | | Mitch & Leslie Butikofer Scholarship |
| Benevity Community Impact Fund | Canada | 06/09/2022 | 3,958 | | Aggies Unlimited |
| Benevity Community Impact Fund | Canada | 06/09/2022 | 495 | | Merlin Olsen Fund for Football Competitive Excellence |
| Benevity Community Impact Fund | Canada | 06/09/2022 | 495 | | Wayne Estes Fund |
| Benevity Community Impact Fund | Canada | 06/09/2022 | 20 | | Computer Science |
| Benevity Community Impact Fund | Canada | 06/09/2022 | 20 | | Nutrition Dietetics & Food Sciences |
| Benevity Community Impact Fund | Canada | 06/09/2022 | 75 | | Women's Basketball |
| Benevity Community Impact Fund | Canada | 06/09/2022 | 20 | | Animal Dairy and Veterinary Science |
| Benevity Community Impact Fund | Canada | 06/09/2022 | 77 | | Utah State University |
| Benevity Community Impact Fund | Canada | 06/09/2022 | 97 | | School of Teacher Education & Leadership (TEAL) |
| Benevity Community Impact Fund | Canada | 06/30/2022 | 75 | | F. Ross & Mary Kay Peterson Scholarship |
| Benevity Community Impact Fund | Canada | 06/30/2022 | 20 | | Computer Science |
| Benevity Community Impact Fund | Canada | 06/30/2022 | 20 | | Nutrition Dietetics & Food Sciences |
| Benevity Community Impact Fund | Canada | 06/30/2022 | 20 | | Animal Dairy and Veterinary Science |
| Benevity Community Impact Fund | Canada | 06/30/2022 | 97 | | School of Teacher Education & Leadership (TEAL) |
| Benevity Community Impact Fund | Canada | 06/30/2022 | 50 | | Women's Basketball |
| Benevity Community Impact Fund | Canada | 06/30/2022 | 387 | 57,960 | Utah State University |
| | | | | | |
| | Utah State University Total | | 57,960 | 57,960 | |
| | | | | | |
| Utah System of Higher Education Total | | | 1,100,640 | 1,100,640 | |



UTAH SYSTEM OF
HIGHER EDUCATION

MEMORANDUM

TAB M

September 14, 2022

Utah State University – Blanding Property Acquisition

Board Policy R703, *Acquisition of Real Property*, requires the institutions of higher education to inform the Utah Board of Higher Education of the acquisition of institutional property valued at less than \$1,500,000. Utah State University (USU) is informing the Board of the acquisition of 1.43 acres and a 10-foot strip of land between the 1.43 acres and the USU Blanding Technical Education Building. It was necessary to acquire the 10-foot strip from the city of Blanding to join the two properties successfully.

USU offered the fair market appraised value of \$60,000 to acquire the 1.43 acres with the condition that USU acquire the 10-foot strip from the city of Blanding in exchange for a long-term easement. Utah State University Board of Trustees approved the acquisition on December 3, 2021.

Commissioner's Recommendations

This is an information item only; no action is required.

Attachment



August 18, 2022

Commissioner Dave Woolstenhulme
Utah State Board of Regents
Board of Regents Building The Gateway
60 South 400 West
Salt Lake City, Utah 84101-1284

Subject: Real Property Acquisitions

Dear Commissioner Woolstenhulme:

Following Board of Regents policy R703, Acquisition of Real Property, Utah State University desires to report the acquisition of two parcels of unimproved land located at approximately 860 South and 200 West in Blanding, Utah. The properties are 1.43 acres and a 10-foot strip between the 1.43 acres and the USU Blanding Technical Education Building property as shown in Exhibit A. To successfully join the two properties, it was necessary for USU to acquire the 10-foot strip from Blanding City in exchange for a long-term easement granted to the City for future storm drainage.

USU offered the fair market appraised value of \$60,000 to acquire the 1.43 acres. Acquisition of the property allows the Trucking Program to expand the driving practice course and provide necessary parking and storage space for vehicles and equipment. The source of funding was funds available through Tech Education.

The Utah State University Board of Trustees approved the acquisition of the 1.43 acres with the condition that USU acquire the 10-foot strip from Blanding City in exchange for a long-term easement in the December 3, 2021, meeting. Acquisition of the 10-foot strip will be finalized after the 1.43 acre purchase has been recorded.

We appreciate your support and request that this item be reported to the Finance and Facilities Committee during the September meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'David T. Cowley'.

David T. Cowley
Vice President for Finance & Administrative Services

cc: Juliette Tennert, Chief Financial Officer
Malin Francis, Director of Facilities & Planning
Noelle E. Cockett, President

EXHIBIT A





UTAH SYSTEM OF
HIGHER EDUCATION

MEMORANDUM

TAB N

September 14, 2022

UHEAA and my529

The Utah State Legislature passed S.B. 172 – Higher Education Student Assistance Amendments – during its 2022 General Session. Section 6 of the bill enacts new statutory language in 53B-12-109(2) that requires the Utah Higher Education Assistance Authority (“UHEAA”) Board of Directors to, “no later than November 1, 2022, prepare a written analysis and recommendations” for the following items:

1. The most efficient way to discontinue any authority loan servicing and administration.
2. Actions the authority will take to discontinue participation in federal programs guaranteeing, reinsuring, or otherwise supporting loans for postsecondary educational purposes.
3. A complete accounting of remaining authority assets, real property, outstanding bonds, and other obligations.
4. Efforts the board of directors is taking and will take toward the dissolution of the authority.
5. Recommendations for reorganizing the board of directors for purposes of administering the Utah Educational Savings Plan.

Commissioner’s Recommendation

This is a discussion item only; no action is required.

Attachments

Background

The Utah State Legislature passed S.B. 172 – Higher Education Student Assistance Amendments -- during its 2022 General Session. Section 6 of the bill enacts new statutory language in 53B-12-109(2) that requires the Utah Higher Education Assistance Authority (“UHEAA”) Board of Directors to, “no later than November 1, 2022, prepare a written analysis and recommendations” for the following items:

1. The most efficient way to discontinue any authority loan servicing and administration;
2. Actions the authority will take to discontinue participation in federal programs guaranteeing, reinsuring or otherwise supporting loans for postsecondary educational purposes;
3. A complete accounting of remaining authority assets, real property, outstanding bonds and other obligations;
4. Efforts the board of directors is taking and will take toward the dissolution of the authority; and
5. Recommendations for reorganizing the board of directors for purposes of administering the Utah Educational Savings Plan.

Efforts in each of these areas are well underway, and the remainder of this report details the status and future requirements to successfully complete the dissolution of the Utah Higher Education Assistance Authority (“UHEAA”) and the subsequent board reorganization in order to administer the Utah Educational Savings Plan (“UESP”) doing business as my529.

Area 1: Most efficient way to discontinue any authority loan servicing and administration

At the time this legislation was enacted, UHEAA was administering three loan-servicing programs; two that were part of the Federal Family Education Loan Program (“FFELP”); and Complete Student Loans (“CSL”), for private loans underwritten by UHEAA made to Utah residents for high-cost degree programs.

A. FFELP Loans.

The first FFELP program, the “Legacy” loan portfolio, included loans UHEAA originally serviced for Utah residents originated before 2010. The second FFELP program, the “Purchased” loan portfolio, included loans purchased from other servicers.

On March 30, 2022, UHEAA closed the sale of both the Legacy and Purchased loan portfolios. In June 2022, UHEAA transferred the net proceeds from the sale of the portfolios to the Office of the Commissioner of Higher Education (“OCHE”) to capitalize the Higher Education Student Success Endowment.

UHEAA is no longer servicing or administering any FFELP loans. However, it is important to understand that UHEAA has two ongoing commitments that will extend beyond its dissolution.

1. Two-year Warranty for Purchasers of the FFELP Loan Portfolios.

UHEAA is responsible for a two-year warranty covering purchasers of the FFELP loan portfolio. The warranty period expires on March 30, 2024. During the warranty period, UHEAA is required to make the loan purchaser whole for any prior loan servicing errors that UHEAA may have committed. Examples of

errors include but are not limited to: any action that invalidates the federal loan guaranty, misapplied interest rates and/or incorrect payment calculations.

The reimbursement to the purchaser could be full reimbursement of the loan principal or a small adjustment to interest paid. Through August 31, 2022, UHEAA has paid a total of \$162,884 on 145 disputed loans. Before paying a claim, UHEAA researches the loan to verify it is a legitimate warranty claim. The number of warranty claims is expected to be very low during the second year of the warranty, but after the dissolution of UHEAA, OCHE will still need to research and pay claims until the warranty period expires. UHEAA will implement a process for servicing these claims prior to its complete dissolution.

2. Records Retention Obligation

UHEAA has a five-year records retention requirement for all records created prior to March 30, 2022. This obligation ends March 30, 2027. Beginning September 30, 2022, UHEAA has contracted with the Pennsylvania Higher Education Assistance Authority (“PHEAA”) to use the PHEAA system to service the FFELP loans and hold all of the FFELP loan records on its systems. PHEAA will retain the records for two years. At the end of the two years, OCHE could contract with PHEAA to continue retention of the records for an additional three years (estimated at \$350,000 per year), or could explore another option such as converting the data to a SQL Database and storing the records on a local server. Accessing and pulling the information from that database, if required, will be problematic because employees with that expertise will have been terminated.

UHEAA will make a final record retention recommendation to OCHE prior to its closing date.

B. CSL.

UHEAA sold the CSL portfolio to the Kentucky Higher Education Student Loan Corporation (“KHESLC”) on September 1, 2022. All records were transferred to KHESLC. The sale agreement did not include a warranty period and no record retention obligation exists. Thus, UHEAA has no further obligations for these loans.

Area 2. Actions the authority will take to discontinue participation in federal programs guaranteeing, reinsuring or otherwise supporting loans for postsecondary educational purposes

On June 2, 2022, the Department of Education designated Educational Credit Management Corporation (“ECMC”) as the successor guarantor for UHEAA and the State of Utah. The transition date is targeted for March 1, 2023. Like the FFELP loan servicing programs, UHEAA contracted with PHEAA to use its loan guarantee systems. As a result, PHEAA is an important player in the transition because it holds all of the records for the guarantee program.

ECMC, PHEAA and UHEAA hold weekly transition update calls. All parties have committed to meeting the timeline in the project plan.

All current and archived data, even for inactive loans, will transition to the ECMC system.

UHEAA has a 60-day window to assist ECMC after the actual transition date but will have no additional commitments or obligations after that window closes.

Area 3. A complete accounting of remaining authority assets, real property, outstanding bonds and other obligations

Attached, as Exhibit A, is a UHEAA Statement of Net Position as of June 30, 2022. It provides a full accounting of all assets and liabilities as of that date.

As noted in the exhibit, UHEAA transferred any real property on its books to OCHE in August 2022. All bonds, notes and other significant financial liabilities are extinguished.

As discussed above, two obligations will extend beyond June 30, 2023: 1) the warranty period for the FFELP loan portfolio that ends on March 31, 2024; and 2) an ongoing records retention obligation through March 31, 2027. Contractually, PHEAA will cover two years of the records retention requirement beginning in October 2022. The remaining two and one-half years could be covered by extending the contract with PHEAA, or hosting the records locally in an archived form.

Area 4. Efforts the board of directors is taking and will take toward the dissolution of the authority

UHEAA has actively reduced its workforce. As of August 31, 2022, only 11 employees remain at UHEAA. On December 31, 2022, there will be a reduction in force of one employee. An additional five employees will leave on May 1, 2023. All but two accounting personnel will terminate on June 30, 2023. The remaining accounting personnel will complete the financial audit through September 30, 2023.

All accounting activity was combined into one financial statement for fiscal year 2023. The June 30, 2023, audited financials will be the final audited financials for UHEAA. All remaining assets and liabilities will transfer to OCHE by June 30, 2023. Any remaining payments for warranty claims or other bills will be paid by OCHE.

The UHEAA Board of Directors will coordinate with OCHE to modify or sunset relevant portions of the Utah Code including Title 53B Chapters 10, 11, 12, and 13.

Area 5. Recommendations for reorganizing the board of directors for purposes of administering the Utah Educational Savings Plan

A subcommittee of the UHEAA Board of Directors including Arthur Newell and Lori Chillingworth from the board, Palmer DePaulis as a public member, Juliette Tennert from OCHE staff, and Troy Runnells, Camille Anthony and Richard Ellis from my529 staff met to discuss reorganization of the board. Andrea Feirstein from AKF Consulting, who works with 529 plans across the country, joined one of the meetings. Andrea provided data on the main governance structures used in the industry and was available to answer questions of the subcommittee members.

The subcommittee looked at four different governance models.

1. my529 reporting through the Utah Board of Higher Education ("UBHE") Finance and Facilities Committee and ultimately to the UBHE.

2. An independent board appointed by UBHE or set in statute that has full authority to administer the my529 program.
3. Establishing my529 as an independent state office similar to Utah Retirement Systems, State Institutional Trust Lands Administration or State Institutional Trust Fund Office, all of which administer trusts.
4. Moving my529 to the state treasurer's office.

While the subcommittee determined options three and four were not viable, the members had a robust discussion around options one and two. The discussion centered on two main questions: 1) How best to allocate the fiduciary duties associated with oversight of my529?; and 2) What is the UBHE oversight role?

Based on input from the subcommittee, the UHEAA Board of Directors makes the following recommendations to provide proper fiduciary oversight of my529 and other financial assistance programs.

Statutory Changes

1. Create a new Utah Education Assistance Board of Trustees ("UEAB") to act as trustees for the Utah Educational Savings Plan Trust (dba my529) [53B8a-105 – new] and to be administratively attached to the Utah System of Higher Education. [53B-8a-105 - new]
2. The Utah Board of Higher Education (UBHE) shall appoint a UEAB board of trustees, and designate its chair. [53B8a-105 – new]
3. The UEAB shall consist of seven trustees (members) appointed by the UBHE. [53B8a-105 – new]
 - a. Not more than three of whom may be members of the UBHE.
 - b. Not less than four of whom are public members possessing skills in investments, accounting, finance, banking, education, technology or financial operations.
 - c. UEAB members serve at the pleasure of the UBHE.
4. The UAEB powers and duties shall include:
 - a. Act as trustees for the Utah Educational Saving Plan Trust
 - b. Carry out and effectuate the purposes, objectives and provisions pertaining to the plan (53B-8a); [53B-8a-105 – existing]
 - c. Act as a fiduciary with a [53B-8a-105 – new]
 - i. duty of care to act solely in the best interest of my529's account owners and beneficiaries;
 - ii. a duty of loyalty putting the entity's interest ahead of personal or other interests;
 - iii. and to invest with the care, skill, prudence and diligence that a prudent person would use
 - d. Make policies governing the administration of the plan; [53B-8a-105 – existing]
 - e. Amend policies related to board governance; [53B-8a-105 – new]
 - f. Approve an annual budget; [53B-8a-105 – new]
 - g. Approve fees, fee changes and charges levied by the plan; [53B-8a-105 – new]
 - h. Approve investment managers and changes to investment options; [53B-8a-105]

- i. Receive reports on the financial status, audits, cybersecurity and operations of the plan; [53B-8a-105 – new]
- j. The UEAB may appoint advisory committees to aid it in fulfilling its duties and responsibilities; and [53B-8a-105 – existing]
- k. Report annually to the Legislature’s Education Interim Committee.
- l. All UEAB meetings shall be open to the public, except those meetings or portions of meetings that are closed as authorized by Sections 52-4-204 and 52-4-205, including to discuss fiduciary or commercial information. [53B-8a-105 – transferred]
 - i. Include definition of “fiduciary or commercial information discussions” [53B-8a-105 – transfer from 53B-12-102]

Polices, Rules and Bylaw Changes

R601, Board of Trustees of the Utah Higher Education Assistance Authority will require significant modification. Many sections may be deleted. A few items that should be retained or adjusted include:

1. UEAB Trustees and the Chair of the trustees are appointed by the UBHE Chair with the consent of the UBHE Executive Committee.
 - a. The chair shall consider recommendations for public trustees from
 - i. UBHE board members;
 - ii. UEAB trustees; and
 - iii. The my529 executive director.
2. UBHE members serving as UEAB trustees serve at the pleasure and direction of the UBHE Chair
3. Public member trustees:
 - a. Serve four-year terms;
 - b. May not serve more than two consecutive four-year terms unless they are appointed to fill a mid-term vacancy; and
 - c. Serve until a successor is appointed.
4. The UBHE board with input from the UEAB shall establish policies and procedures for selecting and appointing the my529 executive director.
5. The UEAB shall report, through my529’s executive director, to the UBHE Finance and Facilities committee, and to the UBHE board as a whole annually or as requested.
 - a. Items to report to the UBHE include:
 - i. Budget approved by the UEAB;
 - ii. Administrative fee changes;
 - iii. Changes to investment options;
 - iv. Addition or deletion of investment managers;
 - v. Audit findings
6. The UEAB may oversee other financial assistance programs as requested by the UBHE.

R602, Bylaws of the UEAB

The bylaws will also require some modification. Items to consider include:

1. Annual meeting schedule
2. Quorum for conducting business
3. Officers of the UEAB
4. Required standing committees
 - a. Audit committee to oversee the annual financial audit, internal audit and risk management, including cybersecurity.
 - b. Other standing committees

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EXHIBIT A

UTAH HIGHER EDUCATION ASSISTANCE AUTHORITY

Statement of Net Position

June 30, 2022

ASSETS

| | | |
|---|--------------------|--|
| Cash and cash equivalents | | |
| Investments in PTIF and checking accounts | 10,661,699 | UHEAA Asset - Guarantee Program - Agency Operating Fund |
| Investments in PTIF and checking accounts | 52,798,687 | U.S. Treasury Asset - Guarantee Program - Federal Reserve Fund |
| Investments in PTIF and checking accounts | 19,751,322 | UHEAA Asset - Loan Purchase Program - Legacy Fund |
| Total cash and cash equivalents | <u>83,211,708</u> | |
| Receivables | | |
| Account maintenance fee | 99,399 | |
| Reinsurance of defaulted loans | 6,547,133 | |
| Student loans | 1,982,691 | Sold September 2022 - Complete Student Loans |
| Interest - student loans | 17,006 | Sold September 2022 - Complete Student Loans |
| Other receivables | 116,572 | |
| Total receivables | <u>8,762,801</u> | |
| Prepaid expenses | | |
| Computer software and maintenance | 163,458 | |
| Lease and parking | 1,356,276 | |
| Total prepaid expenses | <u>1,519,734</u> | |
| Capital Assets, net | | |
| Building | 6,510,822 | Transferred to OCHE - August 2022 |
| Computer equipment | 67,015 | |
| Total capital assets, net | <u>6,577,837</u> | |
| TOTAL ASSETS | <u>100,072,080</u> | |

DEFERRED OUTFLOWS OF RESOURCES

| | |
|--------------------------------------|----------------|
| Deferred pension expense | 125,985 |
| TOTAL DEFERRED OUTFLOWS OF RESOURCES | <u>125,985</u> |

LIABILITIES

| | | |
|---|------------------|---|
| Accounts payable and payable to affiliates | 659,068 | |
| Compensated absences and severance liability | 765,502 | |
| Defaulted loan claims due participating lenders | 3,974,651 | Guarantee Program - Federal Reserve Fund - Government Liability |
| Defaulted loan collections due Federal Government | 203,719 | Guarantee Program - Federal Reserve Fund - Government Liability |
| Loan sale warranty liability | 984,198 | Warranty period ends March 31, 2024 |
| Net pension liability (asset) | (925,182) | |
| Other liabilities | 74,137 | |
| TOTAL LIABILITIES | <u>5,736,093</u> | |

DEFERRED INFLOWS OF RESOURCES

| | | |
|-------------------------------------|------------------|-----------------------------------|
| Deferred pension income | 1,145,306 | |
| Deferred building maintenance | 60,000 | Transferred to OCHE - August 2022 |
| TOTAL DEFERRED INFLOWS OF RESOURCES | <u>1,205,306</u> | |

NET POSITION

| | | |
|---|----------------------|---|
| Net investments in capital assets | 6,577,837 | Bulk transferred to OCHE - August 2022 |
| Restricted for Agency Operating Fund activities | 9,644,858 | UHEAA Net Position - Guarantee Program - Agency Operating Fund |
| Restricted for Federal Reserve Fund activities | 55,712,472 | U.S. Treasury Net Position - Guarantee Program - Federal Reserve Fund |
| Unrestricted | 21,321,499 | UHEAA Net Position - Loan Purchase Program - Legacy Fund |
| TOTAL NET POSITION | <u>\$ 93,256,666</u> | |