



September 16, 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 i](#)nstitutions 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

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8.3.1 The student and workforce demand for the program;

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

4.1.2 ~~H~~[H](#)~~has~~[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~~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~~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 [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~~federal 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~~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:

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	
<u>Prior to beginning of class</u>	<u>100%</u>
<u>After the 5th calendar day of the enrollment period</u>	<u>none</u>

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 Ffederal 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 Ffederal 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
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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.

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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.

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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 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](#).

~~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.

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 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.