



# BOARD OF TRUSTEES

## Executive Committee Special Meeting\* | **AGENDA**

July 15, 2019 | 7:30 am – 8:00 am

Utah System of Technical Colleges  
310 South Main St.  
Salt Lake City, UT 84101  
801-341-6000  
Via Conference Call

Call to order and roll call

Chair Steve Moore

### **ACTION ITEM:**

1. Approval of UTech Policy 209 “Institutional Civil Liberties Policy Review” [ITEM 1](#) Kim Ziebarth

### **CLOSED SESSION:**

The Executive Committee may elect to go into closed session, which will not be open to the public, pursuant to Utah Code Title 52, Chapter 4, Sections 204, 205 and 206.

### **ADJOURNMENT:**

Public Notice of Electronic Meeting Access (UCA 52-4-207 (3): This meeting will be provided with electronic meeting access via conference/speaker telephone for Board of Trustees members only by prior arrangement with the Board secretary. Utah System of Technical Colleges shall be the anchor location for public attendance.

# UTAH SYSTEM OF TECHNICAL COLLEGES



## AGENDA ITEM

### UTECH BOARD OF TRUSTEES

July 15, 2019

ITEM: 1

TOPIC: New Policy 209 "Institutional Civil Liberties Policy Review"

#### BACKGROUND

House Bill 116, "Student Civil Liberties Protection Act," sponsored by Representative Kim Coleman was passed during the 2018 General Legislative Session. The act requires each institution to undergo administrative rulemaking for any policy affecting student civil liberties. It also requires the Utah System of Technical Colleges (UTech) to establish a policy and procedure whereby a student enrolled in a UTech institution may submit a complaint to the UTech Board of Trustees alleging a policy of the institution directly affects one or more of the student's civil liberties.

The attached draft of UTech Policy 209, "Institutional Civil Liberties Policy Review," is being presented for the Board's consideration. Upon approval, the policy will become the basis for an administrative rule, which is also required. If a policy is approved in this meeting, it is estimated that the rulemaking process will become effective September 10, 2019.

#### RECOMMENDATIONS

UTech Administration recommends that the Board (1) approve Policy 209, "Institutional Civil Liberties Policy Review," as the basis for an administrative rule; and (2) authorize the Associate Commissioner, in consultation with the Commissioner, to complete the administrative rulemaking process in accordance with Title 63G-3-301 "Utah Administrative Rulemaking Act."

#### Attachments:

Draft Policy 209, "Institutional Civil Liberties Policy Review"

[House Bill 116, "Student Civil Liberties Protection Act"](#)

[Title 63G-3-301 "Utah Administrative Rulemaking Act"](#)



<b>Subject:</b>	<b>Institutional Civil Liberties Policy Review</b>
-----------------	--

### 209.1 Purpose and Authority

To establish a procedure whereby a student enrolled in a Utah System of Technical Colleges institution may submit a complaint to the Utah System of Technical Colleges Board of Trustees alleging a policy of the institution directly affects one or more of the student's civil liberties.

### 209.2 Approval

UTech Board of Trustees approval: July 15, 2019 (Pending - approval as basis for Administrative Rulemaking).  
Administrative Rulemaking (UAC R945-2): September 10, 2019 (Pending).

### 209.3 References

UCA 53B-27-303, Student Civil Liberties Protection Act: Complaint Process-Reporting

### 209.4 Definitions

**4.1 Civil Liberty:** a civil liberty enumerated in the United States Constitution or the Utah Constitution

**4.2 Board:** the Utah System of Technical Colleges Board of Trustees

### 209.5 Complaint Process

**5.1** A student enrolled in a Utah System of Technical Colleges institution may submit a complaint to the Utah System of Technical Colleges Board of Trustees (Board) alleging a policy of the institution directly affects one or more of the student's civil liberties.

**5.2** To file a complaint, a student may send a written request that identifies the policy for which a review is requested to the Office of the Commissioner of Technical Education. The Office of the Commissioner shall forward the request to the Board Chair.

**5.3** Within 30 days after the day on which the complaint has been received by the Office of the Commissioner, the Board shall evaluate the petition to determine whether the complaint is made in good faith; and

**5.3.1** if the Board determines that the complaint is made in good faith, direct the institution against which the complaint is made to initiate rulemaking proceedings for the challenged policy; or

**5.3.2** if the Board determines that the complaint is made in bad faith, dismiss the complaint.

**5.4** If the Board directs an institution to initiate rulemaking proceedings for a challenged policy in accordance with this section, the institution shall initiate rulemaking proceedings for the policy within 60 days after the day on which the direction has been given.