

## R209, Evaluation of Presidents<sup>1</sup>

**R209-1 Purpose:** The purpose of this policy is to establish procedures for the comprehensive performance evaluation of presidents in the Utah System of Higher Education. The comprehensive evaluation process will reflect the full scope of the president's duties, general institutional oversight, and provide meaningful, substantive feedback from key constituents regarding the president's efforts and areas of strength as well as areas that need improvement.

### R209-2 References

- 2.1 Utah Code § 53B-2-102, Board to Appoint President of Each Institution
- 2.2 Board Policy R208, Institutional Liaisons

### R209-3 Definitions

- 3.1 **“Key Performance Indicators”** mean indicators of progress toward the institution's and the Board of Higher Education's (“Board”) strategic plans.
- 3.2 **“Institutional Liaison”** means a Board member appointed under Board Policy R208, Institutional Liaisons, to serve as a liaison between the president and the Board.

**R209-4 Annual Key Performance Indicators:** Each year, each president shall meet with their institutional liaison(s) and executive leadership of the Board of Trustees to develop at least three key performance indicators (“performance indicators”) on which to focus that align with the Board's strategic plan.

- 4.1 Except for new presidents who shall submit their first performance indicators within the first four months of their hire date, presidents shall submit their performance indicators and progress reports to the Office of the Commissioner of Higher Education (“OCHE”) no later than October 31 of each year.
- 4.2 The performance indicators must be approved by the Board through the institutional liaison(s), and either the institutional liaison(s) or the Commissioner of Higher Education (“Commissioner”) may require the president to reconsider some or all the performance indicators.
- 4.3 Upon approval of the key performance indicators, the Commissioner will notify the president and the Board of Trustees Chair.
- 4.4 Presidents in their first year of service shall develop the performance indicators within the first three months of their hire date.
- 4.5 Beginning the year after they have first developed performance indicators, each president shall annually file a report with the Board outlining their progress on the prior year's performance indicators from September 1 of the prior year through August 31 of the current year.

**R209-5 Comprehensive Evaluation:** At least every fourth year, each president shall undergo a comprehensive evaluation of the prior three years of their performance. The evaluation will assess the president's performance of the criteria outlined in subsection 5.2 and their progress toward the key performance indicators under section R209-4. The Board will retain a qualified consultant to conduct the

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<sup>1</sup> Adopted April 26, 1977; amended July 27, 1977; May 17, 1983; September 11, 1987; July 21, 1989; November 4, 1994; November 3, 1995, April 22, 2005, April 3, 2009, April 1, 2010, March 29, 2013, March 28, 2014, February 9, 2018, May 18, 2023, ~~and~~ December 1, 2023; ~~and XXX~~.

evaluation including seeking information about the president's performance from the president, the institutional liaison(s), and relevant internal and external stakeholders which may include students, faculty, staff, administration, Trustees, donors, and/or lawmakers. Evaluations will begin in the fall of the third year and will be completed in the spring. To ensure adequate time and resources to conduct a meaningful evaluation of each president, the Board may adjust the schedules of individual presidents to provide for a relatively equal number of presidential evaluations each year. Either the Board or the president may request more frequent comprehensive evaluations, and the Board may request a follow-up to a performance evaluation at any time.

**5.1 Guidelines for Evaluation:** To make the evaluation process fair, meaningful, and effective, the comprehensive evaluation shall adhere to the following guidelines:

**5.1.1 Objectivity:** Objectivity extends to the criteria to be assessed, the use of verifiable data wherever possible, the process for completion of the evaluation, and the selection of persons who will participate in the evaluation.

**5.1.2 Clearly Defined Criteria Related to the Institution's Missions and Goals:** The criteria for evaluation must encompass an appropriate scope. The criteria shall include outcome standards that relate the actions of the president to the mission and goals of the institution as well as process criteria that describe the critical behaviors of effective leaders.

**5.1.3 Meaningful Evaluation:** Appraisal of a president's job performance should be made only by those in a position to observe that performance or who are directly impacted by the president's performance. Opinions concerning the president's performance will be limited to the president and those faculty, students, staff, and others in positions that afford them sufficient interaction with the president to make meaningful judgments.

**5.1.4 Well Planned Implementation Schedule:** The consultant shall establish a reasonable timetable for evaluation to provide an adequate period for collecting data, interviews, review, and feedback.

**5.1.5 Self-Report:** The president shall prepare a confidential self-evaluation based upon the evaluation criteria outlined in subsection 5.2 of this policy and the annual key performance indicators and shall submit the self-report to the evaluation consultant.

**5.1.6 Confidentiality:** Participants in the evaluation process shall maintain confidentiality. The consultant will assure those being interviewed that their responses will remain confidential and that only a composite of responses will be made available to the Board and the president.

**5.1.7 Interviews:** The Commissioner, the Board, the Board of Trustees, and the president may make recommendations to the consultant of relevant internal and external stakeholders the consultant should interview or seek comment from as part of the evaluation.

**5.1.8 Responsibility for Cost:** Although the Board will contract with the consultant, the president's institution shall be responsible for paying for the evaluation.

**5.2 Evaluation Criteria:** The consultant shall use the following criteria to evaluate the president's performance.

### **5.2.1 Vision, Mission, Strategic Planning, and Goals**

**5.2.1.1** The president has established a clear vision for the institution in line with its statutory mission, for the good of the System of Higher Education and tied to the Board's strategic goals, and the president understands their role in implementing that vision. The president's vision includes modeling and fostering

safety and belonging for students, staff, and faculty, closing attainment gaps for underrepresented students, and creating equal opportunity for faculty and staff.

**5.2.1.2** The president has established long-range and short-range strategic goals around the mission and vision. The president has established baseline measurements for the strategic goals and is tracking measurable outcomes to assess the institution's progress toward achieving those goals.

**5.2.1.3** The president has established strategies, tactics, benchmarks, and timelines to accomplish the strategic goals, and has effectively delegated responsibility for those goals.

**5.2.1.4** The president has clearly and effectively communicated the strategic plan and its goals to the campus community and has kept the community informed about the institution's progress made toward those goals.

**5.2.2 Campus Safety:** The president creates a safe campus environment and programs and activities in which sexual misconduct and discrimination are unacceptable. The president ensures adequate resources for campus safety, and sexual misconduct and discrimination training, prevention, and grievance processes.

**5.2.3 Belonging:** The president prioritizes belonging and fosters an optimal environment that meets each student's needs.

**5.2.4 Free Expression:** The president encourages free expression and diversity of thought.

**5.2.5 Federal and State Legal and Regulatory Compliance:** The president is aware of legal, regulatory, and grant requirements applicable to their institution and is responsible for ensuring the institution's compliance with such requirements.

## **5.2.6 Institutional Fiscal Health**

**5.2.6.1** The president oversees and ensures the institution's fiscal health, including setting budget priorities that require efficient, effective, and appropriate use of resources.

**5.2.6.2** The president establishes priorities for fiscal resources in a manner that is conducive to achieving institutional goals and objectives.

**5.2.6.3** The president evaluates fiscal and budget matters as often and rigorously as is necessary to properly oversee their budget and finance officers' performances.

## **5.2.7 Academic/Instructional Leadership and Planning**

**5.2.7.1** The president's strategic planning, priorities, and goals support the critical roles of scholarship, intellectual diversity, and academic freedom under Board Policy R481, *Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review*.

**5.2.7.2** In overseeing the institution's academic/instructional mission, the president has appropriately prioritized teaching quality and focused on students and curriculum to ensure student success.

**5.2.7.3** The president has directed their academic staff to maintain an effective academic program review procedure designed to serve as a basis for allocating staff, evaluating the quality of instruction, and implementing the institution's strategic goals.

**5.2.7.4** The president has fostered collaboration with businesses, industries, and government to identify workforce needs and adjusted program offerings to support workforce needs.

**5.2.7.5** In addition to the criteria listed in this section, the Board, in consultation with the president, may establish review criteria that is specific to the institution's mission and role, such as research, teaching, outreach, public engagement, or technical education.

## **5.2.8 Personnel**

**5.2.8.1** The president's leadership fosters a positive work environment for faculty and staff.

**5.2.8.2** The president holds their executive team members and direct reports accountable for their performance through regular performance evaluations and takes corrective action when necessary to address misconduct and further enhance the institution's effectiveness.

**5.2.8.3** The president seeks the counsel of their executive team and ensures they are focused on the institution's strategic priorities.

**5.2.8.4** The president effectively determines which issues are the proper responsibility of their executive team and which issues require the action by the president, and appropriately delegates responsibility.

~~**5.2.8.5** The president utilizes the data outlined in *Board Policy R805, Gender, Race, and Ethnicity Representation within the Utah System of Higher Education Workforce* to narrow faculty and staff representation and compensation gaps, including increasing recruitment and retention of underrepresented staff and faculty.~~

## **5.2.9 Decision Making and Problem Solving**

**5.2.9.1** The president assumes responsibility for their decisions and endeavors to fully understand issues prior to making a decision.

**5.2.9.2** The president effectively prioritizes to ensure the most important issues are adequately resourced and addressed.

**5.2.9.3** The president shows an ability to identify potential areas of conflict and proactively find solutions before problems escalate.

**5.2.9.4** The president demonstrates an understanding of how the interrelated natures of budgeting, curriculum, equity, social and political realities, group interests and pressures, and laws and regulations impact the management of the institution.

**5.2.9.5** The president initiates new ideas and embraces change when necessary to meet the institution's strategic goals and vision. The president seeks to obtain support from stakeholders and sees new ideas to completion.

## **5.2.10 External Relations and Fundraising**

**5.2.10.1** The president establishes positive relationships with the community in which the institution is located.

**5.2.10.2** The president oversees and encourages a robust alumni program.

**5.2.10.3** The president oversees a fundraising/development program that has clear goals and strategies. The president actively cultivates relationships with donors, effectively promotes the institution's vision, and shows successful fundraising efforts.

**5.2.10.4** The president successfully navigates relationships with legislators, the Governor's office, other state and federal agencies, and with other public officials on matters affecting the institution. The president shows a strong understanding of the political environment's impact on the institution and is able to properly adjust strategies in the face of those realities.

### **5.2.11 Relationship to the Institutional Board of Trustees and to the Board of Higher Education**

**5.2.11.1** The president must make progress toward System-wide priorities.

**5.2.11.2** The president provides professional leadership to the Board of Trustees.

**5.2.11.3** The president has presented a strategic plan and vision for the Board of Trustees to review and approve. The president regularly updates the Board of Trustees and Board of Higher Education about the institution's progress towards its strategic goals and seeks counsel or assistance when issues arise that may prevent the institution from reaching a goal.

**5.2.11.4** The president engages with the Board of Trustees regularly to report progress, involve the Trustees in decisions, and update the Trustees on institutional issues.

**5.2.11.5** When serious challenges for the institution arise, the president engages the Board of Trustees and the Board of Higher Education appropriately and recommends the best course of action.

**5.2.11.6** The president successfully oversees the institution's day-to-day operations and is able to carry out duties which have been or may be delegated or assigned by the Board of Higher Education or the Board of Trustees.

**5.2.12 Student Success:** The president establishes expectations and goals for themselves, faculty, and staff regarding retention, completion rates, affordability, safety and mental health, student success and well-being, and career and academic counseling.

### **5.2.13 System Impact and Collaboration**

**5.2.13.1** The president promotes collegiality among presidents in the System.

**5.2.13.2** The president collaborates with other presidents including through regional partnerships.

**5.2.13.3** The president supports the Board's strategic initiatives and seeks ways to improve the Utah System of Higher Education as a whole.

**5.2.13.4** The president informs the Commissioner and Board Chair of major institutional issues or issues that may have an impact on the Utah System of Higher Education as a whole.

## **5.3 Evaluation Report**

**5.3.1 Report Content:** The evaluation consultant shall compile information gathered during the evaluation in a confidential, written report, documenting the president's strengths and areas for future focus and improvement.

**5.3.2 Opportunity for Response:** The consultant will submit the final report to the president and the president will have an opportunity to provide a written response to the report.

**5.3.3 Review by Board of Higher Education:** The consultant shall send the final report and the president's response and self-evaluation to the Commissioner and the Commissioner shall share the report with the Board.

**5.3.4 Meeting with Commissioner and Board of Higher Education Officers:** As soon as practical, the president will meet with the Commissioner, the Board Chair and Vice-Chair, and the Chair and Vice-Chair of the Board of Trustees to review the findings and recommendations.

**5.3.5 Retention of Report in Personnel File:** A copy of the evaluation report, together with a copy of the president's self-evaluation and response to the report, will be retained as a confidential record in the president's personnel file.

**5.4 Supervision and Leadership Support:** As directed by the Board, the Commissioner shall provide supervision, guidance, and support to presidents based on comprehensive performance evaluations and annual key performance indicators. Presidents may seek leadership support and guidance from the Board as needed through the Commissioner and OCHE.

**5.5 Corrective Action:** Presidents are at will and serve at the pleasure of the Board. Due to a president's at will status, the Board may terminate a president with or without cause. However, at any point during a president's tenure, including immediately following a performance evaluation, the Board Chair and Vice-Chair have discretion to take corrective action against a president. A president may be terminated only upon approval of the Board.

**5.6 Confidentiality:** The evaluation report, including all interviews, notes, drafts, records of meetings conducted during the course of the evaluation, all recommendations and responses, are private personnel records protected from disclosure under Utah Code section 63G-2-302(2)(a).

**R209-6 Professional Development:** The Office of the Commissioner will invest in institution presidents by connecting them with and providing management and leadership resources and professional development opportunities related to the evaluation criteria outlined in subsection 5.2. These resources and opportunities may be funded by the institution(s).



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**5.6 Confidentiality:** The evaluation report, including all interviews, notes, drafts, records of meetings conducted during the course of the evaluation, all recommendations and responses, are private personnel records protected from disclosure under Utah Code section 63G-2-302(2)(a).

**R209-6 Professional Development:** The Office of the Commissioner will invest in institution presidents by connecting them with and providing management and leadership resources and professional development opportunities related to the evaluation criteria outlined in subsection 5.2. These resources and opportunities may be funded by the institution(s).

## R211, President Emeritus Designation<sup>1</sup>

**R211-1 Purpose:** ~~This policy~~ provides direction and criteria for ~~granting when the Utah Board of Higher Education (“Board”) may grant~~ a former ~~institutional~~ Utah System of Higher Education ~~institutional~~ president emeritus status.

### R211-2 References

**2.1** ~~Utah Code § 53B-12-402+03,~~ Establishment of ~~State~~ Board of Regents — Powers, Duties, and Authority.

### R211-3 Emeritus Status

**3.1 Board Designation:** The Board ~~of Regents~~ may grant a former institutional president emeritus status at its discretion or at the request of an ~~an~~ institution’s board of trustees.

**3.2 Emeritus Status:** Emeritus status is an honorary designation available to former presidents who have served the institution with honor and success, ~~and~~ who have contributed to the institution in other capacities for an extended period of time, and who meet the criteria in subsection 3.3. -A former president who receives emeritus status shall be granted the title “President Emeritus”. -The title signifies the institution’s lasting respect and gratitude. -Emeritus status, however, does not grant any authority or benefits such as salary, employment benefits, office space, tenure, or other terms of employment.

**3.3 Required Criteria for Emeritus Status:** To be eligible for emeritus status, a former president must meet the following criteria:

**3.3.1** The president was in good standing with the Board and with the institution at the time of resignation or retirement.

**3.3.2** The president served the institution as president and/or in other senior administrative capacities for a total of at least ten years.

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<sup>1</sup> Adopted May 18, 2018; amended XXX.

~~3.3.3 The president has earned tenure status at the institution.~~

~~3.3.34~~ The president has expressed ~~his or her~~their intent to effectively retire from future institutional leadership and either return to ~~the a~~ faculty position or formally retire.

**3.4 Duration of Emeritus Status:** The ~~p~~President ~~e~~Emeritus status is generally a lifetime designation. ~~The~~However, the Board ~~, however,~~ may withdraw emeritus status at its sole discretion.

~~3.4.12~~ An individual with pPresident eEmeritus status will shall not serve in an administrative capacity at the institution but may serve ~~than~~ as a faculty member. ~~-If an~~ individual with pPresident eEmeritus status is subsequently appointed to an administrative position at the institution, ~~he or she~~they will no longer be designated as pPresident eEmeritus.

## R211, President Emeritus Designation<sup>1</sup>

**R211-1 Purpose:** This policy provides direction and criteria for when the Utah Board of Higher Education (“Board”) may grant a former Utah System of Higher Education institutional president emeritus status.

### R211-2 References

**2.1** Utah Code § 53B-1-402, Establishment of Board - Powers, Duties, and Authority

### R211-3 Emeritus Status

**3.1 Board Designation:** The Board may grant a former institutional president emeritus status at its discretion or at the request of an institution’s board of trustees.

**3.2 Emeritus Status:** Emeritus status is an honorary designation available to former presidents who have served the institution with honor and success, who have contributed to the institution in other capacities for an extended period of time, and who meet the criteria in subsection 3.3. A former president who receives emeritus status shall be granted the title “President Emeritus”. The title signifies the institution’s lasting respect and gratitude. Emeritus status, however, does not grant any authority or benefits such as salary, employment benefits, office space, tenure, or other terms of employment.

**3.3 Required Criteria for Emeritus Status:** To be eligible for emeritus status, a former president must meet the following criteria:

**3.3.1** The president was in good standing with the Board and with the institution at the time of resignation or retirement.

**3.3.2** The president served the institution as president and/or in other senior administrative capacities for a total of at least ten years.

**3.3.3** The president has expressed their intent to effectively retire from future institutional leadership and either return to a faculty position or formally retire.

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<sup>1</sup> *Adopted May 18, 2018; amended XXX.*



**3.4 Duration of Emeritus Status:** The president emeritus status is generally a lifetime designation. However, the Board may withdraw emeritus status at its sole discretion.

**3.4.1** An individual with president emeritus status shall not serve in an administrative capacity at the institution but may serve as a faculty member. If an individual with president emeritus status is subsequently appointed to an administrative position at the institution, they will no longer be designated as president emeritus.

## R254, Secure Area Hearing Rooms<sup>1</sup>

**R254-1 Purpose:** To provide guidelines for ~~the establishment of institutional~~ Utah System of Higher Education (“USHE”) institutions’ policies~~ey~~ and ~~standards-procedures~~ for secure areas associated with hearing rooms ~~and dormitories~~ on ~~the campuses of the System~~.

### R254-2 References

~~2.1 Utah Code § 53B-2-106. (Duties and Responsibilities of the President)~~

~~2.2 Utah Code § 53B-1-402. §53B-3-103 (Power of the Board to Adopt Rules and Enact Regulations)~~

~~2.3 Utah Code § 53-5-704. Bureau Duties – Permit to Carry Concealed Firearm~~

~~2.4 Utah Code § 53-5-705. Temporary Permit to Carry Concealed Firearm~~

~~2.53 Utah Code §76-8-311.1. (Secure Areas—Items Prohibited—Penalty)~~

~~2.64 Utah Code Title 76, Chapter 8, Part 7. (Criminal Offenses Against Colleges and Universities)~~

~~2.75 Utah Code §76-10-306. (Explosive, Chemical, or Incendiary Device and Parts—Definitions—Persons Exempted—Penalties)~~

~~2.86 Utah Code §76-10-523.5. (Compliance with Rules for Secure Areas)~~

~~2.97 Policy and Procedures Board Policy R120, Bylaws of the State Board of Regents; §3-3-3-1. (Responsibility of Presidents) Board of Education Bylaws~~

~~2.108 Policy and Procedures Board Policy R253, Campus Discipline~~

### R254-3 Policy

**3.1 Secure Area Associated with a Hearing Room:** A USHE institution may establish a secure area to protect a hearing room as prescribed in Utah Code sSection 76-8-311.1 and prohibit or control in that area any firearm, ammunition, dangerous weapon, or explosive. ~~Only one area~~

<sup>1</sup> Approved November 8, 2002; ~~amended XXX~~.

~~at each~~ institutions shall ~~be only~~ designated ~~as one~~ secure area for the purpose of a hearing room at any given time.

**3.2 Size of Secure Area:** A secure area associated with a hearing room shall be as large as warranted by the number of individuals involved in the hearing.

**3.3 Duration of Secure Area Designation:** The restriction of firearms, ammunition, dangerous weapons, or explosives in the secure area associated with a hearing room shall be in effect only during the time the secure area hearing room is in use for hearings and for a reasonable time before and after ~~its use~~the hearing.

**3.4 Notice to Invitees:** An individual required or requested to attend a hearing in a secure area hearing room shall be notified in writing of the requirements related to entering a secured area associated with a hearing room under this rule and Utah Code sSection 76-8-311.1.

**3.5 Notice at Each Entrance:** At least one notice shall be prominently displayed at each entrance to the secure area associated with a hearing room in which a firearm, ammunition, dangerous weapon, or explosive is restricted.

**3.6 Secure Weapons Storage:** Provisions shall be made to provide a secure weapons storage area so that persons entering the secure area may store their weapons prior to entering the secure area. The institution shall be responsible for weapons while they are stored in the storage area.

**3.7 Reasonable Means to Detect Violations:** Reasonable means such as mechanical, electronic, x-ray, or similar devices may be used to detect firearms, ammunition, dangerous weapons, or explosives contained in the personal property of or on the person of any individual attempting to enter a secure area associated with a hearing room.

**3.8 Criminal Penalties:** Any person who knowingly or intentionally transports into a secure area of an institution any firearm, ammunition, or dangerous weapon is guilty of a third-degree felony. Any person violates Utah Code sSection 76-10-306 who knowingly or intentionally transports, possesses, distributes, or sells any explosive in a secure area of an institution.

**3.9 Institutional Enforcement:** As provided in Utah Code sSection 53B-3-103(3), an institution may enforce these policies in any reasonably manner, including by the assessment of fines, the imposition of probation, suspension, or expulsion from the institution, the revocation of privileges, the refusal to issue certificates, degrees, and diplomas, through judicial process, or by any reasonable combination of ~~these~~the alternatives described.

**3.10 Compliance with Rules a Defense:** It is a defense to any prosecution under Utah Code section 76-8-311.1 and these rules that the accused, in committing the act made criminal by that

section, acted in conformity with the ~~Board's~~ Utah Board of Higher Education's and institution's rules or policies established pursuant to that section.

**R254-4 Dormitory**

**4.1 Dormitory Residents:** An institution may make a policy that allows a resident of a dormitory located at the institution to request only roommates who are not licensed to carry a concealed firearm under Utah Code sections 53-5-704 or 53-5-705.

## R254, Secure Area Hearing Rooms<sup>1</sup>

**R254-1 Purpose:** To provide guidelines for Utah System of Higher Education (“USHE”) institutions’ policies and procedures for secure areas associated with hearing rooms and dormitories on campuses.

### R254-2 References

- 2.1 Utah Code § 53B-2-106, Duties and Responsibilities of the President
- 2.2 Utah Code § 53B-1-402, Power of the Board to Adopt Rules and Enact Regulations
- 2.3 Utah Code § 53-5-704, Bureau Duties – Permit to Carry Concealed Firearm
- 2.4 Utah Code § 53-5-705, Temporary Permit to Carry Concealed Firearm
- 2.5 Utah Code § 76-8-311.1, Secure Areas—Items Prohibited—Penalty
- 2.6 Utah Code Title 76, Chapter 8, Part 7, Colleges and Universities
- 2.7 Utah Code § 76-10-306, Explosive, Chemical, or Incendiary Device and Parts—Definitions—Persons Exempted—Penalties
- 2.8 Utah Code § 76-10-523.5, Compliance with Rules for Secure Areas
- 2.9 Board Policy R120, Board of Education Bylaws
- 2.10 Board Policy R253, Campus Discipline

### R254-3 Policy

**3.1 Secure Area Associated with a Hearing Room:** A USHE institution may establish a secure area to protect a hearing room as prescribed in Utah Code section 76-8-311.1 and prohibit or control in that area any firearm, ammunition, dangerous weapon, or explosive. Institutions shall only designate one secure area for the purpose of a hearing room at any given time.

**3.2 Size of Secure Area:** A secure area associated with a hearing room shall be as large as warranted by the number of individuals involved in the hearing.

**3.3 Duration of Secure Area Designation:** The restriction of firearms, ammunition, dangerous weapons, or explosives in the secure area associated with a hearing room shall be in effect only during the time the secure area hearing room is in use for hearings and for a reasonable time before and after the hearing.

**3.4 Notice to Invitees:** An individual required or requested to attend a hearing in a secure area hearing room shall be notified in writing of the requirements related to entering a secured area associated with a hearing room under this rule and Utah Code section 76-8-311.1.

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<sup>1</sup> Approved November 8, 2002; amended XXX.

**3.5 Notice at Each Entrance:** At least one notice shall be prominently displayed at each entrance to the secure area associated with a hearing room in which a firearm, ammunition, dangerous weapon, or explosive is restricted.

**3.6 Secure Weapons Storage:** Provisions shall be made to provide a secure weapons storage area so that persons entering the secure area may store their weapons prior to entering the secure area. The institution shall be responsible for weapons while they are stored in the storage area.

**3.7 Reasonable Means to Detect Violations:** Reasonable means such as mechanical, electronic, x-ray, or similar devices may be used to detect firearms, ammunition, dangerous weapons, or explosives contained in the personal property of or on the person of any individual attempting to enter a secure area associated with a hearing room.

**3.8 Criminal Penalties:** Any person who knowingly or intentionally transports into a secure area of an institution any firearm, ammunition, or dangerous weapon is guilty of a third-degree felony. Any person violates Utah Code section 76-10-306 who knowingly or intentionally transports, possesses, distributes, or sells any explosive in a secure area of an institution.

**3.9 Institutional Enforcement:** As provided in Utah Code section 53B-3-103, an institution may enforce these policies in any reasonable manner, including the assessment of fines, the imposition of probation, suspension, or expulsion from the institution, the revocation of privileges, the refusal to issue certificates, degrees, and diplomas, through judicial process, or by any reasonable combination of the alternatives described.

**3.10 Compliance with Rules a Defense:** It is a defense to any prosecution under Utah Code section 76-8-311.1 and these rules that the accused, in committing the act made criminal by that section, acted in conformity with the Utah Board of Higher Education's and institution's rules or policies established pursuant to that section.

#### **R254-4 Dormitory**

**4.1 Dormitory Residents:** An institution may make a policy that allows a resident of a dormitory located at the institution to request only roommates who are not licensed to carry a concealed firearm under Utah Code sections 53-5-704 or 53-5-705.

## **R256, Student Disciplinary Processes<sup>1</sup>**

**R256-1** The following policy has been codified as Utah Administrative Code R765-256.<sup>2</sup>

### **R256-2 References**

**2.1** Utah Code § 53B-1-402, Establishment of Board – Powers, Duties, and Authority - Reports

**2.2** Utah Code § 53B-2-106, Duties and Responsibilities of the President

**2.3** Utah Code Title 53B, Chapter 27, Part 6, Student Legal Representation

### **R765. Higher Education (Utah Board of), Administration.**

#### **R765-256. Student Disciplinary Processes.**

##### **R765-256.1. Purpose.**

The purpose of this rule is To to provide minimum standards of due process for the Utah System-system of Higher-higher Education-education (USHE) institutions' student and student organization disciplinary processes.

##### **R765-256.2. Authority.**

Section 53B-27-302 authorizes this~~This rule is authorized by Title 63G, Chapter 3.~~

##### **R765.256.3. Definitions.**

(1) "Academic ~~Dishonesty~~dishonesty" means an act of dishonesty relating to a student's academic work or performance.

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<sup>1</sup> *Adopted July 15, 2016; amended XXX.*

<sup>2</sup> This administrative rule must also be approved by the Utah Office of Administrative Rules and minor, non-substantive edits to conform with the Utah Administrative Code style guide may be made.

(2) “Accused ~~Student~~student” means ~~an individual~~any student who is enrolled at ~~any Utah System of Higher Education~~ institution who has allegedly violated a policy or rule, ~~(or a relevant section of a policy or rule)~~, that if violated may result in ~~a~~the student’s suspension of 10 calendar days or more or expulsion from the institution.

(3) “Accused ~~Student-student Organization~~organization” means any student organization, recognized by an institution, that has allegedly violated a policy or rule, ~~(or a relevant section of a policy or rule)~~, that if violated may result in ~~a~~the student organization’s suspension or removal of institutional recognition of the student organization.

(4) “Evidence” means information that is inculpatory or exculpatory as the information relates to an accusation against an accused student or accused student organization, including a complaint statement, a third-party witness statement, electronically stored information, a written communication, a post to social media, or demonstrative evidence.

(5) “Full ~~Partieicipation~~participation” means the opportunity in a student or student organization disciplinary proceeding to make opening and closing statements, examine and cross-examine a witness, introduce relevant evidence, and provide support, guidance, or advice to an accused student, accused student organization, or victim.

(6) “Institution” means an institution of higher education listed in Section 53B-1-102.

~~(67)~~ “Proceeding” means an adjudicatory hearing, including an appeal, in which evidence is presented to a hearing officer or a hearing panel to determine whether a policy or rule has been violated or is required by a policy or rule, ~~(or a relevant section of a policy or rule)~~, that if violated may result in either:

~~(1a)~~ a student’s suspension of 10 calendar days or more or expulsion from the institution; or

~~(2b)~~ a student organization’s suspension or removal of institutional recognition of the student organization.



(78) “Student ~~Disciplinary~~disciplinary Proceeding~~proceeding~~” means a proceeding initiated by an institution to determine whether an accused student has violated a policy or rule, ~~(or a relevant section of a policy or rule),~~ that if violated may result in a student’s suspension of 10 calendar days or more or expulsion from the institution, ~~except that This this~~ does not include a proceeding that solely involves a student’s academic dishonesty.

(89) “Student ~~Organization~~organization” means a club or other organization that meets during noninstructional time, is recognized by the institution at which the organization meets, and has a majority of its members who are current students at the institution.

(910) “Student ~~Organization~~organization ~~Disciplinary~~disciplinary Proceeding~~proceeding~~” means a proceeding initiated by an institution to determine whether an accused student organization has violated a rule or policy, ~~(or a relevant section of a policy or rule),~~ that if violated may result in a student organization’s suspension or removal of institutional recognition of the student organization, ~~except that This this~~ does not include a proceeding that solely involves a student’s academic dishonesty.

(11) “USHE” means Utah system of higher education.

~~(1012)~~ “Victim” means an individual whose rights are allegedly infringed or who is otherwise allegedly harmed by an accused student’s or an accused student organization’s violation of a policy or rule, ~~(or a relevant section of a policy or rule),~~ that if violated may result in either:

(a) ~~a the~~ student’s suspension of 10 calendar days or more or expulsion from the Institution; or

(b) ~~a the~~ student organization’s suspension or removal of institutional recognition of the student organization.

#### **R765.256.4. General Provisions for Institution Responsibilities.**

(1) ~~Each~~ Institutions shall:

~~(a)~~ provide each student~~s~~ and student organizations due process, as outlined in this rule~~;~~

~~(2b)~~ ~~Institutions shall~~ enact a policies-policy to govern proceedings in which a student has a right to legal representation or a non-attorney advocate in accordance with this rule and state law and notify a student of their right to bring a cause of action in violation of Section 53B-27-607 to the Attorney General's Office~~;~~ and

~~(3c)~~ ~~Institutions shall~~ train each adjudicators, hearing officers, and appellate hearing officers on relevant evidence and nonrelevant, probative evidence.

~~(42)~~ The due process protections outlined in this rule do not apply to academic dishonesty allegations.

~~(3)~~ ~~However, in~~ In academic dishonesty matters, each institutions shall establish a policies-policy and procedures that gives each students notice of institutional action that may impact the student and an opportunity for the student to respond, in accordance with applicable law.

### **R765.256.5. Student Disciplinary Proceedings.**

(1) Each institution shall establish a policy that provides the following minimum standards of due process ~~in for each~~ matters where a proceeding is initiated by an institution to determine whether an accused student has violated a policy or rule, ~~(or a relevant section of a policy or rule)~~, that if violated may result in a the student's suspension of 10 calendar days or more or expulsion from the institution, except that this does not include a proceeding that involves a student's academic dishonesty; ~~institutions shall establish policies that provide students with the following minimum standards of due process:~~

(a) ~~The Institutions~~ institution shall provide ~~an the~~ accused student and victim ~~written~~ victim written notice of the accused student's and victim's rights under this rule that includes:

~~(i)~~ ~~The notice shall include information that~~ notice that the accused student is entitled to a student disciplinary proceeding to contest the charges against the accused student; and

(ii) ~~notice that~~ the accused student is entitled to a presumption of innocence that ~~will~~ remains until either:

(A) the accused student acknowledges responsibility for the alleged violation; or

(B) the institution has established every element of the alleged violation at a student disciplinary proceeding.

(b) ~~The institution may~~ shall communicate the notice ~~The notification may be communicated~~ by any written means that the ~~education entity~~ institution routinely uses for official communications with ~~individual each of its~~ individual students.

(c) ~~Unless exigent circumstances reasonably justify proceeding without providing notice, an~~ The institution shall establish ~~a policies~~ policy and procedures to ensure that the institution provides written notice of the accused student's or victim's rights as soon as practicable but no later than seven days before ~~a~~ the student disciplinary proceeding that pertains to the accused student or victim, ~~unless exigent circumstances reasonably justify proceeding without providing such notice.~~

(d) ~~The Institutions~~ institution shall ensure that ~~an~~ the accused student and victim have access to ~~all~~ any material evidence that is in the institution's possession, including both inculpatory and exculpatory evidence, unless the material is subject to a legal privilege, no later than one week before the day the proceeding begins.

(e) ~~The institution may~~ shall not rely upon ~~Evidence~~ evidence that is ~~an~~ the accused student's or victim's personal medical record, mental health record, therapy note, or journal ~~may not be used as evidence~~ in a proceeding unless the accused student or victim consents to the use of the evidence in the proceeding.

(f) Any evidence presented in a proceeding under this rule is confidential and ~~the institution may not be used~~ ~~the~~ as evidence ~~may be used as evidence~~ in a subsequent proceeding ~~nor used~~ or disclosed ~~it~~ to a third-party for any other purpose other than for the proceeding.

(g) ~~An~~ The institution ~~shall~~ may shall not prohibit an accused student or victim from having an advisor and being represented, at the student's expense, by legal

representation or a non-attorney advocate at a student disciplinary proceeding that pertains to the accused student or victim.

(h) The ~~institution shall allow the~~ accused student's or victim's advisor ~~is to have allowed~~ full participation in ~~a the~~ student disciplinary proceeding.

(~~di~~) ~~The Institutions institution~~ shall allow for the following minimum standards for an accused student's or victim's advisors in a student disciplinary proceeding:

(~~Ai~~) ~~the give-giving of~~ opening and closing statements;

(~~iiB~~) ~~the examine-examination~~ and cross-~~examine-examination a-of~~ witnesses;

(~~iii~~) ~~the adopting of (an institution may adopt a policy that requiring requires an advisor to submit questions for an opposing party to the hearing officer);~~

(~~iiiC~~) ~~the~~ introducing ~~of~~ relevant evidence; and

(~~ivD~~) ~~the provide-providing of~~ support, guidance, or advice to an accused student or victim.

(~~2~~) ~~The institution may adopt a policy that requires an advisor to submit questions for an opposing party to the hearing officer.~~

(~~32~~) ~~Each Institutions~~ may require ~~an-the~~ accused student and victim to provide advance notice that they will have an advisor attend the student disciplinary proceeding.

(~~43~~) ~~Neither the-The~~ Rules of Civil Procedure ~~nor-and~~ the Rules of Evidence ~~govern-shall not apply to~~ student disciplinary proceedings.

(~~54~~) Nothing in this ~~policy-rule shall be construed to~~ provides for formal or informal discovery beyond the exchange of evidence described herein.

(~~465~~) ~~Each Accused-accused~~ students and ~~/or~~ victims may waive any rights described herein.

## **R765.256.6. Student Organization Disciplinary Proceedings.**

(1) ~~Each institution shall establish a policy that provides the following minimum standards of due process for each~~ matters where a proceeding is initiated by ~~an the~~ institution to determine whether ~~an the~~ accused student organization has violated a policy or rule, ~~(or a relevant section of a policy or rule),~~ that if violated results in ~~an the~~ accused student organization's suspension or removal of institutional recognition of the student organization, except that this does not include a proceeding that solely involves a student organization's academic dishonesty, ~~institutions shall establish policies that provide student organizations with the following minimum standards of due process:~~

(a) ~~The Institutions-institution~~ shall provide ~~an the~~ accused student organization and victim written notice of the accused student organization's and victim's rights under this rule that includes: ~~The notice shall include information that~~

(ia) notice that the accused student organization is entitled to a student organization disciplinary proceeding to contest the charges against the accused student organization; and

(iib) notice that the accused student organization is entitled to a presumption of innocence that remains until either:

(iA) the accused student organization acknowledges responsibility for the alleged violation; ~~;~~ or

(iB)i) the institution has established every element of the alleged violation at a student organization disciplinary proceeding.

(b) ~~Unless exigent circumstances reasonably justify proceeding without providing notice, an~~ The institution shall establish ~~a policies policy~~ and procedures to ensure that the institution provides written notice of the accused student organization or victim's rights as soon as practicable but no later than seven days before a student organization disciplinary proceeding that pertains to the accused student organization or victim, unless exigent circumstances reasonably justify proceeding without providing notice.

(c) ~~The Institutions-institutions~~ shall ensure that an accused student organization and victim have access to all material evidence that is in the institution's possession,

including both inculpatory and exculpatory evidence, unless the material is subject to a legal privilege, no later than one week before the day the proceeding begins.

(d) Any evidence presented in a proceeding under this policy is confidential and ~~the institution may be used as~~ not use the evidence in a subsequent proceeding ~~nor used or disclosed~~ it to a third-party for any other purpose other than for the proceeding.

(e) ~~An~~ The institution ~~shall~~ may ~~shall~~ not prohibit ~~an~~ the accused student organization or victim from having an advisor and being represented, at the accused student organization's or victim's expense, by legal representation or a non-attorney advocate at a student organization disciplinary proceeding that pertains to the accused student organization or victim.

(f) The institution shall allow the accused student organization or victim's advisor ~~is allowed to have~~ full participation in ~~a~~ the student organization disciplinary proceeding.

~~(g) An institution shall not prohibit an accused student or victim from having an advisor and being represented, at the student's expense, by legal representation or a nonattorney advocate at a student disciplinary proceeding that pertains to the accused student or victim.~~

(hg) ~~The Institutions~~ institution shall allow for the following minimum standards for an accused student organization or victim's advisors in a student organization disciplinary proceeding:

~~(iA) the give-giving of~~ opening and closing statements;

~~(iiB) the~~ examination and cross-~~examine~~ examination of a witnesses;

~~(C) the adopting of a (an institution may adopt a policy that requiring requires an the advisor to submit questions for an opposing party to the hearing officer);~~

~~(iiiD) the~~ introducing of relevant evidence; and

~~(ivE) the~~ providing of support, guidance, or advice to an accused student organization or victim.

(2) The institution may adopt a policy that requires the advisor to submit questions for an opposing party to the hearing officer.

~~(32) Each -iInstitutions- may require the accused student organizations and victims to provide advance notice that they will have an advisor attend the student organization disciplinary proceeding.~~

~~(43) Neither the -The Rules of Civil Procedure nor and the Rules of Evidence govern shall not apply to student disciplinary proceedings.~~

~~(54) Nothing in this policy rule shall be construed to provides for formal or informal discovery beyond the exchange of evidence described herein.~~

~~(64) Each Accused-accused student organizations and/or victims may waive any rights described herein.~~

#### **R765.256.7. Conflict of Interest.**

(1) ~~An-Each~~ institution shall conduct a student disciplinary proceeding or student organization disciplinary proceeding in an impartial manner free from conflicts of interests.

(2) An individual may not serve as an investigator or institutional prosecutor and an advocate for an accused student, accused student organization, or victim in the same matter.

(3) Except as provided in ~~subsection-Subsection 765-256-7:(45), each institutions~~ shall prohibit an individual employed by or otherwise representing an institution from acting as an adjudicator, hearing officer, or appellate hearing officer in a student disciplinary proceeding or student organization disciplinary proceeding if the individual has also served in one of the following roles in the same matter:

(a) ~~An-an~~ advocate or counselor for an alleged victim, accused student, or accused student organization.;

(b) ~~An-an~~ investigator.;

(c) ~~An-an~~ institutional prosecutor.;

(d) ~~An~~an advisor to a person described in Subsections 765-256-7(3)(a), (3)(b), or (3)(c).

(~~g4~~) ~~An~~Each institution ~~shall~~may~~shall~~ not prohibit an accused student or victim from having an advisor and being represented, at the student's expense, by legal representation or a non-attorney advocate at a student disciplinary proceeding that pertains to the accused student or victim.

(~~45~~) If an individual employed by the institution or otherwise representing the institution serves as an investigator and an institutional prosecutor for the alleged violation of a policy or rule, the institution shall advise an accused student, accused student organization, or victim before ~~the~~ proceeding with the investigation.

(~~56~~) ~~Each Institutions institution~~ shall allow ~~an~~the accused student, accused student organization, or ~~a~~-victim to raise objections to issues that could potentially compromise the impartiality of ~~a~~the proceeding, including any potential conflicts of interest in violation of this ~~policy~~rule.

#### **R765.256.8. Standard of Proof and Temporary Suspension.**

(1) ~~Each Students student~~ and student organizations ~~are~~is entitled to a presumption of innocence that remains until either the accused student ~~/or~~ student organization acknowledges responsibility for the alleged violation or the institution has established every element of the alleged violation at a student disciplinary proceeding or student organization proceeding by a preponderance of the evidence.

(2) ~~Each Institutions institution~~ may have a process for temporarily suspending a student or student organization prior to the final outcome of a student or student organization disciplinary proceeding if necessary to protect the campus community or prevent serious disruption of the academic process. ~~In such circumstances provided that;~~ the institution is required to conduct the adjudicatory process ~~shall~~ following the temporary suspension as expeditiously as possible.

#### **R765.256.9. Institutional Right to Proceed Absent Accused, Victim, or Student or Accused Student Organization Participation.**

(1) ~~Each Students student~~ may decline to participate in any proceeding.



~~(2) However, Each~~ institutions may proceed with ~~a the~~ student or student organization disciplinary proceeding in a timely fashion without the accused student, accused student organization, ~~and/or~~ victim if they decline to participate.

~~(3) Each Institutions institution~~ may set reasonable deadlines and move forward with processes regardless of whether ~~an the~~ accused student, accused student organization, victim, ~~and/or~~ their respective advisor is able to meet those deadlines.

#### **R765.256.10. Duty to Act in Good Faith.**

(1) ~~Each i~~nstitutions shall act in good faith to determine the applicability of this rule based on facts known at the time.

~~(2) If any~~ institutions later becomes aware of additional facts indicating this rule governs, institutions shall act in good faith to meet the requirements of this rule when those facts become known.

#### **R765.256.11. Non-applicability to Law Enforcement Activities.**

~~(1) This rule does shall~~ not govern campus law enforcement departments or law enforcement personnel or otherwise replace or amend criminal procedures that govern law enforcement activities.

#### **R765-256.12. Incorporation ~~s~~ of Institutions' Policies.**

(1) The following institutions have adopted the following policies that are incorporated by reference within this rule, including amendments:

- (a) Utah State University's:
  - (i) Policy 305, Discrimination Complaints, May 6, 2016; and
  - (ii) Student Code Article VIII, April 10, 2009;
- (b) Weber State University's PPM 6-22, Student Code, September 13, 2018;
- (c) University of Utah's;

(i) Policy 6-400, Code of Student Rights and Responsibilities, Sections III(C), VI (C), July 9, 2009;

(ii) University's Rule 1-012A, Discrimination Complaint Process Rule, February 14, 2017;

(iii) University's Rule 1-012B(III)(E-K), Sexual Misconduct Complaint Process Rule, February 14, 2017; and

(iv) Procedure 1-012, Discrimination Hearing Procedure, February 14, 2017;

(d) Utah Valley University's;

(i) 162 Sexual Misconduct, June 18, 2019;

(ii) 165 Discrimination, Harassment, and Affirmative Action, June 18, 2019;

(iii) 502 Determination of Utah Resident Status for Tuition Purposes, December 4, 2014; and

(iv) 541 Student Code of Conduct, November 29, 2018;

(e) Snow College's Student Rights and Responsibilities, May 31, 2019;

(f) Southern Utah University's Policy 11.2, Student Code of Conduct, April 29, 2016;

(g) Dixie State University's:

(i) 154, Title IX, Harassment and Nondiscrimination, September 1, 2016; and

(ii) 552, Student Rights and Responsibilities, April 28, 2017;

(h) Salt Lake Community College's Student Sexual Misconduct 3-2.02, 01/17/2017;

(i) Davis Technical College's

(ii) Davis Technical College Student Code of Conduct and Discipline Policy, July, 30, 2019; and

- (iii) Davis Technical College Student Grievance Policy, July 30, 2019;
- (j) Mountainland Technical College's Student Grievance 600.608, December 21, 2005;
- (k) Ogden-Weber Technical College's Student Rights and Responsibilities, and Code of Conduct 530.4., July 25, 2019;
- (l) Southwest Technical College's:
  - (i) Student Conduct Policy, July 1, 2020;
  - (ii) Grievance Policy, July 21, 2020;
  - (iii) Harassment, Nondiscrimination and Equal Opportunity, July 21, 2020; and
  - (iv) Title IX Due Process Policy, July 21, 2020; and
- (m) Tooele Technical College's:
  - (i) Student Code of Conduct and Discipline, July 31, 2019; and
  - (ii) Student Grievances, July 31, 2019.

## **R256, Student Disciplinary Processes<sup>1</sup>**

**R256-1** The following policy has been codified as Utah Administrative Code R765-256.<sup>2</sup>

### **R256-2 References**

**2.1** Utah Code § 53B-1-402, Establishment of Board – Powers, Duties, and Authority - Reports

**2.2** Utah Code § 53B-2-106, Duties and Responsibilities of the President

**2.3** Utah Code Title 53B, Chapter 27, Part 6, Student Legal Representation

### **R765. Higher Education (Utah Board of), Administration.**

#### **R765-256. Student Disciplinary Processes.**

##### **R765-256.1. Purpose.**

The purpose of this rule is to provide minimum standards of due process for the Utah system of higher education institutions' student and student organization disciplinary processes.

##### **R765-256.2. Authority.**

Section 53B-27-302 authorizes this rule.

##### **R765.256.3. Definitions.**

(1) "Academic dishonesty" means an act of dishonesty relating to a student's academic work or performance.

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<sup>1</sup> *Adopted July 15, 2016; amended XXX.*

<sup>2</sup> This administrative rule must also be approved by the Utah Office of Administrative Rules and minor, non-substantive edits to conform with the Utah Administrative Code style guide may be made.

(2) “Accused student” means any student who is enrolled at any institution who has allegedly violated a policy or rule, or a relevant section of a policy or rule, that if violated may result in the student’s suspension of 10 calendar days or more or expulsion from the institution.

(3) “Accused student organization” means any student organization recognized by an institution, that has allegedly violated a policy or rule, or a relevant section of a policy or rule, that if violated may result in the student organization’s suspension or removal of institutional recognition of the student organization.

(4) “Evidence” means information that is inculpatory or exculpatory as the information relates to an accusation against an accused student or accused student organization, including a complaint statement, a third-party witness statement, electronically stored information, a written communication, a post to social media, or demonstrative evidence.

(5) “Full participation” means the opportunity in a student or student organization disciplinary proceeding to make opening and closing statements, examine and cross-examine a witness, introduce relevant evidence, and provide support, guidance, or advice to an accused student, accused student organization, or victim.

(6) “Institution” means an institution of higher education listed in Section 53B-1-102.

(7) “Proceeding” means an adjudicatory hearing, including an appeal, in which evidence is presented to a hearing officer or a hearing panel to determine whether a policy or rule has been violated or is required by a policy or rule, or a relevant section of a policy or rule, that if violated may result in either:

(a) a student’s suspension of 10 calendar days or more or expulsion from the institution; or

(b) a student organization’s suspension or removal of institutional recognition of the student organization.

(8) “Student disciplinary proceeding” means a proceeding initiated by an institution to determine whether an accused student has violated a policy or rule, or a

relevant section of a policy or rule, that if violated may result in a student’s suspension of 10 calendar days or more or expulsion from the institution, except that this does not include a proceeding that solely involves a student’s academic dishonesty.

(9) “Student organization” means a club or other organization that meets during noninstructional time, is recognized by the institution at which the organization meets, and has a majority of its members who are current students at the institution.

(10) “Student organization disciplinary proceeding” means a proceeding initiated by an institution to determine whether an accused student organization has violated a rule or policy, or a relevant section of a policy or rule, that if violated may result in a student organization’s suspension or removal of institutional recognition of the student organization, except that this does not include a proceeding that solely involves a student’s academic dishonesty.

(11) “USHE” means Utah system of higher education.

(12) “Victim” means an individual whose rights are allegedly infringed or who is otherwise allegedly harmed by an accused student’s or an accused student organization’s violation of a policy or rule, or a relevant section of a policy or rule, that if violated may result in either:

(a) the student’s suspension of 10 calendar days or more or expulsion from the Institution; or

(b) the student organization’s suspension or removal of institutional recognition of the student organization.

#### **R765.256.4. General Provisions for Institution Responsibilities.**

(1) Each institution shall:

(a) provide each student and student organization due process, as outlined in this rule;

(b) enact a policy to govern proceedings in which a student has a right to legal representation or a non-attorney advocate in accordance with this rule and state law and

notify a student of their right to bring a cause of action in violation of Section 53B-27-607 to the Attorney General's Office; and

(c) train each adjudicator, hearing officer, and appellate hearing officer on relevant evidence and nonrelevant, probative evidence.

(2) The due process protections outlined in this rule do not apply to academic dishonesty allegations.

(3) In academic dishonesty matters, each institution shall establish a policy and procedure that gives each student notice of institutional action that may impact the student and an opportunity for the student to respond, in accordance with applicable law.

#### **R765.256.5. Student Disciplinary Proceedings.**

(1) Each institution shall establish a policy that provides the following minimum standards of due process for each matter where a proceeding is initiated by an institution to determine whether an accused student has violated a policy or rule, or a relevant section of a policy or rule, that if violated may result in the student's suspension of 10 calendar days or more or expulsion from the institution, except that this does not include a proceeding that involves a student's academic dishonesty:

(a) The institution shall provide the accused student and victim written notice of the accused student's and victim's rights under this rule that includes:

(i) notice that the accused student is entitled to a student disciplinary proceeding to contest the charges against the accused student; and

(ii) notice that the accused student is entitled to a presumption of innocence that will remain until either:

(A) the accused student acknowledges responsibility for the alleged violation; or

(B) the institution has established every element of the alleged violation at a student disciplinary proceeding.

(b) The institution shall communicate the notice by any written means that the institution routinely uses for official communications with individual students.

(c) The institution shall establish a policy and procedure to ensure that the institution provides written notice of the accused student's or victim's rights as soon as practicable but no later than seven days before the student disciplinary proceeding that pertains to the accused student or victim, unless exigent circumstances reasonably justify proceeding without providing such notice.

(d) The institution shall ensure that the accused student and victim have access to any material evidence that is in the institution's possession, including both inculpatory and exculpatory evidence, unless the material is subject to a legal privilege, no later than one week before the day the proceeding begins.

(e) The institution shall not rely upon evidence that is the accused student's or victim's personal medical record, mental health record, therapy note, or journal in a proceeding unless the accused student or victim consents to the use of the evidence in the proceeding.

(f) Any evidence presented in a proceeding under this rule is confidential and may not be used as evidence in a subsequent proceeding nor use or disclose it to a third-party for any other purpose other than for the proceeding.

(g) The institution shall not prohibit an accused student or victim from having an advisor and being represented, at the student's expense, by legal representation or a non-attorney advocate at a student disciplinary proceeding that pertains to the accused student or victim.

(h) The institution shall allow the accused student's or victim's advisor to have full participation in the student disciplinary proceeding.

(i) The institution shall allow for the following minimum standards for an accused student's or victim's advisors in a student disciplinary proceeding:

(A) the giving of opening and closing statements;

(B) the examination and cross-examination of witnesses;



(C) the introducing of relevant evidence; and

(D) the providing of support, guidance, or advice to an accused student or victim.

(2) The institution may adopt a policy that requires an advisor to submit questions for an opposing party to the hearing officer.

(3) Each institution may require the accused student and victim to provide advance notice that they will have an advisor attend the student disciplinary proceeding.

(4) The Rules of Civil Procedure and the Rules of Evidence shall not apply to student disciplinary proceedings.

(5) Nothing in this rule shall be construed to provide for formal or informal discovery beyond the exchange of evidence described herein.

(6) Each accused student and victim may waive any rights described herein.

#### **R765.256.6. Student Organization Disciplinary Proceedings.**

(1) Each institution shall establish a policy that provides the following minimum standards of due process for each matter where a proceeding is initiated by the institution to determine whether the accused student organization has violated a policy or rule, or a relevant section of a policy or rule, that if violated results in the accused student organization's suspension or removal of institutional recognition of the student organization, except that this does not include a proceeding that solely involves a student organization's academic dishonesty:

(a) The institution shall provide the accused student organization and victim written notice of the accused student organization's and victim's rights under this rule that includes:

(i) notice that the accused student organization is entitled to a student organization disciplinary proceeding to contest the charges against the accused student organization; and

(ii) notice that the accused student organization is entitled to a presumption of innocence that remains until either:

(A) the accused student organization acknowledges responsibility for the alleged violation; or

(B) the institution has established every element of the alleged violation at a student organization disciplinary proceeding.

(b) The institution shall establish a policy and procedure to ensure that the institution provides written notice of the accused student organization or victim's rights as soon as practicable but no later than seven days before a student organization disciplinary proceeding that pertains to the accused student organization or victim, unless exigent circumstances reasonably justify proceeding without providing notice.

(c) The institution shall ensure that an accused student organization and victim have access to all material evidence that is in the institution's possession, including both inculpatory and exculpatory evidence, unless the material is subject to a legal privilege, no later than one week before the day the proceeding begins.

(d) Any evidence presented in a proceeding under this policy is confidential and the institution may not use the evidence in a subsequent proceeding nor use or disclose it to a third-party for any other purpose other than for the proceeding.

(e) The institution shall not prohibit the accused student organization or victim from having an advisor and being represented, at the accused student organization's or victim's expense, by legal representation or a non-attorney advocate at a student organization disciplinary proceeding that pertains to the accused student organization or victim.

(f) The institution shall allow the accused student organization or victim's advisor to have full participation in the student organization disciplinary proceeding.

(g) The institution shall allow for the following minimum standards for an accused student organization or victim's advisors in a student organization disciplinary proceeding:

(i) the giving of opening and closing statements;

(ii) the examination and cross-examination of witnesses;

(iii) the introducing of relevant evidence; and

(iv) the providing of support, guidance, or advice to an accused student organization or victim.

(2) The institution may adopt a policy that requires the advisor to submit questions for an opposing party to the hearing officer.

(3) Each institution may require the accused student organization and victim to provide advance notice that they will have an advisor attend the student organization disciplinary proceeding.

(4) The Rules of Civil Procedure and the Rules of Evidence shall not apply to student disciplinary proceedings.

(5) Nothing in this rule shall be construed to provide for formal or informal discovery beyond the exchange of evidence described herein.

(6) Each accused student organization and victim may waive any rights described herein.

#### **R765.256.7. Conflict of Interest.**

(1) Each institution shall conduct a student disciplinary proceeding or student organization disciplinary proceeding in an impartial manner free from conflicts of interests.

(2) An individual may not serve as an investigator or institutional prosecutor and an advocate for an accused student, accused student organization, or victim in the same matter.

(3) Except as provided in Subsection 765-256-7(5), each institution shall prohibit an individual employed by or otherwise representing an institution from acting as an adjudicator, hearing officer, or appellate hearing officer in a student disciplinary proceeding or student organization disciplinary proceeding if the individual has also served in one of the following roles in the same matter:

(a) an advocate or counselor for an alleged victim, accused student, or accused student organization;

(b) an investigator;

(c) an institutional prosecutor; or

(d) an advisor to a person described in Subsections 765-256-7(3)(a), (3)(b), or (3)(c).

(4) Each institution shall not prohibit an accused student or victim from having an advisor and being represented, at the student's expense, by legal representation or a non-attorney advocate at a student disciplinary proceeding that pertains to the accused student or victim.

(5) If an individual employed by the institution or otherwise representing the institution serves as an investigator and an institutional prosecutor for the alleged violation of a policy or rule, the institution shall advise an accused student, accused student organization, or victim before proceeding with the investigation.

(6) Each institution shall allow the accused student, accused student organization, or victim to raise objections to issues that could potentially compromise the impartiality of the proceeding, including any potential conflicts of interest in violation of this rule.

### **R765.256.8. Standard of Proof and Temporary Suspension.**

(1) Each student and student organization is entitled to a presumption of innocence that remains until either the accused student or student organization acknowledges responsibility for the alleged violation or the institution has established every element of the alleged violation at a student disciplinary proceeding or student organization proceeding by a preponderance of the evidence.

(2) Each institution may have a process for temporarily suspending a student or student organization prior to the final outcome of a student or student organization disciplinary proceeding if necessary to protect the campus community or prevent serious disruption of the academic process, provided that the institution is required to

conduct the adjudicatory process following the temporary suspension as expeditiously as possible.

**R765.256.9. Institutional Right to Proceed Absent Accused, Victim, or Student or Accused Student Organization Participation.**

(1) Each student may decline to participate in any proceeding.

(2) Each institution may proceed with the student or student organization disciplinary proceeding in a timely fashion without the accused student, accused student organization, or victim if they decline to participate.

(3) Each institution may set reasonable deadlines and move forward with processes regardless of whether the accused student, accused student organization, victim, or their respective advisor is able to meet those deadlines.

**R765.256.10. Duty to Act in Good Faith.**

(1) Each institution shall act in good faith to determine the applicability of this rule based on facts known at the time.

(2) If any institution later becomes aware of additional facts indicating this rule governs, institutions shall act in good faith to meet the requirements of this rule when those facts become known.

**R765.256.11. Non-applicability to Law Enforcement Activities.**

This rule shall not govern campus law enforcement departments or law enforcement personnel or otherwise replace or amend criminal procedures that govern law enforcement activities.

**R765-256.12. Incorporation of Institutions' Policies.**

(1) The following institutions have adopted the following policies that are incorporated by reference within this rule, including amendments:

(a) Utah State University's:

(i) Policy 305, Discrimination Complaints, May 6, 2016; and

- (ii) Student Code Article VIII, April 10, 2009;
- (b) Weber State University's PPM 6-22, Student Code, September 13, 2018;
- (c) University of Utah's:
  - (i) Policy 6-400, Code of Student Rights and Responsibilities, Sections III(C), VI (C), July 9, 2009;
  - (ii) University's Rule 1-012A, Discrimination Complaint Process Rule, February 14, 2017;
  - (iii) University's Rule 1-012B(III)(E-K), Sexual Misconduct Complaint Process Rule, February 14, 2017; and
  - (iv) Procedure 1-012, Discrimination Hearing Procedure, February 14, 2017;
- (d) Utah Valley University's:
  - (i) 162 Sexual Misconduct, June 18, 2019;
  - (ii) 165 Discrimination, Harassment, and Affirmative Action, June 18, 2019;
  - (iii) 502 Determination of Utah Resident Status for Tuition Purposes, December 4, 2014; and
  - (iv) 541 Student Code of Conduct, November 29, 2018;
- (e) Snow College's Student Rights and Responsibilities, May 31, 2019;
- (f) Southern Utah University's Policy 11.2, Student Code of Conduct, April 29, 2016;
- (g) Dixie State University's:
  - (i) 154, Title IX, Harassment and Nondiscrimination, September 1, 2016; and
  - (ii) 552, Student Rights and Responsibilities, April 28, 2017;

(h) Salt Lake Community College's Student Sexual Misconduct 3-2.02, 01/17/2017;

(i) Davis Technical College's

(ii) Davis Technical College Student Code of Conduct and Discipline Policy, July, 30, 2019; and

(iii) Davis Technical College Student Grievance Policy, July 30, 2019;

(j) Mountainland Technical College's Student Grievance 600.608, December 21, 2005;

(k) Ogden-Weber Technical College's Student Rights and Responsibilities, and Code of Conduct 530.4., July 25, 2019;

(l) Southwest Technical College's:

(i) Student Conduct Policy, July 1, 2020;

(ii) Grievance Policy, July 21, 2020;

(iii) Harassment, Nondiscrimination and Equal Opportunity, July 21, 2020; and

(iv) Title IX Due Process Policy, July 21, 2020; and

(m) Tooele Technical College's:

(i) Student Code of Conduct and Discipline, July 31, 2019; and

(ii) Student Grievances, July 31, 2019.

## R260, Transcript Fee Waiver<sup>1</sup>

**R260-1 Purpose:** To outline when a Utah System of Higher Education (“USHE”) institution shall waive transcript fees for a student.

### R260-2 References

- 2.1 42 U.S.C. Sec. 11434a, Definitions
- 2.2 Utah Code § 26B-3-207, Health Coverage Improvement Program
- 2.3 Utah Code section 35A-5-302, Definitions
- 2.4 Utah Code § 53B-2-101, Institutions of Higher Education
- 2.5 Utah Code § 53B-7-101, Combined Requests for Appropriations

### R260-3 Definitions

3.1 “**Institution**” means a degree-granting institution of higher education or a technical college within the state system of higher education, as identified in Utah Code section 53B-2-101(1).

**R260-4 Transcript Fee Waiver:** An institution shall waive transcript fees for a student who is under the age of 26 and:

- 4.1 Is homeless, as defined in Utah Code section 26B-3-207;
- 4.2 Is a person who is homeless, as defined in Utah Code section 35A-5-302;
- 4.3 Is an individual whose primary nighttime residence is a location that is not designed for or ordinarily used as a sleeping accommodation for an individual;
- 4.4 Is a homeless child or youth, as defined in 42 U.S.C. Sec. 11434a;
- 4.5 Is in the custody of the Division of Child and Family Services; or
- 4.6 Was in the custody of the Division of Child and Family Services but is no longer in the custody of the Division of Child and Family Services due to the individual’s age.

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<sup>1</sup> Adopted XXX.



## R262, Student Safety<sup>1</sup>

**R262-1 Purpose:** Every student should have a safe environment in which to learn, study, and excel. If a student ~~is confronted with experiences violence~~ sexual misconduct, harassment, or discrimination, ~~he or she~~ they should be treated appropriately in accordance with the law. To that end, the Utah Board of Higher Education (“Board”) and ~~its~~ Utah System of Higher Education (“USHE”) institutions shall collaborate to comply with all state and federal laws pertaining to sexual misconduct, harassment, and discrimination ~~and harassment~~; to train and educate ~~the~~ faculty, staff, and students about the laws, policies, prevention strategies, and resources addressing sexual misconduct, and harassment, and discrimination; and to assess the climate of each campus and the Ssystem as a whole.

### R262-2 References

- ~~2.1. Utah Code § 53B-1-402, (Powers and Authority of the Board of Higher Education)~~ Establishment of Board – Power, Duties, and Authority - Reports
- ~~2.2. Utah Code § 53B-2-106, Utah Code § 53B-2-106~~ (Duties and Responsibilities of the President)
- ~~2.3. Utah Code § 53B-28-401, (Campus Safety Amendments)~~ Plans and Training
- 2.4 Board Policy R265, Transcript Notations
- ~~2.54. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act~~ Clery Act, 20 U.S.C. § 1092(f)
- 2.6 Family Educational Rights and Privacy Act

### R262-3 ~~Responsibilities of the Institution~~ Responsibilities

- ~~3.1. USHE institutions~~ Institutions shall establish policies and procedures that comply with state and federal laws pertaining to sexual misconduct, discrimination and harassment, and discrimination, and when practicable, cooperatively establish common, Ssystem-wide definitions of terms policies and procedures.
- ~~3.2.~~ Institutions shall jointly develop and maintain a method to communicate with other institutions regarding students who have been disciplined for serious violations of institutional policies regarding sexual misconduct, sex discrimination and harassment, in accordance with

<sup>1</sup> *Adopted January 20, 2017; ~~Amended~~ May 17, 2019; ~~Amended~~ August 1, 2019; ~~and~~ XXX.*

Board Policy R265, Transcript Notations and the Family Educational Rights and Privacy Act~~Family Educational Rights and Privacy Act.~~

~~3.3-~~ Institutions shall conduct a climate survey of students every two years. -Institutions shall provide survey results to the ~~Commissioner's office~~Officer of the Commissioner of Higher Education and report on the survey results to the Board.

~~3.4-~~ Institutions shall develop ~~and conduct training for faculty, staff, and students about the laws, policies, prevention strategies and resources regarding sexual misconduct, harassment and discrimination~~a campus safety training curriculum that addresses: (1) awareness and prevention of sexual assault, domestic violence, dating violence, or stalking and includes information about the institution's and community resources for a victim; (2) bystander intervention; and (3) sexual consent.—

~~3.5~~ An institution shall require a student organization, in order for the student organization to receive or maintain official recognition by the institution, to annually provide campus safety training, using the curriculum described in subsection 3.4 to the student organization's members.

~~3.65-~~ Institutions shall coordinate with each other and the Board ~~of Higher Education~~ to comply with sex discrimination and harassment laws by supporting activities of the Board ~~of Higher Education~~ described in R262-4.

~~3.76-~~ Institutions shall develop campus safety plans that includes the following minimum elements:

~~3.76.1-~~ Instructions on where an individual can locate the institution's policies and publications related to claims of sexual misconduct, which includes sexual assault, domestic and dating -violence, sexual harassment, and stalking;~~;~~

~~3.76.2-~~ Institution and community resources for a victim of sexual misconduct;~~;~~

~~3.76.3-~~ The rights of a victim of a sexual misconduct, including the measures the institution takes to ensure, unless otherwise provided by law, victim confidentiality throughout all steps in the reporting and response to a covered offense;~~;~~

~~3.76.4-~~ How the institution informs the campus community of a crime that presents a threat to the campus community;~~;~~

~~3.76.5~~ Availability, locations, and methods for requesting assistance of security personnel on the institution's campus;

~~3.76.6~~ Guidance on how a student may contact law enforcement for incidents that occur off campus;

~~3.76.7~~ A description of the efforts that the institution made in the preceding 18 months and expects to make in the upcoming 24 months to improve campus safety measures, including efforts to improve the institution's response to allegations of sexual misconduct and increased and/or improved services to victims of sexual misconduct;

~~3.76.8~~ A description of coordination and communication between institution resources and organizations, including campus law enforcement;

~~3.76.9~~ A description of the institution's coordination with local law enforcement or community resources, including coordination related to a student's safety at an off-campus location; and;

~~3.76.10~~ How the institution requires a student organization to provide the campus safety training as required by Utah Code sSection 53B-28-4301.(5);

~~3.87~~ Institutions may combine their campus safety plan with their Annual Security Report (ASR) required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act, 20 U.S.C. § 1092(f), provided the institution's ASR contains all of the elements specified in 3.76 above. An institution shall prominently post the institution's campus safety plan on the institution's website and each of the institution's campuses and annually update the institution's campus safety plan.

~~3.8~~ Institutions shall annually provide the Board of Higher Education updated campus safety plans by October 1. ~~3.9~~ Institutions shall report annually to the Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee, at or before the committees' November meetings, system efforts to increase student safety under this policy, including each institution's campus safety plan on crime statistics aggregated by housing facility as described in Utah Code section 53B-28-403(2).

#### **R262-4 ~~Responsibilities of the Board of Higher Education~~ Responsibilities**

~~4.1~~ The Board ~~of Higher Education~~ shall provide opportunities for the institutions' Title IX officers to meet with each other and the ~~Commissioner's staff~~ Office of the Commissioner of Higher Education—at least annually—to coordinate efforts, review changes to the law, identify

best practices, review the institutions' policies and practices, and provide opportunities for consultation.

~~4.2.~~ The Board ~~of Higher Education~~ shall provide training opportunities for Title IX officers and other individuals at the institutions who investigate alleged violations of the institutions' sexual misconduct, ~~discrimination and~~ harassment, and discrimination policies. The training shall cover areas required by law and other best practices.

~~4.3.~~ The Board ~~of Higher Education~~ shall provide annual training opportunities for individuals who conduct disciplinary proceedings, including hearing committees that address violations of the institutions' Title IX policies. The training will cover areas required by law and other best practices.

~~4.4.~~ The Board of Higher Education shall assist institutions to enter into memorandums of understanding with local law enforcement agencies—as allowed by applicable law—to share information, coordinate investigations, and otherwise collaborate to protect students' safety.

~~4.4.5.~~ The Board ~~of Higher Education~~ shall assist the institutions to identify strategies for preventing sexual harassment, sexual violence, domestic violence, dating violence, and stalking, including outreach and educational activities for students, staff, and faculty.

~~4.5.6.~~ The Board ~~of Higher Education~~ shall provide the institutions with other resources and opportunities to help institutions comply with sexual misconduct, ~~discrimination and~~ harassment, and discrimination laws.

~~4.7.~~ The Board of Higher Education shall identify and provide resources that institutions may use to develop campus safety training curricula.

~~4.8.~~ The Board of Higher Education shall report annually to the Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee, at or before the committees' November meetings, system efforts to increase student safety under this policy, including each institution's campus safety plans.

## R262, Student Safety<sup>1</sup>

**R262-1 Purpose:** Every student should have a safe environment in which to learn, study, and excel. If a student experiences sexual misconduct, harassment, or discrimination, they should be treated appropriately in accordance with the law. To that end, the Utah Board of Higher Education (“Board”) and Utah System of Higher Education (“USHE”) institutions shall collaborate to comply with all state and federal laws pertaining to sexual misconduct, harassment, and discrimination; to train and educate faculty, staff, and students about the laws, policies, prevention strategies, and resources addressing sexual misconduct, harassment, and discrimination; and to assess the climate of each campus and the System as a whole.

### R262-2 References

- 2.1 Utah Code § 53B-1-402, Establishment of Board – Power, Duties, and Authority - Reports
- 2.2 Utah Code § 53B-2-106, Duties and Responsibilities of the President
- 2.3 Utah Code § 53B-28-401, Campus Safety Plans and Training
- 2.4 Board Policy R265, Transcript Notations
- 2.5 Clery Act, 20 U.S.C. § 1092(f)
- 2.6 Family Educational Rights and Privacy Act

### R262-3 Institution Responsibilities

**3.1** USHE institutions shall establish policies and procedures that comply with state and federal laws pertaining to sexual misconduct, harassment, and discrimination, and when practicable, cooperatively establish common, System-wide policies and procedures.

**3.2** Institutions shall jointly develop and maintain a method to communicate with other institutions regarding students who have been disciplined for serious violations of institutional policies regarding sexual misconduct, sex discrimination and harassment, in accordance with Board Policy R265, *Transcript Notations* and the Family Educational Rights and Privacy Act.

**3.3** Institutions shall conduct a climate survey of students every two years. Institutions shall provide survey results to the Office of the Commissioner of Higher Education.

**3.4** Institutions shall develop a campus safety training curriculum that addresses: (1) awareness and prevention of sexual assault, domestic violence, dating violence, or stalking and includes

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<sup>1</sup> Adopted January 20, 2017. Amended May 17, 2019, August 1, 2019, and XXX.

information about the institution's and community resources for a victim; (2) bystander intervention; and (3) sexual consent.

**3.5** An institution shall require a student organization, in order for the student organization to receive or maintain official recognition by the institution, to annually provide campus safety training, using the curriculum described in subsection 3.4 to the student organization's members.

**3.6** Institutions shall coordinate with each other and the Board to comply with sex discrimination and harassment laws by supporting activities of the Board described in R262-4.

**3.7** Institutions shall develop campus safety plans that includes the following minimum elements:

**3.7.1** Instructions on where an individual can locate the institution's policies and publications related to claims of sexual misconduct, which includes sexual assault, domestic and dating violence, sexual harassment, and stalking;

**3.7.2** Institution and community resources for a victim of sexual misconduct;

**3.7.3** The rights of a victim of a sexual misconduct, including the measures the institution takes to ensure, unless otherwise provided by law, victim confidentiality throughout all steps in the reporting and response to a covered offense;

**3.7.4** How the institution informs the campus community of a crime that presents a threat to the campus community;

**3.7.5** Availability, locations, and methods for requesting assistance of security personnel on the institution's campus;

**3.7.6** Guidance on how a student may contact law enforcement for incidents that occur off campus;

**3.7.7** A description of the efforts that the institution made in the preceding 18 months and expects to make in the upcoming 24 months to improve campus safety measures, including efforts to improve the institution's response to allegations of sexual misconduct and increased and/or improved services to victims of sexual misconduct;

**3.7.8** A description of coordination and communication between institution resources and organizations, including campus law enforcement;

**3.7.9** A description of the institution’s coordination with local law enforcement or community resources, including coordination related to a student’s safety at an off-campus location; and

**3.7.10** How the institution requires a student organization to provide the campus safety training as required by Utah Code section 53B-28-401.

**3.8** Institutions may combine their campus safety plan with their Annual Security Report (ASR) required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act, 20 U.S.C. § 1092(f), provided the institution’s ASR contains all of the elements specified in 3.7 above. An institution shall prominently post the institution’s campus safety plan on the institution’s website and each of the institution’s campuses and annually update the institution’s campus safety plan.

**3.9** Institutions shall report annually to the Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee, at or before the committees’ November meetings, on crime statistics aggregated by housing facility as described in Utah Code section 53B-28-403(2).

#### **R262-4 Board Responsibilities**

**4.1** The Board shall provide opportunities for the institutions’ Title IX officers to meet with each other and the Office of the Commissioner of Higher Education—at least annually—to coordinate efforts, review changes to the law, identify best practices, review the institutions’ policies and practices, and provide opportunities for consultation.

**4.2** The Board shall provide training opportunities for Title IX officers and other individuals at the institutions who investigate alleged violations of the institutions’ sexual misconduct, harassment, and discrimination policies. The training shall cover areas required by law and other best practices.

**4.3** The Board shall provide annual training opportunities for individuals who conduct disciplinary proceedings, including hearing committees that address violations of the institutions’ Title IX policies. The training will cover areas required by law and other best practices.

**4.4** The Board shall assist the institutions to identify strategies for preventing sexual harassment, sexual violence, domestic violence, dating violence, and stalking, including outreach and educational activities for students, staff, and faculty.

**4.5** The Board shall provide the institutions with other resources and opportunities to help institutions comply with sexual misconduct, harassment, and discrimination laws.



## **R264, Student Religious Accommodations<sup>1</sup>**

**R264-1** The following policy has been codified<sup>2</sup> as Utah Administrative Code R765-264.

### **R264-2 References**

- 2.1** Utah Code § 53B-1-102, Utah System of Higher Education
- 2.2** Utah Code § 53B-27-405, Student Religious Accommodations
- 2.3** Family Educational Rights and Privacy Act

### **R765. Higher Education (Utah Board of), Administration.**

#### **R765-264. Student Religious Accommodations.**

##### **R765-264-1. Purpose.**

This rule ~~defines religious accommodations made to the schedule of a student's course at a Utah system of higher education institution, establishes how a student seeking an accommodation shall provide notice, and outlines the circumstances under which an institution must grant an accommodation. This policy does not cover religious accommodations for employees or religious accommodation requests beyond scheduling, outlines the Commissioner of Higher Education's responsibilities for creating and distributing a list of religious holidays to Utah System of Higher Education institutions.~~

##### **R765-264-2. Authority.**

Section 53B-27-405 authorizes this rule.

##### **R765-264-3. Definitions.**

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<sup>1</sup> Adopted December 1, 2023; amended March 1, 2024; ~~and XXX.~~

<sup>2</sup> This administrative rule must also be approved by the Utah Office of Administrative Rules and minor, non-substantive edits to conform with the Utah Administrative Code style guide may be made.

~~(1) "Designated employee" means the person designated by an institution to handle requests for religious accommodations. At a degree-seeking institution, the designated employee shall be the instructor for the course for which a student seeks a religious accommodation. At a technical college the designated employee may be someone given responsibility to work with instructors to address requests for religious accommodations.~~

~~(12) "Institution" means an institution of higher education under Subsection 53B-2-101(1).~~

~~(3)(a) "Religious accommodation" means a schedule modification of an examination or academic requirement because of the student's faith, conscience, or participation in an organized activity under the student's religious tradition or religious organization.~~

~~(b) "Religious accommodation" may include rescheduling or providing a make-up exam, rescheduling a student's in-class presentation, allowing a make-up assignment to substitute for missed class work, changing a course assignment's due date, or excusing an absence from the course.~~

~~(4) "Religious tradition" means a religious, non-religious, theistic, or non-theistic moral or ethical tradition.~~

~~(5) "Sincerely held belief" means a religious, non-religious, theistic, or non-theistic moral or ethical belief.~~

~~(6) "Undue hardship" means significant difficulty.~~

#### ~~**R765-264-4. Religious Accommodations.**~~

~~(1) Each institution shall reasonably accommodate a student's absence from an examination or other academic requirement if the student provides a written notice to the designated employee that the date and time that an examination or academic requirement is scheduled creates an undue hardship for the student due to the student's sincerely held belief based on the student's:~~

~~(a) faith or conscience; or~~

~~(b) participation in an organized activity conducted under the student's religious tradition or organization.~~

~~(2) Each designated employee who receives a student's written notice requesting a religious accommodation may:~~

~~(a) provide an alternative examination time before or after the regularly scheduled examination; or~~

~~(b) make any scheduling accommodation for other academic requirements related to the accommodation.~~

### **~~R765-264-5. Institution Requirements for the Religious Accommodations Process.~~**

~~Each institution shall:~~

~~(1) identify an employee at the institution from whom any student can seek information about student religious accommodations;~~

~~(2) establish a process for a student to request a religious accommodation that complies with Section 53B-27-405; and~~

~~(3) establish a process for a student to grieve the denial of a request for a religious accommodation.~~

### **~~R765-264-6. Institution's Website.~~**

~~Each institution shall publish the following information on its website and update the information annually:~~

~~(1) this policy;~~

~~(2) the name and contact information of the employee at the institution from whom a student can seek information about student religious accommodations;~~

~~(3) the list of major religious holidays described in Section R765-264-9.~~

~~(4) a description of the general procedures for a student to request a religious accommodation; and~~

~~(5) the grievance process described in Section R765-264-5.~~

**~~R765-264-7 Confidentiality.~~**

~~Each institution shall require its employees to keep a student's request for a religious accommodation and the student's beliefs and practices confidential and only share the information needed to evaluate or grant the request, or to process a grievance of a denial of a request.~~

**~~R765-264-8 Retaliation Prohibited.~~**

~~Under the institution's antidiscrimination policies, each institution shall prohibit its employees and students from engaging in retaliation against a student who has requested or is receiving a religious accommodation.~~

**R765-264-4.9 Religious Holidays.**

By December 1, 2023 and July 1 every year, the Utah ~~Board of Higher Education~~ Commissioner of Higher Education shall distribute to each institution a list of the dates of religious holidays for the subsequent two years. A student may seek, and an institution may grant, a religious accommodation for a holiday that is not on the list.



## **R264, Student Religious Accommodations<sup>1</sup>**

**R264-1** The following policy has been codified<sup>2</sup> as Utah Administrative Code R765-264.

### **R264-2 References**

**2.1** Utah Code § 53B-1-102, Utah System of Higher Education

**2.2** Utah Code § 53B-27-405, Student Religious Accommodations

**2.3** Family Educational Rights and Privacy Act

### **R765. Higher Education (Utah Board of), Administration.**

#### **R765-264. Student Religious Accommodations.**

##### **R765-264-1. Purpose.**

This rule outlines the Commissioner of Higher Education's responsibilities for creating and distributing a list of religious holidays to Utah System of Higher Education institutions.

##### **R765-264-2. Authority.**

Section 53B-27-405 authorizes this rule.

##### **R765-264-3. Definitions.**

(1) "Institution" means an institution of higher education under Subsection 53B-2-101(1).

##### **R765-264-4. Religious Holidays.**

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<sup>1</sup> *Adopted December 1, 2023; amended March 1, 2024; and XXX.*

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By December 1, 2023 and July 1 every year, the Utah Commissioner of Higher Education shall distribute to each institution a list of the dates of religious holidays for the subsequent two years. A student may seek, and an institution may grant, a religious accommodation for a holiday that is not on the list.

## ~~R310, System-wide Vision and Mission Statements~~

~~**R310-1 Purpose:** To provide vision and mission statements for the Utah System of Higher Education, the Board of Higher Education, and the office of the Commissioner of Higher Education.~~

### ~~R-310-2 References~~

~~**2.1** Utah Code Plan for Higher Education)~~

~~**2.2** 1, Institutional Missions and Roles~~

### ~~R310-3 Vision Statement~~

~~**3.1 Utah System of Higher Education:** Utah will forge an exceptional, learner-centered educational system providing citizens with the opportunity to become enlightened, to value ethnic and cultural differences, to have a global perspective, to develop an abiding sense of ethics, and to achieve their personal potential, thereby advancing the State and its citizens intellectually, socially, economically, and culturally.~~

### ~~R-310-4 Mission Statements~~

~~**4.1 Utah System of Higher Education:** The mission of the Utah System of Higher Education (USHE) is to provide high-quality academic, professional, and applied technology learning opportunities designed to advance the intellectual, cultural, social, and economic well-being of the state and its people. The USHE will foster a society of lifelong learners, prepare a productive work force for a knowledge-based global marketplace, cultivate social responsibility and commitment to ethical values, improve the quality and understanding of life, and promote cultural awareness and appreciation for diversity.~~

~~**4.2 Board of Higher Education:** The mission of the Board of Higher Education is to ensure fulfillment of the mission of the Utah System of Higher Education through policy determination, governance, collaboration, and coordination. Well-defined and differentiated institutional missions are established by the Board to focus college and university efforts on excellence, to avoid unwise duplication of programs and effort, to serve both traditional and nontraditional students, and to promote efficiency and accountability. The Board also coordinates with non-USHE postsecondary institutions, public education, business, and government and administers student financial aid and other programs involving statewide participation.~~

<sup>1</sup>Approved November 5, 1993.

**4.3 Office of the Commissioner of Higher Education:** The mission of the Commissioner of Higher Education (OCHE) is to implement and administer policies and directives of the Board of Higher Education and provide staff support to assist the Board and system institutions in fulfilling their respective missions. Under Board direction, the OCHE works closely with college and university personnel to afford Utahns a highly efficient and economical system of public higher education. The OCHE provides statewide leadership, collaboration, coordination, strategic planning, policy development, standardized reporting procedures, information dissemination, and program administration. The office also formulates consolidated operating and capital budgets and manages enrollments and instructional delivery systems that provide access with superior quality.



## R310, System-wide Vision and Mission Statements

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# R461, Access, Admission, and Articulation<sup>1</sup>

**R461-1 Purpose:** To provide for student access, admission, and articulation with high schools.

## R461-2 References

- ~~2.1~~ [Utah Code § 53B-2-106, Direction of Instruction, Examination, Admission and Classification of Students](#)  
~~Duties and Responsibilities of the President of an Institution of Higher Education -- Approval by Board of Trustees~~
- ~~2.2~~ [Utah Code § 53B-16-102, Changes in Curriculum – Substantial Alterations in Institutional Operations – Program Approval – Periodic Review of Programs – Career and Technical Education Curriculum Changes](#)
- ~~2.3~~ [Utah Code § 71-8-6, Government Entity Participation](#)
- ~~2.4~~ [Utah Code § 71-8-7, Government Entity Veterans' Affairs Specialist – Duties – Training](#)
- ~~2.35~~ United States Department of Veterans Affairs Resources for Schools
- ~~2.46~~ Board Policy R312, [Configuration of the Utah System of Higher Education and Institutional Missions and Roles](#)  
[Institutional Roles and Missions](#)
- ~~2.57~~ Board Policy R315, [Service Area Designation](#)  
[s and Coordination of Off-Campus Courses and Programs](#)  
[Service Regions](#)
- ~~2.68~~ Board Policy R470, [General Education, Common Course Numbering, Lower Division Pre-Major Requirements, Transfer of Credits, and Credit by Examination](#)
- ~~2.79~~ [Board Policy R609A](#), Regents' Scholarship

## R461-3 Policy

### 3.1 Access: General Guidelines

**3.1.1 Open Access to System:** Every individual capable of benefiting from postsecondary education should be afforded the opportunity to enroll somewhere in the Utah System of Higher Education.

**3.1.2 Geographic Accessibility:** For guidelines regarding the availability of graduate education, upper-division education, lower-division education, remedial and developmental education, and postsecondary career and technical education across the System, refer to [Board Policy R315-54](#).

<sup>1</sup>Adopted December 14, 1982; amended November 20, 1984; May 15, 1992; June 19, 1992; January 23, 2015; and November 18, 2022; and XXX.

### **3.2 Admission: General Principles**

**3.2.1 Student Admission:** For guidelines regarding admission to Doctorate-granting Universities (University of Utah and Utah State University), Master's Universities (Southern Utah University, Utah Valley University, and Weber State University), Baccalaureate Universities (Utah Tech University), and Comprehensive Community or Associate's Colleges (Salt Lake Community College and Snow College), refer to [Board Policy R312-5, Institutional Roles and Missions](#).

**3.2.2 Communications with Public Education:** Changes in admission standards at the postsecondary institutions may have implications for curriculum structures in the state's secondary schools. In order to facilitate articulation between the public school system and the system of higher education, cooperative efforts in maintaining and improving communications should be part of the planning process of postsecondary institutions.

### **3.3 Articulation with High Schools**

**3.3.1 Communicate Preparation Needed for Success:** Utah System of Higher Education institutions should clearly communicate to all stakeholders the kind of preparation that is needed in high school (or elsewhere) for a student to successfully perform at the institution and in specific programs at the institution.

**3.3.2 Admission Standards and Public Schools Curricula:** When major changes in institutional admission policies are contemplated, the Commissioner's Office, together with the interested institutional offices, should consult with the State Office of Education and with appropriate area school districts concerning implications for the public schools and curriculum offerings.

**3.3.3 Faculty Committees to Articulate Curricula:** Where the need suggests, task forces or committees composed of faculty representatives from public education and higher education should be appointed to articulate curriculum offerings at both levels in specific subject matter areas.

### **3.4 Nonresident Student Access**

**3.4.1 Tuition Reciprocity Agreements:** The Commissioner, in cooperation with the institutional presidents, will continue to pursue tuition reciprocity agreements with neighboring states where such initiatives seem prudent and warranted subject to applicable statutory authority for, and Board of Regents approval of, such agreements.

**3.4.2 Nonresident Enrollment:** The Board of ~~Regents Higher Education~~ encourages appropriate levels of nonresident enrollments, consistent with availability of resources, maintenance of quality programs, and compliance with approved admission requirements.

## **R461-4 Procedures**

**4.1 Application Deadlines:** Institutions will establish appropriate application deadlines according to institutional classifications (doctorate-granting universities, master's universities, baccalaureate universities, comprehensive community or associate's colleges) and student categories (freshman, transfer, returning, graduate, international, etc.).

**4.2 High School Course Recommendations:** The following recommended courses taken during grades 9-12 have been found to provide high school graduates with the preparation needed to succeed in postsecondary education and the workforce:

- ~~Y~~years/credits of English
- ~~Y~~years/credits of mathematics taken in a progressive manner (Secondary Math I, II, and III or Secondary Math Honors I, II, and II, plus one course beyond)
- 3.5 years/credits of social science
- 3 years/credits of lab-based natural science (one each of Biology, Chemistry, and Physics)
- 2 years/credits of world or classical language, other than English, taken in a progressive manner

~~**4.3 Special Consideration for Admission:** Special consideration for admission may be given to certain groups of students (e.g., students who are at higher risk of not completing a certificate or degree educationally disadvantaged, racial and ethnic minorities, students with special talents), or for whom the common indicators of predicted academic success may not be valid indicators of their potential success at a university, but students whose special talents or diversity enhance the institution's character.~~

## **4.34 Transfer Students**

**4.34.1 General Guidelines:** For guidelines regarding considerations for transfer students, refer to ~~Board Policies R470-87 and R470-9, General Education~~**8**.

**4.34.2 Completion of Associate of Arts or Associate of Science Degree:** Students shall be strongly encouraged to complete an Associate of Arts or Associate of

Science degree prior to transferring. An advantage of completing the AA or AS degree is the automatic acceptance of the general education requirement having been met.

**4.34.3 Departments and Majors with Higher GPA Standards:** Institutions shall make available to potential transfer students' information regarding departments and majors with higher GPA standards and additional course requirements in order to assist students in realistic academic planning.

**4.34.4 Degree Completion:** Institutions shall develop procedures for monitoring and advising transfer students with the objective of degree completion within an appropriate time.

#### **4.45 Admission of Veterans**

**4.45.1 Processes for Serving Veterans and Current Military Personnel:** Each USHE institution shall appoint or designate a full-time employee as a veterans services specialist. This specialist shall attend annual training provided by the Utah Department of Veterans and Military Affairs (hereinafter referred to in this section as the Department) and shall coordinate the provision of veterans services with the Department. Each institution shall: (1) provide the Department with non-protected or non-private information about services provided to veterans; (2) post on its website all services available to veterans, contact information for the veterans services specialist, and provide a link to the Department and the contact information for the Department's veterans services coordinator; and (3) award credit for previous military service and training pursuant to Board Policy R470-8.6.1.

**4.45.2 Veterans Certifying Official:** Each institution in the USHE shall have a trained veterans certifying official as a member of its staff.

**4.45.3 Qualifying Veterans for Federal Veterans Education Benefits:** Upon receipt of an official military transcript, an institution's veterans certifying official or other qualified employee shall review the transcript and other materials pertaining to a student's request for use of federal veterans education benefits and process the application consistent with current United States Department of Veterans Affairs procedures.



# R461, Access, Admission, and Articulation<sup>1</sup>

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- 2.3 United States Department of Veterans Affairs Resources for Schools
- 2.4 Board Policy R312, Institutional Roles and Missions
- 2.5 Board Policy R315, Designation of Service Regions
- 2.6 Board Policy R470, General Education
- 2.7 Board Policy R609A, Regents' Scholarship

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Associate's Colleges (Salt Lake Community College and Snow College), refer to Board Policy R312-5, *Institutional Roles and Missions*.

**3.2.2 Communications with Public Education:** Changes in admission standards at the postsecondary institutions may have implications for curriculum structures in the state's secondary schools. In order to facilitate articulation between the public school system and the system of higher education, cooperative efforts in maintaining and improving communications should be part of the planning process of postsecondary institutions.

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**4.2 High School Course Recommendations:** The following recommended courses taken during grades 9-12 have been found to provide high school graduates with the preparation needed to succeed in postsecondary education and the workforce:

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- 3.5 years/credits of social science
- 3 years/credits of lab-based natural science (one each of Biology, Chemistry, and Physics)
- 2 years/credits of world or classical language, other than English, taken in a progressive manner

#### **4.3 Transfer Students**

**4.3.1 General Guidelines:** For guidelines regarding considerations for transfer students, refer to Board Policies R470-8 and R470-9, *General Education*.

**4.3.2 Completion of Associate of Arts or Associate of Science Degree:** Students shall be strongly encouraged to complete an Associate of Arts or Associate of Science degree prior to transferring. An advantage of completing the AA or AS degree is the automatic acceptance of the general education requirement having been met.

**4.3.3 Departments and Majors with Higher GPA Standards:** Institutions shall make available to potential transfer students' information regarding departments and majors with higher GPA standards and additional course requirements in order to assist students in realistic academic planning.

**4.3.4 Degree Completion:** Institutions shall develop procedures for monitoring and advising transfer students with the objective of degree completion within an appropriate time.

#### **4.4 Admission of Veterans**

**4.4.1 Processes for Serving Veterans and Current Military Personnel:** Each USHE institution shall appoint or designate a full-time employee as a veterans services specialist. This specialist shall attend annual training provided by the Utah Department of Veterans and Military Affairs (hereinafter referred to in this section as the Department) and shall coordinate the provision of veterans services with the Department. Each institution shall: (1) provide the Department with non-protected or non-private information about services provided to veterans; (2) post on its website all services available to veterans, contact information for the veterans services specialist, and provide a link to the Department and the contact information for the Department's veterans services coordinator; and (3) award credit for previous military service and training pursuant to Board Policy R470-8.6.1.

**4.4.2 Veterans Certifying Official:** Each institution in the USHE shall have a trained veterans certifying official as a member of its staff.

**4.4.3 Qualifying Veterans for Federal Veterans Education Benefits:** Upon receipt of an official military transcript, an institution's veterans certifying official or other qualified employee shall review the transcript and other materials pertaining to a student's request for use of federal veterans education benefits and process the application consistent with current United States Department of Veterans Affairs procedures.

## R470, General Education<sup>1</sup>

**R470-1 Purpose:** This policy creates guidelines to assure consistency in the structure and essential learning outcomes of general education requirements for undergraduate degree programs and reciprocity in recognition of general education requirements between Utah System of Higher Education (“USHE”) degree-granting institutions.

### R470-2 References

- 2.1 Utah Code § 53B-1-101.5(1) and (8), Definitions
- 2.2 Utah Code § 53B-2-106(3)(c), Duties of Degree-granting Presidents
- ~~2.3~~ ~~2.3~~ Utah Code § 53B-16-102, Changes in Curriculum
- ~~2.4~~ Utah Code § 53B-16-103, Granting of Degrees, Diplomas, or Certificates
- ~~2.5~~ Utah Code § 53B-16-105, Common Course Numbering, Transferability, General Education
- 2.65 Board Policy R401, Approval of New Programs, Program Changes, Discontinued Programs, and Program Reports
- 2.76 Board Policy R471, Lower division Major Requirements and Transfer of Credits
- 2.87 R470 Appendix, Essential Learning Outcomes
- 2.98 Importance of General Education Issue Brief, General Education Task Force

### R470-3 Definitions

- 3.1 **“Basic Instruction”** means instruction offered by technical colleges in areas such as reading, language arts, and mathematics that is necessary for student success in a chosen technical education or job-related program. Basic instruction does not include college-level general education courses or introductory college-level disciplinary courses but may parallel developmental education offered by degree-granting institutions.
- 3.2 **“Competencies”** mean the knowledge, skills, abilities, and behaviors that demonstrate accomplishment of learning objectives within a specific course or program.
- 3.3 **“Essential Learning Outcomes”** means the requisite competencies of a course or program, including intellectual ideas, bodies of knowledge, and academic skillsets and mindsets.

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<sup>1</sup> Approved August 19, 2005. Replaces R463, Credit by Examination; R465, General Education; R467, Lower Division Major Requirements; R471, Transfer of Credit and R472, Course Numbering. Amended March 25, 2011, September 16, 2016, and March 31, 2017. Repealed and replaced December 1, 2023: amended XXX.

**3.4 “General Education”** means a required set of shared essential learning outcomes, the foundational subject areas required within the general education program, and the individual courses and disciplines that comprise those subject areas. These include written communications, quantitative literacy or mathematics, American Institutions, humanities, fine arts, social sciences, life sciences, and physical sciences.

#### **R470-4 General Education Guidelines**

**4.1** Undergraduate degrees within USHE should be structured to prepare students for both professional competence in a particular discipline and cross-disciplinary general education to develop critical thinking, analytical and ethical skills, and the broad-based academic knowledge necessary for an adaptable 21st century workforce and an educated citizenry. *See Reference 2.8.* All undergraduate degrees must meet the shared USHE General Education requirements. An institution must seek approval from the Board for an exemption as outlined in [Board Policy R401, Approval of New Programs, Program Changes, Discontinued Programs, and Program Reports](#).

**4.2** USHE degree-granting institutions shall construct their general education programs in alignment with their institutional roles as outlined in [Board Policy R312, Institutional Roles and Missions](#), and their unique institutional missions and faculty specialties, but institutional general education programs shall have consistent core and breadth requirements, essential learning outcomes, minimum grade requirements, and credit structures and shall be fully transferable across the system. Technical education programs may not provide general education but may offer basic instruction.

**4.3** General education essential learning outcomes are informed by USHE faculty through area work groups and faculty major committees outlined in section 8, disciplinary standards, and nationally recognized expectations as reflected in professional organizations such as the American Association of Colleges and Universities, the Western Interstate Commission for Higher Education, and accrediting bodies.

**4.4** General Education courses shall be designed to actively engage students in the disciplinary subject, ~~address equity gaps in course success~~ [support all students the learning and success of all students](#), and make interdisciplinary connections to help students understand the value of the program.

**R407-5 General Education Credit Requirements:** To assure consistency and transferability across USHE and timely completion for students, each institutional general education program shall require 27-

30 semester credits to build student competence in the core and breadth general education areas. These include:

**5.1** 12 credits in the core requirements of written communications (six credits of which three credits are at the 2000-level or higher), three credits Quantitative Literacy, and three credits American Institutions.

**5.2** Three credits from each of the five breadth area requirements of arts, humanities, life sciences, physical sciences, and social and behavioral sciences.

**5.3** Up to three credits of unique institutional coursework to address gaps in meeting shared general education program-level essential learning outcomes, not to exceed an institutional requirement for 30 general education credits. Because each USHE degree-granting institution structures its general education program around its unique faculty specialties and academic departments and serves students of differing backgrounds and levels of academic preparation, some institutions may need to specify this unique institutional coursework to ensure students achieve the expected system-level general education program outcomes.

**5.4** Institutions may develop integrative courses or programs rather than structuring general education around one course per general education area requirement, not to exceed 30 credits except as allowed in subsection 5.5.

**5.5** Courses with embedded co-requisite developmental education, instructional supports, or lab or other high impact pedagogical strategies may have more than three credits and may bring individual students' general education credit count above the 30-credit range.

**5.6** In some cases, students majoring in a particular discipline may be required to take a two-course sequence in the major rather than a traditional single introductory course to meet a general education requirement served by that discipline. Two-course sequences may be given the appropriate general education requirement attribute for students in the major without affecting the institution's base general education credit count.

**R470-6 Essential Learning Outcomes:** USHE's shared general education essential learning outcomes should inform institutions' design of their general education programs at the program, area (core and breadth), and course level to offer an appropriate breadth, depth, and sequencing of learning.

**6.1 Program-Level Essential Learning Outcomes:** Program-level design shall ensure student demonstration of specific understanding and application of the following general education competencies:

**6.1.1 Intellectual and Practical Skills:** These skills include inquiry and analysis, critical and creative thinking, written and oral communication, information literacy, teamwork and problem-solving, and practical skills such as visual, kinesthetic, design, and aural forms of artistic communication.

**6.1.2 Knowledge of Human Cultures and the Physical and Natural Worlds:** Engagement with “big questions”—both contemporary and enduring—in the sciences, mathematics, social sciences, humanities, histories, languages, and the arts.

**6.1.3 Personal and Social Responsibility:** Development of personal and social responsibilities, including ethical reasoning and actions, foundations and skills for lifelong learning, community and civic knowledge and engagement, involvement with diverse communities and real-world challenges, and local and global intercultural knowledge and competence.

**6.1.4 Integrative Learning:** Demonstration of synthesis of learning and advanced accomplishment across coherent general and specialized studies and the application of knowledge, skills, and responsibilities to new settings and complex problems.

**6.2 General Education Core Requirements:** General education core essential learning outcomes address foundational competencies to promote student success across the curriculum and prepare students for subsequent coursework. The essential learning outcomes for the core areas are not exhaustive, and other outcomes may also be addressed at each institution’s discretion.

**6.2.1 Written Communication (Six Credits):** Students may satisfy this requirement by completing at least two institutionally approved courses focused on the development of academic composition and communication skills to serve as a foundation for continued writing experiences across the curriculum, in professional settings, and as a tool for democratic and civic engagement. Students must demonstrate an ability to evaluate and synthesize credible information and effectively organize and deliver well-reasoned arguments appropriate to an intended audience. Courses receiving this designation should emphasize critical thinking, analysis, logical reasoning, and appropriate context and shall meet the essential learning outcomes defined by the Written Communication Area Work Group in *R470 Appendix, Essential Learning Outcomes*. Requirements can be met by taking these courses: (1) ENGL or WRTG 1010 Introduction to Writing, and (2) ENGL 2010 Intermediate Writing or

ENGL 2100 Technical Writing, or other institution-approved courses.

**6.2.2 Quantitative Literacy (Three Credits):** Students satisfy this requirement by demonstrating familiarity with fundamental quantitative methods and concepts, formal reasoning, the ability to apply quantitative skills in an appropriate context, and the ability to evaluate arguments based on quantitative reasoning. Courses receiving this designation should meet the essential learning outcomes defined by the Quantitative Literacy Area Work group in R470 Appendix, *Essential Learning Outcomes*.

Requirements can be met by taking MATH 1030 Quantitative Reasoning, MATH or STAT 1040 Statistics, MATH 1050 College Algebra, or other institution-approved courses.

**6.2.3 American Institutions (Three Credits):** Consistent with Utah Code section 53B-16-103(1)(b), to satisfy this requirement students must “demonstrate a reasonable understanding of the history, principles, form of government, and economic system of the United States.” Approved courses should include the use of disciplinary methods from history, political science, or economics to come to an understanding of the history, principles, multi-cultural populations, form of government, and economic system of the United States. Approved courses shall meet the essential learning outcomes defined by the American Institutions Area Work group in R470 Appendix, *Essential Learning Outcomes*. Requirements can be met by taking ECON 1740 Economic History of the United States, HIST 1700 American Civilization, HIST 2700 United States History to 1877/HIST 2710 United States History 1877 to Present (for History majors), POLS 1100 American/US National Government, or other institution-approved courses.

**6.3 General Education Breadth Areas:** Students are required to complete requirements within five different breadth areas to cultivate the exposure to a range of subjects, analytical skills, and to develop the intellectual agility required to navigate a variety of perspectives and participate effectively in professional life and a diverse democracy. Courses that meet general education requirements may also fulfill lower division major requirements.

**6.3.1 Arts (Three Credits):** Students shall demonstrate an understanding of the scope and variety of the fine arts, explain the aesthetic standards used in making critical judgments in various artistic fields, and demonstrate knowledge of the ~~diversity-range~~ of values, beliefs, ideas, and practices embodied in artistic expression. Courses receiving this designation shall meet the essential learning outcomes established by the Arts Area Work Group in R470 Appendix, *Essential Learning Outcomes*.

**6.3.2 Humanities (Three Credits):** Students shall demonstrate proficiency in

analyzing primary sources regarding the complexities and changes in human experience through analytical reading and critical thought and shall be able to analyze how human experience is shaped by social, cultural, linguistic, and/or historical circumstances. Courses receiving this designation shall meet the essential learning outcomes established by the Humanities Area Work Group in R470 Appendix, *Essential Learning Outcomes*.

**6.3.3 Life Sciences (Three Credits):** Students shall demonstrate an understanding of science as a way of knowing about the natural world and living organisms. Life Science proficiency requires an understanding of the scientific method in conducting research and subjecting empirical evidence analysis to scientific models. Proficiency also entails an understanding of how the life sciences have shaped and been shaped by historical, ethical, cultural, and social contexts. Courses receiving this designation shall meet the essential learning outcomes outlined by the Life Sciences Area Work Group in R470 Appendix, *Essential Learning Outcomes*.

**6.3.4 Physical Sciences (Three Credits):** Students shall demonstrate familiarity with scientific methods and modeling to understand forces in the physical world and an understanding of how the physical sciences have shaped and been shaped by historical, ethical, cultural, and social contexts. Courses receiving this designation shall meet the essential learning outcomes outlined by the Physical Sciences Area Work Group in R470 Appendix, *Essential Learning Outcomes*.

**6.3.5 Social and Behavioral Sciences (Three Credits):** Students shall demonstrate an understanding of social and behavioral science methodology, concepts, and theories, and demonstrate a critically reasoned understanding of human cultures, value systems, institutions, economic structures, social patterns, and individual variation. Courses receiving this designation shall meet the essential learning outcomes defined by the Social and Behavioral Sciences Area Work Group in R470 Appendix, *Essential Learning Outcomes*.

**6.3.6** Faculty from disciplines that offer general education courses within the breadth areas shall actively engage in reaching out to similar disciplines at other USHE institutions to further establish and articulate specific course learning outcomes and objectives for commonly numbered courses.

**6.3.7** Institutions shall develop rules to assure that student course selection in the breadth area reflects exposure to a broad range of disciplines.



**6.3.8** Breadth course learning outcomes may also support students acquiring relevant career information and professional, civic, and personal skills.

**R470-7 General Education Sequencing and Completion:** Institutions shall implement strategies to facilitate student completion of general education requirements.

**7.1 Lower Division Sequential Numbering:** Some lower division courses with general education attributes are intended to prepare students for advanced work across the curriculum or within an intended major. Expectations that these requirements should be completed early in a student's academic career shall be reflected through the appropriate use of the common course numbering sequences outlined in Board Policy R475, *Common Course Numbering*.

**7.2 Upper Division Coursework in General Education:** General education courses should be numbered at the 1000- and 2000-level, allowing students to fulfill all general education requirements through lower division coursework. However, in rare cases, courses that receive general education designations may have upper division numbering in alignment with the standards of Board Policy R475, *Common Course Numbering* and justified as being in the students' best interests.

**7.3 Institutional Upper Division Non-major, Non-general Education**

**Requirements:** Institutions that implement specific requirements for upper division courses outside of a major and outside of the USHE standardized general education program shall not refer to those requirements as general education and should carefully consider the possible negative effects of those requirements on transfer students and completion in general.

**7.4 Early engagement with General Education:** Institutions shall structure general education programs so that students begin general education work during their first year of enrollment, particularly in core requirements that are foundational to subsequent coursework.

**7.5 Clear Communication of General Education Sequencing and Requirements:** Degree plans and advising materials should encourage students to complete general education requirements early and through the most effective curricular and pedagogical means possible, i.e., co-requisite rather than developmental course entry points where possible.

**7.6 Completion within First Two Years:** Depending on a student's intended major and transfer plans, general education may be completed within the first 60 credit hours or spread across multiple semesters to accommodate major requirements and facilitate completion.

**7.7 Certificate of General Education Completion:** Institutions shall mark completion of

the general education program with a certificate to ensure transferability of the entire program within USHE or to non-USHE institutions.

**7.8 Credit for Prior Learning:** In support of timely completion, institutions shall allow students to obtain general education credit by other means, such as prior learning assessments as outlined in Board Policy R472, *Credit for Prior Learning*.

**7.8.1 Allowable Credit:** Institutions shall not impose limits on the amount of general education credit that a student may earn by means other than taking courses directly from the institution only in alignment with accreditation requirements and Board Policy R472, *Credit for Prior Learning*.

### **7.9 Substitution of Courses in General Education to Accommodate Major**

**Requirements:** Institutions may allow students with declared majors in breadth areas listed in subsection 6.3 to substitute study and achievement in lower division major courses for the general education requirement and to achieve the required number of total general education credits by completing additional coursework in other general education areas. The receiving institution shall allow a USHE transfer student who retains the major to maintain the substitution at the receiving institution and shall not require the student to complete additional general education coursework.

**R470-8 Designated Responsibilities for General Education Procedures:** To implement this policy, the following committees are established:

**8.1 Board's General Education Task Force ("Task Force"):** The Task Force will be comprised of one representative from each USHE degree-granting institution who: oversees General Education at their institution, is nominated by the institution's Chief Academic Officer, and is appointed by the President. Non-voting or ex officio members may also attend as needed to provide expertise on particular issues. The Task Force will select a chair and vice chair, who must be approved by the Commissioner of Higher Education. These officers' terms of office are three years, and they are eligible for reelection. Office of the Commissioner of Higher Education ("OCHE") staff will provide administrative support to the Task Force and may serve as ex officio participants. The Task Force shall:

**8.1.1** Establish general education program-level essential learning outcomes and goals and essential learning outcomes in the core and breadth areas of general education, based on the most current recommendations of the general education area work groups and with input from general education faculty, faculty major committees, and accrediting bodies, national associations, and academic societies that are considered leaders in general education;

**8.1.2** Propose methods to assess student learning outcomes in general education and submit those recommendations to the Chief Academic Officers and USHE institutions;

**8.1.3** Coordinate with groups working on related tasks by appointing members of the Task Force to assist other USHE committees, such as the USHE Transfer Council, as requested and appropriate;

**8.1.4** Address disagreements about general education attributes for courses across USHE as they arise; and

**8.1.5** Recommend policy updates to OCHE, which must be vetted and endorsed by the Council of Chief Academic Officers before being forwarded to the Council of Presidents and then to the Board.

**8.2 General Education Area Work Groups:** The general education area work groups (“work groups”) include Arts, Humanities, Life Sciences, Physical Sciences, Social and Behavioral Sciences, Written Communication, Quantitative Literacy, and American Institutions. These work groups are comprised of two faculty representatives from each USHE degree-granting institution nominated by the institution’s general education committee and approved by the Chief Academic Officer. Non-voting or ex officio members may also attend as needed to provide expertise on particular issues. Each work group shall be chaired by a member of the Task Force or a faculty member appointed by the Task Force. The work groups shall:

**8.2.1** Meet annually during the annual professional development conference organized by the Task Force each fall, and at least once during the spring semester, to review the general education competencies and learning goals in each area and discuss and compare programs; and

**8.2.2** Provide recommendations on changes to the competencies and essential learning outcomes underlying each general education area and suggestions on methods used to assess student learning outcomes in relation to the learning outcomes to the General Education Task Force.

**8.3 Institutional General Education Committees:** Institutions shall establish policies, practices, and appropriate faculty curriculum committees to assess identified learning outcomes at program, area, and course-levels and shall ensure that courses receiving general education designations adequately assess shared essential learning

outcomes. This assessment may be augmented with cumulative and integrative learning experiences in which students can demonstrate intellectual skills and specialized knowledge, as designed by faculty subject-matter experts, for the institution's general education program.

**8.4 USHE Faculty Major Committees:** As outlined in Board Policy Board Policy R475, *Common Course Numbering*, institutional faculty representatives serving on USHE faculty major committees shall review commonly numbered and lower division major courses to assure they fulfill general education requirements and essential learning outcomes and the proper sequencing of general education requirements within the major. Faculty should design course content and pedagogical strategies ~~inclusive that strive to include of all~~ students ~~from all diversity of~~ cultural backgrounds, socioeconomic statuses, and viewpoints. Major committees shall identify assessment of general education program and area-level essential learning outcomes in their expectations for commonly numbered courses.

## 8.5 Individual Faculty

**8.5.1 Faculty Design of General Education Courses:** Faculty teaching general education courses shall address and assess competencies and learning outcomes identified by designated faculty major committees and work groups within USHE. Faculty shall design course content and pedagogical strategies ~~inclusive of that strive to all include~~ students from ~~all diversity of~~ cultural backgrounds, socioeconomic statuses, and viewpoints, and structure pedagogy and assessments to actively address ~~equity~~ gaps in course success rates. Courses should include assessment of general education program and area-level essential learning outcomes.

**8.5.2 Communication and Assessment of Essential Learning Outcomes:** Faculty teaching courses in each general education area shall include relevant course expectations and assignments based on the shared essential learning outcomes and reflect those expected outcomes in the class syllabus.

## R470-9 Transfer of Credit in Fulfillment of General Education Requirements

**9.1 Within USHE:** USHE degree-granting institutions shall facilitate transfer of general education credits, partially completed requirements, and full program completion from institution to institution within the system, as outlined in Board Policy R471, *Lower Division Major Requirements and Transfer of Credits*.

### 9.1.1 Similar Names, Common Numbers, and Equal Credits for General

**Education Courses:** Institutions shall assure that all courses satisfying general education requirements at any USHE institution are articulated to the fullest extent possible to satisfy comparable general education requirements at receiving USHE institutions as outlined in Board Policy R471, *Lower Division Major Requirements and Transfer of Credits*. General education courses at USHE institutions having similar learning goals, content, rigor, and standards shall have similar names, common numbers, and credits in compliance with Board Policy R475, *Common Course Numbering*.

**9.1.2 Transfer of Partially Completed General Education Credits:** For USHE students who have not fully satisfied all general education requirements at the sending institution prior to transfer, the receiving institution shall accept the credit hours and area designation of all general education coursework earned with a passing grade approved by the sending institution for general education purposes. A minimum grade for general education may not satisfy a major or prerequisite requirement in a particular discipline. The receiving institution may change a transfer course's general education area designation, with the student's consent, if it aids the student in fulfilling the receiving institution's remaining requirements. The receiving institution shall only require transfer students to complete any additional coursework needed to satisfy the unmet requirements of the receiving institution.

**9.2 Students Entering with Associate Degrees from Accredited Non-USHE Institutions:** The receiving institution shall review the transcripts of a student who enters a USHE institution with an associate degree from an appropriately-accredited non-USHE institution to assure the student has successfully completed relevant courses in the three core areas required of USHE students: written communication, quantitative literacy, and American Institutions. While USHE will honor associate degrees, institutions must address deficiencies found in one or more of the three core areas.

**9.2.1** Where possible, articulation agreements to accept transfer of a sending institution's entire general education program in fulfillment of the USHE general education program should be vetted by the Task Force and the USHE Transfer Council and conducted at the system level rather than between individual institutions. Where the Task Force and Transfer Council agree on a program-to-program general education articulation, the receiving institution shall accept a transfer student's entire lower division general education program without the student having to repeat or add courses, except American Institutions as required by Utah Code section 53B-16-103(1)(b).

### **9.3 Students Entering without Associate Degrees from Accredited Non-USHE**

**Institutions:** The receiving institution shall evaluate the transcript of a student who enters USHE from an appropriately-accredited institution without an associate degree to determine if additional general education coursework will be required for the student to meet USHE institutional requirements.

## R470, General Education<sup>1</sup>

**R470-1 Purpose:** This policy creates guidelines to assure consistency in the structure and essential learning outcomes of general education requirements for undergraduate degree programs and reciprocity in recognition of general education requirements between Utah System of Higher Education (“USHE”) degree-granting institutions.

### R470-2 References

- 2.1 Utah Code § 53B-1-101.5(1) and (8), Definitions
- 2.2 Utah Code § 53B-2-106(3)(c), Duties of Degree-granting Presidents
- 2.3 Utah Code § 53B-16-102, Changes in Curriculum
- 2.4 Utah Code § 53B-16-103, Granting of Degrees, Diplomas, or Certificates
- 2.5 Utah Code § 53B-16-105, Common Course Numbering, Transferability, General Education
- 2.6 Board Policy R401, Approval of New Programs, Program Changes, Discontinued Programs, and Program Reports
- 2.7 Board Policy R471, Lower division Major Requirements and Transfer of Credits
- 2.8 R470 Appendix, Essential Learning Outcomes
- 2.9 Importance of General Education Issue Brief, General Education Task Force

### R470-3 Definitions

- 3.1 **“Basic Instruction”** means instruction offered by technical colleges in areas such as reading, language arts, and mathematics that is necessary for student success in a chosen technical education or job-related program. Basic instruction does not include college-level general education courses or introductory college-level disciplinary courses but may parallel developmental education offered by degree-granting institutions.
- 3.2 **“Competencies”** mean the knowledge, skills, abilities, and behaviors that demonstrate accomplishment of learning objectives within a specific course or program.
- 3.3 **“Essential Learning Outcomes”** means the requisite competencies of a course or program, including intellectual ideas, bodies of knowledge, and academic skillsets and mindsets.

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<sup>1</sup> Approved August 19, 2005. Replaces R463, Credit by Examination; R465, General Education; R467, Lower Division Major Requirements; R471, Transfer of Credit and R472, Course Numbering. Amended March 25, 2011, September 16, 2016, and March 31, 2017. Repealed and replaced December 1, 2023; amended XXX.

**3.4 “General Education”** means a required set of shared essential learning outcomes, the foundational subject areas required within the general education program, and the individual courses and disciplines that comprise those subject areas. These include written communications, quantitative literacy or mathematics, American Institutions, humanities, fine arts, social sciences, life sciences, and physical sciences.

#### **R470-4 General Education Guidelines**

**4.1** Undergraduate degrees within USHE should be structured to prepare students for both professional competence in a particular discipline and cross-disciplinary general education to develop critical thinking, analytical and ethical skills, and the broad-based academic knowledge necessary for an adaptable 21st century workforce and an educated citizenry. *See Reference 2.8.* All undergraduate degrees must meet the shared USHE General Education requirements. An institution must seek approval from the Board for an exemption as outlined in *Board Policy R401, Approval of New Programs, Program Changes, Discontinued Programs, and Program Reports.*

**4.2** USHE degree-granting institutions shall construct their general education programs in alignment with their institutional roles as outlined in *Board Policy R312, Institutional Roles and Missions*, and their unique institutional missions and faculty specialties, but institutional general education programs shall have consistent core and breadth requirements, essential learning outcomes, minimum grade requirements, and credit structures and shall be fully transferable across the system. Technical education programs may not provide general education but may offer basic instruction.

**4.3** General education essential learning outcomes are informed by USHE faculty through area work groups and faculty major committees outlined in section 8, disciplinary standards, and nationally recognized expectations as reflected in professional organizations such as the American Association of Colleges and Universities, the Western Interstate Commission for Higher Education, and accrediting bodies.

**4.4** General Education courses shall be designed to actively engage students in the disciplinary subject, support the learning and success of all students, and make interdisciplinary connections to help students understand the value of the program.

**R407-5 General Education Credit Requirements:** To assure consistency and transferability across USHE and timely completion for students, each institutional general education program shall require 27-30 semester credits to build student competence in the core and breadth general education areas. These include:



**5.1** 12 credits in the core requirements of written communications (six credits of which three credits are at the 2000-level or higher), three credits Quantitative Literacy, and three credits American Institutions.

**5.2** Three credits from each of the five breadth area requirements of arts, humanities, life sciences, physical sciences, and social and behavioral sciences.

**5.3** Up to three credits of unique institutional coursework to address gaps in meeting shared general education program-level essential learning outcomes, not to exceed an institutional requirement for 30 general education credits. Because each USHE degree-granting institution structures its general education program around its unique faculty specialties and academic departments and serves students of differing backgrounds and levels of academic preparation, some institutions may need to specify this unique institutional coursework to ensure students achieve the expected system-level general education program outcomes.

**5.4** Institutions may develop integrative courses or programs rather than structuring general education around one course per general education area requirement, not to exceed 30 credits except as allowed in subsection 5.5.

**5.5** Courses with embedded co-requisite developmental education, instructional supports, or lab or other high impact pedagogical strategies may have more than three credits and may bring individual students' general education credit count above the 30-credit range.

**5.6** In some cases, students majoring in a particular discipline may be required to take a two-course sequence in the major rather than a traditional single introductory course to meet a general education requirement served by that discipline. Two-course sequences may be given the appropriate general education requirement attribute for students in the major without affecting the institution's base general education credit count.

**R470-6 Essential Learning Outcomes:** USHE's shared general education essential learning outcomes should inform institutions' design of their general education programs at the program, area (core and breadth), and course level to offer an appropriate breadth, depth, and sequencing of learning.

**6.1 Program-Level Essential Learning Outcomes:** Program-level design shall ensure student demonstration of specific understanding and application of the following general education competencies:

**6.1.1 Intellectual and Practical Skills:** These skills include inquiry and analysis,

critical and creative thinking, written and oral communication, information literacy, teamwork and problem-solving, and practical skills such as visual, kinesthetic, design, and aural forms of artistic communication.

**6.1.2 Knowledge of Human Cultures and the Physical and Natural Worlds:**

Engagement with “big questions”—both contemporary and enduring—in the sciences, mathematics, social sciences, humanities, histories, languages, and the arts.

**6.1.3 Personal and Social Responsibility:**

Development of personal and social responsibilities, including ethical reasoning and actions, foundations and skills for lifelong learning, community and civic knowledge and engagement, involvement with diverse communities and real-world challenges, and local and global intercultural knowledge and competence.

**6.1.4 Integrative Learning:**

Demonstration of synthesis of learning and advanced accomplishment across coherent general and specialized studies and the application of knowledge, skills, and responsibilities to new settings and complex problems.

**6.2 General Education Core Requirements:** General education core essential learning outcomes address foundational competencies to promote student success across the curriculum and prepare students for subsequent coursework. The essential learning outcomes for the core areas are not exhaustive, and other outcomes may also be addressed at each institution’s discretion.

**6.2.1 Written Communication (Six Credits):**

Students may satisfy this requirement by completing at least two institutionally approved courses focused on the development of academic composition and communication skills to serve as a foundation for continued writing experiences across the curriculum, in professional settings, and as a tool for democratic and civic engagement. Students must demonstrate an ability to evaluate and synthesize credible information and effectively organize and deliver well-reasoned arguments appropriate to an intended audience. Courses receiving this designation should emphasize critical thinking, analysis, logical reasoning, and appropriate context and shall meet the essential learning outcomes defined by the Written Communication Area Work Group in *R470 Appendix, Essential Learning Outcomes*. Requirements can be met by taking these courses: (1) ENGL or WRTG 1010 Introduction to Writing, and (2) ENGL 2010 Intermediate Writing or ENGL 2100 Technical Writing, or other institution-approved courses.

**6.2.2 Quantitative Literacy (Three Credits):** Students satisfy this requirement by demonstrating familiarity with fundamental quantitative methods and concepts, formal reasoning, the ability to apply quantitative skills in an appropriate context, and the ability to evaluate arguments based on quantitative reasoning. Courses receiving this designation should meet the essential learning outcomes defined by the Quantitative Literacy Area Work group in R470 Appendix, *Essential Learning Outcomes*. Requirements can be met by taking MATH 1030 Quantitative Reasoning, MATH or STAT 1040 Statistics, MATH 1050 College Algebra, or other institution-approved courses.

**6.2.3 American Institutions (Three Credits):** Consistent with Utah Code section 53B-16-103(1)(b), to satisfy this requirement students must “demonstrate a reasonable understanding of the history, principles, form of government, and economic system of the United States.” Approved courses should include the use of disciplinary methods from history, political science, or economics to come to an understanding of the history, principles, multi-cultural populations, form of government, and economic system of the United States. Approved courses shall meet the essential learning outcomes defined by the American Institutions Area Work group in R470 Appendix, *Essential Learning Outcomes*. Requirements can be met by taking ECON 1740 Economic History of the United States, HIST 1700 American Civilization, HIST 2700 United States History to 1877/HIST 2710 United States History 1877 to Present (for History majors), POLS 1100 American/US National Government, or other institution-approved courses.

**6.3 General Education Breadth Areas:** Students are required to complete requirements within five different breadth areas to cultivate the exposure to a range of subjects, analytical skills, and to develop the intellectual agility required to navigate a variety of perspectives and participate effectively in professional life and a diverse democracy. Courses that meet general education requirements may also fulfill lower division major requirements.

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experience is shaped by social, cultural, linguistic, and/or historical circumstances. Courses receiving this designation shall meet the essential learning outcomes established by the Humanities Area Work Group in R470 Appendix, *Essential Learning Outcomes*.

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**8.3 Institutional General Education Committees:** Institutions shall establish policies, practices, and appropriate faculty curriculum committees to assess identified learning outcomes at program, area, and course-levels and shall ensure that courses receiving general education designations adequately assess shared essential learning outcomes. This assessment may be augmented with cumulative and integrative learning experiences in which students can demonstrate intellectual skills and specialized knowledge, as designed by faculty subject-matter experts, for the institution’s general education program.

**8.4 USHE Faculty Major Committees:** As outlined in Board Policy Board Policy R475, *Common Course Numbering*, institutional faculty representatives serving on USHE faculty major committees shall review commonly numbered and lower division major courses to assure they fulfill general education requirements and essential learning outcomes and the proper sequencing of general education requirements within the major. Faculty should design course content and pedagogical strategies that strive to include students all cultural backgrounds, socioeconomic statuses, and viewpoints. Major committees shall identify assessment of general education program and area-level essential learning outcomes in their expectations for commonly numbered courses.

## **8.5 Individual Faculty**

**8.5.1 Faculty Design of General Education Courses:** Faculty teaching general education courses shall address and assess competencies and learning outcomes identified by designated faculty major committees and work groups within USHE. Faculty shall design course content and pedagogical strategies that strive to include students from all cultural backgrounds, socioeconomic statuses, and viewpoints, and structure pedagogy and assessments to actively address gaps in course success rates. Courses should include assessment of general education program and area-level essential learning outcomes.

**8.5.2 Communication and Assessment of Essential Learning Outcomes:** Faculty teaching courses in each general education area shall include relevant course expectations and assignments based on the shared essential learning outcomes and reflect those expected outcomes in the class syllabus.

## **R470-9 Transfer of Credit in Fulfillment of General Education Requirements**

**9.1 Within USHE:** USHE degree-granting institutions shall facilitate transfer of general education credits, partially completed requirements, and full program completion from institution to institution within the system, as outlined in Board Policy R471, *Lower Division Major Requirements and Transfer of Credits*.

**9.1.1 Similar Names, Common Numbers, and Equal Credits for General Education Courses:** Institutions shall assure that all courses satisfying general education requirements at any USHE institution are articulated to the fullest extent possible to satisfy comparable general education requirements at receiving USHE institutions as outlined in Board Policy R471, *Lower Division Major Requirements and Transfer of Credits*. General education courses at USHE institutions having similar



learning goals, content, rigor, and standards shall have similar names, common numbers, and credits in compliance with Board Policy R475, *Common Course Numbering*.

**9.1.2 Transfer of Partially Completed General Education Credits:** For USHE students who have not fully satisfied all general education requirements at the sending institution prior to transfer, the receiving institution shall accept the credit hours and area designation of all general education coursework earned with a passing grade approved by the sending institution for general education purposes. A minimum grade for general education may not satisfy a major or prerequisite requirement in a particular discipline. The receiving institution may change a transfer course's general education area designation, with the student's consent, if it aids the student in fulfilling the receiving institution's remaining requirements. The receiving institution shall only require transfer students to complete any additional coursework needed to satisfy the unmet requirements of the receiving institution.

**9.2 Students Entering with Associate Degrees from Accredited Non-USHE Institutions:** The receiving institution shall review the transcripts of a student who enters a USHE institution with an associate degree from an appropriately-accredited non-USHE institution to assure the student has successfully completed relevant courses in the three core areas required of USHE students: written communication, quantitative literacy, and American Institutions. While USHE will honor associate degrees, institutions must address deficiencies found in one or more of the three core areas.

**9.2.1** Where possible, articulation agreements to accept transfer of a sending institution's entire general education program in fulfillment of the USHE general education program should be vetted by the Task Force and the USHE Transfer Council and conducted at the system level rather than between individual institutions. Where the Task Force and Transfer Council agree on a program-to-program general education articulation, the receiving institution shall accept a transfer student's entire lower division general education program without the student having to repeat or add courses, except American Institutions as required by Utah Code section 53B-16-103(1)(b).

**9.3 Students Entering without Associate Degrees from Accredited Non-USHE Institutions:** The receiving institution shall evaluate the transcript of a student who enters USHE from an appropriately-accredited institution without an associate degree to determine if additional general education coursework will be required for the student to meet USHE

institutional requirements.

# R481<sup>1</sup>, Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review<sup>2</sup>

**R481-1 Purpose:** To provide Utah Board of Higher Education (“Board”) policy and guidelines for Utah System of Higher Education (“USHE”) institutional degree-granting institutional policy in matters related to academic freedom, professional responsibility, ~~and~~ faculty tenure, termination, and post-tenure review.

## R481-2 References

~~2.1~~ Utah Code § 53B-2-106+06(2)(c), (Duties and Responsibilities of the Presidents of Faculty Government)

~~2.2~~ Utah Code § 53B-2-106.1, Tenure - Reporting

~~2.3~~ Board Policy R401, Approval of New Programs, Program Changes, Discontinued Programs, and Program Reportsm Changes, and Discontinued Programs

~~2.4~~ Board Policy R411, Cyclical Institutional Program Reviews

~~2.5~~ Board Policy R482, Bona Fide Financial Exigency and Personnel Reduction-Staff Reduction

~~2.5~~ American Association of University Professors, Policy Documents and Reports, 1984

## R481-3 Academic Freedom, Professional Responsibility, and Tenure

**3.1 Institutional Policies:** The president of ~~each a degree-granting~~ institution, ~~with the approval of in consultation with~~ the institution’s board of trustees, shall develop policies ~~related that protect to~~ academic freedom in teaching, research, and an individual’s personal life;

<sup>1</sup> Approved December 20, 1973; amended May 15, 1985; ~~revised~~ April 28, 1989; ~~amended~~ January 24, 1997, April 15, 2009, ~~and~~ November 18, 2011; ~~and XXX~~.

<sup>2</sup> This statement of guidelines and policies contains some provisions which are the same or similar to certain principles of academic freedom, professional responsibility and tenure adopted and promulgated by the American Association of University Professors (AAUP). However, adoption of these guidelines and policies is not intended to incorporate AAUP principles and interpretations, and any such incorporation by reference is expressly disclaimed.

professional responsibility, tenure, and post-tenure review through a process which involves substantive participation of the faculty governance organization. The institution's policy shall require that a final award of tenure be approved by the president of the degree-granting institution, in consultation with the institution's board of trustees.

**3.2 Board Approval:** Each institutional policy shall be submitted to the Board for approval and shall be consistent with these guidelines. Substantive differences or exceptions must be reviewed and approved by the Board. Once approved, the institutional policy will apply, except when the institutional policy does not address an issue contained in this policy, in which case this policy will apply. Subsequent amendments to approved institutional policies, determined by the Commissioner of Higher Education ("Commissioner") to be substantive, must be reviewed and approved by the Board.

**3.3 Academic Freedom: ~~Introduction:~~** The institutions are operated for the common good and not to further the interest of either the individual faculty member or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights. ~~(See subsection 3.4-).~~ Institutional policies shall indicate how the concept of academic freedom applies to teaching, research, and public life ~~an individual's personal life.~~

**3.3.1 Academic Freedom in Teaching:** Faculty members possess the right to full freedom in the classroom to discuss their subjects. They may present any controversial material relevant to their courses of instruction, but they shall be careful not to introduce into their teaching controversial matter which has no relation to the subject being taught.

**3.3.2 Academic Freedom in Research:** A faculty member is entitled to full freedom in research and in the publication of the results. Research for pecuniary return should be conditional upon disclosure to and the consent of the officials of the institution.

**3.3.3 Academic Freedom in Public Life:** A ~~college or university~~ USHE institution faculty member is a citizen, a member of a learned profession, and an officer of an educational institution. When the faculty member speaks or writes as a citizen, he/she/they should be free from institutional censorship or discipline, but the faculty member's special position in the community imposes special obligations. As a person of learning and an education officer, the faculty member should remember that the public

may judge ~~his/her~~their profession and institution by ~~his/her~~their utterances. Hence the faculty member should at all times strive to be accurate, should exercise appropriate restraint, should show respect for others, and should make every effort to indicate that ~~he/she is~~they are not speaking for the institution.

**3.4 Professional Responsibility:** In addition to other matters covered, the institutional code of professional responsibility shall provide that persons having a formal association with the institution shall not be involved in acts which violate the academic freedom or constitutional rights of others, or the rules and regulations of the institution or the Board.

**3.5 Tenure:** Tenure is designed to protect the academic freedom of faculty. –Upon the award of tenure by the institution, faculty members may be terminated<sup>3</sup>~~4~~ only for cause (see subsection 3.6.), bona fide program or unit discontinuance as defined in subsection 3.9.1., or bona fide financial exigency as defined in Board Policy R482, Bona Fide Financial Exigency and Personnel Reduction R482, and as specified in institutional policies and rules.

**3.5.1 Written Terms and Conditions of Employment:** The terms and conditions of every appointment and any revisions, including tenured employment, shall be stated in writing and be provided to the affected faculty member.

**3.5.2 Length of the Tenure-track Period:** Beginning with appointment to a tenure - track position (usually full-time instructor or assistant professor, or as determined by institution policy) the tenure-track period should not exceed seven years at the institution unless the faculty member is granted an extension based on institutional policy. The institution shall provide policy relative to credit towards the tenure-track period for service at other institutions ~~of higher education~~.

**3.5.3 Academic Freedom of Non-tenured Faculty:** Non-tenured faculty members have the same academic freedom that tenured faculty members enjoy.

**3.5.4 Non-reappointment During the Tenure-track Period:** Tenure-track faculty members shall have appropriate evaluation by their colleagues and such others as institutional policy shall provide during the tenure-track period. The institution is permitted, within the limits of academic freedom, statutory law, and constitutional law,

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<sup>3</sup> "Termination" and "dismissal," as defined by institutional standards and procedures under this policy, shall include "substantial reduction in status".

<sup>4</sup> ~~"Termination" and "dismissal," as defined by institutional standards and procedures under this policy, shall include "substantial reduction in status."~~<sub>2</sub>

the utmost discretion in determining who will be retained for tenure appointments. Tenure-track faculty members may not be terminated for reasons which violate their academic freedom or legal rights. Institutional policies shall provide procedures for the non-reappointment of tenure-track faculty members.

**3.6 Reasons for Dismissing Faculty for Cause:** A faculty member may be recommended for dismissal for cause as determined by this policy and institutional policies or guidelines for:

**3.6.1** Professional incompetence;~~:-~~

**3.6.2** Serious misconduct or unethical behavior;~~:-~~

**3.6.3** Serious violation of Board or institutional rules ~~and regulations~~;~~:-~~

**3.6.4** Legal misconduct substantially related to the performance of duties;

**3.6.5** The conviction of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, administration, or other assigned duties;

**3.6.6** Falsified credentials, revoked credentials, or plagiarism;

**~~3.6.74~~** Substantially impaired performance for medical reasons for which accommodations have not been successful; ~~or~~:-

**~~3.6.85~~** Inability or unwillingness to meet institutional expectations, including failure to address deficiencies outlined in a remediation plan following post-tenure review.

**3.7 Sanction of Faculty:** Sanctions may be imposed on a faculty member when it has been determined by institutional review that ~~he or she has~~they have violated institutional policies and will serve one or more of the following purposes:

**3.7.1** To induce self-~~improvement~~ and reform by a faculty member;~~:-~~

**3.7.2** To indicate to the faculty member the seriousness of ~~his or her~~their violation and thereby deter ~~him or her~~them from future violation;~~:-~~

**3.7.3** To reassure the ~~college/university~~institution's community that violations of policy which the faculty member has committed will not be tolerated, thereby serving to

maintain respect for and commitment to the policies of other members of the institutional community; ~~or~~;

**3.7.4** To dismiss from institutional employment a faculty member who has demonstrated by ~~his or her~~their conduct an inability or an unwillingness to meet ~~his or her~~their responsibilities to the institution.

**3.8 Procedures for Dismissal for Cause:** The ~~p~~Procedures for dismissal for cause of a tenured or tenure-track faculty member shall comply with minimal due process requirements ~~as noted in subsections 3.8.1-3.8.1.74 below.~~ -Institutional policies shall provide procedures for dismissal for cause which may be more, but not less, protective of due process rights than those set forth ~~belowherein.~~ In addition, officials involved in faculty discipline hearings should consult the ~~college or university~~institution's legal counsel regarding procedural issues. ~~These procedures and due process requirements for dismissal for cause of a tenured or tenure-track faculty member do not apply to non-reappointments are not required for the non-reappointment of pre-tenure-track faculty.~~

**3.8.1 Minimum Due Process Requirements:**

**3.8.1.1** Notice of the cause or causes of the proposed dismissal in sufficient detail to enable the affected faculty member to understand and rebut ~~them~~them;

**3.8.1.2** Notice of the names of those persons making the charges, ~~and~~ the nature of the factual evidence, and any evidence supporting the allegation(s);

**3.8.1.3** Reasonable time and an opportunity for the affected faculty member to respond;

**3.8.1.43** Reasonable time and opportunity for the affected faculty member to present evidence in ~~his/her~~their defense;

**3.8.1.54** A hearing before an ~~impartial independent~~ board ~~or committee of tenured of~~ faculty peers;:-

**3.8.1.6** A written determination on the issue, including a determination of termination or continued employment; and

3.8.1.7 An appeals process ending with the final decision of the president of the degree-granting institution in consultation with the institution's board of trustees.

**3.9 Dismissing Faculty for Reasons Other Than Cause:** A faculty member may be dismissed for reasons other than cause as a result of:

**3.9.1** Bona fide program or unit discontinuance as provided in subSection 3.10; or-

**3.9.2** Bona fide financial exigency as provided in Board Policy R482, Bona Fide Financial Exigency and Personnel Reduction Policy and Procedures R482, Bona Fide Financial Exigency and Staff Reduction.

### **3.10 Bona Fide Program or Unit Discontinuance**

**3.10.1 Program Defined:** A "program" is a unit within the institution with an identifiable teaching, research, or other academic mission. For the purpose of ~~these~~ this regulations policy, "program" is to be determined by existing academic standards, and "programs" are never to be defined with the aim to single out individual faculty members for adverse treatment. For a unit to be designated as a "program," it shall have an identified group of faculty and shall fulfill one or more of these criteria:

**3.10.1.1** Whether the unit has "program," "center," "institute," "laboratory," "department," "school," or "college" in its title or has otherwise been designated as a program;

**3.10.1.2** Whether the unit offers or administers a degree, certificate, or some other credential;

**3.10.1.3** Whether the unit has an identifiable curriculum or is formally described in current institutional catalogs or other publications; or

**3.10.1.4** Whether the unit has a separate budget as listed in official institutional documents.

**3.10.2 Bona Fide Program Discontinuance Defined:** Bona fide program discontinuance means the termination of a program ~~(as defined in subsection 3.10 or~~ modification of a program to such a degree that the faculty member's position is no



~~longer needed, above~~) for reasons based upon educational and academic considerations.<sup>56</sup> For the purpose of this section, educational and academic considerations do not include cyclical or temporary variations in enrollment, but must be based on evidence and reflect judgments that in the long term the basic educational mission of the institution will be strengthened by the discontinuance or modification of the program.<sup>7</sup> This does not preclude the reallocation of resources to other academic programs with higher priority based on academic and educational considerations.

**3.10.3 Institutional Procedures:** Institutional procedures for the discontinuance of programs shall include substantive consultations with institutionally recognized faculty governance organizations, an analysis of the circumstances that may support or oppose the discontinuance of the program, and a review of reasonable alternatives to the discontinuance.

**3.10.4 ~~Notification to Board:~~ Notification of Pprogram or Uunit Discontinuance:** ~~Notification of program or unit discontinuance shall be is given to the Board under according to Policy and Procedures outlined in Board Policy R401, Approval of New Programs, Program Changes, Discontinued Programs, and Program Reports R401: Approval of New Programs, Program Changes, and Discontinued Programs.~~ Notification of program or unit discontinuance shall be given to the Board under according to Policy and Procedures outlined in Board Policy R401, Approval of New Programs, Program Changes, Discontinued Programs, and Program Reports R401: Approval of New Programs, Program Changes, and Discontinued Programs. This allows the Board to review such proposals, to disapprove the discontinuance of a program if it concludes the program should be retained at the institution, or to approve the discontinuance with institutional assurances that students in the program will be able to complete the program.

**3.10.5 Placement in Another Suitable Position:** Before dismissing a tenured faculty member because of bona fide discontinuance of a program or unit, the institution, with faculty participation, will make a reasonable effort to place the faculty member concerned in another suitable, vacant, existing position within the institution for which the faculty member is qualified. A tenured faculty member to be dismissed has no right to displace another faculty or staff member from a position to maintain employment.

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<sup>5</sup> Educational and academic considerations include, but are not limited to, the program analysis considerations in Board Policy R401, *Approval of New Programs, Program Changes, Discontinued Programs, and Program Reports*; and Board Policy R411, *Cyclical Institutional Program Reviews*.

<sup>6</sup> Educational and academic considerations include, but are not limited to, the program analysis considerations in ~~Policy and Procedures Board Policy R401, , Approval of New Programs, Program Changes, and Discontinued Programs, and Program Reports;~~ and ~~Policy and Procedures Board Policy R411, Cyclical Institutional Program Reviews of Existing Programs.~~ Policy and Procedures Board Policy R401, , Approval of New Programs, Program Changes, and Discontinued Programs, and Program Reports; and Policy and Procedures Board Policy R411, Cyclical Institutional Program Reviews of Existing Programs.

**3.11 Notice of Non-reappointment of ~~Non-Tenured~~ Faculty:** During the tenure-track period, or as a result of a bona fide program discontinuance, notice of non-reappointment of non-tenured faculty, or of intention not to recommend reappointment to the institution's board of trustees, should be ~~given-provided~~ in writing as early as possible to the employee, but no later than in accordance with the following standards:

**3.11.1 During First Academic Year of a One-~~y~~Year Appointment:** Notice of non-reappointment shall be given no later than March 1 of the first academic year of service, if the appointment expires at the end of the academic year; or, if a one-year appointment terminates during an academic year, notice should be given at least three months in advance of termination.

**3.11.2 During the Second Academic Year of a Two-~~y~~Year Appointment:** Notice of non-reappointment shall be given no later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, notice should be given at least six months in advance of termination.

**3.11.3 After Two or More Years:** Institutional policy may set the minimum period for notice of non-reappointment at not fewer than six months before the expiration of an appointment after two or more years in the institution.

**3.12 Notice of Dismissal of Tenured Faculty:** Institutional policy may set the minimum period for notice of dismissal of a tenured faculty member as a result of a bona fide program discontinuance at not fewer than six months before the dismissal of the faculty member.

**3.13 Notice in Addition to the Required Minimum:** The institution shall make a reasonable effort to give ~~to~~ each affected faculty member as much notice of non-reappointment or dismissal, in addition to the minimum required by institutional policy, as is practical under the circumstances.

**3.14 Annual Review as Part of Assessing Faculty Competence and, if Funding Permits, Merit Pay Award:** Each tenure-track and tenured faculty member, along with all other faculty members, shall be reviewed each year in conjunction with institutional policies on the faculty ~~competence~~member's performance. Each institution shall develop a rigorous annual review procedure for all faculty members. When funding permits, a faculty member may be awarded merit pay consistent with institutional policies and process.

### 3.15 In-Depth Post-Tenure Review

**3.15.1 Intent of Post-Tenure Review:** The review shall assess the tenured faculty member's performance with the intent of:

**3.15.1.1** ~~R~~ecognizing performance in the discipline's endeavors which demonstrates growth and development;

**3.15.1.2** ~~C~~ommunicating to the faculty member specific areas in need of improvement related to performance in scholarship, teaching, and service; and

**3.15.1.3** ~~E~~nhancing each individual's future productivity.

**3.15.2 Procedures:** The ~~institution president~~ shall ensure that each program or department at the institution has established ~~procedures~~ policies describing the minimum performance of a tenured faculty member for use in a post-tenure review. The post-tenure review shall be conducted by a committee of tenured faculty member peers, appointed by the appropriate vice president at the institution in consultation with the faculty member's department chair. The committee shall include at least two individuals appointed from either a different department than the tenured faculty member going through post-tenure review, a different degree-granting institution than the faculty member, or both and the provost or the provost's designee. The post-tenure review shall be a comprehensive review of the tenured faculty member's performance over the previous five years. ~~to administer a review of the work of each tenured faculty member in a manner and frequency consistent with accreditation standards.~~ The criteria for such review shall include multiple indices, and be discipline- and role-specific, as appropriate, to evaluate:

**3.15.2.1** ~~T~~eaching, ~~through student, collegial, and administrative assessment assessments, including student evaluations for all courses taught and collegial and administrative assessments;~~

**3.15.2.2** ~~T~~he quality of scholarly and creative performance and/or research productivity;

**3.15.2.3** ~~S~~ervice to the institution, profession, ~~school and or~~ community;

3.15.2.4 Annual performance reviews;

3.15.2.5 Intellectual property owned wholly or partly by, or commercialization efforts attributed to, the faculty member;

3.15.2.6 Compliance with the institution's policies regarding the responsibilities and ethical obligations of faculty members; and

3.15.2.7 Any improvement plans for underperformance, if applicable.

3.15.3 For faculty seeking rank advancement after receiving tenure, the institution's rank advancement reviews may constitute the post-tenure review, so long as the reviews include the requirements and timeline outlined in subsection 3.15.2.

**3.16 Remedial Actions Based on Post-~~T~~enure Review:** If, as a result of the post-tenure review process, the faculty member is found to not be meeting the minimum standards required ~~of a tenured member of his or her discipline by the institution and the faculty members academic unit, he or she is~~ the institution shall create a remediation plan to address deficiencies and a timeline by which the tenured faculty member is expected to address the deficiencies ~~responsible for remediating the deficiencies, and the institution is expected to assist through developmental opportunities~~. A faculty member's failure to successfully ~~remediate~~ address deficiencies may ~~result be subject in to~~ disciplinary action, including dismissal for cause, under institutional policies adopted pursuant to this policy.

3.16.1 In consultation with the institution's board of trustees, a president who does not dismiss a tenured faculty member who fails to address deficiencies as described in subsection 3.16 shall justify in writing to the board why the tenured faculty member is not being dismissed.

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**3.17 Presidential Report to Board:** A president shall provide an annual report to the Board, no later than October 1 of each year, with the following information:

3.17.1 Presidents shall submit to their institution's board of trustees and provide a copy to the Utah Board of Higher Education, an annual report detailing the number of faculty members: eligible for tenure, who left the institution prior to receiving tenure, denied tenure, and awarded tenure;

**3.17.2** The number of post-tenure reviews that took place at the degree-granting institution in the previous year;

**3.17.3** An analysis of scores from post-tenure reviews that took place in the previous year with personal information redacted;

**3.17.4** The number of post-tenure reviews from the previous year that resulted in a remediation plan;

**3.17.5** A qualitative summary of the types of remediation plans created in the previous year, including an average timeline by which tenured faculty members are expected to address deficiencies; and

**3.17.6** A summary of written justifications described in subsection 3.16.1, if any, with personal information redacted.

# **R481<sup>1</sup>, Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review**

**R481-1 Purpose:** To provide Utah Board of Higher Education (“Board”) guidelines for Utah System of Higher Education (“USHE”) degree-granting institutional policy in matters related to academic freedom, professional responsibility, faculty tenure, termination, and post-tenure review.

## **R481-2 References**

- 2.1** Utah Code § 53B-2-106, Duties and Responsibilities of the President
- 2.2** Utah Code § 53B-2-106.1, Tenure - Reporting
- 2.3** Board Policy R401, Approval of New Programs, Program Changes, Discontinued Programs, and Program Reports
- 2.4** Board Policy R411, Cyclical Institutional Program Reviews
- 2.5** Board Policy R482, Bona Fide Financial Exigency and Personnel Reduction

## **R481-3 Academic Freedom, Professional Responsibility, and Tenure**

**3.1 Institutional Policies:** The president of a degree-granting institution, in consultation with the institution’s board of trustees, shall develop policies that protect academic freedom in teaching, research, and an individual’s personal life; professional responsibility; tenure; and post-tenure review through a process which involves substantive participation of the faculty governance organization. The institution’s policy shall require that a final award of tenure be approved by the president of the degree-granting institution, in consultation with the institution’s board of trustees.

**3.2 Board Approval:** Each institutional policy shall be submitted to the Board for approval and shall be consistent with these guidelines. Substantive differences or exceptions must be reviewed and approved by the Board. Once approved, the institutional policy will apply, except when the institutional policy does not address an issue contained in this policy, in which case this policy will apply. Subsequent amendments to approved institutional policies, determined by the Commissioner of Higher Education (“Commissioner”) to be substantive, must be reviewed and approved by the Board.

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<sup>1</sup> *Approved December 20, 1973; amended May 15, 1985; April 28, 1989; January 24, 1997, April 15, 2009, November 18, 2011; and XXX.*

**3.3 Academic Freedom:** The institutions are operated for the common good and not to further the interest of either the individual faculty member or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights (*see* subsection 3.4). Institutional policies shall indicate how the concept of academic freedom applies to teaching, research, and an individual's personal life.

**3.3.1 Academic Freedom in Teaching:** Faculty members possess the right to full freedom in the classroom to discuss their subjects. They may present any controversial material relevant to their courses of instruction, but they shall be careful not to introduce into their teaching controversial matter which has no relation to the subject being taught.

**3.3.2 Academic Freedom in Research:** A faculty member is entitled to full freedom in research and in the publication of the results. Research for pecuniary return should be conditional upon disclosure to and the consent of the officials of the institution.

**3.3.3 Academic Freedom in Public Life:** A USHE institution faculty member is a citizen, a member of a learned profession, and an officer of an educational institution. When the faculty member speaks or writes as a citizen, they should be free from institutional censorship or discipline, but the faculty member's special position in the community imposes special obligations. As a person of learning and an education officer, the faculty member should remember that the public may judge their profession and institution by their utterances. Hence the faculty member should at all times strive to be accurate, should exercise appropriate restraint, should show respect for others, and should make every effort to indicate that they are not speaking for the institution.

**3.4 Professional Responsibility:** In addition to other matters covered, the institutional code of professional responsibility shall provide that persons having a formal association with the institution shall not be involved in acts which violate the academic freedom or constitutional rights of others, or the rules and regulations of the institution or the Board.

**3.5 Tenure:** Tenure is designed to protect the academic freedom of faculty. Upon the award of tenure by the institution, faculty members may be terminated<sup>2</sup> only for cause (*see* subsection

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<sup>2</sup> "Termination" and "dismissal," as defined by institutional standards and procedures under this policy, shall include "substantial reduction in status".

3.6.), bona fide program or unit discontinuance as defined in subsection 3.9.1, or bona fide financial exigency as defined in Board Policy R482, *Bona Fide Financial Exigency and Personnel Reduction*, and as specified in institutional policies and rules.

**3.5.1 Written Terms and Conditions of Employment:** The terms and conditions of every appointment and any revisions, including tenured employment, shall be stated in writing and be provided to the affected faculty member.

**3.5.2 Length of the Tenure-track Period:** Beginning with appointment to a tenure-track position (usually full-time instructor or assistant professor, or as determined by institution policy) the tenure-track period should not exceed seven years at the institution unless the faculty member is granted an extension based on institutional policy. The institution shall provide policy relative to credit towards the tenure-track period for service at other institutions.

**3.5.3 Academic Freedom of Non-tenured Faculty:** Non-tenured faculty members have the same academic freedom that tenured faculty members enjoy.

**3.5.4 Non-reappointment During the Tenure-track Period:** Tenure-track faculty members shall have appropriate evaluation by their colleagues and such others as institutional policy shall provide during the tenure-track period. The institution is permitted, within the limits of academic freedom, statutory law, and constitutional law, the utmost discretion in determining who will be retained for tenure appointments. Tenure-track faculty members may not be terminated for reasons which violate their academic freedom or legal rights. Institutional policies shall provide procedures for the non-reappointment of tenure-track faculty members.

**3.6 Reasons for Dismissing Faculty for Cause:** A faculty member may be recommended for dismissal for cause as determined by this policy and institutional policies or guidelines for:

**3.6.1** Professional incompetence;

**3.6.2** Serious misconduct or unethical behavior;

**3.6.3** Serious violation of Board or institutional rules;

**3.6.4** Legal misconduct substantially related to the performance of duties;



**3.6.5** The conviction of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, administration, or other assigned duties;

**3.6.6** Falsified credentials, revoked credentials, or plagiarism;

**3.6.7** Substantially impaired performance for medical reasons for which accommodations have not been successful; or

**3.6.8** Inability or unwillingness to meet institutional expectations, including failure to address deficiencies outlined in a remediation plan following post-tenure review.

**3.7 Sanction of Faculty:** Sanctions may be imposed on a faculty member when it has been determined by institutional review that they have violated institutional policies and will serve one or more of the following purposes:

**3.7.1** To induce self-improvement and reform by a faculty member;

**3.7.2** To indicate to the faculty member the seriousness of their violation and thereby deter them from future violation;

**3.7.3** To reassure the institution's community that violations of policy which the faculty member has committed will not be tolerated, thereby serving to maintain respect for and commitment to the policies of other members of the institutional community; or

**3.7.4** To dismiss from institutional employment a faculty member who has demonstrated by their conduct an inability or an unwillingness to meet their responsibilities to the institution.

**3.8 Procedures for Dismissal for Cause:** The procedures for dismissal for cause of a tenured or tenure-track faculty member shall comply with minimal due process requirements in subsections 3.8.1-3.8.1.7. Institutional policies shall provide procedures for dismissal for cause which may be more, but not less, protective of due process rights than those set forth herein. In addition, officials involved in faculty discipline hearings should consult the institution's legal counsel regarding procedural issues. The procedures and due process requirements for dismissal for cause of a tenured or tenure-track faculty member do not apply to non-reappointments of pre-tenure-track faculty.

**3.8.1** Minimum Due Process Requirements:

**3.8.1.1** Notice of the cause or causes of the proposed dismissal in sufficient detail to enable the affected faculty member to understand and rebut them;

**3.8.1.2** Notice of the names of those persons making the charges, the nature of the factual evidence, and any evidence supporting the allegation(s);

**3.8.1.3** Reasonable time and an opportunity for the affected faculty member to respond;

**3.8.1.4** Reasonable time and opportunity for the affected faculty member to present evidence in their defense;

**3.8.1.5** A hearing before an independent board of tenured faculty peers;

**3.8.1.6** A written determination on the issue, including a determination of termination or continued employment; and

**3.8.1.7** An appeals process ending with the final decision of the president of the degree-granting institution in consultation with the institution's board of trustees.

**3.9 Dismissing Faculty for Reasons Other Than Cause:** A faculty member may be dismissed for reasons other than cause as a result of:

**3.9.1** Bona fide program or unit discontinuance as provided in subsection 3.10; or

**3.9.2** Bona fide financial exigency as provided in Board Policy R482, *Bona Fide Financial Exigency and Personnel Reduction*.

### **3.10 Bona Fide Program or Unit Discontinuance**

**3.10.1 Program Defined:** A "program" is a unit within the institution with an identifiable teaching, research, or other academic mission. For the purpose of this policy, program is to be determined by existing academic standards, and programs are never to be defined with the aim to single out individual faculty members for adverse treatment. For a unit to be designated as a program, it shall have an identified group of faculty and shall fulfill one or more of these criteria:

**3.10.1.1** Whether the unit has program, center, institute, laboratory, department, school, or college in its title or has otherwise been designated as a program;

**3.10.1.2** Whether the unit offers or administers a degree, certificate, or some other credential;

**3.10.1.3** Whether the unit has an identifiable curriculum or is formally described in current institutional catalogs or other publications; or

**3.10.1.4** Whether the unit has a separate budget as listed in official institutional documents.

**3.10.2 Bona Fide Program Discontinuance Defined:** Bona fide program discontinuance means the termination of a program as defined in subsection 3.10 or modification of a program to such a degree that the faculty member's position is no longer needed for reasons based upon educational and academic considerations.<sup>3</sup> For the purpose of this section, educational and academic considerations do not include cyclical or temporary variations in enrollment, but must be based on evidence and reflect judgments that in the long term the basic educational mission of the institution will be strengthened by the discontinuance or modification of the program. This does not preclude the reallocation of resources to other academic programs with higher priority based on academic and educational considerations.

**3.10.3 Institutional Procedures:** Institutional procedures for the discontinuance of programs shall include substantive consultations with institutionally recognized faculty governance organizations, an analysis of the circumstances that may support or oppose the discontinuance of the program, and a review of reasonable alternatives to the discontinuance.

**3.10.4 Notification of Program or Unit Discontinuance:** Notification of program or unit discontinuance shall be given to the Board according to Board Policy R401, *Approval of New Programs, Program Changes, Discontinued Programs, and Program Reports*. This allows the Board to review such proposals, to disapprove the discontinuance of a program if it concludes the program should be retained at the

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<sup>3</sup> Educational and academic considerations include, but are not limited to, the program analysis considerations in Board Policy R401, *Approval of New Programs, Program Changes, Discontinued Programs, and Program Reports*; and Board Policy R411, *Cyclical Institutional Program Reviews*.

institution, or to approve the discontinuance with institutional assurances that students in the program will be able to complete the program.

**3.10.5 Placement in Another Suitable Position:** Before dismissing a tenured faculty member because of bona fide discontinuance of a program or unit, the institution, with faculty participation, will make a reasonable effort to place the faculty member concerned in another suitable, vacant, existing position within the institution for which the faculty member is qualified. A tenured faculty member to be dismissed has no right to displace another faculty or staff member from a position to maintain employment.

**3.11 Notice of Non-reappointment of Faculty:** During the tenure-track period, or as a result of a bona fide program discontinuance, notice of non-reappointment of non-tenured faculty, or of intention not to recommend reappointment to the institution's board of trustees, should be provided in writing as early as possible to the employee, but no later than in accordance with the following standards:

**3.11.1 During First Academic Year of a One-year Appointment:** Notice of non-reappointment shall be given no later than March 1 of the first academic year of service, if the appointment expires at the end of the academic year; or, if a one-year appointment terminates during an academic year, notice should be given at least three months in advance of termination.

**3.11.2 During the Second Academic Year of a Two-year Appointment:** Notice of non-reappointment shall be given no later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, notice should be given at least six months in advance of termination.

**3.11.3 After Two or More Years:** Institutional policy may set the minimum period for notice of non-reappointment at not fewer than six months before the expiration of an appointment after two or more years in the institution.

**3.12 Notice of Dismissal of Tenured Faculty:** Institutional policy may set the minimum period for notice of dismissal of a tenured faculty member as a result of a bona fide program discontinuance at not fewer than six months before the dismissal of the faculty member.

**3.13 Notice in Addition to the Required Minimum:** The institution shall make a reasonable effort to give each affected faculty member as much notice of non-reappointment or

dismissal, in addition to the minimum required by institutional policy, as is practical under the circumstances.

### **3.14 Annual Review as Part of Assessing Faculty Competence and, if Funding**

**Permits, Merit Pay Award:** Each tenure-track and tenured faculty member, along with all other faculty members, shall be reviewed each year in conjunction with institutional policies on the faculty member's performance. Each institution shall develop a rigorous annual review procedure for all faculty members. When funding permits, a faculty member may be awarded merit pay consistent with institutional policies and process.

### **3.15 In-Depth Post-Tenure Review**

**3.15.1 Intent of Post-tenure Review:** The review shall assess the tenured faculty member's performance with the intent of:

**3.15.1.1** Recognizing performance in the discipline's endeavors which demonstrates growth and development;

**3.15.1.2** Communicating to the faculty member specific areas in need of improvement related to performance in scholarship, teaching, and service; and

**3.15.1.3** Enhancing each individual's future productivity.

**3.15.2 Procedures:** The president shall ensure that each program or department at the institution has established policies describing the minimum performance of a tenured faculty member for use in a post-tenure review. The post-tenure review shall be conducted by a committee of tenured faculty member peers, appointed by the appropriate vice president at the institution in consultation with the faculty member's department chair. The committee shall include at least two individuals appointed from either a different department than the tenured faculty member going through post-tenure review, a different degree-granting institution than the faculty member, or both and the provost or the provost's designee. The post-tenure review shall be a comprehensive review of the tenured faculty member's performance over the previous five years. The criteria for such review shall include multiple indices, and be discipline- and role-specific, as appropriate, to evaluate:

**3.15.2.1** Teaching assessments, including student evaluations for all courses taught and collegial and administrative assessments;

**3.15.2.2** The quality of scholarly and creative performance and/or research productivity;

**3.15.2.3** Service to the institution, profession, or community;

**3.15.2.4** Annual performance reviews;

**3.15.2.5** Intellectual property owned wholly or partly by, or commercialization efforts attributed to, the faculty member;

**3.15.2.6** Compliance with the institution's policies regarding the responsibilities and ethical obligations of faculty members; and

**3.15.2.7** Any improvement plans for underperformance, if applicable.

**3.15.3** For faculty seeking rank advancement after receiving tenure, the institution's rank advancement reviews may constitute the post-tenure review, so long as the reviews include the requirements and timeline outlined in subsection 3.15.2.

**3.16 Remedial Actions Based on Post-tenure Review:** If, as a result of the post-tenure review process, the faculty member is found to not be meeting the minimum standards required by the institution and the faculty members academic unit, the institution shall create a remediation plan to address deficiencies and a timeline by which the tenured faculty member is expected to address the deficiencies. A faculty member's failure to successfully address deficiencies may be subject to disciplinary action, including dismissal for cause, under institutional policies adopted pursuant to this policy.

**3.16.1** In consultation with the institution's board of trustees, a president who does not dismiss a tenured faculty member who fails to address deficiencies as described in subsection 3.16 shall justify in writing to the board why the tenured faculty member is not being dismissed.

**3.17 Presidential Report to Board:** A president shall provide an annual report to the Board, no later than October 1 of each year, with the following information:

**3.17.1** Presidents shall submit to their institution's board of trustees and provide a copy to the Utah Board of Higher Education, an annual report detailing the number of faculty

members: eligible for tenure, who left the institution prior to receiving tenure, denied tenure, and awarded tenure;

**3.17.2** The number of post-tenure reviews that took place at the degree-granting institution in the previous year;

**3.17.3** An analysis of scores from post-tenure reviews that took place in the previous year with personal information redacted;

**3.17.4** The number of post-tenure reviews from the previous year that resulted in a remediation plan;

**3.17.5** A qualitative summary of the types of remediation plans created in the previous year, including an average timeline by which tenured faculty members are expected to address deficiencies; and

**3.17.6** A summary of written justifications described in subsection 3.16.1, if any, with personal information redacted.