



UTAH SYSTEM OF  
HIGHER EDUCATION

# MEMORANDUM

January 4, 2023

## Tooele Technical College - Request for Exception from R555, *Providing Facilities, Goods, and Services in Competition with Private Enterprise*

Board Policy R550, *Auxiliary Enterprises Operation and Accountability*, was amended by the Board in July 2022. The revisions make this policy now applicable to the system's technical colleges.

Paragraph R550-4.1 of the policy states:

*Services provided by auxiliary enterprises may be incidentally available to members of the general public but are not to be marketed to the general public or outside organizations unless those services qualify as an exception under section 4 of Board Policy R555, Providing Facilities, Goods and Services in Competition with Private Enterprise. All auxiliary enterprise organizations are required to comply with Board Policy R555.*

Board Policy R555, *Providing Facilities, Goods and Services in Competition with Private Enterprise*, states:

**4.4 Private Enterprise on Campus:** *Private enterprise entities which operate services or auxiliary units on a campus under contract with an institution are subject to this policy.*

**4.5 Exceptions Authorized by Board of Higher Education:** *An institution may submit a proposal to the Board of Higher Education requesting an exception to policy R555. Exceptions to this policy may be authorized if the Board determines, upon consideration and weighing of the various interests and public policies pertinent to providing the facilities, goods or services in competition with private enterprise, that the public interest favoring an exception outweighs the interest favoring denial of an exception.*

Tooele Technical College has submitted a request for an exception from these policy requirements for the Café operation located on their campus. The school's request is attached.

### Commissioner's Recommendation

The Commissioner recommends the Committee approve the proposed exception requested by Tooele Technical College to Board Policy R555, *Providing Facilities, Goods and Services in Competition with Private Enterprise*, and forward it to the full Board for final approval.

**Attachment**



December 14, 2022

Dave Woolstenhulme, Commissioner  
Utah System of Higher Education  
60 400 W  
Salt Lake City, UT 84101

RE: USHE Policy R555 Exception Request

Commissioner,

Whereas USHE policy R555-4 states that Institutions shall not sell or provide services to their campus community or to the general public, with exceptions listed.

Whereas section R555-4.4 states that private enterprises which operate services on campus are subject to this policy.

Whereas the policy allows the Board to grant an exception to this policy. R555-4.5.

**Therefore Tooele Technical College requests an exception to this policy for the onsite Café operation so they can continue to offer their menu to the general public.**

Tooele Technical College is located within an educational corridor in the City of Tooele. The College is located about a mile and a half away from restaurants and eating establishments.

On any given day, 200-300 students attend classes at Tooele Tech.

When the College was constructed, a food service kitchen was included to meet the physical nourishment needs of students, faculty, and staff.

The College contracts with a private entity to operate the on-site café. The customer base is mostly College students, faculty, and Staff. The Café operator has always advertised to the general public. During the COVID pandemic, the operator started to offer their menu through delivery options, such as Door Dash. As such, these general public orders have helped the enterprise to stay in business.

Now being subject to policy R555, Tooele Technical College requests an exception to this policy for the onsite café operator so they can continue offering their food service to the general public.

Respectfully submitted,

Kent Thygerson  
Vice President of Finance and Operations