

1 **HIGHER EDUCATION GRIEVANCE PROCEDURE**

2 **AMENDMENTS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Mark A. Wheatley**

6 Senate Sponsor: Stephen H. Urquhart

7

LONG TITLE

8 **General Description:**

9
10 This bill requires the State Board of Regents to enact regulations requiring sworn
11 testimony during employee grievance hearings at institutions of higher education.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ requires the State Board of Regents to enact regulations requiring sworn testimony
- 15 during **→ certain ←** employee grievance hearings at institutions of higher education; and
- 16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **53B-3-103**, as last amended by Laws of Utah 2007, Chapter 193

24

Be it enacted by the Legislature of the state of Utah:

25 Section 1. Section **53B-3-103** is amended to read:

26 **53B-3-103. Power of board to adopt rules and enact regulations.**

H.B. 72



28 (1) The board may enact regulations governing the conduct of university and college
29 students, faculty, and employees.

30 (2) (a) The board may:

31 (i) enact and authorize higher education institutions to enact traffic, parking, and
32 related regulations governing all individuals on campuses and other facilities owned or
33 controlled by the institutions or the board; and

34 (ii) acknowledging that the Legislature has the authority to regulate, by law, firearms at
35 higher education institutions:

36 (A) authorize higher education institutions to establish no more than one secure area at
37 each institution as a hearing room as prescribed in Section 76-8-311.1, but not otherwise
38 restrict the lawful possession or carrying of firearms; and

39 (B) authorize a higher education institution to make a rule that allows a resident of a
40 dormitory located at the institution to request only roommates who are not licensed to carry a
41 concealed firearm under Section 53-5-704 or 53-5-705.

42 (b) In addition to the requirements and penalty prescribed in Subsections
43 76-8-311.1(3), (4), (5), and (6), the board shall make rules to ensure that:

44 (i) reasonable means such as mechanical, electronic, x-ray, or similar devices are used
45 to detect firearms, ammunition, or dangerous weapons contained in the personal property of or
46 on the person of any individual attempting to enter a secure area hearing room;

47 (ii) an individual required or requested to attend a hearing in a secure area hearing
48 room is notified in writing of the requirements related to entering a secured area hearing room
49 under this Subsection (2)(b) and Section 76-8-311.1;

50 (iii) the restriction of firearms, ammunition, or dangerous weapons in the secure area
51 hearing room is in effect only during the time the secure area hearing room is in use for
52 hearings and for a reasonable time before and after its use; and

53 (iv) reasonable space limitations are applied to the secure area hearing room as
54 warranted by the number of individuals involved in a typical hearing.

55 (3) The board shall enact regulations that require all testimony be given under oath
56 during an employee grievance hearing for ~~Ŝ~~ ~~→~~ ~~[an]~~ a non-faculty ~~←~~ ~~Ŝ~~ employee of an institution of
56a higher education ~~Ĥ~~ ~~→~~ ~~[:]~~

56a if the grievance hearing relates to ~~Ŝ~~ ~~→~~ ~~[:]~~ the non-faculty employee's: ~~←~~ ~~Ŝ~~

56b (a) ~~Ŝ~~ ~~→~~ ~~[an-employee]~~ ~~←~~ ~~Ŝ~~ demotion; or

56c (b) ~~Ŝ~~ ~~→~~ ~~[an-employee]~~ ~~←~~ ~~Ŝ~~ termination. ~~←~~ ~~Ĥ~~

57 ~~[(3)]~~ (4) The board and institutions may enforce these rules and regulations in any

58 reasonable manner, including the assessment of fees, fines, and forfeitures, the collection of
59 which may be by withholding from money owed the violator, the imposition of probation,
60 suspension, or expulsion from the institution, the revocation of privileges, the refusal to issue
61 certificates, degrees, and diplomas, through judicial process or any reasonable combination of
62 these alternatives.

Legislative Review Note
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Office of Legislative Research and General Counsel