

## **Part 1**

### **General Provision**

#### **53B-1-101.5 Definitions.**

As used in this title:

- (1)
  - (a) "Academic education" means an educational program that is offered by a degree-granting institution.
  - (b) "Academic education" does not include technical education.
- (2) "Board" means the Utah Board of Higher Education described in Section 53B-1-402.
- (3) "Career and technical education" means an educational program that:
  - (a) is designed to meet industry needs;
  - (b) leads to:
    - (i) a certificate; or
    - (ii) a degree; and
  - (c) may qualify for funding under the Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. 2301 et seq.
- (4) "Commissioner" means the commissioner of higher education appointed in accordance with Section 53B-1-408.
- (5) "Degree-granting institution of higher education" or "degree-granting institution" means an institution of higher education described in Subsection 53B-1-102(1)(a).
- (6) "Institution board of trustees" means:
  - (a) an institution of higher education board of trustees described in Section 53B-2-103; or
  - (b) a technical college board of trustees described in Section 53B-2a-108.
- (7) "Technical college" means an institution of higher education described in Subsection 53B-1-102(1)(b).
- (8)
  - (a) "Technical education" means career and technical education that:
    - (i) leads to a certificate; or
    - (ii) is short-term training.
  - (b) "Technical education" does not include general education.

Amended by Chapter 254, 2023 General Session

#### **53B-1-101.8 Health insurance mandates.**

An institution of higher education shall include in a health plan it offers to its employees insurance mandates in accordance with Section 31A-22-605.5.

Enacted by Chapter 127, 2012 General Session

#### **53B-1-102 Utah system of higher education.**

- (1) The Utah system of higher education consists of the following institutions:
  - (a) degree-granting institutions, which are:
    - (i) the University of Utah;
    - (ii) Utah State University;
    - (iii) Weber State University;
    - (iv) Southern Utah University;

- (v) Snow College;
- (vi) Utah Tech University;
- (vii) Utah Valley University; and
- (viii) Salt Lake Community College;
- (b) technical colleges, which are:
  - (i) Bridgerland Technical College;
  - (ii) Davis Technical College;
  - (iii) Dixie Technical College;
  - (iv) Mountainland Technical College;
  - (v) Ogden-Weber Technical College;
  - (vi) Southwest Technical College;
  - (vii) Tooele Technical College; and
  - (viii) Uintah Basin Technical College;
- (c) the Utah Board of Higher Education; and
- (d) other public post-high school educational institutions as the Legislature may designate.
- (2) A change in the name of an institution within the Utah system of higher education is not a change in the role or mission of the institution, unless otherwise authorized by the board.
- (3) It is not the intent of the Legislature to increase the number of research universities in the state beyond the University of Utah and Utah State University.
- (4) An institution or board described in Subsection (1) is empowered to sue and be sued and to contract and be contracted with.

Amended by Chapter 1, 2021 Special Session 2

**53B-1-108 Board succeeds to rights and duties of predecessor board and council.**

The board is the successor to and is vested with all rights, duties, obligations, and liabilities to which its predecessor governing boards and the Coordinating Council of Higher Education were subject, except as otherwise provided by law.

Enacted by Chapter 167, 1987 General Session

**53B-1-109 Coordination of higher education and public education information technology systems -- Use of unique student identifier.**

- (1) As used in this section:
  - (a) "Center" means the Utah Data Research Center created in Section 53B-33-201.
  - (b) "Institution of higher education" means an institution of higher education described in Section 53B-1-102.
  - (c) "Unique student identifier" means the same as that term is defined in Section 53E-4-308.
- (2) The board and State Board of Education, in collaboration with the center, shall:
  - (a) coordinate public education and higher education information technology systems to allow individual student academic achievement to be tracked through both education systems in accordance with this section and Section 53E-4-308; and
  - (b) coordinate access to the unique student identifier of a public education student who later attends an institution of higher education.
- (3) Information technology systems used at an institution of higher education shall use the unique student identifier of all students who have previously been assigned a unique student identifier.

Amended by Chapter 461, 2022 General Session

**53B-1-110 Criminal background checks of prospective and existing employees of higher education institutions -- Institutions to adopt policy.**

- (1) As used in this section:
  - (a) "Institution" means an institution listed in Section 53B-1-102.
  - (b) "Minor" means a person younger than 21 years old.
- (2) An institution shall adopt a policy providing for criminal background checks of:
  - (a) prospective employees of institutions; and
  - (b) existing employees of institutions, where reasonable cause exists.
- (3)
  - (a) The policy shall require that:
    - (i) an applicant for any position that involves significant contact with minors or any position considered to be security sensitive by an institution or its designee shall submit to a criminal background check as a condition of employment; and
    - (ii) an existing employee submit to a criminal background check, where reasonable cause exists.
  - (b) Subsection (3)(a)(i) does not apply to adjunct faculty positions.
  - (c) The policy may allow or require applicants for positions other than those described in Subsection (3)(a)(i) to submit to a criminal background check as a condition of employment.
  - (d) The policy may allow criminal background checks for new employees to be phased in over a two-year period.
- (4) The applicant or employee shall receive written notice that the background check has been requested.
- (5) Each applicant or employee subject to a criminal background check under this section shall, if required by the institution:
  - (a) be fingerprinted; and
  - (b) consent to a fingerprint background check by:
    - (i) the Utah Bureau of Criminal Identification; and
    - (ii) the Federal Bureau of Investigation.
- (6)
  - (a) Institutions may request the Utah Bureau of Criminal Identification to conduct criminal background checks of prospective employees and, where reasonable cause exists, existing employees pursuant to an institution's policy.
  - (b) At the request of an institution, the Utah Bureau of Criminal Identification shall:
    - (i) release the individual's full record of criminal convictions to the administrator requesting the information; and
    - (ii) seek additional information from regional or national criminal data files in responding to inquiries under this section.
  - (c) Information received by the Utah Bureau of Criminal Identification from entities other than agencies or political subdivisions of the state may not be released to a private entity unless the release is permissible under applicable laws or regulations of the entity providing the information.
  - (d) Except as provided in Subsection (7), the institution shall pay the cost of background checks conducted by the Utah Bureau of Criminal Identification, and the money collected shall be credited to the Utah Bureau of Criminal Identification to offset its expenses.
- (7) An institution may by policy require an applicant to pay the costs of a criminal background check as a condition of employment.

- (8) The applicant or employee shall have an opportunity to respond to any information received as a result of the criminal background check.
- (9) If a person is denied employment or is dismissed from employment because of information obtained through a criminal background check, the person shall receive written notice of the reasons for denial or dismissal and have an opportunity to respond to the reasons under procedures established by an institution in policy.

Amended by Chapter 378, 2024 General Session

**53B-1-111 Organ donation notification.**

- (1) As used in this section:
  - (a) "Donor" means the same as that term is defined in Section 26B-4-137.
  - (b) "Donor registry" means the same as that term is defined in Section 26B-4-137.
  - (c) "Institution of higher education" means an institution as described in Section 53B-3-102.
- (2)
  - (a) An institution of higher education shall distribute, twice each academic year to each enrolled student:
    - (i) an electronic message notifying each student of the option to register as a donor by selecting the Internet link described in Subsection (2)(a)(ii); and
    - (ii) through the electronic message described in Subsection (2)(a)(i) an Internet link to a website for a donor registry established under Section 26B-8-319.
  - (b) An institution of higher education may also provide to students information on donor registry by other electronic, printed, or in-person means.

Amended by Chapter 328, 2023 General Session

**53B-1-112 Disclosure requirements for institution programs.**

- (1) As used in this section:
  - (a) "Department" means the Department of Workforce Services.
  - (b) "Institution" means an institution of higher education described in Section 53B-1-102.
  - (c) "Job placement data" means information collected by the board, and based on information from the department, that reflects the job placement rate and industry employment information for a student who graduates from a program.
  - (d)
    - (i) "Program" means a program of organized instruction or study at an institution that leads to:
      - (A) an academic degree;
      - (B) a professional degree;
      - (C) a vocational degree;
      - (D) a certificate of one year or greater or the direct assessment equivalent; or
      - (E) another recognized educational credential.
    - (ii) "Program" includes instruction or study that, in lieu of time as a measurement for student learning, utilizes direct assessment of student learning, or recognizes the direct assessment of student learning by others, if the assessment is consistent with the accreditation of the institution or program utilizing the results of the assessment.
  - (e) "Student loan information" means the percentage of students at an institution who:
    - (i) received a Title IV loan authorized under:
      - (A) the Federal Perkins Loan Program;
      - (B) the Federal Family Education Loan Program; or

- (C) the William D. Ford Direct Loan Program; and
  - (ii) fail to pay a loan described in Subsection (1)(e)(i)(A), (B), or (C).
  - (f) "Total costs" means:
    - (i) the estimated costs a student would incur while completing a program, including:
      - (A) tuition and fees; and
      - (B) books, supplies, and equipment; and
    - (ii) calculated based on a student's degree, the institution's average costs that would be incurred while a student completes a program and are subsidized by taxpayer contribution, including:
      - (A) tuition and fees; and
      - (B) other applicable expenses subsidized by taxpayer contribution for program completion.
  - (g) "Wage data" means information collected by the board, and based on information from the department, that reflects a student's wage the first year and fifth year after a student has successfully completed a program.
- (2)
- (a) Except as provided in Subsection (4), for each program listed in an institution's course catalog or each program otherwise offered by the institution, the institution shall provide a conspicuous and direct link on the institution's website, subject to Subsection (2)(b), to the following information maintained by the board in accordance with Subsection (3):
    - (i) job placement data;
    - (ii) to the extent supporting data is available, student loan information;
    - (iii) total costs; and
    - (iv) wage data.
  - (b) An institution shall include the information described in Subsection (2)(a) on each institutional website that includes academic, cost, financial aid, or admissions information for a program.
- (3) The commissioner, under the board's direction, shall:
- (a) collect the information described in Subsection (2)(a);
  - (b) develop through user testing a format for the display of information described in Subsection (2)(a) that is easily accessible and informative; and
  - (c) maintain the information described in Subsection (2)(a) so that it is current.
- (4) An institution is not subject to Subsection (2) for a program that the institution is required to report on under 34 C.F.R. Sec. 668.412.
- (5) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for the implementation and administration of this section.

Amended by Chapter 378, 2024 General Session

**53B-1-113 Education loan notifications.**

- (1) As used in this section:
- (a) "Borrower" means:
    - (i) an individual enrolled in an eligible postsecondary institution who receives an education loan; or
    - (ii) an individual, including a parent or legal guardian, who receives an education loan to fund education expenses of an individual enrolled in an eligible postsecondary institution.
  - (b) "Education loan" means a loan made to a borrower that is:
    - (i) made directly by a federal or state program; or
    - (ii) insured or guaranteed under a federal or state program.
  - (c) "Eligible postsecondary institution" means a public or private postsecondary institution that:

- (i) is located in Utah; and
  - (ii) participates in federal student assistance programs under the Higher Education Act of 1965, Title IV, 20 U.S.C. Sec. 1070 et seq.
- (2) Annually, on or before July 1, an eligible postsecondary institution that receives information about a borrower's education loan shall:
  - (a) notify the borrower that the borrower has an education loan;
  - (b) direct the borrower to the National Student Loan Data System described in 20 U.S.C. Sec. 1092b to receive information about the borrower's education loan; and
  - (c) provide the borrower information on how the borrower can access an online repayment calculator.
- (3) An eligible postsecondary institution does not incur liability for information provided to a borrower in accordance with this section.

Amended by Chapter 324, 2019 General Session

***Effective 7/1/2024***

**53B-1-116 Prohibition on the use of certain submissions in higher education -- Exceptions.**

- (1) As used in this section, "prohibited submission" means the same as that term is defined in Section 67-27-107.
- (2) Except as provided in Subsections (4) and (6), an institution may not require, request, solicit, or compel a prohibited submission as a certification or condition before taking action with respect to:
  - (a) employment, including decisions regarding:
    - (i) hiring;
    - (ii) terms of employment;
    - (iii) benefits;
    - (iv) compensation;
    - (v) seniority status;
    - (vi) tenure or continuing status;
    - (vii) promotion;
    - (viii) performance reviews;
    - (ix) transfer;
    - (x) termination; or
    - (xi) appointment;
  - (b) admission to, advancement in, or graduation from an institution or an academic program;
  - (c) participation in an institution-sponsored program; or
  - (d) qualification for or receipt of state financial aid or other state financial assistance.
- (3) An institution may not grant any form of preferential consideration to an individual who, with or without solicitation from the institution, provides a prohibited submission for consideration for any action described in Subsection (2).
- (4) If federal law requires an institution to accept or require a prohibited submission, the institution:
  - (a) may accept the prohibited submission only to the extent required under federal law; and
  - (b) shall limit consideration of the information contained in the prohibited submission to the extent necessary to satisfy the requirement under federal law.
- (5) For a required prohibited submission under Subsection (4), an institution shall:
  - (a) prepare a report to the institution's governing board detailing the circumstances under which a prohibited submission is required; and

- (b) publish the report described in Subsection (5)(a) on the institution's governing board website in a conspicuous location.
- (6) Nothing in this section limits or prohibits an institution's authority to establish policies that:
  - (a) are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment;
  - (b) require disclosure of an employee's academic research, classroom teaching, or coursework; or
  - (c) require an applicant for employment, tenure, or promotion to disclose or discuss the applicant's:
    - (i) research;
    - (ii) teaching agenda;
    - (iii) artistic creations; or
    - (iv) pedagogical approaches or experiences with students of all learning abilities.
- (7)
  - (a) Beginning on July 1, 2025, the board shall conduct a biennial review of an institution of higher education's compliance with this section as follows:
    - (i) for 2025, on each institution of higher education; and
    - (ii) for 2026, and every year after, on one-half of the degree granting institutions of higher education and one-half of the technical colleges.
  - (b) If the board identifies a violation of this section, the board shall:
    - (i) on or before 30 days after the day on which the board identifies the violation, work with the institution to create a remediation plan; and
    - (ii) provide the institution 180 days after the day of the creation of the remediation plan to cure the violation.
- (8) On or before November 1 of each year, the board shall prepare and submit a report to the Higher Education Appropriations Subcommittee on:
  - (a) the review process and each institution's compliance determination; or
  - (b) if a violation is identified, the remediation plan and progress under Subsection (7)(b).
- (9) The Legislature may withhold future state appropriations to an institution that fails to cure a violation of this section within the time provided under Subsection (7)(b).
- (10) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a procedure for accepting and processing an individual's complaint against an institution for an alleged violation of this section.

Enacted by Chapter 3, 2024 General Session

***Effective 7/1/2024***

**53B-1-117 Prohibition on the use of certain training in higher education -- Exceptions.**

- (1) As used in this section:
  - (a) "Prohibited training" means a mandatory instructional program and related materials that an institution requires the institution's employees, prospective employees, students, or prospective students, to attend that promote prohibited discriminatory practices as that term is defined in Section 53B-1-118.
  - (b) "Prohibited training" includes an in-person or online seminar, discussion group, workshop, other program, or related materials.
- (2) An institution may not require prohibited training.
- (3) An institution shall annually train the institution's faculty and staff on academic freedom and freedom of speech in accordance with state or federal law.

- (4) Nothing in this section limits or prohibits an institution's authority to establish policies that are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment.
- (5)
  - (a) Beginning on July 1, 2025, the board shall conduct a biennial review of an institution of higher education's compliance with this section as follows:
    - (i) for 2025, on each institution of higher education; and
    - (ii) for 2026, and every year after, on one-half of the institutions of higher education and one-half of the technical colleges.
  - (b) If the board identifies a violation of this section, the board shall:
    - (i) on or before 30 days after the day on which the board identifies the violation, work with the institution to create a remediation plan; and
    - (ii) provide the institution 180 days after the day of the creation of the remediation plan to cure the violation.
- (6) On or before November 1 of each year, the board shall prepare and submit a report to the Higher Education Appropriations Subcommittee on:
  - (a) the review process and each institution's compliance determination; or
  - (b) if a violation is identified, the remediation plan and progress under Subsection (5)(b).
- (7) The Legislature may withhold future state appropriations to an institution that fails to cure a violation of this section within the time provided under Subsection (5)(b).
- (8) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a procedure for accepting and processing an individual's complaint against an institution for an alleged violation of this section.

Enacted by Chapter 3, 2024 General Session

***Effective 7/1/2024***

**53B-1-118 Prohibited discriminatory practices -- Restrictions -- Campus climate survey -- Exceptions.**

- (1) As used in this section:
  - (a) "Important government interest" means a governmental purpose relating to athletic competition or athletic safety in public education or privacy.
  - (b) "Personal identity characteristics" means an individual's race, color, ethnicity, sex, sexual orientation, national origin, religion, or gender identity.
  - (c)
    - (i) "Prohibited discriminatory practice" means engaging in or maintaining a policy, procedure, practice, program, office, initiative, or required training that, based on an individual's personal identity characteristics:
      - (A) promotes the differential treatment of an individual without an important government interest;
      - (B) influences the employment decisions of an individual other than through the use of neutral hiring processes with regard to personal identity characteristics and in accordance with federal law;
      - (C) influences an individual's admission to, advancement in, or graduation from an institution, the public education system, or an academic program; or
      - (D) influences an individual's participation in an institution-sponsored or public education system-sponsored program.



- (ii) "Prohibited discriminatory practice" also means engaging in or maintaining a policy, procedure, practice, program, office, initiative, or required training that:
  - (A) asserts that one personal identity characteristic is inherently superior or inferior to another personal identity characteristic;
  - (B) asserts that an individual, by virtue of the individual's personal identity characteristics, is inherently privileged, oppressed, racist, sexist, oppressive, or a victim, whether consciously or unconsciously;
  - (C) asserts that an individual should be discriminated against in violation of Title VI, Title VII, and Title IX, receive adverse treatment, be advanced, or receive beneficial treatment because of the individual's personal identity characteristics;
  - (D) asserts that an individual's moral character is determined by the individual's personal identity characteristics;
  - (E) asserts that an individual, by virtue of the individual's personal identity characteristics, bears responsibility for actions committed in the past by other individuals with the same personal identity characteristics;
  - (F) asserts that an individual should feel discomfort, guilt, anguish, or other psychological distress solely because of the individual's personal identity characteristics;
  - (G) asserts that meritocracy is inherently racist or sexist;
  - (H) asserts that socio-political structures are inherently a series of power relationships and struggles among racial groups;
  - (I) promotes resentment between, or resentment of, individuals by virtue of their personal identity characteristics;
  - (J) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual because of the individual's race, color, ethnicity, sex, sexual orientation, national origin, or gender identity;
  - (K) considers an individual's personal identity characteristics in determining receipt of state financial aid or other state financial assistance, including a scholarship award or tuition waiver; or
  - (L) is referred to or named diversity, equity, and inclusion.
- (iii) "Prohibited discriminatory practice" does not include policies or procedures required by state or federal law, including laws relating to prohibited discrimination or harassment.
- (d) "Student success and support" means an office, division, employment position, or other unit of an institution established or maintained to provide support, guidance, and resources that equip all students, including all students at higher risk of not completing a certificate or degree, with experiences and opportunities for success in each student's academic and career goals, and without excluding individuals on the basis of an individual's personal identity characteristics.
- (e) "Title VI" means Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et seq.
- (f) "Title VII" means Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e et seq.
- (g) "Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.
- (2) An institution may not:
  - (a) engage in prohibited discriminatory practices;
  - (b) take, express, or assert a position or opinion on subjects described in Subsection 67-27-107(1)(b)(ii);
  - (c) establish or maintain an office, division, employment position, or other unit of an institution established to implement, develop, plan, or promote campus policies, procedures, practices, programs, or initiatives, regarding prohibited discriminatory practices; or

- (d) employ or assign an employee or a third-party whose duties for an institution include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, and procedures relating to prohibited discriminatory practices.
- (3) An institution shall:
  - (a) ensure that all students have access to programs providing student success and support;
  - (b) publish the titles and syllabi of all mandatory courses, seminars, classes, workshops, and training sessions on the institution's website in an online database readily searchable by the public;
  - (c) annually train employees on the separation of personal political advocacy from an institution's business and employment activities;
  - (d) develop strategies, including inviting speakers, to promote viewpoint diversity; and
  - (e) establish policies and procedures to include opportunities for education and research on free speech and civic education.
- (4) Beginning on or before July 1, 2025, the board shall report to the Higher Education Appropriations Subcommittee on the status and allocation of appropriated funds for student success and support.
- (5) The Legislature shall, in a line item appropriation, appropriate ongoing funding to support an institution's student success and support program in accordance with this section.
- (6)
  - (a) On or before January 1, 2025, the board shall contract with a third-party contractor, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to conduct a campus expression climate survey of each institution:
    - (i) to assess student, faculty, and staff perceptions of and experiences with an institution's campus environment that measures the student's, faculty member's, and staff member's perception of and experience with an institution's campus environment; and
    - (ii) that measures the student's, faculty member's, and staff member's perception of and experience with campus policy and practice regarding freedom of speech and academic freedom at the institution.
  - (b) The board shall collect the results of each campus expression climate survey under Subsection (6) and submit the results to the Office of Legislative Research and General Counsel beginning on or before July 1.
- (7)
  - (a) The Office of Legislative Research and General Counsel shall provide a summary report on the data collected from the campus expression climate surveys to the Education Interim Committee on or before:
    - (i) November 1, 2027, for reports received in years 2025, 2026, and 2027;
    - (ii) November 1, 2030, for reports received in years 2028, 2029, and 2030; and
    - (iii) November 1, 2033, for reports received in years 2031, 2032, and 2033.
  - (b) On or before November 1, 2035, the Office of Legislative Research and General Counsel shall provide a comprehensive report of the campus expression climate surveys to the Education Interim Committee.
- (8) Nothing in this section requires an individual to respond to a campus expression climate survey.
- (9) Nothing in this section limits or prohibits an institution's authority to establish policies that:
  - (a) are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment;
  - (b) require disclosure of an employee's academic research, classroom teaching, or coursework;or

- (c) require for employment, tenure, or promotion to disclose or discuss the applicant's:
  - (i) research;
  - (ii) teaching agenda;
  - (iii) artistic creations; or
  - (iv) pedagogical approaches or experiences with students of all learning abilities.
- (10) This section does not apply to:
  - (a) requirements necessary for athletic and accreditation compliance;
  - (b) academic research;
  - (c) academic course teaching in the classroom;
  - (d) a grant that would otherwise require:
    - (i) a department, office, division, or other unit of an institution to engage in a prohibited discriminatory practice if the grant has been reviewed and approved by the institution's board of trustees; or
    - (ii) an institution to engage in a prohibited discriminatory practice if the grant has been reviewed and approved by the board;
  - (e) requirements necessary for an institution to establish or maintain eligibility for any federal program; or
  - (f) private scholarships administered by an institution.
- (11) Notwithstanding any other provision of this part, the University of Utah may take any action required for the University of Utah to comply with the terms of an agreement entered into between the University of Utah and the Ute Indian Tribe before July 1, 2024.
- (12)
  - (a) Beginning on July 1, 2025, the board shall conduct a biennial review of an institution of higher education's compliance with this section as follows:
    - (i) for 2025, on each institution of higher education; and
    - (ii) for 2026, and every year after, on one-half of the degree granting institutions of higher education and one-half of the technical colleges.
  - (b) If the board identifies a violation of this section, the board shall:
    - (i) on or before 30 days after the day on which the board identifies the violation, work with the institution to create a remediation plan; and
    - (ii) provide the institution 180 days after the day of the creation of the remediation plan to cure the violation.
- (13) On or before November 1 of each year, the board shall prepare and submit a report to the Higher Education Appropriations Subcommittee on:
  - (a) the review process and each institution's compliance determination; or
  - (b) if a violation is identified, the remediation plan and progress under Subsection (12)(b).
- (14) On or before December 1 of each year, the Higher Education Appropriations Subcommittee shall:
  - (a) report the findings under Subsections (4) and (13) to the Legislature; and
  - (b) make appropriation recommendations about an institution's compliance with this section.
- (15) The Legislature may withhold future state appropriations to an institution that fails to cure a violation of this section within the time provided under Subsection (12)(b).
- (16) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a procedure for accepting and processing an individual's complaint against an institution for an alleged violation of this section.

Enacted by Chapter 3, 2024 General Session

**53B-1-119 Bereavement leave for miscarriage and stillbirth.**

- (1) As used in this section "miscarriage" means the spontaneous or accidental loss of a fetus, regardless of gestational age or the duration of the pregnancy.
- (2) An institution shall adopt policies providing at least three work days of paid bereavement leave for an employee following the end of the employee's pregnancy by way of miscarriage or stillbirth or following the end of another individual's pregnancy by way of a miscarriage or stillbirth, if:
  - (a) the employee is the individual's spouse or partner;
  - (b) the employee is the individual's former spouse or partner and the employee would have been a biological parent of a child born as a result of the pregnancy;
  - (c) the employee provides documentation to show that the individual intended for the employee to be an adoptive parent, as that term is defined in Section 78B-6-103, of a child born as a result of the pregnancy; or
  - (d) under a valid gestational agreement in accordance with Title 78B, Chapter 15, Part 8, Gestational Agreement, the employee would have been a parent of a child born as a result of the pregnancy.

Enacted by Chapter 378, 2024 General Session

**53B-1-120 Oaths of office.**

Notwithstanding Section 52-1-2, except as otherwise provided in this title, an individual whom one of the following appoints or employs is not required to take an official oath of office:

- (1) the board;
- (2) the commissioner;
- (3) a degree-granting institution or a technical college;
- (4) an institution board of trustees; or
- (5) the president of a degree-granting institution or a technical college.

Enacted by Chapter 378, 2024 General Session