

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 -- Board 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 of age.
- (2) The board 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 the board 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 board 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) The board 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 the board in policy.

Enacted by Chapter 248, 2007 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 board or the board's designee 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 187, 2021 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