

Chapter 16 Institutional Programs Generally

Part 1 Institutional Courses of Study

53B-16-101 Establishment of institutional roles and general courses of study.

- (1) Except as institutional roles are specifically assigned by the Legislature, the board:
- (a) shall establish and define the roles of the various institutions of higher education; and
 - (b) shall, within each institution of higher education's primary role, prescribe the general course of study to be offered at the institution of higher education, including for:
 - (i) research universities, which provide undergraduate, graduate, and research programs and include:
 - (A) the University of Utah; and
 - (B) Utah State University;
 - (ii) regional universities, which provide career and technical education, undergraduate associate and baccalaureate programs, and select master's degree programs to fill regional demands and include:
 - (A) Weber State University;
 - (B) Southern Utah University;
 - (C) Utah Tech University; and
 - (D) Utah Valley University;
 - (iii) comprehensive community colleges, which provide associate programs and include:
 - (A) Salt Lake Community College; and
 - (B) Snow College; and
 - (iv) technical colleges and degree-granting institutions that provide technical education, and include:
 - (A) each technical college; and
 - (B) the degree-granting institutions described in Section 53B-2a-201.
- (2)
- (a) Except for the University of Utah, and subject to Subsection (2)(b), each institution of higher education described in Subsections (1)(b)(i) through (iii) has career and technical education included in the institution of higher education's primary role.
 - (b) The board shall determine the extent to which an institution described in Subsection (2)(a) provides career and technical education within the institution's primary role.
- (3) The board shall further clarify each institution of higher education's primary role by clarifying:
- (a) the level of program that the institution of higher education generally offers, in accordance with Subsection 53B-16-102(3);
 - (b) broad fields that are within the institution of higher education's mission; and
 - (c) any special characteristics of the institution of higher education, such as being a land grant university.

Amended by Chapter 254, 2023 General Session

53B-16-102 Changes in curriculum -- Substantial alterations in institutional operations -- Program approval -- Periodic review of programs -- Career and technical education curriculum changes.

- (1) As used in this section:
 - (a) "Institution of higher education" means an institution described in Section 53B-1-102.
 - (b) "Program of instruction" means a program of curriculum that leads to the completion of a degree, diploma, certificate, or other credential.
- (2)
 - (a) Under procedures and policies approved by the board and developed in consultation with each institution of higher education, each institution of higher education may make such changes in the institution of higher education's curriculum as necessary to better effectuate the institution of higher education's primary role; and
 - (b) subject to Subsection (2)(a), an institution of higher education's faculty shall establish and have primary responsibility for the curriculum of a course within a program of instruction at the institution.
- (3) The board shall establish criteria for whether an institution of higher education may approve a new program of instruction, including criteria related to whether:
 - (a) the program of instruction meets identified workforce needs;
 - (b) the institution of higher education is maximizing collaboration with other institutions of higher education to provide for efficiency in offering the program of instruction;
 - (c) the new program of instruction is within the institution of higher education's mission and role; and
 - (d) the new program of instruction meets other criteria determined by the board.
- (4)
 - (a) Except as board policy permits, an institution of higher education may not establish a branch, extension center, college, or professional school.
 - (b) The president of an institution of higher education may, with the approval of the institution of higher education's board of trustees, establish a new program of instruction that meets the criteria described in Subsection (3), subject to board review for pathway articulation.
- (5)
 - (a) An institution of higher education shall notify the board of a proposed new program of instruction, including how the proposed new program of instruction meets the criteria described in Subsection (3).
 - (b) The board shall establish procedures and guidelines for institutional boards of trustees to consider an institutional proposal for a new program of instruction described in Subsection (4)(b).
- (6) The president of an institution of higher education may discontinue a program of instruction in accordance with criteria that the president and the institution of higher education's board of trustees establish.
- (7)
 - (a) The board shall conduct a periodic review of all new programs of instruction, including those funded by gifts, grants, and contracts, no later than two years after the first cohort to begin the program of instruction completes the program of instruction.
 - (b) The board may conduct a periodic review of any program of instruction at an institution of higher education, including a program of instruction funded by a gift, grant, or contract.
 - (c) The board shall conduct:
 - (i) at least once every seven years, at least one review described in Subsection (7)(b) of each program of instruction at each institution; and
 - (ii) annually, a qualitative and quantitative review of academic disciplines across the system, including enrollment, graduation rates, and workforce placement, ensuring that the board conducts a review of all disciplines within the system at least once every seven years.

- (d) Following a review described in this Subsection (7) and after providing the relevant institution of higher education an opportunity to respond to the board's review of a given program of instruction, the board may modify, consolidate, or terminate the program of instruction.
- (8) In making decisions related to career and technical education curriculum changes, the board shall coordinate on behalf of the boards of trustees of higher education institutions a review of the proposed changes by the State Board of Education to ensure an orderly and systematic career and technical education curriculum that eliminates overlap and duplication of course work with high schools and technical colleges.
- (9) The board shall demonstrate compliance with Subsection (7) by:
 - (a) creating a list of programs and corresponding review schedules;
 - (b) upon request of the Higher Education Appropriations Subcommittee, providing the list described in Subsection (9)(a); and
 - (c) providing a written report on or before October 1 to the Higher Education Appropriations Subcommittee of each year regarding relevant findings from the reviews conducted under Subsection (7).
- (10) On or before October 1, 2026, if the Higher Education Appropriations Subcommittee finds the board to be out of compliance with Subsection (9), the Legislature shall:
 - (a) deduct 10% of the appropriation described in Section 53B-7-703 for the following fiscal year; and
 - (b) deduct an additional 10% of the appropriation described in Section 53B-7-703 for each subsequent year of noncompliance up to a maximum deduction of 30%.

Amended by Chapter 378, 2024 General Session

53B-16-103 Granting of degrees, diplomas, or certifications -- Board approval -- Termination of previous approval.

- (1)
 - (a) An institution of higher education may not issue a degree, diploma, or certificate outside of the institution of higher education's primary role, as described in Section 53B-16-101, unless the institution of higher education receives approval from the board of the adequacy of the study for which the degree, diploma, or certificate is offered.
 - (b) A student shall demonstrate a reasonable understanding of the history, principles, form of government, and economic system of the United States before receiving a bachelor's degree or teaching credential.
- (2) Degrees, diplomas, and certificates issued prior to the effective date of this chapter do not require board approval.
- (3) The board may terminate the granting of previously approved degrees, diplomas, and certificates if they are inconsistent with the primary role prescribed by the board for the affected institution of higher education.

Amended by Chapter 382, 2017 General Session

53B-16-104 Restrictions on higher education entities bidding on architect or engineering services in public procurement projects.

- (1) As used in this section:
 - (a) "Architect-engineer services" means those professional services within the scope of the practice of architecture as defined in Section 58-3a-102, or professional engineering as defined in Section 58-22-102.

- (b) "Government entity" means a state agency, an institution of higher education, a county, a municipality, a local school district, a special district, or a special service district.
- (2) When a government entity elects to obtain architect or engineering services by using a competitive procurement process and has provided public notice of its competitive procurement process:
 - (a) a higher education entity, or any part of one, may not submit a proposal in response to the government entity's competitive procurement process; and
 - (b) the government entity may not award a contract to perform the architect or engineering services solicited in the competitive procurement process to a higher education entity or any part of one.
- (3)
 - (a) Subject to the prohibition contained in Subsection (3)(b), an employee of a higher education entity may, in a private capacity, submit a proposal in response to the competitive procurement process.
 - (b) An employee of a higher education entity may not use any supplies, materials, or other resources owned by, or any persons matriculating at, attending, or employed by, the higher education entity in:
 - (i) preparing a response to the competitive procurement process; or
 - (ii) completing any work, assignment, or contract awarded to the employee resulting from that competitive procurement process.

Amended by Chapter 16, 2023 General Session

53B-16-105 Common course numbering -- Transferability of credits -- Agreement with competency-based general education provider -- Policies.

- (1) As used in this section:
 - (a) "Accredited institution" means an institution that:
 - (i) offers a competency-based postsecondary general education course online or in person; and
 - (ii) is accredited by an organization that the United States Department of Education recognizes.
 - (b) "Articulation agreement" means an agreement between the board and a provider that allows a student to transfer credit awarded by the provider for a general education course to any institution of higher education.
 - (c) "Competency-based" means a system where a student advances to higher levels of learning when the student demonstrates competency of concepts and skills regardless of time, place, or pace.
 - (d) "Competency-based general education provider" or "provider" means a private institution that:
 - (i) offers a postsecondary competency-based general education course online or in person;
 - (ii) awards academic credit; and
 - (iii) does not award degrees, including associates degrees or baccalaureate degrees.
 - (e) "Credit for prior learning" means the same as that term is defined in Section 53B-16-110.
 - (f) "Institution of higher education" means an institution described in Section 53B-1-102.
- (2) The board shall:
 - (a) facilitate articulation and the seamless transfer of courses, programs, and credit for prior learning within the Utah System of Higher Education;
 - (b) provide for the efficient and effective progression and transfer of students within the Utah System of Higher Education;
 - (c) avoid the unnecessary duplication of courses;
 - (d) communicate ways in which a student may earn credit for prior learning; and

- (e) allow a student to proceed toward the student's educational objectives as rapidly as the student's circumstances permit.
- (3) The board shall develop, coordinate, and maintain a transfer and articulation system that:
 - (a) maintains a course numbering system that assigns common numbers to specified courses of similar level with similar curricular content, rigor, and standards;
 - (b) allows a student to track courses that transfer among institutions of higher education;
 - (c) allows a student to transfer courses from a provider with which the board has an articulation agreement to any institution of higher education;
 - (d) allows a student to transfer competency-based general education courses from an accredited institution to an institution of higher education;
 - (e) improves program planning;
 - (f) increases communication and coordination between institutions of higher education;
 - (g) facilitates student acceleration and the transfer of students and credits between institutions of higher education; and
 - (h) if the system includes a software or data tool:
 - (i) provides predictive analysis that models probabilities of student success; and
 - (ii) develops tailored strategies to best support students.
- (4)
 - (a) The board shall identify general education courses in the humanities, social sciences, arts, physical sciences, and life sciences with uniform prefixes and common course numbers.
 - (b) A degree-granting institution shall annually identify institution courses that satisfy requirements of courses described in Subsection (4)(a).
 - (c) A degree-granting institution shall accept a course described in Subsection (3)(c), (3)(d), or (4)(a) toward filling specific area requirements for general education or lower division courses that transfer to baccalaureate majors.
- (5)
 - (a) The board shall:
 - (i) identify technical education programs with common names, descriptions, lengths, and objectives; and
 - (ii) within technical education programs, common course names, descriptions, length, and objectives allowing for customization of electives to meet regional industry demand.
 - (b) The commissioner shall appoint committees of faculty members from technical education committees to recommend aligned programs and courses that will satisfy graduation requirements.
- (6)
 - (a) The board shall identify common prerequisite courses and course substitutions for degree programs across degree-granting institutions.
 - (b) The commissioner shall appoint committees of faculty members from the degree-granting institutions to recommend appropriate courses of similar content and numbering that will satisfy requirements for lower division courses that transfer to baccalaureate majors.
 - (c) A degree-granting institution shall annually identify institution courses that satisfy requirements of courses described in Subsection (6)(a).
 - (d) A degree-granting institution shall accept a course described in Subsection (3)(c), (3)(d), or (6)(a) toward filling graduation requirements.
- (7)
 - (a)
 - (i) The board shall seek proposals from providers to enter into articulation agreements.

- (ii) A proposal described in Subsection (7)(a)(i) shall include the general education courses that the provider intends to include in an articulation agreement.
- (b) The board shall:
 - (i) evaluate each general education course included in a proposal described in Subsection (7)(a) to determine whether the course is equally rigorous and includes the same subject matter as the equivalent course offered by any institution of higher education; and
 - (ii) if the board determines that a course included in a provider's proposal is equally rigorous and includes the same subject matter as the equivalent course offered by any institution of higher education, enter into an articulation agreement with the provider.
- (8) The board shall establish policies to administer the policies and requirements described in this section.
- (9) The board shall include information demonstrating that institutions of higher education are complying with the provisions of this section and the policies established in accordance with Subsection (8) in the annual report described in Section 53B-1-402.

Amended by Chapter 254, 2023 General Session

53B-16-107 Credit for military service and training -- Notification -- Transferability -- Reporting.

- (1) As used in this section, "credit" includes proof of equivalent noncredit course completion awarded by a technical college.
- (2) An institution of higher education listed in Section 53B-2-101 shall provide written notification to each student applying for admission that the student is required to meet with a college counselor in order to receive credit for military service and training as recommended by a postsecondary accreditation agency or association designated by the board if:
 - (a) credit for military service and training is requested by the student; and
 - (b) the student has met with an advisor at an institution of higher education listed in Section 53B-2-101 at which the student intends to enroll to discuss applicability of credit to program requirements, possible financial aid implications, and other factors that may impact attainment of the student's educational goals.
- (3) Upon transfer within the state system of higher education, a student may present a transcript to the receiving institution of higher education for evaluation and to determine the applicability of credit to the student's program of study, and the receiving institution of higher education shall evaluate the credit to be transferred in accordance with Subsection (2) and the policies described in Section 53B-16-110.
- (4) The board shall annually report the number of credits awarded under this section by each institution of higher education to the Department of Veterans and Military Affairs.

Amended by Chapter 365, 2020 General Session

53B-16-108 Courses offered through the Statewide Online Education Program.

An institution of higher education listed in Section 53B-2-101 may offer a secondary school level course through the Statewide Online Education Program in accordance with Section 53F-4-504.

Amended by Chapter 415, 2018 General Session

53B-16-109 Interstate reciprocity agreement regarding postsecondary distance education courses.

- (1) As used in this section:
 - (a) "Distance education" means instruction offered by a means where the student and faculty member are in separate physical locations.
 - (b) "Institution" means a degree-granting postsecondary education entity.
 - (c) "Postsecondary education" means education or educational services offered primarily to an individual who:
 - (i) has completed or terminated the individual's secondary or high school education; or
 - (ii) is beyond the age of compulsory school attendance.
- (2) The board may execute an interstate reciprocity agreement for postsecondary distance education:
 - (a) for an institution that offers a postsecondary distance education course or program; and
 - (b) that requires an institution to meet certain standards to become authorized to operate under the interstate reciprocity agreement.
- (3) If the board executes an interstate reciprocity agreement under Subsection (2), the board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
 - (a) standards for granting an institution authorization to operate under the interstate reciprocity agreement;
 - (b) a filing, document, or membership fee required for an institution to obtain authorization under the interstate reciprocity agreement; and
 - (c) a process for administering the interstate reciprocity agreement.

Enacted by Chapter 60, 2016 General Session

53B-16-110 Credit for prior learning -- Board plan and policies -- Reporting.

- (1) As used in this section:
 - (a) "Credit for prior learning" means credit awarded by an institution to a student who demonstrates, through a prior learning assessment, that the student's prior learning meets college-level competencies.
 - (b) "Institution" means an institution of higher education described in Section 53B-1-102.
 - (c) "International Baccalaureate programme" means an International Baccalaureate Secondary Education programme course that:
 - (i) the International Baccalaureate establishes; and
 - (ii)
 - (A) an International Baccalaureate diploma candidate takes;
 - (B) an International Baccalaureate career candidate takes; or
 - (C) an International Baccalaureate course student, who is not a candidate under Subsection (1)(c)(ii)(A) or (B), takes.
 - (d) "International Baccalaureate programme subject score" means the total points the International Baccalaureate awards to a student for an International Baccalaureate programme course based on fulfillment of all subject requirements, including the end-of-course examination and externally assessed coursework.
 - (e) "Prior learning" means knowledge, skills, or competencies acquired through formal or informal education outside the traditional postsecondary academic environment.
 - (f) "Prior learning assessment" means a method of evaluating or assessing an individual's prior learning.
- (2) The board shall develop a plan for advising and communicating with students and the public about credit for prior learning.

- (3)
 - (a) The board shall establish policies that provide minimum standards for all institutions regarding:
 - (i) accepted forms of prior learning assessments;
 - (ii) awarding credit for prior learning;
 - (iii) transferability of credit for prior learning between institutions;
 - (iv) transcription of credit for prior learning;
 - (v) institutional procedures for maintaining transparency and consistency in awarding credit for prior learning;
 - (vi) communication to faculty, advisors, current students, and prospective students regarding standards and costs related to credit for prior learning and prior learning assessments;
 - (vii) required training of faculty and advisors on prior learning assessment standards and processes; and
 - (viii) portfolio-specific prior learning assessments.
 - (b) The board shall ensure that accepted forms of prior learning assessments described in Subsection (3)(a) include:
 - (i) program evaluations, completed by an institution, of noncollegiate programs or training courses to recognize proficiencies;
 - (ii) nationally recognized, standardized examinations, including:
 - (A) Advanced Placement examinations;
 - (B) College Level Exam Program general examinations;
 - (C) College Level Exam Program subject examinations; and
 - (D) DANTES Subject Standardized Tests;
 - (iii) International Baccalaureate programme subject scores;
 - (iv) customized examinations offered by an institution to verify an individual's learning achievement that may include course final examinations or other examinations that assess general disciplinary knowledge or skill;
 - (v) evaluations of corporate or military training; and
 - (vi) assessments of individuals' portfolios.
- (4)
 - (a) The board shall establish minimum scores and maximum credit for each standardized examination described in Subsection (3)(b)(ii).
 - (b) An institution shall award credit to a student who demonstrates competency by passing a standardized examination described in Subsection (3)(b)(ii) unless the award of credit duplicates credit already awarded.
- (5) For purposes of Subsection (3)(b)(iii) and beginning with the 2023-2024, school year, all institutions shall award credit to a student who receives an International Baccalaureate programme subject score of four or higher for an International Baccalaureate programme course unless the award of credit duplicates credit an institution already awarded.
- (6) The board shall, through committees that the board authorizes, consult with the Utah Association of IB World Schools and school International Baccalaureate program coordinators to align International Baccalaureate programme subject scores with commonly numbered institution of higher education courses to satisfy general education requirements or major requirements.
- (7) The board shall:
 - (a) create and maintain a website that provides statewide information on prior learning assessments and credit for prior learning; and
 - (b) maintain software or data tools to support the board in:

- (i) implementing the plan described in Subsection (2); and
 - (ii) fulfilling the board's requirements described in Section 53B-16-105.
- (8) An institution shall annually report to the board on:
- (a) each form of prior learning assessment for which the institution provides credit for prior learning; and
 - (b) the total amount of credit for prior learning the institution provides to students.

Amended by Chapter 148, 2023 General Session

53B-16-111 In-person instruction.

- (1) As used in this section:
- (a) "Course" means each section of a course that an institution of higher education offers as:
 - (i) part of a program of instruction; or
 - (ii) a general education requirement.
 - (b) "Institution of higher education" means an institution described in Section 53B-1-102.
 - (c) "Program of instruction" means the same as that term is defined in Section 53B-16-102.
- (2) Except as provided in Subsection (3):
- (a) for fall semester in 2021, an institution of higher education shall offer a number of in-person courses that is at least 75% of the number of in-person courses that the institution of higher education offered for the analogous semester that began immediately on or after August 1, 2019; and
 - (b) for spring semester in 2022, an institution of higher education shall offer a number of in-person courses that is at least 75% of the number of in-person courses that the institution of higher education offered at the beginning of the analogous semester that began on or immediately after January 1, 2020.
- (3) An institution of higher education may offer fewer in-person courses than the number of courses described in Subsection (2):
- (a) in proportion to the institution of higher education's decline in enrollment if the institution has a decline in enrollment between the analogous semesters described in Subsection (2);
 - (b) for courses that are designed to accommodate nontraditional students who need to participate in online learning; or
 - (c) if a number of vaccinations against COVID-19, as that term is defined in Section 53-2c-102, that would allow all willing members of the institution's faculty and staff to be vaccinated has not been available in the state before the beginning of the semester in question.

Enacted by Chapter 435, 2021 General Session

Part 2 Community Colleges

53B-16-202 Curricula at the community colleges.

The curricula at the colleges shall include career and technical education, courses of a general nature which can be transferred to other higher education institutions, adult and continuing education, and developmental education. The colleges also provide needed community service. Career and technical education continues as the highest priority role of the colleges; and to ensure continued emphasis of career and technical education, the board shall develop specific funding

mechanisms which will maintain the high priority treatment of these programs and address the fact that many vocational programs are more costly than general education/transfer programs.

Amended by Chapter 365, 2020 General Session

53B-16-203 Qualifications for entrance to community colleges -- Preference to veterans.

- (1) The colleges shall give enrollment preference to veterans who furnish proof of other than a dishonorable discharge from the armed forces of the United States.
- (2) Admission at the colleges is based upon an individual's interest, ability, and potential for the desired occupational area and payment of the required tuition or fee. The colleges may not deny admission on the basis of an individual's previous schooling or training.

Enacted by Chapter 137, 1988 General Session

53B-16-205 Establishment of Snow College Richfield campus.

- (1) There is established a branch campus of Snow College in Richfield, Utah, known as the Snow College Richfield campus.
- (2) Snow College shall administer the branch campus under the general control and supervision of the board as an integrated part of Snow College's mission, programs, and curriculum.
- (3) Snow College shall:
 - (a) maintain a strong curriculum in career and technical education courses at the Snow College Richfield campus and within the region served by Snow College which can be transferred to other institutions within the higher education system, together with lower division courses and courses required for associate degrees in science, arts, applied science, and career and technical education; and
 - (b) work with school districts and charter schools in developing an aggressive concurrent enrollment program in cooperation with Snow College Richfield campus.

Amended by Chapter 187, 2021 General Session

53B-16-205.5 Snow College Concurrent Education Program.

- (1) As used in this section:
 - (a) "Interactive video conferencing" means two-way, real-time transmission of audio and video signals between devices or computers at two or more locations.
 - (b) "Program" means the Snow College Concurrent Education Program.
- (2) Consistent with policies established by the board, Snow College shall establish and administer, subject to legislative appropriations, the Snow College Concurrent Education Program to provide:
 - (a) a consistent two-year schedule of concurrent enrollment courses delivered through interactive video conferencing to secondary school students;
 - (b) a pathway for a secondary school student to earn college credits that:
 - (i) apply toward earning an Associate of Science or Associate of Arts degree; or
 - (ii) satisfy scholarship requirements or other objectives that best meet the needs of an individual student; and
 - (c) advisory support to secondary school students who participate in the program and the secondary school students' school counselors to ensure that students' concurrent enrollment courses align with the students' academic and career goals.

Amended by Chapter 365, 2020 General Session

53B-16-206 Snow College Economic Development and Workforce Preparation Advisory Committee -- Membership -- Duties.

- (1) Snow College shall have the Snow College Economic Development and Workforce Preparation Advisory Committee composed of the following 12 members:
 - (a) one economic development professional appointed by the Juab County legislative body;
 - (b) one economic development professional appointed by the Millard County legislative body;
 - (c) one economic development professional appointed by the Sanpete County legislative body;
 - (d) one economic development professional appointed by the Wayne County legislative body;
 - (e) one economic development professional appointed by the Piute County legislative body;
 - (f) one economic development professional appointed by the Sevier County legislative body;
 - (g) four representatives of business or industry employers within the region appointed by the Snow College Board of Trustees from nominations of the members appointed under Subsections (1)(a) through (f);
 - (h) one public education school district superintendent, appointed by the Snow College Board of Trustees, chosen from the school district superintendents serving in the Juab, Millard, Tintic, North Sanpete, South Sanpete, Wayne, Piute, and Sevier School Districts; and
 - (i) one public education school district career and technical education director, appointed by the Snow College Board of Trustees, chosen from the career and technical education directors serving in the Juab, Millard, Tintic, North Sanpete, South Sanpete, Wayne, Piute, and Sevier School Districts.
- (2)
 - (a) Except as provided in Subsection (2)(b), a member of the Snow College Economic Development and Workforce Preparation Advisory Committee shall serve for a term of four years.
 - (b) The president of Snow College shall adjust the length of the terms to ensure that the terms of committee members are staggered so that approximately half of the committee members are appointed every two years.
- (3) The members of the Snow College Economic Development and Workforce Preparation Advisory Committee shall elect a chair of the committee from the committee's membership.
- (4) The Snow College Economic Development and Workforce Preparation Advisory Committee shall meet upon the call of the chair or a majority of the committee members.
- (5) The Snow College Economic Development and Workforce Preparation Advisory Committee shall:
 - (a) assess the economic development needs of central Utah and advise Snow College on how the college can improve the effectiveness of its efforts to assist business, industry, and local governments in efforts to expand economic activity and enhance the local economy; and
 - (b) review educational programs offered by Snow College, including career and technical education programs, and advise Snow College on how the college can improve its efforts to prepare students for employment in the region and enhance the skills of workers who are already employed.

Amended by Chapter 374, 2013 General Session

53B-16-207 Utah State University regional institutions -- Career and technical education.

- (1) As used in this section:
 - (a) "Utah State University regional institution" or "USU regional institution" means:

- (i) Utah State University Eastern;
 - (ii) Utah State University Blanding; or
 - (iii) Utah State University Moab.
- (b) "Utah State University Moab" means the Utah State University regional campus located at or near Moab described in Section 53B-18-301.
- (2) A USU regional institution shall:
- (a) maintain a strong curriculum in career and technical education courses at the USU regional institution's campus and within the region the USU regional institution serves that can be transferred to other institutions within the higher education system, together with lower division courses and courses required for associate degrees in science, arts, applied science, and career and technical education; and
 - (b) work with school districts and charter schools in developing an aggressive concurrent enrollment program.

Amended by Chapter 187, 2021 General Session

53B-16-208 Utah State University career and technical education advisory committee -- Membership -- Duties.

- (1) As used in this section:
- (a) "Service regions" means the service regions, as established by the Utah State University board of trustees, for:
 - (i) Utah State University Eastern;
 - (ii) Utah State University Blanding; and
 - (iii) Utah State University Moab.
 - (b) "Utah State University Moab" means the Utah State University regional campus located at or near Moab described in Section 53B-18-301.
- (2) Utah State University shall establish a career and technical education advisory committee composed of the following 13 members:
- (a) one elected local school board member appointed by the board of education for the Carbon School District;
 - (b) one elected local school board member appointed by the board of education for the Emery School District;
 - (c) one elected local school board member appointed by the board of education for the Grand School District;
 - (d) one elected local school board member appointed by the board of education for the San Juan School District;
 - (e) nine members appointed by the Utah State University president that include:
 - (i) one member of the Utah State University Eastern regional advisory council described in Section 53B-18-1201;
 - (ii) one member of the Utah State University Blanding regional advisory council described in Section 53B-18-1202;
 - (iii) one member representing Utah State University Moab; and
 - (iv) six representatives of business or industry from members of the program advisory committees overseeing career and technical education in the service regions.
- (3) The career and technical education advisory committee shall:
- (a) prepare a comprehensive strategic plan for delivering career and technical education within the service regions, after consulting with:
 - (i) Utah State University Eastern;

- (ii) Utah State University Blanding;
- (iii) Utah State University Moab; and
- (iv) school districts and charter schools within the service regions;
- (b) make recommendations regarding what skills are needed for employment in Utah businesses and industries;
- (c) recommend programs based upon the information gathered in accordance with Subsection (3)(b);
- (d) review annual program evaluations;
- (e) provide counsel, support, and recommendations for updating and improving the effectiveness of career and technical education programs and services, including expedited program approval and termination of procedures, consistent with board policy;
- (f) monitor program advisory committees and other advisory groups to provide counsel, support, and recommendations for updating and improving the effectiveness of training programs and services; and
- (g) coordinate with local school boards, districts, and charter schools to meet the career and technical education needs of secondary students.

Amended by Chapter 357, 2019 General Session

Part 3 Restricted Records

53B-16-301 Definitions.

As used in this part:

- (1) "Person" means:
 - (a) a federal, state, or local governmental entity:
 - (i) that sponsors sponsored research; or
 - (ii) participates in a technology transfer;
 - (b) an individual;
 - (c) a nonprofit or profit corporation;
 - (d) a partnership;
 - (e) a sole proprietorship; or
 - (f) other type of business organization.
- (2) "Public institution of higher education" means an institution within the state system of higher education defined in Section 53B-1-102.
- (3) "Restricted record" means a record that is restricted as provided by Section 53B-16-303.
- (4) "Sponsored research" refers to research, training, and other sponsored activities as defined by the federal Executive Office of the President, Office of Management and Budget:
 - (a) conducted by a public institution of higher education through an office responsible for sponsored projects or programs; and
 - (b) funded or otherwise supported by an external person that is not created or controlled by the public institution of higher education.
- (5) "Technology transfer" refers to transferring information, commercializing research, or providing technical assistance between a public institution of higher education and external persons for the purpose of economic development.

Amended by Chapter 201, 2005 General Session

53B-16-302 Records that may be classified as restricted.

A public institution of higher education may classify only the following records as restricted:

- (1) that portion of a technology transfer record or sponsored research record to which access must be restricted for the purpose of securing and maintaining proprietary protection of intellectual property rights, including but not limited to patents, copyrights, trademarks, and trade secrets; or
- (2) that portion of a technology transfer record or sponsored research record to which access is restricted for competitive or proprietary purposes, as a condition of actual or potential participation in a sponsored research or technology transfer agreement; provided, however, that upon receipt of a written request for a reasonably identifiable record, the public institution of higher education shall disclose:
 - (a) prior to a memorandum of intent to contract or an agreement in principle between the parties:
 - (i) the names of the parties, or, if the disclosure of names would cause competitive harm, a general description of the type of parties negotiating the technology transfer or sponsored research agreement; and
 - (ii) a general description of the nature of the technology transfer or sponsored research under consideration, excluding proprietary or competitive information; or
 - (b) after a memorandum of intent to contract or an agreement in principle between the parties:
 - (i) the names of the parties involved in the technology transfer or sponsored research;
 - (ii) a general description of the nature of the technology transfer or sponsored research to be conducted, excluding proprietary or competitive information; and
 - (iii) records of the technology transfer or sponsored research to be conducted, excluding those portions of records to which access is limited under this part or Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 382, 2008 General Session

53B-16-303 Access to restricted records.

Notwithstanding any other provision of Title 63G, Chapter 2, Government Records Access and Management Act, access to records restricted by this part shall only be permitted upon:

- (1) written consent of the public institution of higher education originating, receiving, or maintaining such records; or
- (2) a finding by the State Records Committee or a court that the record has not been properly classified as restricted under Section 63G-2-302, provided that the review of a restricted classification of a record shall not include considerations of weighing public and private interests regarding access to a properly classified record as contained in Subsection 63G-2-403(11)(b) or 63G-2-404(7) or Section 63G-2-309. Nothing in this Subsection (2) shall be construed to limit the authority of the board to reclassify and disclose a record of a public institution of higher education.

Amended by Chapter 365, 2020 General Session

53B-16-304 Business confidentiality claims.

- (1)
 - (a) Any person who provides to a public institution of higher education a record that the person believes should be protected under a provision listed in Subsection 63G-2-309(1)(b)(i),

restricted under Section 53B-16-302, or both protected under a provision listed in Subsection 63G-2-309(1)(b)(i) and restricted under Section 53B-16-302, shall provide the public institution of higher education:

- (i) a written claim of business confidentiality; and
 - (ii) a concise statement of reasons supporting the claim of business confidentiality.
- (b) The person described in Subsection (1)(a) shall make the filing at the commencement of:
- (i) the sponsored research project; or
 - (ii) the technology transfer process.
- (c) A claim of business confidentiality submitted under this Subsection (1) shall cover all protected and restricted records exchanged during the:
- (i) sponsored research project; or
 - (ii) technology transfer process.
- (2) The inadvertent failure to make a legally adequate claim of business confidentiality at the time required by Subsection (1) does not prejudice the claimant's right to make a legally adequate claim at a different time before disclosure of the record.

Amended by Chapter 382, 2008 General Session

53B-16-305 Applicability of the Government Records Access and Management Act.

Except as otherwise provided by this part, the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, will apply to restricted technology transfer or sponsored research records as defined in this part, as if the records were protected records as defined by Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 382, 2008 General Session

Part 4 Internships

53B-16-401 Definitions.

As used in this part:

- (1)
- (a) "Cooperating employer" means a public or private entity which, as part of a work experience and career exploration program offered through an institution of higher education, provides interns with training and work experience in activities related to the entity's ongoing business activities.
 - (b) "Cooperating employer" also means an institution of higher education that provides the work experience segment of an intern's work experience and career exploration program.
- (2) "Institution of higher education" means any:
- (a) component of the state system of higher education, as defined under Section 53B-1-102, that is authorized by the board to offer internship programs; and
 - (b) private institution of higher education which offers internship programs under this part.
- (3) "Intern" means a student enrolled in a work experience and career exploration program under Section 53B-16-402:
- (a) that an institution of higher education sponsors;
 - (b) involves both classroom instruction and work experience with a cooperating employer; and

- (c) for which the student receives no compensation.
- (4) "Internship" means the work experience segment of an intern's work experience and career exploration program that:
 - (a) an institution of higher education sponsors under a written agreement with a cooperating employer; and
 - (b) an intern performs under the direct supervision of a cooperating employer.

Amended by Chapter 68, 2024 General Session

53B-16-402 Higher education internships.

An institution of higher education may offer internships in connection with work experience and career exploration programs operated in accordance with rules of the board.

Amended by Chapter 365, 2020 General Session

53B-16-403 Interns -- Workers' compensation medical benefits -- Risk management.

- (1) An intern participating in an internship under Section 53B-16-402 is considered to be a volunteer worker of the sponsoring institution of higher education solely for purposes of:
 - (a) receiving workers' compensation medical benefits; and
 - (b) coverage by the Risk Management Fund created in Section 63A-4-201.
- (2) Receipt of medical benefits under Subsection (1) shall be the exclusive remedy against the institution and the cooperating employer for all injuries and occupational diseases as provided under Title 34A, Chapter 2, Workers' Compensation Act, and Chapter 3, Utah Occupational Disease Act.

Amended by Chapter 350, 2023 General Session

53B-16-404 Internship programs -- Criminal background checks.

An institution of higher education shall require an officer or employee of the institution or a cooperating employer, who will be given significant unsupervised access to a minor student in connection with the student's activities as an intern, to submit to a criminal background check on the same basis as a volunteer under Section 53G-11-402.

Amended by Chapter 415, 2018 General Session

53B-16-405 Recognition of participation in internship program.

A cooperating employer may be given appropriate recognition by an institution of higher education, including the posting of the employer's name and a short description of the employer's business in an appropriate location on the institution's property, or publication of that information in official publications of the institution.

Enacted by Chapter 73, 1996 General Session

Part 6
Use of Student Athlete's Name, Image, and Likeness in Collegiate Athletics

53B-16-601 Definitions.

As used in this part:

- (1) "Institution" means:
 - (a) an institution of higher education described in Section 53B-1-102; or
 - (b) a private, nonprofit institution of higher education.
- (2) "Intercollegiate athletics program" means an institution-sponsored athletic program or sporting activity in which a student athlete represents the student athlete's institution in competition against another institution.
- (3) "Prohibited endorsement provision" means a provision that requires or permits the use of a student athlete's name, image, or likeness to promote:
 - (a) a tobacco product or e-cigarettes, as those terms are defined in Section 76-10-101, including vaping;
 - (b) an alcoholic product, as that term is defined in Section 32B-1-102;
 - (c) a seller or dispenser of a controlled substance, including steroids, antibiotics, and marijuana;
 - (d) gambling or betting;
 - (e) a sexually oriented business, as that term is defined in Section 17-50-331; or
 - (f) a firearm that the student athlete cannot legally purchase.
- (4)
 - (a) "Student athlete" means an individual who:
 - (i) is enrolled in an institution; and
 - (ii) participates as an athlete for the institution in an intercollegiate athletics program.
 - (b) "Student athlete" includes an agent or other representative of a student athlete.
- (5) "Student athlete agreement" means a proposed or executed contract:
 - (a) between a student athlete and a third party that is not an institution; and
 - (b) in which the student athlete and third party agree that the student athlete's name, image, or likeness may be used to promote a business, product, service, or individual in exchange for the student athlete receiving financial compensation or other benefits.

Enacted by Chapter 49, 2024 General Session

53B-16-602 Use of a student athlete's name, image, or likeness in intercollegiate athletics programs -- Contracts -- Exceptions -- Prohibitions.

- (1) A student athlete may not enter into a student athlete agreement that contains a prohibited endorsement provision.
- (2) Before a student athlete or prospective student athlete enters into a student athlete agreement that exceeds \$600 in value, the student athlete or proposed student athlete shall provide the student athlete agreement to the student athlete's or proposed student athlete's institution.
- (3) An institution that receives a student athlete agreement under Subsection (2) shall provide the student athlete or prospective student athlete with a written acknowledgment regarding whether the student athlete agreement conflicts with the institution's policies or the provisions in this part.
- (4) A student athlete agreement or any communication, or other material related to a student athlete agreement, including those created before May 1, 2024, is not subject to Title 63G, Chapter 2, Government Records Access Management Act.
- (5) An institution may not use funds appropriated by the Legislature for any purpose related to a student athlete's or prospective student athlete's student athlete agreement that the student athlete or prospective student athlete submits to the institution.

Enacted by Chapter 49, 2024 General Session