

Chapter 3

Enforcement of Regulations at Institutions

53B-3-101 Purpose of chapter.

- (1) It is the purpose of this chapter to confirm and clarify the power vested in the board to pass rules and regulations governing parking and traffic on campuses and related facilities and to enforce the rules and regulations by all appropriate methods.
- (2) The board may delegate this authority and other authority granted under this chapter to the president of each institution so long as the rules and regulations are approved by the institution's board of trustees.

Amended by Chapter 58, 1991 General Session

53B-3-102 State institution of higher education defined.

- (1) As used in this chapter, "state institution of higher education" means the University of Utah, Utah State University, Southern Utah University, Weber State University, Snow College, Dixie State University, Utah Valley University, Salt Lake Community College, and any other university or college which may be established and maintained by the state.
- (2) It includes any branch or affiliated institution and any campus or facilities owned, operated, or controlled by the governing board of the university or college.

Amended by Chapter 10, 2013 General Session

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

- (1) The board may enact regulations governing the conduct of university and college students, faculty, and employees.
- (2)
 - (a) The board may:
 - (i) enact and authorize higher education institutions to enact traffic, parking, and related regulations governing all individuals on campuses and other facilities owned or controlled by the institutions or the board; and
 - (ii) acknowledging that the Legislature has the authority to regulate, by law, firearms at higher education institutions:
 - (A) authorize higher education institutions to establish no more than one secure area at each institution as a hearing room as prescribed in Section 76-8-311.1, but not otherwise restrict the lawful possession or carrying of firearms; and
 - (B) authorize a higher education institution to make a rule that allows a resident of a dormitory located at the institution to request only roommates who are not licensed to carry a concealed firearm under Section 53-5-704 or 53-5-705.
 - (b) In addition to the requirements and penalty prescribed in Subsections 76-8-311.1(3), (4), (5), and (6), the board shall make rules to ensure that:
 - (i) reasonable means such as mechanical, electronic, x-ray, or similar devices are used to detect firearms, ammunition, or dangerous weapons contained in the personal property of or on the person of any individual attempting to enter a secure area hearing room;
 - (ii) an individual required or requested to attend a hearing in a secure area hearing room is notified in writing of the requirements related to entering a secured area hearing room under this Subsection (2)(b) and Section 76-8-311.1;

- (iii) the restriction of firearms, ammunition, or dangerous weapons in the secure area hearing room is in effect only during the time the secure area hearing room is in use for hearings and for a reasonable time before and after its use; and
 - (iv) reasonable space limitations are applied to the secure area hearing room as warranted by the number of individuals involved in a typical hearing.
- (3) The board shall enact regulations that require all testimony be given under oath during an employee grievance hearing for a non-faculty employee of an institution of higher education if the grievance hearing relates to the non-faculty employee's:
- (a) demotion; or
 - (b) termination.
- (4) The board and institutions may enforce these rules and regulations in any reasonable manner, including the assessment of fees, fines, and forfeitures, the collection of which may be by withholding from money owed the violator, the imposition of probation, suspension, or expulsion from the institution, the revocation of privileges, the refusal to issue certificates, degrees, and diplomas, through judicial process or any reasonable combination of these alternatives.

Amended by Chapter 298, 2014 General Session

53B-3-104 Establishment of police or security departments.

The board may establish and maintain police or security departments for the purpose of enforcing the regulations of each institution of higher education and the laws of the state.

Enacted by Chapter 167, 1987 General Session

53B-3-105 Appointment of police or security personnel -- Powers.

- (1) Members of the police or security department of any college or university are appointed by the board.
- (2) Upon appointment, they are peace officers and have all the powers possessed by policemen in cities and by sheriffs, including the power to make arrests on view or on warrant of violation of state statutes and city or county ordinances.
- (3) Members of the police or security department of any college or university also have the power to enforce all rules and regulations promulgated by the board as related to the institution.

Enacted by Chapter 167, 1987 General Session

53B-3-106 Criminal and traffic laws in full force and effect.

- (1) All of the criminal laws of this state, including the traffic laws, are in full force and effect on the campuses of state institutions of higher education and upon all other property or facilities owned by the institutions or operated or controlled by the governing board of the institution.
- (2)
 - (a) State institutions of higher education are "political subdivisions" and the board of the institutions is a "local authority."
 - (b) All streets, roadways, alleys, and parking lots on property owned or controlled by state institutions of higher education are "streets or highways" as these terms are used in Title 41, Chapter 6a, Traffic Code.

Amended by Chapter 2, 2005 General Session

53B-3-107 Traffic violations -- Notice of rule or regulation.

- (1) It is a violation of this section for any person to operate or park a vehicle upon any property owned or controlled by a state institution of higher education contrary to posted signs authorized by the published rules and regulations of the institution or to block or impede traffic through or on any of these properties.
- (2) A violation of Subsection (1) is an infraction.
- (3) Notice of a rule or regulation to all persons is sufficient if the rule or regulation is published in one issue of a newspaper of general circulation in the county or counties in which the institution and the campus or facility is located.

Amended by Chapter 303, 2016 General Session

53B-3-108 Violation of chapter a misdemeanor.

A violation of this chapter is a misdemeanor.

Enacted by Chapter 167, 1987 General Session

53B-3-109 Jurisdiction of district and justice courts.

Any district court or any justice court of any city or county in which property owned or controlled by a state institution of higher education is located has jurisdiction to hear and determine cases involving an alleged violation of this chapter.

Amended by Chapter 198, 1996 General Session

53B-3-110 Fines and forfeitures -- Disposition.

All fines and forfeitures collected by any justice court judge and one-half of all the fines and forfeitures collected by the clerk of any district court for a violation of any of this chapter are remitted to the state treasurer to be credited to the general operating fund of the state institution of higher education complaining of the violation.

Amended by Chapter 198, 1996 General Session