

HIGHER EDUCATION GOVERNANCE

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Dougall

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the governance of the state system of higher education.

Highlighted Provisions:

This bill:

- ▶ provides that the State Board of Regents is responsible for coordinating the educational programs and operations of the institutions of higher education;
- ▶ modifies the membership of the State Board of Regents;
- ▶ grants authority to the governor to appoint a commissioner of higher education;
- ▶ grants authority to the board of trustees of a higher education institution to appoint a president for the institution;
- ▶ directs the governor to appoint the members of the board of trustees of a higher education institution, except the Utah College of Applied Technology, from a list of nominees submitted by the institution's board of trustees;
- ▶ directs the board of trustees of a higher education institution to establish and maintain a master plan for the institution;
- ▶ provides that the board of trustees of a higher education institution is vested with the control, management, and supervision of the institution;
- ▶ grants authority to the board of trustees of a higher education institution to:
 - establish and define the role of the institution;



- 28 • prescribe the general course of study;
- 29 • change the curriculum; and
- 30 • set tuition and fees; and
- 31 ▶ makes technical changes.

32 Money Appropriated in this Bill:

33 None

34 Other Special Clauses:

35 None

36 Utah Code Sections Affected:

37 AMENDS:

- 38 **53A-13-101.5**, as last amended by Laws of Utah 1998, Chapter 297
- 39 **53B-1-101**, as last amended by Laws of Utah 1991, Chapter 58
- 40 **53B-1-102**, as last amended by Laws of Utah 2010, Chapter 211
- 41 **53B-1-103**, as last amended by Laws of Utah 2010, Chapter 211
- 42 **53B-1-104**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 5
- 43 **53B-1-105**, as enacted by Laws of Utah 1987, Chapter 167
- 44 **53B-2-102**, as last amended by Laws of Utah 1991, Chapter 58
- 45 **53B-2-103**, as last amended by Laws of Utah 1991, Chapter 58
- 46 **53B-2-104**, as last amended by Laws of Utah 2010, Chapters 211 and 286
- 47 **53B-6-101**, as last amended by Laws of Utah 2011, Chapter 73
- 48 **53B-6-104**, as enacted by Laws of Utah 1994, Chapter 295
- 49 **53B-7-101**, as last amended by Laws of Utah 2011, Chapter 73
- 50 **53B-7-101.5**, as last amended by Laws of Utah 2010, Chapter 90
- 51 **53B-16-101**, as enacted by Laws of Utah 1987, Chapter 167
- 52 **53B-16-102**, as last amended by Laws of Utah 2009, Chapter 346
- 53 **53B-16-103**, as last amended by Laws of Utah 1988, Chapter 137
- 54 **53B-16-106**, as enacted by Laws of Utah 2010, Chapter 400
- 55 **53B-16-201**, as last amended by Laws of Utah 2010, Chapter 211
- 56 **53B-18-1201**, as enacted by Laws of Utah 2010, Chapter 211

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

59 Section 1. Section **53A-13-101.5** is amended to read:

60 **53A-13-101.5. Teaching of American sign language.**

61 (1) The Legislature recognizes that American sign language is a fully developed,
62 autonomous, natural language with distinct grammar, syntax, and art forms.

63 (2) American sign language shall be accorded equal status with other linguistic systems
64 in the state's public and higher education systems.

65 (3) The State Board of Education, in consultation with the state's school districts and
66 members of the deaf and hard of hearing community, shall develop and implement policies and
67 procedures for the teaching of American sign language in the state's public education system at
68 least at the middle school or high school level.

69 (4) A student may count credit received for completion of a course in American sign
70 language at the middle school or high school level towards the satisfaction of a foreign
71 language requirement in the public education system under rules made by the State Board of
72 Education.

73 (5) The State Board of Regents, in consultation with the state's public institutions of
74 higher education and members of the state's deaf and hard of hearing community, shall develop
75 and implement policies and procedures for offering instruction in American sign language in
76 the state's system of higher education [~~consistent with the master plan for higher education~~
77 ~~under Section 53B-6-101~~].

78 (6) The Joint Liaison Committee, in consultation with members of the state's deaf and
79 hard of hearing community, shall review any policies and procedures developed under this
80 section and make recommendations to either or both boards regarding the policies.

81 Section 2. Section **53B-1-101** is amended to read:

82 **53B-1-101. Purpose of title.**

83 It is the purpose of this title:

84 (1) to provide [~~a high quality, efficient, and economical public system of higher~~
85 ~~education through centralized direction and master planning which~~] for the coordination of the
86 higher education institutions in a manner that:

87 (a) avoids unnecessary duplication; and

88 [~~provides for the systematic and orderly development of facilities and quality~~
89 ~~programs;~~]

90 ~~[(c) provides for coordination and consolidation; and]~~

91 ~~[(4)]~~ (b) provides for systematic development of the role or roles of each institution
92 within the system of higher education consistent with the historical heritage and tradition of
93 each institution; and

94 (2) to vest in the State Board of Regents the power to ~~[govern]~~ coordinate the state
95 system of higher education consistent with state law ~~[and delegate certain powers to~~
96 ~~institutional boards of trustees and institutional presidents, and to vest certain powers in~~
97 ~~institutional boards of trustees and institutional presidents]~~.

98 Section 3. Section **53B-1-102** is amended to read:

99 **53B-1-102. State system of higher education.**

100 (1) The state system of higher education consists of the following institutions:

- 101 (a) State Board of Regents;
- 102 (b) the University of Utah;
- 103 (c) Utah State University;
- 104 (d) Weber State University;
- 105 (e) Southern Utah University;
- 106 (f) Snow College;
- 107 (g) Dixie State College of Utah;
- 108 (h) Utah Valley University;
- 109 (i) Salt Lake Community College;
- 110 (j) the Utah College of Applied Technology; and
- 111 (k) other public post-high school educational institutions as the Legislature may
112 designate.

113 ~~[(2) A change in the name of an institution within the system of higher education shall~~
114 ~~not be considered a change in the role or mission of the institution, unless otherwise authorized~~
115 ~~by the State Board of Regents.]~~

116 ~~[(3)]~~ (2) It is not the intent of the Legislature to increase the number of research
117 universities in the state beyond the University of Utah and Utah State University.

118 ~~[(4) These]~~ (3) The institutions listed in Subsection (1) are empowered to sue and be
119 sued and to ~~[contract and be contracted with]~~ enter into contracts.

120 Section 4. Section **53B-1-103** is amended to read:

121 **53B-1-103. Establishment of State Board of Regents -- Powers and authority.**

122 (1) There is established a State Board of Regents.

123 (2) (a) Except as provided in Subsection (2)(b), the board [~~is vested with the control,~~
124 ~~management, and supervision~~]:125 (i) is responsible for interinstitutional coordination of the educational programs and
126 operations of the institutions of higher education designated in Section 53B-1-102 in a manner
127 consistent with the policy and purpose of this title; and128 (ii) has the specific powers and responsibilities granted to it under this title.129 (b) The board may only exercise powers relating to the Utah College of Applied
130 Technology and its college campuses that are specifically provided in this title.131 (c) The board shall coordinate and support articulation agreements between the Utah
132 College of Applied Technology and other institutions of higher education.133 (d) The board shall prepare and submit an annual report detailing its progress and
134 recommendations on career and technical education issues to the governor and to the
135 Legislature's Education Interim Committee by October 31 of each year, which shall include
136 information detailing:137 (i) how the career and technical education needs of secondary students are being met
138 by institutions of higher education other than the Utah College of Applied Technology,
139 including what access secondary students have to programs offered by Salt Lake Community
140 College's School of Applied Technology, Snow College, and Utah State University-College of
141 Eastern Utah;142 (ii) how the emphasis on high demand, high wage, and high skill jobs in business and
143 industry is being provided;

144 (iii) performance outcomes, including:

145 (A) entered employment;

146 (B) job retention; and

147 (C) earnings; and

148 (iv) student tuition and fees.

149 [~~Except for the Utah College of Applied Technology, the board may modify the~~
150 ~~name of an institution under its control and management, as designated in Section 53B-1-102,~~
151 ~~to reflect the role and general course of study of the institution.~~]

152 ~~[(f)]~~ (e) The board may not conduct a feasibility study or perform another act relating
153 to merging any of the following institutions with another institution of higher education:

- 154 (i) the Bridgerland Applied Technology College Campus;
155 (ii) the Ogden-Weber Applied Technology College Campus;
156 (iii) the Davis Applied Technology College Campus;
157 (iv) the Tooele Applied Technology College Campus;
158 (v) the Mountainland Applied Technology College Campus;
159 (vi) the Uintah Basin Applied Technology College Campus;
160 (vii) the Southwest Applied Technology College Campus; and
161 (viii) the Dixie Applied Technology College Campus.

162 (3) This section does not affect the power and authority vested in the State Board of
163 Education to apply for, accept, and manage federal appropriations for the establishment and
164 maintenance of career and technical education.

165 Section 5. Section **53B-1-104** is amended to read:

166 **53B-1-104. Membership of the board -- Oath -- Officers -- Committees -- Bylaws**
167 **-- Meetings -- Quorum -- Compensation.**

168 ~~[(1) (a) The board shall consist of 19 residents of the state.]~~

169 ~~[(b) (i) Fifteen members shall be appointed by the governor with the consent of the~~
170 ~~Senate.]~~

171 ~~[(ii) (A) One additional member shall be appointed by the governor from nominations~~
172 ~~of the student body presidents council.]~~

173 ~~[(B) The student body presidents council shall nominate three qualified, matriculated~~
174 ~~students enrolled in the state institutions of higher education.]~~

175 ~~[(C) Student body presidents are not eligible for nomination.]~~

176 ~~[(iii) All appointments to the board shall be made on a nonpartisan basis.]~~

177 ~~[(iv) In making appointments to the board, the governor shall select:]~~

178 ~~[(A) at least two individuals who reside within a county of the fourth, fifth, or sixth~~
179 ~~class;]~~

180 ~~[(B) no more than six individuals who reside within a county of the first class;]~~

181 ~~[(C) the remaining individuals from the state at large with due consideration for~~
182 ~~geographical representation and diversity of exposure to the various institutions in the Utah~~

183 System of Higher Education; and]

184 [~~(D) at least three individuals with personal experience in career and technical~~
185 education, which could include service on a campus board of directors.]

186 [~~(c) (i) In addition to the members designated under Subsection (1)(b), two members of~~
187 the State Board of Education, appointed by the chair of the State Board of Education, shall
188 serve as nonvoting members of the board.]

189 [~~(ii) A nonvoting State Board of Education member shall continue to serve as a~~
190 member without a set term until the member is replaced by the chair of the State Board of
191 Education.]

192 [~~(d) (i) In addition to the members designated under Subsection (1)(b), one member of~~
193 the Utah College of Applied Technology Board of Trustees, appointed by the chair of the Utah
194 College of Applied Technology Board of Trustees, shall serve as a nonvoting member of the
195 board.]

196 [~~(ii) A nonvoting Utah College of Applied Technology Board of Trustees member shall~~
197 continue to serve as a member without a set term until the member is replaced by the chair of
198 the Utah College of Applied Technology Board of Trustees.]

199 [~~(2) (a) Five members of the board, other than the student member, the State Board of~~
200 Education members, and the Utah College of Applied Technology Board of Trustees member,
201 shall be appointed during each odd-numbered year to six-year staggered terms which
202 commence on July 1 of the year of appointment.]

203 [~~(b) (i) The student member shall be appointed for a one-year term and may be~~
204 reappointed for one additional term.]

205 [~~(ii) The student member has full voting rights and may vote on selection of a board~~
206 chair or vice chair, but not serve in either office.]

207 [~~(c) Board members shall hold office until their successors have been appointed and~~
208 qualified.]

209 (1) The board shall consist of nine members as follows:

210 (a) one member who shall:

211 (i) be appointed by the governor;

212 (ii) confirmed by the Senate;

213 (iii) serve for a term of four years; and

214 (iv) serve as the chair of the board; and
215 (b) the chair of the board of trustees of each of the eight institutions listed in Section
216 53B-2-101, except the Utah College of Applied Technology.

217 ~~[(3)]~~ (2) (a) Each member of the board shall take the official oath of office before
218 entering upon the duties of office.

219 (b) The oath shall be filed with the Division of Archives and Records Services.

220 ~~[(4)]~~ (3) The board shall elect a ~~[chair and]~~ vice chair from its members who shall
221 serve ~~[terms]~~ a term of two years ~~[and until their successors are chosen and qualified].~~

222 ~~[(5)]~~ (4) (a) The board shall appoint a secretary from the staff of its chief executive to
223 serve at its discretion.

224 (b) The secretary shall be a full-time employee who receives a salary set by the board.

225 (c) The secretary shall record and maintain a record of all board meetings and perform
226 other duties as the board directs.

227 ~~[(6)]~~ (5) The board shall appoint a treasurer who serves at the discretion of the board.

228 ~~[(7)]~~ (6) (a) The board may establish advisory committees.

229 (b) The powers and authority of the board are nondelegable, except as specifically
230 provided for in this title.

231 (c) All matters requiring board determination shall be addressed in a properly convened
232 meeting of the board or its executive committee.

233 ~~[(8)]~~ (7) The board shall enact bylaws for its own government not inconsistent with the
234 constitution or the laws of this state.

235 ~~[(9)]~~ (8) (a) The board shall meet regularly upon its own determination.

236 (b) The board may also meet, in full or executive session, at the request of its chair, its
237 executive officer, or ~~[five]~~ three members of the board.

238 ~~[(10)]~~ (9) A quorum of the ~~[voting members of the]~~ board is required to conduct its
239 business and consists of ~~[nine]~~ five members.

240 ~~[(11)]~~ (10) (a) A vacancy in the position of board chair occurring before the expiration
241 of ~~[a voting member's]~~ the chair's full term shall be immediately filled by appointment by the
242 governor with the consent of the Senate.

243 (b) The appointee serves for the remainder of the unexpired term.

244 ~~[(12)]~~ (11) A board member may not receive compensation or benefits for the

245 member's service, but may receive per diem and travel expenses in accordance with:

246 (a) Section 63A-3-106;

247 (b) Section 63A-3-107; and

248 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

249 63A-3-107.

250 Section 6. Section **53B-1-105** is amended to read:

251 **53B-1-105. Appointment of commissioner of higher education -- Qualifications --**

252 **Duties.**

253 ~~[(1) The board appoints a commissioner of higher education to serve at its pleasure as~~
 254 ~~its chief executive officer. The board sets the salary of the commissioner and prescribes the~~
 255 ~~commissioner's duties and functions. The commissioner is selected on the basis of outstanding~~
 256 ~~professional qualifications.]~~

257 (1) The governor shall:

258 (a) appoint a commissioner of higher education, with the consent of the Senate, who
 259 shall serve:

260 (i) at the pleasure of the governor; and

261 (ii) as the chief executive officer of the Board of Regents; and

262 (b) select the commissioner on the basis of outstanding professional qualifications.

263 (2) The commissioner is responsible ~~[to the board to]~~ for:

264 (a) ~~[insure that its]~~ insuring that the board's policies and programs are properly
 265 executed;

266 (b) ~~[furnish]~~ furnishing information about the state system of higher education and
 267 ~~[make]~~ making recommendations regarding that information to the board;

268 (c) ~~[provide]~~ providing state-level leadership in ~~[all activities affecting]~~ coordinating
 269 the educational programs and operations of institutions in the state system of higher education;
 270 and

271 (d) ~~[perform]~~ performing other duties assigned by the board in carrying out its duties
 272 and responsibilities.

273 Section 7. Section **53B-2-102** is amended to read:

274 **53B-2-102. Appointment of the president of an institution.**

275 ~~[The board, after consulting with the institution's board of trustees, appoints a president~~

276 for each institution in the state system of higher education who serves at its pleasure and at
277 such salary as it may determine.]

278 (1) The board of trustees of an institution shall:

279 (a) appoint a president for the institution; and

280 (b) establish the salary and terms of employment of the president.

281 (2) The president of an institution shall serve at the pleasure of the board of trustees.

282 Section 8. Section **53B-2-103** is amended to read:

283 **53B-2-103. Boards of trustees -- Powers and duties.**

284 (1) Each college and university has a board of trustees which [~~may act in behalf of its~~
285 ~~institution in performing duties, responsibilities, and functions as may be specifically~~
286 ~~authorized to the board of trustees by the State Board of Regents] is vested with the control,
287 management, and supervision of the institution in a manner consistent with the policy and
288 purpose of this title and the specific powers and responsibilities granted to it.~~

289 (2) A board of trustees has the following powers and duties:

290 (a) facilitates communication between the institution and the community;

291 (b) assists in planning, implementing, and executing fund raising and development
292 projects aimed at supplementing institutional appropriations;

293 (c) perpetuates and strengthens alumni and community identification with the
294 institution's tradition and goals; and

295 (d) selects recipients of honorary degrees.

296 Section 9. Section **53B-2-104** is amended to read:

297 **53B-2-104. Membership of board of trustees -- Terms -- Vacancies -- Oath --**
298 **Officers -- Bylaws -- Quorum -- Committees -- Compensation.**

299 [~~(1) (a) The board of trustees of an institution of higher education consists of the~~
300 ~~following:]~~

301 [~~(i) except as provided in Subsection 53B-18-1201(3)(b), eight persons appointed by~~
302 ~~the governor and approved by the Senate; and]~~

303 [~~(ii) two ex officio members who are the president of the institution's alumni~~
304 ~~association, and the president of the associated students of the institution.]~~

305 (1) The board of trustees of an institution of higher education consists of eight persons
306 who are:

307 (a) appointed by the governor from a list of at least three nominees for each position
308 submitted by the institution's board of trustees; and

309 (b) confirmed by the Senate.

310 ~~[(b) The appointed members of the boards of trustees for Utah Valley University and~~
311 ~~Salt Lake Community College shall be representative of the interests of business, industry, and~~
312 ~~labor.]~~

313 (2) (a) The governor shall appoint four members of each board of trustees during each
314 ~~[odd-numbered]~~ even-numbered year to four-year terms commencing on July 1 of the year of
315 appointment.

316 (b) ~~[An appointed]~~ A member holds office until a successor is appointed and qualified.

317 ~~[(c) The ex officio members serve for the same period as they serve as presidents and~~
318 ~~until their successors have qualified.]~~

319 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
320 appointed for the unexpired term.

321 (4) (a) Each member shall take the official oath of office prior to assuming the office.

322 (b) The oath shall be filed with the Division of Archives and Records Services.

323 (5) Each board of trustees shall elect a chair and vice chair, who serve for two years
324 and until their successors are elected and qualified.

325 (6) (a) Each board of trustees may enact bylaws for its own government, including
326 provision for regular meetings.

327 (b) (i) The board of trustees may provide for an executive committee in its bylaws.

328 (ii) If established, the committee shall have full authority of the board of trustees to act
329 upon routine matters during the interim between board of trustees meetings.

330 (iii) The committee may act on nonroutine matters only under extraordinary and
331 emergency circumstances.

332 (iv) The committee shall report its activities to the board of trustees at its next regular
333 meeting following the action.

334 (c) Copies of the board of trustees' bylaws shall be filed with the board.

335 (7) A quorum is required to conduct business and consists of ~~[six]~~ five members.

336 (8) A board of trustees may establish advisory committees.

337 (9) A member may not receive compensation or benefits for the member's service, but

338 may receive per diem and travel expenses in accordance with:

339 (a) Section 63A-3-106;

340 (b) Section 63A-3-107; and

341 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

342 63A-3-107.

343 (10) This section does not apply to the Utah College of Applied Technology.

344 Section 10. Section **53B-6-101** is amended to read:

345 **53B-6-101. Master plan for a higher education institution.**

346 (1) The board of trustees of a higher education institution shall conduct continuing
347 studies and evaluations of the facilities, grounds, buildings, and equipment at the higher
348 education [~~institutions under its jurisdiction~~] institution and use space utilization and other
349 studies conducted by the State Building Board.

350 (2) The board of trustees of a higher education institution listed in Section 53B-2-101,
351 except the Utah College of Applied Technology, shall establish and maintain an up-to-date
352 master plan which shall include:

353 [~~(a)~~] providing for statewide planning of public higher education in terms of a mission,
354 aims, purposes, and objectives of the system as a whole;]

355 [~~(b)~~] (a) establishing and defining the mission, role, and programs of [each] the
356 institution [within the system];

357 [~~(c)~~] (b) establishing criteria for and determination of the future needs and
358 requirements for new programs and new institutions and the elimination, curtailment, or
359 consolidation of existing programs and facilities;

360 [~~(d)~~] (c) providing for the initiation and financing of projects as considered necessary
361 to meet and satisfy the projected patterns of growth and maintenance;

362 [~~(e)~~] (d) establishing criteria for and determination of the operating and capital
363 budgetary needs of [each] the institution [and the system as a whole];

364 [~~(f)~~] (e) recommending the methods and sources of future financial support of the
365 [higher education system;] institution; and

366 [~~(g)~~] (f) establishing procedures for the development of maximum utilization of
367 existing facilities as suggested by space utilization studies conducted by the State Building
368 Board[; and].

369 ~~[(h) securing an adequate and coordinated program for the community colleges and~~
370 ~~career and technical education programs in the institutions and departments in the state system~~
371 ~~of higher education.]~~

372 (3) ~~[(a)]~~ The board of trustees of a higher education institution may do all things
373 necessary for the effective implementation of the ~~[statewide]~~ master plan as adopted and
374 revised by the board of trustees from time to time.

375 ~~[(b)]~~ (4) The State Board of Education and the Utah College of Applied Technology
376 shall provide career and technical education staff assistance to ~~[the State Board of Regents]~~ an
377 institution's board of trustees in support of master planning activities related to career and
378 technical education in higher education.

379 ~~[(4)]~~ (5) (a) The board of trustees of a higher education institution shall adopt rules and
380 initiate programs to promote and increase productivity in the ~~[state system of]~~ higher education
381 institution.

382 (b) The board of trustees of a higher education institution shall ~~[require each college~~
383 ~~and university in the system to]~~ establish multiple measures of institutional and student
384 assessment in order to improve student instruction, academic programs, and learning
385 opportunities.

386 (c) The board of trustees of a higher education institution shall submit a biennial
387 accountability report to the Legislature, which shall include such factors as:

388 (i) space utilization, faculty productivity, and other similar measures of the
389 management of institutional resources at ~~[each]~~ the institution; and

390 (ii) student assessment at entry to ~~[each]~~ the institution, at critical midway points, and
391 at exit.

392 (d) The board of trustees of a higher education institution shall establish a
393 ~~[systemwide]~~ committee to address assessment and accountability issues and propose essential
394 elements to be included in the biennial report.

395 Section 11. Section **53B-6-104** is amended to read:

396 **53B-6-104. Multi-University Consortium for Teacher Training in Sensory**
397 **Impairments -- Purposes -- Appropriation.**

398 (1) (a) ~~[In conjunction with the State Board of Regents' master plan for higher~~
399 ~~education, there]~~ There is established a Multi-University Consortium for Teacher Training in

400 Sensory Impairments which is an outgrowth of a consortium established by the federal
401 government.

402 (b) The consortium shall include within its membership the University of Utah, Utah
403 State University, Brigham Young University, the Utah Schools for the Deaf and the Blind, the
404 Services for At-Risk Students section of the State Office of Education, and local school
405 districts.

406 (2) The consortium, in collaboration with the State Board of Regents and the State
407 Board of Education, shall develop and implement teacher preparation programs that qualify
408 and certify instructors to work with students who are visually impaired, hearing impaired, or
409 both visually and hearing impaired.

410 (3) (a) There is appropriated from the General Fund for fiscal year 1994-95, \$200,000
411 to the State Board of Regents to fund the consortium's teacher preparation programs referred to
412 in Subsection (2).

413 (b) The appropriation is nonlapsing.

414 (c) The State Board of Regents shall consider including within its annual budget
415 recommendations a line item appropriation to provide ongoing funding for the programs
416 provided pursuant to this section.

417 Section 12. Section **53B-7-101** is amended to read:

418 **53B-7-101. Combined requests for appropriations -- Submission of budgets --**
419 **Recommendations -- Hearing request -- Appropriation formulas -- Allocations --**
420 **Dedicated credits -- Financial affairs.**

421 (1) (a) The board shall [~~recommend~~] submit a combined appropriation request for the
422 operating budgets of higher education institutions for inclusion in a state appropriations act.

423 (b) The board's combined budget [~~recommendation~~] request shall include:

424 (i) employee compensation;

425 (ii) mandatory costs, including building operations and maintenance, fuel, and power;

426 (iii) mission based funding described in Subsection (2);

427 (iv) statewide and institutional priorities, including scholarships, financial aid, and
428 technology infrastructure; and

429 (v) unfunded historic growth.

430 (c) The board's [~~recommendations~~] request shall be available for presentation to the

431 governor and to the Legislature at least 30 days prior to the convening of the Legislature, and
432 shall include schedules showing the [~~recommended~~] requested amounts for each institution,
433 including separately funded programs or divisions.

434 [~~(d) The recommended appropriations shall be determined by the board only after it has
435 reviewed the proposed institutional operating budgets, and has consulted with the various
436 institutions and board staff in order to make appropriate adjustments.]~~

437 (2) (a) The board of trustees of a higher education institution shall establish mission
438 based funding.

439 (b) Mission based funding shall include:

440 (i) enrollment growth; and

441 (ii) up to three strategic priorities.

442 (c) The strategic priorities described in Subsection (2)(b)(ii) shall be [~~-(i) approved by
443 the board; and (ii)]~~ designed to improve the availability, effectiveness, or quality of higher
444 education in the state.

445 [~~(d) When recommending an allocation of mission based funding to a
446 doctorate-granting university, as defined by the board, or Southern Utah University, the board
447 shall place greater emphasis on the university's fulfillment of the strategic priorities described
448 in Subsection (2)(b)(ii).]~~

449 [~~(e) Notwithstanding Subsection (2)(d), the board may allocate funding for a modest
450 amount of growth to doctorate-granting institutions and Southern Utah University.]~~

451 [~~(f) Concurrent with recommending mission based funding, the board shall also
452 recommend to the Legislature ways to address funding any inequities for institutions as
453 compared to institutions with similar missions.]~~

454 (3) (a) Institutional operating budgets shall be submitted to the board at least 90 days
455 prior to the convening of the Legislature in accordance with procedures established by the
456 board.

457 (b) Funding requests pertaining to capital facilities and land purchases shall be
458 submitted in accordance with procedures prescribed by the State Building Board.

459 (4) (a) The budget [~~recommendations~~] requests of the board shall be accompanied by
460 full explanations and supporting data.

461 (b) The appropriations [~~recommended by~~] requests of the board shall be made with the

462 ~~[that]~~ objective of~~[(i)]~~ justifying for higher educational institutions appropriations consistent
463 with their needs, and consistent with the financial ability of the state~~[-and].~~

464 ~~[(ii) determining an equitable distribution of funds among the respective institutions in
465 accordance with the aims and objectives of the statewide master plan for higher education.]~~

466 (5) (a) The board shall request a hearing with the governor on the ~~[recommended]~~
467 requested appropriations.

468 (b) After the governor delivers his budget message to the Legislature, the board shall
469 request hearings on the ~~[recommended]~~ requested appropriations with the appropriate
470 committees of the Legislature.

471 ~~[(c) If either the total amount of the state appropriations or its allocation among the
472 institutions as proposed by the Legislature or its committees is substantially different from the
473 recommendations of the board, the board may request further hearings with the Legislature or
474 its appropriate committees to reconsider both the total amount and the allocation.]~~

475 (6) The board may devise, establish, periodically review, and revise formulas for its
476 use and for the use of the governor and the committees of the Legislature in making
477 appropriation ~~[recommendations]~~ requests.

478 ~~[(7) (a) The board shall recommend to each session of the Legislature the minimum
479 tuitions, resident and nonresident, for each institution which it considers necessary to
480 implement the budget recommendations.]~~

481 ~~[(b) The board may fix the tuition, fees, and charges for each institution at levels it
482 finds necessary to meet budget requirements.]~~

483 ~~[(8)]~~ (7) (a) Money allocated to each institution by legislative appropriation may be
484 budgeted in accordance with institutional work programs approved by the board of trustees of a
485 higher education institution, provided that the expenditures funded by appropriations for each
486 institution are kept within the appropriations for the applicable period.

487 (b) A president shall:

488 (i) establish initiatives for the president's institution each year that are:

489 (A) aligned with the strategic priorities described in Subsection (2); and

490 (B) consistent with the institution's mission and role; and

491 (ii) allocate the institution's mission based funding to the initiatives.

492 ~~[(9)]~~ (8) The dedicated credits, including revenues derived from tuitions, fees, federal

493 grants, and proceeds from sales received by the institutions are appropriated to the respective
494 institutions and used in accordance with institutional work programs.

495 ~~[(10)]~~ (9) Each institution may do its own purchasing, issue its own payrolls, and
496 handle its own financial affairs ~~[under the general supervision of the board]~~.

497 ~~[(11)]~~ (10) (a) If the Legislature appropriates money in accordance with this section, it
498 shall be distributed to the State Board of Regents and higher education institutions to fund the
499 items described in Subsection (1)(b).

500 (b) During each general session of the Legislature following a fiscal year in which the
501 Legislature provides an appropriation for mission based funding, the board and institutions
502 shall report to the Legislature's Higher Education Appropriations Subcommittee on the use of
503 the previous year's mission based funding, including performance outcomes relating to the
504 strategic initiatives approved by the board.

505 Section 13. Section **53B-7-101.5** is amended to read:

506 **53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.**

507 (1) If an institution within the State System of Higher Education listed in Section
508 53B-1-102 considers increasing tuition rates for undergraduate students in the process of
509 preparing or implementing its budget, it shall hold a meeting to receive public input and
510 response on the issue.

511 (2) The institution shall advertise the hearing required under Subsection (1) using the
512 following procedure:

513 (a) The institution shall advertise its intent to consider an increase in student tuition
514 rates:

515 (i) in the institution's student newspaper twice during a period of 10 days prior to the
516 meeting; ~~[and]~~

517 (ii) on the Utah Public Notice Website created in Section 63F-1-701, for 10 days
518 immediately before the meeting~~[-]; and~~

519 (iii) by sending an email to each student with an email address on file.

520 (b) The advertisement shall state that the institution will meet on a certain day, time,
521 and place fixed in the advertisement, which ~~[shall]~~ may not be less than seven days after the
522 day the second advertisement is published, for the purpose of hearing comments regarding the
523 proposed increase and to explain the reasons for the proposed increase.

524 (3) The form and content of the notice shall be substantially as follows:

525 "NOTICE OF PROPOSED TUITION INCREASE

526 The (name of the higher education institution) is proposing to increase student tuition
527 rates. This would be an increase of _____ %, which is an increase of \$_____ per semester
528 for a full-time resident undergraduate student. All concerned students and citizens are invited
529 to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

530 (4) (a) The institution shall provide the following information to those in attendance at
531 the meeting required under Subsection (1):

532 (i) the current year's student enrollment for[:] the institution;

533 [~~(A) the State System of Higher Education, if a systemwide increase is being~~
534 ~~considered; or]~~

535 [~~(B) the institution, if an increase is being considered for just a single institution;]~~

536 (ii) total tuition revenues for the current school year;

537 (iii) projected student enrollment growth for the next school year and projected tuition
538 revenue increases from that anticipated growth; and

539 (iv) a detailed accounting of how and where the increased tuition revenues would be
540 spent.

541 (b) The enrollment and revenue data required under Subsection (4)(a) shall be broken
542 down into majors or departments if the proposed tuition increases are department or major
543 specific.

544 (c) The institution is encouraged to specify the total cost of tuition and fees to complete
545 a bachelor's degree in four years.

546 (5) If the institution does not make a final decision on the proposed tuition increase at
547 the meeting, it shall announce the date, time, and place of the meeting where that determination
548 shall be made.

549 Section 14. Section **53B-16-101** is amended to read:

550 **53B-16-101. Establishment of institutional roles and general courses of study.**

551 [~~(+)~~] Except as institutional roles are specifically assigned by the Legislature, the board
552 [~~may~~] of trustees of an institution shall establish and define the [~~roles of the various institutions~~
553 ~~of higher education under its control and management~~] role of the institution and shall
554 prescribe the general course of study to be offered at [~~each~~] the institution.

555 ~~[(2) In establishing and defining institutional roles, the board shall consider the~~
556 ~~traditional roles of the separate institutions.]~~

557 Section 15. Section **53B-16-102** is amended to read:

558 **53B-16-102. Changes in curriculum.**

559 (1) ~~[Under procedures and policies approved by the board and developed in~~
560 ~~consultation with each institution of higher education, each] An~~ institution may make ~~[such]~~
561 changes in its curriculum as necessary to better effectuate the institutional role previously
562 approved by the institution's board of trustees.

563 (2) Notice of a change in the curriculum shall ~~[in all cases]~~ be promptly submitted to
564 the ~~[board]~~ State Board of Regents.

565 ~~[(3) The board shall establish procedures and policies for considering institutional~~
566 ~~proposals for substantial alterations in the scope of existing institutional operations.]~~

567 ~~[(4) Alterations shall not be made without prior approval of the state board.]~~

568 ~~[(5) For purposes of this section, "substantial alteration" means the establishment of a~~
569 ~~branch, extension center, college, professional school, division, institute, department, or a new~~
570 ~~program in instruction, research, or public services or a new degree, diploma, or certificate.]~~

571 ~~[(6) The board shall conduct periodic reviews of all programs of instruction, research,~~
572 ~~and public service at each institution, including those funded by gifts, grants, and contracts, and~~
573 ~~may require the modification or termination of any program.]~~

574 ~~[(7) Prior to requiring modification or termination of a program, the board shall give~~
575 ~~the institution adequate opportunity for a hearing before the board.]~~

576 ~~[(8) In making decisions related to career and technical education curriculum changes,~~
577 ~~the board shall request a review of the proposed changes by the State Board of Education and~~
578 ~~the Utah College of Applied Technology to ensure an orderly and systematic career and~~
579 ~~technical education curriculum that eliminates overlap and duplication of course work with the~~
580 ~~high schools and the Utah College of Applied Technology.]~~

581 Section 16. Section **53B-16-103** is amended to read:

582 **53B-16-103. Understanding of U.S. history, government, and economic system --**
583 **Prerequisite for bachelor's degree or teaching credential.**

584 ~~[(1) (a) An institution of higher education may not issue a degree, diploma, or~~
585 ~~certificate unless it first receives approval from the board of the adequacy of the study for~~

586 ~~which the degree, diploma, or certificate is offered.]~~

587 ~~[(b)]~~ A student shall demonstrate a reasonable understanding of the history, principles,
588 form of government, and economic system of the United States prior to receiving a bachelor's
589 degree or teaching credential.

590 ~~[(2) Degrees, diplomas, and certificates issued prior to the effective date of this chapter~~
591 ~~do not require board approval.]~~

592 ~~[(3) The board may terminate the granting of previously approved degrees, diplomas,~~
593 ~~and certificates if they are inconsistent with the role prescribed by the board for the affected~~
594 ~~institution.]~~

595 Section 17. Section **53B-16-106** is amended to read:

596 **53B-16-106. Electronics engineering program at Weber State University.**

597 ~~[(1) The board shall approve a proposal submitted by Weber State University, in~~
598 ~~accordance with Section 53B-16-102 and board policy, to establish a bachelor of science~~
599 ~~degree program in electronics engineering.]~~

600 ~~[(2)]~~ Weber State University ~~[shall establish the program described in Subsection (1)]~~
601 may establish a bachelor of science degree program in electronics engineering within existing
602 budgets and with no additional appropriation.

603 Section 18. Section **53B-16-201** is amended to read:

604 **53B-16-201. Degrees and certificates that may be conferred.**

605 (1) Utah State University, Snow College, and Salt Lake Community College may
606 confer certificates of completion and degrees as determined by the ~~[State Board of Regents]~~
607 respective institution's board of trustees.

608 (2) The board of trustees of an institution specified in Subsection (1) shall develop
609 evaluative criteria as a means of carefully monitoring the impact of degree programs on the
610 vocational mission of the ~~[colleges]~~ institution.

611 Section 19. Section **53B-18-1201** is amended to read:

612 **53B-18-1201. Utah State University-College of Eastern Utah.**

613 (1) (a) There is established a comprehensive regional college of Utah State University
614 called Utah State University-College of Eastern Utah.

615 (b) Utah State University shall:

616 (i) possess all rights, title, privileges, powers, immunities, franchises, endowments,

617 property, and claims of the College of Eastern Utah; and

618 (ii) fulfill and perform all obligations of the College of Eastern Utah, including
619 obligations relating to outstanding bonds and notes.

620 (2) Utah State University-College of Eastern Utah contains campuses in the following
621 locations:

622 (a) Price, Utah; and

623 (b) Blanding, Utah.

624 (3) ~~[(a)]~~ Utah State University-College of Eastern Utah is under the authority and
625 direction of the Utah State University president and Utah State University board of trustees.

626 ~~[(b)(i) The governor shall appoint nine individuals to the Utah State University board
627 of trustees with the consent of the Senate.]~~

628 ~~[(ii) One of the nine individuals described in Subsection (3)(b)(i) shall reside in the
629 Utah State University-College of Eastern Utah service region.]~~

630 ~~[(c) The board shall establish a policy defining the service region.]~~

631 (4) (a) Utah State University-College of Eastern Utah shall be administered by a
632 chancellor.

633 (b) The chancellor of Utah State University-College of Eastern Utah is appointed by
634 the president of Utah State University and reports directly to the president of Utah State
635 University.

636 (5) (a) The president of Utah State University shall appoint a regional advisory council
637 to advise the president and chancellor regarding local issues relating to the college.

638 (b) The chancellor shall provide the Utah State University president with
639 recommendations for the regional advisory council.

640 (c) The regional advisory council:

641 (i) shall include the Utah State University-College of Eastern Utah Student Association
642 president; and

643 (ii) may include:

644 (A) residents of the counties in the Utah State University-College of Eastern Utah
645 service region, as defined by board policy; and

646 (B) alumni of the College of Eastern Utah.

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