



UTAH SYSTEM OF
HIGHER EDUCATION

MEMORANDUM

November 18, 2022

Name Change Policy Updates

Due to the statutory renaming of Dixie State University to Utah Tech University, we are proposing amendments to the following Board policies to conform with this change:

R134, *Informal Adjudicative Proceedings under the Utah Administrative Procedures Act*
R312, *Utah System of Higher Education and Institutional Roles and Missions*
R315, *Service Area Designations and Coordination of Off-Campus Courses and Programs*
R430, *Deep Technology Talent Initiative*
R461, *Access, Admission, and Articulation*
R513, *Tuition Waivers and Reductions*
R604, *New Century Scholarship*
R609A, *Regents' Scholarship*

We have also identified a few non-substantive edits to update references and improve clarity.

Commissioner's Recommendation

The Commissioner recommends the Board approve the amendments to the above-listed policies.

Attachments

R134, Informal Adjudicative Proceedings under the Utah Administrative Procedures Act¹

R134-1 Purpose: To provide guidelines and procedures for the application of the Administrative Procedures Act, [Utah Code](#) Title 63, Chapter 46b, and associated regulations, to the public institutions of higher education, the ~~State Board of Regents~~ [Utah Board of Higher Education \(“Board”\)](#), and ~~the Utah Higher Education Assistance Authority~~ [my529](#).

R134-2 References

- 2.1 [Utah Code § 53B-1-402+03](#), (~~Establishment of Board – Powers, Duties, and Authority~~)
- 2.2 [Utah Code Title 63G, Chapter 46b](#), (~~Administrative Procedures Act~~)

R134-3 Definitions

3.1 “Adjudicative proceeding”: [means](#) an institutional action or proceeding described in Utah Code ~~§section 63G-46b-103~~.

3.2 ~~3.2~~ “Institution”: [means](#) the ~~State Board of Regents~~ [Board](#), ~~the Utah Higher Education Assistance Authority~~ [my529](#), the University of Utah, Utah State University, Weber State University, Southern Utah University, Snow College, ~~Dixie State College of Utah~~ [Utah Tech University](#), ~~the College of Eastern Utah~~, Utah Valley [University State College](#), Salt Lake Community College, ~~the Utah College of Applied Technology, and other public post-high school educational institutions as the Legislature may designate to be included in the State System of Higher Education~~. [Bridgerland Technical College](#), [Davis Technical College](#), [Dixie Technical College](#), [Mountainland Technical College](#), [Ogden-Weber Technical College](#), [Southwest Technical College](#), [Tooele Technical College](#), and [Uintah Basin Technical College](#).

3.3 “Party”: [means](#) the institution or other person commencing an adjudicative proceeding, all respondents, all persons permitted by the presiding officer to intervene in the proceeding, and all persons authorized by statute or institutional rule to participate as parties in an adjudicative proceeding.

¹ *Adopted December 11, 1987; amended January 24, 1997, and XXX.*

3.4 “Person”: means an individual, group of individuals, partnership, corporation, association, institution, agency, political subdivision or its units, governmental subdivision or its units, public or private organization or entity of any character.

3.5 “Presiding officer”: means the chief executive officer of the institution, or an individual or body of individuals designated by the chief executive officer, by institutional rules, or by statute to conduct an adjudicative hearing.

3.6 “Respondent”: means a person against whom an adjudicative proceeding is initiated, -whether by an institution or any other person.

R134-4 Policy

4.1 Exemptions: The Utah Administrative Procedures Act, Utah Code section §63G-4-102, provides certain exemptions from the Act which affect higher education institutions. As a consequence of these statutory provisions adjudicative proceedings relating to the evaluation, discipline, employment, transfer, reassignment, or promotion of students and faculty, to personnel matters for all employees, to contracts for the purchase and sale of goods and services by the institutions, or to actions required by federal statute or regulation to be conducted solely according to federal procedures are not governed by the Utah Administrative Procedures Act.

4.2 Campus Traffic and Parking: Utah Code section §53B-3-106(2) provides that "State institutions of higher education are 'political subdivisions' . . . as these terms are used in [Utah Code] Title 41, Chapter 6a." relating to Traffic Rules and Regulations. The Utah Administrative Procedures Act applies to "agencies" which as defined in section §63-4-103(1)(b) does not include "any political subdivision of the state, or any administrative unit of a political subdivision of the state." Consequently, the institutions are exempt from the Act in matters involving campus traffic regulations not only where students and employees are involved but also where they impact persons other than students and employees. However, since some aspects of parking and parking lot management may not be covered by Utah Code Title 41, Chapter 6a, hearings relating to parking matters which involve persons other than students and employees may be subject to the Act.

4.3 Informal Adjudicative Proceedings for Certain Admissions, Residence for Tuition Purposes, Financial Aid (including the Eligibility for and Collection of Student Loans), Campus Parking, Campus Event Participation, Former Student Matters, Former Employee Matters, and Other Matters not Exempted from the Administrative Procedures Act: Adjudicative proceedings, undertaken by an institution, which affect matters other than (a) the evaluation, discipline, employment, transfer, reassignment,

or promotion of students and faculty, (b) personnel matters for all employees, (c) campus traffic, (d) contracts for the purchase and sale of goods and services by the institution, or (e) actions required by federal statute or regulation to be conducted solely according to federal procedures, are to be conducted informally according to the procedures set forth in these rules, enacted under the authority of the Utah Administrative Procedures Act. Adjudicative proceedings where parties other than students or employees are involved hereby authorized to be handled informally include, but are not limited to, admissions, residence for tuition purposes, financial aid (including the eligibility for and collection of student loans), campus parking, campus event participation, former student matters, and former employee matters.

4.4 Board Findings as to Appropriateness of Informal Adjudicative Proceedings: The use of informal procedures as provided in ~~paragraph-subsection~~ 4.3 does not violate any procedural requirement imposed by a statute other than [Utah Code](#) Title 63G, Chapter 46b; the rights of the parties to the proceedings will be reasonably protected by the informal procedures; the institutions' administrative efficiency will be enhanced by this categorization; and the cost of formal adjudicative proceedings outweighs the potential benefits to the public of a formal adjudicative proceeding.

4.5 Substitution of Presiding Officer: If fairness is not compromised, an institution may substitute one presiding officer for another during any proceeding. A person who acts as a presiding officer at one phase of a proceeding need not continue as presiding officer through all phases of a proceeding.

4.6 Institutional Variances with this Rule: Each institution is authorized to adopt its own categorizations and procedures duly enacted under the authority of [Utah Code](#) Title 63G, Chapter 46b. Significant variations from the Board's rules and procedures must be approved by the Board.

R134-5 Procedures for Informal Adjudicative Proceedings

5.1 Commencement: An informal adjudicative proceeding shall be commenced by either (a) a notice of institutional action, if proceedings are commenced by the institution; or (b) a request for institutional action, if proceedings are commenced by persons other than the institution.

5.2 Notice: A notice of institutional action or a request for institutional action shall be filed and served according to the following requirements: The notice shall be in writing, signed by a presiding officer if the proceeding is commenced by the institution, or by the person invoking the jurisdiction of the institution, or by ~~their~~his representative, and shall include:

5.2.1 the names and mailing addresses of all respondents and other persons to whom notice is being given;

5.2.2 the institution's file number or other reference number;

5.2.3 the name of the adjudicative proceeding;

5.2.4 the date that the notice of institutional action or the request for institutional action was mailed;

5.2.5 if a hearing is to be held, a statement of the time and place of any scheduled hearing, a statement of the purpose for which the hearing is to be held, and a statement that a party who fails to attend or participate in the hearing may be held in default;

5.2.6 if a hearing is not scheduled, a statement that a party may request a hearing within 20 days of the mailing of the notice or such other time as prescribed by institutional rule;

5.2.7 a statement of the legal authority and jurisdiction under which the adjudicative proceeding is to be maintained or institutional action is requested;

5.2.8 a statement of the purpose of the adjudicative proceeding, the questions to be decided (to the extent known) or the facts and reasons forming the basis for relief, and the relief or decision sought by the commencing party; and

5.2.9 the name, title, mailing address, and telephone number of the presiding officer.

5.2.10 The institution shall mail the notice of institutional action or the request for institutional action to each party.

5.3 Answer Not Required: No answer or other pleading responsive to the allegations contained in the notice of institutional action or the request for institutional action need be filed.

5.4 Hearings: The institution shall hold a hearing only if a hearing is required by statute or rule, or if a hearing is permitted by statute and a hearing is requested by a party within 20 days of the mailing of the notice, or such other time as prescribed by institutional rule. "Hearing" includes not only a face-to-face proceeding but also a proceeding conducted by telephone, television or other electronic means.

5.5 Rights of Parties to Testify, Present Evidence, and Comment on the Issues: In any hearing, the parties named in the notice of institutional action or in the request for institutional action shall be permitted to testify, present evidence, and comment on the issues. Participation is normally limited to the named parties.

5.6 Timely Notice: Hearings will be held only after timely notice to all parties.

5.7 No Discovery or Subpoenas: Discovery is prohibited, and the institution may not issue subpoenas or other discovery orders. This prohibition against discovery is not intended to discourage the non-coercive gathering or sharing of information by the parties.

5.8 Access to Institution's Files: All parties shall have access to information contained in the institution's files and to all materials and information gathered in any investigation, to the extent permitted by law.

5.9 Intervention Prohibited: Intervention is prohibited, except that the institution may enact rules permitting intervention where a federal statute or rule requires that a state permit intervention.

5.10 Hearings Open to Parties: All hearings shall be open to all parties. If the hearing is conducted by telephone, television or other electronic means this criterion is met if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see that aspect of the entire proceeding which is significant to the viewer while the proceeding is taking place.

5.11 Order of the Presiding Officer: Within a reasonable time after the close of the hearing, or after the parties' failure to request a hearing within the time prescribed by the institution's or this rule, the presiding officer shall issue a signed order in writing that states the following:

5.11.1 the decision;

5.11.2 the reasons for the decision;

5.11.3 a notice of any right of administrative or judicial review available to the parties;
and

5.11.4 the time limits for filing an appeal or request for review.

5.12 Basis of Order: The presiding officer's order shall be based on the facts appearing in the institution's files and on the facts presented in evidence at any hearings.

5.13 Hearings Recorded: All hearings shall be recorded at the institution's expense. Any party, at ~~their~~his own expense, may have a reporter approved by the institution prepare a transcript from the institution's record of the hearing.

5.14 Institution's Investigative Rights: Nothing in this rule restricts or precludes any investigative right or power given to an institution by a statute other than [Utah Code Title 63G](#), Chapter 4~~6a~~.

5.15 Default: The presiding officer may enter an order of default against a party if that party fails to participate in the adjudicative proceeding. The order shall include a statement of the grounds for default and shall be mailed to all parties. A defaulted party may seek to have the institution set aside the default order according to procedures outlined in the Utah Rules of Civil Procedure. After issuing the order of default, the presiding officer shall conduct any further proceedings necessary to complete the adjudicative proceeding without the participation of the party in default and shall determine all issues in the adjudicative proceeding, including those affecting the defaulting party.

5.16 Institutional Review: If a statute or the institution's rules permit parties to any adjudicative proceeding to seek review of an order, the aggrieved party may file a written request for review within ten days after the issuance of the order with the person or entity designated for that purpose by statute or rule. The form and procedures for such a request are set forth in Utah Code [section §63G-4~~6b~~-301~~12~~](#).

5.17 Institutional Reconsideration: Within ten days after the date that an order on review is issued, or within ten days after the date that a final order is issued for which institutional review is unavailable, any party may file a written request for reconsideration, stating the specific grounds upon which relief is requested. Unless otherwise provided by statute, the filing of the request is not a prerequisite for seeking judicial review of the order or the order on review. The request for reconsideration shall be filed with the institution and one copy shall be sent by mail to each party by the person making the request. The institution president, or a person designated for that purpose, shall issue a written order granting the request or denying the request. If the president or ~~his~~their designee does not issue an order within 20 days after the filing of the request, the request for rehearing shall be considered to be denied.

5.18 Exhaustion of Administrative Remedies: A party aggrieved may obtain judicial review of final institutional action except in actions where judicial review is expressly

prohibited by statute, only after exhausting all administrative remedies available, except that:

5.18.1 a party seeking judicial review need not exhaust administrative remedies if a statute states that exhaustion is not required;

5.18.2 the court may relieve a party seeking judicial review of the requirement to exhaust any or all administrative remedies if the administrative remedies are inadequate, or exhaustion of remedies would result in irreparable harm disproportionate to the public benefit derived from requiring exhaustion.

5.19 Filing for Judicial Review: A party shall file a petition for judicial review of final institutional action within 30 days after the date that the order constituting the final institutional action is issued. The petition shall name the institution and all other appropriate parties as respondents and shall meet the form requirements specified in [Utah Code Title 63G](#), Chapter ~~46b~~, ~~Title 63~~.

5.20 Judicial Review: The district courts shall have jurisdiction to review by trial de novo all final institutional action resulting from an adjudicative proceeding hereunder, except that final institutional action from proceedings based on a record shall be reviewed by the district courts on the record according to the standards of [Utah Code section §63G-46b-403+6](#)(4). The form of the petition and procedures for this process are set forth in Utah Code [section §63G-46b-403+5](#).

5.21 Stay and Other Temporary Remedies Pending Final Disposition on Judicial Review: Unless precluded by statute, the institution may grant a stay of its order, or other temporary remedy during the pendency of judicial review, according to the institution's rules. If the institution denies a stay or denies other temporary remedies requested by a party, the institution's order of denial shall be mailed to all parties and shall specify the reasons why the stay or other temporary remedy was not granted.

5.22 Emergency Adjudicative Proceedings: An institution may issue an order on an emergency basis without complying with the requirements of [Utah Code Title 63G](#), Chapter ~~46b~~ if the facts known by the institution or presented to the institution show that an immediate and significant danger to the public health, safety, or welfare exists, and the threat requires immediate action by the institution.

5.22.1 In issuing its emergency order, the institution shall:

5.22.1.1 limit its order to require only the action necessary to prevent or avoid the danger to the public health, safety, or welfare;

5.22.1.2 issue promptly a written order, effective immediately, that includes a brief statement of findings of fact, conclusions of law, and reasons for the institution's utilization of emergency adjudicative proceedings; and

5.22.1.3 give immediate notice to the persons who are required to comply with the order.

5.22.2.4 If the emergency order issued under this section will result in the continued infringement or impairment of any legal right or interest of any party, the institution shall commence appropriate adjudicative proceedings in accordance with the other provisions of these rules and [Utah Code Title 63G](#), Chapter ~~46b~~.

5.23 Declaratory Orders: Any person may file a request for institutional action, requesting that the institution issue a declaratory order determining the applicability of a statute, rule, or order within the primary jurisdiction of the institution to specified circumstances. An institution may issue a declaratory order that would substantially prejudice the rights of a person who would be a necessary party, only if that person consents in writing to the determination of the matter by a declaratory proceeding. After receipt of a petition for a declaratory order, the institution may issue a written order: (a) declaring the applicability of the statute, rule, or order in question to the specified circumstances; (b) setting the matter for adjudicative proceedings; (c) agreeing to issue a declaratory order within a specified time; or (d) declining to issue a declaratory order and stating the reasons for its action. The declaratory order shall contain: (a) the names of all parties to the proceeding on which it is based; (b) the particular facts on which it is based; and (c) the reasons for its conclusions.

R134, Informal Adjudicative Proceedings under the Utah Administrative Procedures Act¹

R134-1 Purpose: To provide guidelines and procedures for the application of the Administrative Procedures Act, Utah Code Title 63, Chapter 46b, and associated regulations, to the public institutions of higher education, the Utah Board of Higher Education (“Board”), and my529.

R134-2 References

- 2.1 [Utah Code § 53B-1-402](#), Establishment of Board – Powers, Duties, and Authority
- 2.2 [Utah Code Title 63G, Chapter 4](#), Administrative Procedures Act

R134-3 Definitions

3.1 "Adjudicative proceeding" means an institutional action or proceeding described in Utah Code section 63G-4- 103.

3.2 “Institution” means the Board, my529, University of Utah, Utah State University, Weber State University, Southern Utah University, Snow College, Utah Tech University, Utah Valley University, Salt Lake Community College, Bridgerland Technical College, Davis Technical College, Dixie Technical College, Mountainland Technical College, Ogden-Weber Technical College, Southwest Technical College, Tooele Technical College, and Uintah Basin Technical College.

3.3 “Party” means the institution or other person commencing an adjudicative proceeding, all respondents, all persons permitted by the presiding officer to intervene in the proceeding, and all persons authorized by statute or institutional rule to participate as parties in an adjudicative proceeding.

3.4 “Person” means an individual, group of individuals, partnership, corporation, association, institution, agency, political subdivision or its units, governmental subdivision or its units, public or private organization or entity of any character.

3.5 “Presiding officer” means the chief executive officer of the institution, or an

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individual or body of individuals designated by the chief executive officer, by institutional rules, or by statute to conduct an adjudicative hearing.

3.6 “Respondent” means a person against whom an adjudicative proceeding is initiated, whether by an institution or any other person.

R134-4 Policy

4.1 Exemptions: The Utah Administrative Procedures Act, Utah Code section 63G-4-102, provides certain exemptions from the Act which affect higher education institutions. As a consequence of these statutory provisions adjudicative proceedings relating to the evaluation, discipline, employment, transfer, reassignment, or promotion of students and faculty, to personnel matters for all employees, to contracts for the purchase and sale of goods and services by the institutions, or to actions required by federal statute or regulation to be conducted solely according to federal procedures are not governed by the Utah Administrative Procedures Act.

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4.3 Informal Adjudicative Proceedings for Certain Admissions, Residence for Tuition Purposes, Financial Aid (including the Eligibility for and Collection of Student Loans), Campus Parking, Campus Event Participation, Former Student Matters, Former Employee Matters, and Other Matters not Exempted from the Administrative Procedures Act: Adjudicative proceedings, undertaken by an institution, which affect matters other than (a) the evaluation, discipline, employment, transfer, reassignment, or promotion of students and faculty, (b) personnel matters for all employees, (c) campus traffic, (d) contracts for the purchase and sale of goods and services by the institution, or (e) actions required by federal statute or regulation to be conducted solely according to federal procedures, are to be conducted informally according to the procedures set forth in these rules, enacted under the authority of the Utah Administrative Procedures Act. Adjudicative proceedings where parties other than students or employees are involved hereby authorized to be handled informally

include, but are not limited to, admissions, residence for tuition purposes, financial aid (including the eligibility for and collection of student loans), campus parking, campus event participation, former student matters, and former employee matters.

4.4 Board Findings as to Appropriateness of Informal Adjudicative Proceedings: The use of informal procedures as provided in subsection 4.3 does not violate any procedural requirement imposed by a statute other than Utah Code Title 63G, Chapter 4; the rights of the parties to the proceedings will be reasonably protected by the informal procedures; the institutions' administrative efficiency will be enhanced by this categorization; and the cost of formal adjudicative proceedings outweighs the potential benefits to the public of a formal adjudicative proceeding.

4.5 Substitution of Presiding Officer: If fairness is not compromised, an institution may substitute one presiding officer for another during any proceeding. A person who acts as a presiding officer at one phase of a proceeding need not continue as presiding officer through all phases of a proceeding.

4.6 Institutional Variances with this Rule: Each institution is authorized to adopt its own categorizations and procedures duly enacted under the authority of Utah Code Title 63G, Chapter 4. Significant variations from the Board's rules and procedures must be approved by the Board.

R134-5 Procedures for Informal Adjudicative Proceedings

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5.2 Notice: A notice of institutional action or a request for institutional action shall be filed and served according to the following requirements: The notice shall be in writing, signed by a presiding officer if the proceeding is commenced by the institution, or by the person invoking the jurisdiction of the institution, or by their representative, and shall include:

5.2.1 the names and mailing addresses of all respondents and other persons to whom notice is being given;

5.2.2 the institution's file number or other reference number;

5.2.3 the name of the adjudicative proceeding;

5.2.4 the date that the notice of institutional action or the request for institutional action was mailed;

5.2.5 if a hearing is to be held, a statement of the time and place of any scheduled hearing, a statement of the purpose for which the hearing is to be held, and a statement that a party who fails to attend or participate in the hearing may be held in default;

5.2.6 if a hearing is not scheduled, a statement that a party may request a hearing within 20 days of the mailing of the notice or such other time as prescribed by institutional rule;

5.2.7 a statement of the legal authority and jurisdiction under which the adjudicative proceeding is to be maintained or institutional action is requested;

5.2.8 a statement of the purpose of the adjudicative proceeding, the questions to be decided (to the extent known) or the facts and reasons forming the basis for relief, and the relief or decision sought by the commencing party; and

5.2.9 the name, title, mailing address, and telephone number of the presiding officer.

5.2.10 The institution shall mail the notice of institutional action or the request for institutional action to each party.

5.3 Answer Not Required: No answer or other pleading responsive to the allegations contained in the notice of institutional action or the request for institutional action need be filed.

5.4 Hearings: The institution shall hold a hearing only if a hearing is required by statute or rule, or if a hearing is permitted by statute and a hearing is requested by a party within 20 days of the mailing of the notice, or such other time as prescribed by institutional rule. "Hearing" includes not only a face-to-face proceeding but also a proceeding conducted by telephone, television or other electronic means.

5.5 Rights of Parties to Testify, Present Evidence, and Comment on the Issues: In any hearing, the parties named in the notice of institutional action or in the request for institutional action shall be permitted to testify, present evidence, and comment on the issues. Participation is normally limited to the named parties.

5.6 Timely Notice: Hearings will be held only after timely notice to all parties.

5.7 No Discovery or Subpoenas: Discovery is prohibited, and the institution may not issue subpoenas or other discovery orders. This prohibition against discovery is not intended to discourage the non-coercive gathering or sharing of information by the parties.

5.8 Access to Institution's Files: All parties shall have access to information contained in the institution's files and to all materials and information gathered in any investigation, to the extent permitted by law.

5.9 Intervention Prohibited: Intervention is prohibited, except that the institution may enact rules permitting intervention where a federal statute or rule requires that a state permit intervention.

5.10 Hearings Open to Parties: All hearings shall be open to all parties. If the hearing is conducted by telephone, television or other electronic means this criterion is met if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see that aspect of the entire proceeding which is significant to the viewer while the proceeding is taking place.

5.11 Order of the Presiding Officer: Within a reasonable time after the close of the hearing, or after the parties' failure to request a hearing within the time prescribed by the institution's or this rule, the presiding officer shall issue a signed order in writing that states the following:

5.11.1 the decision;

5.11.2 the reasons for the decision;

5.11.3 a notice of any right of administrative or judicial review available to the parties;
and

5.11.4 the time limits for filing an appeal or request for review.

5.12 Basis of Order: The presiding officer's order shall be based on the facts appearing in the institution's files and on the facts presented in evidence at any hearings.

5.13 Hearings Recorded: All hearings shall be recorded at the institution's expense. Any party, at their own expense, may have a reporter approved by the institution prepare a transcript from the institution's record of the hearing.

5.14 Institution's Investigative Rights: Nothing in this rule restricts or precludes any investigative right or power given to an institution by a statute other than Utah Code Title 63G, Chapter 4.

5.15 Default: The presiding officer may enter an order of default against a party if that party fails to participate in the adjudicative proceeding. The order shall include a statement of the grounds for default and shall be mailed to all parties. A defaulted party may seek to have the institution set aside the default order according to procedures outlined in the Utah Rules of Civil Procedure. After issuing the order of default, the presiding officer shall conduct any further proceedings necessary to complete the adjudicative proceeding without the participation of the party in default and shall determine all issues in the adjudicative proceeding, including those affecting the defaulting party.

5.16 Institutional Review: If a statute or the institution's rules permit parties to any adjudicative proceeding to seek review of an order, the aggrieved party may file a written request for review within ten days after the issuance of the order with the person or entity designated for that purpose by statute or rule. The form and procedures for such a request are set forth in Utah Code section 63G-4-301.

5.17 Institutional Reconsideration: Within ten days after the date that an order on review is issued, or within ten days after the date that a final order is issued for which institutional review is unavailable, any party may file a written request for reconsideration, stating the specific grounds upon which relief is requested. Unless otherwise provided by statute, the filing of the request is not a prerequisite for seeking judicial review of the order or the order on review. The request for reconsideration shall be filed with the institution and one copy shall be sent by mail to each party by the person making the request. The institution president, or a person designated for that purpose, shall issue a written order granting the request or denying the request. If the president or their designee does not issue an order within 20 days after the filing of the request, the request for rehearing shall be considered to be denied.

5.18 Exhaustion of Administrative Remedies: A party aggrieved may obtain judicial review of final institutional action except in actions where judicial review is expressly prohibited by statute, only after exhausting all administrative remedies available, except that:

5.18.1 a party seeking judicial review need not exhaust administrative remedies if a statute states that exhaustion is not required;

5.18.2 the court may relieve a party seeking judicial review of the requirement to exhaust any or all administrative remedies if the administrative remedies are

inadequate, or exhaustion of remedies would result in irreparable harm disproportionate to the public benefit derived from requiring exhaustion.

5.19 Filing for Judicial Review: A party shall file a petition for judicial review of final institutional action within 30 days after the date that the order constituting the final institutional action is issued. The petition shall name the institution and all other appropriate parties as respondents and shall meet the form requirements specified in Utah Code Title 63G, Chapter 4.

5.20 Judicial Review: The district courts shall have jurisdiction to review by trial de novo all final institutional action resulting from an adjudicative proceeding hereunder, except that final institutional action from proceedings based on a record shall be reviewed by the district courts on the record according to the standards of Utah Code section 63G-4-403(4). The form of the petition and procedures for this process are set forth in Utah Code section 63G-4-403.

5.21 Stay and Other Temporary Remedies Pending Final Disposition on Judicial Review: Unless precluded by statute, the institution may grant a stay of its order, or other temporary remedy during the pendency of judicial review, according to the institution's rules. If the institution denies a stay or denies other temporary remedies requested by a party, the institution's order of denial shall be mailed to all parties and shall specify the reasons why the stay or other temporary remedy was not granted.

5.22 Emergency Adjudicative Proceedings: An institution may issue an order on an emergency basis without complying with the requirements of Utah Code Title 63G, Chapter 4 if the facts known by the institution or presented to the institution show that an immediate and significant danger to the public health, safety, or welfare exists, and the threat requires immediate action by the institution.

5.22.1 In issuing its emergency order, the institution shall:

5.22.1.1 limit its order to require only the action necessary to prevent or avoid the danger to the public health, safety, or welfare;

5.22.1.2 issue promptly a written order, effective immediately, that includes a brief statement of findings of fact, conclusions of law, and reasons for the institutions utilization of emergency adjudicative proceedings; and

5.22.1.3 give immediate notice to the persons who are required to comply with the order.

5.22.2 If the emergency order issued under this section will result in the continued infringement or impairment of any legal right or interest of any party, the institution shall commence appropriate adjudicative proceedings in accordance with the other provisions of these rules and Utah Code Title 63G, Chapter 4.

5.23 Declaratory Orders: Any person may file a request for institutional action, requesting that the institution issue a declaratory order determining the applicability of a statute, rule, or order within the primary jurisdiction of the institution to specified circumstances. An institution may issue a declaratory order that would substantially prejudice the rights of a person who would be a necessary party, only if that person consents in writing to the determination of the matter by a declaratory proceeding. After receipt of a petition for a declaratory order, the institution may issue a written order: (a) declaring the applicability of the statute rule, or order in question to the specified circumstances; (b) setting the matter for adjudicative proceedings; (c) agreeing to issue a declaratory order within a specified time; or (d) declining to issue a declaratory order and stating the reasons for its action. The declaratory order shall contain: (a) the names of all parties to the proceeding on which it is based; (b) the particular facts on which it is based; and (c) the reasons for its conclusions.

R312, Utah System of Higher Education and Institutional Missions and Roles¹

R312-1 Purpose: To establish the distinct missions and roles of the institutions in the Utah System of Higher Education (USHE) and foster economic growth and innovation.

R-312-2 References

- 2.1 [Utah Code Title 53B, Chapter 6~~53B-6-101~~, State System of Higher Education – Master Planning for Higher Education](#)
- 2.2 [Utah Code ~~§Section~~ 53B-16-101](#), Establishment of Institutional Roles and General Courses of Study
- ~~2.3 Board Policy R301, Master Plan Executive Summary~~
- 2.34 [Board Policy R310](#), System-wide Vision and Mission Statements
- 2.45 [Board Policy R315](#), Service Area Designations and Coordination Off-Campus Courses and Programs
- 2.56 [Board Policy R485](#), Faculty Workload Guidelines

R312-3 Definitions

- 3.1 **“Roles”**: [means](#) the general category within which an institution fits as described in Utah Code §.53B-16-101, Establishment of Institutional Roles and General Courses of Study.
- 3.2 **“Mission Statements”**: [means](#) ~~W~~written statements of the general purposes and functions of various institutions approved by the Board.
- 3.3 **“Teaching Load”**: [means](#) the institutional average teaching workload for full-time faculty at the various institutions.
- 3.4 **“Open Admission”**: [means](#) an admission policy that allows all applicants to be admitted. An open admission policy does not necessarily grant students to all courses until the institution has assessed the student’s level of preparedness.

¹ Approved on May 30, 2003; amended May 29, 2009. Revisions approved by the Board of Regents on May 29, 2009, May 20, 2011, September 16, 2011; May 17, 2013; January 22, 2016; April 1, 2016; July 15, 2016; May 18, 2018; May 17, 2019, ~~and~~ July 16, 2021, [and XXX](#).

R312-4 Institutions Roles and Missions

4.1 Research Universities: A research university's role is to provide undergraduate, graduate, and research programs and to discover, create and transmit knowledge through academic programs at the undergraduate, graduate, and professional with emphasis on teaching research and service. Transfer programs allow students to seamlessly seek degrees and other institutions within the system. The institution contributes to the quality of life and economic development at the local, state, and national levels. Many research efforts generate grants and contracts that also impact economic development, which underwrites the cost of their products. The University of Utah and Utah State University are research universities.

4.1.1 University of Utah Mission Statement (2016): The University of Utah fosters student success by preparing students from diverse backgrounds for lives of impact as leaders and citizens. We generate and share new knowledge, discoveries, and innovations, and we engage local and global communities to promote education, health, and quality of life. These contributions, in addition to responsible stewardship of our intellectual, and financial resources, ensure the long-term success and viability of the institution.

4.1.2 Utah State University Mission Statement (2003): The mission of Utah State University is to be one of the nation's premier student-centered land grant and space grant universities by fostering the principle that academics come first; by cultivating diversity of thought and culture; and by serving the public through learning, discovery, and engagement.

4.2 Regional Universities: The regional university's role provides career and technical education, undergraduate associate and baccalaureate programs, and select master's degree programs to fill regional or state workforce demands. After a new master's degree program's fifth year, the program should be awarding a minimum average of five degrees per year as measured over a previous three-year period to be considered sustainable. Regional universities emphasize teaching, scholarly, and creative achievements that complement teaching and community service. Transfer programs allow students to seamlessly seek degrees at other institutions within the system. The institution contributes to the quality of life and economic development at the local and state levels. Student success is supported through developmental programs and services associated with a comprehensive community college. Weber State University, Southern Utah University, Utah Valley University, and ~~Dixie State~~ [Utah Tech](#) University are regional universities.

4.2.1 Weber State University Mission Statement (2007):

Weber State University provides transformative educational experiences for students of all identities and backgrounds through meaningful personal connections with faculty and staff in and out of the classroom. The university promotes student achievement, equity and

inclusion, and vibrant community relationships through multiple credentials and degree pathways, experiential learning, research, civic engagement, and stewardship.

4.2.2 Southern Utah University Mission Statement (2016): Southern Utah University is a dynamic teaching and learning community that engages students in experiential education, leading to personal growth, civic responsibility, and professional excellence.

4.2.3 Utah Valley University Mission Statement (2007): Utah Valley University is an integrated university and community college that educates every student for success in work and life through excellence in engaged teaching, services, and scholarship.

4.2.4 ~~Dixie State~~Utah Tech University Mission Statement (2016): ~~Dixie State~~Utah Tech University is an open, inclusive, comprehensive, polytechnic university featuring active and applied learning to advance students' knowledge and skills while fostering competent, resilient, lifelong learners to succeed in their careers and personal lives as creators, innovators, and responsible citizens.

4.3 Comprehensive Community Colleges: The comprehensive community college's role is to transmit knowledge and skills through transfer education at the associate of arts and associate of science degree level along with offering associate of applied science degrees, career and technical education, customized training for employers, developmental education, and strong student services to support these functions. Transfer programs prepare graduates to begin upper-division work. The institution emphasizes teaching, training, scholarly, professional, and creative achievement, community service and contributes to the quality of life and economic development of the community and the state. The comprehensive community college's role is identifiable in its organizational structure and is supported through programs, service, and specific administrative responsibility. Salt Lake Community College and Snow College are comprehensive community colleges. All institutions except the University of Utah provide varying degrees of community college functions in their respective service areas.

4.3.1 Snow College Mission Statement (2011): Snow College continues a tradition of excellence, encourages a culture of innovation, and cultivates an atmosphere of engagement to advance students in the achievement of their educational goals.

4.3.2 Salt Lake Community College Mission Statement (2016): Salt Lake Community College is your community college. We engage and support students in educational pathways leading to successful transfer and meaningful employment.

R312-5 Polytechnic Education: Degree-granting institutions may adopt a polytechnic educational model, which is a student-centered, comprehensive, interdisciplinary, applied learning model that integrates the liberal arts with intensive science, technology, engineering, and mathematics programs and that prepares graduates for professional careers in collaboration with in collaboration with industry partners to meet regional economic and workforce needs.

5.1 Institutions that adopt a polytechnic educational model have not altered their statutory and Board designated roles and shall maintain strategic planning, academic programs, communications and marketing that reflect those roles.

R312-6 Accreditation: Specialized accreditation is a goal for all programs for which this accreditation is available and appropriate for the institution's mission and role.

R312-7 Faculty

7.1 Criteria for Selection, Retention, and Advancement

7.1.1 Research Universities: Faculty are selected, retained, and promoted on the basis of evidence of effective teaching; research, scholarship, and creative achievements; and service and extension activities.

7.1.2 Regional Universities: Faculty are selected, retained, and promoted primarily on the basis of evidence of effective teaching. Additional criteria include scholarly, professional and creative achievements, and service that complements the teaching role.

7.1.3 Comprehensive Community: Faculty are selected, retained, and promoted primarily on the basis and evidence of effective teaching and training. Secondary criteria include scholarly, professional, creative achievements, and service that complement the teaching role.

7.2 Educational Preparation

7.2.1 Research Universities: Regular full-time tenure-track faculty will have earned the appropriate terminal degree for their field and specialty.

7.2.2 Regional Universities: Regular full-time tenure-track faculty will have earned or be working toward the appropriate terminal degree for their field and specialty. Faculty in career and technical education or professional fields also will have practical, related work experience.

7.2.3 Comprehensive Community Colleges: Regular full-time tenure-track faculty will have practical, related work experience and recognized professional credentials for their discipline and teaching level. To teach courses in general education or other special transfer programs, the master's degree is a standard requirement.

7.3 Teaching Loads and Research Activities

7.3.1 Research Universities: Average teaching loads are expected to be lower than that of faculty in regional universities reflecting necessary faculty involvement with research, scholarship, and creative achievements. Institutional teaching loads will average at least 18 credit hour equivalents each academic year.

7.3.2 Regional Universities: Average teaching loads are higher than those of faculty in research universities. These teaching loads reflect regional universities having fewer graduate programs and less emphasis on research and scholarship than research institutions. Institutional teaching loads will average at least 24 credit hour equivalents each academic year.

7.3.3 Comprehensive Community Colleges: Average teaching loads are somewhat higher than those of faculty in regional universities, because faculty do not have extensive research responsibilities. Institutional teaching loads will average at least 30 credit hour equivalents each academic year.

R312-8 Student Admission

8.1 Research Universities: Research universities are selective in admissions.

8.2 Regional Universities: Regional universities are open-admission institutions unless otherwise excepted by the Board of Regents. Regional universities may test or assess students for directed course placement, the ability to benefit from specific courses for financial aid purposes, and the students' projected ability to succeed.

8.3 Comprehensive Community Colleges: Comprehensive Community Colleges are open-admission institutions. Incoming students may be tested or assessed for course placement and the ability to benefit from specific courses for financial aid purposes.

R312-9 Support Services

9.1 Research Universities: These institutions provide library services, support services, equipment, and other resources to support undergraduate and graduate programs, and student and faculty research.

9.2 Regional Universities: These institutions provide library services, support services, equipment, and other resources to support undergraduate programs, a limited number of master's programs, and the needs of students and faculty.

9.3 Comprehensive Community Colleges: These institutions provide library services, student support services, equipment, and other resources to support lower-division programs in career and technical education, general education, developmental education, transfer programs, and the needs of students, faculty, and the community.



R312, Utah System of Higher Education and Institutional Missions and Roles¹

R312-1 Purpose: To establish the distinct missions and roles of the institutions in the Utah System of Higher Education (USHE) and foster economic growth and innovation.

R-312-2 References

- 2.1 [Utah Code Title 53B, Chapter 6](#), State System of Higher Education – Master Planning
- 2.2 [Utah Code § 53B-16-101](#), Establishment of Institutional Roles and General Courses of Study
- 2.3 [Board Policy R310](#), System-wide Vision and Mission Statements
- 2.4 [Board Policy R315](#), Service Area Designations and Coordination Off-Campus Courses and Programs
- 2.5 [Board Policy R485](#), Faculty Workload Guidelines

R312-3 Definitions

- 3.1 **“Roles”** means the general category within which an institution fits as described in Utah Code § 53B-16-101, Establishment of Institutional Roles and General Courses of Study.

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- 3.3 **“Teaching Load”** means the institutional average teaching workload for full-time faculty at the various institutions.

- 3.4 **“Open Admission”** means an admission policy that allows all applicants to be admitted. An open admission policy does not necessarily grant students to all courses until the institution has assessed the student’s level of preparedness.

R312-4 Institutions Roles and Missions

¹ Approved on May 30, 2003; amended May 29, 2009. Revisions approved by the Board of Regents on May 29, 2009, May 20, 2011, September 16, 2011; May 17, 2013; January 22, 2016; April 1, 2016; July 15, 2016; May 18, 2018; May 17, 2019, July 16, 2021, and XXX.

4.1 Research Universities: A research university's role is to provide undergraduate, graduate, and research programs and to discover, create and transmit knowledge through academic programs at the undergraduate, graduate, and professional with emphasis on teaching research and service. Transfer programs allow students to seamlessly seek degrees and other institutions within the system. The institution contributes to the quality of life and economic development at the local, state, and national levels. Many research efforts generate grants and contracts that also impact economic development, which underwrites the cost of their products. The University of Utah and Utah State University are research universities.

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R312-9 Support Services

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9.3 Comprehensive Community Colleges: These institutions provide library services, student support services, equipment, and other resources to support lower-division programs in career and technical education, general education, developmental education, transfer programs, and the needs of students, faculty, and the community.

R315, Service Area Designations and Coordination of Off-Campus Courses and Programs¹

R315-1 Purpose

1.1 Provide Principles: To provide principles for offering levels and types of instruction at off-campus locations. These principles include: responsiveness to state-wide needs for higher education, efficient and effective use of state resources, accessibility to higher education throughout the state, and high-quality educational experiences.

1.2 Designate Service Areas: To designate institutional service areas by county, level and type of instruction for [Utah System of Higher Education \(“USHE”\)](#) ~~SHE colleges and universities~~[institutions](#).

1.3 Establish Guidelines: To establish guidelines under which the Commissioner may review service area assignments and recommend for review and approval of the [Utah Board of Higher Education \(“Board”\)](#) service area education coordination plans outlining institutional responsibilities within the area to coordinate and offer instructional programs.

R315-2 References

- 2.1** [Utah Code § 53B-16-101](#), (~~Establishment of Institutional Roles and General Courses of Study~~)
- 2.2** [Board Policy and Procedure R312](#), Configuration of the Utah System of Higher Education and Institutional Missions and Roles
- 2.3** [Board Policy and Procedure R353](#), Telecommunications for Off-campus Learning
- ~~**2.4** [Policy and Procedure R354](#), State Wide Open Broadcast Courses and Programs~~
- ~~**2.5** [Policy and Procedure R355](#), Planning, Funding and Delivery of Courses and Programs via Statewide Telecommunications Networks~~
- 2.46** [Board Policy and Procedure R401](#), Approval of New Programs, Program Changes, Discontinued Programs, and Program Reports
- 2.57** [Board Policy and Procedure R428](#), Coordination, Support and Monitoring of Career and Technical Education

¹ Approved September 23, 1994; amended January 21, 2000, April 15, 2009, September 13, 2013, November 18, 2016, ~~and~~ March 31, 2017, ~~and XXX~~.

R315-3 Definitions

3.1 Designated Service Area: ~~F~~means the Utah counties for which a ~~Utah System of Higher Education~~ (USHE) institution has responsibility to provide courses or programs of study that fit within its mission.

3.2 Designated Service Area Provider: ~~F~~means the USHE institution with responsibility to: (1) provide courses or programs of study consistent with its mission within a designated service area, (2) assist in identifying other USHE institutions to provide courses or programs not within its mission, and (3) respond to requests from other institutions wishing to provide courses or programs of study within the provider's designated service area. Designated service areas are identified in [section R-315.7](#).

3.3 Concurrent Enrollment: ~~—~~means enrollment by public school students in one or more USHE institution course(s) under a contractual agreement between the USHE institution and a school district/public school. Students continue to be enrolled in public schools, to be counted in average daily membership, and to receive credit toward graduation. They also receive college credit for courses. Concurrent enrollment is distinct from early college admission. [See Board Policy](#) ~~(R165)~~.

R315-4 Service Area Principles

4.1 Graduate Education: Graduate education is conducted primarily on the main campuses of the teaching and research universities. Some selected professional master's degree programs are offered at the Master's Universities. Selected off-campus graduate programs are offered by universities at centers and branch campuses, through university centers and distance learning technologies.

4.2 Upper Division Education: Upper division education is delivered by the universities ([University of Utah](#) ("U of U"), [Utah State University](#) ("USU"), [Weber State University](#) ("WSU"), [Southern Utah University](#) ("SUU"), and [Utah Valley University](#) ("UVU")) on their main campuses, centers, branch campuses, university centers, and through distance learning opportunities; and by ~~Dixie State~~[Utah Tech](#) University, and Snow College, but only as approved by the Board.

4.3 Lower Division Education: Access to lower division education, including concurrent enrollment, should be as broadly available throughout the state as resources allow. In general, growth in lower division enrollments will be met by the comprehensive community colleges (SLCC and ~~SNOW~~[Snow College](#)), baccalaureate college (~~DSU~~)[UTU](#), and the Master's universities (WSU, SUU, and UVU) and through distance learning opportunities.

4.4 Remedial and Developmental Education: Remedial and developmental education is a part of the community college mission and receives regular state support at those institutions

with that express mission. At institutions that do not have an express community college mission (aside from the Career and Technical Education (“CTE”) roles that all USHE institutions except for the University of Utah) any below 1000 level (remedial or developmental) courses can be provided on a self-support basis.

4.5 Postsecondary ~~Career and Technical Education (CTE)~~: The Board ~~of Higher Education~~, recognizing the diverse goals of its students, is committed to offering postsecondary career and technical education, both credit and noncredit. Postsecondary CTE is a vital statewide role of ~~the Utah System of Higher Education~~ [USHE](#). This responsibility is met in assigned service areas by all USHE institutions except for the University of Utah, which does not have a CTE mission.

4.6 Community Outreach: All USHE institutions engage their larger community by enhancing cultural and economic development within communities. -An institution’s mission and role influences the specific community outreach activities it promotes.

4.7 Collaboration, Cooperation, and Sharing of Service Area Facilities: The institutions are part of a single system of higher education. Institutions shall collaborate, cooperate, and share facilities in geographic areas where more than one institution delivers educational services.

4.8 Right of First Refusal and Primary Responsibility: Within designated service areas, the local institution(s) has/have the right of first refusal and the first responsibility to provide programs consistent with mission and role assignments and to coordinate other offerings. -After consultation and with the concurrence of the institution(s) designated to serve a particular area, other state institutions may provide needed lower division and other courses, that do not fall within the designated service provider(s)’ mission and role assignments, interests, and/or capacities. Institutions shall designate a person responsible for responding to constituent requests for course and program delivery. -Requests from constituents in another state institution’s designated service area shall be forwarded to the contact person of the appropriate designated service area provider. -When the designated service area provider is unable to respond to a constituent request, the designated person within the institution should attempt to identify a possible alternative provider from within the USHE.

4.9 Board-Approved Exceptions to Geographic Service Areas: Special circumstances involving such matters as methods of instruction, funding sources or mission and role assignments may result in exceptions to the geographic service area role assignments.

4.9.1 Technology-Delivered Instruction: Technologically-delivered courses and programs afford an efficient and effective means for Utah colleges and universities to provide broader and more economical access to high quality instruction. Courses or

programs delivered via technology in asynchronous faculty-student interaction (fully “on-line” programs) are exceptions to the geographic service area designations.

4.9.2 Special Contract Courses: Self-supporting special contract courses, conferences, or programs with industry, government, or school districts not open to the general public will be exceptions under Board guidelines.

4.10 Adjustments Approved by the Board: At a given time, in a given location, the Board may determine that a certain level or type of educational or training program is better delivered by an institution other than the one designated by this policy.

R315-5 Geographic Designations of Service Area Assignments for Off-Campus Programs and Courses by Program Level

5.1 Service Area Assignments: Service area assignments, as currently approved by the Board, are summarized in [Board Policy R315-7](#). Assignments are made through an evolving process that reflects an ongoing evaluation by the Commissioner and institutional Presidents. After recommendation by the Commissioner and institutional Presidents, assignments are reviewed and approved by the Board.

5.2 Designation by Type of Program: The geographic designations are intended to define service areas for off-campus programs offered by USHE institutions, including concurrent enrollment programs with high schools. Service areas for the delivery of career and technical education programs will be in accordance with [Board Policy R428](#), ~~Coordination, Support, and Monitoring of Career and Technical Education~~.

R315-6 Provision for Delivery Outside of Designated Service Area

6.1 Provision by Written Agreement:— An institution may deliver instruction outside of its designated service region only if the institution’s president enters into a written agreement with the president of the institution responsible for the designated service area (with the exceptions noted in [Board Policy R315.4.8](#)).— Agreements shall: (1) identify the course or program offerings to be delivered, (2) address facility-sharing or other conditions of offering to be provided by each institution, and (3) may only be effective for a period of five years.— The presidents shall provide a copy of the executed written agreement to the Commissioner’s office as a Notification Item for approval on the Board’s General Consent Calendar as described in Board Policy R401.

6.2 Verification of Existing Delivery Outside of a Designated Service Area:— The Commissioner’s Office has responsibility for [compiling a list](#) of instruction being delivered outside designated service areas by each USHE institution no later than one month after Board approval of this policy revision.— The existing delivery outside of a designated service area that appears on this compiled list will be considered already approved.— Institutions shall provide the name and

contact information for the contact person for constituent requests for program delivery to the Office of the Commissioner.

6.3 Notification and Review of Program Delivery During Program Development and Approval Processes

6.3.1 As specified in [Board Policy R401-6.1.4](#) ~~(6.1.4)~~, institutions must report annually what programs they have under development or consideration [including currently approved programs being developed for fully on-line (asynchronous) delivery outside the institution’s service region].

6.3.2 Each year, the CAOs will update the matrix describing programs under development or consideration (per [Board Policy R401](#)), and the submissions will be reviewed by the Council of CAOs, with objections or concerns being raised during that review. This does not preclude an institution from objecting to a program during the [Board Policy R401](#) program review process, but it is preferable for objections to program delivery outside of a service area be raised ~~BEFORE~~ *before* an institution spends considerable time and energy developing a program, if possible.

6.4 Conflict Resolution: -When conflicts arise regarding delivery of programs, the CAOs of the involved institutions shall attempt to resolve the conflict. Conflicts that cannot be resolved at this level shall be addressed by the presidents of the involved institutions. -Unresolved conflicts at the level of the involved presidents shall be forwarded to the Commissioner (in consultation with the Board ~~of Higher Education~~) for resolution.

R315-7 Designated Service Areas

Institution	Service Area/by County
University of Utah	Salt Lake, Summit (Park City only)
Utah State University	Cache, Rich, Box Elder, Duchesne, Uintah, Daggett, Tooele, Carbon, Emery, Grand, San Juan
Weber State University	Weber, Morgan, Davis
Southern Utah University	Iron, Garfield, Beaver
Utah Valley University	Utah, Wasatch, Summit (concurrent enrollment only within Park City)

Dixie State Utah Tech University	Washington, Kane
Snow College	Sanpete, Sevier, Wayne, Piute, Millard, Juab
Salt Lake Community College	Salt Lake for certificate, applied associate and associate degrees

R315, Service Area Designations and Coordination of Off-Campus Courses and Programs¹

R315-1 Purpose

1.1 Provide Principles: To provide principles for offering levels and types of instruction at off-campus locations. These principles include: responsiveness to state-wide needs for higher education, efficient and effective use of state resources, accessibility to higher education throughout the state, and high-quality educational experiences.

1.2 Designate Service Areas: To designate institutional service areas by county, level and type of instruction for Utah System of Higher Education (“USHE”) institutions.

1.3 Establish Guidelines: To establish guidelines under which the Commissioner may review service area assignments and recommend for review and approval of the Utah Board of Higher Education (“Board”) service area education coordination plans outlining institutional responsibilities within the area to coordinate and offer instructional programs.

R315-2 References

- 2.1 [Utah Code § 53B-16-101](#), Establishment of Institutional Roles and General Courses of Study
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3.1 Designated Service Area: means the Utah counties for which a USHE institution has responsibility to provide courses or programs of study that fit within its mission.

¹ *Approved September 23, 1994; amended January 21, 2000, April 15, 2009, September 13, 2013, November 18, 2016, March 31, 2017, and XXX.*

3.2 Designated Service Area Provider: means the USHE institution with responsibility to: (1) provide courses or programs of study consistent with its mission within a designated service area, (2) assist in identifying other USHE institutions to provide courses or programs not within its mission, and (3) respond to requests from other institutions wishing to provide courses or programs of study within the provider's designated service area. Designated service areas are identified in section R-315.7.

3.3 Concurrent Enrollment: means enrollment by public school students in one or more USHE institution course(s) under a contractual agreement between the USHE institution and a school district/public school. Students continue to be enrolled in public schools, to be counted in average daily membership, and to receive credit toward graduation. They also receive college credit for courses. Concurrent enrollment is distinct from early college admission. *See* Board Policy R165.

R315-4 Service Area Principles

4.1 Graduate Education: Graduate education is conducted primarily on the main campuses of the teaching and research universities. Some selected professional master's degree programs are offered at the Master's Universities. Selected off-campus graduate programs are offered by universities at centers and branch campuses, through university centers and distance learning technologies.

4.2 Upper Division Education: Upper division education is delivered by the universities (University of Utah ("U of U"), Utah State University ("USU"), Weber State University ("WSU"), Southern Utah University ("SUU"), and Utah Valley University ("UVU") on their main campuses, centers, branch campuses, university centers, and through distance learning opportunities; and by Utah Tech University, and Snow College, but only as approved by the Board.

4.3 Lower Division Education: Access to lower division education, including concurrent enrollment, should be as broadly available throughout the state as resources allow. In general, growth in lower division enrollments will be met by the comprehensive community colleges (SLCC and Snow College), baccalaureate college UTU, and the Master's universities (WSU, SUU, and UVU) and through distance learning opportunities.

4.4 Remedial and Developmental Education: Remedial and developmental education is a part of the community college mission and receives regular state support at those institutions with that express mission. At institutions that do not have an express community college mission (aside from the Career and Technical Education ("CTE") roles that all USHE institutions except for the University of Utah) any below 1000 level (remedial or developmental) courses can be provided on a self-support basis.

4.5 Postsecondary CTE: The Board, recognizing the diverse goals of its students, is committed to offering postsecondary career and technical education, both credit and noncredit.

Postsecondary CTE is a vital statewide role of USHE. This responsibility is met in assigned service areas by all USHE institutions except for the University of Utah, which does not have a CTE mission.

4.6 Community Outreach: All USHE institutions engage their larger community by enhancing cultural and economic development within communities. An institution's mission and role influences the specific community outreach activities it promotes.

4.7 Collaboration, Cooperation, and Sharing of Service Area Facilities: The institutions are part of a single system of higher education. Institutions shall collaborate, cooperate, and share facilities in geographic areas where more than one institution delivers educational services.

4.8 Right of First Refusal and Primary Responsibility: Within designated service areas, the local institution(s) has/have the right of first refusal and the first responsibility to provide programs consistent with mission and role assignments and to coordinate other offerings. After consultation and with the concurrence of the institution(s) designated to serve a particular area, other state institutions may provide needed lower division and other courses, that do not fall within the designated service provider(s)' mission and role assignments, interests, and/or capacities. Institutions shall designate a person responsible for responding to constituent requests for course and program delivery. Requests from constituents in another state institution's designated service area shall be forwarded to the contact person of the appropriate designated service area provider. When the designated service area provider is unable to respond to a constituent request, the designated person within the institution should attempt to identify a possible alternative provider from within the USHE.

4.9 Board-Approved Exceptions to Geographic Service Areas: Special circumstances involving such matters as methods of instruction, funding sources or mission and role assignments may result in exceptions to the geographic service area role assignments.

4.9.1 Technology-Delivered Instruction: Technologically-delivered courses and programs afford an efficient and effective means for Utah colleges and universities to provide broader and more economical access to high quality instruction. Courses or programs delivered via technology in asynchronous faculty-student interaction (fully "on-line" programs) are exceptions to the geographic service area designations.

4.9.2 Special Contract Courses: Self-supporting special contract courses, conferences, or programs with industry, government, or school districts not open to the general public will be exceptions under Board guidelines.

4.10 Adjustments Approved by the Board: At a given time, in a given location, the Board may determine that a certain level or type of educational or training program is better delivered by an institution other than the one designated by this policy.

R315-5 Geographic Designations of Service Area Assignments for Off-Campus Programs and Courses by Program Level

5.1 Service Area Assignments: Service area assignments, as currently approved by the Board, are summarized in Board Policy R315-7. Assignments are made through an evolving process that reflects an ongoing evaluation by the Commissioner and institutional Presidents. After recommendation by the Commissioner and institutional Presidents, assignments are reviewed and approved by the Board.

5.2 Designation by Type of Program: The geographic designations are intended to define service areas for off-campus programs offered by USHE institutions, including concurrent enrollment programs with high schools. Service areas for the delivery of career and technical education programs will be in accordance with Board Policy R428.

R315-6 Provision for Delivery Outside of Designated Service Area

6.1 Provision by Written Agreement: An institution may deliver instruction outside of its designated service region only if the institution's president enters into a written agreement with the president of the institution responsible for the designated service area (with the exceptions noted in Board Policy R315.4.8). Agreements shall: (1) identify the course or program offerings to be delivered, (2) address facility-sharing or other conditions of offering to be provided by each institution, and (3) may only be effective for a period of five years. The presidents shall provide a copy of the executed written agreement to the Commissioner's office as a Notification Item for approval on the Board's General Consent Calendar as described in Board Policy R401.

6.2 Verification of Existing Delivery Outside of a Designated Service Area: The Commissioner's Office has responsibility for [compiling a list](#) of instruction being delivered outside designated service areas by each USHE institution no later than one month after Board approval of this policy revision. The existing delivery outside of a designated service area that appears on this compiled list will be considered already approved. Institutions shall provide the name and contact information for the contact person for constituent requests for program delivery to the Office of the Commissioner.

6.3 Notification and Review of Program Delivery During Program Development and Approval Processes

6.3.1 As specified in Board Policy R401-6.1.4, institutions must report annually what programs they have under development or consideration [including currently approved

programs being developed for fully on-line (asynchronous) delivery outside the institution's service region].

6.3.2 Each year, the CAOs will update the matrix describing programs under development or consideration (per Board Policy R401), and the submissions will be reviewed by the Council of CAOs, with objections or concerns being raised during that review. This does not preclude an institution from objecting to a program during the Board Policy R401 program review process, but it is preferable for objections to program delivery outside of a service area be raised *before* an institution spends considerable time and energy developing a program, if possible.

6.4 Conflict Resolution: When conflicts arise regarding delivery of programs, the CAOs of the involved institutions shall attempt to resolve the conflict. Conflicts that cannot be resolved at this level shall be addressed by the presidents of the involved institutions. Unresolved conflicts at the level of the involved presidents shall be forwarded to the Commissioner (in consultation with the Board) for resolution.

R315-7 Designated Service Areas

Institution	Service Area/by County
University of Utah	Salt Lake, Summit (Park City only)
Utah State University	Cache, Rich, Box Elder, Duchesne, Uintah, Daggett, Tooele, Carbon, Emery, Grand, San Juan
Weber State University	Weber, Morgan, Davis
Southern Utah University	Iron, Garfield, Beaver
Utah Valley University	Utah, Wasatch, Summit (concurrent enrollment only within Park City)
Utah Tech University	Washington, Kane
Snow College	Sanpete, Sevier, Wayne, Piute, Millard, Juab
Salt Lake Community College	Salt Lake for certificate, applied associate and associate degrees

R430, Deep Technology Talent Initiative¹

R430-1 Purpose: Respond to the need for deep technology talent across Utah by establishing the deep technology talent initiative to facilitate collaborations for new or expanded, multidisciplinary programs or stackable credential programs in both undergraduate and graduate studies that prepare work in jobs requiring deep technology skills. Establish procedures by which institutions may apply for and be awarded funding to create or expand programming in deep technology

R430-2 References

- 2.1 [Utah Code Title 53B, Chapter 326, Part 3](#), Deep Technology Initiative

R430-3 Definitions

3.1 “Advisory Council” ~~F~~[means](#) the Deep Technology Talent Advisory Council created in ~~S~~[section 430-4](#) of this policy.

3.2 “Deep Technology” [means](#) ~~t~~Technology that leads to new products and innovations based on scientific discovery or meaningful engineering innovation. "Deep technology" may include technology that leads to new products and innovations related to one or more of the following:

3.2.1 Advanced materials;

3.2.2 Artificial intelligence;

3.2.3 Augmented and virtual reality;

3.2.4 Biotechnology;

3.2.5 Photonics;

3.2.6 Quantum computing;

3.2.7 Robotics;

3.2.8 Secure computing; [and/or](#)

¹ Adopted May 15, 2020; [amended XXX](#).

3.2.9 Other emerging technologies as determined by the Commissioner or ~~a~~ [Advisory Council](#).

3.3 “Institution”: ~~means t~~ [The University of Utah, Utah State University, Southern Utah University, Weber State University, Snow College, ~~Dixie State~~Utah Tech University, Utah Valley University, or Salt Lake Community College.](#)

R430-4 Deep Technology Advisory Council

4.1 There is established a Deep Technology Talent Advisory Council to make recommendations to the [Utah Board of Higher Education \(“Board”\)](#) as it administers the Deep Technology Initiative. All members shall be appointed for ~~four-year~~ [four-year](#) terms except where otherwise noted in the membership outline. The advisory council shall consist of the following members:

4.1.1 Two members who have extensive experience in deep technology in the private sector appointed by the president of the Senate (one 2-year term, one 4-year term);

4.1.2 Two members who have extensive experience in deep technology in the private sector appointed by the speaker of the House of Representatives (one 2-year term, one 4-year term);

4.1.3 A representative of the Board appointed by the chair of the Board;

4.1.4 A representative of the Governor's Office of Economic Development appointed by the executive director of the Governor's Office of Economic Development;

4.1.6 One member of the Senate appointed by the president of the Senate;

4.1.7 One member of the House of Representatives appointed by the speaker of the House of Representatives; [and](#)

4.1.8 Other specialized industry experts who may be invited by a majority of the advisory council to participate as needed as nonvoting members.

4.2 Successor advisory council members upon appointment or reappointment shall each serve a term of four years. When a vacancy occurs in the membership for any reason, the replacement shall be appointed by the initial appointing authority for the unexpired term. An advisory council member may not serve more than two consecutive terms.

4.3 A vote of a majority of the advisory council members is necessary to take action on behalf of the advisory council. The duties of the advisory council include reviewing, prioritizing, and

making recommendations to the Board regarding proposals for funding under the deep technology talent initiative.

R430-5 Deep Technology Talent Initiative

5.1 Subject to appropriations from the Legislature, there is established a deep technology talent initiative that provides funding for expanded programs in deep technology. The initiative should facilitate collaborations that create expanded, multidisciplinary programs or stackable credential programs in both undergraduate and graduate studies that prepare students to be workforce participants in jobs requiring deep technology skills.

5.2 An institution of higher education seeking to partner with a participating employer to propose a new program shall submit a proposal to the Commissioner's Office, in a form approved by the Commissioner, which contains the following elements:

5.2.1 A description of the proposed program in deep technology that demonstrates the program will:

5.2.1.1 Be responsive to Utah's deep technology talent needs by involving industry in the project's design;

5.2.1.2 Be a partnership that includes at least one participating employer and at least one institution of higher education; and

5.2.1.3 Address a previously unmet state need related to deep technology.

5.2.2 An estimate of:

5.2.2.1 Student enrollment in the program;

5.2.2.2 The academic credit or credentials will be provided by the program; and

5.2.2.3 Occupations for which graduates will be qualified.

5.2.3 Evidence that each participating employer is committed to participating and contributing to the program by providing any combination of instruction, extensive workplace experience, or mentoring.

5.2.4 A description of any resources each participating employer will provide in the program.

5.2.5 The amount of funding requested for the program, including justification for the funding.

5.3 The Commissioner shall provide all proposals to the advisory council and the advisory council shall review and prioritize each proposal received and recommend to the Board whether the proposal should be funded, including the recommended amount of funding, using the following criteria:

5.3.1 The quality and completeness of the elements of the proposal described in [§subsection 5.2](#).

5.3.2 To what extent the proposed program will:

5.3.2.1 Expand the capacity to meet state or regional workforce needs related to deep technology;

5.3.2.2 Integrate deep technology competency with disciplinary expertise;

5.3.2.3 Identify a faculty member or other individual who has expertise and a demonstrated willingness to lead the proposed program;

5.3.2.4 Incorporate internships or significant project experiences, including team-based experiences;

5.3.2.5 Identify how industry professionals would participate in curriculum development and teaching;

5.3.2.6 Create partnerships with other higher education institutions and industry; and

5.3.2.7 Be cost effective.

5.3.3 Other relevant criteria as determined by the advisory council, the Commissioner, or the Board.

5.4 Subject to [§subsection 5.5](#) and the other provisions of this policy, on or before September 1 of each fiscal year, the Board shall review the advisory council's recommendations and may provide funding for deep technology programs using the criteria described in [§subsection 5.3](#).

5.4.1 Before the Board may provide funding for one or more deep technology programs for fiscal year 2021, on or before October 1, 2020, the Board shall provide written information

regarding the proposed funding to, and shall consider the recommendations of, the Higher Education Appropriations Subcommittee.

R430-6 Reporting Requirements

6.1 Each institution of higher education that receives funding under this section shall, in a form approved by the Board, annually provide written information to the Board regarding the activities, successes, and challenges related to administering the deep technology program, including:

6.1.1 Specific entities that received funding under this section;

6.1.2 The amount of funding provided to each entity;

6.1.3 The number of participating students in each program;

6.1.4 The number of graduates of the program; [and](#)

6.1.5 The number of graduates of the program employed in jobs requiring deep technology skills.

R430, Deep Technology Talent Initiative¹

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3.1 “Advisory Council” means the Deep Technology Talent Advisory Council created in section 430-4 of this policy.

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¹ *Adopted May 15, 2020; amended XXX.*

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5.3.2.2 Integrate deep technology competency with disciplinary expertise;

5.3.2.3 Identify a faculty member or other individual who has expertise and a demonstrated willingness to lead the proposed program;

5.3.2.4 Incorporate internships or significant project experiences, including team-based experiences;

5.3.2.5 Identify how industry professionals would participate in curriculum development and teaching;

5.3.2.6 Create partnerships with other higher education institutions and industry;
and

5.3.2.7 Be cost effective.

5.3.3 Other relevant criteria as determined by the advisory council, the Commissioner, or the Board.

5.4 Subject to subsection 5.5 and the other provisions of this policy, on or before September 1 of each fiscal year, the Board shall review the advisory council's recommendations and may provide funding for deep technology programs using the criteria described in subsection 5.3.

5.4.1 Before the Board may provide funding for one or more deep technology programs for fiscal year 2021, on or before October 1, 2020, the Board shall provide written information

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R461, Access, Admission, and Articulation¹

R461-1. Purpose: To provide for student access, admission, and articulation with high schools.

R461-2. References

- 2.1 [Utah Code § 53B-2-106\(3\)\(c\)](#), Direction of Instruction, Examination, Admission and Classification of Students
- 2.2 [Utah Code § 53B-16-102](#), Changes in Curriculum
- 2.3 [Utah Code § 71-8-6](#), Government Entity Participation
- 2.4 [Utah Code § 71-8-7](#), Government Entity Veterans' Affairs Specialist – Duties – Training
- 2.5 [United States Department of Veterans Affairs School Resources for Schools Information](#) (available online at <http://www.gibill.va.gov/school-certifying-officials/>)
- 2.6 [Board Policy and Procedures R312](#), Configuration of the Utah System of Higher Education and Institutional Missions and Roles
- 2.7 [Board Policy and Procedures R315](#), Service Area Designations and Coordination of Off-Campus Courses and Programs
- 2.8 [Board Policy and Procedures R470](#), General Education, Common Course Numbering, Lower-Division Pre-Major Requirements, Transfer of Credits, and Credit by Examination
- 2.9 [Board Policy and Procedures R609](#), Regents' Scholarship

R461-3. Policy

3.1 Access: General Guidelines

3.1.1 Open Access to System: Every individual capable of benefiting from postsecondary education should be afforded the opportunity to enroll somewhere in the Utah System of Higher Education.

3.1.2 Geographic Accessibility: For guidelines regarding the availability of graduate education, upper-division education, lower-division education, remedial and developmental education, and postsecondary career and technical education across the System, refer to [Board Policy R315-4](#), ~~Service Area Principles~~.

¹Adopted December 14, 1982; amended November 20, 1984, May 15, 1992, June 19, 1992, and January 23, 2015, and XXX.

3.2 Admission: General Principles

3.2.1 Student Admission: For guidelines regarding admission to Doctorate-granting Universities (University of Utah and Utah State University), Master's Universities (Southern Utah University, Utah Valley University, and Weber State University), Baccalaureate Universities (~~Dixie State~~ [Utah Tech](#) University), and Comprehensive Community or Associate's Colleges (Salt Lake Community College and Snow College), refer to [Board Policy R312-8](#), ~~Student Admission~~.

3.2.2 Communications with Public Education: Changes in admission standards at the postsecondary institutions may have implications for curriculum structures in the state's secondary schools. In order to facilitate articulation between the public school system and the system of higher education, cooperative efforts in maintaining and improving communications should be part of the planning process of postsecondary institutions.

3.3 Articulation with High Schools

3.3.1 Communicate Preparation Needed for Success: Utah System of Higher Education institutions should clearly communicate to all stakeholders the kind of preparation that is needed in high school (or elsewhere) for a student to successfully perform at the institution and in specific programs at the institution.

3.3.2 Admission Standards and Public Schools Curricula: When major changes in institutional admission policies are contemplated, the Commissioner's Office, together with the interested institutional offices, should consult with the State Office of Education and with appropriate area school districts concerning implications for the public schools and curriculum offerings.

3.3.3 Faculty Committees to Articulate Curricula: Where the need suggests, task forces or committees composed of faculty representatives from public education and higher education should be appointed to articulate curriculum offerings at both levels in specific subject matter areas.

3.4 Nonresident Student Access

3.4.1 Tuition Reciprocity Agreements: The Commissioner, in cooperation with the institutional presidents, will continue to pursue tuition reciprocity agreements with neighboring states where such initiatives seem prudent and warranted subject to applicable statutory authority for, and Board of Regents approval of, such agreements.

3.4.2 Nonresident Enrollment: The Board of Regents encourages appropriate levels of nonresident enrollments, consistent with availability of resources, maintenance of quality programs, and compliance with approved admission requirements.

R461-4 Procedures

4.1 Application Deadlines: Institutions will establish appropriate application deadlines according to institutional classifications (doctorate-granting universities, master's universities, baccalaureate universities, comprehensive community or associate's colleges) and student categories (freshman, transfer, returning, graduate, international, etc.).

4.2 High School Course Recommendations: The following recommended courses taken during grades 9-12 have been found to provide high school graduates with the preparation needed to succeed in postsecondary education and the workforce:

- years/credits of English
- years/credits of mathematics taken in a progressive manner (Secondary Math I, II, and III or Secondary Math Honors I, II, and II, plus one course beyond)
- 3.5 years/credits of social science
- 3 years/credits of lab-based natural science (one each of Biology, Chemistry, and Physics)
- 2 years/credits of world or classical language, other than English, taken in a progressive manner

4.3 Special Consideration for Admission: Special consideration for admission may be given to certain groups of students (e.g., educationally disadvantaged, racial and ethnic minorities, students with special talents) for whom the common indicators of predicted academic success may not be valid indicators of their potential success at a university, but whose special talents or diversity enhance the institution's character.

4.4 Transfer Students

4.4.1 General Guidelines: For guidelines regarding considerations for transfer students, refer to [Board Policies R470-7, ~~Transfer of Credit Policy~~](#) and [R470-8, ~~Credit Transfer Principles within USHE~~](#).

4.4.2 Completion of Associate of Arts or Associate of Science Degree: Students shall be strongly encouraged to complete an Associate of Arts or Associate of Science degree prior to transferring. An advantage of completing the AA or AS degree is the automatic acceptance of the general education requirement having been met.

4.4.3 Departments and Majors with Higher GPA Standards: Institutions shall make available to potential transfer students' information regarding departments and majors with higher GPA standards and additional course requirements in order to assist students in realistic academic planning.

4.4.4 Degree Completion: Institutions shall develop procedures for monitoring and advising transfer students with the objective of degree completion within an appropriate time.

4.5 Admission of Veterans

4.5.1 Processes for Serving Veterans and Current Military Personnel: Each USHE institution shall appoint or designate a full-time employee as a veterans services specialist. This specialist shall attend annual training provided by the Utah Department of Veterans and Military Affairs (hereinafter referred to in this section as the Department) and shall coordinate the provision of veterans services with the Department. Each institution shall: (1) provide the Department with non-protected or non-private information about services provided to veterans; (2) post on its website all services available to veterans, contact information for the veterans services specialist, and provide a link to the Department and the contact information for the Department's veterans services coordinator; and (3) award credit for previous military service and training pursuant to [Board Policy R470-8.6.1](#), ~~Credit for Current and Former Military Personnel~~.

4.5.2 Veterans Certifying Official: Each institution in the USHE shall have a trained veterans certifying official as a member of its staff.

4.5.3 Qualifying Veterans for Federal Veterans Education Benefits: Upon receipt of an official military transcript, an institution's veterans certifying official or other qualified employee shall review the transcript and other materials pertaining to a student's request for use of federal veterans education benefits and process the application consistent with current United States Department of Veterans Affairs procedures.

R461, Access, Admission, and Articulation¹

R461-1 Purpose: To provide for student access, admission, and articulation with high schools.

R461-2. References

- 2.1 [Utah Code § 53B-2-106\(3\)\(c\)](#), Direction of Instruction, Examination, Admission and Classification of Students
- 2.2 [Utah Code § 53B-16-102](#), Changes in Curriculum
- 2.3 [Utah Code § 71-8-6](#), Government Entity Participation
- 2.4 [Utah Code § 71-8-7](#), Government Entity Veterans' Affairs Specialist – Duties – Training
- 2.5 [United States Department of Veterans Affairs Resources for Schools](#)

- 2.6 [Board Policy R312](#), Configuration of the Utah System of Higher Education and Institutional Missions and Roles
- 2.7 [Board Policy R315](#), Service Area Designations and Coordination of Off-Campus Courses and Programs
- 2.8 [Board Policy R470](#), General Education, Common Course Numbering, Lower-Division Pre-Major Requirements, Transfer of Credits, and Credit by Examination
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3.2.2 Communications with Public Education: Changes in admission standards at the postsecondary institutions may have implications for curriculum structures in the state's secondary schools. In order to facilitate articulation between the public school system and the system of higher education, cooperative efforts in maintaining and improving communications should be part of the planning process of postsecondary institutions.

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3.3.1 Communicate Preparation Needed for Success: Utah System of Higher Education institutions should clearly communicate to all stakeholders the kind of preparation that is needed in high school (or elsewhere) for a student to successfully perform at the institution and in specific programs at the institution.

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3.4.1 Tuition Reciprocity Agreements: The Commissioner, in cooperation with the institutional presidents, will continue to pursue tuition reciprocity agreements with neighboring states where such initiatives seem prudent and warranted subject to applicable statutory authority for, and Board of Regents approval of, such agreements.

3.4.2 Nonresident Enrollment: The Board of Regents encourages appropriate levels of nonresident enrollments, consistent with availability of resources, maintenance of quality programs, and compliance with approved admission requirements.

R461-4 Procedures

4.1 Application Deadlines: Institutions will establish appropriate application deadlines according to institutional classifications (doctorate-granting universities, master's universities, baccalaureate universities, comprehensive community or associate's colleges) and student categories (freshman, transfer, returning, graduate, international, etc.).

4.2 High School Course Recommendations: The following recommended courses taken during grades 9-12 have been found to provide high school graduates with the preparation needed to succeed in postsecondary education and the workforce:

- years/credits of English
- years/credits of mathematics taken in a progressive manner (Secondary Math I, II, and III or Secondary Math Honors I, II, and II, plus one course beyond)
- 3.5 years/credits of social science
- 3 years/credits of lab-based natural science (one each of Biology, Chemistry, and Physics)
- 2 years/credits of world or classical language, other than English, taken in a progressive manner

4.3 Special Consideration for Admission: Special consideration for admission may be given to certain groups of students (e.g., educationally disadvantaged, racial and ethnic minorities, students with special talents) for whom the common indicators of predicted academic success may not be valid indicators of their potential success at a university, but whose special talents or diversity enhance the institution's character.

4.4 Transfer Students

4.4.1 General Guidelines: For guidelines regarding considerations for transfer students, refer to Board Policies R470-7 and R470-8.

4.4.2 Completion of Associate of Arts or Associate of Science Degree: Students shall be strongly encouraged to complete an Associate of Arts or Associate of Science degree prior to transferring. An advantage of completing the AA or AS degree is the automatic acceptance of the general education requirement having been met.

4.4.3 Departments and Majors with Higher GPA Standards: Institutions shall make available to potential transfer students' information regarding departments and

majors with higher GPA standards and additional course requirements in order to assist students in realistic academic planning.

4.4.4 Degree Completion: Institutions shall develop procedures for monitoring and advising transfer students with the objective of degree completion within an appropriate time.

4.5 Admission of Veterans

4.5.1 Processes for Serving Veterans and Current Military Personnel: Each USHE institution shall appoint or designate a full-time employee as a veterans services specialist. This specialist shall attend annual training provided by the Utah Department of Veterans and Military Affairs (hereinafter referred to in this section as the Department) and shall coordinate the provision of veterans services with the Department. Each institution shall: (1) provide the Department with non-protected or non-private information about services provided to veterans; (2) post on its website all services available to veterans, contact information for the veterans services specialist, and provide a link to the Department and the contact information for the Department's veterans services coordinator; and (3) award credit for previous military service and training pursuant to Board Policy R470-8.6.1.

4.5.2 Veterans Certifying Official: Each institution in the USHE shall have a trained veterans certifying official as a member of its staff.

4.5.3 Qualifying Veterans for Federal Veterans Education Benefits: Upon receipt of an official military transcript, an institution's veterans certifying official or other qualified employee shall review the transcript and other materials pertaining to a student's request for use of federal veterans education benefits and process the application consistent with current United States Department of Veterans Affairs procedures.

R513, Tuition Waivers and Reductions¹

R513-1 Purpose: To establish procedures for Utah System of Higher Education (“USHE”) institutions to administer tuition waiver and reduction programs.

R513-2 References

- 2.1 [Utah Code § 53B-8-101](#), Waiver of Tuition—~~Resident—National Guard—Nonresident—Critical Occupations—Summer School—Graduate Students~~
- 2.2 [Utah Code § 53B-8-103](#), ~~Partial Waivers Pursuant to Reciprocal Agreements~~ [Waiver of Nonresident Differential in Tuition Rates – Utah Tech University Good Neighbor Tuition Waiver](#)
- 2.3 [Utah Code § 53B-8-104](#), Nonresident Partial Tuition Scholarships—~~Border~~ Waivers
- 2.4 [Utah Code § 53B-8-104.5](#), Nonresident Tuition Scholarships
- 2.5 [Utah Code § 53B-8-106](#), Resident Tuition Scholarships — ~~Requirements — Rules~~
- 2.6 [Utah Code Title 53B, Chapter 9](#), Higher Education for Senior Citizens
- 2.7 [Utah Code Title 53B, Chapter 8c](#), Police Officer’s and Firefighter’s Survivor Tuition Waiver
- 2.8 [Utah Code Title 53B, Chapter 8d](#), Tuition Waivers for Wards of the State
- 2.9 [Utah Code Title 53B, Chapter 8e](#), Tuition Waivers for Purple Heart Recipients
- ~~2.10 Utah Code § 53A-15-101.5, Concurrent Enrollment Instruction in Mandarin Chinese~~
- 2.10 ~~1~~ [Board Policy R510](#), Tuition and Fees
- 2.11 ~~2~~ [Board Policy R512](#), Determination of Resident Status
- 2.12 ~~3~~ [Utah Code § 53B-8-107](#), Scott B. Lundell Waiver of Tuition for Dependents of Military Members Killed in Action
- 2.13 ~~4~~ [Utah Code § 53B-8-103.5](#), Alumni Legacy Nonresident Scholarships
- 2.14 ~~5~~ [Utah Code § 53B-8-102](#), Definition of Resident Student

R513-3 Definitions

3.1 Impecunious Resident Student: ~~means a~~ [A](#) resident student whose demonstrated lack of financial resources presents a significant barrier to accessing higher education or completing a higher education degree or certificate.

3.2 Meritorious Resident Student: ~~A~~ [means a](#) resident student who has demonstrated exceptional academic and/or other achievements which qualify for recognition and reward.

¹ *Approved October 19, 2001; amended November 8, 2002, March 14, 2003, April 16, 2004, March 10, 2006, June 9, 2006 and June 8, 2007. Revisions approved on May 29, 2009, November 18, 2011, March 29, 2013, May 15, 2015, May 20, 2016, May 18, 2018, November 16, 2018, and July 16, 2021; and XXX.*

R513-4 Waiver of Resident Tuition*

4.1. 10% Resident Tuition Waivers: The president of each institution may waive all or part of the tuition ~~ion~~ on behalf of meritorious or impecunious resident students to an amount not exceeding 10 percent of the total amount of tuition which, in the absence of the waivers, would have been collected from all Utah resident students at the institution.

4.1.1 Of the amounts waived in 4.1, at least 10 percent of total amount shall be used to support tuition waivers for impecunious resident students.

4.1.1.1 Each of the institutions will develop and present a plan to the Board of Higher Education ([“Board”](#)) on how it expects to be compliant with 4.1.1. for the reporting cycle beginning July 1, 2021.

4.1.1.2 The Board shall review the percentage set aside for impecunious students every three years beginning July 1, 2024.

4.2 National Guard Set Aside: Of the amount waived for resident students under [subsection](#) 4.1, 2.5 percent of the total amount shall be set aside by institutions for waivers reserved for members of the Utah National Guard.

4.2.1 To ensure timely processing, the Utah National Guard Administration will provide to the institutions a prioritized list of qualified candidates for tuition waivers no later than 60 calendar days prior to the start of an academic term. Candidates for Utah National Guard tuition waivers must be full-time students. To ensure the highest number of candidates receive a tuition waiver, institutions may adjust the waiver amount between partial and full amounts.

4.2.2 An institution may, at its discretion and within its established criteria, allow recipients to use tuition waivers toward self-supported courses.

4.2.3 Any National Guard tuition waivers set aside but not claimed 30 days prior to the beginning of the term may be used for other qualified students.

4.3 Partial Tuition Waivers for Critical Occupations: Upon recommendation of the ~~Board of Higher Education~~[Board](#), a president shall grant additional full or partial tuition waivers to encourage students to enroll for instruction in specifically identified occupations critical to the state for which trained personnel are in short supply.

4.4 Waivers for Senior Citizens and Veterans: Institutions shall permit Utah residents age 62 and over or veterans as defined in [§Utah Code section 68-3-12.5](#) to enroll tuition-free in classes -subject to the following conditions:

4.4.1 Institutions may charge an administrative fee.

4.4.2 Institutions may charge course and program fees as defined in [Board Policy R517](#).

4.4.3 Institutions may limit enrollment under this section based on existing prerequisites, regular procedures, standard teaching loads, and available classroom space following the enrollment of matriculated students.

4.4.4 Institutions shall not award credit or competencies for courses completed pursuant to this section.

4.4.5 Institutions' enrollment reports shall list senior citizens and veterans separately from matriculated students.

4.5 Police Officer's and Firefighter's Survivor Tuition Waiver:

4.5.1 Definitions: As used in this part:

4.5.1.1 "Child" means an individual who (a) is a natural or adopted child of a deceased peace officer or deceased firefighter; and (b) was under the age of 25 at the time of the peace officer's or firefighter's death.

4.5.1.2 "Department" means the Department of Public Safety.

4.5.1.3 "Killed" means that the peace officer's or firefighter's death is the direct and proximate result of a traumatic injury incurred in the line of duty.

4.5.1.4 "Line of Duty" means an action that a peace officer or firefighter is obligated or authorized to perform by rule, regulation, condition of employment or service, or law, including a social, ceremonial, or athletic function that the peace officer or firefighter is assigned to or compensated for by the public agency being served.

4.5.1.5 "Occupational Disease" means a disease that routinely constitutes a special hazard in, or is commonly regarded as concomitant of, the peace officer's or firefighter's occupation.

4.5.1.6 “Traumatic Injury” means a wound or the condition of the body caused by external force, including an injury inflicted by bullet, explosive, sharp instrument, blunt object, or other physical blow, fire, smoke, chemical, electricity, climatic condition, infectious disease, radiation, or bacteria, but excluding an occupational disease.

4.5.1.7 “Tuition” means tuition at the rate charged for residents of the state.

4.5.1.8 “Utah Firefighter” or “Firefighter” means a member, including volunteer members and members paid on call, of a fire department or other organization that provides fire suppression and other fire related services, of a political subdivision who is responsible for or is in a capacity that includes responsibility for the extinguishment of fires. This does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.

4.5.1.9 “Utah Peace Officer” or “Peace Officer” means an employee of a law enforcement agency that is part of or administered by the state or any of its political subdivisions, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.

4.5.2 Tuition Waivers for Surviving Spouses and Children: Subject to the limitations below, a USHE institution shall waive tuition for each child and surviving spouse of a Utah peace officer or Utah firefighter who has been killed or is killed in the line of duty if the individual meets the following requirements:

4.5.2.1 applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate;

4.5.2.2 is a resident student of the state as determined under R512, Determination of Resident Status;

4.5.2.3 applies to the Department for a waiver of tuition under this chapter and provides evidence satisfactory to the Department that (a) the applicant is the surviving spouse or child of a peace officer or firefighter who was killed in the line of duty; (b) the course or courses for which the applicant is seeking a tuition waiver meet the requirements of [subsection 3.5.3](#); and (c) the applicant meets the other requirements of this part;

4.5.2.4 for a child of a peace officer or firefighter killed in the line of duty, applies under [subsection 3.5.2](#) for the first time before the age of 25;

4.5.2.5 is certified by the financial aid officer at the institution as needing the tuition waiver in order to meet recognized educational expenses, with the understanding that if the applicant's family income, excluding any income from death benefits attributable to the peace officer's or firefighter's death, is below 400 percent of the poverty level under federal poverty guidelines, then the income from any death benefits accruing to the applicant as a result of the death may not be counted as family income in determining financial need under this [subsection](#) 3.5.3.1;

4.5.2.6 maintains satisfactory academic progress, as defined by the institution, for each term or semester in which the individual is enrolled, which may be measured by the definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965; and

4.5.2.7 has not achieved a bachelor's degree and has received tuition reimbursement under this chapter for less than 124 semester credits or 180 quarter credits at an institution of higher education.

4.5.3 Limited Term for Waiver: A child or surviving spouse of a peace officer or firefighter who was killed in the line of duty is eligible for a tuition waiver under this section of not more than nine semesters or the equivalent number of quarters.

4.5.3.1 Waiver Only If Tuition Not Otherwise Covered: Tuition shall be waived only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, or any other source of tuition coverage available for a waiver.

4.5.3.2 Waiver for Required Courses Only: An institution shall waive tuition under this chapter only for courses that are applicable toward the degree or certificate requirements of the program in which the child or surviving spouse is enrolled.

4.5.3.3 Prior Approval by Department: Upon receiving an application under Utah Code [section](#) 53B-8c-103(1)(c), the Department shall determine whether the applicant and the courses for which tuition waiver is sought meet the requirements of [Utah Code](#) ~~S~~[section](#) 53B-8c-103 and, if so, shall approve the application and notify the higher education institution that the application has been approved.

4.5.3.4 Department Cooperation: The institutions shall cooperate with the Department in developing efficient procedures for the implementation of this program and shall use the forms and applications provided by the Department.

4.6 Tuition Waivers for Wards of the State

4.6.1 Definitions: As used in this part:

4.6.1.1 “Division” means the Division of Child and Family Services.

4.6.1.2 “Long-term Foster Care” means an individual who remains in the custody of the Division, whether or not the individual resides with licensed foster parents or in independent living arrangements under the supervision of the Division.

4.6.1.3 “State Institution of Higher Education” means those institutions designated in [Utah Code Section 53B-1-102](#) and any public institution that offers postsecondary education in consideration of the payment of tuition or fees for the attainment of educational or vocational objectives leading to a degree or certificate, including business schools, technical schools, applied technology centers, trade schools, and institutions offering related apprenticeship programs.

4.6.1.4 “Tuition” means tuition at the rate for residents of the state.

4.6.1.5 “Ward of the State” means an individual (a) who is at least 17 years of age and not older than 26 years of age; (b) who had a permanency goal in the individual’s treatment plan, as defined in Sections 62A-4a-205 and 78-3a-312, of long-term foster care while in the custody of the Division; and (c) for whom the custody of the Division was not terminated as a result of adoption.

4.6.2 Tuition Waivers for Wards of the State: Subject to the limitations in [subsections 4.6.2.1, 4.6.2.2., and 4.6.2.3](#), a state institution of higher education shall waive tuition for each ward of the state applicant who meets the following requirements:

4.6.2.1 applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate;

4.6.2.2 is a resident student of the state as determined under [Board Policy R512, Determination of Resident Status](#);

4.6.2.3 provides the institution with documentation from the Division that the Division has verified: (a) applicant is at least 17 years of age and not older than 26 years of age; (b) applicant had a permanency goal in the Division treatment plan, as defined in [Utah Code Sections 62A-4a-205 and 78-3a-312](#), of long-term foster

care while in the custody of the Division; (c) applicant's custody was not terminated as a result of adoption; (d) applicant was in the custody of the Division for an aggregate period of not less than 24 months; (e) applicant applied for the first time under this program before the age of 22; and (f) applicant has not achieved a bachelor's degree, and has received tuition reimbursement under this program for less than 124 semester credits (or 180 quarter credits) and for not more than nine semesters at an institution of higher education.

4.6.2.4 verifies that the course or courses for which the applicant is seeking a tuition waiver meet the requirements of [subsection 4.6.2.3](#);

4.6.2.5 is certified by the financial aid officer at the higher education institution as needing the tuition waiver in order to meet recognized educational expenses;

4.6.2.6 maintains satisfactory academic progress, as defined by the institution of higher education, for each term or semester in which the individual is enrolled, which may be measured by the definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965; and

4.6.3 Limited Term of Waiver: A ward of the state is eligible for a tuition waiver under this section for not more than nine semesters.

4.6.3.1 Waiver Only if Tuition Not Otherwise Covered: Tuition shall be waived (a) after the individual has applied for financial assistance, including scholarships and Pell Grants; and (b) only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, Pell Grant, or any other source of tuition coverage available for a waiver.

4.6.3.2 Waiver for Required Courses Only: An institution of higher education shall waive tuition under this chapter only for courses that are applicable toward the degree or certificate requirements of the program in which the student is enrolled.

4.6.4 Reimbursement of Waivers by Division: The institutions shall seek reimbursement from the Division for any tuition waived under this chapter.

4.7 Tuition Exemption for Teachers:

4.7.1 Definitions: As used in this part:

4.7.1.1 “Educator” means an educator is a person currently employed in the Utah public school system who is a licensed educator in good standing or has been issued a letter of authorization permitting such employment under Utah Code [section 53EA-6-1024](#), the Board Licensure section of the Educator Licensure and Professional Practices Act.

4.7.1.2 “Tuition Waivers for Teachers” means an educator who enrolls in a course of study determined by the State Board of Education to satisfy the professional development requirements of [§Utah Code section 53EA-6-102014\(32\)](#)(b)(i) is exempt from the tuition charges for a class taken as part of that course of study provided that the following conditions are met:

4.7.1.3 “Master’s and Doctoral Degree Candidates” means because of the extensive involvement of faculty members in committees, mentoring, and counseling of master’s and doctoral degree candidates, the concept of surplus space does not apply, and such educators are not eligible for the exemption from tuition under this section.

4.7.2 Administrative Semester Registration Fee: The institution may charge an educator an administrative semester registration fee not to exceed \$100 per semester to cover the actual increased costs associated with registration, verification of educator status, identification of eligible courses, certification of space availability, and record keeping.

4.7.3 Surplus Space Enrollment: The educator may be enrolled on the basis of surplus space as determined by the institution under these rules and guidelines as follows:

4.7.3.1 If a principal or substantial reason for the institution to offer the class is to serve educators, then no educator enrolled in that class can be considered to be enrolled on the basis of surplus space, and therefore cannot be eligible for this exemption from tuition charges;

4.7.3.2 If the class meets the requirements of 53A-6-104(2)(b)(i) but does not have as a principal or substantial purpose to serve educators, then the institution shall define the optimum class size of the class in accordance with regular procedures and normal teaching loads in that space within the institution’s approved budget. The number of surplus space enrollments available to educators is determined by subtracting from the optimum class size the number of tuition paying students enrolled in the class. The surplus space enrollments may then be filled by educators on a first come first served basis. However, in order to maintain the optimum class

size, educators exempt from tuition may be bumped (last in, first out) by regular tuition paying students who later register for the class.

4.8. Tuition Reimbursement for Sequential Mandarin Chinese Course

4.8.1 Extended Sequential Study for Difficult Languages: Difficult languages require extended sequences of study to acquire proficiency in listening, speaking, reading, and writing.

4.8.2 Mandarin Chinese Program: The Board and the State Board of Education, in consultation with the Utah Education Network, may develop and implement a concurrent enrollment course of study in Mandarin Chinese. The course shall be taught over EDNET to high school juniors and seniors in the state’s public education system.

4.8.3 Tuition Reimbursement: Students who successfully complete the concurrent enrollment course in Mandarin Chinese offered under the part shall receive tuition reimbursement for a sequential Mandarin Chinese course they successfully complete with a “B” grade or above at a [USHE](#) institution ~~within the USHE~~.

4.9 Scott B. Lundell Waiver of Tuition for Dependents of Military Members Killed in Action

4.9.1 Tuition Waiver: USHE institutions shall waive undergraduate tuition for surviving dependents of a Utah resident, as defined in Utah Code [§section 53B-8-107](#), who, as a member of the armed forces of the United States, including the Utah National Guard or a reserve component, was killed or died of wounds or injuries received while serving on federal active duty, under orders of competent authority and not as a result of the member’s own misconduct.

4.9.1.2 The dependent must be accepted by the institution as a student in accordance with the institution’s admission guidelines.

4.9.1.3 The dependent must be a resident student as defined by Utah Code [§section 53B-8-102](#) and Board Policy R512.

4.9.1.4 The dependent may not be excluded from the waiver if the dependent has previously taken courses at, or has been awarded credit by, a USHE institution.

4.9.2 Certification by Adjutant General or Designee: The adjutant general, after consultation with federal authorities if necessary, shall certify to the institution that the dependent is a surviving dependent eligible for the waiver. The adjutant general may delegate this responsibility to the Utah Department of Veterans Affairs.

4.9.3 Definition of “Dependent”: For purposes of this policy, the term “dependent” shall include a surviving spouse.

4.9.4 Limitations on Waiver: The waiver is subject to the following limitations:

4.9.4.1 The waiver is not applicable if the dependent has already completed an undergraduate degree.

4.9.4.2 The waiver is applicable for undergraduate study only.

4.9.4.3 The dependent may only utilize the waiver for courses that are applicable toward the degree or certificate requirement of the program in which the dependent is enrolled.

4.9.4.4 The waiver is not applicable to fees, books, or housing expenses, and tuition shall be waived only to the extent that tuition is not covered by scholarships, Pell Grants, statutory benefit, or any other form of non-loan tuition coverage.

4.10 Waiver of Tuition for Purple Heart Recipients: USHE institutions shall waive undergraduate tuition for each Purple Heart recipient who is admitted as a full-time, part-time, or summer school student in an undergraduate program of study leading to a degree or certificate, provided that the student is a resident of the state as determined under [§Utah Code section 53B-8-102](#), and that the student submits verification from the Division of Veterans Affairs that the student has earned a Purple Heart award as a result of military service.

4.11 When Verification of Lawful Presence is Not Required: As provided by Utah Code [Ann. §section 63G-12-402](#), verification of lawful presence in the United States is not required of a student who is a graduate of a high school located in Utah and (1) is exempt from paying the nonresident portion of total tuition under Utah Code [Ann. §section 53B-8-106](#); or (2) applies for, and may be awarded, a privately funded scholarship that is administered by a USHE institution.

R513–5 Waiver of Nonresident Tuition

5.1 Waivers for Nonresident Undergraduate, Graduate, or Summer School Students

The president of each institution may waive all or part of the nonresident portion of tuition for meritorious nonresident undergraduate students to an amount not exceeding the designated percent of the total amount of tuition which, in the absence of the waivers, would have been collected from all nonresident students at the institution outlined in the chart below.

Institution	Not to exceed percentage
University of Utah	16%
Utah State University	13%
Weber State University	40%
Southern Utah University	35%
Snow College	27%
Dixie State Utah Tech University	30%
Utah Valley University	18%
Salt Lake Community College	10%

5.1.1 In determining which students are meritorious for purposes of granting a tuition waiver under 5.1, a president shall consider students who are performing above the average at the institution, including having an admission index higher than the average for the institution, if an admission index is used.

5.1.2 A president may continue to waive the nonresident portion of tuition for a student described in 4.1 for as long as the student is enrolled at the institution.

5.1.3 In addition to waiving the nonresident portion of tuition for a meritorious nonresident undergraduate student under 5.1, a president may waive the resident portion of tuition after the meritorious nonresident undergraduate student completes a year of full-time study at the institution.

5.1.4 Institutions will be given until July 2021 to adjust their financial aid awards practice to align with these percentages and would be asked to be compliant with the policy for the 2022 Academic school year reports.

5.1.5 The Commissioner’s office will review the percentages in 2022 and then no longer than every five years thereafter and recommend changes if appropriate and justified.

5.1.5.1 Institutions may also request an adjustment to these percentages for the Board’s consideration outside of the five-year review period.

5.1.6 A president may waive all or part of the nonresident portion of tuition for nonresident graduate students.

5.1.7 A president may waive all or part of the nonresident portion of tuition for nonresident summer school students

5.2. Nonresident Tuition Scholarships

5.2.1 In addition to the “border waiver” scholarships authorized under [Utah Code Section 53B-8-104](#), USHE presidents are authorized to grant scholarships for a waiver of the nonresident portion of total tuition charged to nonresident students when the scholarships will:

5.2.1.1 assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations; and

5.2.1.2 promote enrollment of nonresident students with high academic aptitudes.

5.2.2 Policy Guidelines: Nonresident tuition scholarships may be awarded at the institutions with the following provisions:

5.2.2.1 the amount of the approved scholarship may be up to 100 percent of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

5.2.2.2 675 of the approved scholarships may be at a level of more than 50 percent of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

5.2.2.3 a nonresident scholarship may be awarded initially only to a nonresident student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for ten or more credit hours; and

5.2.2.4 a nonresident student who receives a scholarship of greater than 50 percent of the differential tuition charged to nonresident students for an equal number of credit hours of instruction may not be counted against the funded target for the institution attended.

5.2.3 Annual Number of Nonresident Tuition Scholarships: Each academic year the president of the following institutions may award nonresident tuition scholarships as set forth below, not to exceed a total of 900 such scholarships in effect at any one time:

Institution	Differential Tuition Scholarships (up to 100%)	Differential Tuition Scholarships (up to 50%)	Total
University of Utah	24	14	38

Utah State University	330	112	442
Weber State University	55	15	70
Southern Utah University	96	25	121
Snow College	2	7	9
Dixie State Utah Tech University	161	44	205
Utah Valley University	0	0	0
Salt Lake Community College	7	8	15
USHE Total	695	225	900

5.2.3.1 Institutions shall determine award eligibility on a meritorious basis, considering measures such as grade point averages and test scores.

5.2.3.2 In determining eligibility for these scholarships, institutions may consider the impact of maintaining critical enrollment levels in academic programs.

5.3 Partial Waivers Pursuant to Reciprocal Agreements

5.3.1 Partial Waiver of Nonresident Differential: The Board may grant a full or partial waiver of the nonresident differential in tuition rates charged to undergraduate students pursuant to reciprocal agreements with other states. In making the determination, the Board considers the potential of the waiver to: (A) enhance educational opportunities for Utah residents; (B) promote mutually beneficial cooperation and development of Utah communities and nearby communities in neighboring states; (C) contribute to the quality of educational programs; and (D) assist in maintaining the cost effectiveness of auxiliary operations in Utah institutions of higher education.

5.3.2 ~~Dixie State~~Utah Tech University Good Neighbor Waiver: ~~Dixie State~~Utah Tech University may offer a good neighbor full waiver of the nonresident differential in tuition rates charged to undergraduate students pursuant to the reciprocal agreements with other states or to a resident of a county that has a portion of the county located within 70 miles of the main campus of ~~Dixie State~~Utah Tech University. A student who attends ~~Dixie State~~Utah Tech University under a good neighbor tuition waiver shall pay a surcharge per credit hour in addition to the regular resident tuition and fees of ~~Dixie State~~Utah Tech University. The surcharge per credit hour shall be based on a percentage of the approved resident tuition per credit hour each academic year. The percentage assessed as a surcharge per credit hour shall be set by the ~~Board of Higher Education~~Board. ~~Dixie State~~Utah Tech University may restrict the number of good neighbor tuition waivers awarded. A student who attends ~~Dixie State~~Utah Tech University on a good neighbor tuition waiver may not count the time during which the waiver is received towards establishing resident student status in Utah.

5.3.3 Reciprocal Agreements with Other States: Consistent with its determinations made pursuant to [sub](#)section 4.3, the [B](#)Board may enter into agreements with other states to provide for a full or partial reciprocal waiver of the nonresident tuition differential charged to undergraduate students. An agreement shall provide for the numbers and identifying criteria of undergraduate students and shall specify the institutions of higher education that will be affected by the agreement.

5.3.4 Policy Guidelines: Each Utah institution affected by tuition waivers authorized by this part shall establish policy guidelines for evaluating applicants for such waivers.

5.4 “Border Waiver” Nonresident Partial Tuition Scholarships

5.4.1 Border Waivers: An institution may grant a scholarship for partial waiver of the nonresident portion of total tuition charged by public institutions of higher education to nonresident undergraduate students, subject to the limitations provided in this part, if the institution determines that the scholarship will (a) promote mutually beneficial cooperation between Utah communities and nearby communities in states adjacent to Utah; (b) contribute to the quality and desirable cultural diversity of educational programs in the institution; (c) assist in maintaining an adequate level of service and related cost effectiveness of auxiliary operations in the institution; and (d) promote enrollment of nonresident students with high academic aptitudes.

5.4.2 Policy Guidelines: The institution shall establish policy for the administration of any “border waiver” partial tuition scholarships authorized under this part and for evaluating applicants for those scholarships. The institutional policy shall include the following provisions:

5.4.2.1 The amount of the approved scholarship may not be more than $\frac{1}{2}$ of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

5.4.2.2 a “border waiver” nonresident partial tuition scholarship may be awarded initially only to a nonresident undergraduate student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for ten or more credit hours, whose legal domicile is within approximately 100 highway miles of the USHE institution at which the recipient wishes to enroll, or within such distance or such designated eligible communities or regions as the Board may establish for each institution;

5.4.2.3 the total number of “border waiver” nonresident partial tuition scholarships granted by the institution may not exceed a total of 600 such scholarships in effect at any one time as provided in the table below; and

5.4.2.4 the institution shall determine eligibility for “border waiver” nonresident partial tuition scholarships on the basis of program availability at the institution and on a competitive basis, using quantifiable measurements such as grade point averages and results of test scores.

Institution	Number of Scholarships
University of Utah	30
Utah State University	290
Weber State University	35
Southern Utah University	74
Dixie State Utah Tech University	157
Utah Valley University	10
Snow College	0
Salt Lake Community College	4
USHE Total	600

5.5 Exemption for Certain Students with Utah High School Graduation: A student, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of ~~S~~section 1101 of Title 8 of the United States Code, shall be exempt from paying the nonresident portion of total tuition if the student:

5.5.1 attended high school in Utah for three or more years;

5.5.2 graduated from a high school in this state or received the equivalent of a high school diploma in Utah; and

5.5.3 registers as an entering student at an institution of higher education not earlier than the fall of the 2002-03 academic year.

5.5.4 In addition, a student without lawful immigration status shall file an affidavit with the USHE institution stating that the student has filed an application to legalize ~~his or her~~~~their~~ immigration status or will file an application as soon as he or she is eligible to do so.

5.6 Exemption of Nonresident Tuition for Certain Foreign Nationals: A student shall be exempt from paying the nonresident portion of total tuition if the student

5.6.1 is a foreign national legally admitted to the United States;

5.6.2 attended a Utah high school in Utah for three or more years; and

5.6.3 graduated from a Utah high school or received the equivalent of a high school diploma in Utah.

5.7 Alumni Legacy Nonresident Scholarships

5.7.1 In addition to other nonresident tuition scholarships, USHE presidents may waive an amount up to the full nonresident portion of tuition for alumni legacy nonresident scholarships when the scholarship will:

5.7.1.1 assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in institutions of higher education; and

5.7.1.2 promote enrollment of nonresident students with high academic aptitudes;

5.7.1.3 recognize the legacy of past graduates and promote a continued connection to their alma mater.

5.7.2 Policy Guidelines: The institution shall establish institutional procedures for the administration of any Alumni Legacy Nonresident Scholarships authorized under this part and for evaluating applicants for those scholarships. The institutional procedures shall include the following criteria and provision:

5.7.2.1 enroll at an institution within the USHE for the first time; and

5.7.2.2 have at least one parent or grandparent who graduated with an associate's degree or higher from the same institution in which the student is enrolling.

5.8 Exemption of Nonresident Tuition as Athletic Scholarships: Pursuant to [§Utah Code section 53B-8-102](#). -In addition to the waivers of nonresident tuition available to each institution under Utah Code [section Ann. § 53B-8-101 et seq.](#), and this policy ~~(R513)~~, each institution may, at its discretion, grant as athletic scholarships full waiver of fees and nonresident tuition, up to the maximum number allowed by the appropriate athletic conference, and as recommended by the president of each institution.

R513-6 Annual Tuition Waiver Reporting Requirements

6.1 Institutions shall annually submit to the Board a report that provides the following data:

6.1.1 An assessment of how the institutions use of tuition waivers support the goals established by the Board;

6.1.2 The total amount of all waivers established under this policy that each institution granted stated in gross totals and as a percentage of total tuition revenue that, in the absence of waivers, the institution would have collected.

6.1.3 The amount waived for each individual waiver established under this policy, stated in gross totals and as a percentage of total tuition revenue that, in the absence of waivers, the institution would have collected.

6.1.4 The number of tuition waivers awarded by student type for each waiver awarded.

6.2 The ~~Board of Higher Education~~ Board shall provide an annual report to the general Legislature and the Legislature's Higher Education Appropriations Subcommittee containing the following information:

6.2.1 A report and financial analysis of any waivers of tuition authorized under this part as part of the budget recommendations of the ~~h~~Board for the USHE; and

6.2.2 A budget appropriation request for each institution, which include requests for funds sufficient in amount to equal the estimated loss of dedicated credits realized by tuition wavier type.

R513, Tuition Waivers and Reductions¹

R513-1 Purpose: To establish procedures for Utah System of Higher Education (“USHE”) institutions to administer tuition waiver and reduction programs.

R513-2 References

- 2.1 [Utah Code § 53B-8-101](#), Waiver of Tuition
- 2.2 [Utah Code § 53B-8-103](#), Waiver of Nonresident Differential in Tuition Rates – Utah Tech University Good Neighbor Tuition Waiver
- 2.3 [Utah Code § 53B-8-104](#), Nonresident Partial Tuition Scholarships—Border Waivers
- 2.4 [Utah Code § 53B-8-104.5](#), Nonresident Tuition Scholarships
- 2.5 [Utah Code § 53B-8-106](#), Resident Tuition Scholarships – Requirements – Rules
- 2.6 [Utah Code Title 53B, Chapter 9](#), Higher Education for Senior Citizens
- 2.7 [Utah Code Title 53B, Chapter 8c](#), Police Officer’s and Firefighter’s Survivor Tuition Waiver
- 2.8 [Utah Code Title 53B, Chapter 8d](#), Tuition Waivers for Wards of the State
- 2.9 [Utah Code Title 53B, Chapter 8e](#), Tuition Waivers for Purple Heart Recipients
- 2
- 2.10 [Board Policy R510](#), Tuition and Fees
- 2.11 [Board Policy R512](#), Determination of Resident Status
- 2.12 [Utah Code § 53B-8-107](#), Scott B. Lundell Waiver of Tuition for Dependents of Military Members Killed in Action
- 2.13 [Utah Code § 53B-8-103.5](#), Alumni Legacy Nonresident Scholarships
- 2.14 [Utah Code § 53B-8-102](#), Definition of Resident Student

R513-3 Definitions

3.1 Impecunious Resident Student means a resident student whose demonstrated lack of financial resources presents a significant barrier to accessing higher education or completing a higher education degree or certificate.

3.2 Meritorious Resident Student means a resident student who has demonstrated exceptional academic and/or other achievements which qualify for recognition and reward.

¹ Approved October 19, 2001; amended November 8, 2002, March 14, 2003, April 16, 2004, March 10, 2006, June 9, 2006 and June 8, 2007. Revisions approved on May 29, 2009, November 18, 2011, March 29, 2013, May 15, 2015, May 20, 2016, May 18, 2018, November 16, 2018, July 16, 2021; and XXX.

R513-4 Waiver of Resident Tuition

4.1. 10% Resident Tuition Waivers: The president of each institution may waive all or part of the tuition on behalf of meritorious or impecunious resident students to an amount not exceeding 10 percent of the total amount of tuition which, in the absence of the waivers, would have been collected from all Utah resident students at the institution.

4.1.1 Of the amounts waived in 4.1, at least 10 percent of total amount shall be used to support tuition waivers for impecunious resident students.

4.1.1.1 Each of the institutions will develop and present a plan to the Board of Higher Education (“Board”) on how it expects to be compliant with 4.1.1. for the reporting cycle beginning July 1, 2021.

4.1.1.2 The Board shall review the percentage set aside for impecunious students every three years beginning July 1, 2024.

4.2 National Guard Set Aside: Of the amount waived for resident students under subsection 4.1, 2.5 percent of the total amount shall be set aside by institutions for waivers reserved for members of the Utah National Guard.

4.2.1 To ensure timely processing, the Utah National Guard Administration will provide to the institutions a prioritized list of qualified candidates for tuition waivers no later than 60 calendar days prior to the start of an academic term. Candidates for Utah National Guard tuition waivers must be full-time students. To ensure the highest number of candidates receive a tuition waiver, institutions may adjust the waiver amount between partial and full amounts.

4.2.2 An institution may, at its discretion and within its established criteria, allow recipients to use tuition waivers toward self-supported courses.

4.2.3 Any National Guard tuition waivers set aside but not claimed 30 days prior to the beginning of the term may be used for other qualified students.

4.3 Partial Tuition Waivers for Critical Occupations: Upon recommendation of the Board, a president shall grant additional full or partial tuition waivers to encourage students to enroll for instruction in specifically identified occupations critical to the state for which trained personnel are in short supply.

4.4 Waivers for Senior Citizens and Veterans: Institutions shall permit Utah residents age 62 and over or veterans as defined in Utah Code section 68-3-12.5 to enroll tuition-free in classes subject to the following conditions:

4.4.1 Institutions may charge an administrative fee.

4.4.2 Institutions may charge course and program fees as defined in Board Policy R517.

4.4.3 Institutions may limit enrollment under this section based on existing prerequisites, regular procedures, standard teaching loads, and available classroom space following the enrollment of matriculated students.

4.4.4 Institutions shall not award credit or competencies for courses completed pursuant to this section.

4.4.5 Institutions' enrollment reports shall list senior citizens and veterans separately from matriculated students.

4.5 Police Officer's and Firefighter's Survivor Tuition Waiver:

4.5.1 Definitions: As used in this part:

4.5.1.1 "Child" means an individual who (a) is a natural or adopted child of a deceased peace officer or deceased firefighter; and (b) was under the age of 25 at the time of the peace officer's or firefighter's death.

4.5.1.2 "Department" means the Department of Public Safety.

4.5.1.3 "Killed" means that the peace officer's or firefighter's death is the direct and proximate result of a traumatic injury incurred in the line of duty.

4.5.1.4 "Line of Duty" means an action that a peace officer or firefighter is obligated or authorized to perform by rule, regulation, condition of employment or service, or law, including a social, ceremonial, or athletic function that the peace officer or firefighter is assigned to or compensated for by the public agency being served.

4.5.1.5 "Occupational Disease" means a disease that routinely constitutes a special hazard in, or is commonly regarded as concomitant of, the peace officer's or firefighter's occupation.

4.5.1.6 "Traumatic Injury" means a wound or the condition of the body caused by external force, including an injury inflicted by bullet, explosive, sharp instrument,

blunt object, or other physical blow, fire, smoke, chemical, electricity, climatic condition, infectious disease, radiation, or bacteria, but excluding an occupational disease.

4.5.1.7 “Tuition” means tuition at the rate charged for residents of the state.

4.5.1.8 “Utah Firefighter” or “Firefighter” means a member, including volunteer members and members paid on call, of a fire department or other organization that provides fire suppression and other fire related services, of a political subdivision who is responsible for or is in a capacity that includes responsibility for the extinguishment of fires. This does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.

4.5.1.9 “Utah Peace Officer” or “Peace Officer” means an employee of a law enforcement agency that is part of or administered by the state or any of its political subdivisions, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.

4.5.2 Tuition Waivers for Surviving Spouses and Children: Subject to the limitations below, a USHE institution shall waive tuition for each child and surviving spouse of a Utah peace officer or Utah firefighter who has been killed or is killed in the line of duty if the individual meets the following requirements:

4.5.2.1 applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate;

4.5.2.2 is a resident student of the state as determined under R512, Determination of Resident Status;

4.5.2.3 applies to the Department for a waiver of tuition under this chapter and provides evidence satisfactory to the Department that (a) the applicant is the surviving spouse or child of a peace officer or firefighter who was killed in the line of duty; (b) the course or courses for which the applicant is seeking a tuition waiver meet the requirements of subsection 3.5.3; and (c) the applicant meets the other requirements of this part;

4.5.2.4 for a child of a peace officer or firefighter killed in the line of duty, applies under subsection 3.5.2 for the first time before the age of 25;

4.5.2.5 is certified by the financial aid officer at the institution as needing the tuition waiver in order to meet recognized educational expenses, with the understanding that if

the applicant's family income, excluding any income from death benefits attributable to the peace officer's or firefighter's death, is below 400 percent of the poverty level under federal poverty guidelines, then the income from any death benefits accruing to the applicant as a result of the death may not be counted as family income in determining financial need under this subsection 3.5.3.1;

4.5.2.6 maintains satisfactory academic progress, as defined by the institution, for each term or semester in which the individual is enrolled, which may be measured by the definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965; and

4.5.2.7 has not achieved a bachelor's degree and has received tuition reimbursement under this chapter for less than 124 semester credits or 180 quarter credits at an institution of higher education.

4.5.3 Limited Term for Waiver: A child or surviving spouse of a peace officer or firefighter who was killed in the line of duty is eligible for a tuition waiver under this section of not more than nine semesters or the equivalent number of quarters.

4.5.3.1 Waiver Only If Tuition Not Otherwise Covered: Tuition shall be waived only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, or any other source of tuition coverage available for a waiver.

4.5.3.2 Waiver for Required Courses Only: An institution shall waive tuition under this chapter only for courses that are applicable toward the degree or certificate requirements of the program in which the child or surviving spouse is enrolled.

4.5.3.3 Prior Approval by Department: Upon receiving an application under Utah Code section 53B-8c-103(1)(c), the Department shall determine whether the applicant and the courses for which tuition waiver is sought meet the requirements of Utah Code section 53B-8c-103 and, if so, shall approve the application and notify the higher education institution that the application has been approved.

4.5.3.4 Department Cooperation: The institutions shall cooperate with the Department in developing efficient procedures for the implementation of this program and shall use the forms and applications provided by the Department.

4.6 Tuition Waivers for Wards of the State

4.6.1 Definitions: As used in this part:

4.6.1.1 “Division” means the Division of Child and Family Services.

4.6.1.2 “Long-term Foster Care” means an individual who remains in the custody of the Division, whether or not the individual resides with licensed foster parents or in independent living arrangements under the supervision of the Division.

4.6.1.3 “State Institution of Higher Education” means those institutions designated in Utah Code section 53B-1-102 and any public institution that offers postsecondary education in consideration of the payment of tuition or fees for the attainment of educational or vocational objectives leading to a degree or certificate, including business schools, technical schools, applied technology centers, trade schools, and institutions offering related apprenticeship programs.

4.6.1.4 “Tuition” means tuition at the rate for residents of the state.

4.6.1.5 “Ward of the State” means an individual (a) who is at least 17 years of age and not older than 26 years of age; (b) who had a permanency goal in the individual’s treatment plan, as defined in Sections 62A-4a-205 and 78-3a-312, of long-term foster care while in the custody of the Division; and (c) for whom the custody of the Division was not terminated as a result of adoption.

4.6.2 Tuition Waivers for Wards of the State: Subject to the limitations in subsections 4.6.2.1, 4.6.2.2., and 4.6.2.3, a state institution of higher education shall waive tuition for each ward of the state applicant who meets the following requirements:

4.6.2.1 applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate;

4.6.2.2 is a resident student of the state as determined under Board Policy R512;

4.6.2.3 provides the institution with documentation from the Division that the Division has verified: (a) applicant is at least 17 years of age and not older than 26 years of age; (b) applicant had a permanency goal in the Division treatment plan, as defined in Utah Code sections 62A-4a-205 and 78-3a-312, of long-term foster care while in the custody of the Division; (c) applicant’s custody was not terminated as a result of adoption; (d) applicant was in the custody of the Division for an aggregate period of not less than 24 months; (e) applicant applied

for the first time under this program before the age of 22; and (f) applicant has not achieved a bachelor's degree, and has received tuition reimbursement under this program for less than 124 semester credits (or 180 quarter credits) and for not more than nine semesters at an institution of higher education.

4.6.2.4 verifies that the course or courses for which the applicant is seeking a tuition waiver meet the requirements of subsection 4.6.2.3;

4.6.2.5 is certified by the financial aid officer at the higher education institution as needing the tuition waiver in order to meet recognized educational expenses;

4.6.2.6 maintains satisfactory academic progress, as defined by the institution of higher education, for each term or semester in which the individual is enrolled, which may be measured by the definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965; and

4.6.3 Limited Term of Waiver: A ward of the state is eligible for a tuition waiver under this section for not more than nine semesters.

4.6.3.1 Waiver Only if Tuition Not Otherwise Covered: Tuition shall be waived (a) after the individual has applied for financial assistance, including scholarships and Pell Grants; and (b) only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, Pell Grant, or any other source of tuition coverage available for a waiver.

4.6.3.2 Waiver for Required Courses Only: An institution of higher education shall waive tuition under this chapter only for courses that are applicable toward the degree or certificate requirements of the program in which the student is enrolled.

4.6.4 Reimbursement of Waivers by Division: The institutions shall seek reimbursement from the Division for any tuition waived under this chapter.

4.7 Tuition Exemption for Teachers

4.7.1 Definitions: As used in this part:

4.7.1.1 "Educator" means an educator is a person currently employed in the Utah public school system who is a licensed educator in good standing or has been issued a letter of authorization permitting such employment under Utah Code

section 53E-6-102, the Board Licensure section of the Educator Licensure and Professional Practices Act.

4.7.1.2 “Tuition Waivers for Teachers” means an educator who enrolls in a course of study determined by the State Board of Education to satisfy the professional development requirements of Utah Code section 53E-6-201(3)(b)(i) is exempt from the tuition charges for a class taken as part of that course of study provided that the following conditions are met:

4.7.1.3 “Master’s and Doctoral Degree Candidates” means because of the extensive involvement of faculty members in committees, mentoring, and counseling of master’s and doctoral degree candidates, the concept of surplus space does not apply, and such educators are not eligible for the exemption from tuition under this section.

4.7.2 Administrative Semester Registration Fee: The institution may charge an educator an administrative semester registration fee not to exceed \$100 per semester to cover the actual increased costs associated with registration, verification of educator status, identification of eligible courses, certification of space availability, and record keeping.

4.7.3 Surplus Space Enrollment: The educator may be enrolled on the basis of surplus space as determined by the institution under these rules and guidelines as follows:

4.7.3.1 If a principal or substantial reason for the institution to offer the class is to serve educators, then no educator enrolled in that class can be considered to be enrolled on the basis of surplus space, and therefore cannot be eligible for this exemption from tuition charges;

4.7.3.2 If the class meets the requirements of 53A-6-104(2)(b)(i) but does not have as a principal or substantial purpose to serve educators, then the institution shall define the optimum class size of the class in accordance with regular procedures and normal teaching loads in that space within the institution’s approved budget. The number of surplus space enrollments available to educators is determined by subtracting from the optimum class size the number of tuition paying students enrolled in the class. The surplus space enrollments may then be filled by educators on a first come first served basis. However, in order to maintain the optimum class size, educators exempt from tuition may be bumped (last in, first out) by regular tuition paying students who later register for the class.

4.8. Tuition Reimbursement for Sequential Mandarin Chinese Course

4.8.1 Extended Sequential Study for Difficult Languages: Difficult languages require extended sequences of study to acquire proficiency in listening, speaking, reading, and writing.

4.8.2 Mandarin Chinese Program: The Board and the State Board of Education, in consultation with the Utah Education Network, may develop and implement a concurrent enrollment course of study in Mandarin Chinese. The course shall be taught over EDNET to high school juniors and seniors in the state's public education system.

4.8.3 Tuition Reimbursement: Students who successfully complete the concurrent enrollment course in Mandarin Chinese offered under the part shall receive tuition reimbursement for a sequential Mandarin Chinese course they successfully complete with a "B" grade or above at a USHE institution.

4.9 Scott B. Lundell Waiver of Tuition for Dependents of Military Members Killed in Action

4.9.1 Tuition Waiver: USHE institutions shall waive undergraduate tuition for surviving dependents of a Utah resident, as defined in Utah Code section 53B-8-107, who, as a member of the armed forces of the United States, including the Utah National Guard or a reserve component, was killed or died of wounds or injuries received while serving on federal active duty, under orders of competent authority and not as a result of the member's own misconduct.

4.9.1.2 The dependent must be accepted by the institution as a student in accordance with the institution's admission guidelines.

4.9.1.3 The dependent must be a resident student as defined by Utah Code section 53B-8-102 and Board Policy R512.

4.9.1.4 The dependent may not be excluded from the waiver if the dependent has previously taken courses at, or has been awarded credit by, a USHE institution.

4.9.2 Certification by Adjutant General or Designee: The adjutant general, after consultation with federal authorities if necessary, shall certify to the institution that the dependent is a surviving dependent eligible for the waiver. The adjutant general may delegate this responsibility to the Utah Department of Veterans Affairs.

4.9.3 Definition of "Dependent": For purposes of this policy, the term "dependent" shall include a surviving spouse.

4.9.4 Limitations on Waiver: The waiver is subject to the following limitations:

4.9.4.1 The waiver is not applicable if the dependent has already completed an undergraduate degree.

4.9.4.2 The waiver is applicable for undergraduate study only.

4.9.4.3 The dependent may only utilize the waiver for courses that are applicable toward the degree or certificate requirement of the program in which the dependent is enrolled.

4.9.4.4 The waiver is not applicable to fees, books, or housing expenses, and tuition shall be waived only to the extent that tuition is not covered by scholarships, Pell Grants, statutory benefit, or any other form of non-loan tuition coverage.

4.10 Waiver of Tuition for Purple Heart Recipients: USHE institutions shall waive undergraduate tuition for each Purple Heart recipient who is admitted as a full-time, part-time, or summer school student in an undergraduate program of study leading to a degree or certificate, provided that the student is a resident of the state as determined under Utah Code section 53B-8-102, and that the student submits verification from the Division of Veterans Affairs that the student has earned a Purple Heart award as a result of military service.

4.11 When Verification of Lawful Presence is Not Required: As provided by Utah Code section 63G-12-402, verification of lawful presence in the United States is not required of a student who is a graduate of a high school located in Utah and (1) is exempt from paying the nonresident portion of total tuition under Utah Code section 53B-8-106; or (2) applies for, and may be awarded, a privately funded scholarship that is administered by a USHE institution.

R513–5 Waiver of Nonresident Tuition

5.1 Waivers for Nonresident Undergraduate, Graduate, or Summer School Students

The president of each institution may waive all or part of the nonresident portion of tuition for meritorious nonresident undergraduate students to an amount not exceeding the designated percent of the total amount of tuition which, in the absence of the waivers, would have been collected from all nonresident students at the institution outlined in the chart below.

Institution	Not to exceed percentage
University of Utah	16%
Utah State University	13%

Weber State University	40%
Southern Utah University	35%
Snow College	27%
Utah Tech University	30%
Utah Valley University	18%
Salt Lake Community College	10%

5.1.1 In determining which students are meritorious for purposes of granting a tuition waiver under 5.1, a president shall consider students who are performing above the average at the institution, including having an admission index higher than the average for the institution, if an admission index is used.

5.1.2 A president may continue to waive the nonresident portion of tuition for a student described in 4.1 for as long as the student is enrolled at the institution.

5.1.3 In addition to waiving the nonresident portion of tuition for a meritorious nonresident undergraduate student under 5.1, a president may waive the resident portion of tuition after the meritorious nonresident undergraduate student completes a year of full-time study at the institution.

5.1.4 Institutions will be given until July 2021 to adjust their financial aid awards practice to align with these percentages and would be asked to be compliant with the policy for the 2022 Academic school year reports.

5.1.5 The Commissioner’s office will review the percentages in 2022 and then no longer than every five years thereafter and recommend changes if appropriate and justified.

5.1.5.1 Institutions may also request an adjustment to these percentages for the Board’s consideration outside of the five-year review period.

5.1.6 A president may waive all or part of the nonresident portion of tuition for nonresident graduate students.

5.1.7 A president may waive all or part of the nonresident portion of tuition for nonresident summer school students

5.2. Nonresident Tuition Scholarships

5.2.1 In addition to the “border waiver” scholarships authorized under Utah Code section 53B-8-104, USHE presidents are authorized to grant scholarships for a waiver of the nonresident portion of total tuition charged to nonresident students when the scholarships will:

5.2.1.1 assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations; and

5.2.1.2 promote enrollment of nonresident students with high academic aptitudes.

5.2.2 Policy Guidelines: Nonresident tuition scholarships may be awarded at the institutions with the following provisions:

5.2.2.1 the amount of the approved scholarship may be up to 100 percent of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

5.2.2.2 675 of the approved scholarships may be at a level of more than 50 percent of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

5.2.2.3 a nonresident scholarship may be awarded initially only to a nonresident student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for ten or more credit hours; and

5.2.2.4 a nonresident student who receives a scholarship of greater than 50 percent of the differential tuition charged to nonresident students for an equal number of credit hours of instruction may not be counted against the funded target for the institution attended.

5.2.3 Annual Number of Nonresident Tuition Scholarships: Each academic year the president of the following institutions may award nonresident tuition scholarships as set forth below, not to exceed a total of 900 such scholarships in effect at any one time:

Institution	Differential Tuition Scholarships (up to 100%)	Differential Tuition Scholarships (up to 50%)	Total
University of Utah	24	14	38
Utah State University	330	112	442
Weber State University	55	15	70

Southern Utah University	96	25	121
Snow College	2	7	9
Utah Tech University	161	44	205
Utah Valley University	0	0	0
Salt Lake Community College	7	8	15
USHE Total	695	225	900

5.2.3.1 Institutions shall determine award eligibility on a meritorious basis, considering measures such as grade point averages and test scores.

5.2.3.2 In determining eligibility for these scholarships, institutions may consider the impact of maintaining critical enrollment levels in academic programs.

5.3 Partial Waivers Pursuant to Reciprocal Agreements

5.3.1 Partial Waiver of Nonresident Differential: The Board may grant a full or partial waiver of the nonresident differential in tuition rates charged to undergraduate students pursuant to reciprocal agreements with other states. In making the determination, the Board considers the potential of the waiver to: (A) enhance educational opportunities for Utah residents; (B) promote mutually beneficial cooperation and development of Utah communities and nearby communities in neighboring states; (C) contribute to the quality of educational programs; and (D) assist in maintaining the cost effectiveness of auxiliary operations in Utah institutions of higher education.

5.3.2 Utah Tech University Good Neighbor Waiver: Utah Tech University may offer a good neighbor full waiver of the nonresident differential in tuition rates charged to undergraduate students pursuant to the reciprocal agreements with other states or to a resident of a county that has a portion of the county located within 70 miles of the main campus of Utah Tech University. A student who attends Utah Tech University under a good neighbor tuition waiver shall pay a surcharge per credit hour in addition to the regular resident tuition and fees of Utah Tech University. The surcharge per credit hour shall be based on a percentage of the approved resident tuition per credit hour each academic year. The percentage assessed as a surcharge per credit hour shall be set by the Board. Utah Tech University may restrict the number of good neighbor tuition waivers awarded. A student who attends Utah Tech University on a good neighbor tuition waiver may not count the time during which the waiver is received towards establishing resident student status in Utah.

5.3.3 Reciprocal Agreements with Other States: Consistent with its determinations made pursuant to subsection 4.3, the Board may enter into agreements with other states to provide for a full or partial reciprocal waiver of the nonresident tuition differential charged

to undergraduate students. An agreement shall provide for the numbers and identifying criteria of undergraduate students and shall specify the institutions of higher education that will be affected by the agreement.

5.3.4 Policy Guidelines: Each Utah institution affected by tuition waivers authorized by this part shall establish policy guidelines for evaluating applicants for such waivers.

5.4 “Border Waiver” Nonresident Partial Tuition Scholarships

5.4.1 Border Waivers: An institution may grant a scholarship for partial waiver of the nonresident portion of total tuition charged by public institutions of higher education to nonresident undergraduate students, subject to the limitations provided in this part, if the institution determines that the scholarship will (a) promote mutually beneficial cooperation between Utah communities and nearby communities in states adjacent to Utah; (b) contribute to the quality and desirable cultural diversity of educational programs in the institution; (c) assist in maintaining an adequate level of service and related cost effectiveness of auxiliary operations in the institution; and (d) promote enrollment of nonresident students with high academic aptitudes.

5.4.2 Policy Guidelines: The institution shall establish policy for the administration of any “border waiver” partial tuition scholarships authorized under this part and for evaluating applicants for those scholarships. The institutional policy shall include the following provisions:

5.4.2.1 The amount of the approved scholarship may not be more than $\frac{1}{2}$ of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

5.4.2.2 a “border waiver” nonresident partial tuition scholarship may be awarded initially only to a nonresident undergraduate student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for ten or more credit hours, whose legal domicile is within approximately 100 highway miles of the USHE institution at which the recipient wishes to enroll, or within such distance or such designated eligible communities or regions as the Board may establish for each institution;

5.4.2.3 the total number of “border waiver” nonresident partial tuition scholarships granted by the institution may not exceed a total of 600 such scholarships in effect at any one time as provided in the table below; and

5.4.2.4 the institution shall determine eligibility for “border waiver” nonresident partial tuition scholarships on the basis of program availability at the institution and on a competitive basis, using quantifiable measurements such as grade point averages and results of test scores.

Institution	Number of Scholarships
University of Utah	30
Utah State University	290
Weber State University	35
Southern Utah University	74
Utah Tech University	157
Utah Valley University	10
Snow College	0
Salt Lake Community College	4
USHE Total	600

5.5 Exemption for Certain Students with Utah High School Graduation: A student, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of Title 8 of the United States Code, shall be exempt from paying the nonresident portion of total tuition if the student:

5.5.1 attended high school in Utah for three or more years;

5.5.2 graduated from a high school in this state or received the equivalent of a high school diploma in Utah; and

5.5.3 registers as an entering student at an institution of higher education not earlier than the fall of the 2002-03 academic year.

5.5.4 In addition, a student without lawful immigration status shall file an affidavit with the USHE institution stating that the student has filed an application to legalize their immigration status or will file an application as soon as he or she is eligible to do so.

5.6 Exemption of Nonresident Tuition for Certain Foreign Nationals: A student shall be exempt from paying the nonresident portion of total tuition if the student

5.6.1 is a foreign national legally admitted to the United States;

5.6.2 attended a Utah high school in Utah for three or more years; and

5.6.3 graduated from a Utah high school or received the equivalent of a high school diploma in Utah.

5.7 Alumni Legacy Nonresident Scholarships

5.7.1 In addition to other nonresident tuition scholarships, USHE presidents may waive an amount up to the full nonresident portion of tuition for alumni legacy nonresident scholarships when the scholarship will:

5.7.1.1 assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in institutions of higher education; and

5.7.1.2 promote enrollment of nonresident students with high academic aptitudes;

5.7.1.3 recognize the legacy of past graduates and promote a continued connection to their alma mater.

5.7.2 Policy Guidelines: The institution shall establish institutional procedures for the administration of any Alumni Legacy Nonresident Scholarships authorized under this part and for evaluating applicants for those scholarships. The institutional procedures shall include the following criteria and provision:

5.7.2.1 enroll at an institution within the USHE for the first time; and

5.7.2.2 have at least one parent or grandparent who graduated with an associate's degree or higher from the same institution in which the student is enrolling.

5.8 Exemption of Nonresident Tuition as Athletic Scholarships: Pursuant to Utah Code section 53B-8-102. In addition to the waivers of nonresident tuition available to each institution under Utah Code section 53B-8-101 et seq., and this policy, each institution may, at its discretion, grant as athletic scholarships full waiver of fees and nonresident tuition, up to the maximum number allowed by the appropriate athletic conference, and as recommended by the president of each institution.

R513-6 Annual Tuition Waiver Reporting Requirements

6.1 Institutions shall annually submit to the Board a report that provides the following data:

6.1.1 An assessment of how the institutions use of tuition waivers support the goals established by the Board;

6.1.2 The total amount of all waivers established under this policy that each institution granted stated in gross totals and as a percentage of total tuition revenue that, in the absence of waivers, the institution would have collected.

6.1.3 The amount waived for each individual waiver established under this policy, stated in gross totals and as a percentage of total tuition revenue that, in the absence of waivers, the institution would have collected.

6.1.4 The number of tuition waivers awarded by student type for each waiver awarded.

6.2 The Board shall provide an annual report to the general Legislature and the Legislature's Higher Education Appropriations Subcommittee containing the following information:

6.2.1 A report and financial analysis of any waivers of tuition authorized under this part as part of the budget recommendations of the Board for the USHE; and

6.2.2 A budget appropriation request for each institution, which include requests for funds sufficient in amount to equal the estimated loss of dedicated credits realized by tuition wavier type.

R604, New Century Scholarship¹

R604-1 Purpose: The New Century Scholarship encourages students to accelerate their education by earning an associate degree in high school from an institution within the Utah System of Higher Education (“USHE”).

R604-2 References

- 2.1 [Utah Code § 53B-8-105](#), New Century Scholarships
- 2.2 [Utah Code § 53B-8-201](#), Opportunity Scholarship Program
- 2.3 [Utah Code Title 53B Chapter 8 Part 2](#), Regents’ Scholarship Program
- 2.4 [Board Policy 609A](#), Regents’ Scholarship

R604-3 Definitions

3.1 “Applicant” means a student who is in their last term in high school and on track to complete the high school graduation requirements of a public school established by the Utah State Board of Education and the student’s school district or charter school or a private high school in the state that is accredited by a regional accrediting body approved by the Board, or a home-school student.

3.2 “Associate Degree” means an Associate of Arts, Associate of Science, or Associate of Applied Science degree received from, or verified by, a regionally accredited institution within USHE. If the institution does not offer the above listed degrees, equivalent academic requirements will suffice under subsection 3.5.2 of this policy.

3.3 “Awards” means New Century Scholarship funds.

3.4 “Utah Board of Higher Education – Board” means the Utah Board of Higher Education.

3.5 “Completes the requirements for an associate degree” means that an applicant completes either of the following:

¹ *Adopted June 4, 1999; amended July 12, 1999, April 20, 2001, May 31, 2002, September 15, 2006, October 16, 2009, April 1, 2010, March 25, 2011, ~~March 29, 2013, April 1, 2016, May 17, 2019, May 15, 2020, and~~ May 20, 2022; and XXX.*

3.5.1 All the required courses for an associate degree from an institution within USHE that offers associate degrees; and applies for the associate degree from the institution; or

3.5.2 All the required courses for an equivalency to the associate degree from a higher education institution within USHE that offers Baccalaureate degrees but does not offer associate degrees.

3.6 “Excusable Neglect” means a failure to take proper steps at the proper time, not in consequence of carelessness, inattention, or willful disregard in the processing of an appeal, but in consequence of some unexpected or unavoidable hindrance or accident.

3.7 “Good Cause” means the student’s failure to meet a scholarship application process requirement was due to circumstances beyond the student’s control or circumstances that are compelling and reasonable.

3.8 “High school” means a public high school established by the Board or a private high school within the boundaries of the State of Utah. If a private high school, it shall be accredited by a regional accrediting body approved by the Board.

3.9 “High school graduation date” means the day on which the recipient’s class graduates from high school. For home-schooled student refer to subsection 4.2.1 of this policy.

3.10 “Home-schooled” refers to a student who has not graduated from a Utah high school and received a high school grade point average (GPA).

3.11 “Math and science curriculum” means the rigorous math and science curriculum developed and approved by the Board which, if completed, qualifies a high school student for an award. Curriculum requirements can be found on USHE’s website at ushe.edu.

3.12 “New Century Scholarship” means a renewable scholarship to be awarded to applicants who complete the eligibility requirements of section 4 of this policy.

3.13 “Reasonable progress” means enrolling and completing at least twelve credit hours during Fall and Spring semesters and earning a 3.3 GPA or higher each semester. If applicable, students attending summer must enroll full-time according to their institution and or program policy regarding full-time status.

3.14 “Recipient” means an applicant who receives an award under the requirements set forth in this policy.

3.15 “Renewal Documents” means a college transcript demonstrating that the recipient has met the required semester GPA and a detailed schedule providing proof of enrollment in twelve credit hours for the semester which the recipient is seeking award payment.

3.16 “Scholarship Appeals Committee” means the committee designated by Commissioner of Higher Education to review appeals of Regents’ Scholarship award decisions and take final agency action regarding awards.

3.17 “Scholarship Staff” means the group assigned to review Regents’ Scholarship applications and make decisions awarding the scholarships and deferments.

3.18 “Substantial Compliance” means the applicant, in good faith, complied with the substantial or essential scholarship application requirements and has demonstrated likely eligibility but failed to comply exactly with the application specifics.

3.19 “The Utah System of Higher Education – USHE” means the Utah System of Higher Education, which includes the University of Utah, Utah State University, Weber State University, Southern Utah University, Snow College, ~~Dixie State~~ [Utah Tech](#) University, Utah Valley University, and Salt Lake Community College.

R604-4 Recipient Requirements: This section enumerates the requirements to qualify as a recipient. Subsection 4.1 creates the general academic requirements. Subsections 4.2 and 4.3 clarify the exceptions and requirements specific for home-schooled students and students whose graduation date occurs in 2010 or before.

4.1 General Academic Requirements: Unless an exception applies, to qualify as a recipient a student shall:

4.1.1 Complete the requirements for an associate degree or the math and science curriculum at a regionally accredited institution within USHE.

4.1.1.1 With at least a 3.0 grade point average

4.1.1.2 By the applicant’s high school graduation date; and

4.1.2 Complete the high school graduation requirements of a Utah high school with at least a 3.5 cumulative GPA.

4.2 Utah Home-schooled Students: For Utah home-schooled applicants the following exceptions and requirements apply:

4.2.1 High School Graduation Date for Home-schooled Applicants:

4.2.1.1 Completes High School in 2011 and After: If a home-schooled applicant would have completed high school in 2011 or after, the high school graduation date (under subsection 4.1.1.2) is June 15 of the year the applicant would have completed high school;

4.2.2 ACT Composite Score Requirement: A composite ACT score of 26 or higher is required in place of the high school GPA (under subsection 4.1.2).

4.3 Mandatory Fall Term Enrollment: A recipient shall enroll in an eligible institution by fall semester immediately following the student's high school graduation date or receive an approved deferral or leave of absence under subsection 8.7 of this policy.

R604-5 Application Procedures: This section establishes the basic application procedures for an award.

5.1 Application Contact: Qualifying students shall apply for the award through the Board.

5.2 General Procedure: An application for an award shall contain the following:

5.2.1 Application Form: the official online application will become available on the New Century website.

5.2.2 College Transcript: an official college transcript showing college courses, Advanced Placement and transfer work an applicant has completed to meet the requirements for the associate degree and verification of the date the award was earned; and

5.2.3 High School Transcript: an official high school transcript with high school graduation dated posted (if applicable).

5.2.4 ACT Score: a copy of the student's verified ACT score (if applicable).

5.3 Registrar Verification: If an applicant is enrolled at an institution which does not offer an associate degree or an institution that will not award the associate degree until the academic on-campus residency requirement has been met, the registrar must verify that the applicant has completed the equivalent academic requirements under 4.1.1.²

² Please note the verification requirement.

5.4 Application Deadline: Applicants shall meet the following deadlines:

5.4.1 Application Submission: Applicants must submit the official scholarship application no later than February 1 of the year of their high school graduation date or the year they would have graduated from high school.

5.4.2 Support Documentation Submission: All necessary support documentation shall be submitted on or before September 1 following the student's high school graduation date. In some cases, exceptions may be made as advanced placement and transfer work verification may be delayed at an institutional level and no fault of the applicant. Scholarship awards may be denied if all documentation is not complete and submitted by the specified deadlines. And if any documentation demonstrates that the applicant did not satisfactorily fulfill all coursework and GPA requirements, or if any information, including the attestation of criminal record and citizenship status, proves to be falsified.

5.4.3 Priority Deadline: A priority deadline may be established each year. Applicants who meet the priority deadline may be given first priority of consideration for awards.

5.5 Incomplete Documentation: Applications or other submissions that have missing information or missing documents are considered incomplete, will not be considered, and may result in failure to meet a deadline.

R604-6 Awards: This section establishes the total value of an award, the power of the Board to change that value, and the eligible institutions where the award may be used.

6.1 Value of the Award: The award is up to the amount provided by the law and determined each Spring by the Board based on legislative funding and number of applicants. The total value may change in accordance with subsection 6.2.

6.2 The Board May Decrease Award: If the appropriation from the Utah Legislature for the scholarship is insufficient to cover the costs associated with the scholarship, the Board may reduce or limit the award.

6.3 Eligible Institutions: An award may be used at the following institutions:

6.3.1 For recipients whose high school graduation date is on or before July 1, 2019, award funds may be used at a four-year institution within USHE that offers Baccalaureate programs or a private not-for-profit higher education four-year institution in the state of

Utah accredited by the Northwest Commission on Colleges and Universities that offers Baccalaureate programs.

6.3.2 For recipients whose high school graduation date is after July 1, 2019, funds may be used at a four-year institution within USHE that offers Baccalaureate programs.

6.4 Enrollment at Multiple Institutions: The award may only be used at the institution from which the student is earning a Baccalaureate degree.

6.5 Student Transfer: The award may be transferred to a different eligible institution upon the request of the recipient.

6.6 Limits: A recipient cannot receive both a New Century and a Regents' Scholarship.

R604-7 Disbursement of Award: This section details the disbursement of the award amounts.

7.1 Disbursement Schedule of Award: The award shall be disbursed semester-by-semester over the shortest of the following time periods:

7.1.1 Four semesters of enrollment in twelve credit hours;

7.1.2 Sixty credit hours; or

7.1.3 Until the recipient meets the requirements for a baccalaureate degree.

7.2 Enrollment Documentation: Institutions shall verify the recipient has met the requirements outlined in R604-8. Recipients who do not maintain eligibility may forfeit the remaining award amount.

7.3 Dropped Hours after Award: If a recipient drops credit hours after having received the award which results in enrollment below twelve credit hours, the scholarship will be revoked and the student may no longer be eligible for future awards (see 8.1) unless the student needs fewer than twelve credit hours for completion of a degree.

R604-8 Excess Appropriations: If money appropriated for this scholarship is available after all scholarship under this policy have been awarded, the Board shall use the leftover money for the Utah Promise Program Grant under Board Policy R620.

R604-9 Continuing Eligibility: This section establishes the expectations of recipients to renew their award.

9.1 Reasonable Progress Toward Degree Completion: The Board may cancel a recipient's scholarship if the student fails to:

9.1.1 Maintain 3.3 GPA: to maintain a 3.3 GPA or higher for each semester for which he or she has received awards; or

9.1.2 Reasonable Progress: to make reasonable progress (twelve credit hours) toward the completion of a Baccalaureate degree. A recipient must apply and receive an approved deferral or leave of absence under subsection 8.7 if they will not enroll in twelve credit hours continuously for Fall and Spring semesters.

9.2 Probation: If a recipient earns less than a 3.3 GPA in any single semester, the recipient must earn a 3.3 GPA or better the following semester to maintain eligibility for the scholarship. If the recipient again at any time earns less than a 3.3 GPA the scholarship will be revoked.

9.3 Final Semester: A recipient will not be required to enroll in twelve credit hours if the recipient can complete the degree program with fewer credits.

9.4 No Awards after Five Years: The Board will not make an award to a recipient for an academic term that begins more than five years after the recipient's high school graduation date.

9.5 No Guarantee of Degree Completion: An award does not guarantee that the recipient will complete their Baccalaureate program within the recipient's scholarship eligibility period.

9.6 Deferral or Leave of Absence:

9.6.1 A recipient shall apply to the Board for a deferral. Leave of absence request are reviewed and approved by the institution the student is attending. Student are required to submit deferral and leave of absence request if they do not continuously enroll in fall and spring semester in twelve credit hours.

9.6.2 A deferral or leave of absence will not extend the time limits of the scholarship under subsection 8.5.

9.6.3 Deferrals or leaves of absence may be granted, for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

R604-10 Appeals

10.1 Scholarship Determinations: Submission of a scholarship application does not guarantee a scholarship award. The Scholarship Staff shall review individual scholarship

applications and make the awards determination. Awards are based on available funding, applicant pool, and applicants' completion of scholarship criteria by the specified deadline.

10.2 Appeals: An applicant has the right to appeal the Scholarship Staff's decision by filing an appeal with the Scholarship Appeals Committee subject to the following conditions:

10.2.1 Appeals must be submitted within 30 days of the date on which the scholarship notification was issued.

10.2.2 In the appeal, the applicant must provide their full name, mailing address, the high school they last attended, a statement of the reason for the appeal, and all information or evidence that supports the appeal. The failure of an applicant to provide the information in this subsection shall not preclude the acceptance of an appeal.

10.2.3 An appeal filed before the applicant receives official notification from the Scholarship Staff regarding their application shall not be considered.

10.2.4 If an applicant failed to file their appeal on time, the Scholarship Appeals Committee shall notify the applicant and give ~~him or her~~ [them](#) an opportunity to show that the appeal was timely or that it was delayed for excusable neglect. If it is found that the appeal was not timely and the delay was without excusable neglect, the Scholarship Appeals Committee shall not have jurisdiction to consider the merits.

10.2.5 The Scholarship Appeals Committee may consider a late appeal on its merits if it determines the appeal was delayed because of excusable neglect.

10.2.6 The Scholarship Appeals Committee shall review the appeal to determine if the award decision was made in error, or if the applicant demonstrated substantial compliance with the scholarship application requirements but failed to meet one or more requirements for good cause.

10.2.7 If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that the initial decision was made in error, it shall either reverse the initial decision or remand it back to the Scholarship Staff for further review in accordance with the Appeals Committee's instructions.

10.2.8 If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that they demonstrated substantial compliance with the application process requirements and good cause for failing to meet one or more of the requirements, the Appeals Committee shall grant the applicant a reasonable period of

time to complete the remaining requirements and to resubmit the completed application to the Scholarship Staff for a redetermination.

10.2.9 The Scholarship Appeals Committee's decision shall be in writing and contain its findings of facts, reasoning and conclusions of law and notice of the right to judicial review.

10.2.10 The Scholarship Appeals Committee's decision represents the final agency action. An applicant who disagrees with the Scholarship Appeal Committee's Decision may seek judicial review in accordance with Utah Code section 63G-4-402.

R609-11 Reporting

11.1 As directed by Commissioner's staff, eligible institutions shall report to the Board the following:

11.1.1 The names of students the institutions awarded New Century Scholarship funds.

11.1.2 Enrollment information such as the current GPA, the number of credits completed, and deferment or leave of absence information.

11.1.3 Other information deemed necessary to evaluate eligibility or the effectiveness of the program.

11.2 The Board may, at any time, request additional documentation or data related to the Regents' Scholarship and may review or formally audit an eligible institution's compliance with this policy.

R604, New Century Scholarship¹

R604-1 Purpose: The New Century Scholarship encourages students to accelerate their education by earning an associate degree in high school from an institution within the Utah System of Higher Education (“USHE”).

R604-2 References

- 2.1 [Utah Code § 53B-8-105](#), New Century Scholarships
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R604-3 Definitions

3.1 “Applicant” means a student who is in their last term in high school and on track to complete the high school graduation requirements of a public school established by the Utah State Board of Education and the student’s school district or charter school or a private high school in the state that is accredited by a regional accrediting body approved by the Board, or a home-school student.

3.2 “Associate Degree” means an Associate of Arts, Associate of Science, or Associate of Applied Science degree received from, or verified by, a regionally accredited institution within USHE. If the institution does not offer the above listed degrees, equivalent academic requirements will suffice under subsection 3.5.2 of this policy.

3.3 “Awards” means New Century Scholarship funds.

3.4 “Utah Board of Higher Education – Board” means the Utah Board of Higher Education.

3.5 “Completes the requirements for an associate degree” means that an applicant completes either of the following:

¹ *Adopted June 4, 1999; amended July 12, 1999, April 20, 2001, May 31, 2002, September 15, 2006, October 16, 2009, April 1, 2010, March 25, 2011, March 29, 2013, April 1, 2016, May 17, 2019, May 15, 2020, May 20, 2022; and XXX.*

3.5.1 All the required courses for an associate degree from an institution within USHE that offers associate degrees; and applies for the associate degree from the institution; or

3.5.2 All the required courses for an equivalency to the associate degree from a higher education institution within USHE that offers Baccalaureate degrees but does not offer associate degrees.

3.6 “Excusable Neglect” means a failure to take proper steps at the proper time, not in consequence of carelessness, inattention, or willful disregard in the processing of an appeal, but in consequence of some unexpected or unavoidable hindrance or accident.

3.7 “Good Cause” means the student’s failure to meet a scholarship application process requirement was due to circumstances beyond the student’s control or circumstances that are compelling and reasonable.

3.8 “High school” means a public high school established by the Board or a private high school within the boundaries of the State of Utah. If a private high school, it shall be accredited by a regional accrediting body approved by the Board.

3.9 “High school graduation date” means the day on which the recipient’s class graduates from high school. For home-schooled student refer to subsection 4.2.1 of this policy.

3.10 “Home-schooled” refers to a student who has not graduated from a Utah high school and received a high school grade point average (GPA).

3.11 “Math and science curriculum” means the rigorous math and science curriculum developed and approved by the Board which, if completed, qualifies a high school student for an award. Curriculum requirements can be found on USHE’s website at ushe.edu.

3.12 “New Century Scholarship” means a renewable scholarship to be awarded to applicants who complete the eligibility requirements of section 4 of this policy.

3.13 “Reasonable progress” means enrolling and completing at least twelve credit hours during Fall and Spring semesters and earning a 3.3 GPA or higher each semester. If applicable, students attending summer must enroll full-time according to their institution and or program policy regarding full-time status.

3.14 “Recipient” means an applicant who receives an award under the requirements set forth in this policy.

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3.16 “Scholarship Appeals Committee” means the committee designated by Commissioner of Higher Education to review appeals of Regents’ Scholarship award decisions and take final agency action regarding awards.

3.17 “Scholarship Staff” means the group assigned to review Regents’ Scholarship applications and make decisions awarding the scholarships and deferments.

3.18 “Substantial Compliance” means the applicant, in good faith, complied with the substantial or essential scholarship application requirements and has demonstrated likely eligibility but failed to comply exactly with the application specifics.

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R604-4 Recipient Requirements: This section enumerates the requirements to qualify as a recipient. Subsection 4.1 creates the general academic requirements. Subsections 4.2 and 4.3 clarify the exceptions and requirements specific for home-schooled students and students whose graduation date occurs in 2010 or before.

4.1 General Academic Requirements: Unless an exception applies, to qualify as a recipient a student shall:

4.1.1 Complete the requirements for an associate degree or the math and science curriculum at a regionally accredited institution within USHE.

4.1.1.1 With at least a 3.0 grade point average

4.1.1.2 By the applicant’s high school graduation date; and

4.1.2 Complete the high school graduation requirements of a Utah high school with at least a 3.5 cumulative GPA.

4.2 Utah Home-schooled Students: For Utah home-schooled applicants the following exceptions and requirements apply:

4.2.1 High School Graduation Date for Home-schooled Applicants:

4.2.1.1 Completes High School in 2011 and After: If a home-schooled applicant would have completed high school in 2011 or after, the high school graduation date (under subsection 4.1.1.2) is June 15 of the year the applicant would have completed high school;

4.2.2 ACT Composite Score Requirement: A composite ACT score of 26 or higher is required in place of the high school GPA (under subsection 4.1.2).

4.3 Mandatory Fall Term Enrollment: A recipient shall enroll in an eligible institution by fall semester immediately following the student's high school graduation date or receive an approved deferral or leave of absence under subsection 8.7 of this policy.

R604-5 Application Procedures: This section establishes the basic application procedures for an award.

5.1 Application Contact: Qualifying students shall apply for the award through the Board.

5.2 General Procedure: An application for an award shall contain the following:

5.2.1 Application Form: the official online application will become available on the New Century website.

5.2.2 College Transcript: an official college transcript showing college courses, Advanced Placement and transfer work an applicant has completed to meet the requirements for the associate degree and verification of the date the award was earned; and

5.2.3 High School Transcript: an official high school transcript with high school graduation dated posted (if applicable).

5.2.4 ACT Score: a copy of the student's verified ACT score (if applicable).

5.3 Registrar Verification: If an applicant is enrolled at an institution which does not offer an associate degree or an institution that will not award the associate degree until the academic on-campus residency requirement has been met, the registrar must verify that the applicant has completed the equivalent academic requirements under 4.1.1.²

² Please note the verification requirement.

5.4 Application Deadline: Applicants shall meet the following deadlines:

5.4.1 Application Submission: Applicants must submit the official scholarship application no later than February 1 of the year of their high school graduation date or the year they would have graduated from high school.

5.4.2 Support Documentation Submission: All necessary support documentation shall be submitted on or before September 1 following the student's high school graduation date. In some cases, exceptions may be made as advanced placement and transfer work verification may be delayed at an institutional level and no fault of the applicant. Scholarship awards may be denied if all documentation is not complete and submitted by the specified deadlines. And if any documentation demonstrates that the applicant did not satisfactorily fulfill all coursework and GPA requirements, or if any information, including the attestation of criminal record and citizenship status, proves to be falsified.

5.4.3 Priority Deadline: A priority deadline may be established each year. Applicants who meet the priority deadline may be given first priority of consideration for awards.

5.5 Incomplete Documentation: Applications or other submissions that have missing information or missing documents are considered incomplete, will not be considered, and may result in failure to meet a deadline.

R604-6 Awards: This section establishes the total value of an award, the power of the Board to change that value, and the eligible institutions where the award may be used.

6.1 Value of the Award: The award is up to the amount provided by the law and determined each Spring by the Board based on legislative funding and number of applicants. The total value may change in accordance with subsection 6.2.

6.2 The Board May Decrease Award: If the appropriation from the Utah Legislature for the scholarship is insufficient to cover the costs associated with the scholarship, the Board may reduce or limit the award.

6.3 Eligible Institutions: An award may be used at the following institutions:

6.3.1 For recipients whose high school graduation date is on or before July 1, 2019, award funds may be used at a four-year institution within USHE that offers Baccalaureate programs or a private not-for-profit higher education four-year institution in the state of

Utah accredited by the Northwest Commission on Colleges and Universities that offers Baccalaureate programs.

6.3.2 For recipients whose high school graduation date is after July 1, 2019, funds may be used at a four-year institution within USHE that offers Baccalaureate programs.

6.4 Enrollment at Multiple Institutions: The award may only be used at the institution from which the student is earning a Baccalaureate degree.

6.5 Student Transfer: The award may be transferred to a different eligible institution upon the request of the recipient.

6.6 Limits: A recipient cannot receive both a New Century and a Regents' Scholarship.

R604-7 Disbursement of Award: This section details the disbursement of the award amounts.

7.1 Disbursement Schedule of Award: The award shall be disbursed semester-by-semester over the shortest of the following time periods:

7.1.1 Four semesters of enrollment in twelve credit hours;

7.1.2 Sixty credit hours; or

7.1.3 Until the recipient meets the requirements for a baccalaureate degree.

7.2 Enrollment Documentation: Institutions shall verify the recipient has met the requirements outlined in R604-8. Recipients who do not maintain eligibility may forfeit the remaining award amount.

7.3 Dropped Hours after Award: If a recipient drops credit hours after having received the award which results in enrollment below twelve credit hours, the scholarship will be revoked and the student may no longer be eligible for future awards (see 8.1) unless the student needs fewer than twelve credit hours for completion of a degree.

R604-8 Excess Appropriations: If money appropriated for this scholarship is available after all scholarship under this policy have been awarded, the Board shall use the leftover money for the Utah Promise Program Grant under Board Policy R620.

R604-9 Continuing Eligibility: This section establishes the expectations of recipients to renew their award.

9.1 Reasonable Progress Toward Degree Completion: The Board may cancel a recipient's scholarship if the student fails to:

9.1.1 Maintain 3.3 GPA: to maintain a 3.3 GPA or higher for each semester for which he or she has received awards; or

9.1.2 Reasonable Progress: to make reasonable progress (twelve credit hours) toward the completion of a Baccalaureate degree. A recipient must apply and receive an approved deferral or leave of absence under subsection 8.7 if they will not enroll in twelve credit hours continuously for Fall and Spring semesters.

9.2 Probation: If a recipient earns less than a 3.3 GPA in any single semester, the recipient must earn a 3.3 GPA or better the following semester to maintain eligibility for the scholarship. If the recipient again at any time earns less than a 3.3 GPA the scholarship will be revoked.

9.3 Final Semester: A recipient will not be required to enroll in twelve credit hours if the recipient can complete the degree program with fewer credits.

9.4 No Awards after Five Years: The Board will not make an award to a recipient for an academic term that begins more than five years after the recipient's high school graduation date.

9.5 No Guarantee of Degree Completion: An award does not guarantee that the recipient will complete their Baccalaureate program within the recipient's scholarship eligibility period.

9.6 Deferral or Leave of Absence:

9.6.1 A recipient shall apply to the Board for a deferral. Leave of absence request are reviewed and approved by the institution the student is attending. Student are required to submit deferral and leave of absence request if they do not continuously enroll in fall and spring semester in twelve credit hours.

9.6.2 A deferral or leave of absence will not extend the time limits of the scholarship under subsection 8.5.

9.6.3 Deferrals or leaves of absence may be granted, for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

R604-10 Appeals

10.1 Scholarship Determinations: Submission of a scholarship application does not guarantee a scholarship award. The Scholarship Staff shall review individual scholarship

applications and make the awards determination. Awards are based on available funding, applicant pool, and applicants' completion of scholarship criteria by the specified deadline.

10.2 Appeals: An applicant has the right to appeal the Scholarship Staff's decision by filing an appeal with the Scholarship Appeals Committee subject to the following conditions:

10.2.1 Appeals must be submitted within 30 days of the date on which the scholarship notification was issued.

10.2.2 In the appeal, the applicant must provide their full name, mailing address, the high school they last attended, a statement of the reason for the appeal, and all information or evidence that supports the appeal. The failure of an applicant to provide the information in this subsection shall not preclude the acceptance of an appeal.

10.2.3 An appeal filed before the applicant receives official notification from the Scholarship Staff regarding their application shall not be considered.

10.2.4 If an applicant failed to file their appeal on time, the Scholarship Appeals Committee shall notify the applicant and give them an opportunity to show that the appeal was timely or that it was delayed for excusable neglect. If it is found that the appeal was not timely and the delay was without excusable neglect, the Scholarship Appeals Committee shall not have jurisdiction to consider the merits.

10.2.5 The Scholarship Appeals Committee may consider a late appeal on its merits if it determines the appeal was delayed because of excusable neglect.

10.2.6 The Scholarship Appeals Committee shall review the appeal to determine if the award decision was made in error, or if the applicant demonstrated substantial compliance with the scholarship application requirements but failed to meet one or more requirements for good cause.

10.2.7 If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that the initial decision was made in error, it shall either reverse the initial decision or remand it back to the Scholarship Staff for further review in accordance with the Appeals Committee's instructions.

10.2.8 If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that they demonstrated substantial compliance with the application process requirements and good cause for failing to meet one or more of the requirements, the Appeals Committee shall grant the applicant a reasonable period of

time to complete the remaining requirements and to resubmit the completed application to the Scholarship Staff for a redetermination.

10.2.9 The Scholarship Appeals Committee's decision shall be in writing and contain its findings of facts, reasoning and conclusions of law and notice of the right to judicial review.

10.2.10 The Scholarship Appeals Committee's decision represents the final agency action. An applicant who disagrees with the Scholarship Appeal Committee's Decision may seek judicial review in accordance with Utah Code section 63G-4-402.

R609-11 Reporting

11.1 As directed by Commissioner's staff, eligible institutions shall report to the Board the following:

11.1.1 The names of students the institutions awarded New Century Scholarship funds.

11.1.2 Enrollment information such as the current GPA, the number of credits completed, and deferment or leave of absence information.

11.1.3 Other information deemed necessary to evaluate eligibility or the effectiveness of the program.

11.2 The Board may, at any time, request additional documentation or data related to the Regents' Scholarship and may review or formally audit an eligible institution's compliance with this policy.

R609A, Regents' Scholarship¹

R609A-1 Purpose: The Regents' Scholarship encourages Utah high school students to prepare for college academically and financially by taking a core course of study in grades 9-12 and saving for college. This statewide scholarship is aligned with the Utah Scholars Core Course of Study which is based on national recommendations as outlined by the State Scholars Initiative. The courses required by the scholarship are proven to help students become college and career ready. In addition, this scholarship encourages high school students to complete meaningful course work through their senior year.

R609-2 References

- 2.1 Utah Code ~~Ann. § 53B-8-108 et seq.~~, Regents' Scholarship Program
- 2.2 Utah Admin. Code §R277-700-7, High School Requirements (Effective for Graduating Students Beginning with the 2010-2011 School Year)
- 2.3 ~~Regents' Board Policy and Procedures R604~~, New Century Scholarship

R609-3 Definitions

3.1 "Applicant" means a student who is in their last term in high school and on track to complete the high school graduation requirements of a public school established by the Utah State Board of Education and the student's school district or charter school or a private high school in the state that is accredited by a regional accrediting body approved by the Board of Higher Education.

3.2 "Base Award": means a one-time scholarship to be awarded to applicants who complete the eligibility requirements of section R609-4 of this policy.

3.3 "Board" means the Utah Board of Higher Education.

3.4 "College Course Work" means any instance in which college credit is earned, including but limited to, concurrent enrollment, distance education, dual enrollment, or early college.

3.5 "Core Course of Study" means the courses taken during grades 9-12 for the Core Course of study which include:

¹ Adopted June 4, 1999, amended July 12, 1999, April 20, 2001, May 31, 2002, September 15, 2006. Amended and approved on October 16, 2009; April 1, 2010; March 25, 2011; March 29, 2013; April 1, 2016, ~~and~~ May 17, 2019, and XXX.

3.5.1 4.0 units of English;

3.5.2 4.0 units of mathematics taken in a progressive manner (at minimum Secondary Mathematics I, Secondary Mathematics II, Secondary Mathematics III and one class beyond); if the student is attending a school that has not implemented the Utah Core “K-12” Standards, a student would complete at minimum Algebra I, Geometry, Algebra II, and a class beyond Algebra II

3.5.3 3.5 units of social studies;

3.5.4 3.0 units of lab-based natural science (one each of Biology, Chemistry, and Physics); and

3.5.5 2.0 units of the same foreign language, other than English, taken in a progressive manner.

3.6 “Eligible Institutions” means institutions of the USHE or any private, nonprofit institution of higher education in Utah accredited by the Northwest Commission on Colleges and Universities (NWCCU).

3.7 “Excusable Neglect” means a failure to take proper steps at the proper time, not in consequence of carelessness, inattention, or willful disregard of the scholarship application process, but in consequence of some unexpected or unavoidable hindrance or accident.

3.8 “Exemplary Academic Achievement Award” (“Exemplary Award”) means a renewable scholarship to be awarded to students who complete the eligibility requirements of section 4.2 of this policy.

3.9 “Good Cause” means the student’s failure to meet a scholarship application process requirement was due to circumstances beyond the student’s control or circumstances that are compelling and reasonable.

3.10 “High school” means a public school established by the Utah State Board of Education or private high school within the boundaries of the State of Utah. If a private high school, it shall be accredited by a regional accrediting body approved by the Board.

3.11 “Home – Schooled” refers to a student who has not graduated from a Utah high school and received credits and/ or letter grades for the Core Course of study in grades 9-12.

3.12 “Recipient” means an applicant who receives an award under the requirements set forth in this policy.

3.13 “Reasonable progress” means enrolling and completing at least fifteen credit hours during Fall and Spring semesters and earning a 3.3 grade point average (GPA) or higher each semester while enrolled at an eligible institution and receiving the award.

3.14 “Renewal Documents” include institutionally produced documents demonstrating that the recipient has met the required semester GPA and a detailed schedule providing proof of enrollment in fifteen credit hours for the semester for which the recipient is seeking award payment.

3.15 “Scholarship Appeals Committee” means the committee designated by Commissioner of Higher Education to review appeals of Regents’ Scholarship award decisions and take final agency action regarding awards.

3.16 “Scholarship Staff” means the group assigned to review Regents’ Scholarship applications and make initial decisions awarding the scholarships.

3.17 “Substantial Compliance” means the applicant, in good faith, complied with the substantial or essential scholarship application requirements and has demonstrated likely eligibility but failed to comply exactly with the application specifics.

3.18 “UESP” means the Utah Educational Savings Plan.

3.19 “USHE” means the Utah system of higher education, which includes the University of Utah, Utah State University, Weber State University, Southern Utah University, Snow College, ~~Dixie State~~ [Utah Tech](#) University, Utah Valley University, and Salt Lake Community College.

3.20 Weighted Grade: [means a](#) ~~A~~ grade shall be weighted if a student completed an advanced placement, international baccalaureate or college course. The grade weight given is half the value of the high school credits earned for the course. For AP and IB courses all grades are averaged and then the weight is applied. When college credit is earned the grade weight is applied to the grade shown on the college transcript.

R609-4 Base Award Requirements: To qualify for the Regents’ Scholarship Base award, the applicant shall satisfy the following criteria:

4.1 Complete the Core Course of Study as defined in section 3.5 of this policy subject to the following criteria:

4.1.1 Not all courses that meet state and individual district high school graduation requirements meet the scholarship requirements

4.1.2 Course Availability: In addition to taking courses at the school they are attending a student may complete coursework through other accredited Utah high schools or Utah eligible institutions.

4.1.3 A student may meet a course requirement through a competency-based assessment provided it is documented on a transcript and has a letter grade(A-C) assigned.

4.1.4 The courses completed shall be unique except when repeated for a higher grade as noted in (insert section). Students may not take a standard course and then enroll in the honors version of the same course and count both toward meeting the scholarship credit requirements and, when applicable, the requirement of progression.

4.1.5 Repeated course work shall not count toward accumulation of required credits.

4.2 GPA: The applicant shall demonstrate completion of the Core Course of Study with a non-weighted cumulative high school GPA of at least 3.0.

4.3 Minimum Grade Requirement: The applicant shall earn a course grade on a transcript of “C” or above in each individual course listed in section 3.4. Certain courses may receive a weighted grade as outlined under subsection 9.5 as part of the scholarship award determination.

4.4 Replacing Low Grades by Retaking a Course: An applicant may retake a course to replace a low grade received. When retaking courses to replace a grade the following subsections apply:

4.5 The Entire Course: The applicant shall either (1) retake the entire original course, or (2) complete an approved course equal to or greater in credit value in the same subject-area. The math and foreign language requirement of progression shall be shown. This is true even if the applicant only received a lower grade in a single semester, term, trimester, or quarter.

4.6 The Higher of Two Grades: The higher of two grades in the same or an approved course will count towards meeting the scholarship requirements.

4.7 Approved Courses and Progression Determined by the Regents’ Scholarship Review Committee: The Regents’ Scholarship Review Committee reserves the right to determine if the repeated course qualifies as an approved course in the same subject-area and if progression is required and demonstrated.

4.8 “P” and “I” Grades not Accepted: Pass/fail or incomplete grades do not meet the minimum scholarship grade requirement.

4.9 College Course Work: College course work will only be evaluated if the applicant submits an Official College transcript. If an applicant enrolls in and completes a college course worth three or more college credits, this shall be counted as one high school credit toward the scholarship requirements. The student is evaluated on the college grade earned, with the weight added to the college grade as defined in section 3.19.

4.10 ACT Score: The applicant shall submit at least one verified ACT score.

4.11 Utah High School Graduation: The applicant shall have graduated from a Utah high school.

4.12 Citizenship: A recipient shall be a citizen of the United States or a noncitizen who is eligible to receive federal student aid.

4.13 No Criminal Record: A recipient shall not have a criminal record, with the exception of a misdemeanor traffic citation.

4.14 Mandatory Fall Semester Enrollment: A recipient shall enroll in fifteen credit hours at an eligible institution by Fall semester immediately following the student's high school graduation date or receive an approved deferral from the Board under subsection 7.2. Documentation shall include the recipient's name, the semester the recipient will attend, the name of the institution they are attending and the number of credits for which the recipient is enrolled.

4.15 New Century Scholarship: A recipient shall not receive both a Regents' Scholarship and the New Century Scholarship established in Utah Code Section 53B-8-105 and administered in R604. 609-5. Exemplary Academic Achievement Award Requirements: To qualify for the Regents' Scholarship Exemplary Academic Achievement award, the applicant shall satisfy all requirements for the Base award (see section 3.4), and additionally meet all of the following requirements:

4.16 GPA: The applicant shall have a non-weighted cumulative high school GPA of at least 3.5.

4.17 Minimum Grade: The applicant shall earn a course grade on a transcript of "B" or above in each individual course listed in section 3.4. Certain courses may receive a weighted grade as part of the scholarship award determination.

4.18 ACT Score: The applicant shall submit a verified composite ACT score of at least 26.

609-5 Continuation and Renewal of the Exemplary Award.

5.1 Duty of Student to Report Reasonable Progress Toward Degree Completion: In order to renew the Exemplary Academic Achievement Award, the recipient shall submit renewal documents each semester, providing evidence of reasonable progress toward degree completion by the deadlines established in current program materials.

5.2 If the recipient fails to maintain a 3.3 GPA in a single semester the recipient is placed on probation and shall earn a 3.3 GPA or better the following semester to maintain eligibility. If the recipient again at any time earns less than a 3.3 GPA or fails to enroll and complete fifteen credit hours, except as outlined in section 7.2 of this policy, the scholarship may be revoked.

5.3 Recipient will not be required to enroll in fifteen credit hours if the student can complete his/her degree program with fewer credits. Documentation shall include the recipient's name, the semester the recipient will attend, the name of the institution they are attending and the number of credits for which the recipient is enrolled.

5.4 Student Transfer: Students may transfer their scholarship to a different eligible institution upon request to the Scholarship office.

R609-6 Application Procedures

6.1 Application Deadline: Applicants shall submit an official scholarship application no later than February 1 of the year that they graduate from high school. A priority deadline may be established each year. Applicants who meet the priority deadline may be given first priority or consideration for the scholarship. Subject to funding, students may be considered based on date of completed and submitted application.

6.2 Required Documentation: Scholarship awards shall be denied if all documentation is not completed and submitted by the specified deadlines. If any documentation demonstrates that the applicant did not satisfactorily fulfill all course and GPA requirements, or if any information, including the attestation of criminal record or citizenship status, proves to be falsified the award may be denied. Required documents that shall be submitted with a scholarship application include:

6.2.1 the official online application;

6.2.2 an official high school paper or electronic transcript, official college transcript(s) when applicable, and any other miscellaneous transcripts demonstrating all completed courses and GPA. Final transcript(s) will be requested if the student is found conditionally approved, meaning that the student appears to be on track to receive the scholarship;

6.2.3 If a student completed coursework at an educational institution outside of the district from which the student graduated, the student must submit an official transcript from the school at which he or she completed the coursework if the courses completed and grades earned are not reflected in the official high school transcript; and

6.2.4 verified ACT score(s).

R609-7 Amount of Awards and Distribution of Award Funds

7.1 Funding Constraints of Awards: The Board may limit or reduce the Base Award and/or the Exemplary Academic Achievement Award, as well as supplemental awards granted, depending on the annual legislative appropriations and the number of qualified applicants.

7.2 Amount of Awards

7.2.1 Base Award: The Base award of up to \$1,000 may be adjusted annually by the Board in an amount up to the average percentage tuition increase approved by the Board for USHE institutions.

7.2.2 Exemplary Academic Achievement Award: The Exemplary Academic Achievement award is up to the amount provided by law and as determined each Spring by the Board based on legislative funding and the number of applicants. The Exemplary Academic Achievement award may be renewed for the shortest of the following:

7.2.2.1 Four semesters of enrollment in fifteen credit hours;

7.2.2.2 Sixty-five credit hours; or

7.2.2.3 Until the student meets the requirements for a Baccalaureate degree.

7.2.3 UESP Supplemental Award to Encourage College Savings: Subject to available funding, an applicant who qualifies for the Base award is eligible to receive up to an additional \$400 in state funds to be added to the total scholarship award.

7.2.3.1 For each year the applicant is 14, 15, 16, or 17 years of age and had an active UESP account, the Board may contribute, subject to available funding, \$100 (i.e., up to \$400 total for all four years) to the recipient's award if at least \$100 was deposited into the account for which the applicant is named the beneficiary.

7.2.3.2 If no contributions are made to an applicant's account during a given year, the matching amount will likewise be \$0.

7.2.3.3 If contributions total more than \$100 in a given year, the matching amount will cap at \$100 for that year.

7.2.3.4 Matching funds apply only to contributions, not to transfers, earnings, or interest.

7.3 Distribution of Award Funds

7.3.1 Award Payable to Institution: The award will be made payable to the institution. The institution may pay over to the recipient any excess award funds not required for tuition payments. Award funds shall be used for any qualifying higher education expense including: tuition, fees, books, supplies, equipment required for course instruction, or housing.

7.3.2 Credit Hours Dropped After Award Payment: If a recipient drops credit hours after having received the award which results in enrollment below fifteen credit hours, the scholarship may be revoked.

R609-8 Time Constraints and Continuing Eligibility

8.1 Time Limitation: A Regents' Scholarship recipient shall use the award in its entirety within five years after his/her high school graduation date.

8.2 Deferral or Leave of Absence: A recipient shall apply for a deferral or leave of absence if they do not continuously enroll in fifteen credit hours.

8.2.1 Deferrals or leaves of absence may be granted, at the discretion of the Scholarship Review Committee, for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

8.2.2 An approved deferral or leave of absence will not extend the time limits of the scholarship. The scholarship may only be used for academic terms which begin within five years after the recipient's high school graduation date.

8.3 No Guarantee of Degree Completion: Neither a Base award nor an Exemplary Academic Achievement award guarantees that the recipient will complete ~~his or her~~ their Associate or Baccalaureate program within the recipient's scholarship eligibility period.

R609-9 Scholarship Determinations and Appeals

9.1 Scholarship Determinations: Submission of a scholarship application does not guarantee a scholarship award. The Scholarship Staff shall review individual scholarship applications and make the awards determination. Awards are based on available funding, applicant pool, and applicants' completion of scholarship criteria by the specified deadline.

9.2 Appeals: An applicant has the right to appeal the Scholarship Staff's adverse decision by filing an appeal with the Scholarship Appeals Committee subject to the following conditions:

9.2.1 The appeal must be in writing and submitted in person or through the U.S. Mail. Appeals must be hand delivered to the office or postmarked within 30 days of the date on which the scholarship notification was issued.

9.2.2 In the appeal, the applicant must provide ~~his or her~~their full name, mailing address, the high school he or she last attended, a statement of the reason for the appeal, and all information or evidence that supports the appeal. The failure of an applicant to provide the information in this subsection shall not preclude the acceptance of an appeal.

9.2.3 An appeal filed before the applicant receives official notification from the Scholarship Staff of its decision shall not be considered.

9.2.4 If an applicant failed to file ~~his or her~~their appeal on time, the Scholarship Appeals Committee shall notify the applicant of the late filing and give him or her an opportunity to explain the reasons for failing to file the appeal by the deadline. The Scholarship Appeals Committee shall not have jurisdiction to consider the merits of an appeal that is filed beyond the deadline unless it determines the applicant established excusable neglect.

9.2.5 The Scholarship Appeals Committee shall review the appeal to determine if the award decision was made in error, or if the applicant demonstrated substantial compliance with the scholarship application requirements but failed to meet one or more requirements for good cause.

9.2.6 If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that the initial decision was made in error, it shall either reverse the initial decision or remand it back to the Scholarship Staff for further review in accordance with the Appeals Committee's instructions.

9.2.7 If the Scholarship Appeals Committee determines the applicant has shown by a preponderance of the evidence that he or she demonstrated substantial compliance with the application process requirements and good cause for failing to meet one or more of the requirements, the Appeals Committee shall grant the applicant a reasonable period of time to complete the remaining requirements and to resubmit the completed application to the Scholarship Staff for a redetermination. In such a case, the applicant shall have the right to appeal an adverse decision according to this rule.

9.2.8 The Scholarship Appeals Committee’s decision shall be in writing and contain its findings of facts, reasoning and conclusions of law and notice of the right to judicial review.

9.2.9 The Scholarship Appeals Committee’s decision represents the final agency action. An applicant who disagrees with the Scholarship Appeal Committee’s Decision may seek judicial review in accordance with Utah Code Ann. 63G-4-402.

9.2.10 An applicant who has exhausted all administrative and judicial remedies, and who would have likely received the scholarship but for an irreconcilable error in the application process, may seek a discretionary award from the Commissioner’s office.

9.2.10.1 Discretionary awards are only available if the legislature has appropriated funds specifically for unsuccessful applicants of the Regents’ Scholarship.

9.2.10.2 If the Legislature has appropriated funds for this express purpose, the Commissioner’s Office may disburse the funds at its sole discretion, on a case-by-case basis. Decisions on awarding discretionary funds are final; there is no appeal available.

R609A, Regents' Scholarship¹

R609A-1 Purpose: The Regents' Scholarship encourages Utah high school students to prepare for college academically and financially by taking a core course of study in grades 9-12 and saving for college. This statewide scholarship is aligned with the Utah Scholars Core Course of Study which is based on national recommendations as outlined by the State Scholars Initiative. The courses required by the scholarship are proven to help students become college and career ready. In addition, this scholarship encourages high school students to complete meaningful course work through their senior year.

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R609-3 Definitions

3.1 "Applicant" means a student who is in their last term in high school and on track to complete the high school graduation requirements of a public school established by the Utah State Board of Education and the student's school district or charter school or a private high school in the state that is accredited by a regional accrediting body approved by the Board of Higher Education.

3.2 "Base Award" means a one-time scholarship to be awarded to applicants who complete the eligibility requirements of section R609-4 of this policy.

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