



UTAH SYSTEM OF
HIGHER EDUCATION

MEMORANDUM

November 9, 2022

Capital Facilities Policy Updates

Following recent statutory updates that eliminated the State Building Board, the Office of the Commissioner reviewed all Board Policies addressing Capital Facilities. As a result of that review, we identified several non-substantive edits to correct statutory and policy references in, and to improve the clarity and consistency of, the following Board Policies:

- R701, *Capital Facilities*
- R702, *Non-State Funded Projects*
- R703, *Acquisition of Real Property*
- R704, *Disposal of Real Property*
- R705, *Leased Space*
- R706, *Capital Facilities Master Planning*
- R711, *State Building Board Delegation of Capital Facilities Projects*
- R712, *Nontraditional Arrangements for Development of Facilities on Campus*
- R713, *Funding of Student Centers*
- R714, *Capital Facilities Community Impact*
- R715, *Institutional Residences*
- R741, *Threshold Requirements for Capital Development Project Requests*
- R742, *Degree-granting Institution Nondedicated Capital Project Prioritization Process*
- R743, *Degree-granting Institution Dedicated Capital Project Allocation*
- R744, *Technical College Capital Project Prioritization Process*
- R745, *Approval Process for Use of Dedicated Capital Project Funds*
- R751, *Institutional Facilities Space Utilization*
- R761, *Physical Education, Intramural Sports, and Special Event Facilities*
- R763, *Funding of Parking Facilities Repair Costs*

Commissioner's Recommendation

The Commissioner recommends the Committee approve the proposed edits and forward to the full Board for final approval.

Attachments

R701, Capital Facilities¹

R701-1 Purpose: To establish the respective roles of the Board of Higher Education (“Board”), the Boards of Trustees, and the Presidents regarding capital facilities and institutional requests for new capital facility projects.

R701-2 References

- 2.1 [Utah Code § 53B-7-101](#), Combined Requests for Appropriations
- 2.2 [Utah Code Title 53B, Chapter 20](#), Property Rights – Title and Control
- 2.3 [Utah Code Title 53B, Chapter 22](#), Capital Developments
- 2.4 [Utah Code Title 63A, Chapter 5b, Part 3](#), Division of Facilities Construction and Management
- 2.5 [Utah Code § 63A-5b-401](#), Definitions
- 2.6 [Utah Code § 63A-5b-403](#), Institutions of Higher Education – Capital Development Projects
- 2.7 [Board Policy R711](#), Division of Facilities and Construction Management Delegation of Capital Facilities Projects
- 2.8 [Board Policy R706](#), Capital Facilities Master Planning
- 2.9 [Board Policy R741](#), Threshold Requirements for Capital Development Project Requests
- 2.10 [Board Policy R742](#), Degree-granting Institution Nondedicated Capital Project Prioritization Process
- 2.11 [Board Policy R743](#), Degree-granting Institution Dedicated Capital Project Allocation
- 2.12 [Board Policy R744](#), Technical College Capital Project Prioritization Process
- 2.13 [Board Policy R745](#), Approval Process for Use of Dedicated Capital Project Funds

R701-3 Definitions

3.1 “Architectural Programming” means a formal decision-making process used to identify and define the goals and uses of a capital project and to define the scope of work and cost prior to design or construction.

3.2 “Capital Facilities” are defined as fixed capital assets such as buildings and structures, real estate, utilities and distribution infrastructure, landscape features, hardscape (surface

¹ Approved September 16, 1975; amended February 16, 1982, June 24, 1988, December 14, 1990, June 18, 1993, September 24, 1993, December 11, 1998, June 4, 1999, April 18, 2008, April 1, 2010, November 16, 2012, January 25, 2013, September 13, 2013, January 24, 2014, and May 15, 2015. Repealed January 20, 2017; new R701 adopted January 20, 2017, and XXX.

parking, plazas, sidewalks, and exterior stairs and ramps), roadways, campus lighting, and other improvements that serve and protect the general purposes of an institution.

3.3 “Capital Development Project” is defined by Utah Code section 63A-5b-401(1)(a).

3.4 “Capital Improvement Project” is defined by Utah Code section 63A-5b-401(2).

3.5 “Dedicated Project” means a degree-granting institution’s capital development project funded by the institution’s allocation under Utah Code section 53B-22-201 or from the Board’s prioritization of dedicated funds for a technical college under Board Policy R744.

3.6 “Nondedicated Project” means a capital development project for which state funds from a source other than the institution’s allocation are requested or used.

3.7 “Remodeling” means any alteration, modification, or improvement project other than routine maintenance or repair work, regardless of the source of funding.

R701-4 Effective and Efficient Use of Resources: The Utah System of Higher Education seeks to maximize the effective and efficient use of state resources. Institutions must demonstrate that requests for construction of new capital facilities or remodeling of existing facilities meet the requirements of Board Policies R741 and R745, and either Board Policies R742 and R743 for degree-granting institutions, or Board Policy R744 for technical colleges.

4.1 Remodeling: Institutions should remodel existing capital facilities for the purpose of changing the building’s function only when the project is justified by, and consistent with, the institution’s mission and in accord with the Board’s previously approved goals and objectives.

R701-5 State Funded Capital Projects Approvals

5.1 Boards of Trustee Review of Requests: Institutions shall obtain approval from their respective Boards of Trustees before they may submit a funding request for dedicated, nondedicated, and capital improvement projects to the Board. Boards of Trustees shall ensure that proposed project requests meet the requirements of Board Policies R741 and R745, and either Board Policies R742 and R743 for degree-granting institutions, or Board Policy R744 for technical colleges.

5.2 Commissioner’s Office Recommendations: The Commissioner and his staff shall provide annual recommendations for dedicated, nondedicated, and improvement projects Board Policies R741 through R745 in preparing its recommendations to the Division of Facilities Construction and Management (“DFCM”), the Governor, and the Legislature.

5.3 Board of Higher Education Allocation for Dedicated Projects: The Board shall establish and annually review a formula for the allocation of dedicated project funding provided by the Legislature in accordance with Board Policies R741, R743, and R744. The Board shall allocate dedicated project funds to institutions annually by June 30.

5.4 Institutional Use of Funds for Dedicated Projects: The process for institutions to request the use of legislative appropriations allocated by the Board for a dedicated project are governed by Board Policy R745. The Board shall annually submit a list of recommended dedicated projects to DFCM, the Governor, and the Legislature.

5.5 Board of Higher Education Prioritization of Nondedicated Projects: The Board shall annually prioritize nondedicated projects for the Utah System of Higher Education in accordance with Board Policy R742 for degree-granting institutions, and Board Policy R744 for technical colleges, and shall submit final recommendations to DFCM, the Governor, and the Legislature.

R701-6 Submission of Capital Improvement Project Requests: Each year institutions shall submit to the DFCM and the Board of Higher Education a prioritized list of projects for funding through the state capital improvement program.

6.1 Non-inclusion of Equipment: Institutions may not include acquisition of equipment unless it is an integral component of a capital improvement project.

6.2 Non-inclusion of Normal Maintenance: Normal maintenance of fixed capital assets (i.e., unplanned or discretionary) shall be considered part of the annual operating budget and may not be included as a component of a capital improvement project. Normal maintenance excludes preventive and corrective maintenance of equipment scheduled by the DFCM, as well as planned or programmed maintenance of major structural components of a facility, e.g., roofs, parking lots.

R701-7 Responsibilities of Institutional Presidents: A president or their designee may:

7.1 Other Necessary Actions: Take all necessary actions relating to construction and remodeling activities that do not require DFCM approval.

7.2 Routine Repair and Maintenance: Assume the responsibility for routine repair and maintenance of existing structures or facilities, e.g., painting, roof repair, plumbing and electrical repairs, etc.). Institutions must adhere to the DFCM facility maintenance standards.

7.3 Change Orders: Assume the responsibility to approve and recommend to DFCM any change orders on projects under construction, as long as funds are available and the change order is within the approved purpose of the project.

7.4 Accept Completed Facilities: Accept completed capital facilities from DFCM.

R701-8 Architectural Programming of State-Funded Capital Development Projects: Prior to entering into a contract for architectural programming services for a future state-funded capital development project that has not been approved by the Legislature, an institution shall first receive approvals of the institution's Board of Trustees, the Board, and DFCM, in that order.

8.1 Approval Not Needed for Projects Authorized by Legislature: Institutions do not need Board approval to architecturally program a facility that has been affirmatively authorized and funded by the Legislature.

8.2 Institutions May Seek Reimbursement: Institutions that fund an architectural program for a facility using donations, institutional funds, or other funds not appropriated by the Legislature may request reimbursement for those funds in the state-funded capital development project request.

R701-9. Board Review of Completed State-Funded Capital Development Projects: As required by Utah Code section 53B-22-204(8) the Board shall review the cost and the design of all completed dedicated and nondedicated projects.

R701, ~~Capital Facilities~~¹

~~R701-1 Purpose: To establish the respective roles of the Board of Higher Education (“Board”), the Boards of Trustees, and the Presidents regarding capital facilities and institutional requests for new capital facility projects.~~

R701-2 ~~References~~

- ~~2.1 Utah Code §53B-6-101 (Master Plan for Higher Education – Studies and Evaluations)~~
- ~~2.12 Utah Code § 53B-7-101 (Combined Requests for Appropriations)~~
- ~~2.23 Utah Code §53B-20-101 Title 53B, Chapter 20 (Property Rights – Title and Control)~~
- ~~2.34 Utah Code §53B-22-201 Title 53B, Chapter 22 (Capital Developments)~~
- ~~2.45 Utah Code Title 63A, Chapter 5b, Part 3 (State Building Board – Division of Facilities Construction and Management)~~
- ~~2.5 Utah Code § 63A-5b-401, Definitions~~
- ~~2.6 Utah Code § 63A-5b-403, Institutions of Higher Education – Capital Development Projects~~
- ~~2.76 Board Policy R711, State Building Board Division of Facilities and Construction Management Delegation of Capital Facilities Projects~~
- ~~2.87 Board Policy R706, Capital Facilities Master Planning~~
- ~~2.98 Board Policy R741, Dedicated Capital Project Allocation Formula Threshold Requirements for Capital Development Project Requests~~
- ~~2.109 Board Policy R742, Process for Institutional Use of Dedicated Capital Project Funds Degree-granting Institution Nondedicated Capital Project Prioritization Process~~
- ~~2.110 Board Policy R743, Nondedicated Capital Project Prioritization Process Degree-granting Institution Dedicated Capital Project Allocation~~
- ~~2.12 Board Policy R744, Technical College Capital Project Prioritization Process~~
- ~~2.13 Board Policy R745, Approval Process for Use of Dedicated Capital Project Funds~~

R701-3 ~~Definitions~~

~~3.1 “Architectural Programming” means a formal decision-making process used to identify and define the goals and uses of a capital project and to define the scope of work and cost prior to design or construction.~~

¹ ~~Approved September 16, 1975; amended February 16, 1982; June 24, 1988; December 14, 1990; June 18, 1993, September 24, 1993; December 11, 1998; June 4, 1999; April 18, 2008; April 1, 2010; November 16, 2012; January 25, 2013; September 13, 2013; January 24, 2014; and May 15, 2015; Repealed January 20, 2017; and new R701 policy adopted January 20, 2017, and XXX.~~

3.2- “Capital Facilities”~~:- Capital Facilities are defined as fixed capital assets such as buildings and structures, real estate, utilities and distribution infrastructure, landscape features, hardscape (surface parking, plazas, sidewalks, and exterior stairs and ramps), roadways, campus lighting, and other improvements that serve and protect the general purposes of an institution.~~

3.3- “Capital Development Project” ~~is defined by~~ **:- This policy adopts the definition established in** Utah Code section 63A-5b-104401(1)(a).

3.4- “Capital Improvement Project”~~:- This policy adopts the definition established in is defined by~~ Utah Code section 63A-5b-401(2)+04(4)(b).

3.5- “Dedicated Project”~~:- a capital development project for which state funds from an institution’s formulaic allocation under Utah Code 53B-22-201 are requested or used. means a degree-granting institution’s capital development project funded by the institution’s allocation under Utah Code section 53B-22-201 or from the Board’s prioritization of dedicated funds for a technical college under Board Policy R744.~~

3.6- “Nondedicated Project”~~:- a capital development project for which state funds from a source other than an institution’s allocation under Utah Code 53B-22-201 are requested or used. means a capital development project for which state funds from a source other than the institution’s allocation are requested or used.~~

3.75- “Remodeling”~~:- includes means any alteration, modification, or improvement project other than routine maintenance or repair work, regardless of the source of funding.~~

R701-4 Effective and Efficient Use of Resources~~:- The Utah System of Higher Education seeks to maximize the effective and efficient use of state resources. Institutions must demonstrate that requests for construction of new capital facilities or remodeling of existing facilities meet the requirements of Board Policies R741 and R745, and either Board Policies R742 and R743 for degree-granting institutions, or Board Policy R744 for technical colleges. the standards of approved academic and facilities master plans.~~

~~Such justification should consider the availability of state resources and include information relating to student enrollments, space utilization, structural obsolescence, operational inefficiencies, and operating budget constraints.~~

4.1 Remodeling~~:- Institutions should remodel existing capital facilities for the purpose of changing the building’s function only when the project is justified by, and consistent with, the institution’s mission and in accord with the Board of Higher Education’s previously approved goals and objectives.~~

R701-5-~~State-Funded-Capital-Projects-Approvals~~

5.1-~~Boards-of-Trustee-Review-of-Requests:~~ ~~Institutions shall obtain approval from their respective Boards of Trustees before they may submit a funding request for dedicated, nondedicated, and capital improvement projects to the Board of Higher Education. Boards of Trustees shall ensure that proposed project requests are cost effective and an efficient use of resources, are consistent with the institution's Master Plan, are consistent with the institution's mission, and fulfill a critical institutional facility need meet the requirements of Board Policies R741 and R745, and either Board Policies R742 and R743 for degree-granting institutions, or Board Policy R744 for technical colleges.~~

5.2-~~Commissioner's-Office-Recommendations:~~ ~~The Commissioner and his staff shall provide annual recommendations for dedicated, nondedicated, and improvement projects based on approved allocation and prioritization policies for consideration by the Board Board Policies R741 through R745 in the preparation of its recommendations to the State Building Board Division of Facilities Construction and Management ("DFCM"), the Governor, and the Legislature.~~

5.3-~~Board-of-Higher-Education-Allocation-for-Dedicated-Projects:~~ ~~The Board shall establish and annually review a formula for the allocation of dedicated project funding provided by the Legislature in accordance with Board Policies R741, R743, and R744. R742, Dedicated Capital Project Allocation Formula. The Board shall allocate dedicated project funds to institutions annually before May 31 by June 30 in accordance with Policy R742.~~

5.4-~~Institutional-Use-of-Funds-for-Dedicated-Projects:~~ ~~The process for institutions to request the use of legislative appropriations allocated by the Board for a dedicated project are governed by Board Policy R7453, Process for Institutional Use of Dedicated Capital Project Funds. The Board shall annually submit a list of recommended dedicated projects to the State Building Board DFCM, the Governor, and the State Legislature.~~

5.5-~~Board-of-Higher-Education-Prioritization-of-Nondedicated-Projects:~~ ~~The Board shall annually prioritize nondedicated projects for the Utah System of Higher Education in accordance with Board Policy R7421 for degree-granting institutions, and Board Policy R744 for technical colleges, Nondedicated Capital Project Prioritization Process, and shall submit final recommendations to the State Building Board DFCM, the Governor, and the State Legislature.~~

R701-6-Submission of Capital Improvement Project Requests:—Each year institutions shall submit to the ~~Utah State Building Board~~DFCM and the Board of Higher Education a prioritized list of projects for funding through the state capital improvement program.

6.1-Non-inclusion of Equipment: Institutions may not include acquisition of equipment unless it is an integral component of a capital improvement project.

6.2-Non-inclusion of Normal Maintenance: Normal maintenance of fixed capital assets (i.e., unplanned or discretionary) shall be considered part of the annual operating budget and may not be included as a component of a capital improvement project. Normal maintenance excludes preventive and corrective maintenance of equipment scheduled by the ~~Division of Facilities Construction and Management~~ (DFCM), as well as planned or programmed maintenance of major structural components of a facility, e.g.(i.e., roofs, parking lots).

R701-7-Responsibilities of Institutional Presidents:—~~PA~~ presidents or their designees may:

7.1-Other Necessary Actions: Take all necessary actions relating to construction and remodeling activities that do not require ~~State Building Board~~DFCM approval.

7.2-Routine Repair and Maintenance: Assume the responsibility for routine repair and maintenance of existing structures or facilities, (i.e.g., painting, roof repair, plumbing and electrical repairs, etc.). Institutions must adhere to the ~~State Building Board~~DFCM facility maintenance standards.

7.3-Change Orders: Assume the responsibility to approve and recommend to ~~the~~ DFCM any change orders on projects under construction, as long as funds are available, and the change order is within the approved purpose of the project.

7.4-Accept Completed Facilities: Accept completed capital facilities from ~~the~~ DFCM.

R701-8-Architectural Programming of State-Funded Capital Development Projects:

Prior to entering into a contract for architectural programming services for a future state-funded capital development project that has not been approved by the ~~State~~ Legislature, an institution shall first receive approvals of the institution's Board of Trustees, the ~~Board of Higher Education~~, and ~~the State Building Board~~DFCM, in that order.

8.1-Approval Not Needed for Projects Authorized by Legislature: Institutions do not need ~~Board of Higher Education~~ approval to architecturally program a facility that has been affirmatively authorized and funded by the ~~State~~ Legislature.

8.2- Institutions May Seek Reimbursement: Institutions that fund an architectural program for a facility using donations, institutional funds, or other funds not appropriated by the State Legislature may request reimbursement for those funds in the state-funded capital development project request.

R701-9.- Board Review of Completed State-Funded Capital Development Projects: As required by Utah Code section 53B-22-204(8) the Board shall review the cost and the design of all completed dedicated and nondedicated projects.

R702, ~~Non-State Funded Projects~~¹

R702-1 Purpose: ~~To provide guidelines and requirements for institutional requests to program, plan, design, or construct a facility using non-state funds.~~

R702-2 References

2.1 ~~Utah Code § 63A-5b-401, Definitions~~

2.2 ~~Board Policy R590, Issuance of Bonds for Colleges and Universities~~

2.3 ~~Board Policy R706, Capital Facilities Master Planning~~

R702-~~32~~ Definitions

~~23.1~~ **~~“Architectural Programming”~~** ~~:- A means a formal decision-making process used to identify and define the goals and uses of a capital project and to define the scope of work and cost prior to design or construction.~~

~~23.2~~ **~~“Capital Development Project”~~** ~~:- Has the same definition as is defined by Utah Code section 63A-5b-401~~404~~(1)(a).~~

~~23.3~~ **~~“Non-State Funded Project”~~** ~~:- A means any capital-development project whose source of funding comes from anything other than state funds appropriated by the Utah State Legislature.~~

R702-~~43~~ Requests for Non-State Funded Projects: ~~Except as provided in section 702-45, the Utah Board of Higher Education (“Board”) shall review and authorize institutional requests for non-state funded projects that require ~~Building Board~~ **Division of Facilities Construction and Management (“DFCM”)** or Legislative approval before the requests are submitted to those bodies. Such requests shall be based upon master planning requirements of ~~Regent Board~~ **Policy R706, Capital Facilities Master Planning**. Types of projects requiring Board approval include:~~

~~34.1~~ **~~Projects Funded from Student Fees, Contractual Debt, or Disposal or Exchange of Capital Assets:~~** ~~Proposals for non-state funded projects funded in whole or in part from an adjustment in student fees, incurring of contractual debt, or the disposal or exchange of land or other capital assets shall be approved by the institutional Board of Trustees prior to submission to the Board of Higher Education.~~

¹ ~~Approved January 20, 2017; amended July 21, 2017; and January 15, 2021, and XXX.~~

~~**34.2- Projects Funded from Private Sources:** Projects funded through private sources or a combination of private sources and other non-state funds, not meeting that do not meet the requirements of section 702-54, shall be approved by the institutional Board of Trustees and the Board of Higher Education.~~

~~**34.3- Projects for which Legislative Revenue Bonding Authorization is Required:** Institutions shall submit non-state funded projects requiring revenue bonding to the Board of Higher Education for approval as required by Board Policy R590, *Issuance of Revenue Bonds for Higher Education*.~~

~~**R702-54 Delegation of Authority to Approve Certain Projects:** The Board of Higher Education delegates the authority to approve non-state funded projects to institutional Boards of Trustees in the following limited circumstances:~~

~~**45.1- Projects Funded from Private or Institutional Sources:** ~~An~~ institutional Board of Trustees may approve a project funded through private sources or a combination of private sources and other non-state institutional funds if the project meets the following conditions:~~

~~**45.1.1-** The total cost of the project including design and construction does not exceed \$5,000,000;~~

~~**45.1.2-** New or additional operation and maintenance (“O & M”) costs for the facility are identified by the institution, a plan is provided for the ongoing payment of those costs, and the plan will not require any additional state funding;~~

~~**45.1.3-** No student fees will be used in any part of the design or construction of the facility;~~

~~**45.1.4-** No revenue bonds are required to be issued to design or construct the facility; and~~

~~**45.1.5-** The project will not require incurring contractual debt or the disposal or exchange of land or other capital assets.~~

~~**45.2- Requests to use Donated or Institutional Funds for Planning and Design:** ~~An~~ institutional Board of Trustees may approve a requests to use donated or institutional funds for planning and design of a proposed non-state funded project.~~

~~**45.3 Reporting:** Institutions shall report all projects approved under this section at the next regularly scheduled Finance and Facilities Committee meeting.~~

~~**R702-56 Operating and Maintenance (O & M) Costs on Non-State Funded Projects:** A non-state funded project will be eligible for state appropriated O & M when the use of the building is primarily for approved academic and training purposes and associated support and is consistent with the institution's facilities master plan requirements.~~

~~**56.1 Excess Space:** If an academic facility, funded in whole or in part by non-state funds, is built to a scale larger than Board approved programmatic or facilities planning requirements, the excess space may not qualify for state appropriated O & M funding. The Board will consider the eligibility of the institution to receive state O & M funding for such excess space on a case-by-case basis.~~

~~**56.2 Non-Academic Space:** In most cases, a non-state funded project that is not primarily for approved for academic and training purposes or associated support will not be eligible for state appropriated O & M funding. If the institution requests to the Board of Higher Education to allow state-funded O & M, the request shall include a detailed statement showing how space types included in the facility will relate to important institutional activities.~~

~~**56.3 O & M Funding Sources for Projects Not Eligible for State Appropriated O & M:** In those cases where in which property acquisitions, construction, or remodeling projects are not eligible for state appropriated O & M funding, the institution's proposal must explain how it will pay the ongoing O & M as defined by the State Building BoardDFCM. When making arrangements for ongoing O & M funding, the institutions shall give first priority to separate non-state funding assured through private contracts or an O & M endowment established by a private donor; and second priority to an institutional O & M funding plan with additional revenue to support the new space to be credited to its O & M accounts.~~

~~**R702-76 Architectural Programming of Non-State Funded Projects:** A non-state funded project does not require approval by the Board of Higher Education for the architectural programming of the facility.~~

R702, Non-State Funded Projects¹

R702-1 Purpose: To provide guidelines and requirements for institutional requests to program, plan, design, or construct a facility using non-state funds.

R702-2 References

- 2.1 [Utah Code § 63A-5b-401](#), Definitions
- 2.2 [Board Policy R590](#), Issuance of Bonds for Colleges and Universities
- 2.3 [Board Policy R706](#), Capital Facilities Master Planning

R702-3 Definitions

3.1 “Architectural Programming” means a formal decision-making process used to identify and define the goals and uses of a capital project and to define the scope of work and cost prior to design or construction.

3.2 “Capital Development Project” is defined by Utah Code section 63A-5b-401(1)(a).

3.3 “Non-State Funded Project” means any capital development project whose source of funding comes from anything other than state funds appropriated by the Legislature.

R702-4 Requests for Non-State Funded Projects: Except as provided in section 702-5, the Utah Board of Higher Education (“Board”) shall review and authorize institutional requests for non-state funded projects that require Division of Facilities Construction and Management (“DFCM”) or Legislative approval before the requests are submitted to those bodies. Such requests shall be based upon master planning requirements of Board Policy R706. Types of projects requiring Board approval include:

4.1 Projects Funded from Student Fees, Contractual Debt, or Disposal or Exchange of Capital Assets: Proposals for non-state funded projects funded in whole or in part from an adjustment in student fees, incurring of contractual debt, or the disposal or exchange of land or other capital assets shall be approved by the institutional Board of Trustees prior to submission to the Board.

¹ *Approved January 20, 2017; amended July 21, 2017, January 15, 2021, and XXX.*

4.2 Projects Funded from Private Sources: Projects funded through private sources or a combination of private sources and other non-state funds, that do not meet the requirements of section 702-5, shall be approved by the institutional Board of Trustees and the Board.

4.3 Projects for which Legislative Revenue Bonding Authorization is Required: Institutions shall submit non-state funded projects requiring revenue bonding to the Board for approval as required by Board Policy R590.

R702-5 Delegation of Authority to Approve Certain Projects: The Board delegates the authority to approve non-state funded projects to institutional Boards of Trustees in the following limited circumstances:

5.1 Projects Funded from Private or Institutional Sources: An institutional Board of Trustees may approve a project funded through private sources or a combination of private sources and other non-state institutional funds if the project meets the following conditions:

5.1.1 The total cost of the project including design and construction does not exceed \$5,000,000;

5.1.2 New or additional operation and maintenance (“O & M”) costs for the facility are identified by the institution, a plan is provided for the ongoing payment of those costs, and the plan will not require any additional state funding;

5.1.3 No student fees will be used in any part of the design or construction of the facility;

5.1.4 No revenue bonds are required to be issued to design or construct the facility; and

5.1.5 The project will not require incurring contractual debt or the disposal or exchange of land or other capital assets.

5.2 Requests to use Donated or Institutional Funds for Planning and Design: An institutional Board of Trustees may approve a request to use donated or institutional funds for planning and design of a proposed non-state funded project.

5.3 Reporting: Institutions shall report all projects approved under this section at the next regularly scheduled Finance and Facilities Committee meeting.

R702-6 Operating and Maintenance Costs on Non-State Funded Projects: A non-state funded project will be eligible for state appropriated O & M when the use of the building is primarily for approved

academic and training purposes and associated support and is consistent with the institution's facilities master plan requirements.

6.1 Excess Space: If an academic facility, funded in whole or in part by non-state funds, is built to a scale larger than Board approved programmatic or facilities planning requirements, the excess space may not qualify for state appropriated O & M funding. The Board will consider the eligibility of the institution to receive state O & M funding for such excess space on a case-by-case basis.

6.2 Non-Academic Space: In most cases, a non-state funded project that is not primarily approved for academic and training purposes or associated support will not be eligible for state appropriated O & M funding. If the institution requests the Board to allow state-funded O & M, the request shall include a detailed statement showing how space types included in the facility will relate to important institutional activities.

6.3 O & M Funding Sources for Projects Not Eligible for State Appropriated O & M: For cases in which property acquisitions, construction, or remodeling projects are not eligible for state appropriated O & M funding, the institution's proposal must explain how it will pay the ongoing O & M as defined by DFCM. When making arrangements for ongoing O & M funding, the institution shall: give first priority to separate non-state funding assured through private contracts or an O & M endowment established by a private donor; and second priority to an institutional O & M funding plan with additional revenue to support the new space to be credited to its O & M accounts.

R702-7 Architectural Programming of Non-State Funded Projects: A non-state funded project does not require approval by the Board for the architectural programming of the facility.

R703, Acquisition of Real Property¹

R703-1 Purpose: To provide guidelines and requirements for the acquisition of real property by institutions of higher education and to specify the approval process for certain types of real property acquisitions.

R703-2 References

- 2.1** [Utah Code Title 53B, Chapter 20](#), Property Rights – Title and Control
- 2.2** [Utah Code Title 63A, Chapter 5b, Part 8](#), Acquisitions of Real Property Interests
- 2.3** [Board Policy R220](#), Delegation of Responsibilities to the President and Board of Trustees
- 2.4** [Board Policy R315](#), Service Area Designations and Coordination of Off-Campus Courses and Programs

R703-3 Board of Higher Education Review of Property Acquisitions: Except as provided by section 703-6, the Utah Board of Higher Education (“Board”) shall review and consider for approval all institutional requests for real property acquisition that commit institutional funds that exceed \$1,500,000.

3.1 Board Approval Required for Property Purchased Outside of an Institution’s

Service Area: The Board shall review and consider for approval, regardless of term or purchase price, all institutional requests for real property acquisition that will include instructional space located outside of the institution’s designated service area under Board Policy R315.

R703-4 Required Appraisal: For acquisitions of property by purchase or exchange, institutions shall establish the fair market value based on an appraisal completed by a State of Utah licensed appraiser with the purchase price not to exceed the appraised value unless otherwise justified.

R703-5 Property Acquisition Guidelines: When practicable, institutions shall use the following guidelines when acquiring property, whether by purchase, exchange, or to be accepted as a gift designated for ongoing institutional use, regardless of the location of the property. Based on the circumstances of a specific property, some or all of the following guidelines may not apply.

5.1 Proof of Clear Title: Established by a title report or an owner’s policy of title insurance if clear title is deemed to be necessary.

¹ *Adopted January 20, 2017; amended January 15, 2021, and XXX.*

5.2 Phase I Environmental Assessment or Greater: When there are questions about the possibility of environmental issues that would materially affect the use of the property, a Phase I or greater Environmental Assessment may be required by the Board prior to purchase, exchange, or acceptance of a gifted property.

5.3 Code and Requirements Review: Used to determine the suitability of a property under all applicable codes and requirements, including any applicable provisions of Utah law.

5.4 Engineering Assessment: For all improved real property valued at \$250,000 or above the institution should obtain an engineering assessment of mechanical systems and structural integrity of improvements located on the property. This need may be waived if an engineering assessment has been performed within the past 12 months or if the land is unimproved. The institution may perform an engineering assessment for real property valued at less than \$250,000.

5.5 Past Maintenance and Operational Expenses: Where possible, past maintenance and operational expense histories should be obtained.

5.6 Sites, Zoning, and Planning Information: This information should be obtained where applicable or when it is determined to be needed.

5.7 Land Survey: An Alta/ACSM Land Title Survey should be obtained unless such a survey has been performed in the prior 12 months.

R703-6 Delegation of Authority to Approve the Acquisition of Real Property: The Board delegates the authority to acquire real property in the following limited circumstances:

6.1 Board of Trustee Approval: An institution's Board of Trustees may approve the acquisition of real property with institutional funds if the property is consistent with the approved campus master plan, the purchase price does not exceed \$1,500,000, and the space does not contain instructional space located outside of the institution's service area designated by Board Policy R315.

6.2 Acquisitions with Endowment or Foundational Funds: An institution's Board of Trustees may approve the acquisition of real property purchased with endowment funds or funds from independent foundations regardless of cost or location.

6.3 Gifts of Real Property: An institution's president may accept gifts of real property from donors, development initiatives, and fund raising in accordance with standards and procedures

approved by their institution's Board of Trustees. The institution may sell the gifted property, hold it for future development or investment, or use it for any other institutional purpose.

6.4 University of Utah Health Care System: In accordance with Board Policy R220, the University of Utah Board of Trustees may review and approve all property acquisitions for the University of Utah Health Care System.

6.5 Purchase Price Below Appraised Value: All property acquisitions approved under this section must have a supporting appraisal and the purchase price may not exceed the appraised value.

6.6 No Request for Operation and Maintenance: Institutions may not request operations and maintenance funding for property acquired under this section. If there is a need for operations and maintenance funds, the purchase must be approved by the Board.

6.7 Reporting of Property Acquisitions: Institutions shall report all property acquisitions or options approved under this section at the next regularly scheduled Finance and Facilities Committee meeting.

R703, ~~Acquisition of Real Property~~¹

R703-1, ~~Purpose:~~ ~~To provide guidelines and requirements for the acquisition of real property by institutions of higher education and to specify the approval process for various certain types of real property acquisitions.~~

R703-2, ~~References~~

2.1, ~~Utah Code § 53B-20-101 (Title 53B, Chapter 20, Property Rights — Title and Control)~~

2.2, ~~Utah Code Title 63A, Chapter 5b, Part 8, (State Building Board—Division of Facilities Construction and Management Acquisitions of Real Property Interests)~~

2.3, ~~Board Policy R220, Delegation of Responsibilities to the President and Board of Trustees~~

2.4, ~~Board Policy R315, Service Area Designations and Coordination of Off-Campus Courses and Programs~~

R703-3, ~~Board of Higher Education Review of Property Acquisitions:~~ ~~Except as provided by subsection 7032-6, the Utah Board of Higher Education (“Board”) shall review and consider for approval all institutional requests for real property acquisition that commit institutional funds in excess of that exceed \$1,500,000.~~

3.1, ~~Board of Higher Education Approval Required for Property Purchased Outside of an Institution’s Service Area:~~ ~~The Board of Higher Education shall review and consider for approval, regardless of term or purchase price, all institutional requests for real property acquisition that will include instructional space located outside of the institution’s designated service area designated by under Board Policy R315, *Service Area Designations and Coordination of Off-Campus Courses and Programs*.~~

R703-4, ~~Required Appraisal:~~ ~~For acquisitions of property by purchase or exchange, institutions shall establish the fair market value based on an appraisal completed by a State of Utah licensed appraiser with the purchase price not to exceed the appraised value unless otherwise justified.~~

R703-5, ~~Property Acquisition Guidelines:~~ ~~When practicable, institutions shall use the following guidelines when acquiring property, whether by purchase, exchange, or to be accepted as a gifts designated for ongoing institutional use, regardless of the location of the property. The~~

¹ ~~Adopted January 20, 2017; amended January 15, 2021, and XXX.~~

~~Board of Higher Education recognizes that, b~~Based on the circumstances of a specific property~~ies,~~
some or all of these following guidelines may not apply.

~~5.1- Proof of Clear Title:-~~ Established by a title report or an owner's policy of title insurance if such clear title is deemed to be necessary.

~~5.2- Phase I Environmental Assessment or Greater:-~~ When there are questions about the possibility of environmental issues that would materially affect the use of the property. ~~A~~ Phase I or greater Environmental Assessment may be required by the Board prior to purchase, exchange, or acceptance of a gifted property ~~when there are questions about the possibility of environmental issues that would materially affect the use of the property.~~

~~5.3- Code and Requirements Review:-~~ ~~Utilized~~ Used to determine the suitability of a property under all applicable codes and requirements, including any applicable provisions of State Utah law.

~~5.4- Engineering Assessment:-~~ For all improved real property valued at \$250,000 or above the institution should obtain an engineering assessment of mechanical systems and structural integrity of improvements located on the property. This need may be waived if an engineering assessment has been performed within the past 12 months or if the land is unimproved. The institution may perform an engineering assessment for real property valued at less than \$250,000.

~~5.5- Past Maintenance and Operational Expenses:-~~ Where possible, past maintenance and operational expense histories should be obtained.

~~5.6- Sites, Zoning, and Planning Information:-~~ This information should be obtained where applicable or when it is determined to be needed.

~~5.7- Land Survey:-~~ An Alta/ACSM Land Title Survey should be obtained unless such a survey has been performed in the prior 12 months.

~~R703-6- Delegation of Authority to Approve the Acquisition of Real Property:-~~ The Board of Higher Education delegates the authority to acquire real property in the following limited circumstances:

~~6.1- Board of Trustee Approval:~~ ~~{~~An institution's~~}~~ ~~sa~~ Boards of Trustees may approve the acquisition of real property with institutional funds if the property is consistent with the approved campus master plan, the purchase price does not exceed \$1,500,000, and the space does not contain instructional space located outside of the institution's service area

designated by ~~Regent Board Policy R315, *Service Area Designations and Coordination of Off-Campus Courses and Programs.*~~

~~6.2- Acquisitions with Endowment or Foundational Funds:~~ ~~An institution's~~ ~~Boards of Trustees~~ may approve the acquisition of real property purchased with endowment funds or funds from independent foundations regardless of cost or location.

~~6.3- Gifts of Real Property:~~ ~~An institution's~~ ~~presidents~~ may accept gifts of real property from donors, development initiatives, and fund raising in accordance with standards and procedures approved by the ~~ir- institution's~~ ~~Boards of Trustees.~~ The institution may sell the gifted property, hold it for future development or investment, or use it for any other institutional purpose.

~~6.4- University of Utah Health Care System:~~ In accordance with Board Policy R220, ~~Delegation of Responsibilities to the President and Board of Trustees,~~ the University of Utah Board of Trustees may review and approve all property acquisitions for the University of Utah Health Care System.

~~6.5- Purchase Price Below Appraised Value:~~ All property acquisitions approved under this section must have a supporting appraisal and the purchase price may not exceed the appraised value.

~~6.6- No Request for Operation and Maintenance:~~ Institutions may not request operations and maintenance funding for property acquired under this section. If there is a need for operations and maintenance funds, the purchase must be approved ~~through by~~ the Board of Higher Education.

~~6.7- Reporting of Property Acquisitions:~~ Institutions shall report all property acquisitions or options approved under this section at the next regularly scheduled Finance and Facilities Committee meeting.

R704, Disposal of Real Property¹

R704-1 Purpose: To provide guidelines and requirements for institutions to dispose of real property and to establish the approval process.

R704-2 References

2.1 [Utah Code Title 53B, Chapter 20](#), Property Rights – Title and Control

2.2 [Policy R220](#), Delegation of Responsibilities to the President and Board of Trustees

R704-3 Disposal of Property: Except as provided by sections 704-6 and 704-7, institutions shall request and obtain the Utah Board of Higher Education’s (“Board”) approval prior to disposing of real property.

R704-4 Determination of Surplus Property: If the institution determines the real property does not serve its mission and is, therefore, surplus property, the property is eligible for sale or exchange on the open market.

R704-5 Fair Market Value: Unless otherwise justified, surplus real property shall be sold at or above fair market value as determined by an appraisal completed by a State of Utah licensed appraiser.

R704-6 Delegation of Authority to Approve the Disposal of Donated or Gifted Real Property: The Board delegates to each institution’s Board of Trustees the authority to dispose of real property at its institution, subject to all the following conditions:

6.1 Price: The disposal price cannot exceed \$1,000,000.

6.2 Sell at Appraised Value: The property shall be sold at or above fair market value as determined by an appraisal, unless: the value of the property does not warrant the cost of the appraisal, the gifted property has preexisting conditions that affect the future sales price, or the Board of Trustees determines that circumstances justify a sale below appraised value.

¹ *Adopted January 20, 2017; amended January 15, 2021, and XXX.*

6.3 Reporting of Property Disposals: When an institution disposes of property under this policy, it shall report the transaction at the next regularly scheduled Finance and Facilities Committee meeting.

R704-7 Delegation of Authority to the University of Utah Board of Trustees for University Health Care System Property Transactions: In accordance with Board Policy R220, the University of Utah Board of Trustees may review and approve all property disposals and transactions for the University of Utah Health Care System.

R704, ~~Disposal of Real Property~~¹

R704-1 Purpose: ~~To provide guidelines and requirements for institutions to dispose of real property and to establish the approval process.~~

R704-2 References

- ~~2.1 Utah Code § Title 53B, Chapter 20, 101 (Property Rights – Title and Control)~~
- ~~2.2 Utah Code Title 63A, Chapter 5 (State Building Board – Division of Facilities Construction and Management)~~
- ~~2.23 Policy R220, Delegation of Responsibilities to the President and Board of Trustees~~

R704-3 Disposal of Property: ~~Except as provided by subsections 704-6 and 704-7, institutions shall request and obtain the Utah Board of Higher Education’s (“Board”) approval prior to disposing of real property.~~

R704-4 Determination of Surplus Property: ~~If the institution determines the real property does not serve its mission and is, therefore, surplus property, the property is eligible for sale or exchange on the open market.~~

R704-5 Fair Market Value: ~~Unless otherwise justified, surplus real property shall be sold at or above fair market value as determined by an appraisal completed by a State of Utah licensed appraiser.~~

R704-6 Delegation of Authority to Approve the Disposal of Donated or Gifted Real Property: ~~The Board of Higher Education delegates to each the institution’s Boards of Trustees the authority to dispose of real property at its institution, subject to all the following conditions:~~

6.1 Price: ~~The disposal price cannot exceed \$1,000,000.~~

6.2 Sell at Appraised Value: ~~The property shall be sold at or above fair market value as determined by an appraisal, unless the value of the property does not warrant the cost of the appraisal, the gifted property has preexisting conditions that affect the future sales~~

¹ ~~Adopted January 20, 2017; amended January 15, 2021, and XXX.~~

price, or the Board of Trustees determines that circumstances justify a sale below appraised value.

6.3 Reporting of Property Disposals: When an institution disposes of property under this policy, it shall report the transaction at the next regularly scheduled Finance and Facilities Committee meeting.

R704-7 Delegation of Authority to the University of Utah Board of Trustees for University

Health Care System Property Transactions: In accordance with Board Policy R220, *Delegation of Responsibilities to the President and Board of Trustees*, the University of Utah Board of Trustees may review and approve all property disposals and transactions for the University of Utah Health Care System.

R705, Leased Space¹

R705-1 Purpose: To establish guidelines for the approval of new leased space and to require annual reporting of leased space to the Utah Board of Higher Education (“Board”).

R705-2 References

- 2.1 [Utah Code Title 53B, Chapter 20](#), Property Rights — Title and Control
- 2.2 [Utah Code § 63A-5b-805](#), Leasing by Higher Education Institutions
- 2.3 [Board Policy R220](#), Delegation of Responsibilities to the President and Board of Trustees
- 2.4 [Board Policy R315](#), Service Area Designations and Coordination of Off-Campus Courses and Programs
- 2.5 [Board Policy R587](#), Contract or Lease-Purchase Financing
- 2.6 [Board Policy R712](#), Nontraditional Arrangements for Development of Facilities on Campuses

R705-3 Board Approval of Certain Leases: Institutions must obtain approval from the Board to enter into new leases of capital facilities space for programs of instruction, research, or service when contracts for leasing such facilities: exceed \$500,000 per year regardless of funding source for the University of Utah; exceed \$250,000 per year regardless of the funding source for all other USHE institutions; or will include instructional space located outside of the service area under Board Policy R315.

R705-4 Leasing State-Owned Property to Outside Entities: The Board shall review and approve institutional requests to lease state-owned institutional property to non-institutional entities if the annual lease cost will exceed: \$250,000 for the University of Utah, or \$100,000 per year for all other USHE institutions.

4.1 Nontraditional Arrangements: Approval of nontraditional arrangements for the use of institutional-owned facilities is subject to Board Policy R712.

R705-5 Delegation of Authority to Boards of Trustees: The Board delegates authority to the institution’s Boards of Trustees to approve institutional property leases that do not fall under sections 705-3 and 705-4.

¹ Adopted January 20, 2017; amended March 26, 2021, and XXX.

R705-6 Delegation of Authority to the University of Utah Board of Trustees for University Health Care System Leases: In accordance with Board Policy R220, the University of Utah Board of Trustees may review and approve all property leases for the University of Utah Health Care System.

R705-7 Annual Report to the Board: The Commissioner shall report annually to the Board all space leased by institutions in the Utah System of Higher Education, including space leased for off-campus continuing education programs and space leased in research parks.

7.1 Institution Lease Information: In accordance with procedures and forms developed by the Commissioner's Office, institutions shall annually submit to the Commissioner's Office information for all space leased by the institution.

7.2 Submission to the Division of Facilities and Construction Management ("DFCM"): After review by the Board, the Commissioner shall forward the report to DFCM for possible inclusion in DFCM's comprehensive 5-year building plan.

R705, ~~Leased Space~~¹

~~R705-1- Purpose: To establish guidelines for the approval of new leased space and to require annual reporting of leased space to the Utah Board of Higher Education (“Board”).~~

~~R705-2- References~~

- ~~2.1- Utah Code § Title 53B, Chapter 20, 404 (Property Rights — Title and Control)~~
- ~~2.2- Utah Code § 63A-5b-805 (Leasing by Higher Education Institutions)~~
- ~~2.3- Board Policy R220, Delegation of Responsibilities to the President and Board of Trustees~~
- ~~2.4- Board Policy R315, Service Area Designations and Coordination of Off-Campus Courses and Programs~~
- ~~2.5- Board Policy R587, Contract or Lease-Purchase Financing~~
- ~~2.6- Board Policy R712, Nontraditional Arrangements for Development of Facilities on Campuses~~

~~R705-3- Board Approval of Certain Leases: Institutions must obtain approval from the Board of Higher Education to enter into new leases of capital facilities space for programs of instruction, research, or service when contracts for leasing such facilities: exceed \$500,000 per year regardless of funding source for the University of Utah; ~~or~~ exceed \$250,000 per year regardless of the funding source for all other USHE institutions; or will include instructional space located outside of the service area ~~designated by~~ under Board Policy R315, *Service Area Designations and Coordination of Off-Campus Courses and Programs*.~~

~~R705-4- Leasing State-Owned Property to Outside Entities: The Board of Higher Education shall review and approve institutional requests to lease state-owned institutional property to non-institutional entities if the annual lease cost will exceed: \$250,000 for the University of Utah, or exceed \$100,000 per year for all other USHE institutions ~~other than the University of Utah~~.~~

- ~~4.1- **Nontraditional Arrangements:** Approval of nontraditional arrangements for the use of institutional-owned facilities is subject to ~~the provisions of~~ Board Policy R712, *Nontraditional Arrangements for Development of Facilities on Campuses*.~~

¹ ~~Adopted January 20, 2017; amended March 26, 2021, and XXX.~~

~~**R705-5- Delegation of Authority to Boards of Trustees:** The Board of Higher Education delegates authority to the institution's Boards of Trustees to approve institutional property leases that do not exceed the requirements in fall under sections 705-3 and 705-4.~~

~~**R705-6- Delegation of Authority to the University of Utah Board of Trustees for University Health Care System Leases:** In accordance with Board Policy R220, *Delegation of Responsibilities to the President and Board of Trustees*, the University of Utah Board of Trustees may review and approve all property leases for the University of Utah Health Care System.~~

~~**R705-7- Annual Report to the Board of Higher Education:** The Commissioner shall report annually to the Board of Higher Education all space leased by the institutions in the Utah System of Higher Education, including space leased for off-campus continuing education programs and space leased in research parks.~~

~~**7.1- Institution Lease Information:** In accordance with procedures and forms developed by the Commissioner's Office, institutions shall annually submit to the Commissioner's Office information for all space leased by the institution.~~

~~**7.2- Submission to the State Building Board Division of Facilities and Construction Management ("DFCM"):** After review by the Board of Higher Education, the Commissioner shall forward the report to the State Building Board DFCM for possible inclusion in its DFCM's comprehensive 5-year building plan.~~

R706, Capital Facilities Master Planning¹

R706-1 Purpose: To provide guidance for institutional capital facilities master planning and comprehensive five-year institutional capital plans.

R706-2 References

- [2.1 Utah Code Title 53B, Chapter 6, Master Planning](#)
- [2.1 Utah Code § 53B-20-101, Property of Institutions to Vest in State Board](#)
- [2.2 Utah Code Title 63A, Chapter 5b, Part 3, Division of Facilities Construction and Management](#)
- [2.3 Board Policy R701, Capital Facilities](#)

R706-3 Prioritizing Utilization and Efficiency: The Utah Board of Higher Education (“Board”) seeks to maximize the effective and efficient use of state resources. Institutions’ capital facilities plans shall emphasize the effective use of existing space, prioritize replacement and refurbishment over expansion, and focus on increased utilization of campuses.

R706-4 Master Planning: Institutions shall complete and maintain a comprehensive capital facilities master plan based on programmatic planning for new and existing facilities. Master plans should be realistic, achievable, and flexible.

4.1 Master plans shall emphasize renovation, replacement, and improvements to existing capital facilities before additions for new space unless otherwise justified.

4.2 Institutions shall be thorough and innovative in allocating and reallocating space within their existing physical assets, rather than relying on the addition of new space.

4.3 The master planning process is continuous, and the higher education environment is dynamic; therefore, institutions should review and update their master plans regularly to reflect changes in strategic direction, planning, and environment.

4.4 The Board of Trustees for each institution shall review and approve its institutional campus facilities master plans annually and submit it to the Commissioner’s Office.

¹ *Adopted January 20, 2019; amended March 26, 2021, and XXX.*

R706-5 Five-Year Plan: Each institution shall annually submit a five-year capital plan to the Board for review. The plan shall consider institutional master plans and shall include:

5.1 A review and explanation of current and future institutional capital needs including projected needs over a five-year future period based on enrollment projections, program growth, functional obsolescence, and facility condition;

5.2 Space utilization information for all state-owned and leased facilities and an explanation of how the five-year capital plan will improve the institution's use of space;

5.3 A discussion of how the five-year capital plan will affect institutional attainment goals; and

5.4 A calculation of deferred facility maintenance needs by campus, and a strategic plan for how the institution will use capital improvements and other capital projects to eliminate those needs.

R706, Capital Facilities Master Planning¹

R706-1- Purpose: To provide guidance for institutional capital facilities master planning and comprehensive five-year institutional capital plans.

R706-2- References

- ~~2.1- Utah Code Title § 53B, Chapter -6, -101 (Master Planning—Board Establishes Criteria to Meet Capital Budgetary Needs)~~
- ~~2.12- Utah Code § 53B-20-101, (Property of Institutions to Vest in State Board)~~
- ~~2.23- Utah Code Title 63A, Chapter 5b, Part 3, (State Building Board—Division of Facilities Construction and Management)~~
- ~~2.34- Board Policy R701, Capital Facilities~~

R706-3- Prioritizing Utilization and Efficiency: The Utah Board of Higher Education (“Board”) seeks to maximize the effective and efficient use of state resources. Institutions’ capital facilities plans shall emphasize the effective use of existing space, prioritize replacement and refurbishment over expansion, and focus on increased utilization of campuses.

R706-4- Master Planning: Institutions shall complete and maintain a comprehensive capital facilities master plan based on programmatic planning for new and existing facilities. Master plans should be realistic, achievable, and flexible.

~~4.1-~~ Master plans shall emphasize renovation, replacement, and improvements to existing capital facilities before additions for new space unless otherwise justified.

~~4.2-~~ Institutions shall be thorough and innovative in allocating and reallocating space within their existing physical assets, rather than relying on the addition of new space.

~~4.3-~~ The master planning process is continuous, and the higher education environment is dynamic; therefore, institutions should review and update their master plans regularly to reflect changes in strategic direction, planning, and environment.

~~4.4-~~ The Boards of Trustees for each institution shall review and approve its institutional campus facilities master plans annually and submit them to the Commissioner’s Office.

¹ Adopted January 20, 2019; amended March 26, 2021, and XXX.

R706-5. Five-Year Plan: ~~Each~~ institutions shall annually submit a five-year capital plan to the Board for review. The plans shall consider institutional master plans and shall include:

5.1. A review and explanation of current and future institutional capital needs including projected needs over a five-year future period based on enrollment projections, program growth, functional obsolescence, and facility condition;

5.2. Space utilization information for all state-owned and leased facilities and an explanation of how the five-year capital plan will improve the institution's use of space;

5.3. A discussion of how the five-year capital plan will affect institutional attainment goals; and

5.4. A calculation of deferred facility maintenance needs by campus, and a strategic plan for how the institution will use capital improvements and other capital projects to eliminate those needs.

R711, Division of Facilities and Construction Management Delegation of Capital Facilities Projects¹

R711-1 Purpose: To approve the delegation of Division of Facilities and Construction Management (“DFCM”) authority for research universities to manage capital facilities projects authorized by the Legislature for design and construction.

R711-2 References

- 2.1** [Utah Code § 63A-5b-604](#), Construction, Alteration, and Repair of State Facilities – Powers of Director – Expenditure of Appropriations
- 2.2** [Utah Code § 53B-20-101](#), Property of Institutions to Vest in Board
- 2.3** [Utah Code Title 15A, Chapter 3, Part 1](#), Statewide Amendments to International Building Code
- 2.4** [Utah Code Title 63G, Chapter 6a](#), Utah Procurement Code
- 2.5** [Board Policy R701](#), Capital Facilities

R711-3 Policy

3.1 Reason for Consideration: The University of Utah and Utah State University each have significant staff relative to the number of DFCM personnel assigned to each of them and are able to service their own needs.

3.2 Reporting Line: To maintain a single line of responsibility and not create a duplicative reporting structure between the various governing boards, reports of all delegated projects shall be made directly to DFCM. Although DFCM is the authority with responsibility for such projects, the institution shall share the same report with the Utah Board of Higher Education on a monthly basis.

3.3 Accountability: For DFCM to have sufficient information to exercise its oversight responsibilities, each institution shall submit reports with adequate detail and content at DFCM’s meetings. The form and content shall be equivalent to DFCM’s current Administration Report. A periodic independent audit may be necessary for the information to be objectively evaluated.

¹ *Approved September 24, 1993; amended September 2, 1999, May 30, 2008, and XXX.*

Periodic comparative analysis of performance will be useful to all agencies and institutions involved.

3.4 Partnership: Where expertise exists at one entity and not at another, the entities should share personnel services to minimize the need to add staff to create that expertise. An appropriate contract for dedicated time will need to be negotiated to appropriately share resources.

3.5 Building Official: Utah Code Title 15A, Chapter 3, Part 1 has certain building official and inspector requirements which must be met by compliance at the institutions or as shared with the state.

3.6 Space Standards: New, updated space standards that are commonly agreed to by all entities shall be universally applied to all programming, design, and construction, to ensure quality, equity, and balance in the state's overall building program.

3.7 Procurement of Services: To maintain uniform practices for the procurement of services, the Utah Procurement Code, Utah Code Title 63, Chapter 6a shall govern the acquisition of services for programming, design, and construction,. In addition, institutions shall use DFCM standard construction and design documents.

3.8 Extent of Delegation Authority: For DFCM to have a single list of projects to recommend to the Governor and Legislature, the delegation authority shall begin only after the project has been programmed and the Legislature has authorized DFCM to begin design and construction. DFCM shall retain all planning and fiscal responsibility for projects until they are authorized for design and construction by the Legislature.

3.9 Recommended Dollar Amounts: The dollar amount authorized to each institution is: for University of Utah, \$10,000,000, and for Utah State University, \$4,000,000.

3.9.1 The differential is based on the typical number of projects, the total dollar value of projects, and the facilities personnel currently at each institution. Due to the impact that larger projects may have on operational budgets, it is appropriate for DFCM to decide to keep some such projects under full DFCM control.

3.10 Design Criteria and Standards: To reduce or eliminate redundancy in requirements and to seek uniform quality standards statewide, the institutions' design standards shall be reviewed, analyzed, and integrated into updated DFCM standards. Such standards shall be supplemented with requirements unique to each university, as needed.

R712, Nontraditional Arrangements for Development of Facilities on Campuses¹

R712-1 Purpose: To provide for consideration of nontraditional arrangements for development of facilities at institutions in the Utah System of Higher Education (“USHE”).

R712-2 References

- 2.1 [Utah Code Title 53B, Chapter 6](#), Master Planning for Higher Education
- 2.2 [Utah Code § 53B-20-103](#), Powers of State Board – Capital Facilities Projects
- 2.3 [Utah Code § 53B-21-108](#), Financing Projects by Contract or Lease Agreement
- 2.4 [Utah Code Title 63A, Chapter 5b, Part 3](#), Division of Facilities Construction and Management
- 2.5 [Board Policy R701](#), Capital Facilities
- 2.6 [Board Policy R491](#), University Research Parks
- 2.7 [Board Policy R587](#), Contract and Lease-purchase Financing

R712-3 General Policy: It is the general policy and expectation of the Utah Board of Higher Education (“Board”) that nontraditional arrangements for development of facilities at USHE institutions will be used sparingly and only where specific and unusual circumstances clearly so warrant.

R712-4 Policy on Lease-Purchase Acquisitions of Facilities for Institutional Use: Pursuant to Utah Code section 53B-21-108, the Board will consider institutional proposals for lease-purchase acquisition of facilities to be financed totally from institutional revenues not a part of the appropriated budget. Such a proposal will be finalized only after receipt of advice from the Attorney General’s Office that the specific proposal is within the Board’s authority to approve under the statute. Approval of such a proposal is subject to Board Policy R587.

R712-5 Policy on Facilities Developed and Owned by an Outside Party on Leased

Institutional Land: The Board recognizes that in specific instances, institutional and/or public interests may be well served by arrangements for construction and operation of facilities by outside organizations or parties on leased institutional property. The Board will therefore, from time to time, consider proposals for such arrangements on institutional property other than property in designated research parks for which, under Utah law and Board Policy R491, research universities have delegated

¹ *Approved December 20, 1985; amended November 14, 2014, January 15, 2021, and XXX.*

responsibility. Such a proposal will be finalized only after receipt of advice from the Attorney General's Office that the specific proposal is within the Board's authority to approve under the statute, and final approval will be granted only where the following conditions are met:

5.1 Program Benefits or Broad Public Purpose: The proposed arrangement provides significant benefits to the program, students, faculty, or staff of the institution, or serves a broad public interest that could not be served as well any other way;

5.2 Proper Developer and Use: The proposed outside developer/owner and the proposed use of the facility are proper and appropriate for the image and environment of the institution;

5.3 Adequate Compensation: Compensation to the institution, either in cash or in kind (or a combination thereof), is adequate to justify any financial considerations provided by the institution to the outside developer/user of the facility;

5.4 Contractual Provisions: Arrangements set forth in contract documents shall demonstrate that the provisions:

5.4.1 Are financially feasible for the institution; and

5.4.2 Adequately protect the interests of the institution regarding:

5.4.2.1 Initial relationships with the outside organization or party,

5.4.2.2 Resolution of eventualities that can reasonably be foreseen,

5.4.2.3 Institutional right to control appearance of the facility, external remodeling/additions, level of building and landscape maintenance, parking rights, exterior graphics, access to institutional utility systems and access roads, and

5.4.2.4 Termination, extension, or renewal of the land-lease, and ultimate ownership of the facility;

5.5 Construction Requirements: Contractual considerations shall ensure that the following conditions are met:

5.5.1 Quality Control: Adequate provisions for quality control in the design and construction of the project;

5.5.2 Construction Codes: Provision to ensure compliance with appropriate state or local construction codes;

5.5.3 Life-Cycle Costing: Assurance that provisions dealing with the costs of design, construction, operation and maintenance, and disposing of the building have been met.

5.6 Attorney General Approval: Attorney General's Office approves all contract documents as to form and legal authority.

R712-6 Delegation of Authority to Approve Certain Projects: The Board delegates authority to the institution's Board of Trustees to approve nontraditional arrangements for facilities that meet all the conditions of this policy and have a project cost of less than \$2,500,000.

6.1 Reporting: Institutions shall report all projects approved under this section at the next regularly scheduled Finance and Facilities Committee meeting.

R712, Nontraditional Arrangements for Development of Facilities on Campuses¹

R712-1 Purpose: To provide for consideration of nontraditional arrangements for development of facilities ~~on campuses of~~ institutions in the Utah System of Higher Education (“USHE”).

R7012-2 References

- 2.1 ~~Utah Code Title 53B, -Chapter 6, -101~~ (Master Planning for Higher Education)
- 2.2 ~~Utah Code § 53B-20-103,~~ (Powers of State Board – Capital Facilities Projects)
- 2.3 ~~Utah Code § 53B-21-108,~~ (Financing Projects by Contract or Lease Agreement)
- 2.4 ~~Utah Code Title 63A, Chapter 5b, Part 3, (State Building Board—~~Division of Facilities Construction and Management)
- 2.5 ~~Board Policy and Procedures R7401,~~ Capital Facilities
- 2.6 ~~Board Policy and Procedures R491,~~ University Research Parks
- 2.7- ~~Board Policy and Procedures R587,~~ Contract and Lease-purchase Financing

R712-3 General Policy: It is the general policy and expectation of the Utah Board of Higher Education (“Board”) that nontraditional arrangements for development of facilities ~~on campuses of~~ USHE institutions ~~in the Utah System of Higher Education~~ will be used sparingly and only where specific and unusual circumstances clearly so warrant.

R712-4 Policy on Lease-Purchase Acquisitions of Facilities for Institutional Use: Pursuant to ~~authority contained in~~ Utah Code §section 53B-21-108, the Board ~~of Higher Education~~ will consider institutional proposals for lease-purchase acquisition of facilities to be financed totally from institutional revenues not a part of the appropriated budget. Such a proposal will be finalized only after receipt of advice from the Attorney General’s Office that the specific proposal is within the Board’s authority to approve under ~~current the~~ statute. Approval of such a proposals is subject to ~~the provisions of~~ Board Policy ~~and Procedures~~ R587, ~~Contract and Lease-purchase Financing~~.

R712-5 Policy on Facilities Developed and Owned by an Outside Party on Leased Institutional Land: The Board ~~of Higher Education~~ recognizes that in specific instances, institutional and/or public interests may be well served by arrangements for construction and operation of facilities by

¹ *Approved December 20, 1985; amended November 14, 2014, and January 15, 2021, and XXX.*

outside organizations or parties on leased institutional property. The Board will, therefore, from time to time, consider proposals for such arrangements on institutional property other than property in designated research parks for which, under ~~State statute~~ Utah law and ~~Board Policy and Procedures~~ R491, ~~University Research Parks~~, research universities have delegated responsibility. Such a proposal will be finalized only after receipt of advice from the Attorney General's Office that the specific proposal is within the Board's authority to approve under ~~the current~~ statute, and final approval will be granted only where the following conditions are met:

5.1 Program Benefits or Broad Public Purpose: The proposed arrangement provides significant benefits to the program, students, faculty, or staff of the institution, or serves a broad public interest that could not be served as well any other way;

5.2 Proper Developer and Use: The proposed outside developer/owner and the proposed use of the facility are proper and appropriate for the image and environment of the institution;

5.3 Adequate Compensation: Compensation to the institution, either in cash or in kind (or a combination thereof), is adequate to justify any financial considerations provided by the institution to the outside developer/user of the facility;

5.4 Contractual Provisions: Arrangements set forth in contract documents shall demonstrate that the provisions:

5.4.1 Are financially feasible for the institution; and

5.4.2 Adequately protect the interests of the institution regarding:

5.4.2.1 Initial relationships with the outside organization or party,

5.4.2.2 Resolution of eventualities that can reasonably be foreseen,

5.4.2.3 Institutional right to control appearance of the facility, external remodeling/additions, level of building and landscape maintenance, parking rights, exterior graphics, access to institutional utility systems and access roads, and

5.4.2.4 Termination, extension, or renewal of the land-lease, and ultimate ownership of the facility;

5.5 Construction Requirements: Contractual considerations shall ensure that the following conditions are met:

5.5.1 Quality Control: Adequate provisions for quality control in the design and construction of the project;

5.5.2 Construction Codes: Provision to ensure compliance with appropriate state or local construction codes;

5.5.3 Life-Cycle Costing: Assurance that provisions dealing with the costs of design, construction, operation and maintenance, and disposing of the building have been met.

5.6 Attorney General Approval: Attorney General's Office approves all contract documents as to form and legal authority.

R712-6 Delegation of Authority to Approve Certain Projects: The Board ~~of Higher Education~~ delegates ~~the~~ authority to the institution's ~~sa~~ Boards of Trustees to approve nontraditional arrangements for facilities that met all ~~of~~ the conditions of this policy and have a project cost of less than \$2,500,000.

6.1 Reporting: Institutions shall report all projects approved under this section at the next regularly scheduled Finance and Facilities Committee meeting.

R713, Funding of Student Centers¹

R713-1 Purpose: To establish guidelines for funding Utah System of Higher Education (“USHE”) capital development projects that consist of both student services space, and student-related auxiliary and ancillary space.

R713-2 References

- 2.1 [Utah Code Title 53B, Chapter 6](#), Master Planning
- 2.2 [Utah Code § 53B-20-101](#), Property of Institutions to Vest in State Board
- 2.3 [Board Policy R741](#), Threshold Requirements for Capital Development Project Requests

R713-3 Definitions

3.1 “Student Services Space” means institutional space that houses functions directly supporting students in their academic pursuits. Examples of such space include admissions, academic records, registration, counseling, career guidance, student aid administration, multi-cultural centers, veterans affairs centers, disability resource centers, and school relations.

3.2 “Student-Related Auxiliaries and Ancillary Space” means all institutional space in a student center or other student-oriented facility or development project not defined as Student Services Space in subsection 3.1. Examples of such space include college bookstores, food services, recreational services, student organizations, private vendors, and student health services.

R713-4 Policy

4.1 Determination of Space-Type Percentages: The Commissioner’s Office, working with the relevant USHE institution, shall evaluate each capital development proposal for a student center, student center expansion, or similar project, to determine the percentage of proposed new space that is student services, other relevant education and general space, and the percentage that is student-related auxiliary and ancillary space.

4.2 Capital Funding Requests Proportional to Space-type Percentages: State funding for an institution’s capital development project request for any student center, student center expansion, or similar capital development project should be based on the portion of space in the

¹ Adopted November 14, 1997; amended July 19, 2013, and XXX.

facility designated as student services, and other relevant education and general space. Auxiliary, student fee, revenue bond, and other relevant non-state funding for student-related auxiliary and ancillary space must be included in the proposed financing plan unless there are extenuating circumstances that make this requirement impractical.

4.3 Operation & Maintenance (“O & M”) Funding Requests Proportional to Space-type Percentages: The O & M funding request for any student center, student center expansion, or similar project shall be based on relevant percentages of each type of applicable space outlined in subsection 4.2.

4.4 Project Approval and Funding Consideration: The need for and consideration of funding for these facilities will be evaluated during the annual capital development approval and prioritization cycle in accordance with this policy and quantitative elements of Policy R741.

R713, Funding of Student Centers¹

R713-1 Purpose: To establish guidelines for funding Utah System of Higher Education (“USHE”) capital development projects that consist of both ~~S~~student ~~S~~services ~~S~~space, and ~~S~~student-related ~~A~~auxiliary and ~~A~~ncillary ~~S~~space.

R713-2 References

- 2.1 ~~Utah Code Title 53B, Chapter -6, -101 (Master Planning —Board Establishes Criteria to Meet Capital Budgetary Needs)~~
- 2.2 ~~Utah Code § 53B-20-101, -(Property of Institutions to Vest in State Board)~~
- 2.3 ~~Board Policy and Procedures R741, Threshold Requirements for Capital Development Prioritization —CDPProject Requests~~

R713-3 Definitions

3.1 “Student Services Space”: ~~I~~means institutional space that houses functions directly supporting students in their academic pursuits. Examples of such space include: admissions, academic records, registration, counseling, career guidance, student aid administration, multi-cultural centers, veterans affairs centers, disability resource centers, and school relations.

3.2 “Student-Related Auxiliaries and Ancillary Space”: ~~A~~means all other institutional space in a student center or other student-oriented facility or development project not defined as Student Services Space ~~according to in~~ Ssubsection 3.1. Examples of such space include: college bookstores, food services, recreational services, student organizations, private vendors, and student health services.

R713-4 Policy

4.1 Determination of Space-Type Percentages: The ~~Office of the~~ Commissioner’s Office, working with the relevant USHE institution, shall evaluate each capital development proposal for a student center, student center expansion, or similar project, to determine the percentage of proposed new space that is ~~S~~student ~~S~~services, ~~and~~ other relevant ~~E~~education and ~~G~~general space, and the percentage that is ~~S~~student-related ~~A~~auxiliary and ~~A~~ncillary ~~S~~space.

¹ *Adopted November 14, 1997; amended July 19, 2013, and XXX.*

4.2 Capital Funding Requests Proportional to Space-Type Percentages: State funding for an institution's capital development project request for any student center, student center expansion, or similar capital development project should be based on the portion of space in the facility designated as ~~S~~student ~~S~~services, and other relevant ~~E~~education and ~~G~~general space. Auxiliary, student fee, revenue bond, and other relevant non-state funding for ~~S~~student-related ~~A~~auxiliary and ~~A~~ancillary ~~S~~space must be included in the proposed financing plan unless there are extenuating circumstances that make this requirement impractical.

4.3 Operation & Maintenance ("O & M") Funding Requests Proportional to Space-type Percentages: The ~~operation and maintenance~~O & M funding request for any student center, student center expansion, or similar project shall be based on relevant percentages of each type of applicable space ~~as determined~~outlined in subsection 4.2 above.

4.4 Project Approval and ~~f~~Funding Consideration: The need for and consideration of funding for these facilities will be evaluated during the annual capital development approval and prioritization cycle in accordance with ~~the above tenets and the~~this policy and quantitative elements of Policy R741, ~~Capital Development Prioritization—CDP~~.

R714, Capital Facilities Community Impact¹

R714-1 Purpose: To provide for the development of institutional policy for planning capital facilities projects on campuses on which there are issues such as traffic patterns and volume, parking, impact on municipal utilities systems and other services, noise, or health and safety issues, which could be reasonably expected to affect the neighborhoods or the community beyond campus boundaries.

R714-2 References

- 2.1 [Utah Code Title 53B, Chapter 6](#), Master Planning
- 2.2 [Utah Code § 53B-20-101](#), Property of Institutions to Vest in State Board
- 2.3 [Utah Code Title 63A, Chapter 5b, Part 3](#), Division of Facilities Construction and Management
- 2.4 [Board Policy R701](#), Capital Facilities

R714-3 Policy

3.1 Institutional Policies: A Utah System of Higher Education (“USHE”) institution is an integral part of the community it serves and the municipality in which it is located.

Notwithstanding institutional exemption from the planning and zoning authority of the local governmental unit in which it is located, each president, with approval of their institutional Board of Trustees, shall develop an institutional capital facilities community impact policy. Presidents shall file a copy of the adopted policy with the Commissioner’s Office.

3.2 Issues an Institutional Capital Facilities Community Impact Policy Should

Cover: Institutional policy should address the following issues, as appropriate,: how to minimize adverse impacts on the institution’s local neighborhood and community in a manner consistent with the attainment of the institution’s legitimate mission and goals; consultation with affected municipal or county planning and zoning authorities; despite institutional exempt, consideration of factors which would ordinarily be included in local planning and zoning processes; and scheduling public meetings to review campus facilities master plans.

3.3 Vaccine-Preventable Disease Information in On-Campus Housing: Public health agencies universally encourage ongoing education regarding vaccine-preventable diseases within communities. Institutions that provide on-campus housing shall provide current information on

¹ *Adopted November 17, 1989; amended September 24, 1993, July 19, 2013; July 20, 2018; and XXX.*

vaccine-preventable diseases to each student at the time of admission or enrollment. Information should include:

3.3.1 Symptoms and risks, particularly the risks of vaccine-preventable diseases known to occur in adolescents and adults for those living in group arrangements;

3.3.2 Current Category A and B recommendations from the United States Centers for Disease Control and Prevention;

3.3.3 Information regarding where individuals can receive vaccinations; and

3.3.4 Benefits and risks of vaccinations, and specific information for those persons at higher risk for the disease.

3.4 Board Review of Master Plans: The Utah Board of Higher Education (“Board”) conducts a biennial review of the comprehensive campus facilities master plan for each institution. Prior to approval of an institution’s campus master plan, the Board will consider reports of institutionally sponsored public meetings or other input from institutional processes established under this policy to assess the community impact of material changes in the master plan. These Board reviews will generally take place during public meetings of the Board held on the campus.

R714, Capital Facilities Community Impact¹

R714-1 Purpose: To provide for the development of institutional policy ~~in matters relating to~~for planning ~~activities for~~ capital facilities projects on ~~the respective~~ campuses ~~where on which~~ there are issues such as traffic patterns and volume, parking, impact on municipal utilities systems and other services, noise, ~~or~~ health and safety issues, which could be reasonably expected to affect the neighborhoods or the community beyond campus boundaries.

R714-2 References

- 2.1 ~~Utah Code § Title 53B, Chapter -6, -101~~ (Master Planning—~~Board Establishes Criteria to Meet Capital Budgetary Needs~~)
- 2.2 ~~Utah Code § 53B-20-101~~, (Property of Institutions to Vest in State Board)
- 2.3 ~~Utah Code Title 63A, Chapter 5b, Part 3~~, (~~State Building Board~~—Division of Facilities Construction and Management)
- 2.4 ~~Board Policy and Procedures R701~~, Capital Facilities

R714-3 Policy

3.1 Institutional Policies: A ~~Utah System of Higher Education (“USHE”)~~ institution ~~of the Utah System of Higher Education~~ is an integral part of the community it serves and the municipality in which it is located. ~~Even though an~~ ~~Notwithstanding~~ institutional ~~is~~ exemption from the planning and zoning authority of the local governmental units in which it is located, ~~the each~~ ~~P~~president, with ~~the~~ approval of ~~their~~ ~~the~~ institutional Board of Trustees, shall develop an institutional capital facilities community impact policy. ~~Presidents shall file a~~ copy of the adopted policy ~~shall be filed~~ with the Commissioner’s Office.

3.2 Topics for Consideration in Issues an Institutional Capital Facilities Community Impact Policy Should Cover: Institutional policy should address ~~the following~~ issues, ~~where as~~ appropriate, ~~such as~~: how to minimize adverse impacts on the institution’s local neighborhood and community in a manner consistent with the attainment of the institution’s legitimate mission and goals; consultation with affected municipal or county planning and zoning authorities; ~~even though institutions are~~ ~~despite institutional~~ exempt, consideration of factors which would ordinarily be included in local planning and zoning processes; and scheduling public meetings to review campus facilities master plans.

¹ Adopted November 17, 1989; ~~revised~~ ~~amended~~ September 24, 1993, July 19, 2013; ~~and~~ July 20, 2018; ~~and~~ XXX.

3.3 Vaccine-Preventable Disease Information in On-Campus Housing: Public health agencies universally encourage ongoing education regarding vaccine-preventable diseases within communities. Institutions that provide on-campus housing shall provide current information on vaccine-preventable diseases to each student at the time of admission or enrollment. -Information should include:

3.3.1 Symptoms and risks, ~~—particularly the risks for those living in group arrangements~~ of vaccine-preventable diseases known to occur in adolescents and adults for those living in group arrangements;

3.3.2 Current Category A and B recommendations from the United States Centers for Disease Control and Prevention;

3.3.3 Information regarding where individuals can receive vaccinations; and

3.3.4 Benefits and risks of vaccinations, and specific information for those persons at higher risk for the disease.

3.4 Board Review of Master Plans: The Utah Board of Higher Education (“Board”) conducts a biennial review of the comprehensive campus facilities master plan for each institution ~~in correlation with academic master plans as provided in R710-4.5.2.~~ Prior to approval of an institution’s campus master plan, the Board will consider reports of institutionally sponsored public meetings or other input from institutional processes established under this policy to assess the community impact of material changes in the master plan. These Board reviews normally will generally take place during public meetings of the Board held on the campus.

R715, Institutional Residences¹

R715-1 Purpose: To govern the designation, acquisition, operation, and disposal of an institutional residences for degree-granting institutions.

R-715-2 References

2.1 [Utah Code § 53B-2-102](#), Board to Appoint President of Each Institution

2.2 [Board Policy R205](#), Presidential Appointment, Compensation, and Benefits

R715-3 Institutional Residences in the System of Higher Education: The general policy of the Utah Board of Higher Education (“Board”) is to provide a housing allowance for presidents of degree-granting institutions. In certain limited circumstances, the provision and maintenance of institutional residences may serve the best interests of the institution and the Utah System of Higher Education (“USHE”), in which case the Board may designate an official institutional residence for a degree-granting institution.

R715-4 Functions of an Official Institutional Residence: The Board may designate an official institutional residence for a degree-granting institution, located on or near the campus, owned and maintained by the institution, and occupied by the president as a condition of employment. Such a residence is considered an institutional resource to be used for the convenience and benefit of the institution. The institutional residence may be the president’s official residence and shall be used substantially for both administrative and social work-related purposes.

R715-5 Criteria for Designation of Institutional Residences

5.1 The Board, in designating an official institutional residence, shall consider:

5.1.1 Institutional mission;

5.1.2 Living standards and cost of housing in the community;

5.1.3 Ability to meet the president’s needs for campus-related activities;

5.1.4 Accessibility to the campus;

¹ *Adopted April 22, 1975; amended June 28, 1979, April 20, 1982, May 15, 1984, and July 17, 1984, replaced February 26, 1988, March 25, 1988, August 19, 2005, July 17, 2009, March 29, 2013 and January 24, 2014; revised and renumbered, November 19, 2021; amended XXX.*

5.1.5 Suitability for family needs;

5.1.6 Estimated cost or market value;

5.1.7 Previous designated institutional residences; and

5.1.8 Other appropriate factors

5.2 The institution, in consultation with the president, the chair of the institutional Board of Trustees, and the Chair of the Board of Higher Education, shall prepare a report addressing the adequacy and appropriateness of a facility requested to be an institutional residence, with special attention given to the criteria listed in subsection 5.1. The institution shall submit the report to the Commissioner for review prior to submitting it to the Board of Trustees and the Board of Higher Education for approval. If approved, the Commissioner's Office will retain the report for future reference.

R715-6 Initial Construction, Purchase, and Capital Enhancement: Except as authorized in subsection 6.1 below, the costs of initial construction, purchase, capital enhancement, major remodeling, landscaping, and improvements of an existing or future institutional residence must have the prior recommendation of the institution's Boards of Trustees and approval of the Board of Higher Education. Such costs will be financed from sources other than state-appropriated funds unless otherwise specifically authorized by the Board.

6.1 The Board delegates authority to the institutional Boards of Trustees to approve and oversee the capital enhancement of existing institutional residences when the following specific conditions are met:

6.1.1 The total cost of the capital enhancement project does not exceed \$200,000 for the duration of the president's term in office;

6.1.2 No state-appropriated funds are used in the capital enhancements; and

6.1.3 The capital enhancement furthers the purpose of the residence as a campus resource and as a home that satisfies the familial needs of the president.

6.2 Institutions engaging in capital enhancement of institutional residences using this delegated authority are required to report, at the next regularly scheduled meeting of the Board, the amount of the bid accepted and a summary of the work to be performed.

R715-7 Disposal of a Current Institutional Residence: If an institution determines that an institutional residence is no longer adequate or suitable to meet the needs of the institution, the institution shall request authorization from the Board to dispose of the residence.

7.1 In requesting Board authorization, the institution shall describe why the residence no longer meets institutional needs, indicate the property (if any) that will replace the current institutional residence, commission and submit a property appraisal determining fair market value of the property, and receive approval of the Board of Trustees.

7.2 After Board approval, unless otherwise justified, the institution shall sell the property at or above fair market value. Revenue from the sale of the institutional residence shall be applied as designated and approved by the Board.

R715-8 Conversion of a Current Institutional Residence: If an institution determines that an institutional residence is no longer adequate or suitable to meet the needs of the institution but the institutional residence may still be useful to the institution for other purposes, the institution shall request authorization from the Board to convert the residence to other uses.

8.1 In requesting Board authorization, the institution shall describe why the residence no longer meets institutional needs as an institutional residence and plans for its future use, indicate the property (if any) that will replace the current institutional residence, and receive approval of the Board of Trustees.

R715-9 Costs of Maintaining Institutional Residences: Maintenance costs, including utilities, routine care of the residence and grounds, equipment replacement, repairs, and improvements, will be borne by the institution.

9.1 Utility costs covered by this policy include fuel, power, water, sewer, garbage, internet service, cable or satellite television, basic telephone service, and long-distance telephone service for institutional purposes.

9.2 Domestic assistance serving institutional purposes may be provided as appropriate, and as set forth and approved in the budget under section R715-10.

9.3 With the approval of the Board of Trustees, furnishings and equipment of a type serving primarily institutionally-related functions of the residence may be provided by the institution and shall remain on the property inventory of the institution.

9.4 Fire and liability insurance shall be carried on all institutional residences and property, with the costs being borne by the institutions. Insurance costs on personal belongings shall be paid for by the occupying president.

R715-10 Budget Report to the Board: On or before September 15 of each year, the president of each institution shall submit to the Commissioner's Office a report summarizing the current fiscal year budgeted expenditures approved by its Board of Trustees for the institutional residence. This report shall detail budgeted expenditures for maintenance costs, custodial and domestic assistance, and insurance, as provided in section R715-9. The Commissioner's Office will share these reports with the Board as an information item with the previous year's actual expenditures and the approved budget for that year.

R715-11 Exceptions to Policy: The Commissioner of Higher Education shall not receive an institutional residence.

R715, Institutional Residences¹

R715-1 Purpose: To govern the designation, acquisition, operation, and disposal of an institutional residence_s for degree-granting institutions.

R-715-2 References

- 2.1 [Utah Code § 53B-2-102](#), Board to Appoint President of Each Institution
- 2.2 [Board Policy R205](#), Presidential Appointment, Compensation, and Benefits

R715-3 Institutional Residences in the System of Higher Education: The general policy of the [Utah Board of Higher Education \(“Board”\)](#) is to provide a housing allowance for presidents of degree-granting institutions. In certain limited circumstances, the provision and maintenance of institutional residences may serve the best interests of the institution and the [Utah System of Higher Education \(“USHE”\)](#), in which case the [Board](#) may designate an official institutional residence for a degree-granting institution.

R715-4 Functions of an Official Institutional Residence: The Board may designate an official institutional residence for a degree-granting institution, located on or near the campus, owned and maintained by the institution, and occupied by the [President](#) as a condition of employment. Such a residence is considered an institutional resource to be used for the convenience and benefit of the institution. The institutional residence may be the [President’s](#) official residence and shall be used substantially for both administrative and social work-related purposes.

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5.1 The Board, in designating an official institutional residence, shall consider:

- 5.1.1 Institutional mission_i
- 5.1.2 Living standards and cost of housing in the community_i
- 5.1.3 Ability to meet the president’s needs for campus-related activities_i
- 5.1.4 Accessibility to the campus_i

¹ *Adopted April 22, 1975; amended June 28, 1979, April 20, 1982, May 15, 1984, and July 17, 1984, replaced February 26, 1988, March 25, 1988, August 19, 2005, July 17, 2009, March 29, 2013 and January 24, 2014; revised and renumbered, November 19, 2021; amended XXX.*

5.1.5 Suitability for family needs;

5.1.6 Estimated cost or market value;

5.1.7 Previous designated institutional residences; and

5.1.8 Other appropriate factors

5.2 The institution, in consultation with the president, the chair of the institutional ~~b~~Board of ~~€~~Trustees, and the Chair of the Board of Higher Education, shall prepare a report addressing the adequacy and appropriateness of a facility requested to be an institutional residence, with special attention given to the criteria listed in subsection 5.1. The institution shall submit the report to the Commissioner for review prior to submitting it to the ~~b~~Board of ~~€~~Trustees and the Board of Higher Education for approval. If approved, the ~~Office of the~~ Commissioner's Office will retain the report for future reference.

R715-6 Initial Construction, Purchase, and Capital Enhancement: Except as authorized in subsection 6.1 below, the costs of initial construction, purchase, capital enhancement, major remodeling, landscaping, and improvements of an existing ~~and-or~~ future institutional residences must have the prior recommendation of the institution's ~~b~~Boards of ~~€~~Trustees and approval of the Board of Higher Education. Such costs will be financed from sources other than state-appropriated funds unless otherwise specifically authorized by the Board.

6.1 The Board delegates authority to the institutional Boards of Trustees to approve and oversee the capital enhancement of existing institutional residences when the following specific conditions are met:

6.1.1 The total cost of the capital enhancement project does not exceed \$200,000 for the duration of the president's term in office;:-

6.1.2 No state-appropriated funds are used in the capital enhancements; and-

6.1.3 The capital enhancement furthers the purpose of the residence as a campus resource and as a home that satisfies the familial needs of the president.

6.2 Institutions engaging in capital enhancement of institutional residences using this delegated authority are required to report, at the next regularly scheduled meeting of the Board, the amount of the bid accepted and a summary of the work to be performed.

R715-7 Disposal of a Current Institutional Residence: If an institution determines that an institutional residence is no longer adequate or suitable to meet the needs of the institution, the institution shall request authorization from the Board to dispose of the residence.

7.1 In requesting Board authorization, the institution shall describe why the residence no longer meets institutional needs, indicate the property (if any) that will replace the current institutional residence, commission and submit a property appraisal determining fair market value of the property, and receive approval of the ~~b~~Board of ~~€~~Trustees.

7.2 After Board approval, unless otherwise justified, the institution shall sell the property at or above fair market value. Revenue from the sale of the institutional residence shall be applied as designated and approved by the Board.

R715-8 Conversion of a Current Institutional Residence: If an institution determines that an institutional residence is no longer adequate or suitable to meet the needs of the institution but the institutional residence may still be useful to the institution for other purposes, the institution shall request authorization from the Board to convert the residence to other uses.

8.1 In requesting Board authorization, the institution shall describe why the residence no longer meets institutional needs as an institutional residence and plans for its future use, indicate the property (if any) that will replace the current institutional residence, and receive approval of the ~~b~~Board of ~~€~~Trustees.

R715-9 Costs of Maintaining Institutional Residences: Maintenance costs, including utilities, routine care of the residence and grounds, equipment replacement, repairs, and improvements, will be borne by the institution.

9.1 Utility costs covered by this policy include fuel, power, water, sewer, garbage, internet service, cable or satellite television, basic telephone service, and long-distance telephone service for institutional purposes.

9.2 Domestic assistance serving institutional purposes may be provided as appropriate, and as set forth and approved in the budget under section~~in~~ R715-10.

9.3 With the approval of the ~~b~~Board of ~~€~~Trustees, furnishings and equipment of a type serving primarily institutionally-related functions of the residence may be provided by the institution and shall remain on the property inventory of the institution.

9.4 Fire and liability insurance shall be carried on all institutional residences and property, with the costs being borne by the institutions. Insurance costs on personal belongings shall be paid for by the occupying president.

R715-10 Budget Report to the Board: On or before September 15 of each year, the president of each institution shall submit to the ~~Office of the~~ Commissioner's Office a report summarizing the current fiscal year budgeted expenditures approved by ~~the its b~~Boards of ~~€~~Trustees for the institutional residences. This report shall detail budgeted expenditures for maintenance costs, custodial and domestic assistance, and insurance, as provided in section R715-9. ~~This report is to be submitted to the~~ Commissioner's Office will and to be share these reports with the Board as an information item with the previous year's actual expenditures and the approved budget for that year.

R715-11 Exceptions to Policy: The ~~provisions of this policy shall not apply to the~~ Commissioner of Higher Education shall not receive an institutional residence.

R741, Threshold Requirements for Capital Development Project Requests ¹

R741-1 Purpose: To outline the threshold requirements all Utah System of Higher Education (“USHE”) institutions must meet to be considered for allocation of appropriated capital project funds.

R741-2 References

- 2.1 [Utah Code § 53B-2a-117](#), Technical Colleges – Capital Development
- 2.2 [Utah Code § 53B-22-204](#), Board Prioritization, Approval and Review
- 2.3 [Utah Code Title 63A, Chapter 5b](#), Administration of State Facilities
- 2.4 [Board Policy R701](#), Capital Facilities
- 2.5 [Board Policy R706](#), Capital Facilities Master Planning
- 2.6 [Board Policy R743](#), Degree-granting Institution Dedicated Capital Project Allocation
- 2.7 [Board Policy R744](#), Technical College Capital Project Prioritization Process
- 2.8 [Board Policy R751](#), Institutional Facilities Space Utilization

R741-3 Definitions

3.1 “Capital Development Project” means:

3.1.1 A remodeling or site or utility improvement project with a total cost of \$3,500,000 or more;

3.1.2 A new facility with a construction cost of \$500,000 or more; or

3.1.3 A purchase of real property if an appropriation is requested and made for the purchase.

3.2 “Dedicated Project” means a degree-granting institution’s capital development project funded by the institution’s allocation under Utah Code section 53B-22-201 or from the Utah Board of Higher Education’s (“Board”) prioritization of dedicated funds for a technical college under Board Policy R744.

3.3 “Nondedicated Project” means a capital development project for which state funds from a source other than the institution’s allocation are requested or used.

¹ Adopted July 14, 2022.

3.4 “Capital Program” means the services to define the scope and purpose of a proposed capital project as defined in Utah Code section 63A-5b-502.

R741-4 Policy: Prior to prioritization of a capital project, an institution shall outline how the project, whether dedicated or nondedicated, meets the following requirements²:

4.1 Cost-Effective and Efficient Use of Resources

4.1.1 Institutions shall submit a detailed capital program and a capital budget estimate reviewed by the Division of Facilities and Construction Management (“DFCM”). Institutions shall also describe to the Board how the project prudently and economically uses state and institutional resources.

4.1.2 With the assistance of DFCM and using the DFCM cost database, institutions shall compare the costs of the proposed facility with projects of like size and function and justify significant differences in comparable costs.

4.1.3 Institutions shall provide the total cost of ownership for the proposed facility, including the annual cost of operation and maintenance, the total cost of operation and maintenance over the useful life of the facility, and the total cost of capital improvements over the estimated life of the facility, and describe the funding sources available to pay those costs.

4.2 Consistent with Institutional Role, Mission, and Master Plan

4.2.1 Institutions shall demonstrate how the proposed facility will meet institutional needs and is consistent with the institution’s role and mission.

4.2.2 Institutions shall demonstrate how the proposed facility aligns with the institutional master plan and the 5-year plan required by Board Policy R706.

4.3 Fulfillment of a Critical Institutional Facility Need

4.3.1 Institutions shall demonstrate the need for the facility by providing quantifiable evidence, which may include measures of program growth, enrollment, facility obsolescence, etc.

² The requirements that follow are mandated by statute for degree-granting capital projects, both dedicated and nondedicated, while the Board extends them here to technical college capital projects, both dedicated and nondedicated.

4.3.2 Institutions shall provide current facility utilization measures and describe how the project will improve institutional space utilization, including how the institution will measure and report its improved utilization to the Board.

4.3.3 Institutions shall provide current deferred maintenance information, including the dollar amount of institutional deferred maintenance and a description of how the project will affect deferred maintenance.

R741-5 Board Submission of Authorized of Projects: The Board shall neither prioritize, nor submit for approval for legislative funding, a capital project that does not meet the threshold requirements.

R741, Threshold Requirements for Capital Development Project Requests ¹

R741-1 Purpose: To outline the threshold requirements all Utah System of Higher Education (“USHE”) institutions must meet to be considered for allocation of appropriated capital project funds.

R741-2 References

- 2.1 [Utah Code § 53B-2a-117](#), Technical Colleges – Capital Development
- 2.2 [Utah Code § 53B-22-204](#), Board Prioritization, Approval and Review
- 2.3 [Utah Code Title 63A, Chapter 5b](#), Administration of State Facilities
- 2.4 [Board Policy R701](#), Capital Facilities
- 2.5 [Board Policy R706](#), Capital Facilities Master Planning
- 2.6 [Board Policy R743](#), Degree-granting Institution Dedicated Capital Project Allocation
- 2.7 [Board Policy R744](#), Technical College Capital Project Prioritization Process
- 2.8 [Board Policy R751](#), Institutional Facilities Space Utilization

R741-3 Definitions

3.1 “Capital Development Project” means:

3.1.1 A remodeling or site or utility improvement project with a total cost of \$3,500,000 or more;

3.1.2 A new facility with a construction cost of \$500,000 or more; or

3.1.3 A purchase of real property if an appropriation is requested and made for the purchase.

3.2 “Dedicated Project” means a degree-granting institution’s capital development project funded by the institution’s allocation under Utah Code section 53B-22-201 or from the [Utah Board of Higher Education’s \(“Board”\)](#)’s prioritization of dedicated funds for a technical college under Board Policy R744.

3.3 “Nondedicated Project” means a capital development project for which state funds from a source other than the institution’s allocation are requested or used.

¹ Adopted July 14, 2022.

3.4 “Capital Program” means the services to define the scope and purpose of a proposed capital project as defined in [Utah Code section 63A-5b-502](#).

R741-4 Policy: Prior to prioritization of a capital project, an institution shall outline how the project, whether dedicated or nondedicated, meets the following requirements²:

4.1 Cost-Effective and Efficient Use of Resources

4.1.1 Institutions shall submit a detailed capital program and a capital budget estimate reviewed by the Division of Facilities and Construction Management (“DFCM”). Institutions shall also describe to the Board how the project prudently and economically uses state and institutional resources.

4.1.2 With the assistance of DFCM and using the DFCM cost database, institutions shall compare the costs of the proposed facility with projects of like size and function and justify significant differences in comparable costs.

4.1.3 Institutions shall provide the total cost of ownership for the proposed facility, including the annual cost of operation and maintenance, the total cost of operation and maintenance over the useful life of the facility, and the total cost of capital improvements over the estimated life of the facility, and describe the funding sources available to pay those costs.

4.2 Consistent with Institutional Role, Mission, and Master Plan

4.2.1 Institutions shall demonstrate how the proposed facility will meet institutional needs and is consistent with the institution’s role and mission.

4.2.2 Institutions shall demonstrate how the proposed facility aligns with the institutional master plan and the 5-year plan required by Board Policy R706, *Capital Facilities Master Planning*.

4.3 Fulfillment of a Critical Institutional Facility Need

4.3.1 Institutions shall demonstrate the need for the facility by providing quantifiable evidence, which may include measures of program growth, enrollment, facility obsolescence, etc.

² The requirements that follow are mandated by statute for degree-granting capital projects, both dedicated and nondedicated, while the Board extends them here to technical college capital projects, both dedicated and nondedicated.

4.3.2 Institutions shall provide current facility utilization measures and describe how the project will improve institutional space utilization, including how the institution will measure and report its improved utilization to the Board.

4.3.3 Institutions shall provide current deferred maintenance information, including the dollar amount of institutional deferred maintenance and a description of how the project will affect deferred maintenance.

R741-5 Board Submission of Authorized of Projects: The Board shall neither prioritize, nor submit for approval for legislative funding, a capital project that does not meet the threshold requirements.

R742, Degree-granting Institution Nondedicated Capital Project Prioritization Process¹

R742-1 Purpose: To provide the Utah Board of Higher Education’s (“Board”) methodology and process for prioritization of system-wide, state-funded, nondedicated capital development projects at degree-granting institutions.

R742-2 References

- 2.1 [Utah Code § 53B-1-402](#), Establishment of Board -- Powers, Duties, and Authority
- 2.2 [Utah Code § 53B-22-201](#), Capital Developments
- 2.3 [Utah Code § 53B-20-101](#), Property of Institutions to Vest in State Board
- 2.4 [Utah Code § 63A-5b-401](#), Development of Capital Facilities
- 2.5 [Board Policy R701](#), Capital Facilities
- 2.6 [Board Policy R702](#), Non-State Funded Projects
- 2.7 [Board Policy R706](#), Capital Facilities Master Planning
- 2.8 [Board Policy R741](#), Threshold Requirements for Capital Development Project Requests
- 2.9 [Board Policy R751](#), Institutional Facilities Space Utilization

R742-3 Definitions

3.1 “Alternative Funding Sources” means external donation(s) of money and/or land that are either in-hand or are committed to the institution for the specific capital project requested. Alternative funding sources excludes fees and other institutional funds. Alternative funding sources shall not create a future liability for the State, create an external property right, or be given with the expectation of a future payback.

3.2 “Capital Development Project” means:

3.2.1 A remodeling or site or utility improvement project with a total cost of \$3,500,000 or more;

3.2.2 A new facility with a construction cost of \$500,000 or more; or

3.2.3 A purchase of real property if an appropriation is requested and made for the purchase.

¹ Amended May 20, 2011, September 13, 2013, November 14, 2014, May 17, 2019, August 2, 2019, May 21, 2021, and July 14, 2022; renumbered July 14, 2022; amended XXX.

3.3 “Dedicated Project” means a capital development project for which state funds from an institution’s allocation are requested or used.

3.4 “Nonappropriated Funds” means contributions such as donations to capital projects from sources other than appropriations of the Legislature. For purposes of this policy, student fees are not considered nonappropriated funds.

3.5 “Nondedicated Project” means a capital development project for which state funds from a source other than the institution’s allocation are requested or used.

R742-4 Nondedicated Project Prioritization Process: The Board shall annually review and prioritize nondedicated projects submitted by degree-granting institutions. The annual nondedicated project prioritization process consists of five fundamental steps:

4.1 Step 1 – Establishment of Priority Guidelines: By May each year, the Board shall adopt priority guidelines pertaining to the most pressing and critical capital needs for the Utah System of Higher Education not funded as dedicated projects. In addition to the initial scoring criteria outlined in section 741-5, the guidelines will identify any factors that the Board will consider, and specify a point and weighting system for final scoring of projects.

4.2 Step 2 – Submission of Requests: Institutions may submit their highest priority capital development projects to the Office of the Commissioner of Higher Education (“OCHE”) for evaluation.

4.2.1 Each institution may submit up to one project per year. Prior to submitting a request for a nondedicated project, an institution shall review its allocation for dedicated projects.

4.2.2 All project requests must come through the Board, and institutions may not submit such requests directly to the Governor, the Division of Facilities Construction and Management (“DFCM”), or the Legislature.

4.3 Step 3 – Initial Score: OCHE will review nondedicated project requests and assign an initial score for each request. Projects will be scored based on the criteria outlined in section 741-5 and the weighting system developed by the Board.

4.4 Step 4 – Board Prioritization of Projects: The Board will meet annually to review and prioritize nondedicated project requests. The Board may amend OCHE’s initial scoring and may award additional points based on the priority factors established under subsection 4.1 to determine a final score for each requested project.

4.5 Step 5 – Board Submission of Prioritized Projects: The number of nondedicated project requests that the Board may submit to DFCM, the Governor, and the Legislature for further consideration and funding each year is limited as follows:

4.5.1 If the ongoing state funds appropriation for dedicated projects is at least \$100 million, the Board may submit the project with the highest final score.

4.5.2 If the ongoing state funds appropriation for dedicated projects is between \$50 million and \$100 million, the Board may submit two projects with the highest final scores.

4.5.3 If the ongoing state funds appropriation for dedicated projects is less than \$50 million, the Board may submit the three projects with the highest final scores.

R742-5 Project Scoring

5.1 Initial Score: OCHE's initial score will be based on the following criteria:

5.1.1 Capital Facility Need: Based on how the project: 1) fulfills Utah industry/economic demand; and 2) addresses an institution's existing space needs in the project's space category(ies);

5.1.2 Utilization of Facilities: Based on the Board's Room Utilization Rate standards in R751, for the project's space category(ies);

5.1.3 Maintenance and Condition of Facilities: Based on whether the project addresses building conditions that have reached a level of imminent non-functionality on account of a catastrophic event or critical life safety, fire, or seismic deficiencies; and

5.1.4 Other Factors: including 1) the cost-effectiveness of the project based on the DFCM cost database; and 2) the share of the project's costs supported by alternative funding.

5.2 Review of Threshold Requirements: The Board will ensure that each project that receives a final score meets the requirements of Board Policy R741.

5.3 Final Score: If the Board determines a project meets the requirements of subsection 5.2, it may amend OCHE's initial score, and award additional points based on the priority factors established under subsection 4.1 to determine a final score.

R742-6 Operation and Maintenance Costs (“O & M”): The estimated O & M costs for each facility and the source of funding for those costs will be listed for each facility on the priority list and will be approved by the Board as part of the approval process for construction or acquisition of each facility. In prioritizing nondedicated projects, the Board will consider the magnitude of future O & M obligations and the potential impact of approval on other components of the operating budget.

R742-7 Projects Funded from Nonappropriated Funds: Proposals from institutions for approval of capital development projects to be financed by nonappropriated funds are subject to the approval process outlined in Board Policy R702.

R742, Degree-granting Institution Nondedicated Capital Project Prioritization Process¹

R742-1 Purpose: To provide the Utah Board of Higher Education's ("Board") methodology and process for prioritization of system-wide, state-funded, nondedicated capital development projects at degree-granting institutions.

R742-2 References

- 2.1 [Utah Code § 53B-1-402](#), Establishment of Board -- Powers, Duties, and Authority
- 2.2 [Utah Code § 53B-22-201](#), Capital Developments
- 2.3 [Utah Code § 53B-20-101](#), Property of Institutions to Vest in State Board
- 2.4 [Utah Code § 63A-5b-401](#), Development of Capital Facilities
- 2.5 [Board Policy R701](#), Capital Facilities
- 2.6 [Board Policy R702](#), Non-State Funded ~~Property~~Projects
- 2.7 [Board Policy R706](#), Capital Facilities Master Planning
- 2.8 [Board Policy R741. Threshold Requirements for Capital Development Project Requests](#)
- 2.9 [Board Policy R751. Institutional Facilities Space Utilization](#)

R742-3 Definitions

3.1 “Alternative Funding Sources” means external donation(s) of money and/or land that are either in-hand or are committed to the institution for the specific capital project requested. Alternative funding sources excludes fees and other institutional funds. Alternative funding sources shall not create a future liability for the State, create an external property right, or be given with the expectation of a future payback.

3.2 “Capital Development Project” means:

3.2.1 A remodeling or site or utility improvement project with a total cost of \$3,500,000 or more;

3.2.2 A new facility with a construction cost of \$500,000 or more; or

3.2.3 A purchase of real property if an appropriation is requested and made for the purchase.

¹ Amended May 20, 2011, September 13, 2013, November 14, 2014, May 17, 2019, August 2, 2019, May 21, 2021, and July 14, 2022; renumbered July 14, 2022; ~~amended XXX~~.

3.3 “Dedicated Project” means a capital development project for which state funds from an institution’s allocation are requested or used.

3.4 “Nonappropriated Funds” -means contributions such as donations to capital projects from sources other than appropriations of the ~~State~~ Legislature. For purposes of this policy, student fees are not considered nonappropriated funds.

3.5 “Nondedicated Project” means a capital development project for which state funds from a source other than the institution’s allocation are requested or used.

R742-4 Nondedicated Project Prioritization Process: The Board shall annually review and prioritize nondedicated projects submitted by degree-granting institutions. The annual nondedicated project prioritization process consists of five fundamental steps:

4.1 Step 1 – Establishment of Priority Guidelines: -By ~~July of 2022 and May of subsequent years~~ **May each year**, the Board shall adopt priority guidelines pertaining to the most pressing and critical capital needs for the Utah System of Higher Education not funded as dedicated projects. In addition to the initial scoring criteria outlined in section 741-5, the guidelines will identify any factors that the Board will consider, and specify a point and weighting system for final scoring of projects.

4.2 Step 2 – Submission of Requests: -Institutions may submit their highest priority capital development projects to the Office of the Commissioner of Higher Education (“OCHE”) for evaluation.

4.2.1 Each institution may submit up to one project per year. Prior to submitting a request for a nondedicated project, an institution shall review its allocation for dedicated projects.

4.2.2 All project requests must come through the Board, and institutions may not submit such requests directly to the Governor, the Division of Facilities Construction and Management (“DFCM”), or the ~~H~~Legislature.

4.3 Step 3 –Initial Score: OCHE will review nondedicated project requests and assign an initial score for each request. Projects will be scored based on the criteria outlined in section 741-5 and the weighting system developed by the Board.

4.4 Step 4 – Board Prioritization of Projects: -The Board will meet annually to review and prioritize nondedicated project requests. The Board may amend OCHE’s initial scoring and may

award additional points based on the priority factors established under subsection 4.1 to determine a final score for each requested project.

4.5 Step 5 – Board Submission of Prioritized Projects: The number of nondedicated project requests that the Board may submit to DFCM, the Governor, and the H legislature for further consideration and funding each year is limited as follows:

4.5.1 If the ongoing state funds appropriation for dedicated projects is at least \$100 million, the Board may submit the project with the highest final score.

4.5.2 If the ongoing state funds appropriation for dedicated projects is between \$50 million and \$100 million, the Board may submit two projects with the highest final scores.

4.5.3 If the ongoing state funds appropriation for dedicated projects is less than \$50 million, the Board may submit the three projects with the highest final scores.

R742-5 Project Scoring

5.1 Initial Score: OCHE's initial score will be based on the following criteria:

5.1.1 Capital Facility Need: Based on how the project: 1) fulfills Utah industry/economic demand; and 2) addresses an institution's existing space needs in the project's space category(ies);

5.1.2 Utilization of Facilities: Based on the Board's Room Utilization Rate standards in R751, ~~*Institutional Facilities Space Utilization*~~, for the project's space category(ies);

5.1.3 Maintenance and Condition of Facilities: Based on whether the project addresses building conditions that have reached a level of imminent non-functionality on account of a catastrophic event or critical life safety, fire, or seismic deficiencies; and

5.1.4 Other Factors: including 1) the cost-effectiveness of the project based on the DFCM cost database; and 2) the share of the project's costs supported by alternative funding.

5.2 Review of Threshold Requirements: The Board will ensure that each project that receives a final score meets the requirements of Board Policy R741, ~~*Capital Facilities Threshold Requirements*~~.

5.3 Final Score: If the Board determines a project meets the requirements of subsection 5.2, it may amend OCHE's initial score, and award additional points based on the priority factors established under subsection 4.1 to determine a final score.

R742-6 Operation and Maintenance Costs ("O & M"): The estimated O & M costs for each facility and the source of funding for those costs will be listed for each facility on the priority list and will be approved by the Board as part of the approval process for construction or acquisition of each facility. In prioritizing nondedicated projects, the Board will consider the magnitude of future O & M obligations and the potential impact of approval on other components of the operating budget.

R742-7 Projects Funded from Nonappropriated Funds: Proposals from institutions for approval of capital development projects to be financed by nonappropriated funds are subject to the approval process outlined in Board Policy R702, ~~Non-State Funded Projects~~.

R743, Degree-granting Institution Dedicated Capital Project Allocation¹

R743-1 Purpose: To provide the methodology for how the Utah Board of Higher Education (“Board”) will allocate dedicated capital project funds to degree-granting institutions.

R743-2 References

- 2.1 [Utah Code § 53B-7-706](#), Performance Funding
- 2.2 [Utah Code § 53B-22-201](#), Capital Developments
- 2.3 [Utah Code § 53B-22-204](#), Funding Request for Capital Development Project
- 2.4 [Utah Code § 63A-5b-401](#), Development of Capital Facilities
- 2.5 [Board Policy R701](#), Capital Facilities
- 2.6 [Board Policy R706](#), Capital Facilities Master Planning
- 2.7 [Board Policy R741](#), Threshold Requirements for Capital Development Project Requests
- 2.8 [Board Policy R745](#), Approval Process for Use of Dedicated Capital Project Funds
- 2.9 [Board Policy R751](#), Institutional Facilities Space Utilization

R743-3 Definitions

3.1 “Capital Development” means:

3.1.1 A remodeling or site or utility improvement project with a total cost of \$3,500,000 or more;

3.1.2 A new facility with a construction cost of \$500,000 or more; or

3.1.3 A purchase of real property if an appropriation is requested and made for the purchase.

3.2 “Dedicated Project” means a capital development project for which state funds from an institution’s allocation are requested or used.

¹ Adopted August 2, 2019; amended July 14, 2022; and XXX.

3.3 “Higher Education Capital Projects Fund” means a capital projects restricted fund created by the Legislature to receive appropriations for dedicated projects for degree-granting institutions.

R743-4 Policy

4.1 Dedicated Capital Project Allocation Formula: Unless otherwise directed by the Legislature, the Board shall allocate funding according to the following measures of the statutorily required factors with their associated weights:

4.1.1 Enrollment: Weighted at 20 points. The measure is the most recent five-year average of Budget-Related full-time equivalent (“FTE”) students excluding online and concurrent enrollment FTE students. Points are awarded proportionate to each institution’s five-year average.

4.1.2 Performance: Weighted at 15 points. The measure is the sum-product of the percent of award in each performance category required by Utah Code section 53B-7-706 and the weights given by the Board for the most recent performance funding allocation. Points are awarded proportionate to each institution’s weighted performance.

4.1.3 Projected Growth in Student Population: Weighted at 15 points. The measure is the estimate of the number of 18-24 year-old students each Utah System of Higher Education (“USHE”) institution will accommodate based on ten-year population projections of Utah counties and the number of students from each Utah county currently enrolled in a USHE institution. Points are awarded proportionate to the total number of 18-24 year-old students each institution is projected to accommodate in the next ten years.

4.1.4 Square Feet per FTE: Weighted at 15 points. The measure is the current institutional space inventory for classrooms, teaching laboratories, and study/library space divided by the number of Budget-Related FTE excluding online and concurrent enrollment FTE students. Points are awarded proportionate to the institutional square feet per FTE calculations relative to the institution with the most square feet per FTE in each of the three types of space.

4.1.5 Facility Age and Condition: Weighted at 20 points. The measure is the product of the square feet, average age (adjusted for major remodels), and average condition (scored from 1 to 5 with higher numbers representing better condition) of non-auxiliary institutionally-owned buildings valued over \$3.5 million as reported in the annual building inventory. Points are awarded proportionate to each institution’s calculated score.

4.1.6 Utilization: Weighted at 15 points. The measure is the classroom Room Utilization Rate (“RUR”) multiplied by the Seat Occupancy Rate (“SOR”) from the most recent utilization

report for each USHE institution. Points are awarded proportionate to each institution's utilization rate.

5.1 Board Allocation of Funds: By June 30 of each year the Board shall allocate dedicated projects funds appropriated by the Legislature. The Board shall submit the allocation to the Utah Division of Finance to track individual institutional allocations within the Higher Education Capital Projects Fund.

5.2 Threshold Requirements: The Board will not approve funds for dedicated project requests that do not meet the requirements of Board Policy R741.

R743, Degree-granting Institution Dedicated Capital Project Allocation¹

R743-1 Purpose: To provide the methodology for how the Utah Board of Higher Education (“Board”) will allocate dedicated capital project funds to degree-granting institutions.

R743-2 References

- 2.1 [Utah Code § 53B-7-706](#), Performance Funding
- 2.2 [Utah Code § 53B-22-201](#), Capital Developments
- 2.3 [Utah Code § 53B-22-204](#), Funding Request for Capital Development Project
- 2.4 [Utah Code § 63A-5b-401](#), Development of Capital Facilities
- 2.5 [Board Policy R701](#), Capital Facilities
- 2.6 [Board Policy R706](#), Capital Facilities Master Planning
- 2.7 [Board Policy R741, Threshold Requirements for Capital Development Project Requests](#)
- 2.87 [Board Policy R745](#), Approval Process for Use of Dedicated Capital Project Funds
- 2.98 [Board Policy R751](#), Institutional Facilities Space Utilization

R743-3 Definitions

3.1 “Capital Development” means:

3.1.1 A remodeling or site or utility improvement project with a total cost of \$3,500,000 or more;

3.1.2 A new facility with a construction cost of \$500,000 or more; or

3.1.3 A purchase of real property if an appropriation is requested and made for the purchase.

3.2 “Dedicated Project” means a capital development project for which state funds from an institution’s allocation are requested or used.

¹ Adopted August 2, 2019; amended July 14, 2022; and XXX.

3.3 “Higher Education Capital Projects Fund” means a capital projects restricted fund created by the ~~state~~ legislature to receive appropriations for dedicated projects for degree-granting institutions.

R743-4 Policy

4.1 Dedicated Capital Project Allocation Formula: Unless otherwise directed by the legislature, the Board shall allocate funding according to the following measures of the statutorily required factors with their associated weights:

4.1.1 Enrollment: -Weighted at 20 points. The measure is the most recent five-year average of Budget-Related full-time equivalent (“FTE”) students excluding online and concurrent enrollment FTE students. -Points are awarded proportionate to each institution’s five-year average.

4.1.2 Performance: -Weighted at 15 points. The measure is the sum-product of the percent of award in each performance category required by Utah Code section 53B-7-706 and the weights given by the Board for the most recent performance funding allocation. -Points are awarded proportionate to each institution’s weighted performance.

4.1.3 Projected Growth in Student Population: Weighted at 15 points. The measure is the estimate of the number of 18-24 year-old students each Utah System of Higher Education (“USHE”) institution will accommodate based on ten-year population projections of Utah counties and the number of students from each Utah county currently enrolled in a USHE institution. -Points are awarded proportionate to the total number of 18-24 year-old students each institution is projected to accommodate in the next ten years.

4.1.4 Square Feet per FTE: -Weighted at 15 points. The measure is the current institutional space inventory for classrooms, teaching laboratories, and study/library space divided by the number of Budget-Related FTE excluding online and concurrent enrollment FTE students. -Points are awarded proportionate to the institutional square feet per FTE calculations relative to the institution with the most square feet per FTE in each of the three types of space.

4.1.5 Facility Age and Condition: -Weighted at 20 points. The measure is the product of the square feet, average age (adjusted for major remodels), and average condition (scored from 1 to 5 with higher numbers representing better condition) of non-auxiliary institutionally-owned buildings valued over \$3.5 million as reported in the annual building inventory. -Points are awarded proportionate to each institution’s calculated score.

4.1.6 Utilization: -Weighted at 15 points. The measure is the classroom Room Utilization Rate (“RUR”) multiplied by the Seat Occupancy Rate (“SOR”) from the most recent utilization

report for each USHE institution. -Points are awarded proportionate to each institution's utilization rate.

5.1 Board Allocation of Funds: By June 30 of each year the Board shall allocate dedicated projects funds appropriated by the H legislature. The Board shall submit the allocation to the Utah Division of Finance to track individual institutional allocations within the Higher Education Capital Projects Fund.

5.2 Threshold Requirements: The Board will not approve funds for dedicated project requests that do not meet the requirements of Board Policy R741, ~~Capital Facilities Threshold Requirements~~.

R744, Technical College Capital Project Prioritization Process¹

R744-1 Purpose: To provide the Utah Board of Higher Education’s (“Board”) methodology and process for prioritization of system-wide, state-funded capital development projects at technical colleges.

R744-2 References

- 2.1 [Utah Code § 53B-1-402](#), Establishment of Board -- Powers, Duties, and Authority
- 2.2 [Utah Code § 53B-2a-117](#), Technical Colleges – Capital Development
- 2.3 [Utah Code § 53B-20-101](#), Property of Institutions to Vest in State Board
- 2.4 [Utah Code § 63A-5b-401](#), Development of Capital Facilities
- 2.5 [Board Policy R701](#), Capital Facilities
- 2.6 [Board Policy R702](#), Non-State Funded Projects
- 2.7 [Board Policy R703](#), Acquisition of Real Property
- 2.8 [Board Policy R706](#), Capital Facilities Master Planning
- 2.9 [Board Policy R751](#), Institutional Facilities Space Utilization
- 2.10 [Board Policy R741](#), Threshold Requirements for Capital Development Project Requests

R744-3 Definitions

3.1 “Alternative Funding Sources” means external donation(s) of money and/or land that are either in-hand or are committed to the technical college for the specific capital project requested. Alternative funding sources excludes fees and other institutional funds. Alternative funding sources shall not create a future liability for the State, create an external property right, or be given with the expectation of a future payback.

3.2 “Capital Development Project” means:

3.2.1 A remodeling or site or utility improvement project with a total cost of \$3,500,000 or more;

3.2.2 A new facility with a construction cost of \$500,000 or more; or

3.2.3 A purchase of real property if an appropriation is requested and made for the purchase.

¹ Adopted July 14, 2022; amended XXX.

3.3 “Dedicated Project” means a capital development project for which state funds from the Technical Colleges Capital Projects Fund are requested or used.

3.4 “Fund” means the Technical Colleges Capital Projects Fund created in Utah Code section 53B-2a-118.

3.5 “Nonappropriated Funds” means contributions such as donations to capital projects from sources other than appropriations of the Legislature. For purposes of this policy, student fees are not considered nonappropriated funds.

3.6 “Nondedicated Project” means a capital development project for which state funds from a source other than the Technical Colleges Capital Projects Fund are requested or used.

3.7 “State Funded Project” means a capital development project submitted by an institution requiring appropriations from the Legislature to fund the design, construction, and/or operations and maintenance (“O & M”).

R744-4 Capital Project Prioritization Process: The Board shall annually review and prioritize capital projects submitted by technical colleges. The annual project prioritization process consists of five fundamental steps:

4.1 Step 1 – Establishment of Priority Guidelines: By July of 2022 and May of subsequent years, the Board shall adopt priority guidelines pertaining to the most pressing and critical capital needs for the Utah System of Higher Education’s technical colleges. In addition to the criteria outlined in section 744-5, the guidelines will identify any factors that the Board will consider and specify a point and weighting system for final scoring of projects.

4.2 Step 2 – Submission of Requests: Technical colleges may submit their highest priority capital development projects to the Office of the Commissioner of Higher Education (“OCHE”) for evaluation.

4.2.1 Each technical college may submit up to one capital project per year.

4.2.2 All project requests must come through the Board, and technical colleges may not submit such requests directly to the Governor, Division of Facilities and Construction Management (“DFCM”), or the Legislature.

4.3 Step 3 – Analysis and Initial Scoring: OCHE will review project requests and assign an initial score for each. Projects will be scored based on the criteria outlined in section 744-5 and the weighting system developed by the Board.

4.4 Step 4 – Board Prioritization of Projects: The Board will meet annually to review and prioritize project requests. The Board may amend OCHE's initial scoring and award additional points based on the priority factors established under subsection 4.1 to determine a final score for each requested project.

4.5 Step 5 – Board Submission of Prioritized Projects: The number of non-dedicated project requests the Board may submit to DFCM, the Governor, and the Legislature for further consideration and funding each year is limited as follows:

4.5.1 If the ongoing state funds appropriation to the fund is at least \$14,000,000, the Board may submit the project with the highest final score.

4.5.2 If the ongoing state funds appropriation to the fund is between \$7,000,000 and \$13,999,999, the Board may submit two projects with the highest final scores.

4.5.3 If the ongoing state funds appropriation to the fund is less than \$7,000,000, the Board may submit the three projects with the highest final scores.

R744-5 Project Scoring:

5.1 Initial Score: OCHE's initial score will be based on the following criteria:

5.1.1 Growth and Capacity: Addresses a technical college's: 1) existing space needs in the project's space categories, and 2) the Board's Room Utilization Rate in Board Policy R751, for the project's space category(ies);

5.1.2 Effectiveness and Support of Critical Programs: How the project fulfills Utah industry/economic demand;

5.1.3 Cost Effectiveness of the Project: Cost effectiveness of the project based on the DFCM cost database;

5.1.4 Building Deficiencies: If the project addresses building conditions that have reached a level of imminent non-functionality on account of a catastrophic event or critical life, safety, or seismic deficiencies; and

5.1.5 Alternative Funding Sources: The share of the project's costs supported by alternative funding sources.

5.2 Final Score: The Board may amend OCHE's initial score and award additional points based on the priority factors established under subsection 4.1 to determine a final score.

R744-6 Threshold Requirements: The Board will ensure that each project that receives a final score meets the requirements of Board Policy R741.

R744-7 Nondedicated Funding: The Board will request the highest-ranked project(s) as a nondedicated project(s). If a request to fund a nondedicated project through appropriations is denied, the Board has discretion to request funding through dedicated capital project appropriations under section R744-8.

R744-8 Dedicated Funding: Based on available funds, the Board may, in its discretion, forward capital project request(s) for dedicated capital project funding based on prioritization.

R744-9 Operation and Maintenance Costs: The estimated O & M costs for each facility and the source of funding for those costs will be listed for each facility on the priority list and will be approved by the Board as part of the approval process for construction or acquisition of each facility. In prioritizing nondedicated projects, the Board will consider the magnitude of future O & M obligations and the potential impact of approval on other components of the operating budget.

R744-10 Projects Funded from Nonappropriated Funds: Proposals from institutions for approval of capital development projects to be financed by nonappropriated funds are subject to the approval process outlined in Board Policy R702.

R744, Technical College Capital Project Prioritization Process¹

R744-1 Purpose: To provide the Utah Board of Higher Education’s (“Board”) methodology and process for prioritization of system-wide, state-funded capital development projects at technical colleges.

R744-2 References

- 2.1 [Utah Code § 53B-1-402](#), Establishment of Board -- Powers, Duties, and Authority
- 2.2 [Utah Code § 53B-2a-117](#), Technical Colleges – Capital Development
- 2.3 [Utah Code § 53B-20-101](#), Property of Institutions to Vest in State Board
- 2.4 [Utah Code § 63A-5b-401](#), Development of Capital Facilities
- 2.5 [Board Policy R701](#), Capital Facilities
- 2.6 [Board Policy R702](#), Non-State Funded ~~Projects~~ property
- 2.7 [Board Policy R703](#), Acquisition of Real Property
- 2.8 [Board Policy R706](#), Capital Facilities Master Planning
- 2.9 [Board Policy R751. Institutional Facilities Space Utilization](#)
- 2.10 [Board Policy R741. Threshold Requirements for Capital Development Project Requests](#)

R744-3 Definitions

3.1 “Alternative Funding Sources” means external donation(s) of money and/or land that are either in-hand or are committed to the technical college for the specific capital project requested. Alternative funding sources excludes fees and other institutional funds. Alternative funding sources shall not create a future liability for the State, create an external property right, or be given with the expectation of a future payback.

3.2 “Capital Development Project” means:

3.2.1 A remodeling or site or utility improvement project with a total cost of \$3,500,000 or more;

3.2.2 A new facility with a construction cost of \$500,000 or more; or

3.2.3 A purchase of real property if an appropriation is requested and made for the purchase.

¹ Adopted July 14, 2022; amended XXX.

3.3 “Dedicated Project” means a capital development project for which state funds from the Technical Colleges Capital Projects Fund are requested or used.

3.4 “Fund” means the Technical Colleges Capital Projects Fund created in Utah Code section 53B-2a-118.

3.5 “Nonappropriated Funds” means contributions such as donations to capital projects from sources other than appropriations of the ~~State~~ Legislature. For purposes of this policy, student fees are not considered nonappropriated funds.

3.6 “Nondedicated Project” means a capital development project for which state funds from a source other than the Technical Colleges Capital Projects Fund are requested or used.

3.7 “State Funded Project” means a capital development project submitted by an institution requiring appropriations from the ~~State~~ Legislature to fund the design, construction, and/or operations and maintenance (“O & M”).

R744-4 Capital Project Prioritization Process: The Board shall annually review and prioritize capital projects submitted by technical colleges. The annual project prioritization process consists of five fundamental steps:

4.1 Step 1 – Establishment of Priority Guidelines: -By July of 2022 and May of subsequent years, the Board shall adopt priority guidelines pertaining to the most pressing and critical capital needs for the Utah System of Higher Education’s technical colleges. In addition to the criteria outlined in section 744-5, the guidelines will identify any factors that the Board will consider and specify a point and weighting system for final scoring of projects.

4.2 Step 2 – Submission of Requests: -Technical colleges may submit their highest priority capital development projects to the Office of the Commissioner of Higher Education (“OCHE”) for evaluation.

4.2.1 Each technical college may submit up to one capital project per year.

4.2.2 All project requests must come through the Board, and technical colleges may not submit such requests directly to the Governor, Division of Facilities and Construction Management (“DFCM”), or the ~~H~~ legislature.

4.3 Step 3 – Analysis and Initial Scoring: OCHE will review project requests and assign an initial score for each. Projects will be scored based on the criteria outlined in section 744-5 and the weighting system developed by the Board.

4.4 Step 4 – Board Prioritization of Projects: -The Board will meet annually to review and prioritize project requests. The Board may amend OCHE's initial scoring and award additional points based on the priority factors established under subsection 4.1 to determine a final score for each requested project.

4.5 Step 5 – Board Submission of Prioritized Projects: The number of non-dedicated project requests the Board may submit to DFCM, the Governor, and the Hegislature for further consideration and funding each year is limited as follows:

4.5.1 If the ongoing state funds appropriation to the fund is at least \$14,000,000, the Board may submit the project with the highest final score.

4.5.2 If the ongoing state funds appropriation to the fund is between \$7,000,000 and \$13,999,999, the Board may submit two projects with the highest final scores.

4.5.3 If the ongoing state funds appropriation to the fund is less than \$7,000,000, the Board may submit the three projects with the highest final scores.

R744-5 Project Scoring:

5.1 Initial Score: OCHE's initial score will be based on the following criteria:

5.1.1 Growth and Capacity: Addresses a technical college's: 1) existing space needs in the project's space categories, and 2) the Board's Room Utilization Rate in Board Policy R751, *Institutional Facilities Space Utilization*, for the project's space category(ies);

5.1.2 Effectiveness and Support of Critical Programs: How the project fulfills Utah industry/economic demand;

5.1.3 Cost Effectiveness of the Project: Cost effectiveness of the project based on the DFCM cost database;

5.1.4 Building Deficiencies: If the project addresses building conditions that have reached a level of imminent non-functionality on account of a catastrophic event or critical life, safety, or seismic deficiencies; and

5.1.5 Alternative Funding Sources: The share of the project's costs supported by alternative funding sources.

5.2 Final Score: The Board may amend OCHE's initial score and award additional points based on the priority factors established under subsection 4.1 to determine a final score.

R744-6 Threshold Requirements: The Board will ensure that each project that receives a final score meets the requirements of Board Policy R741, *Capital Facilities Threshold Requirements*.

R744-7 Nondedicated Funding: The Board will request the highest-ranked project(s) as a nondedicated project(s). If a request to fund a nondedicated project through appropriations is denied, the Board has discretion to request funding through dedicated capital project appropriations under section R744-8.

R744-8 Dedicated Funding: Based on available funds, the Board may, in its discretion, forward capital project request(s) for dedicated capital project funding based on prioritization.

R744-9 Operation and Maintenance Costs (“O & M”): The estimated O & M costs for each facility and the source of funding for those costs will be listed for each facility on the priority list and will be approved by the Board as part of the approval process for construction or acquisition of each facility. In prioritizing nondedicated projects, the Board will consider the magnitude of future O & M obligations and the potential impact of approval on other components of the operating budget.

R744-10 Projects Funded from Nonappropriated Funds: Proposals from institutions for approval of capital development projects to be financed by nonappropriated funds are subject to the approval process outlined in Board Policy R702, *Non-State Funded Projects*.

R745, Approval Process for Use of Dedicated Capital Project Funds¹

R745-1 Purpose: To provide the process for the Utah Board of Higher Education’s approval of Utah System of Higher Education (“USHE”) institutions’ use of capital development project funds appropriated by the Legislature for dedicated capital projects.

R745-2 References

- 2.1 [Utah Code § 53B-2a-117](#), Technical Colleges – Capital Development
- 2.2 [Utah Code § 53B-22-201](#), Capital Developments
- 2.3 [Utah Code Title 63A, Chapter 5b](#), Administration of State Facilities
- 2.4 [Board Policy R701](#), Capital Facilities
- 2.5 [Board Policy R706](#), Capital Facilities Planning
- 2.6 [Board Policy R741](#), Threshold Requirements for Capital Development Project Requests
- 2.7 [Board Policy R743](#), Degree-granting Institution Dedicated Capital Project Allocation Formula
- 2.8 [Board Policy R744](#), Technical College Capital Project Prioritization Process
- 2.9 [Board Policy R751](#), Institutional Facilities Space Utilization

R745-3 Definitions

3.1 “Capital Development Project” means:

3.1.1 A remodeling or site or utility improvement project with a total cost of \$3,500,000 or more;

3.1.2 A new facility with a construction cost of \$500,000 or more; or

3.1.3 A purchase of real property if an appropriation is requested and made for the purchase.

3.2 “Capital Projects Fund” means a capital project restricted fund created by Utah Code sections 53B-22-202 and 53B-2a-118 to receive appropriations for USHE dedicated projects.

3.3 “Capital Program” means the services to define the scope and purpose of a proposed capital project as defined by Utah Code section 63A-5b-502.

¹ Adopted May 21, 2021; amended and renumbered July 14, 2022.

3.4 “Dedicated Project” means a degree-granting institution’s capital development project funded by the institution’s allocation under Utah Code section 53B-22-201 or a capital development project from the Board’s prioritization of dedicated funds for technical colleges under Utah Code section 53B-2a-117.

R745-4 Approval Process: The Board shall annually review and authorize dedicated projects submitted by degree-granting institutions or projects prioritized by the Board for technical colleges under Board Policy R744-8.

4.1 Capital Programming and Cost Estimation: Before an institution may submit a dedicated capital project for Board approval and legislative consideration, the institution shall create a capital program to define the scope and purpose of the facility. In collaboration with the Department of Facilities Construction and Maintenance (“DFCM”), the institution shall use the program to create a realistic construction budget estimate (“CBE”) for the project.

4.2 Submissions: Institutions shall submit capital development requests for funding from dedicated project allocations to the Board for evaluation based on procedures developed annually by the Office of the Commissioner, including a submission of the capital program and the construction budget estimate. Each institution may submit one or more projects. Project costs for the combined total of all submitted projects must be less than or equal to the institution’s balance in the Higher Education Capital Projects Fund after the annual Board allocation. Institutions may not submit projects to the Governor, DFCM, or the Legislature without prior Board approval.

4.3 Board Review and Authorization of Projects: The Board shall annually review dedicated project requests submitted by a degree-granting institution or by a technical college after the Board has prioritized the college’s use of funds under Board Policy R744-8 and vote to authorize or deny each project. Subject to available funding, if a degree-granting institution’s dedicated capital project or a technical college dedicated capital project prioritized by the Board under R744-8 meets the requirements of Board Policy R741, the Board may authorize the project.

4.4 Board Submission of Authorized Projects: The Board shall submit its approved dedicated projects to DFCM and the Governor for review and recommendation and to the Legislature for further consideration and authorization to use allocated funds in the Higher Education Capital Projects Funds. Institutions may not spend allocated funds unless affirmatively authorized by the Legislature and funded by the Legislature for operation and maintenance.

R745-5 Operation and Maintenance for Dedicated Projects: Under Utah law, all authorized projects may request operation and maintenance funding from the Legislature in conjunction with dedicated capital project funding. If the Legislature does not fund the operation and maintenance for a

particular project, the requesting institution must identify funds to operate and maintain the facility before construction may begin.

R745-6 Review upon Completion of a Dedicated Project: As required by statute, the Board shall review the costs and design of each capital project completed using dedicated capital project funds. Institutions shall submit all costs of a dedicated capital project to the Board, including but not limited to soft costs, land purchases, programming, design, and construction costs upon substantial completion. The institution shall also provide information to the Board on design decisions and elements for discussion in relation to costs of construction.

R745, Approval Process for Use of Dedicated Capital Project Funds¹

R745-1 Purpose: To provide the process for the Utah Board of Higher Education’s approval of Utah System of Higher Education (“USHE”) institutions’ use of capital development project funds appropriated by the H legislature for dedicated capital projects.

R745-2 References

- 2.1 [Utah Code § 53B-2a-117](#), Technical Colleges – Capital Development
- 2.2 [Utah Code § 53B-22-201](#), Capital Developments
- 2.3 [Utah Code Title 63A, Chapter 5b](#), Administration of State Facilities
- 2.4 [Board Policy R701](#), Capital Facilities
- 2.5 [Board Policy R706](#), Capital Facilities Planning
- 2.6 [Board Policy R741, Threshold Requirements for Capital Development Project Requests](#)
- 2.7~~6~~ [Board Policy R743](#), Degree-granting Institution Dedicated Capital Project Allocation Formula
- 2.8~~7~~ [Board Policy R744](#), Technical College Capital Project Prioritization Process
- 2.9~~8~~ [Board Policy R751](#), Institutional Facilities Space Utilization

R745-3 Definitions

3.1 “Capital Development Project” means:

- 3.1.1 A remodeling or site or utility improvement project with a total cost of \$3,500,000 or more;
- 3.1.2 A new facility with a construction cost of \$500,000 or more; or
- 3.1.3 A purchase of real property if an appropriation is requested and made for the purchase.

3.2 “Capital Projects Fund” means a capital project restricted fund created by Utah Code sections 53B-22-202 and 53B-2a-118 to receive appropriations for USHE dedicated projects.

¹ Adopted May 21, 2021; amended and renumbered July 14, 2022.

3.3 “Capital Program” means the services to define the scope and purpose of a proposed capital project as defined by Utah Code section 63A-5b-502.

3.4 “Dedicated Project” means a degree-granting institution’s capital development project funded by the institution’s allocation under Utah Code section 53B-22-201 or a capital development project from the Board’s prioritization of dedicated funds for technical colleges under Utah Code section 53B-2a-117.

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4.1 Capital Programming and Cost Estimation: Before an institution may submit a dedicated capital project for Board approval and legislative consideration, the institution shall create a capital program to define the scope and purpose of the facility. In collaboration with the Department of Facilities Construction and Maintenance (“DFCM”), the institution shall use the program to create a realistic construction budget estimate (“CBE”) for the project.

4.2 Submissions: Institutions shall submit capital development requests for funding from dedicated project allocations to the Board for evaluation based on procedures developed annually by the Office of the Commissioner, including a submission of the capital program and the construction budget estimate. Each institution may submit one or more projects. Project costs for the combined total of all submitted projects must be less than or equal to the institution’s balance in the Higher Education Capital Projects Fund after the annual Board allocation. Institutions may not submit projects to the Governor, DFCM, or the HLegislature without prior Board approval.

4.3 Board Review and Authorization of Projects: The Board shall annually review dedicated project requests submitted by a degree-granting institution or by a technical college after the Board has prioritized the college’s use of funds under Board Policy R744-8 and vote to authorize or deny each project. Subject to available funding, if a degree-granting institution’s dedicated capital project or a technical college dedicated capital project prioritized by the Board under R744-8 meets the requirements of Board Policy R741, *Capital Facilities Threshold Requirements*, the Board may authorize the project.

4.4 Board Submission of Authorized Projects: The Board shall submit its approved dedicated projects to DFCM and the Governor for review and recommendation and to the HLegislature for further consideration and authorization to use allocated funds in the Higher Education Capital Projects Funds. Institutions may not spend allocated funds unless affirmatively authorized by the HLegislature and funded by the HLegislature for operation and maintenance.

R745-5 Operation and Maintenance for Dedicated Projects: Under Utah law, all authorized projects may request operation and maintenance funding from the Legislature in conjunction with dedicated capital project funding. If the Legislature does not fund the operation and maintenance for a particular project, the requesting institution must identify funds to operate and maintain the facility before construction may begin.

R745-6 Review upon Completion of a Dedicated Project: As required by statute, the Board shall review the costs and design of each capital project completed using dedicated capital project funds. Institutions shall submit all costs of a dedicated capital project to the Board, including but not limited to soft costs, land purchases, programming, design, and construction costs upon substantial completion. The institution shall also provide information to the Board on design decisions and elements for discussion in relation to costs of construction.

R751, Institutional Facilities Space Utilization¹

R751-1 Purpose: To provide a system-wide policy and standard for the utilization of classrooms and teaching laboratories as well as an annual reporting requirement that together will encourage the optimization of institutional space and the more efficient allocation of institutional resources in the assignment and utilization of available space.

R751-2 References

- 2.1 [Utah Code § 53B-1-402](#), Establishment of Board of Higher Education – Powers, Duties, and Authority
- 2.2 [Utah Code § 53B-6-102](#), Standardized Systems Prescribed by the Board
- 2.2 [Board Policy R701](#), Capital Facilities
- 2.3 [Board Policy R706](#), Capital Facilities Master Planning

R751-3 Policy

3.1 Efficient and Effective Use of Space: Institutions in the Utah System of Higher Education (“USHE”) shall ensure that all capital assets are used effectively and efficiently. Institutions shall take steps to maximize the use of space in existing buildings through long-term strategic planning and routine use of utilization information.

3.2 Central Scheduling: Classrooms and teaching laboratories should be centrally scheduled by the institution. Departments and colleges should not have proprietary use or control of classrooms and teaching laboratories but may be accorded priority scheduling by the central scheduling office if warranted. Deviations from this rule should be rare and documented by the Chief Academic Officer.

3.3 Annual Classroom and Laboratory Utilization Report to the Utah Board of Higher Education (“Board”): The Commissioner shall report annually to the Board the utilization of classrooms and laboratories owned and operated by USHE institutions.

3.3.1 Institutional Utilization Information: In accordance with procedures and forms developed by the Commissioner’s Office, institutions shall annually submit utilization information for institutionally owned classroom and teaching laboratory space by December 1 of each year. That information shall

¹ *Adopted March 30, 2018; amended XXX.*

include utilization by: term including summer, spring, and fall terms; campus including branch campuses and main campuses; and building and room.

3.3.2 Institutional Reporting: Institutions shall ensure that information provided to the Commissioner's Office is accurate and conforms to prescribed standards. Institutions may adopt guidelines or policy to ensure the effective reporting of classroom and teaching laboratory utilization.

3.4 Classroom and Teaching Laboratory Utilization Standards: Higher education institutions traditionally monitor room utilization using two metrics: Room Utilization Rates ("RUR") and Station Occupancy Rates ("SOR"). RUR measures how many hours a room is scheduled for use in a given time period and SOR measures the number of seats or stations that are occupied as a percent of total capacity. The following standards are adopted for classroom and teaching laboratory utilization in the Utah System of Higher Education for Fall and Spring semester on main campuses:

3.4.1 Classroom RUR: 75% scheduling of all classrooms during a 45-hour week—33.75 hours per week

3.4.2 Classroom SOR: 66.7% seat occupancy

3.4.3 Laboratory RUR: 55% scheduling of all laboratories during a 45-hour week—24.75 hours per week

3.4.4 Laboratory SOR: 80% station occupancy

3.5 Annual Institutional Utilization Report to the Board: Each president shall annually report to the Board institutional space utilization goals and accomplishments in conjunction with the annual capital facility request cycle in a format prescribed by the Commissioner's Office.

3.6 Institutional Policies: Each president shall develop an institutional space scheduling, utilization, and assignment policy that addresses the utilization of institutional space. Copies of adopted institutional policies shall be filed with the Commissioner's Office.



R751, Institutional Facilities Space Utilization¹

R751-1 Purpose: To provide a system-wide policy and standard for the utilization of classrooms and teaching laboratories as well as an annual reporting requirement that together will encourage the optimization of institutional space and the more efficient allocation of institutional resources in the assignment and utilization of available space.

R751-2 References

- 2.1 ~~Utah Code § 53B-1-402, 403~~ (Establishment of Board of Higher Education – Powers, ~~d~~Duties, and ~~a~~Authority)
- 2.2 ~~Utah Code § 53B-6-102~~, (Standardized Systems Prescribed by the Board)
- 2.2 ~~Board Policies and Procedures R701~~, Capital Facilities
- 2.3 ~~Board Policies and Procedures R706~~, Capital Facilities Master Planning

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R751-3 Policy

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3.2 Central Scheduling: Classrooms and teaching laboratories should be centrally scheduled by the institution. -Departments and colleges should not have proprietary use or control of classrooms and teaching laboratories but may be accorded priority scheduling by the central scheduling office if warranted. -Deviations from this rule should be rare and documented by the Chief Academic Officer.

3.3 Annual Classroom and Laboratory Utilization Report to the **Utah Board of Higher Education ("Board"):** The Commissioner shall report annually to the Board ~~of Higher Education~~ the utilization of classrooms and laboratories owned and operated by ~~the USHE~~ institutions ~~in the Utah System of Higher Education~~.

3.3.1 Institutional Utilization Information: In accordance with procedures and forms developed by the Commissioner's Office, institutions shall annually submit utilization

¹ Adopted March 30, 2018; ~~amended XXX~~.

information for institutionally owned classroom and teaching laboratory space by December 1 of each year. That information shall include utilization by:

Utilization by term including summer, spring, and fall terms;

Utilization by campus including branch campuses and main campuses; and

Utilization by building and room.

3.3.2 Institutional Reporting: Institutions shall ensure that information provided to the Commissioner's Office is accurate and conforms to prescribed standards. -Institutions may adopt guidelines or policy to ensure the effective reporting of classroom and teaching laboratory utilization.

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3.6 Institutional Policies: Each president shall develop an institutional space scheduling, utilization, and assignment policy that addresses the utilization of institutional space ~~by March 1, 2019~~. -Copies of adopted institutional policies shall be filed with the Commissioner's Office.

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R761, Physical Education, Intramural Sports, and Special Event Facilities¹

R761-1 Purpose: To provide guidelines for the development and funding of physical education, intramural sports, and special event facilities.

R761-2 References

- 2.1 ~~Utah Code Title 53B, Chapter 6, §53B-6-101~~ (Master Planning—~~Board Establishes Criteria to Meet Capital Budgetary Needs~~)
- 2.2 ~~Utah Code § 53B-20-101~~, (Property of Institutions to Vest in ~~State~~-Board)
- 2.3 ~~Board Policy and Procedures R7401~~, Capital Facilities
- 2.4 ~~Board Policy and Procedures R741~~, ~~Threshold Requirements for~~ Capital Development Prioritization—~~CDP~~Project Requests

R761-3. Policy

3.1 Benefits of Physical Education: The Utah Board of Higher Education (“Board”) reaffirms its support for physical education training and intramural sports as an integral part of the higher education process at all nine institutions in the Utah System of Higher Education. The Board also recognizes the benefits which these programs, and the facilities ~~that~~which support them, provide for the students and for citizens in the surrounding communities as sources of recreation and physical health and well-being.

3.2 Need to Supplement State Funding: State resources to fund adequate campus facilities for physical education and recreational activities are limited. Accordingly, ~~in order~~ to assure an equitable and balanced allocation of available funds for higher education purposes, every effort must be made to supplement state funding of campus-based physical education facilities with additional resources coming primarily from individuals who will realize the benefits derived from their existence.

3.3 Local Financial Support: The Board ~~of Higher Education~~ will hereafter recommend appropriation of state funds for campus physical education facilities only if it is assured that local resources from private gifts, local community bonding, and/or student fees will also be

¹ Approved January 18, 1983; amended July 19, 2013, and XXX.

used, ~~to~~ appropriate degree, to fund a reasonable share of the cost of constructing, enlarging, or remodeling the facilities.

3.4 Proportionate Shares Customized: The proportionate shares of the facilities to be recommended for funding from private, local, and state funds, respectively, will be determined in each case based on the totality of the relevant circumstances, including but not limited to the scope and character of the proposed facilities, the ability of the institution and surrounding community to provide local financial support, the capability of the student body to contribute to the project through mandatory student fees, the expected availability of state resources for the project, and equitable considerations based upon experience with respect to similar projects at the same and other institutions in previous years.

3.5 Project Approval and Funding Consideration: The Board will evaluate the need for and consideration of funding ~~for of~~ these facilities ~~will be evaluated~~ during the annual capital development approval and prioritization cycle in accordance with ~~the above tenets~~ this policy and the quantitative elements of Board Policy R741, ~~Capital Development Prioritization—CDP~~.

R761, Physical Education, Intramural Sports, and Special Event Facilities¹

R761-1 Purpose: To provide guidelines for the development and funding of physical education, intramural sports, and special event facilities.

R761-2 References

- 2.1** [Utah Code Title 53B, Chapter 6](#), Master Planning
- 2.2** [Utah Code § 53B-20-101](#), Property of Institutions to Vest in Board
- 2.3** [Board Policy and Procedures R701](#), Capital Facilities
- 2.4** [Board Policy R741](#), Threshold Requirements for Capital Development Project Requests

R761-3 Policy

3.1 Benefits of Physical Education: The Utah Board of Higher Education (“Board”) reaffirms its support for physical education training and intramural sports as an integral part of the higher education process at all nine institutions in the Utah System of Higher Education. The Board also recognizes the benefits which these programs, and the facilities that support them, provide for the students and for citizens in the surrounding communities as sources of recreation and physical health and well-being.

3.2 Need to Supplement State Funding: State resources to fund adequate campus facilities for physical education and recreational activities are limited. Accordingly, to assure an equitable and balanced allocation of available funds for higher education purposes, every effort must be made to supplement state funding of campus-based physical education facilities with additional resources coming primarily from individuals who will realize the benefits derived from their existence.

3.3 Local Financial Support: The Board will hereafter recommend appropriation of state funds for campus physical education facilities only if it is assured that local resources from private gifts, local community bonding, and/or student fees will also be used, to appropriate degree, to fund a reasonable share of the cost of constructing, enlarging, or remodeling the facilities.

¹ *Approved January 18, 1983; amended July 19, 2013, and XXX.*

3.4 Proportionate Shares Customized: The proportionate shares of the facilities to be recommended for funding from private, local, and state funds, respectively, will be determined in each case based on the totality of the relevant circumstances, including but not limited to the scope and character of the proposed facilities, the ability of the institution and surrounding community to provide local financial support, the capability of the student body to contribute to the project through mandatory student fees, the expected availability of state resources for the project, and equitable considerations based upon experience with respect to similar projects at the same and other institutions in previous years.

3.5 Project Approval and Funding Consideration: The Board will evaluate the need for and consideration of funding of these facilities during the annual capital development approval and prioritization cycle in accordance with this policy and the quantitative elements of Board Policy R741.

R763, Funding of Parking Facilities Repair Costs¹

R763-1 Purpose: To provide for funding of parking lot repair costs at Utah System of Higher Education (“USHE”) institutions based on relative need.

R763-2 References

- 2.1 [Utah Code Title 53B, Chapter 6](#), Master Planning
- 2.2 [Utah Code § 53B-20-101](#), Property of Institutions to Vest in State Board
- 2.3 [Utah Code Title 63A, Chapter 5b, Part 3](#), Division of Facilities Construction and Management
- 2.4 [Board Policy R701](#), Capital Facilities

R763-3 Background Information

3.1 Parking Facilities at all Campuses: The USHE institutions operate automobile parking facilities on their campuses for use by faculty, students, staff, and visitors as an authorized, necessary, and proper function of higher education.

3.2 Financial Support of Parking Facilities: Several of the USHE institutions manage their parking services as essentially self-supported auxiliary operations and impose user fees that are significant, although not necessarily sufficient to meet the full needs of parking services; other institutions charge moderate or nominal fees to parking lot users; and some institutions permit on-campus parking without charging a fee.

3.3 Parking Fees: USHE institutions may impose parking fees and require the use of decals or other identifying markers upon vehicles for which such fees have been paid to help defray the cost of parking services operations which may include monitoring on-campus vehicle parking to reduce congestion and promote safety and security, funding parking facilities, and encouraging greater use of public transit systems for energy and environmental conservation purposes.

3.4 Capital Improvement Funding: The Division of Facilities and Construction Management (“DFCM”) receives annual appropriations of Capital Improvement funding for the purpose of repairing and restoring the highest priority capital asset (buildings and infrastructure) needs of the State, including the parking lots of all units of state government.

¹ *Approved December 20, 1983; amended May 17, 2013; and XXX.*

R763-4 Policy

4.1 Allocation of State Capital Improvement Funds: It is the Board's policy to regard all USHE institutions as eligible for allocation of Capital Improvement funds for parking lot repairs based on the relative need of their respective parking facilities for repair work.

4.2 Implementation by DFCM: It is expressly anticipated that DFCM will give appropriate consideration to the parking lot repair needs of all USHE institutions in the Legislature's annual evaluation and allocation of Capital Improvement funding.

R763, Funding of Parking Facilities Repair Costs¹

R763-1 Purpose: To provide for funding of parking lot repair costs at Utah System of Higher Education (“USHE”) institutions based on relative need.

R763-2 References

- 2.1 Utah Code §53B-6-101~~Title 53B, Chapter 6, (Master Planning — Board Establishes Criteria to Meet Capital Budgetary Needs)~~
- 2.2 Utah Code § 53B-20-101, ~~(Property of Institutions to Vest in State Board)~~
- 2.3 Utah Code Title 63A, Chapter 5b, Part 3, ~~(State Building Board—~~ Division of Facilities Construction and Management~~)~~
- 2.4 Board Policy and Procedures R7401, Capital Facilities

R763-3 Background Information

3.1 Parking Facilities at all Campuses: The ~~eight~~ USHE institutions ~~in the Utah System of Higher Education (USHE)~~ operate automobile parking facilities on their campuses for use by faculty, students, staff, and visitors as an authorized, necessary, and proper function of higher education.

3.2 Financial Support of Parking Facilities: Several of the USHE institutions manage their parking services as essentially self-supported auxiliary operations; and impose user fees that are significant, ~~in amount~~ although not necessarily sufficient to meet the full needs of parking services; other institutions charge moderate or nominal fees to parking lot users; ~~while and~~ some institutions permit on-campus parking without ~~charging the payment of~~ a fee.

3.3 Parking Fees: USHE institutions may impose parking fees and require the use of decals or other identifying markers upon vehicles for which such fees have been paid ~~for the purpose of helping to help~~ defray the cost of parking services operations which may include monitoring on-campus vehicle ~~leular~~ parking to reduce congestion and promote safety and security, funding parking facilities, and encouraging greater use of public transit systems for energy and environmental conservation purposes.

¹ Approved December 20, 1983; amended May 17, 2013; and XXX.

3.4 Capital Improvement Funding: The ~~Utah State Building Board~~Division of Facilities and Construction Management (“DFCM”) receives annual appropriations of Capital Improvement funding for the purpose of repairing and restoring the highest priority capital asset (buildings and infrastructure) needs of the State, including the parking lots of all units of state government.

R763-4 Policy

4.1 Allocation of State Capital Improvement Funds: ~~It is the policy of the~~It is the Board’s ~~policy of Higher Education~~ to regard all USHE institutions as eligible for allocation of Capital Improvement funds for parking lot repairs based on the relative need of their respective parking facilities for repair work.

4.2 Implementation by ~~Building Board and~~ DFCM: It is expressly anticipated that ~~the Division of Facilities, Construction and Management and the Utah State Building Board~~DFCM will give appropriate consideration to the parking lot repair needs of all USHE institutions in the Legislature’s annual evaluation and allocation of Capital Improvement funding ~~provided by the State Legislature.~~