

R617, Karen Mayne Public Safety Officer Scholarship Program¹

R617-1 The following policy has been codified² as [Utah Administrative Code R765-617](#).

R617-2 References

2.1 Utah Code § 53B-8-112.5, Karen Mayne Public Safety Officer Scholarship Program (~~Karen Mayne Scholarship~~)

2.2 Utah Code Title 53, Chapter 6, Peace Officer Standards and Training Act

2.3 Utah Code § 53B-8-112, Public Safety Officer Career Advancement Grant Program

2.4 Utah Code § 53B-8c-102, Police Officer's and Firefighter's Survivor Tuition Act

R765. Higher Education (Utah Board of), Administration.

R765-617. Karen Mayne Public Safety Officer Scholarship Program.

R765-617-1. Purpose.

This rule outlines requirements, awardee responsibilities, and application procedures for the Karen Mayne Public Safety Officer Scholarship Program.

R765-617-2. Authority.

This rule is authorized by Section 53B-8-112.5.

R765-617-3. Definitions.

(1) “Academic Year” means the calendar year starting July 1 and ending June 30.

¹ Adopted May 18, 2023; [amended XXX](#).

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

For degree-granting institutions, this includes Fall, Summer, and Spring semesters.

(2) “Board” means the Utah Board of Higher Education described in Section 53B-1-402.

(3) “Eligible institution” means:

(a) A degree-granting institution of higher education or a technical college within the state system of higher education, as identified in Section 53B-2-101(1); or

(b) A private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities that enter into agreement with OCHE to participate in this program.

(4) “OCHE” means the Office of the Commissioner of Higher Education.

(5) “Peace officer” means the same as that term is defined in Section 53B-8c-102.

(6) “POST” means the Peace Officer Standards and Training Division created in Section 53-6-103.

(7) “Qualifying post-secondary program” means criminal justice, police administration, criminology, social sciences, or other program approved by the Board.

(8) “Scholarship staff” means OCHE staff assigned to administer state scholarships on behalf of the Board.

R765-617-4. Award Requirements.

(1) To qualify for the Karen Mayne Scholarship, an applicant shall:

(a) Be a Utah high school graduate;

(b) Complete a Karen Mayne Scholarship application, published by OCHE;

(c) When eligible, enroll in a basic training course at a state certified academy as defined in Section 53-6-202;

(d) Enroll in a qualifying post-secondary program at an eligible institution starting the fall semester after high school graduation; and

(e) Commit to working as a peace officer in Utah for no less than five years after the day on which POST certifies the scholarship recipient.

(2) A recipient who does not enroll immediately as a student shall obtain an approved deferral from their institution.

(3) A student who receives the Public Safety Officer Career Advancement Grant, as described in Section 53B-8-112, is not eligible to participate in the Karen Mayne Public Safety Officer Scholarship Program.

R765-617-5. Awardee Responsibilities.

- (1) A scholarship recipient shall:
 - (a) Notify the Board regarding POST certification within 15 days after the day on which POST certifies the scholarship recipient;
 - (b) Submit verification of employment with a Utah law enforcement agency to the Board within 15 days after the day on which the scholarship recipient is employed as a peace officer, including:
 - (i) The employer's name, address, and telephone number;
 - (ii) The date of the scholarship recipient's hiring; and
 - (iii) The scholarship recipient's job title; and
 - (c) Notify the Board of any employment changes within 15 days after the day on which the change is made.

R765-617-6. Application Process.

- (1) Applicants shall submit an official scholarship application no later than June 30 before the fiscal year during which scholarship awards are made.
- (2) Applicants shall submit the following documents to be considered for the Karen Mayne Public Safety Officer Scholarship:
 - (a) The completed Karen Mayne Public Safety Officer Scholarship Program application published by OCHE;
 - (b) High school transcripts that verify graduation from a Utah high school;
 - (c) A description of the applicant's public safety career objectives;
 - (d) A declaration of the applicant's admission to and intention to enroll in an eligible post-secondary program described in Section R765-617-8 at an eligible institution;
 - (e) Proof of completion of the FAFSA in accordance with Board Policy R623, Free Application for Federal Student Aid; and
 - (f) Other documentation as outlined on the annual scholarship application or requested by scholarship staff.
- (3) Requirements in Subsections R765-617-6(2)(b) through (2)(f) may be included in the scholarship application described in Subsection R765-617-6(1).

(4) Students must reapply and meet the requirements for the scholarship each academic year. After an initial application is approved, a high school transcript is not required to be resubmitted.

R765-617-7. Grant Amount.

(1) Subject to available funding, qualified applicants will be awarded a scholarship that does not exceed the combined cost of tuition, fees, required textbooks, and POST training and certification.

(2) The Board may establish a maximum scholarship amount annually.

(3) A student may participate in Karen Mayne Scholarship for a maximum of four academic years.

(4) If the legislative appropriation is insufficient to cover the costs associated with the Karen Mayne Scholarship, the Board may:

(a) Reduce the amount of a grant; ~~or~~

(b) Distribute grants on a pro rata basis to all eligible applicants who submitted all application material, as described in Section R765-617-6, before the application deadline; ~~or~~

(c) Discontinue further awards.

(4) Institutions shall combine state or federal loans or grants, internships, student employment, and family and individual contributions toward financing the cost of attendance.

R765-617-8. Board Responsibilities.

(1) The Board shall:

(a) Collaborate with POST and other law enforcement and correction agencies to provide high school students with information on law enforcement careers;

(b) Notify POST when a student receives a scholarship under the program; and

(c) Include a disclosure on all applications and materials related to the program that the amount of the awarded scholarship may be subject to funding availability or reduction.

(2) The Board may cancel an award and require a scholarship recipient to repay the full amount of the scholarship award that the scholarship recipient received under the program, including money paid for tuition, fees, and required textbooks, if the scholarship recipient fails to adhere to responsibilities in Sections 765-617-4 through 6.

R765-617-9. Appeals Process.

(1) An applicant has the right to appeal an adverse decision. Upon request by the student, the scholarship staff shall provide an opportunity for the student to appeal an adverse decision to a committee of at least three impartial persons. All appeal requests must be submitted in writing within 30 days of the application notice.

R765-617-10. Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other scholarship information for the most recently completed fiscal year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.



R617, Karen Mayne Public Safety Officer Scholarship Program¹

R617-1 The following policy has been codified² as Utah Administrative Code R765-617.

R617-2 References

2.1 Utah Code § 53B-8-112.5, Karen Mayne Public Safety Officer Scholarship Program

2.2 Utah Code Title 53, Chapter 6, Peace Officer Standards and Training Act

2.3 Utah Code § 53B-8-112, Public Safety Officer Career Advancement Grant Program

2.4 Utah Code § 53B-8c-102, Police Officer's and Firefighter's Survivor Tuition Act

R765. Higher Education (Utah Board of), Administration.

R765-617. Karen Mayne Public Safety Officer Scholarship Program.

R765-617-1. Purpose.

This rule outlines requirements, awardee responsibilities, and application procedures for the Karen Mayne Public Safety Officer Scholarship Program.

R765-617-2. Authority.

This rule is authorized by Section 53B-8-112.5.

¹ *Adopted May 18, 2023; amended XXX.*

² This administrative rule is still going through the codification process and minor, non-substantive edits to conform with the Administrative Code may need to be made.

R765-617-3. Definitions.

(1) “Academic Year” means the calendar year starting July 1 and ending June 30. For degree-granting institutions, this includes Fall, Summer, and Spring semesters.

(2) “Board” means the Utah Board of Higher Education described in Section 53B-1-402.

(3) “Eligible institution” means:

(a) A degree-granting institution of higher education or a technical college within the state system of higher education, as identified in Section 53B-2-101(1); or

(b) A private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities that enter into agreement with OCHE to participate in this program.

(4) “OCHE” means the Office of the Commissioner of Higher Education.

(5) “Peace officer” means the same as that term is defined in Section 53B-8c-102.

(6) “POST” means the Peace Officer Standards and Training Division created in Section 53-6-103.

(7) “Qualifying post-secondary program” means criminal justice, police administration, criminology, social sciences, or other program approved by the Board.

(8) “Scholarship staff” means OCHE staff assigned to administer state scholarships on behalf of the Board.

R765-617-4. Award Requirements.

(1) To qualify for the Karen Mayne Scholarship, an applicant shall:

(a) Be a Utah high school graduate;

(b) Complete a Karen Mayne Scholarship application, published by OCHE;

(c) When eligible, enroll in a basic training course at a state certified academy as defined in Section 53-6-202;

(d) Enroll in a qualifying post-secondary program at an eligible institution starting the fall semester after high school graduation; and

(e) Commit to working as a peace officer in Utah for no less than five years after the day on which POST certifies the scholarship recipient.

(2) A recipient who does not enroll immediately as a student shall obtain an approved deferral from their institution.

(3) A student who receives the Public Safety Officer Career Advancement Grant, as described in Section 53B-8-112, is not eligible to participate in the Karen Mayne Public Safety Officer Scholarship Program.

R765-617-5. Awardee Responsibilities.

- (1) A scholarship recipient shall:
 - (a) Notify the Board regarding POST certification within 15 days after the day on which POST certifies the scholarship recipient;
 - (b) Submit verification of employment with a Utah law enforcement agency to the Board within 15 days after the day on which the scholarship recipient is employed as a peace officer, including:
 - (i) The employer's name, address, and telephone number;
 - (ii) The date of the scholarship recipient's hiring; and
 - (iii) The scholarship recipient's job title; and
 - (c) Notify the Board of any employment changes within 15 days after the day on which the change is made.

R765-617-6. Application Process.

- (1) Applicants shall submit an official scholarship application no later than June 30 before the fiscal year during which scholarship awards are made.
- (2) Applicants shall submit the following documents to be considered for the Karen Mayne Public Safety Officer Scholarship:
 - (a) The completed Karen Mayne Public Safety Officer Scholarship Program application published by OCHE;
 - (b) High school transcripts that verify graduation from a Utah high school;
 - (c) A description of the applicant's public safety career objectives;
 - (d) A declaration of the applicant's admission to and intention to enroll in an eligible post-secondary program described in Section R765-617-8 at an eligible institution;
 - (e) Proof of completion of the FAFSA in accordance with Board Policy R623, Free Application for Federal Student Aid; and
 - (f) Other documentation as outlined on the annual scholarship application or requested by scholarship staff.

(3) Requirements in Subsections R765-617-6(2)(b) through (2)(f) may be included in the scholarship application described in Subsection R765-617-6(1).

(4) Students must reapply and meet the requirements for the scholarship each academic year. After an initial application is approved, a high school transcript is not required to be resubmitted.

R765-617-7. Grant Amount.

(1) Subject to available funding, qualified applicants will be awarded a scholarship that does not exceed the combined cost of tuition, fees, required textbooks, and POST training and certification.

(2) The Board may establish a maximum scholarship amount annually.

(3) A student may participate in Karen Mayne Scholarship for a maximum of four academic years.

(4) If the legislative appropriation is insufficient to cover the costs associated with the Karen Mayne Scholarship, the Board may:

(a) Reduce the amount of a grant;

(b) Distribute grants on a pro rata basis to all eligible applicants who submitted all application material, as described in Section R765-617-6, before the application deadline; or

(c) Discontinue further awards.

(4) Institutions shall combine state or federal loans or grants, internships, student employment, and family and individual contributions toward financing the cost of attendance.

R765-617-8. Board Responsibilities.

(1) The Board shall:

(a) Collaborate with POST and other law enforcement and correction agencies to provide high school students with information on law enforcement careers;

(b) Notify POST when a student receives a scholarship under the program; and

(c) Include a disclosure on all applications and materials related to the program that the amount of the awarded scholarship may be subject to funding availability or reduction.

(2) The Board may cancel an award and require a scholarship recipient to repay the full amount of the scholarship award that the scholarship recipient received under

the program, including money paid for tuition, fees, and required textbooks, if the scholarship recipient fails to adhere to responsibilities in Sections 765-617-4 through 6.

R765-617-9. Appeals Process.

(1) An applicant has the right to appeal an adverse decision. Upon request by the student, the scholarship staff shall provide an opportunity for the student to appeal an adverse decision to a committee of at least three impartial persons. All appeal requests must be submitted in writing within 30 days of the application notice.

R765-617-10. Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and/or other scholarship information for the most recently completed fiscal year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

R621, Terrel H. Bell Education Scholarship Program¹

R621-1 The following policy has been codified as Utah Administrative Code R765-621.

R621-2 References

- 2.1** Utah Code § 53B-8-116, Terrel H. Bell Education Scholarship Program – Scholarship Requirements -- Rulemaking
- 2.2** Utah Code Title 53E, Chapter 6, Part 3, Licensing Requirements
- 2.3** Board Policy R623, Free Application for Federal Student Aid

R765. Higher Education (Utah Board of), Administration.

R765-621. Terrell H. Bell Education Scholarship Program.

R765-621-1. Purpose.

The purpose of this rule is to provide the rules and procedures for administration of the Terrell H. Bell Teaching Education Scholarship Program, ensuring it recruits first-generation students into teaching careers, encourages outstanding students to teach in high needs areas in Utah's public schools, and to recognize teaching as a critically important career choice for the state.

R765-621-2. Authority.

Subsection 53B-8-116(6) authorizes this rule.

R765-621-3. Definitions.

¹Adopted May 17, 2019; amended May 20, 2022; May 18, 2023; ~~and~~ March 1, 2024; ~~and XXX~~.

(1) "Approved Program" means:

(a) a teacher preparation program that meets the education profession licensure standards described in Section 53E-6-302, and provides enhanced clinical experiences, or prepares an individual to become a speech-language pathologist or another licensed professional providing services in a public school to students with disabilities; or

(b) courses taken at Salt Lake Community College or Snow College that lead students to make reasonable progress to meet institutional criteria for admission into a program in accordance with Subsection R765-621-3(1)(a).

(2) "Average scholarship amount" means average USHE undergraduate resident tuition and general student fees for the corresponding academic year.

(3) "Board" means Utah Board of Higher Education.

(4) "Eligible institution" means a public or private institution of higher education in Utah that offers an approved program.

(5) "FAFSA" means the Free Application for Federal Student Aid.

(6) "High needs area" means a subject area or field in public education that has a high need for teachers or other employees, determined annually by the board in consultation with the Utah State Board of Education.

(7) "First-generation student" means a student whose parents never completed college or beyond.

(8) "Full-time enrollment" means 12 semester hours or such other number of hours as determined by the recipient's institution.

(9) "Part-time enrollment" means ~~a minimum of six credits in a semester.~~ The participating institution's definition of half-time enrollment for the program in which the recipient is enrolled.

(9) "Average scholarship amount" means average Utah System of Higher Education undergraduate resident tuition and general student fees for the corresponding academic year.

(10) "Scholarship staff" means staff in the Office of the Commissioner of Higher Education assigned to administer state scholarships on behalf of the board.

R765-621-4. General Award Conditions.

(1) An eligible institution may award a scholarship to an individual for an amount up to the cost of resident tuition, fees, and books for the number of credit hours in which the individual is enrolled each semester.

(2) An eligible private institution may not award a scholarship for an amount that exceeds the average scholarship amount granted by a public institution of higher education.

(3) a recipient may receive a scholarship for up to four consecutive years, or equivalent when considering institution-approved leaves of absence.

(4) An eligible institution may award scholarships to any full-time or part-time enrolled student.

(5) An eligible institution shall:

(a) develop processes for promoting and distributing awards consistent with this rule; and

(b) set application deadlines that accommodate any full-time or part-time student.

(6) Each application shall require a student's declaration to earn a degree in an approved program.

(7) Each institution shall prioritize scholarship awards to applicants who meet the qualifications in Subsection R765-621-5 as follows by awarding qualified applicants in the following order:

(a) first, to first-generation students who intend to work in any area in a Utah public school;

(b) second, to each student who is not a first-generation student but intends to work in a high needs area in a Utah public school; and

(c) third, to each student who meets the requirements in Section R765-621-5.

R765-621-5. Initial and Continuing Eligibility.

(1) To be eligible for a scholarship awarded under this rule, an applicant shall ~~do~~ the following:

(a) declare the intent to earn a degree in an approved program and to teach in a Utah public school after graduation; ~~and~~

(b) complete ~~the a~~ FAFSA in accordance with Board Policy R623, Free Application for Federal Student Aid; ~~and~~

(c) either be admitted to or making reasonable progress to meet a participating institution's criteria for admission to an approved program.

(2) To remain eligible for a scholarship awarded under this rule, each recipient must:

(a) maintain satisfactory academic progress in accordance with the recipient's institution's policies;

(b) make reasonable progress to meet institutional criteria for admission to an approved program; and

(c) maintain reasonable progress toward completion of an approved program once admitted to an approved program.

(3) A recipient who transfers to another eligible institution shall retain an award if they continue to meet criteria established for recipients at the receiving institution.

(4) After no more than four semesters of full-time, or eight semesters of part-time postsecondary course work, the recipient shall apply to and gain acceptance into an approved program at an eligible institution.

(5) An eligible institution may grant a temporary deferment of an award for up to two years to a recipient who has not been accepted into an approved program, while they seek acceptance into the program.

(6) After providing a recipient notice and an opportunity to respond, an institution may rescind a recipient's scholarship if the dean of education or the director of financial aid determines the recipient:

(a) is failing to make reasonable progress toward completion of program requirements; or

(b) has demonstrated to a reasonable certainty that the recipient does not intend to teach at a public school in Utah after graduation.

(8) Under Section 63G-12-402, verification of lawful presence in the United States may not be required to be eligible for this scholarship.

(9) Upon request by the student, the institution shall provide an opportunity for the student to appeal a dean or director's determination to rescind the scholarship to a committee of at least three impartial persons.

(10) A recipient may seek leave of absence from attending an institution in accordance with applicable deferral policies at a corresponding eligible institution.

R765-621-6. Transfer of Award Funds.

(1) A recipient may transfer to another eligible institution and keep the scholarship if the recipient meets all requirements of the receiving institution.

(2) The recipient who is transferring shall be responsible for communicating with the recipient's college or school of education and the financial aid office at the receiving institutions well in advance.

(3) A recipient who is transferring and does not meet application deadlines or demonstrate satisfactory academic progress may have the recipient's scholarship rescinded.

(4) The receiving institution shall be responsible to make any adjustments in the transfer of a recipient's award.

R765-621-7. Distribution of Award Funds to Institutions.

(1) The board shall annually distribute available funds to eligible institutions proportionally equal to the total number of teachers who graduated from the eligible institution and were hired by a Utah public school district for the most recent three cohort years available, minus funds for Snow College and Salt Lake Community College allocated at the discretion of the board.

(2) The board shall annually distribute amounts allocated to institutions with new programs without the required three-year history of graduates to fit in the allocation formula, who will receive a minimum allocation amount to be set by scholarship staff.

R765-621-8. Reporting.

As specified by the Office of the Commissioner of Higher Education, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments,

utilization, funding, and other Terrell H. Bell Education Scholarship information for the most recently completed fiscal year. The board may, at any time, request additional documentation or data related to the Terrell H. Bell Education Scholarship and may review or formally audit an institution's compliance with this rule.

R621, Terrel H. Bell Education Scholarship Program¹

R621-1 The following policy has been codified as Utah Administrative Code R765-621.

R621-2 References

- 2.1** Utah Code § 53B-8-116, Terrel H. Bell Education Scholarship Program – Scholarship Requirements -- Rulemaking
- 2.2** Utah Code Title 53E, Chapter 6, Part 3, Licensing Requirements
- 2.3** Board Policy R623, Free Application for Federal Student Aid

R765. Higher Education (Utah Board of), Administration.

R765-621. Terrell H. Bell Education Scholarship Program.

R765-621-1. Purpose.

The purpose of this rule is to provide the rules and procedures for administration of the Terrell H. Bell Teaching Education Scholarship Program, ensuring it recruits first-generation students into teaching careers, encourages outstanding students to teach in high needs areas in Utah's public schools, and to recognize teaching as a critically important career choice for the state.

R765-621-2. Authority.

Subsection 53B-8-116(6) authorizes this rule.

R765-621-3. Definitions.

¹Adopted May 17, 2019; amended May 20, 2022; May 18, 2023; March 1, 2024; and XXX.

(1) "Approved Program" means:

(a) a teacher preparation program that meets the education profession licensure standards described in Section 53E-6-302, and provides enhanced clinical experiences, or prepares an individual to become a speech-language pathologist or another licensed professional providing services in a public school to students with disabilities; or

(b) courses taken at Salt Lake Community College or Snow College that lead students to make reasonable progress to meet institutional criteria for admission into a program in accordance with Subsection R765-621-3(1)(a).

(2) "Average scholarship amount" means average USHE undergraduate resident tuition and general student fees for the corresponding academic year.

(3) "Board" means Utah Board of Higher Education.

(4) "Eligible institution" means a public or private institution of higher education in Utah that offers an approved program.

(5) "FAFSA" means the Free Application for Federal Student Aid.

(6) "High needs area" means a subject area or field in public education that has a high need for teachers or other employees, determined annually by the board in consultation with the Utah State Board of Education.

(7) "First-generation student" means a student whose parents never completed college or beyond.

(8) "Full-time enrollment" means 12 semester hours or such other number of hours as determined by the recipient's institution.

(9) "Part-time enrollment" means the participating institution's definition of half-time enrollment for the program in which the recipient is enrolled.

(9) "Average scholarship amount" means average Utah System of Higher Education undergraduate resident tuition and general student fees for the corresponding academic year.

(10) "Scholarship staff" means staff in the Office of the Commissioner of Higher Education assigned to administer state scholarships on behalf of the board.

R765-621-4. General Award Conditions.

(1) An eligible institution may award a scholarship to an individual for an amount up to the cost of resident tuition, fees, and books for the number of credit hours in which the individual is enrolled each semester.

(2) An eligible private institution may not award a scholarship for an amount that exceeds the average scholarship amount granted by a public institution of higher education.

(3) a recipient may receive a scholarship for up to four consecutive years, or equivalent when considering institution-approved leaves of absence.

(4) An eligible institution may award scholarships to any full-time or part-time enrolled student.

(5) An eligible institution shall:

(a) develop processes for promoting and distributing awards consistent with this rule; and

(b) set application deadlines that accommodate any full-time or part-time student.

(6) Each application shall require a student's declaration to earn a degree in an approved program.

(7) Each institution shall prioritize scholarship awards to applicants who meet the qualifications in Subsection R765-621-5 by awarding qualified applicants in the following order:

(a) first, to first-generation students who intend to work in any area in a Utah public school;

(b) second, to each student who is not a first-generation student but intends to work in a high needs area in a Utah public school; and

(c) third, to each student who meets the requirements in Section R765-621-5.

R765-621-5. Initial and Continuing Eligibility.

(1) To be eligible for a scholarship awarded under this rule, an applicant shall:

(a) declare the intent to earn a degree in an approved program and to teach in a Utah public school after graduation;

(b) complete a FAFSA in accordance with Board Policy R623, Free Application for Federal Student Aid; and

(c) either be admitted to or making reasonable progress to meet a participating institution's criteria for admission to an approved program.

(2) To remain eligible for a scholarship awarded under this rule, each recipient must:

(a) maintain satisfactory academic progress in accordance with the recipient's institution's policies;

(b) make reasonable progress to meet institutional criteria for admission to an approved program; and

(c) maintain reasonable progress toward completion of an approved program once admitted to an approved program.

(3) A recipient who transfers to another eligible institution shall retain an award if they continue to meet criteria established for recipients at the receiving institution.

(4) After no more than four semesters of full-time, or eight semesters of part-time postsecondary course work, the recipient shall apply to and gain acceptance into an approved program at an eligible institution.

(5) An eligible institution may grant a temporary deferment of an award for up to two years to a recipient who has not been accepted into an approved program, while they seek acceptance into the program.

(6) After providing a recipient notice and an opportunity to respond, an institution may rescind a recipient's scholarship if the dean of education or the director of financial aid determines the recipient:

(a) is failing to make reasonable progress toward completion of program requirements; or

(b) has demonstrated to a reasonable certainty that the recipient does not intend to teach at a public school in Utah after graduation.

(8) Under Section 63G-12-402, verification of lawful presence in the United States may not be required to be eligible for this scholarship.

(9) Upon request by the student, the institution shall provide an opportunity for the student to appeal a dean or director's determination to rescind the scholarship to a committee of at least three impartial persons.

(10) A recipient may seek leave of absence from attending an institution in accordance with applicable deferral policies at a corresponding eligible institution.

R765-621-6. Transfer of Award Funds.

(1) A recipient may transfer to another eligible institution and keep the scholarship if the recipient meets all requirements of the receiving institution.

(2) The recipient who is transferring shall be responsible for communicating with the recipient's college or school of education and the financial aid office at the receiving institutions well in advance.

(3) A recipient who is transferring and does not meet application deadlines or demonstrate satisfactory academic progress may have the recipient's scholarship rescinded.

(4) The receiving institution shall be responsible to make any adjustments in the transfer of a recipient's award.

R765-621-7. Distribution of Award Funds to Institutions.

(1) The board shall annually distribute available funds to eligible institutions proportionally equal to the total number of teachers who graduated from the eligible institution and were hired by a Utah public school district for the most recent three cohort years available, minus funds for Snow College and Salt Lake Community College allocated at the discretion of the board.

(2) The board shall annually distribute amounts allocated to institutions with new programs without the required three-year history of graduates to fit in the allocation formula, who will receive a minimum allocation amount to be set by scholarship staff.

R765-621-8. Reporting.

As specified by the Office of the Commissioner of Higher Education, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and other Terrell H. Bell Education Scholarship information for the

most recently completed fiscal year. The board may, at any time, request additional documentation or data related to the Terrell H. Bell Education Scholarship and may review or formally audit an institution's compliance with this rule.

R627, First Responder Mental Health Services Grant¹

R627-1 The following policy has been codified as Utah Administrative Code R765-627.

R627-2 References

2.1 Utah Code § 53B-8-117, First Responder Mental Health Services Grant Program

2.2 Utah Code Title 49, Chapter 11, Utah State Retirement Systems Administration

2.3 Utah Code Title 58, Chapter 60, Mental Health Professional Practice Act

2.4 Utah Code § 53B-1-102, Utah System of Higher Education

2.5 Utah Code § 63G-4-402, Judicial Review – Informal Adjudicative Proceedings

R765. Higher Education (Utah Board of), Administration.

R765-627. First Responder Mental Health Services Grant.

R765-627.1. Purpose.

This rule outlines the requirements of and application process for First Responder Mental Health Services Grant Program.

R765-627-2. Authority.

Section 53B-8-117 authorizes this rule.

R765-627-3. Definitions.

¹ Adopted May 18, 2023; amended March 1, 2024, *and XXX*.

(1) "Academic year" means the calendar year starting July 1 and ending June 30. For degree-granting institutions, this includes Fall, Summer, and Spring semesters of the corresponding academic year.

(2) "Board" means the Utah Board of Higher Education described in Section 53B-1-402.

(3) "Eligible institution" means an institution of higher education as defined in Section 53B-1-102 or a private, nonprofit institution of higher education in Utah that is accredited by the Northwest Commission on Colleges and Universities.

(4) "First Responder" means an individual who works in Utah as:

(a) a law enforcement officer, as defined in Section 53-13-103;

(b) an emergency medical technician, as defined in Section 53-2e-101;

(c) an advanced emergency medical technician, as defined in Section 53-2e-101;

(d) a paramedic, as defined in Section 53-2e-101;

(e) a firefighter, as defined in Section 34A-3-113;

(f) a dispatcher, as defined in Section 53-6-102;

(g) a correctional officer, as defined in Section 53-13-104;

(h) a special function officer, as defined in Section 53-13-105, employed by a local sheriff;

(i) a search and rescue worker under the supervision of a local sheriff;

(j) a forensic interviewer or victim advocate employed by a children's justice center established in accordance with Section 67-5b-102;

(k) a credentialed criminal justice system victim advocate as defined in Section 77-38-403 who responds to incidents with a law enforcement officer;

(l) a crime scene investigator technician;

(m) a wildland firefighter;

(n) an investigator or prosecutor of cases involving sexual crimes against children; or

(o) a civilian employee of a first responder agency who has been authorized to view or otherwise access information concerning crimes, accidents, or other traumatic events.

(5) “First responder agency” means the same as that term is defined in Section 53-21-101.

(6) “First responder volunteer” means:

(a) an individual who donates services as a first responder to a first responder agency located in Utah without pay or other compensation except:

(i) expenses that the individual actually and reasonably incurs as the supervising first responder agency approves; and

(ii) health insurance that a participant in the Volunteer Emergency Medical Service Personnel Health Insurance Program described in Section 26-8a-603 receives; or

(b) a volunteer firefighter who is not regularly employed as a firefighter service employee, but who:

(i) has received training in firefighter techniques and skills;

(ii) continues to receive regular firefighter training; and

(iii) is on the rolls of a legally organized volunteer fire department that provides ongoing training and serves a political subdivision of the state.

(7) “Retiree” means the same as that term is defined in Section 49-11-102.

(48) "OCHE" means the Office of the Commissioner of Higher Education.

(59) "Scholarship staff" means OCHE staff assigned to administer state scholarships on behalf of the board.

R765-627-4. Award Requirements.

(1) To qualify for the First Responder Mental Health Services Grant, an applicant shall:

(a) be a first responder, a first responder volunteer, or a retiree who worked as a first responder in the state of Utah; a full-time employee or a retiree, as defined in Section 49-11-102, who is an active member of or has qualified for an allowance under the requirements of:

~~(i) Title 49, Chapter 14, Public Safety Contributory Retirement Act;~~

~~(ii) Title 49, Chapter 15, Public Safety Noncontributory Retirement Act;~~

~~(iii) Title 49, Chapter 16, Firefighters' Retirement Act; or~~

~~(iv) Title 49, Chapter 23, New Public Safety and Firefighter Tier II Contributory Retirement Act;~~ and

(b) be seeking a post-secondary degree or certification to become a mental health therapist, as Section 58-60-102 defines that term, at an eligible institution.

R765-627-5. Application Process.

(1) Each applicant shall submit a grant application no later than June 30 before the fiscal year during which awards are made.

(a) The board shall annually select and publish two periods of at least 30 days in which it will accept applications for the program.

(2) Each applicant shall submit the following documents:

(a) the completed First Responder Mental Health Services Grant application published by OCHE;

(b) documentation demonstrating enrollment in eligible public safety retirement program, as described in Subsection R765-627-4(1)(a) the applicant's status as a first

responder, first responder volunteer, or a retiree who worked as a first responder in the state;

(c) a description of the applicant's mental health services career objectives;

(d) a declaration of the applicant's intention to enroll in a program that leads to certification as a mental health professional at an eligible institution; and

(e) other documents as outlined on the annual grant application or as requested by scholarship staff.

(3) The applicant may include the documents described Subsections (2)(b) through (2)(e) in the grant application described in Subsection (2)(a).

(4) Each applicant shall reapply annually to be considered for the award each year.

R765-627-6. Grant Amounts.

(1) Subject to available funding, OCHE may award each qualified applicant a grant ~~up to the cost of tuition and fees~~ in an amount that is equal to or less than the difference between:

(a) the total cost of tuition and fees for the program in which the recipient is enrolled; and

(b) the total value of all other grants, tuition waivers, fee waivers, and scholarships that the recipient receives to attend the institution.

~~(2) A grant award under Subsection 765-627-6(1)(1) is limited to, with a maximum award of \$6,000 each academic year.~~

(2) Each student may participate in First Responder Mental Health Services Grant for a maximum of four academic years.

(3) If the legislative appropriation is insufficient to cover the costs associated with the First Responder Mental Health Services Grant Program, the board may:

(a) prioritize renewal applications;

(b) prioritize applications for students who have been accepted into a program leading to a degree which qualifies the applicant to work as a mental health therapist;

(c) reduce the amount of a grant; or

(db) distribute grants on a pro rata basis to all eligible applicants who submitted all application material, as described in Subsection 765-627-5(2), before the application deadline.

(4) Each institution shall combine state or federal loans or grants, internships, student employment, and family and individual contributions toward financing the cost of attendance.

(5) OCHE may reduce the grant amounts based on funding.

(6) OCHE shall disclose on the application form that the grants are subject to funding and may be reduced.

R765-627-7. Transfers.

(1) Each recipient may transfer to the same program at another eligible institution and retain grant eligibility if the recipient meets all requirements in Section R765-627-4.

(2) Each transfer student shall be responsible for communication with financial aid offices at each institution and with scholarship staff in advance of the application deadline.

R765-627-8. Appeals Process.

(1) An applicant has the right to appeal an adverse decision.

(2) Upon request by the applicant, the scholarship staff shall provide the applicant an opportunity to appeal an adverse decision to a committee of at least three impartial persons.

(3) Each appeal request shall be submitted in writing within 30 days of the notice of adverse decision.

R765-627-9. Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and other grant information for the most recently completed academic year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

R627, First Responder Mental Health Services Grant¹

R627-1 The following policy has been codified as Utah Administrative Code R765-627.

R627-2 References

2.1 Utah Code § 53B-8-117, First Responder Mental Health Services Grant Program

2.2 Utah Code Title 49, Chapter 11, Utah State Retirement Systems Administration

2.3 Utah Code Title 58, Chapter 60, Mental Health Professional Practice Act

2.4 Utah Code § 53B-1-102, Utah System of Higher Education

2.5 Utah Code § 63G-4-402, Judicial Review – Informal Adjudicative Proceedings

R765. Higher Education (Utah Board of), Administration.

R765-627. First Responder Mental Health Services Grant.

R765-627.1. Purpose.

This rule outlines the requirements of and application process for First Responder Mental Health Services Grant Program.

R765-627-2. Authority.

Section 53B-8-117 authorizes this rule.

R765-627-3. Definitions.

¹ *Adopted May 18, 2023; amended March 1, 2024, and XXX.*

(1) "Academic year" means the calendar year starting July 1 and ending June 30. For degree-granting institutions, this includes Fall, Summer, and Spring semesters of the corresponding academic year.

(2) "Board" means the Utah Board of Higher Education described in Section 53B-1-402.

(3) "Eligible institution" means an institution of higher education as defined in Section 53B-1-102 or a private, nonprofit institution of higher education in Utah that is accredited by the Northwest Commission on Colleges and Universities.

(4) "First Responder" means an individual who works in Utah as:

(a) a law enforcement officer, as defined in Section 53-13-103;

(b) an emergency medical technician, as defined in Section 53-2e-101;

(c) an advanced emergency medical technician, as defined in Section 53-2e-101;

(d) a paramedic, as defined in Section 53-2e-101;

(e) a firefighter, as defined in Section 34A-3-113;

(f) a dispatcher, as defined in Section 53-6-102;

(g) a correctional officer, as defined in Section 53-13-104;

(h) a special function officer, as defined in Section 53-13-105, employed by a local sheriff;

(i) a search and rescue worker under the supervision of a local sheriff;

(j) a forensic interviewer or victim advocate employed by a children's justice center established in accordance with Section 67-5b-102;

(k) a credentialed criminal justice system victim advocate as defined in Section 77-38-403 who responds to incidents with a law enforcement officer;

(l) a crime scene investigator technician;

(m) a wildland firefighter;

(n) an investigator or prosecutor of cases involving sexual crimes against children; or

(o) a civilian employee of a first responder agency who has been authorized to view or otherwise access information concerning crimes, accidents, or other traumatic events.

(5) “First responder agency” means the same as that term is defined in Section 53-21-101.

(6) “First responder volunteer” means:

(a) an individual who donates services as a first responder to a first responder agency located in Utah without pay or other compensation except:

(i) expenses that the individual actually and reasonably incurs as the supervising first responder agency approves; and

(ii) health insurance that a participant in the Volunteer Emergency Medical Service Personnel Health Insurance Program described in Section 26-8a-603 receives; or

(b) a volunteer firefighter who is not regularly employed as a firefighter service employee, but who:

(i) has received training in firefighter techniques and skills;

(ii) continues to receive regular firefighter training; and

(iii) is on the rolls of a legally organized volunteer fire department that provides ongoing training and serves a political subdivision of the state.

(7) “Retiree” means the same as that term is defined in Section 49-11-102.

(8) "OCHE" means the Office of the Commissioner of Higher Education.

(9) "Scholarship staff" means OCHE staff assigned to administer state scholarships on behalf of the board.

R765-627-4. Award Requirements.

(1) To qualify for the First Responder Mental Health Services Grant, an applicant shall:

(a) be a first responder, a first responder volunteer, or a retiree who worked as a first responder in Utah; and

(b) be seeking a post-secondary degree or certification to become a mental health therapist, as Section 58-60-102 defines that term, at an eligible institution.

R765-627-5. Application Process.

(1) Each applicant shall submit a grant application no later than June 30 before the fiscal year during which awards are made.

(a) The board shall annually select and publish two periods of at least 30 days in which it will accept applications for the program.

(2) Each applicant shall submit the following documents:

(a) the completed First Responder Mental Health Services Grant application published by OCHE;

(b) documentation demonstrating the applicant's status as a first responder, first responder volunteer, or a retiree who worked as a first responder in the state;

(c) a description of the applicant's mental health services career objectives;

(d) a declaration of the applicant's intention to enroll in a program that leads to certification as a mental health professional at an eligible institution; and

(e) other documents as outlined on the annual grant application or as requested by scholarship staff.

(3) The applicant may include the documents described Subsections (2)(b) through (2)(e) in the grant application described in Subsection (2)(a).

(4) Each applicant shall reapply annually to be considered for the award each year.

R765-627-6. Grant Amounts.

(1) Subject to available funding, OCHE may award each qualified applicant a grant in an amount that is equal to or less than the difference between:

(a) the total cost of tuition and fees for the program in which the recipient is enrolled; and

(b) the total value of all other grants, tuition waivers, fee waivers, and scholarships that the recipient receives to attend the institution.

(2) A grant award under Subsection 765-627-6(1) is limited to \$6,000 each academic year.

(2) Each student may participate in First Responder Mental Health Services Grant for a maximum of four academic years.

(3) If the legislative appropriation is insufficient to cover the costs associated with the First Responder Mental Health Services Grant Program, the board may:

(a) prioritize renewal applications;

(b) prioritize applications for students who have been accepted into a program leading to a degree which qualifies the applicant to work as a mental health therapist;

(c) reduce the amount of a grant; or

(d) distribute grants on a pro rata basis to all eligible applicants who submitted all application material, as described in Subsection 765-627-5(2), before the application deadline.

(4) Each institution shall combine state or federal loans or grants, internships, student employment, and family and individual contributions toward financing the cost of attendance.

(5) OCHE may reduce the grant amounts based on funding.

(6) OCHE shall disclose on the application form that the grants are subject to funding and may be reduced.

R765-627-7. Transfers.

(1) Each recipient may transfer to the same program at another eligible institution and retain grant eligibility if the recipient meets all requirements in Section R765-627-4.

(2) Each transfer student shall be responsible for communication with financial aid offices at each institution and with scholarship staff in advance of the application deadline.

R765-627-8. Appeals Process.

(1) An applicant has the right to appeal an adverse decision.

(2) Upon request by the applicant, the scholarship staff shall provide the applicant an opportunity to appeal an adverse decision to a committee of at least three impartial persons.

(3) Each appeal request shall be submitted in writing within 30 days of the notice of adverse decision.

R765-627-9. Reporting.

(1) As specified by OCHE, each institution shall provide, as part of an annual institutional financial aid file submission by February 28 of each year, data pertaining to applications, awards, program enrollments, utilization, funding, and other grant information for the most recently completed academic year.

(2) OCHE may, at any time, request additional documentation or data related to the scholarship program and may review or formally audit an institution's documentation and compliance with this rule.

~~R649, Utah Higher Education Assistance Authority Privacy Policy~~

~~**R649-1 Purpose:** The purpose of this rule is to provide the terms of UHEAA's privacy policy concerning the disclosure of customer nonpublic personal information, as defined in the Gramm Leach Bliley Act, referenced below.~~

~~R649-2 References~~

~~**2.1** Utah Code Title 53B, Utah System of Higher Education, Chapter 12.~~

~~**2.2** S. Code, Title IV of the Higher Education Act of 1965, as amended.~~

~~**2.3** S. Federal Trade Commission, Code of Federal Regulations, 16 CFR Part 313.~~

~~**2.4** L. No. 106-102, the Gramm Leach Bliley Act~~

~~R649-3 General~~

~~**3.1 Personal Information Collected:** UHEAA collects nonpublic personal information about customers from:~~

~~**3.1.1** information received from customers on applications or other forms;~~

~~**3.1.2** information from customer transactions with UHEAA, its affiliates or others; and~~

~~**3.1.3** information received from a consumer reporting agency.~~

~~**3.2 No Disclosure Except as Permitted by Law:** UHEAA does not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law.~~

~~**3.3 Access Restrictions and Safeguards:** UHEAA restricts access to nonpublic personal information about customers to those employees who need to know such information to provide products or services to customers. UHEAA maintains physical, electronic, and procedural safeguards that comply with federal regulations to guard customer nonpublic personal information.~~

Adopted by the UHCAA Board of Directors April 10, 2001.



R649, Utah Higher Education Assistance Authority Privacy Policy

R649-1 Purpose: The purpose of this rule is to provide the terms of UHEAA’s privacy policy concerning the disclosure of customer nonpublic personal information, as defined in the Gramm-Leach-Bliley Act, referenced below.

R649-2 References

- 2.1 [Utah Code Title 53B, Utah System of Higher Education, Chapter 12.](#)
- 2.2 S. Code, Title IV of the Higher Education Act of 1965, as amended.
- 2.3 [S. Federal Trade Commission, Code of Federal Regulations, 16 CFR Part 313.](#)
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Adopted by the UHEAA Board of Directors April 10, 2001.

~~R685, Utah Educational Savings Plan Trust~~

~~**R685-1 Purpose:** Under authority granted by Congress in Internal Revenue Code (IRC) Section 529, the Utah State Legislature established the Utah Educational Savings Plan (UESP) to encourage Utah families to save for the costs of higher education. UESP promotes participation through a campaign of easy access and simple requirements. Dedicated to providing quality investment choices and excellent customer service, UESP aims to attract both Utahns and non-Utahns to the program to achieve economies of scale.~~

~~R685-2 References~~

~~**2.1** Utah Code Title 53B, Chapter 8a (Utah Educational Savings Plan Trust)~~

~~**2.2** Utah Code Title 67, Chapter 16 (Utah Public Officers' and Employees' Ethics Act)~~

~~**2.3** Utah Code Title 51, Chapter 7 (State Money Management Act)~~

~~**2.4** Utah Code Title 59, Chapter 10 (Individual Income Tax Act)~~

~~**2.5** Utah Code Title 59, Chapter 7 (Corporate Franchise and Income Taxes)~~

~~**2.6** Internal Revenue Code, Section 529~~

~~**2.7** UESP Program Description~~

~~**R685-3 Definitions:** Program Description—a booklet describing UESP, its investment options, rules and requirements for participation, and legal disclosures.~~

~~**R685-4 Policy:** UESP provides account owners and prospective account owners with a Program Description. This document contains information individuals should know before participating with UESP, including appropriate investment disclosures.~~

~~The Program Description incorporates applicable federal and state law requirements, as well as other relevant rules. UESP operations are in accordance with these requirements. Account owners must sign an account agreement, which is considered a contract and incorporates the Program Description.~~

UESP respects the customer's right to privacy and recognizes its obligation to keep information secure and confidential. UESP does not disclose any non-public personal information about its customers or former customers to anyone, except as permitted by law.

~~R685-4 Governance:~~ UESP regularly reports to the Utah Higher Education Assistance Authority Board. Specifically, UESP reports on its status, growth, standing in the industry, outreach efforts, and periodically provides investment option analysis.

~~Adopted September 26, 1996; amended by the UHEAA Board of Directors May 13, 1997, November 10, 1998, April 27, 1999, April 11, 2000, June 20, 2002 January 14, 2003 and June 26, 2003. Revised and approved October 24, 2008.~~



R685, Utah Educational Savings Plan Trust

R685-1 Purpose: Under authority granted by Congress in Internal Revenue Code (IRC) Section 529, the Utah State Legislature established the Utah Educational Savings Plan (UESP) to encourage Utah families to save for the costs of higher education. UESP promotes participation through a campaign of easy access and simple requirements. Dedicated to providing quality investment choices and excellent customer service, UESP aims to attract both Utahns and non-Utahns to the program to achieve economies of scale.

R685-2 References

- 2.1 [Utah Code Title 53B, Chapter 8a](#) (Utah Educational Savings Plan Trust)
- 2.2 [Utah Code Title 67, Chapter 16](#) (Utah Public Officers' and Employees' Ethics Act)
- 2.3 [Utah Code Title 51, Chapter 7](#) (State Money Management Act)
- 2.4 [Utah Code Title 59, Chapter 10](#) (Individual Income Tax Act)
- 2.5 [Utah Code Title 59, Chapter 7](#) (Corporate Franchise and Income Taxes)
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R801, ~~Equal Opportunity, Diversity and Non-~~discrimination Policy¹

R801-1 Purpose: ~~The purpose of this policy is to prohibit, in the Utah System of Higher Education (“USHE”) ensure non-discrimination based on a protected class including: race, color, religion, national or ethnic origin, gender, pregnancy or pregnancy-related conditions, age (if the individual is 40 years of age or older), disability, protected veteran status, gender identity, sex, sexual orientation, or as otherwise provided by law in employment and education programs or activities. To provide, in the Utah System of Higher Education, for equal opportunity and diversity, and nondiscrimination in employment and educational programs, services and activities on the basis of race, color, religion, national or ethnic origin, gender, pregnancy, childbirth, pregnancy related conditions, age, disability, veteran status, or otherwise as provided by law.~~

R801-2 References

- ~~2.1~~ Utah Code § 34A-5-106, (Discriminatory or ~~Unfair Prohibited~~ Employment Practices – Permitted Practices)
- ~~2.2~~ Utah Code § 34A-5-112, Religious Liberty Protections
- ~~2.3~~ Utah Code § 63G-31-201, Distinctions on the Basis of Sex
- ~~2.4~~ Utah Code § 67-27-105, Reasonable Accommodations or Government Employees
- ~~2.5~~ Title VI of the Civil Rights Act of 1964, as amended
- ~~2.6~~~~3~~ Section 504 of the Rehabilitation Act of 1973
- ~~2.7~~~~4~~ The Older Americans Act of 1975
- ~~2.8~~~~5~~ The Vietnam Era Veterans Readjustment Assistance Act of 1974
- ~~2.9~~~~6~~ Title IX of the Education Amendments of 1972
- ~~2.10~~~~7~~ The Americans with Disabilities Act of 1990
- ~~2.11~~ Family Educational Rights Privacy Act
- ~~2.12~~ Board Policy R209, Evaluation of Presidents
- ~~2.13~~~~8~~ Policy and Procedures Board Policy R831, Guidelines Minimum Requirements for Non-Faculty Staff Employment ~~element~~ Grievances Policy

¹ ~~Adopted May 24, 1977; amended July 27, 1977; and May 31, 2002; and XXX;~~

R801-3 Definitions

3.1 “Discrimination” is defined by state and federal law. USHE institutions should refer to relevant laws when developing this definition in their non-discrimination policies. Generally, discrimination means unfair or unfavorable treatment based on a protected class or classes. Discrimination is prohibited when it is harassment or creates a hostile environment, or affects the terms, privileges, or conditions of a job applicant’s hiring, an employee’s hiring or employment or a student’s housing, admission, enrollment, or participation in an education programs or activities.

3.2 “Protected Class” means a characteristic identified as protected against discrimination under state and/or federal law including: race, color, religion, national or ethnic origin, gender, pregnancy or pregnancy-related conditions, age (if the individual is 40 years of age or older), disability, protected veteran status, genetic information, gender identity, sex, sexual orientation, or as otherwise provided by law.

3.3 “USHE Institution” means, for purposes of this policy, a higher education institution listed in Utah Code section 53B-1-102.

R801-43 Policy

3.1 Commitment to Equal Opportunity and Diversity: Equal opportunity and diversity strengthen the institutions of higher education, stimulate creativity, promote the exchange of ideas, and enrich campus life. The Board of Higher Education values equal opportunity and diversity and directs the institutions of the System of Higher Education to seek qualified students, faculty and staff from diverse backgrounds.

43.12 Commitment to Nondiscrimination: All employees and students should feel safe and welcome in their employment and education programs and activities. The Utah Board of Higher Education (“Board”), the Office of the Commissioner (“OCHE”), and the Utah System of Higher Education (“USHE”) institutions are committed to non-discrimination in hiring, employment, and education programs and activities. Neither the Board, nor OCHE, nor USHE institutions, nor members or employees thereof shall engage in discrimination, harassment, or prejudicial treatment based on a protected class against any person in their hiring, employment, promotion, training, or other employment-related issues or in educational programs, services, and activities. The Board directs USHE institutions to commit resources to prevent and respond to discrimination. The Board of Higher Education, the Office of the Commissioner, and the institutions of the System of Higher Education shall not engage in discrimination, harassment or prejudicial treatment against any person in the administration of their employment and educational programs, services and activities, on the basis of race, color, religion, national or

~~ethnic origin, gender, pregnancy, childbirth, pregnancy related conditions, age, disability, veteran status, or otherwise as provided by law.~~

~~will in accordance with~~ **4.23 Complaint Procedures:** The Board directs the institutions and the ~~Office of the Commissioner~~ OCHE to provide grievance procedures for prompt and equitable resolution of employee and student complaints of discrimination, harassment, or prejudicial treatment in violation of this policy.

~~Adopted May 24, 1977, amended July 27, 1977 and May 31, 2002.~~

R801, Non-discrimination Policy¹

R801-1 Purpose: The purpose of this policy is to prohibit, in the Utah System of Higher Education (“USHE”) discrimination based on a protected class including: race, color, religion, national or ethnic origin, gender, pregnancy or pregnancy-related conditions, age (if the individual is 40 years of age or older), disability, protected veteran status, gender identity, sex, sexual orientation, or as otherwise provided by law in employment and education programs or activities.

R801-2 References

- 2.1 Utah Code § 34A-5-106, Discriminatory or Prohibited Employment Practices – Permitted Practices
- 2.2 Utah Code § 34A-5-112, Religious Liberty Protections
- 2.3 Utah Code § 63G-31-201, Distinctions on the Basis of Sex
- 2.4 Utah Code § 67-27-105, Reasonable Accommodations or Government Employees
- 2.5 Title VI of the Civil Rights Act of 1964, as amended
- 2.6 Section 504 of the Rehabilitation Act of 1973
- 2.7 The Older Americans Act of 1975
- 2.8 The Vietnam Era Veterans Readjustment Assistance Act of 1974
- 2.9 Title IX of the Education Amendments of 1972
- 2.10 The Americans with Disabilities Act of 1990
- 2.11 Family Educational Rights Privacy Act
- 2.12 Board Policy R209, Evaluation of Presidents
- 2.13 Board Policy R831, Minimum Requirements for Non-Faculty Staff Employee Grievance Policy

R801-3 Definitions

3.1 “Discrimination” is defined by state and federal law. USHE institutions should refer to relevant laws when developing this definition in their non-discrimination policies. Generally, discrimination means unfair or unfavorable treatment based on a protected class or classes. Discrimination is prohibited when it is harassment or creates a hostile environment, or affects the terms, privileges, or conditions of a job applicant’s hiring, an employee’s employment or a student’s housing, admission, enrollment, or participation in an education program or activity.

¹ Adopted May 24, 1977; amended July 27, 1977; May 31, 2002; and XXX.

3.2 “Protected Class” means a characteristic identified as protected against discrimination under state or federal law including: race, color, religion, national or ethnic origin, gender, pregnancy or pregnancy-related conditions, age (if the individual is 40 years of age or older), disability, protected veteran status, genetic information, gender identity, sex, sexual orientation, or as otherwise provided by law.

3.3 “USHE Institution” means, for purposes of this policy, a higher education institution listed in Utah Code section 53B-1-102.

R801-4 Policy

4.1 Commitment to Nondiscrimination: All employees and students should feel safe and welcome in their employment and education programs and activities. The Utah Board of Higher Education (“Board”), the Office of the Commissioner (“OCHE”), and USHE institutions are committed to non-discrimination in hiring, employment, and education programs and activities. Neither the Board, nor OCHE, nor USHE institutions, nor members or employees thereof shall engage in discrimination, harassment, or prejudicial treatment based on a protected class against any person in their hiring, employment, promotion, training, or other employment-related issues or in educational programs, services, and activities. The Board directs USHE institutions to commit resources to prevent and respond to discrimination.

4.2 Complaint Procedures: The Board directs the institutions and the OCHE to provide grievance procedures for prompt and equitable resolution of employee and student complaints of discrimination, harassment, or prejudicial treatment in violation of this policy.

~~R805, Gender, Race, and Ethnicity Representation within the Utah System of Higher Education Workforce~~

~~**R805-1 Purpose:** To ensure USHE institutions: (1) employ a diverse, representative, and equitably compensated workforce across all levels of faculty, staff, and administration; and (2) provide students with an educational experience rooted in diverse perspectives, experiences and backgrounds.~~

~~R805-2 References:~~

~~**2.1** Utah Code §53B-2-106 (Duties and Responsibilities of the President—Approval of the Board of Trustees)~~

~~**2.2** Policy and Procedure R801, Equal Opportunity and nondiscrimination~~

~~R805-3 Assessment and Analysis of USHE Workforce:~~

~~**3.1 USHE Data Assessment and Analysis:** Institutions shall annually collaborate with the Associate Commissioner for Workforce and Institutional Research to assess and analyze their workforce demographic data for the following elements:~~

~~**3.1.1** The number of faculty by tenure status and rank disaggregated by gender and race/ethnicity for each classification and in total.~~

~~**3.1.2** The average equated nine-month salary for faculty by rank disaggregated by race/ethnicity and gender.~~

~~**3.1.3** The number of staff (non-faculty) by occupational category disaggregated by gender and race/ethnicity.~~

~~**3.1.4** The number of part-time faculty and part-time staff by occupational category disaggregated by gender and race/ethnicity.~~

~~**3.2 Institutional Data Assessment, Analysis, and Accountability:** Based on the annual assessment and analysis, institutional presidents shall identify strategies to employing a diverse, representative, and equitably compensated workforce and shall confidentially report their findings, progress, and outcomes to their Resource and Review Team as part of their annual~~

~~evaluation under R208. Presidents may engage qualified professionals to perform statistical analysis of workforce data to inform institutional compliance with this policy, and federal and state laws.~~

Adopted February 15, 1985, amended January 27, 1995, and May 17, 2019.

R805, Gender, Race, and Ethnicity Representation within the Utah System of Higher Education Workforce

R805-1 Purpose: To ensure USHE institutions: (1) employ a diverse, representative, and equitably compensated workforce across all levels of faculty, staff, and administration; and (2) provide students with an educational experience rooted in diverse perspectives, experiences and backgrounds.

R805-2 References:

2.1 Utah Code [§53B-2-106](#) (Duties and Responsibilities of the President – Approval of the Board of Trustees)

2.2 Policy and Procedure [R801](#), Equal Opportunity and nondiscrimination

R805-3 Assessment and Analysis of USHE Workforce:

3.1 USHE Data Assessment and Analysis: Institutions shall annually collaborate with the Associate Commissioner for Workforce and Institutional Research to assess and analyze their workforce demographic data for the following elements:

3.1.1 The number of faculty by tenure status and rank disaggregated by gender and race/ethnicity for each classification and in total.

3.1.2 The average equated nine-month salary for faculty by rank disaggregated by race/ethnicity and gender.

3.1.3 The number of staff (non-faculty) by occupational category disaggregated by gender and race/ethnicity.

3.1.4 The number of part-time faculty and part-time staff by occupational category disaggregated by gender and race/ethnicity.

3.2 Institutional Data Assessment, Analysis, and Accountability: Based on the annual assessment and analysis, institutional presidents shall identify strategies to employing a diverse, representative, and equitably compensated workforce and shall confidentially report their findings, progress, and outcomes to their Resource and Review Team as part of their annual

evaluation under R208. Presidents may engage qualified professionals to perform statistical analysis of workforce data to inform institutional compliance with this policy, and federal and state laws.

Adopted February 15, 1985, amended January 27, 1995, and May 17, 2019.

R811, Guidelines for Classification of Non-Exempt Personnel¹

R811-1 Purpose: To provide guidelines for each Utah System of Higher Education (“USHE”) institution’s classification plan and pay ranges for all regular, full-time, non-exempt positions within the institution.

R811-2 References

- 2.1 29 C.F.R. Part 541, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees
- 2.2 Utah Code § 53B-2-106. (~~Duties and Responsibility of the President —Approval of the Board of Trustees~~)
- 2.3~~2~~ Utah Code § 53B-7-101. (~~Combined Requests for Appropriation – Board Review of Operating Budgets~~)

- 2.4 Board Policy R209, Evaluation of Presidents

R821-3 Definitions

3.1 “Non-Exempt Employee” means an employee as defined in 29 C.F.R. Part 541, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees.

R811-~~43~~ Policy

4.1 Determining Non-Exempt Employee Status

4.1.1 Non-Exempt Employees: USHE institutions shall determine and review an employee’s non-exempt or exempt status as defined in 29 C.F.R. Part 541.

4.3.2~~1~~ Classification Plan: Each institution shall prepare, maintain, and revise a position classification plan for all regular, full-time, non-exempt positions within the institution.

¹ Approved April 26, 1991; amended XXX.

~~43.21.1~~ Such classifications within the institution shall be based on similarity of duties performed and responsibilities assumed, so that there are similar qualifications for all positions in the same class.

~~43.21.2~~ The position of every regular, full-time, non-exempt employee within the institution shall be included in one of the classes in the institution's plan.

~~43.21.3~~ Each institution shall review its classification plan periodically to ensure that it remains reasonably current and reflects the duties and responsibilities assigned to and performed by employees and is in compliance with state and federal law.

43.32 Pay Ranges: Each institution shall prepare, maintain, and revise pay ranges for the classification plan for all regular, full-time, non-exempt positions within the institution.

~~43.32.1~~ The pay ranges shall be designed to achieve, to the degree that funds will permit, equity within the institution pay equity, and comparability of institutional salaries to wages and salaries paid by private enterprise and other public employment for similar work.

~~43.32.2~~ Each class of positions in the classification plan shall have an assigned pay range. The width of the range assigned to a class shall be set to provide for appropriate growth and productivity potential of employees. The width shall be wide enough to accommodate adequate salary differentials among the various levels of positions in the class. The width of the ranges need not be uniform for all classes of positions in the plan.

~~**3.3 Market Surveys by the Office of the Commissioner:** The Office of the Commissioner of Higher Education (OCHE), with the assistance of the institutions, shall periodically conduct market surveys for employee positions covered by this policy.~~

~~**3.3.1** OCHE and the institutions shall establish survey criteria to assure that the market is adequately surveyed, and that data is reflective of the market. This shall include the periodic review and updating of non-exempt bench mark positions.~~

~~**3.3.2** OCHE will analyze the results of the survey to insure adequate matches of institutional and marketplace data and to identify the relationships of institutional salaries to the marketplace.~~

~~**3.3.3** The results of OCHE's analysis shall be made available for public review.~~

~~**3.4 Board Considers Surveys in Budget Recommendations:** The Board shall consider the results of the market surveys in the preparation of budget recommendations to the Governor and the Legislature.~~

~~43.45~~ Salary Increases for Meritorious Performance: Salary increases granted to employees shall include consideration of meritorious performance, as funding is available.

~~Approved April 26, 1991.~~

R811, Guidelines for Classification of Non-Exempt Personnel¹

R811-1 Purpose: To provide guidelines for each Utah System of Higher Education (“USHE”) institution’s classification plan and pay ranges for all regular, full-time, non-exempt positions within the institution.

R811-2 References

- 2.1 29 C.F.R. Part 541, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees
- 2.2 Utah Code § 53B-2-106, Duties and Responsibility of the President
- 2.3 Utah Code § 53B-7-101, Combined Requests for Appropriation – Board Review of Operating Budgets
- 2.4 Board Policy R209, Evaluation of Presidents

R821-3 Definitions

3.1 “**Non-Exempt Employee**” means an employee as defined in 29 C.F.R. Part 541, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees.

R811-4 Policy

4.1 Determining Non-Exempt Employee Status

4.1.1 **Non-Exempt Employees:** USHE institutions shall determine and review an employee’s non-exempt or exempt status as defined in 29 C.F.R. Part 541.

4.2 **Classification Plan:** Each institution shall prepare, maintain, and revise a position classification plan for all regular, full-time, non-exempt positions within the institution.

4.2.1 Such classifications within the institution shall be based on similarity of duties performed and responsibilities assumed, so that there are similar qualifications for all positions in the same class.

¹ Approved April 26, 1991; amended XXX.

4.2.2 The position of every regular, full-time, non-exempt employee within the institution shall be included in one of the classes in the institution's plan.

4.2.3 Each institution shall review its classification plan periodically to ensure that it remains reasonably current and reflects the duties and responsibilities assigned to and performed by employees and is in compliance with state and federal law.

4.3 Pay Ranges: Each institution shall prepare, maintain, and revise pay ranges for the classification plan for all regular, full-time, non-exempt positions within the institution.

4.3.1 The pay ranges shall be designed to achieve, to the degree that funds will permit, pay equity, and comparability of institutional salaries to wages and salaries paid by private enterprise and other public employment for similar work.

4.3.2 Each class of positions in the classification plan shall have an assigned pay range. The width of the range assigned to a class shall be set to provide for appropriate growth and productivity potential of employees. The width shall be wide enough to accommodate adequate salary differentials among the various levels of positions in the class. The width of the ranges need not be uniform for all classes of positions in the plan.

4.4 Salary Increases for Meritorious Performance: Salary increases granted to employees shall include consideration of meritorious performance, as funding is available.

R821, Employee Benefits¹

R821-1 Purpose: To provide guidelines for employee benefits including vacations, paid holidays, sick leave, ~~bereavement leave for miscarriage or still birth~~, emergency leave, military leave, jury and witness service, tuition reduction, and sabbatical and administrative leave.

R-821-2 References

[2.1 Fair Labor Standards Act](#)

[2.2 29 C.F.R. Part 541, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees](#)

~~2.3~~ Utah Code- § -53B-2-106, Duties and Responsibilities of the President

~~2.4~~ Utah Code § 39-3-2, Government Employees in United States Armed Forces or National Guard

~~2.5~~ Utah Code § 53B-1-402(9), Bereavement Leave

~~2.54~~ Board Policy R824, Tuition Remissions Benefits

R821-3 Definitions

[3.1 “Non-Exempt Employee” means an employee as defined in 29 C.F.R. Part 541, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees.](#)

R821-~~43~~ Policy

[4.1 Determining Non-Exempt Employee Status](#)

[4.1.1 Non-Exempt Employees: Utah System of Higher Education \(“USHE”\) institutions shall determine and review an employee’s non-exempt or exempt status as defined in 29 C.F.R. Part 541.](#)

~~43.21~~ Vacation Policy

~~43.21.1~~ **Standard Vacation Schedule:** All full-time salaried non-exempt personnel on 12-month appointments are entitled to annual vacation benefits between 12 and 22 days based on graduated years of service as determined by institutional policy. [Nothing in this subsection prohibits an institution from providing additional leave to employees.](#)

¹ Adopted July 27, 1977; ~~amended~~ November 22, 1977; November 8, 1991; January 17, 1992; May 20, 2022; July 14, 2022; ~~and~~ May 18, 2023; ~~and XXX.~~

4.2.1.1 Change in Employee Status: If a USHE institution changes an employee's status from exempt to non-exempt or vice versa, based on the requirements in 29 C.F.R. Part 541, then the employee shall maintain any vacation benefits accrued prior to the change in status, as well as their graduated years of service for the purpose of calculating their annual vacation benefits under subsection 4.2.1. Institutions may determine if the employee's accrual rate for future years should change to the rate assigned to their new employment status and years of service.

43.21.2 Maximum Accrual: Subject to availability of funding, the maximum accrual for all USHE institution employees, pursuant to the standard vacation schedule, of unused vacation time for which payment is due upon termination of employment shall not exceed 30 days plus the current year's accrued vacation time.

43.21.3 Transferability of Vacation Benefits: Employees in the System who transfer from one employing unit to another within the System should be deemed to retain their accumulative service credits for the purpose of calculating their accumulating vacation benefits earned while in the new employment situation.

43.32 Paid Holidays

43.32.1 Standard Holiday Schedule: All full-time employees are entitled to the following paid holidays:

New Year's Day

Martin Luther King/Human Rights Day

President's Day

Memorial Day

Juneteenth National Freedom Day

Independence Day

Pioneer Day

Labor Day

Thanksgiving Day

Christmas Day

Three additional Days (as declared by the Institutional President)

43.32.2 Variations from Standard Holiday Schedule

43.32.2.1 A holiday falling on Saturday will be observed the previous Friday.

43.32.2.2 A holiday falling on Sunday will be observed the following Monday.

~~43.32.2.3~~ Juneteenth National Freedom Day is on June 19 and will be observed that day if it falls on a Monday. If Juneteenth National Freedom Day falls on a Tuesday, Wednesday, Thursday, or Friday, it will be observed the immediately preceding Monday. Notwithstanding subsections 3.2.2.1 and 3.2.2.2, if June 19 falls on a Saturday or Sunday, Juneteenth National Freedom Day will be observed the following Monday.

~~43.32.2.4~~ The institutions will make reasonable efforts to avoid scheduling regular classes on a scheduled holiday, but if classes are so scheduled, the holiday will not be observed by the faculty.

~~43.43~~ Sick Leave

~~43.43.1~~ All full-time non-exempt salaried personnel shall accumulate sick leave credits at the rate of one day for each month of continuous service, subject to such limitations on maximum accrual as may be imposed by institutional policy.

4.4.1.1 Change in Employee Status: If a USHE institution changes an employee's status from exempt to non-exempt or vice versa, based on the requirements in 29 C.F.R. Part 541, then the employee shall maintain any accrued sick leave, subject to any limitations in this policy.

~~43.43.2~~ In exceptional cases after all accrued sick leave and earned vacation have been exhausted, extended sick leave may be authorized by the president pursuant to institutional policy.

~~43.43.3~~ Each institution shall have a sick leave conversion policy for all employees covered by subsection **~~43.43.1~~**. Such institutional policy shall include the following features:

~~43.43.3.1~~ The employee may convert a maximum of four days per year of accrued sick leave to vacation;

~~43.43.3.2~~ The employee must maintain a minimum level of annual sick leave credits before ~~he or she is~~they are allowed to convert excess sick leave above that minimum level to vacation;

~~43.43.3.3~~ Usage by the employee of more than specified levels of sick leave days in a given year shall limit that employee's conversion of sick leave for that year; and

~~43.43.3.4~~ Sick leave converted to vacation leave must be included within the maximum accrual of the employee's unused vacation balance for purposes of payment at termination.

~~3.4 Bereavement Leave:~~ An institution shall provide at least three working days of paid bereavement leave for an employee immediately following a miscarriage or still birth if:

~~3.4.1~~ The employee, or the employee's spouse or partner experienced the miscarriage or still birth;

~~3.4.2~~ The employee's former spouse or partner experienced the miscarriage or still birth and the employee would have been the biological parent a child born from the pregnancy;

~~3.4.3~~ The employee provides documentation to show that the individual who experienced the miscarriage or still birth intended the employee to be the adoptive parent of a child born from the pregnancy; or

~~3.4.4~~ The employee would have been a parent of the child born of the pregnancy under a valid gestational agreement.

43.55 Emergency Leave: Emergency leave for death in an employee's immediate family may be authorized by institutional policy; but shall not exceed three working days.

43.66 Military Leave: Full-time personnel who are members of any reserve branch of the United States Armed Forces are entitled to leaves of absence with full pay for all time not in excess of 15 working days per year spent on duty at annual encampments or other required active-duty training. This leave shall be in addition to annual vacation leave with pay.

43.77 Jury and Witness Service

43.77.1 Employees necessarily absent from work in compliance with an official requirement to appear for jury service or a subpoena to appear as a witness at a trial, deposition, or other official proceeding will continue to receive the equivalent of full pay, provided that the institution will request of the employee, in writing, to return the jury or witness fee.

43.77.2 This allowance covers only time lost while actually engaged in jury service or attendance as a witness, and in reasonable travel to and from the place of such service.

43.77.3 This policy does not apply when an individual appears in court on their own behalf.

43.77.4 Under the laws of the state of Utah, adult citizens of the United States who are able to read, speak, and understand the English language, and who are not incapacitated

by physical or mental disability, are eligible and may be called to render jury service. The law specifies that no qualified prospective juror is exempt from jury service, but that the court may excuse an individual from such service, at the discretion of the judge, upon a showing of undue hardship, extreme inconvenience, or public necessity for any period the court deems necessary.

43.88 Tuition Reduction: ~~Utah System of Higher Education~~ USHE institutions may provide for reduced tuition and/or fees as an employee benefit for faculty, staff, and emeritus personnel, subject to the limitations prescribed by Board Policy R184, *Tuition Remissions Benefits*.

43.99 Sabbatical and Administrative Leave: Sabbatical and administrative leaves are not employee benefits, but rather are programs for professional development which benefit the entire educational enterprise and are granted by the institutions in consideration thereof. Because of the differences in academic roles of the several institutions, maximum discretion should be allowed to each institution to develop its own sabbatical and administrative leave policy.

R821, Employee Benefits¹

R821-1 Purpose: To provide guidelines for employee benefits including vacations, paid holidays, sick leave, emergency leave, military leave, jury and witness service, tuition reduction, and sabbatical and administrative leave.

R-821-2 References

- 2.1 Fair Labor Standards Act
- 2.2 29 C.F.R. Part 541, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees
- 2.3 Utah Code § 53B-2-106, Duties and Responsibilities of the President
- 2.4 Utah Code § 39-3-2, Government Employees in United States Armed Forces or National Guard
- 2.5 Board Policy R824, Tuition Remissions Benefits

R821-3 Definitions

- 3.1 **“Non-Exempt Employee”** means an employee as defined in 29 C.F.R. Part 541, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees.

R821-4 Policy

4.1 Determining Non-Exempt Employee Status

- 4.1.1 **Non-Exempt Employees:** Utah System of Higher Education (“USHE”) institutions shall determine and review an employee’s non-exempt or exempt status as defined in 29 C.F.R. Part 541.

4.2 Vacation Policy

- 4.2.1 **Standard Vacation Schedule:** All full-time salaried non-exempt personnel on 12-month appointments are entitled to annual vacation benefits between 12 and 22 days based on graduated years of service as determined by institutional policy. Nothing in this subsection prohibits an institution from providing additional leave to employees.

¹ *Adopted July 27, 1977; amended November 22, 1977; November 8, 1991; January 17, 1992; May 20, 2022; July 14, 2022; May 18, 2023; and XXX.*

4.2.1.1 Change in Employee Status: If a USHE institution changes an employee's status from exempt to non-exempt or vice versa, based on the requirements in 29 C.F.R. Part 541, then the employee shall maintain any vacation benefits accrued prior to the change in status, as well as their graduated years of service for the purpose of calculating their annual vacation benefits under subsection 4.2.1. Institutions may determine if the employee's accrual rate for future years should change to the rate assigned to their new employment status and years of service.

4.2.2 Maximum Accrual: Subject to availability of funding, the maximum accrual for all USHE institution employees, pursuant to the standard vacation schedule, of unused vacation time for which payment is due upon termination of employment shall not exceed 30 days plus the current year's accrued vacation time.

4.2.3 Transferability of Vacation Benefits: Employees in the System who transfer from one employing unit to another within the System should be deemed to retain their accumulative service credits for the purpose of calculating their accumulating vacation benefits earned while in the new employment situation.

4.3 Paid Holidays

4.3.1 Standard Holiday Schedule: All full-time employees are entitled to the following paid holidays:

New Year's Day

Martin Luther King/Human Rights Day

President's Day

Memorial Day

Juneteenth National Freedom Day

Independence Day

Pioneer Day

Labor Day

Thanksgiving Day

Christmas Day

Three additional Days (as declared by the Institutional President)

4.3.2 Variations from Standard Holiday Schedule

4.3.2.1 A holiday falling on Saturday will be observed the previous Friday.

4.3.2.2 A holiday falling on Sunday will be observed the following Monday.

4.3.2.3 Juneteenth National Freedom Day is on June 19 and will be observed that day if it falls on a Monday. If Juneteenth National Freedom Day falls on a Tuesday, Wednesday, Thursday, or Friday, it will be observed the immediately preceding Monday. Notwithstanding subsections 3.2.2.1 and 3.2.2.2, if June 19 falls on a Saturday or Sunday, Juneteenth National Freedom Day will be observed the following Monday.

4.3.2.4 The institutions will make reasonable efforts to avoid scheduling regular classes on a scheduled holiday, but if classes are so scheduled, the holiday will not be observed by the faculty.

4.4 Sick Leave

4.4.1 All full-time non-exempt salaried personnel shall accumulate sick leave credits at the rate of one day for each month of continuous service, subject to such limitations on maximum accrual as may be imposed by institutional policy.

4.4.1.1 Change in Employee Status: If a USHE institution changes an employee's status from exempt to non-exempt or vice versa, based on the requirements in 29 C.F.R. Part 541, then the employee shall maintain any accrued sick leave, subject to any limitations in this policy.

4.4.2 In exceptional cases after all accrued sick leave and earned vacation have been exhausted, extended sick leave may be authorized by the president pursuant to institutional policy.

4.4.3 Each institution shall have a sick leave conversion policy for all employees covered by subsection 4.4.1. Such institutional policy shall include the following features:

4.4.3.1 The employee may convert a maximum of four days per year of accrued sick leave to vacation;

4.4.3.2 The employee must maintain a minimum level of annual sick leave credits before they are allowed to convert excess sick leave above that minimum level to vacation;

4.4.3.3 Usage by the employee of more than specified levels of sick leave days in a given year shall limit that employee's conversion of sick leave for that year; and

4.4.3.4 Sick leave converted to vacation leave must be included within the maximum accrual of the employee's unused vacation balance for purposes of payment at termination.

4.5 Emergency Leave: Emergency leave for death in an employee's immediate family may be authorized by institutional policy but shall not exceed three working days.

4.6 Military Leave: Full-time personnel who are members of any reserve branch of the United States Armed Forces are entitled to leaves of absence with full pay for all time not in excess of 15 working days per year spent on duty at annual encampments or other required active-duty training. This leave shall be in addition to annual vacation leave with pay.

4.7 Jury and Witness Service

4.7.1 Employees necessarily absent from work in compliance with an official requirement to appear for jury service or a subpoena to appear as a witness at a trial, deposition, or other official proceeding will continue to receive the equivalent of full pay, provided that the institution will request of the employee, in writing, to return the jury or witness fee.

4.7.2 This allowance covers only time lost while actually engaged in jury service or attendance as a witness, and in reasonable travel to and from the place of such service.

4.7.3 This policy does not apply when an individual appears in court on their own behalf.

4.7.4 Under the laws of the state of Utah, adult citizens of the United States who are able to read, speak, and understand the English language, and who are not incapacitated by physical or mental disability, are eligible and may be called to render jury service. The law specifies that no qualified prospective juror is exempt from jury service, but that the court may excuse an individual from such service, at the discretion of the judge, upon a showing of undue hardship, extreme inconvenience, or public necessity for any period the court deems necessary.

4.8 Tuition Reduction: USHE institutions may provide for reduced tuition and/or fees as an employee benefit for faculty, staff, and emeritus personnel, subject to the limitations prescribed by Board Policy R184, *Tuition Remissions Benefits*.

4.9 Sabbatical and Administrative Leave: Sabbatical and administrative leaves are not employee benefits, but rather are programs for professional development which benefit the entire educational enterprise and are granted by the institutions in consideration thereof. Because of the differences in academic roles of the several institutions, maximum discretion should be allowed to each institution to develop its own sabbatical and administrative leave policy.

~~R847, Criminal Background Checks~~

~~**R847-1 Purpose:** To provide procedures for requiring or administering criminal background checks of certain prospective and existing employees of System institutions.~~

~~R847-2 References~~

~~**2.1** Utah Code 53A-3-410 (Criminal background checks on school personnel—Notice—Payment of cost—Request for review)~~

~~**2.2** Utah Code 53B-1-110 (Higher Education Criminal Background Checks)~~

~~**2.3** Policy and Procedure R165, Concurrent Enrollment~~

~~**2.4** Federal Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.~~

~~R847-3 Definitions~~

~~**3.1 Adjunct Faculty:** part-time teachers, post-doctoral fellows, visiting lecturers, graduate assistants and other professional staff members of businesses, industries, and other agencies and organizations who are appointed by the institutions on a part-time basis to carry out instructional, research or public service functions.~~

~~**3.2 Applicant:** a final applicant offered employment, transfer or promotion, contingent on acceptable results of a criminal background check and other reviews required for the position by an institution such as financial/credit checks, degree transcripts or license documentation, or student loan status.~~

~~**3.3 Background Check:** a commercial or governmental process of searching public records to determine, at a minimum, whether an individual has been convicted of criminal conduct anywhere in the United States of America within no less than the last seven years. An institution may choose to specify a longer time period, search in one or more foreign countries, or seek additional information such as arrests or other evidence of character issues as part of a Background Check.~~

3.4 Diminished Capacity Adult: a person who lacks decision-making capacity, which requires: (1) possession of a set of values and goals; (2) the ability to communicate and to understand information; and (3) the ability to reason and to deliberate about one's choices.

3.5 Employee: (1) a faculty member, or (2) an exempt or non-exempt employee of a Utah System of Higher Education institution who receives compensation for work or services from funds controlled by the institution, regardless of the source of the funds, the duties of the position, the amount of compensation paid, or the percent of time worked.

3.6 Institution: an institution listed in Utah Code Section 53B-1-102.

3.7 Minor: a person younger than 21 years of age.

3.8 Reasonable Cause: may exist with respect to a position or with respect to an individual. As to a position, reasonable cause exists to conduct periodic criminal background checks (including yearly checks) for any employee holding a security sensitive position. As to an individual, reasonable cause exists where the known facts or circumstances about a particular employee are sufficient to warrant a person of reasonable prudence in the belief that the employee poses an unreasonable risk to persons or property and/or a history or report of a crime will be found.

3.9 Security Sensitive Positions: positions designated by an institution as security sensitive whose duties require, provide for, or encompass the potential to incur human, financial or property loss or other harm to the institution and its constituents. Besides institution-wide designations of security sensitive positions, individual departments may be subject to additional restrictions, requirements, laws or regulations. A security sensitive position includes at least one of the following elements:

3.9.1 access to children, including child care in a child care center, or to diminished capacity adults;

3.9.2 relationships with students where exceptional trust and responsibility are involved, such as counselors, health care providers, coaches, and residence hall personnel;

3.9.3 responsibility for providing direct medical care, treatment, or counseling and/or access to pharmaceuticals, toxins, hazardous or controlled substances;

3.9.4 direct access to laboratory materials and other property that have the potential of being diverted from their proper use either for financial gain or for harmful, dangerous or illegal purposes;

~~3.9.5 decision making authority for committing institutional funds or financial resources through contracts and commitments and/or direct access to or responsibility for handling cash, checks, credit/debit cards or cash equivalents, institutional property, disbursements or receipts;~~

~~3.9.6 access to building and residence hall master control and key systems;~~

~~3.9.7 access to confidential information or sensitive personal information such as employment, health, donor, financial and other records, including data that could facilitate identity theft;~~

~~3.9.8 access to and responsibility for the maintenance, upgrading, and repair of the institution's computer networks and/or information technology systems; or~~

~~3.9.9 responsibility for police, security, guard forces, or other significant health or safety issues.~~

~~**3.10 Significant Contact with Minors:** an employee position involves significant contact with minor persons if there is a reasonable expectation that in the course of the normal, routine responsibilities of the position, the employee and a minor would interact on a one-on-one basis. For example, teachers with office hour consultations, mentors, counselors, test center employees, coaches, and advisors could all reasonably expect to interact one-on-one with students as a normal, routine part of their work and hence would have "significant contact" with one or more minor persons during the course of their employment.~~

R847-4 Policy

~~**4.1 Required Background Checks for Applicants:** An applicant for any employee position at an institution that involves significant contact with minors or is considered to be security sensitive by the institution's president or his/her designee, must submit to a criminal background check as a condition of employment. The president or his/her designee may exempt applicants for adjunct faculty, temporary, or part time positions, from this requirement. The president or his/her designee may require such exempted employees to self disclose any criminal background and to sign an agreement to conform to institutional rules on sexual harassment and information, financial, health, and physical security.~~

~~**4.2 Optional Background Checks for Applicants:** A president or his/her designee may require applicants for positions other than those described in Section 4.1, including adjunct faculty, temporary or part time positions, to submit to a criminal background check as a condition of employment.~~

~~**4.3 Background Checks for Existing Employees:** An existing employee must submit to a criminal background check, where the institution's president or his/her designee finds that reasonable cause exists.~~

~~**4.4 Written Release of Information:** An institution shall obtain a written and signed release of information for a criminal background check from an applicant required by institutional policy to submit to a criminal background check. An institution shall request a written and signed release of information for a criminal background check from an existing employee when the institution's president or his/her designee finds that reasonable cause exists.~~

~~**4.5 Notice a Background Check has been Requested:** If an existing employee does not provide a written and signed release as requested pursuant to Section 4.4, the employee shall receive written notice that the background check has been requested.~~

~~**4.6 Fingerprint Check:** An institution may require each applicant or employee subject to a criminal background check under this section to be fingerprinted and consent to a fingerprint background check by the Utah Bureau of Criminal Identification, the Federal Bureau of Investigation or another government or commercial entity.~~

~~**4.6.1** Institutions may request the Utah Bureau of Criminal Identification to conduct fingerprint background checks of prospective employees and, where reasonable cause exists, existing employees pursuant to board policy.~~

~~**4.6.2** At the request of an institution, the Utah Bureau of Criminal Identification is directed by Utah Code Section 53B-1-110 to release the individual's full record of criminal convictions to the authorized institutional administrator requesting the information and is also directed to seek additional information from regional or national criminal data files in responding to inquiries under Utah Code Section 53B-1-110.~~

~~**4.6.3** Utah Code Section 53B-1-110 provides that information received by the Utah Bureau of Criminal Identification from entities other than agencies or political subdivisions of the state may not be released to a private entity unless the release is permissible under applicable laws or regulations of the entity providing the information.~~

~~**4.6.4** Except as provided in Section 4.8, an institution shall pay the actual cost of fingerprint background checks incurred by the Utah Bureau of Criminal Identification, and the moneys collected shall be credited to the Utah Bureau of Criminal Identification to offset its expenses in conducting the checks.~~

~~**4.7 Consumer reporting Agency Criminal Background Check:** A president or his/her designee may determine to use a consumer reporting agency to conduct a criminal background~~

~~check instead of the fingerprint background check process provided in Section 4.6.~~

~~**4.7.1** At a minimum, the consumer reporting agency must conduct an investigation to verify the applicant or employee's social security number, obtain information regarding past employment, and search the individual's criminal background nationwide in the individual's counties of residence for the last seven years.~~

~~**4.8 Payment of Costs:** A president or his/her designee may require an applicant to pay the costs of a criminal background check as a condition of employment.~~

~~**4.9 Risk Assessment:** Based on the convictions disclosed by the criminal background check, an institution will assess the overall risk to persons and property. That risk assessment will include: (1) the number of crimes committed, (2) the severity of those crimes, (3) the length of time since they were committed, (4) the likelihood of recidivism, (5) the security sensitivity of the position sought by the applicant or held by the existing employee, and (6) other factors that may be relevant. The institution may determine that an individual with a criminal history should be considered eligible to obtain or retain the position, or that additional documentation should be required.~~

~~**4.10 Opportunity to Respond:** Before an applicant is denied employment or an employee is subjected to an adverse employment action based on information obtained in a background check, the applicant or employee shall receive a copy of the report, written notice of the reasons for denial or the adverse action, a written description of his/her rights under the Fair Credit Reporting Act, and shall have an opportunity to respond to the reasons and any information received as a result of the background check. If an applicant or employee disagrees with the accuracy of any information in the report and notifies the human resources office of the institution within three business days of his/her receipt of the report, the institution shall provide a reasonable opportunity to address the information contained in the report.~~

~~**4.11 Financial/Credit Check:** If an applicant is applying for, or an employee holds, a security sensitive position with access to sensitive personal information or financial responsibilities over the funds of the institution or others, a president or his/her designee may require an additional financial/credit check to be performed.~~

~~**4.12. Degree Transcripts or License Documentation:** If a position requires a degree or license, an institution may obtain a copy of the applicant's degree transcripts or license documentation.~~

~~**4.13 Student Loan Status:** If an applicant or employee has a student loan, an institution may check on the loan status. The institution may deny employment or take adverse employment action if the applicant or employee has a delinquent or defaulted student loan.~~

~~**4.14 Limitations on the Use of Information:** The information contained in a background check will be available only to those persons involved in making employment decisions or performing the background investigation, and the information will be used only for the purpose of making an employment or promotion decision.~~

~~**4.15 Concurrent Enrollment Faculty:** Higher education employees, whether full-time or adjunct faculty, who are concurrent enrollment instructors with unsupervised access to K-12 students shall complete a criminal background check consistent with Utah Code §53A-3-410. The institution employing a concurrent enrollment instructor who is also a higher education employee shall have responsibility to determine the need for the criminal background check consistent with the law, shall satisfy this requirement, and shall maintain appropriate documentation. (See Policy and Procedures R165, Concurrent Enrollment)~~

Adopted July 20, 2007; amended March 27, 2015.

R847, Criminal Background Checks

R847-1 Purpose: To provide procedures for requiring or administering criminal background checks of certain prospective and existing employees of System institutions.

R847-2 References

- 2.1 Utah Code 53A-3-410 (Criminal background checks on school personnel—Notice—Payment of cost—Request for review)
- 2.2 Utah Code [53B-1-110](#) (Higher Education Criminal Background Checks)
- 2.3 Policy and Procedure [R165](#), Concurrent Enrollment
- 2.4 [Federal Fair Credit Reporting Act](#), 15 U.S.C. § 1681 et seq.

R847-3 Definitions

- 3.1 **Adjunct Faculty:** part-time teachers, post-doctoral fellows, visiting lecturers, graduate assistants and other professional staff members of businesses, industries, and other agencies and organizations who are appointed by the institutions on a part-time basis to carry out instructional, research or public service functions.
- 3.2 **Applicant:** a final applicant offered employment, transfer or promotion, contingent on acceptable results of a criminal background check and other reviews required for the position by an institution such as financial/credit checks, degree transcripts or license documentation, or student loan status.
- 3.3 **Background Check:** a commercial or governmental process of searching public records to determine, at a minimum, whether an individual has been convicted of criminal conduct anywhere in the United States of America within no less than the last seven years. An institution may choose to specify a longer time period, search in one or more foreign countries, or seek additional information such as arrests or other evidence of character issues as part of a Background Check.

3.4 Diminished Capacity Adult: a person who lacks decision making capacity, which requires: (1) possession of a set of values and goals; (2) the ability to communicate and to understand information; and (3) the ability to reason and to deliberate about one's choices.

3.5 Employee: (1) a faculty member, or (2) an exempt or non-exempt employee of a Utah System of Higher Education institution who receives compensation for work or services from funds controlled by the institution, regardless of the source of the funds, the duties of the position, the amount of compensation paid, or the percent of time worked.

3.6 Institution: an institution listed in Utah Code Section 53B-1-102.

3.7 Minor: a person younger than 21 years of age.

3.8 Reasonable Cause: may exist with respect to a position or with respect to an individual. As to a position, reasonable cause exists to conduct periodic criminal background checks (including yearly checks) for any employee holding a security sensitive position. As to an individual, reasonable cause exists where the known facts or circumstances about a particular employee are sufficient to warrant a person of reasonable prudence in the belief that the employee poses an unreasonable risk to persons or property and/or a history or report of a crime will be found.

3.9 Security Sensitive Positions: positions designated by an institution as security sensitive whose duties require, provide for, or encompass the potential to incur human, financial or property loss or other harm to the institution and its constituents. Besides institution wide designations of security sensitive positions, individual departments may be subject to additional restrictions, requirements, laws or regulations. A security sensitive position includes at least one of the following elements:

3.9.1 access to children, including child care in a child care center, or to diminished capacity adults;

3.9.2 relationships with students where exceptional trust and responsibility are involved, such as counselors, health care providers, coaches, and residence hall personnel;

3.9.3 responsibility for providing direct medical care, treatment, or counseling and/or access to pharmaceuticals, toxins, hazardous or controlled substances;

3.9.4 direct access to laboratory materials and other property that have the potential of being diverted from their proper use either for financial gain or for harmful, dangerous or illegal purposes;

3.9.5 decision making authority for committing institutional funds or financial resources through contracts and commitments and/or direct access to or responsibility for handling cash, checks, credit/debit cards or cash equivalents, institutional property, disbursements or receipts;

3.9.6 access to building and residence hall master control and key systems;

3.9.7 access to confidential information or sensitive personal information such as employment, health, donor, financial and other records, including data that could facilitate identity theft;

3.9.8 access to and responsibility for the maintenance, upgrading, and repair of the institution's computer networks and/or information technology systems; or

3.9.9 responsibility for police, security, guard forces, or other significant health or safety issues.

3.10 Significant Contact with Minors: an employee position involves significant contact with minor persons if there is a reasonable expectation that in the course of the normal, routine responsibilities of the position, the employee and a minor would interact on a one-on-one basis. For example, teachers with office hour consultations, mentors, counselors, test center employees, coaches, and advisors could all reasonably expect to interact one-on-one with students as a normal, routine part of their work and hence would have "significant contact" with one or more minor persons during the course of their employment.

R847-4 Policy

4.1 Required Background Checks for Applicants: An applicant for any employee position at an institution that involves significant contact with minors or is considered to be security sensitive by the institution's president or his/her designee, must submit to a criminal background check as a condition of employment. The president or his/her designee may exempt applicants for adjunct faculty, temporary, or part time positions, from this requirement. The president or his/her designee may require such exempted employees to self disclose any criminal background and to sign an agreement to conform to institutional rules on sexual harassment and information, financial, health, and physical security.

4.2 Optional Background Checks for Applicants: A president or his/her designee may require applicants for positions other than those described in Section 4.1, including adjunct faculty, temporary or part time positions, to submit to a criminal background check as a condition of employment.

4.3 Background Checks for Existing Employees: An existing employee must submit to a criminal background check, where the institution's president or his/her designee finds that reasonable cause exists.

4.4 Written Release of Information: An institution shall obtain a written and signed release of information for a criminal background check from an applicant required by institutional policy to submit to a criminal background check. An institution shall request a written and signed release of information for a criminal background check from an existing employee when the institution's president or his/her designee finds that reasonable cause exists.

4.5 Notice a Background Check has been Requested: If an existing employee does not provide a written and signed release as requested pursuant to Section 4.4, the employee shall receive written notice that the background check has been requested.

4.6 Fingerprint Check: An institution may require each applicant or employee subject to a criminal background check under this section to be fingerprinted and consent to a fingerprint background check by the Utah Bureau of Criminal Identification, the Federal Bureau of Investigation or another government or commercial entity.

4.6.1 Institutions may request the Utah Bureau of Criminal Identification to conduct fingerprint background checks of prospective employees and, where reasonable cause exists, existing employees pursuant to board policy.

4.6.2 At the request of an institution, the Utah Bureau of Criminal Identification is directed by Utah Code Section 53B-1-110 to release the individual's full record of criminal convictions to the authorized institutional administrator requesting the information and is also directed to seek additional information from regional or national criminal data files in responding to inquiries under Utah Code Section 53B-1-110.

4.6.3 Utah Code Section 53B-1-110 provides that information received by the Utah Bureau of Criminal Identification from entities other than agencies or political subdivisions of the state may not be released to a private entity unless the release is permissible under applicable laws or regulations of the entity providing the information.

4.6.4 Except as provided in Section 4.8, an institution shall pay the actual cost of fingerprint background checks incurred by the Utah Bureau of Criminal Identification, and the moneys collected shall be credited to the Utah Bureau of Criminal Identification to offset its expenses in conducting the checks.

4.7 Consumer-reporting Agency Criminal Background Check: A president or his/her designee may determine to use a consumer-reporting agency to conduct a criminal background

check instead of the fingerprint background check process provided in Section 4.6.

4.7.1 At a minimum, the consumer-reporting agency must conduct an investigation to verify the applicant or employee's social security number, obtain information regarding past employment, and search the individual's criminal background nationwide in the individual's counties of residence for the last seven years.

4.8 Payment of Costs: A president or his/her designee may require an applicant to pay the costs of a criminal background check as a condition of employment.

4.9 Risk Assessment: Based on the convictions disclosed by the criminal background check, an institution will assess the overall risk to persons and property. That risk assessment will include: (1) the number of crimes committed, (2) the severity of those crimes, (3) the length of time since they were committed, (4) the likelihood of recidivism, (5) the security sensitivity of the position sought by the applicant or held by the existing employee, and (6) other factors that may be relevant. The institution may determine that an individual with a criminal history should be considered eligible to obtain or retain the position, or that additional documentation should be required.

4.10 Opportunity to Respond: Before an applicant is denied employment or an employee is subjected to an adverse employment action based on information obtained in a background check, the applicant or employee shall receive a copy of the report, written notice of the reasons for denial or the adverse action, a written description of his/her rights under the Fair Credit Reporting Act, and shall have an opportunity to respond to the reasons and any information received as a result of the background check. If an applicant or employee disagrees with the accuracy of any information in the report and notifies the human resources office of the institution within three business days of his/her receipt of the report, the institution shall provide a reasonable opportunity to address the information contained in the report.

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