

R252, Institutional Statements Acknowledging Relationships with Tribes and Ancestral Lands¹

R252-1 Purpose: The purpose of this policy is to outline the parameters for statements made by Utah System of Higher Education (USHE) institutions acknowledging relationships with tribes and ancestral lands.

R252-2 References

- 2.1 Utah Code 53B-1-101, Institutions of Higher Education
- 2.2 Utah Code 53B-8-102, Definitions
- 2.3 Board Policy R481, *Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review*
- 2.4 Utah System of Higher Education Institutional Neutrality and Speech Guidance

R252-3 Definitions

- 3.1 **“Agreement”** means a contract or memorandum of understanding.

- 3.2 **“Institution”** is defined by Utah Code 53B-2-101. For purposes of this policy, “institution” includes an institution’s colleges, divisions, departments, programs, and significant decision-making committees or bodies.

- 3.3 **“Meaningful Consultation”** means consultation conducted in good faith with a genuine attempt to understand and address concerns. Such consultation goes beyond written exchanges to oral conversations and communication.

- 3.4 **“Tribe”** means a Native American tribe that is either federally recognized or a known Utah tribe.

- 3.5 **“Known Utah Tribe”** means a tribe that historically lay or whose reservation or trust lands currently lie partly or wholly within Utah, or whose border is at any point contiguous with the border of Utah.

¹ Adopted March 27, 2025.

R252-4 Institutional Relationships with Tribes: The Board of Higher Education (Board) encourages each USHE institution to strengthen its relationships, and establish meaningful partnerships, with tribes. Through meaningful consultation and collaboration with the relevant tribe(s), such partnerships should focus on ensuring the tribes' members' access to higher education; improving retention, and certificate and degree completion rates; addressing higher education affordability; and creating pathways for success from K-12 to higher education.

R252-5 Conditions Necessary for An Institution to Make a Statement

5.1 In meaningful consultation with a tribe, an institution president, or the president's designee, may make a statement acknowledging a relationship with the tribe and ancestral lands if the institution:

5.1.1 Has a relationship, agreement, or grant with or related to one or more tribes supporting the tribe's members' access to higher education;

5.1.2 Is engaged in education, research, or service related to one or more tribes or its members; or

5.1.3 Has a land-grant mission.

R252-6 Circumstances under Which an Institution May Make a Statement

6.1 When the conditions of section 5 have been met, an institution's president, or the president's designee, may make an in-person or online statement acknowledging a relationship with a tribe and ancestral lands as outlined in section 7 in the following circumstances:

6.1.1 At a meeting or gathering between the institution and one or more tribe(s);

6.1.2 At an institutional event at which one or more members of a tribe is speaking or being honored;

6.1.3 At an institutional event co-sponsored by an institution and one or more tribe(s);

6.1.4 At an institutional event highlighting research, service, or a curricular project completed by the institution's students, faculty, and/or staff members related to one or more tribe(s);

6.1.5 At an institutional event highlighting Native American culture, history, or art;

6.1.6 At an institutional conference centered on stewardship of the land; and

6.1.7 On the institution's website.

R252-7 Framework for Statements Acknowledging Relationships with Tribes and Ancestral Lands

7.1 Subject to the conditions and circumstances outlined in sections 5 and 6, an institution's president, or the president's designee, may make an oral or written statement acknowledging:

7.1.1 The tribe(s) on whose ancestral lands the institution resides;

7.1.2 Respect for tribal communities and the sovereign government-to-government relationship between tribes, the State of Utah, and the federal government; and

7.1.3 An existing agreement between the institution and the tribe(s), including how the agreement supports tribe members' access to, or completion of, higher education.

R252-8 Requirements and Accountability Measures for Formal Agreements with Tribes:

8.1 An institution that has a formal agreement with a tribe shall ensure the agreement provides for regular and meaningful consultation with the tribe as well as the institution's assurance that it will properly and effectively implement the agreement and fulfill its commitments under the agreement in a meaningful and timely manner.

8.2 Annually, by May 1, an institution that has an agreement with a tribe shall submit a report to the Office of the Commissioner's Compliance Director outlining:

8.2.1 The institution's relationship with the tribe;

8.2.2 An overview of the agreement, including how it is designed to: support the tribe's members' access to higher education; improve retention, and certificate and degree completion rates; address higher education affordability; and/or create pathways for success from K-12 to higher education;

8.2.3 The institution's commitments under the agreement;

8.2.4 The progress the institution is making in fulfilling its commitments under the agreement, including impacts to students; and

8.2.5 If the institution has not made progress on one or more commitments required by the agreement, information about why it has not fulfilled those commitments, as well as the steps the institution is taking to ensure it is meeting its commitments moving forward.

R252-9 Applicability

9.1 Academic Freedom: This policy should not be interpreted to limit academic freedom as outlined in Board Policy R481-3.3, *Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review*, or to abridge the rights of individuals who are authorized to speak for the institution, to take, express, and assert personal opinions and positions in their personal capacities, consistent with First Amendment principles.

9.2 Student Clubs: This policy does not apply to informally associated student clubs that are not formal administrative units of the institution and should not be read to limit their ability to make statements recognizing tribes at meetings and events that are not sponsored by the institution.