



UTAH SYSTEM OF
HIGHER EDUCATION

MEMORANDUM

November 21, 2024

Board Policy Updates

As outlined below, the Commissioner recommends approval of two new Board policies and amendments to seven Board policies based on feedback from the Utah System of Higher Education institutions and the Office of the Commissioner's five-year policy review.

R266, Higher Education Disclosures

Board Policy R266 is recommended as a new Board policy. The new Board policy:

- Creates a Board policy to track [Administrative Rule R765-570](#) because the current administrative rule does not have a corresponding Board policy. [Administrative Rule R765-570](#) is required based on [Utah Code 53B-1-112](#). The updated administrative rule and the corresponding policy:
 - Removes the language stating UtahFutures.org is the statewide platform used for requirements in [Utah Code 53B-1-112\(3\)\(b\)](#);
 - Edits the language to state that the Board maintains static reports and a dashboard that are located on the Board's website to meet requirements in [Utah Code 53B-1-112\(3\)\(b\)](#); and
 - Incorporates other technical and non-substantive changes to align with current Board policies.

The Commissioner's office shared this policy with institutional general counsels for feedback.

R470, General Education

The following amendments to [Board Policy R470](#) are recommended based on feedback from USHE institutions and the General Education Task Force:

- Shifting the definitions of essential learning outcomes for specific General Education Areas from the body of the Board Policy R470 and into R470, *Appendix Essential Learning Outcomes*;
- Renaming the "General Education Task Force" the "General Education Council." The Task Force has been in existence for almost 30 years, so it is more accurate to recognize it as a standing system council; and
- Removing a clause in Board Policy R470 subsection 9.1.2 that has been causing unintended confusion. The subsection discusses the transferability of general education credits once students have earned passing grades in classes at the sending institution. The phrase "for general education purposes" at the end of the sentence could be interpreted as allowing institutions to set

a higher minimum passing grade in general education classes than the standard minimum passing grade. That interpretation was the opposite of the policy intention. Removing the clause is intended to eliminate that misinterpretation.

The Commissioner's office shared this policy with USHE institution faculty in the Area Working Groups, the General Education Task Force, and institution chief academic officers for feedback.

R470, *Appendix Essential Learning Outcomes*

In December 2023, the Board updated Board Policy R470. The policy called for new faculty committees known as Area Working Groups to update the essential learning outcomes of the General Education Area requirements and to move the learning outcomes out of the body of the policy and into an Appendix, which would allow for them to be updated on a regular basis to meet pedagogical demands. The updated R470, *Appendix Essential Learning Outcomes*, is that deliverable from the Area Working Groups.

The Commissioner's office shared the updated Appendix language with USHE institution faculty through the Area Working Groups and Faculty Major Committees, and through the General Education Task Force and institutional chief academic officers for feedback.

R475, *Common Course Numbers*

The following amendments to [Board Policy R475](#) are recommended:

- Clarifying how institutions may use courses with a 5000-level number. The current policy language says that 5000-level courses should only be used in limited circumstances. The proposed revision clarifies that "Credit from 5000 level coursework may be used for graduate certificates and to fulfill up to 12 credits of graduate degree requirements."

R481, *Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review*

The following amendment to [Board Policy R481](#) is recommended based on the Office of the Commissioner's five-year review:

- Changing the language in subsection 3.6.7 that allows an institution to remove a faculty member for cause from stating a faculty may be removed based on "substantially impaired performance for medical reasons for which accommodations have not been successful" to stating that a faculty member may be removed based on "substantially impaired performance".

The Commissioner's office shared this policy with institutional general counsels for feedback.

R541, *Management and Reporting of Institutional Investments*

The following amendments to [Board Policy R541](#) are recommended based on the Office of the Commissioner's five-year review:

- Changing the sentence that reads, “Each institution shall submit to the Board all subsequent changes in investment policy,” to “Each institution shall submit to the Board any substantive changes in its investment policy,” so that institutions only need to submit substantive changes to their institutions’ investment policies and procedures to the Board.

The Commissioner’s office shared this policy with institutional general counsels for feedback.

R853, *Transition and Retirement Provisions for the Commissioner and Presidents*

The following amendments to Board Policy R853 are recommended:

- Updating that reorientation leave and post-retirement benefits and privileges are subject, in part, to the limitation that if there are any outstanding credible reports received by the Office of the Commissioner of Higher Education or the Board related to alleged misconduct by the Chief Executive Officer, the Chief Executive Officer will be eligible for reorientation leave/post-retirement benefits and privileges only after the final resolution of those claims under the relevant policies and procedures (including a grievance process, if applicable), and only if there are no findings of serious misconduct by the Chief Executive Officer;”
- Updating the references to align with current Utah Code titles; and
- Non-substantive edits for clarity and consistency with other Board policies.

R854, *Regents Professorships*

The Board approved the repeal of Board Policy R854a during the October Board meeting because the policy is no longer applicable to any USHE institution president. [Board Policy R854](#) references the now repealed Board Policy R854a. The policy edits:

- Removes the references to Board Policy 854a; and
- Makes technical changes to align with other Board policies.

The Commissioner’s office shared this policy with institutional general counsels for feedback.

R1013, *Scope of the Data Breach Requirements in the Utah Government Privacy Act*

New Board Policy R1013 is recommended to outline the scope of state law requirements for data breaches.

The new Board policy:

- Outlines the scope of the data breach requirements in [Utah Code 63A, Chapter 19, Government Data Privacy Act](#), and [Utah Code 53B, Chapter 28, Part 5, Higher Education Student Data Protections Act](#), for the Board and USHE institutions.

The Commissioner’s office has shared this policy with institution data privacy officers and general counsels for feedback.

Commissioner's Recommendation

The Commissioner recommends that the Board approve two new Board policies and amend seven Board policies.

Attachments

- Attachment 1 – New Board Policy R266
- Attachment 2 – Redlined Board Policy R470
- Attachment 3 – Clean Board Policy R470
- Attachment 4 – Redlined Board Policy R470 (Appendix)
- Attachment 5 – Clean Board Policy R470 (Appendix)
- Attachment 6 – Redlined Board Policy R475
- Attachment 7 – Clean Board Policy R475
- Attachment 8 – Redlined Board Policy R481
- Attachment 9 – Clean Board Policy R481
- Attachment 10 – Redlined Board Policy R541
- Attachment 11 – Clean Board Policy R541
- Attachment 12 – Redlined Board Policy R853
- Attachment 13 – Clean Board Policy R853
- Attachment 14 – Redlined Board Policy R854
- Attachment 15 – Clean Board Policy R854
- Attachment 16 – New Board Policy R1013