



UTAH SYSTEM OF  
HIGHER EDUCATION

# MEMORANDUM

October 4, 2024

## University of Utah Public-Private Partnership for Student Housing

Board Policy R712, *Nontraditional Arrangements for Development of Facilities on Campuses*, requires the Utah Board of Higher Education to approve development projects on institutional land that are developed and owned by outside entities. The University of Utah requests authorization to contract with American Campus Communities (ACC) to develop and operate student housing on the U of U campus. The U of U decided to partner with ACC on this project following a months-long RFP process.

Additional information about the project is provided in the attached letters.

Subject to the contractual and construction provisions required under subsections 5.4 and 5.5 of the policy, the Board can authorize such an arrangement when the Attorney General's Office has advised that the specific proposal is within the Board's statutory authority to approve and when the following requirements have been met under subsection 5.1 through 5.3:

1. The proposed arrangement provides significant benefits to the program, students, faculty, or staff of the institution or serves a broad public interest that could not be served as well any other way.
2. The proposed outside developer/owner and the proposed use of the facility are proper and appropriate for the image and environment of the institution.
3. Compensation to the institution, either in cash or in-kind (or a combination thereof), is adequate to justify any financial considerations provided by the institution to the outside developer/user of the facility.

As outlined in its letter, the University meets the above requirements of Board policy.

The project was reviewed and approved by the U of U's Board of Trustees in its September 10, 2024, meeting.

The Attorney General's Office has provided a letter advising the Board that it has legal authority to authorize the project. If the Board authorizes the project, the Attorney General's Office will review the contracts as to form and legal authority, including to ensure that the requirements of Board Policy R712 sections 5.4 and 5.5 are met.

**Commissioner's Recommendation**

The Commissioner recommends the Board authorize the U of U to partner with ACC to develop and operate student housing as presented, subject to approval of the contracts as to form and legal authority by the Attorney General's Office.

**Attachments**

Attachment 1 – Letter from U of U

Attachment 2 – Letter from Attorney General's Office