



UTAH SYSTEM OF  
HIGHER EDUCATION

# MEMORANDUM

October 4, 2024

## Board Policy Updates

As outlined below, the Commissioner recommends approval of one new Board policy, amendments to two Board policies, and repeal of four Board policies based on the Office of the Commissioner's five-year policy review and requirements in state law.

### ***R253, Campus Discipline***

Board Policy R253 is recommended for repeal because this policy does not need to be maintained at a system level to preserve USHE institutional compliance and uniformity with state and federal law. The Board policy is duplicative of state and federal law requirements. Therefore, obligations in this Board policy that are required by state and/or federal law will be maintained at an institutional level.

The Office of the Commissioner shared this information with vice presidents of student affairs and institution general counsels for feedback.

### ***R257, Maintenance of Class Schedules***

Board Policy R257 is recommended for repeal because this policy does not need to be maintained at a system level to preserve USHE institutional compliance and uniformity with state and federal law. Therefore, obligations in this Board policy that are required by state and/or federal law will be maintained at an institutional level.

The Office of the Commissioner shared this information with vice presidents of student affairs and institution general counsels for feedback.

### ***R261, Parental Notification Regarding Alcohol and Drug Violations***

Board Policy R261 is recommended for repeal because this policy does not need to be maintained at a system level to preserve USHE institutional compliance and uniformity with state and federal law. The Board policy is duplicative of state and federal law requirements. Therefore, obligations in this Board policy that are required by state and/or federal law will be maintained at an institutional level.

The Office of the Commissioner shared this information with institution registrars, vice presidents of student affairs, and institution general counsels for feedback.

### ***R263, Institutional Policy Review***

The following amendments to Board Policy R263 are recommended based on the Office of the Commissioner's five-year policy review:

- Updating the references to align with current Utah Code titles;
- Updating the policy template to align with Utah administrative rules; and
- Non-substantive edits for clarity and consistency with other Board policies.

The Office of the Commissioner shared this information with institution general counsels for feedback.

### ***R402, Certificate and Degree Award Structures***

The following amendments to Board Policy R402 are recommended as part of the Board's efforts to ensure that academic credentials are structured in a way that facilitates student completion:

- Amendments in Board Policy R402, Table 1, currently allow Bachelor of Arts/Science and professional bachelor's degrees to range from 120-126 credits and Bachelor of Applied Science/Applied Studies to range from 90-126 credits. The amendments clarify that the bachelor's degrees should only exceed 120 credits if specifically required by program accreditation.

Certificates and degrees that fit within the parameters outlined in Board Policy R402 may be approved by institutional boards of trustees; programs that fall outside those parameters require Board of Higher Education approval. The amendments do not change the approval process for bachelor's degrees. Trustees may still approve programs beyond 120 credits and up to 126 credits when required by program accreditation. Programs longer than 126 credits will still require approval by the Board of Higher Education. The change just specifies that programs should not exceed 120 credits unless specifically required by program accreditation.

The Office of the Commissioner shared this information with presidents at degree-granting institutions and chief academic officers for feedback.

### ***R854a, Regents Professorships***

Board Policy R854a is recommended for repeal because the policy applies to commissioners or presidents hired prior to October 1, 2004. There are no individuals currently serving as a commissioner or president who were hired in their role prior to this date. Therefore, Board Policy R854, *Regents Professorships*, applies to all current presidents, and the Commissioner and Board Policy R854a can be repealed.

### ***R1012, Data Sharing between Institutions and the Board***

New Board Policy R1012 is recommended to formalize existing practices based on requirements in the Family Educational Rights and Privacy Act and the Utah state law for when USHE institutions report data to the Office of the Commissioner and the Board. The policy:

- Defines the legal purposes for which the Board and the Commissioner's office collect data and limits collection of personally identifiable student data to those purposes;

- Defines the legal authority under which institutions disclose data to the Board and the Commissioner's office;
- Requires the Board and the Commissioner's office to protect personally identifiable student data submitted by institutions to the Board or the Commissioner's office to protect that data in accordance with FERPA;
- Authorizes the Commissioner's office, in collaboration with institutions, to formalize data submission, protection, and redisclosure practices by establishing technical standards with which the Board, the Commissioner's office, and institutions must comply;
- Identifies authorized representatives of the Board for the purpose of compliance with the FERPA audit and evaluation exception and establishes procedures for designating other such representatives in accordance with 34 CFR section 99.35; and
- Requires institutions to modify their annual notices of FERPA rights to comply with the FERPA school officials exception under 34 CFR section 99.31(a)(1).

The Office of the Commissioner shared this information with institutional data privacy officers and general counsels for feedback.

### **Commissioner's Recommendation**

The Commissioner recommends that the Board approve one new Board policy, amend two Board policies, and repeal four Board policies as presented.

### **Attachments**

- Attachment 1 – Redlined Board Policy R253
- Attachment 2 – Redlined Board Policy R257
- Attachment 3 – Redlined Board Policy R261
- Attachment 4 – Redlined Board Policy R263
- Attachment 5 – Clean Board Policy R263
- Attachment 6 – Redlined Board Policy R402
- Attachment 7 – Clean Board Policy R402
- Attachment 8 – Redlined Board Policy R854a
- Attachment 9 – Clean New Board Policy R1012