

Utah Code -- Title 53B -- Chapter 17 -- University of Utah

53B-17-101. Legislative findings on public broadcasting and telecommunications for education.

The Legislature finds and determines the following:

(1) The University of Utah's Dolores Dore' Eccles Broadcast Center is the statewide public broadcasting and telecommunications facility for education in Utah.

(2) The center shall provide services to citizens of the state in cooperation with higher and public education, state and local government, and private industry.

(3) Distribution services provided through the center shall include KUED - TV, KUER - FM, and KUEN - TV.

(4) KUED - TV and KUER - FM are licensed to the University of Utah.

(5) The Utah Education Network's broadcast entity, KUEN - TV, is licensed to the Utah State Board of Regents and, together with UEN, is operated on behalf of the state's systems of public and higher education.

(6) All the entities referred to in Subsection (3) are under the administrative supervision of the University of Utah, subject to the authority and governance of the State Board of Regents.

(7) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of educational programs.

Amended by Chapter 150, 2006 General Session

53B-17-103. General powers of University of Utah related to public broadcasting and telecommunication for education.

(1) Subject to applicable rules of the Federal Communications Commission and the State Board of Regents, the University of Utah shall:

(a) serve as the state's provider of public television services, with programming from the Public Broadcasting Service and other syndicated and locally produced programs;

(b) serve as the state's primary provider of public radio services, with programming from National Public Radio and other syndicated and locally produced programs; and

(c) subject to Section **53B-7-103**, accept and use gifts and apply for and receive funds from federal and other sources to carry out the purposes of this part.

(2) Subject to future budget constraints, the Legislature shall provide an annual appropriation to operate KUED - TV.

(3) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of educational programs.

Amended by Chapter 150, 2006 General Session

53B-17-104. Responsibilities of KUED - TV, KUER - FM, and UEN related to public broadcasting and telecommunication for education.

(1) Subject to applicable rules of the Federal Communications Commission and Section **53B-17-102**, the State Board of Regents, the State Board of Education, and the University of Utah,

KUED - TV, KUER - FM, and UEN shall:

- (a) coordinate statewide services of public radio and television;
- (b) develop, maintain, and operate statewide distribution systems for KUED - TV, KUER - FM, and KUEN, the statewide distance learning service, the educational data network, connections to the Internet, and other telecommunications services appropriate for providing video, audio, and data telecommunication services in support of public and higher education, state government, and public libraries;
- (c) support the delivery of these services to as many communities as may be economically and technically feasible and lawfully permissible under the various operating licenses;
- (d) cooperate with state and local governmental and educational agencies and provide leadership and consulting service for telecommunication for education;
- (e) represent the state with privately owned telecommunications systems to gain access to their networks for the delivery of programs and services sponsored or produced by public and higher education;
- (f) acquire, produce, coordinate, and distribute a variety of programs and services of an educational, cultural, informative, and entertaining nature designed to promote the public interest and welfare of the state;
- (g) coordinate with the state system of higher education to acquire, produce, and distribute broadcast and nonbroadcast college credit telecourses, teleconferences, and other instructional and training services;
- (h) coordinate with the State Board of Education and school districts to acquire, produce, and distribute broadcast and nonbroadcast telecourses, teleconferences, and other instructional and training services to the public schools;
- (i) act as a clearing house for the materials, courses, publications, media, software, and other applicable information related to the items addressed in Subsections (1) (g) and (h);
- (j) coordinate with the State Board of Education to assist in providing the public schools of Utah with the following services:
 - (i) broadcast, during school hours, of educational and administrative programs recommended by the State Board of Education;
 - (ii) duplication and encoding of program masters for broadcast purposes; and
 - (iii) program previewing;
- (k) share responsibility with the State Board of Education for Instructional Television (ITV) awareness and utilization; and
- (l) provide teleconference and training services for state and local governmental agencies.

(2) UEN shall:

- (a) consult with the UEN steering committee authorized in Section **53B-17-102** and other technology coordinating committees established by the State Board of Education and State Board of Regents in acquiring, producing, and distributing instructional content;
- (b) coordinate the statewide development and implementation of the data network for education, which shall include video and audio, data connections, and connection to the Internet, utilizing satellite, microwave, fiber-optic, and other transmission media;
- (c) utilize statewide economic development criteria in the design and implementation of the educational telecommunications infrastructure; and
- (d) assure that public service entities such as educators, public service providers, and public broadcasters are provided access to the telecommunications infrastructures that are developed in the state.

(3) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of education programs.

Amended by Chapter 150, 2006 General Session

53B-1-101. Purpose of title.

It is the purpose of this title:

(1) to provide a high quality, efficient, and economical public system of higher education through centralized direction and master planning which:

(a) avoids unnecessary duplication;

(b) provides for the systematic and orderly development of facilities and quality programs;

(c) provides for coordination and consolidation; and

(d) provides for systematic development of the role or roles of each institution within the system of higher education consistent with the historical heritage and tradition of each institution;

(2) to vest in the State Board of Regents the power to govern the state system of higher education consistent with state law and delegate certain powers to institutional boards of trustees and institutional presidents, and to vest certain powers in institutional boards of trustees and institutional presidents.

Amended by Chapter 58, 1991 General Session

53B-1-101.5. Definitions.

As used in this title:

(1) "Board" means the State Board of Regents established in Section 53B-1-103.

(2) "Commissioner" means the commissioner of higher education appointed in accordance with Section 53B-1-105.

Enacted by Chapter 5, 2001 Special Session 1

53B-1-102. State system of higher education.

(1) The state system of higher education consists of the following institutions:

(a) State Board of Regents;

(b) the University of Utah;

(c) Utah State University of Agricultural and Applied Science, hereafter referred to in this title as Utah State University;

(d) Weber State University;

(e) Southern Utah University;

(f) Snow College;

(g) Dixie State College of Utah;

(h) the College of Eastern Utah;

(i) Utah Valley University;

(j) Salt Lake Community College;

(k) the Utah College of Applied Technology; and

(l) other public post-high school educational institutions as the Legislature may designate.

(2) A change in the name of an institution within the system of higher education shall not be considered a change in the role or mission of the institution, unless otherwise authorized by the State Board of Regents.

(3) It is not the intent of the Legislature to increase the number of research universities in the state beyond the University of Utah and Utah State University.

(4) These institutions are empowered to sue and be sued and to contract and be contracted with.

Amended by Chapter 356, 2007 General Session

53B-1-103. Establishment of State Board of Regents -- Powers and authority.

- (1) There is established a State Board of Regents.
- (2) (a) The board is vested with the control, management, and supervision of the institutions of higher education designated in Section **53B-1-102** in a manner consistent with the policy and purpose of this title and the specific powers and responsibilities granted to it.
- (b) The board is vested with the following powers relating to the Utah College of Applied Technology and its college campuses:
 - (i) approving each competency-based associate of applied technology degree before allowing a college campus to offer the degree;
 - (ii) making rules governing the transfer of applied technology education degrees awarded by the Utah College of Applied Technology to other higher education institutions;
 - (iii) appointing the president for the Utah College of Applied Technology in accordance with Section **53B-2a-102** and board policy; and
 - (iv) facilitating and coordinating the operation of the Utah College of Applied Technology within the system of higher education.
- (c) Except for the Utah College of Applied Technology, the board may modify the name of an institution under its control and management, as designated in Section **53B-1-102**, to reflect the role and general course of study of the institution.
- (3) The board is the State Postsecondary Review Entity for Utah for purposes of Title IV, Part H, of the federal Higher Education Act of 1965, as amended by the Higher Education Act Amendments of 1992.
- (4) This section does not affect the power and authority vested in the State Board of Education to apply for, accept, and manage federal appropriations for the establishment and maintenance of applied technology education.

Amended by Chapter 289, 2003 General Session

53B-1-103. Establishment of State Board of Regents -- Powers and authority.

- (1) There is established a State Board of Regents.
- (2) (a) The board is vested with the control, management, and supervision of the institutions of higher education designated in Section **53B-1-102** in a manner consistent with the policy and purpose of this title and the specific powers and responsibilities granted to it.
- (b) The board is vested with the following powers relating to the Utah College of Applied Technology and its college campuses:
 - (i) approving each competency-based associate of applied technology degree before allowing a college campus to offer the degree;
 - (ii) making rules governing the transfer of applied technology education degrees awarded by the Utah College of Applied Technology to other higher education institutions;
 - (iii) appointing the president for the Utah College of Applied Technology in accordance with Section **53B-2a-102** and board policy; and
 - (iv) facilitating and coordinating the operation of the Utah College of Applied Technology

- (b) At the request of an institution, the Utah Bureau of Criminal Identification shall:
- (i) release the individual's full record of criminal convictions to the administrator requesting the information; and
 - (ii) seek additional information from regional or national criminal data files in responding to inquiries under this section.
- (c) 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.
- (d) Except as provided in Subsection (7), the institution shall pay the cost of background checks conducted by the Utah Bureau of Criminal Identification, and the monies collected shall be credited to the Utah Bureau of Criminal Identification to offset its expenses.
- (7) The board may by policy require an applicant to pay the costs of a criminal background check as a condition of employment.
- (8) The applicant or employee shall have an opportunity to respond to any information received as a result of the criminal background check.
- (9) If a person is denied employment or is dismissed from employment because of information obtained through a criminal background check, the person shall receive written notice of the reasons for denial or dismissal and have an opportunity to respond to the reasons under procedures established by the board in policy.

Enacted by Chapter 248, 2007 General Session

53B-2-101. Institutions of higher education -- Corporate bodies -- Powers.

(1) The following institutions of higher education are bodies politic and corporate with perpetual succession and with all rights, immunities, and franchises necessary to function as such:

- (a) the University of Utah;
- (b) Utah State University;
- (c) Weber State University;
- (d) Southern Utah University;
- (e) Snow College;
- (f) Dixie State College of Utah;
- (g) the College of Eastern Utah;
- (h) Utah Valley University;
- (i) Salt Lake Community College; and
- (j) the Utah College of Applied Technology.

(2) (a) Each institution may have and use a corporate seal and may, subject to Section 53B-20-103, take, hold, lease, sell, and convey real and personal property as the interest of the institution requires.

(b) Each institution is vested with all the property, franchises, and endowments of, and is subject to, all the contracts, obligations, and liabilities of its respective predecessor.

(c) (i) Each institution may enter into business relationships or dealings with private seed or venture capital entities or partnerships consistent with Utah Constitution Article VI, Section 29, Subsection (2).

(ii) A business dealing or relationship entered into under Subsection (2)(c)(i) does not

preclude the private entity or partnership from participating in or receiving benefits from a venture capital program authorized or sanctioned by the laws of this state, unless otherwise precluded by the specific law that authorizes or sanctions the program.

(iii) Subsections (2)(c)(i) and (ii) also apply to the Utah College of Applied Technology created in Title 53B, Chapter 2a, Utah College of Applied Technology.

Amended by Chapter 356, 2007 General Session

53B-2-102. Board to appoint president for each institution.

The board, after consulting with the institution's board of trustees, appoints a president for each institution in the state system of higher education who serves at its pleasure and at such salary as it may determine.

Amended by Chapter 58, 1991 General Session

53B-2-103. Boards of trustees -- Powers and duties.

(1) Each college and university has a board of trustees which may act in behalf of its institution in performing duties, responsibilities, and functions as may be specifically authorized to the board of trustees by the State Board of Regents.

(2) A board of trustees has the following powers and duties:

- (a) facilitates communication between the institution and the community;
- (b) assists in planning, implementing, and executing fund raising and development projects aimed at supplementing institutional appropriations;
- (c) perpetuates and strengthens alumni and community identification with the institution's tradition and goals; and
- (d) selects recipients of honorary degrees.

Amended by Chapter 58, 1991 General Session

53B-2-104. Memberships of board of trustees -- Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees -- Compensation.

(1) (a) The board of trustees of an institution of higher education consists of the following:
(i) eight persons appointed by the governor and approved by the Senate; and
(ii) two ex officio members who are the president of the institution's alumni association, and the president of the associated students of the institution.

(b) The appointed members of the boards of trustees for Utah Valley University and Salt Lake Community College shall be representative of the interests of business, industry, and labor.

(2) (a) The governor shall appoint four members of each board of trustees during each odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

(b) An appointed member holds office until a successor is appointed and qualified.

(c) The ex officio members serve for the same period as they serve as presidents and until their successors have qualified.

(3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(4) (a) Each member shall take the official oath of office prior to assuming the office.

(b) The oath shall be filed with the Division of Archives and Records Services.

(5) Each board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.

(6) (a) Each board of trustees may enact bylaws for its own government, including provision for regular meetings.

(b) (i) The board of trustees may provide for an executive committee in its bylaws.

(ii) If established, the committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.

(iii) The committee may act on nonroutine matters only under extraordinary and emergency circumstances.

(iv) The committee shall report its activities to the board of trustees at its next regular meeting following the action.

(c) Copies of the board of trustees' bylaws shall be filed with the board.

(7) A quorum is required to conduct business and consists of six members.

(8) A board of trustees may establish advisory committees.

(9) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections **63A-3-106** and **63A-3-107**.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections **63A-3-106** and **63A-3-107**.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections **63A-3-106** and **63A-3-107**.

(ii) Higher education members may decline to receive per diem and expenses for their service.

(10) This section does not apply to the Utah College of Applied Technology.

Amended by Chapter 356, 2007 General Session

53B-2-105. Consultation with boards of trustees.

(1) The board shall consult with the board of trustees or the president of the institution or both of them prior to acting on matters pertaining to the institution.

(2) The board may do the following:

(a) call meetings with one or more of the several boards of trustees;

(b) invite other groups to meet with it; and

(c) appoint committees, including members of boards of trustees, administrators, faculty staff members, and students to perform duties assigned by the board.

Amended by Chapter 58, 1991 General Session

53B-2-106. Duties and responsibilities of the president of each institution -- Approval by board of trustees.

(1) The president of each institution may exercise grants of power and authority as delegated by the board, as well as the necessary and proper exercise of powers and authority not specifically denied to the institution, its administration, faculty, or students by the board or by law, to assure the effective and efficient administration and operation of the institution consistent with the statewide master plan for higher education.

(2) Except as provided by the board, the president of each institution, with the approval of the institution's board of trustees may:

(a) (i) appoint a secretary, a treasurer, administrative officers, deans, faculty members, and other professional personnel, prescribe their duties, and determine their salaries;

(ii) appoint support personnel, prescribe their duties, and determine their salaries from the institution's position classification plan, which may:

(A) be based upon similarity of duties and responsibilities within the institution; and

(B) as funds permit, provide salary and benefits comparable with private enterprise;

(iii) adopt policies for:

(A) employee sick leave use and accrual; and

(B) service recognition for employees with more than 15 years of employment with the institution;

(iv) subject to the authority of, policy established by, and the approval of the board of regents, and recognizing the status of the institutions within the state system of higher education as bodies politic and corporate, appoint attorneys to provide legal advice to the institution's administration and to coordinate legal affairs within the institution. The board of regents shall coordinate activities of attorneys at the institutions of higher education. The institutions shall provide an annual report to the board of regents on the activities of appointed attorneys. These appointed attorneys may not conduct litigation, settle claims covered by the State Risk Management Fund, or issue formal legal opinions but shall, in all respects, cooperate with the Office of the Attorney General in providing legal representation to the institution;

(b) provide for the constitution, government, and organization of the faculty and administration, and enact implementing rules, including the establishment of a prescribed system of tenure;

(c) authorize the faculty to determine the general initiation and direction of instruction and of the examination, admission, and classification of students. In recognition of the diverse nature and traditions of the various institutions governed by the board, the systems of faculty government need not be identical but should be designed to further faculty identification with and involvement in the institution's pursuit of achievement and excellence and in fulfillment of the institution's role as established in the statewide master plan for higher education; and

(d) enact rules for administration and operation of the institution which are consistent with the prescribed role established by the board, rules enacted by the board, or the laws of the state. The rules may provide for administrative, faculty, student, and joint committees with jurisdiction over specified institutional matters, for student government and student affairs organization, for the establishment of institutional standards in furtherance of the ideals of higher education fostered and subscribed to by the institution, its administration, faculty, and students, and for the holding of classes on legal holidays, other than Sunday.

(3) Compensation costs and related office expenses for appointed attorneys shall be

funded within existing budgets.

(4) The State Board of Regents shall establish guidelines relating to the roles and relationships between institutional presidents and boards of trustees, including those matters which must be approved by a board of trustees before implementation by the president.

(5) This section does not apply to the Utah College of Applied Technology.

Amended by Chapter 5, 2001 Special Session 1

53B-2-107. Appropriations reallocation.

(1) Notwithstanding the requirements of Title 63, Chapter 38, Budgetary Procedures Act, appropriations for the support of higher education for the fiscal year beginning July 1, 2001 and ending June 30, 2002, may be reallocated between line items as provided in this section.

(2) (a) The president of the University of Utah may reallocate between line items the appropriations:

(i) described in Items 143-150 and Item 152 in Chapter 334, Laws of Utah 2001; and

(ii) as modified by:

(A) H.B. 1, 2002 General Session; and

(B) H.B. 3, 2002 General Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.

(3) (a) The president of Utah State University may reallocate between line items the appropriations:

(i) described in Items 154-166 in Chapter 334, Laws of Utah 2001; and

(ii) as modified by:

(A) H.B. 1, 2002 General Session; and

(B) H.B. 3, 2002 General Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.

(4) (a) The president of Weber State University may reallocate between line items the appropriations:

(i) described in Items 168 and 169 in Chapter 334, Laws of Utah 2001; and

(ii) as modified by:

(A) H.B. 1, 2002 General Session; and

(B) H.B. 3, 2002 General Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.

(5) (a) The president of Southern Utah University may reallocate between line items the appropriations:

(i) described in Items 170-172 in Chapter 334, Laws of Utah 2001; and

(ii) as modified by:

(A) H.B. 1, 2002 General Session; and

(B) H.B. 3, 2002 General Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.

(6) (a) The president of Snow College may reallocate between line items the appropriations:

(i) described in Items 173-175 in Chapter 334, Laws of Utah 2001; and