

**Index Utah Code**  
**Title 53B State System of Higher Education**  
**Chapter 1 Governance, Powers, Rights, and Responsibilities**  
**Part 4 Utah Board of Higher Education**  
**Section 402 Establishment of board -- Powers, duties, and authority -- Reports. (Effective 7/1/2023)**

**Effective 7/1/2023**

**53B-1-402. Establishment of board -- Powers, duties, and authority -- Reports.**

- (1) (a) There is established the Utah Board of Higher Education, which:
  - (i) is the governing board for the institutions of higher education;
  - (ii) controls, oversees, and regulates the Utah system of higher education in a manner consistent with the purpose of this title and the specific powers and responsibilities granted to the board; and
- (b) (i) The University of Utah shall provide administrative support for the board.
  - (ii) Notwithstanding Subsection (1)(b)(i), the board shall maintain the board's independence, including in relation to the powers and responsibilities granted to the board.
- (2) The board shall:
  - (a) establish and promote a state-level vision and goals for higher education that emphasize data-driven retrospective and prospective system priorities, including:
    - (i) quality;
    - (ii) affordability;
    - (iii) access and equity;
    - (iv) completion;
    - (v) workforce alignment and preparation for high-quality jobs; and
    - (vi) economic growth;
  - (b) establish system policies and practices that advance the vision and goals;
  - (c) establish metrics to demonstrate and monitor:
    - (i) performance related to the goals; and
    - (ii) performance on measures of operational efficiency;
  - (d) collect and analyze data including economic data, demographic data, and data related to the metrics;
  - (e) govern data quality and collection across institutions;
  - (f) establish, approve, and oversee each institution's mission and role in accordance with Section 53B-16-101;
  - (g) assess an institution's performance in accomplishing the institution's mission and role;
  - (h) participate in the establishment and review of programs of instruction in accordance with Section 53B-16-102;
  - (i) perform the following duties related to an institution of higher education president, including:
    - (i) appointing an institution of higher education president in accordance with Section 53B-2-102;
    - (ii) through the commissioner and the board's executive committee:
      - (A) providing support and guidance to an institution of higher education president; and
      - (B) evaluating an institution of higher education president based on institution performance and progress toward systemwide priorities;
    - (iii) setting the terms of employment for an institution of higher education president, including performance-based compensation, through an employment contract or another method of establishing employment; and
    - (iv) establishing, through a public process, a statewide succession plan to develop potential institution presidents from within the system;
  - (j) create and implement a strategic finance plan for higher education, including by:
    - (i) establishing comprehensive budget and finance priorities for academic education and technical education;
    - (ii) allocating statewide resources to institutions;
    - (iii) setting tuition for each institution;
    - (iv) administering state financial aid programs;
    - (v) administering performance funding in accordance with Chapter 7, Part 7, Performance Funding; and
    - (vi) developing a strategic capital facility plan and prioritization process in accordance with Chapter 22, Part 2, Capital Developments, and Sections 53B-2a-117 and 53B-2a-118;
  - (k) create and annually report to the Higher Education Appropriations Subcommittee on a seamless articulated education system for Utah students that responds to changing demographics and workforce, including by:
    - (i) providing for statewide prior learning assessment, in accordance with Section 53B-16-110;
    - (ii) establishing and maintaining clear pathways for articulation and transfer, in accordance with Section 53B-16-105;
    - (iii) establishing degree program requirement guidelines, including credit hour limits;
    - (iv) aligning general education requirements across degree-granting institutions;
    - (v) coordinating and incentivizing collaboration and partnerships between institutions in delivering programs;
    - (vi) coordinating distance delivery of programs;
    - (vii) coordinating work-based learning; and
    - (viii) emphasizing the system priorities and metrics described in Subsections (2)(a) and (c);
  - (l) coordinate with the public education system:
    - (i) regarding public education programs that provide postsecondary credit or certificates; and
    - (ii) to ensure that an institution of higher education providing technical education serves secondary students in the public education system;
  - (m) delegate to an institution board of trustees certain duties related to institution governance including:
    - (i) guidance and support for the institution president;
    - (ii) effective administration;
    - (iii) the institution's responsibility for contributing to progress toward achieving systemwide goals; and
    - (iv) other responsibilities determined by the board;
  - (n) delegate to an institution of higher education president management of the institution of higher education;
  - (o) consult with an institution of higher education board of trustees or institution of higher education president before acting on matters pertaining to the institution of higher education;
  - (p) maximize efficiency throughout the Utah system of higher education by identifying and establishing shared administrative services, beginning with:
    - (i) commercialization;
    - (ii) services for compliance with Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.;
    - (iii) information technology services; and
    - (iv) human resources, payroll, and benefits administration;
  - (q) develop strategies for providing higher education, including career and technical education, in rural areas;
  - (r) manage and facilitate a process for initiating, prioritizing, and implementing education reform initiatives, beginning with common applications and direct admissions;
  - (s) provide ongoing quality review of programs ; and
  - (t) before each annual legislative general session, provide to the Higher Education Appropriations Subcommittee a prioritization of all projects and proposals for which the board or an institution of higher education seeks an appropriation.
- (3) The board shall submit an annual report of the board's activities and performance against the board's goals and metrics to:
  - (a) the Education Interim Committee;
  - (b) the Higher Education Appropriations Subcommittee;
  - (c) the governor; and
  - (d) each institution of higher education.
- (4) The board shall prepare and submit an annual report detailing the board's progress and recommendations on workforce related issues, including career and technical education, to the governor and to the Legislature's Education Interim Committee by October 31 of each year, including information detailing:
  - (a) how institutions of higher education are meeting the career and technical education needs of secondary students;
  - (b) how the system emphasized high demand, high wage, and high skill jobs in business and industry;
  - (c) performance outcomes, including:
    - (i) entered employment;
    - (ii) job retention; and
    - (iii) earnings;
  - (d) an analysis of workforce needs and efforts to meet workforce needs; and
  - (e) student tuition and fees.
- (5) The board may modify the name of an institution of higher education to reflect the role and general course of study of the institution.
- (6) The board may not take action relating to merging a technical college with another institution of higher education without legislative approval.
- (7) 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 career and technical education.
- (8) The board shall ensure that any training or certification that an employee of the higher education system is required to complete under this title or by board rule complies with Title 63G, Chapter 22, State Training and Certification Requirements.
- (9) The board shall adopt a policy requiring institutions to provide at least three work days of paid bereavement leave for an employee:
  - (a) following the end of the employee's pregnancy by way of miscarriage or stillbirth; or
  - (b) following the end of another individual's pregnancy by way of a miscarriage or stillbirth, if:
    - (i) the employee is the individual's spouse or partner;
    - (ii) (A) the employee is the individual's former spouse or partner; and (B) the employee would have been a biological parent of a child born as a result of the pregnancy;
    - (iii) the employee provides documentation to show that the individual intended for the employee to be an adoptive parent, as that term is defined in Section 78B-6-103, of a child born as a result of the pregnancy; or
    - (iv) under a valid gestational agreement in accordance with Title 78B, Chapter 15, Part 8, Gestational Agreement, the employee would have been a parent of a child born as a result of the pregnancy.

Amended by Chapter 254, 2023 General Session

Proposed 2024 General Session legislation affecting section 53B-1-402: 2nd Sub. H.B. 248, H.B. 278, H.B. 310, S.B. 192, 2nd Sub. S.B. 192, 3rd Sub. S.B. 192, 4th Sub. S.B. 192

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