

# R601, Board of Directors of the Utah Higher Education Assistance Authority<sup>1</sup>

**R601-1. Purpose:** To provide for a subsidiary Board of Directors for the Utah Higher Education Assistance Authority (UHEAA), the members of which are appointed by and serve at the pleasure of the Board of Regents, to exercise delegated responsibility for oversight and governance of the student financial aid programs on behalf of the Board of Regents.

## R601-2. References

- 2.1. Utah Code **Title 53B, Chapter 12** (Higher Education Assistance Authority) Chapter 12 designates the State Board of Regents to constitute the Utah Higher Education Assistance Authority (UHEAA), and in that capacity grants to it the general authorities for operation of student aid programs and to enter into agreements with the Federal Government, in particular with reference to the operation of a student loan guarantee program and related functions.
- 2.2. Utah Code **Title 53B, Chapter 8a** (Higher Education Savings Incentive Program) designates the Board of Regents acting in its capacity as the Utah Higher Education Assistance Authority to be the board of directors of the Utah Educational Savings Plan Trust.
- 2.3. Utah Code **Title 53B, Chapter 11** (Student Loan Program) Chapter 11 grants to the Board of Regents several authorities related to operation of student loan programs.
- 2.4. Utah Code **Title 53B, Chapter 13** (Higher Education Loan Act) Chapter 13 provides specific authorities for the Board of Regents to issue student loan revenue bonds, and to make and purchase student loans. The Board operates its Loan Purchase Program under this authority, whereby it purchases Federal Family Education Loan Program (FFELP) student and parent loans guaranteed by UHEAA, originates FFELP Consolidation Loans, and may as necessary directly originate student and parent loans.
- 2.5. Utah Code **Title 53B, Chapter 13a** (Higher Education Success Stipend Program) Chapter 13a establishes the Higher Education Success Stipend Program (HESSP), to provide state-supported need-based grants and work-study stipends for Utah residents attending Utah postsecondary institutions, and designates the Board of Regents as the governing authority for HESSP.
- 2.6. Utah Code **Title 53B, Chapter 7, Part 5** (Higher Education Tuition Assistance Program). Chapter 7, Part 5 establishes a program of need-based grants to higher education students at community colleges, branch campuses, and centers of the Utah System of Higher Education.
- 2.7. Utah Code **53B-6-105.7** (Engineering, Computer Science, and Related Technology Scholarship Program). Utah Code **53B-6-105.7** establishes within the Engineering and Technology Initiative the Engineering, Computer Science, and Related Technology Scholarship Program to recruit, retain and train engineering, computer science, and related technology students.
- 2.8. Utah Code **Title 53B, Chapter 10** (Terrel H. Bell Teaching Incentive Loans Program) to recruit outstanding students to teach in prioritized critical areas of need in Utah's public schools, as defined by the Utah State Office of Education's criticality index, and to recognize teaching as a positive career choice.

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<sup>1</sup> Adopted December 14, 1982, amended July 12, 1985, July 11, 1986, June 19, 1987, April 26, 1991, July 17, 1992, November 5, 1993, December 15, 1995, August 1, 1996, May 29, 1998, October 16, 1998, April 20, 2001, and March 27, 2009, and May 20, 2011. Renumbered from R610 to R601 December 2002.

2.9. Utah Code 52B-8-105, (The New Century Scholarship Program) a scholarship which is awarded to Utah high school graduates who complete the requirements for an associate degree or the math and science curriculum at a regionally accredited institution within the Utah State System of Higher Education with at least a "B" (3.0) grade point average by student's high school graduation date, and complete the high school graduation requirements of a Utah high school with at least a 3.5 cumulative grade point average.

2.10. Utah Code 53B-8-108 et seq. (Regents' Scholarship Program) to encourage all Utah high school students to take a rigorous high school curriculum that will successfully prepare them for postsecondary education and the demands of the modern workforce; to provide incentives for all Utah high school students to prepare academically and financially for postsecondary education; to motivate high school students to work hard through the senior year; to increase the numbers of Pell Grant-eligible students qualifying for federal Academic Competitiveness Grants; and to increase the numbers of Utahns enrolling in Utah colleges and universities.

2.11. Policy and Procedure R615, UHEAA Grant: The UHEAA Grant is a need-based grant awarded to qualified students who have demonstrated substantial financial need and are making satisfactory academic progress, as defined by the institution. It can be awarded as part of an institutional packaging of need-based aid or emergency awards for students experiencing unanticipated personal or family financial difficulties.

2.12. Policy and Procedure R616, Minority Scholarships: Legislative supplemental appropriations provide scholarships to Utah resident minority students attending a USHE institution. The scholarships are designed to increase the participation levels of minority students in postsecondary education.

### R601-3. Policy

**3.1. Create a Subsidiary Board:** The Utah State Board of Regents (Board of Regents), in its statutory authority as the Utah Higher Education Assistance Authority (UHEAA), as authorized by the State Legislature (Utah Code §53B-12-102), hereby creates a subsidiary Board of Directors for UHEAA (UHEAA Board), the members of which are appointed by the Chair of the Board of Regents and serve at the pleasure of the Board of Regents. The volume of outstanding student loans guaranteed by UHEAA and loans owned by the Board of Regents, together with the scope of responsibilities involved in administration of the Utah Educational Savings Plan Trust and the other financial aid programs, require more continuous and intensive policy and operational oversight than reasonably can be given by the Board of Regents. In addition, consolidated administrative and oversight responsibility for all student financial aid programs under the organizational name of UHEAA can foster most effective coordination and communication with institutions of postsecondary education, and with lenders participating in the student loan programs.

**3.2. Subsidiary Board Established:** The Board of Regents, through the Commissioner of Higher Education, assigns administrative and operational responsibility for all student financial aid programs, including college savings programs, to a division of the Office of the Commissioner of Higher Education, and hereby assigns oversight and governance responsibilities for such programs (except functions specifically reserved for direct action by the Board of Regents) to the UHEAA Board of Directors.

**3.3. Authorized Responsibilities and Functions:** The appointed UHEAA Board of Directors is authorized to exercise only the UHEAA responsibilities and functions of the Board of Regents which are expressly delegated to it by the Board of Regents, and the Board of Regents retains the power to reassume for itself those responsibilities and functions, in whole or part, at any time. Responsibilities and functions delegated to the UHEAA Board of Directors include those which are statutorily assigned to the Board of Regents in its capacity as UHEAA and those for other student financial aid program functions of the Board of Regents.

**3.4. UHEAA Board to Report to and Serve at the Pleasure of the Board of Regents:** The UHEAA Board of Directors shall report to and serve at the pleasure of the Board of Regents, and shall have the specific duty and obligation to provide the entire Board of Regents with complete and timely information as to all of its activities, decisions, policies, and recommendations.

### **3.5. Membership, Method of Appointment and Terms of UHEAA Board**

**3.5.1.** Officers and members of the UHEAA Board of Directors serving as of March 19, 2009 shall continue to serve through May 19, 2011.

**3.5.2.** Effective May 20, 2011, the UHEAA Board of Directors shall consist of thirteen members, four of whom shall be members by virtue of their other offices, and nine of whom shall be appointed by the Chair of the Board of Regents, as follows:

**3.5.2.1.** The Chair of the Board of Regents Finance and Facilities Committee, the Commissioner of Higher Education, the Associate Commissioner for Finance and Facilities, and the Associate Commissioner for Student Financial Aid shall be members ex officio, with vote.

**3.5.2.2.** The Chair of the Board of Regents shall appoint nine members who are residents of Utah, with the following qualifications—(a) three shall be members of the Board of Regents; (b) two shall be senior-level administrators in Utah institutions of postsecondary education, with experience in business affairs or general administration; and (c) four shall be citizen members with special expertise in finance, student financial aid, government or public administration. The appointed members shall serve until replaced by appointment of a successor by the Chair of the Board of Regents. When any appointed member resigns, ceases to be a resident of Utah, or ceases to hold the office on the basis of which the member was appointed (if applicable), the Chair of the Board of Regents shall appoint a replacement with comparable qualifications to fill the member's unexpired term.

### **3.6. Powers, Duties, and Responsibilities of the UHEAA Board**

**3.6.1.** The UHEAA Board of Directors is authorized to exercise on behalf of the Board of Regents all of the powers, duties, and responsibilities of the Utah Higher Education Assistance Authority, including the administration of the student loan guarantee program under Utah Code [Title 53B, Chapter 12](#), and the Utah Educational Savings Plan Trust under Utah Code [Title 53B, Chapter 8a](#). This delegation includes authority for strategic planning, approval of budgets, and adoption of program policies and administrative rules.

**3.6.2.** In addition, the UHEAA Board of Directors is authorized to govern on behalf of the Board of Regents, including strategic planning and adoption of budgets for

**3.6.2.1.** The State Board of Regents Loan Purchase Program (secondary market for and origination of student loans), except that the Board of Regents as required by statute reserves to itself all powers and responsibilities which specifically relate to the approval and execution of bond resolutions, notes, certificates, or other documentation for the incurring of indebtedness to fund the purchase or origination of student and parent loans;

**3.6.2.2.** The Higher Education Success Stipend Program under Utah Code [Title 53B, Chapter 13a](#);

3.6.2.3. The Higher Education Tuition Assistance Program under Utah Code <http://www.le.state.ut.us/UtahCode/section.jsp?code=53B-7> Title 53B, Chapter 7 Part 5;

3.6.2.4. The Utah Engineering, Computer Science, and Related Technology Scholarship Program under Utah Code 53B-6-105.7;

3.6.2.5. UHEAA Grant program, R615, UHEAA Grant; and

3.6.2.6. Minority Scholarships, R616, Minority Scholarships.

3.6.3. The UHEAA Board is authorized to provide operational support services for:

3.6.3.1. The Terrel H. Bell Teaching Incentive Loans Program Utah Code Title 53B, Chapter 10;

3.6.3.2. The New Century Scholarship Program Utah Code 52B-8-105; and

3.6.3.3. The Regents' Scholarship Program Utah Code 53B-8-108 through 111.

3.6.4. The UHEAA Board of Directors shall perform the same functions for the Student Loan Guarantee Program, the Loan Purchase Program, the Utah Educational Savings Plan Trust, and the Higher Education Tuition Assistance Program that are performed under the Utah Money Management Act by Boards of Trustees of institutions of the Utah System of Higher Education, and shall establish a Student Finance Subcommittee from its membership, which shall be directly responsible, reporting directly to the Board of Regents through its Finance and Facilities Committee, for oversight and advice regarding bond issues and other financing arrangements for the Loan Purchase Program.

3.6.5. The Board of Directors shall adopt its own bylaws and determine its own procedures.

**3.7. Staff Support:** Staff support for the Board of Directors shall be provided by the Associate Commissioner for Student Financial Aid.

**3.8. Frequency of Meetings, Per Diem and Travel Expenses:** The Board of Directors shall meet as it may determine to be necessary in order to fulfill its responsibilities. Board members who are not higher education or state government employees shall receive per diem for meeting days at the same rate and under the same criteria as per diem paid to Regents. Members other than employees of the Office of the Commissioner of Higher Education (OCHE) shall receive reimbursement for travel to meeting locations in accordance with Board of Regents travel reimbursement policies. Per diem and travel expenses for Board members shall be paid from Loan Purchase Program administrative funds. Travel expenses for members who are employees of the Office of the Commissioner of Higher Education shall receive travel expenses for travel to meeting locations other than the Board of Regents office, reimbursed by the appropriate OCHE cost center(s).

**3.9. Periodic Reports to the Board of Regents** -The Board of Directors shall provide periodic reports through the Finance and Facilities Committee on matters for which it is responsible, including strategic developments and considerations affecting the student financial aid programs. Also, the Board of Directors shall forward strategic issues for Board of Regents consideration either on its own initiative or as requested by the Chair of the Board of Regents.



**Utah System of Higher Education  
Wednesday, December 1, 2021**

**EXECUTIVE COMMITTEE MEETING  
MINUTES**

**Board Members Present**

Harris H. Simmons, Chair  
Nina R. Barnes, Vice-Chair  
Lisa Michele Church  
Arthur Newell  
Wilford Clyde  
Shawn Newell

**Board Members Absent**

Aaron Osmond, Vice Chair

**Office of the Commissioner**

Dave Woolstenhulme, Commissioner of Higher Education  
Geoffrey Landward, Deputy Commissioner and General Counsel  
Brynn Fronk, Executive Assistant to the Board of Higher Education  
Malissa Jones, Office Manager

*UHEAA Board Membership*

Geoff Landward reviewed the Board bylaws that allows the Board Executive Committee to take action on behalf of the Board. Board member Church stated they need to replace members of the UHEAA Board that have rolled off. **Board member Church made a motion that the UHEAA Board membership include Chair Simmons, Board member Church, Board member Arthur Newell, Commissioner Woolstenhulme, Steve Nadauld, and Lori Chillingworth. Vice-Chair Barnes seconded the motion and the motion passed.**

The meeting adjourned at 7:40 a.m.

A handwritten signature in black ink, appearing to read "Geoffrey Landward", written over a horizontal line.

Geoffrey Landward, Secretary

Date Approved: January 14, 2022