

Utah Valley University Board of Trustees Meeting
June 22, 2017
4:00pm SC 213c

Tab	Agenda	Notes
	<p><u>I. Action</u></p> <ol style="list-style-type: none"> 1. Resolutions of Appreciation <ol style="list-style-type: none"> a. Anne-Marie Wright Lampropoulos <i>Elaine Dalton, Chair</i> b. Ron Humphries <i>R. Duff Thompson, 1st Vice-Chair</i> 2. New Trustee Oaths <i>Elaine Dalton, Chair</i> <ol style="list-style-type: none"> a. Paul H. Thompson b. Rob Smith, Student Body President 3. Board Leadership Elections <i>Elaine Dalton, Chair</i> 4. April 20 Executive Committee Vote Ratification <i>Elaine Dalton, Chair</i> <ol style="list-style-type: none"> a. Campus Drive Realignment b. Palos Verdes Property Purchase c. Capitol Reef Field Station Classroom Building <u>A</u> 5. Requisitions <i>Cabinet Members as Assigned</i> <ol style="list-style-type: none"> a. ROK Archive Materials - \$215,000 b. Workers Compensation Insurance - \$600,000 <u>B</u> 6. Policies <i>Cabinet Members as Assigned</i> <ol style="list-style-type: none"> a. Policy 107 Internal Investigations b. Freedom of Speech Bundle <ul style="list-style-type: none"> Policy 161 Freedom of Speech Policy 544 Scheduling Peaceful Assemblies c. Conduct Policy Bundle <ul style="list-style-type: none"> Policy 162 Sexual Misconduct Policy 165 Discrimination, Harassment, and Affirmative Action d. Travel Policy Bundle <ul style="list-style-type: none"> Policy 251 Traveling on University Business Policy 252 International Travel for Students, Faculty, and Staff e. Academic Policy Bundle <ul style="list-style-type: none"> Policy 606 Adoption of Course Materials and Textbooks Policy 633 Annual Faculty Review Policy 637 Faculty Tenure f. FLSA Policy Bundle <ul style="list-style-type: none"> Policy 325 Workload for Full-time, Non-Faculty Employees Policy 326 Special Pay for Staff Policy 327 Overload for Exempt, Non-Faculty Employees Policy 328 Responsibility for Scheduling and Reporting Working Hours Policy 351 Annual Compensation and Benefits Plan <u>C</u> 7. Academic Programs <i>Jeff Olson, SVP for Academic Affairs</i> <ol style="list-style-type: none"> a. MBA Emphases in Marketing b. MBA Emphases in Finance c. Disaster Assistant Emphasis in BA in Emergency Administration d. BA in Secondary French Education e. GC in Mathematics f. BS in Geography g. AS in Health Science h. AS in Intelligence Studies 	

	<ul style="list-style-type: none"> i. CP in Digital Media j. Deaf Studies Restructure k. Name Change of Noorda Theatre 	
<u>D</u>	<p>8. Real Estate Transactions <i>Val Peterson, VP for Finance and Administration</i></p> <ul style="list-style-type: none"> a. .6 acres North of West Campus (Sale) b. UTA Bus Stop Lease c. Five-Year Capital Facilities Plan d. Palos Verdes Easements 	
<u>E</u>	<p>9. Budgets <i>Linda Makin, VP for Planning, Budgets, and HR</i></p> <ul style="list-style-type: none"> a. 2017-18 Education & General Appropriated Revenue & Expenditure b. 2017-18 Educational Disadvantaged Appropriated Revenue & Expenditure c. 2017-18 Institutional Discretionary Revenue and Expenditure d. 2017-18 Auxiliary Services Revenue and Expenditure e. 2017-18 Initial Institutional Residence 	
<u>ES</u>	<p><u>II. Executive Session</u></p> <p><u>I. Action (Cont.)</u></p> <ul style="list-style-type: none"> 10. Naming Opportunities 11. Sabbaticals <p><u>III. Committee Reports</u></p> <ul style="list-style-type: none"> 1. Audit Committee <i>R. Duff Thompson, Committee Chair</i> 2. Finance and Facilities <i>Jack Sunderlage, Committee Chair</i> 	
<u>F</u>	<p><u>IV. Consent Calendar</u></p> <ul style="list-style-type: none"> 1. Minutes of March 29, 2017 2. 2016-17 Education & General Appropriated Revenue Revision II 3. 2016-17 Institutional Discretionary Budget Revision II 4. 2017-18 Education & General Appropriated Revenue Revision I 5. Investment Reports 6. Associate General Counsel Position <p><u>V. Information</u></p> <ul style="list-style-type: none"> 1. President's Report <i>Jeff Olson, SVP for Academic Affairs</i> 2. Upcoming Events and Reminders <i>Justin Jones, Chief of Staff</i> <ul style="list-style-type: none"> July 20-21: Board of Regents/Trustees joint meeting – SUU Aug. 24: Board of Trustee meeting, 4pm, SC 213c Sep. 13: NUVI Basketball Facility Ribbon Cutting Sep. 19: Board of Trustee retreat – Location & Time TBD Oct. 25: NWCCU Breakfast, 8:00-9:30am, Centre Stage 	



UVU BOARD OF TRUSTEES
Agenda Item Coversheet

DATE:	June 22nd, 2017
TITLE:	Roots of Knowledge Material for Archives
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Scott Cooksey, Vice President Development and Alumni Relations CEO, Utah Valley University Foundation, Inc.
SUBJECT:	Requisition to Purchase Roots of Knowledge related items and material for archives
BACKGROUND:	<p>UVU's Fulton Library is a natural home for an archive of items that were an integral part of the development of the Roots of Knowledge concept, the production of the windows, and the story of how they were constructed, installed and came to be a part of the UVU campus. UVU can archive these materials and provide a lasting home for their display and public access for generations to come.</p> <p>Some of the items included are:</p> <ul style="list-style-type: none">• Copies of all digital files, including but not limited to, photographs, Photoshop, Illustrator and Word files used in the creation of the Roots of Knowledge, e.g., concept art, mind-maps, artwork, design, vinyl cuttings, etc.• Documentation of the 4000+ elements in the Roots of Knowledge panels to be used as reference material by researchers and docents.• Representative sample sets of brushes and other artist materials used in creating the Roots of Knowledge panels.• All painted glass and cut glass created for use in the Roots of Knowledge but not used in the actual windows.• All sketches, drawing, mind-maps, etc. for the Roots of Knowledge from all Holdman artists that are available.• Any other items or intellectual property related to the Roots of Knowledge that are appropriate for the archive.

ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve the purchase of the Roots of Knowledge archive items as presented. • Amend and approve, “I move to approve the purchase of the Roots of Knowledge archive items as amended...” • No action, “I move that we go to the next agenda item...”
FINANCIAL IMPACT:	\$215,000 to be paid from donated funds
EXHIBITS:	



UVU BOARD OF TRUSTEES
Agenda Item Coversheet

DATE:	June 15, 2017
TITLE:	Workers Compensation Insurance Renewal
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Linda Makin, VP for Planning, Budgets, and HR
SUBJECT:	Workers Compensation Insurance
BACKGROUND:	<p>The Board of Trustees is being asked to approve a requisition to renew Workers Compensation Insurance in the amount of \$600,000 for 2017-18. With few exceptions, Worker's Compensation Insurance is required for all businesses operating in the state of Utah. Full-time and part-time employees require coverage, as well as students who are enrolled and receiving credit for an off-campus approved internship or clinical, working in coordination with a cooperating employer in their field of study.</p>
ALTERNATIVES:	<ul style="list-style-type: none">• Approve as presented, "I move to approve the request to expend \$600,000 to renew Workers Compensation Insurance for 2017-18."• Amend and approve, "I move to approve, as amended..."• No action, "I move that we go to the next agenda item..."
FINANCIAL IMPACT:	\$600,000
EXHIBITS:	N/A



UVU BOARD OF TRUSTEES
Agenda Item Coversheet

DATE:	June 22, 2017
TITLE:	<i>Policy 107 Internal Investigations</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Val Peterson, Vice President of Finance and Administration
SUBJECT:	<i>Policy 107 Internal Investigations (Deletion)</i>
BACKGROUND:	This policy is outdated. Internal Audit and other departments conduct investigations in accordance with other UVU policies, department procedures, and professional standards.
ALTERNATIVES:	<ul style="list-style-type: none">• Approve as presented, “I move to approve the deletion of Policy 107”• No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	\$0.00
EXHIBITS:	a. Policy 107 <i>Internal Investigations</i>



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Policies and Procedures

Proposed Policy Number and Title: 107 <i>Internal Investigations</i>		
Existing Policy Number and Title: 107 Internal Investigations		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input checked="" type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy #101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: Stage 4 Board of Trustees Review, June 6, 2017		
President's Council Sponsor: Val Peterson	Ext.	
Policy Steward: Peter VanderHeide	Ext.	

POLICY APPROVAL PROCESS DATES	
Policy Drafting and Revision Entrance Date: 3/30/2017	POST APPROVAL PROCESS Verify: <ul style="list-style-type: none"><input type="checkbox"/> Policy Number<input type="checkbox"/> Section<input type="checkbox"/> Title<input type="checkbox"/> BOT approval<input type="checkbox"/> Approval date<input type="checkbox"/> Effective date<input type="checkbox"/> Proper format of Policy Manual posting<input type="checkbox"/> TOPS Pipeline and Archives update
University Entities Review Entrance Date: 3/30/2017 Close Feedback: 5/30/2017	
University Community Review Entrance Date: 5/25/2017 Open Feedback: 5/25/2017 Close Feedback: 8/8/2017	Policy Office personnel who verified and posted this policy to the University Policy Manual Name: _____ Date posted and verified: _____
Board of Trustees Review Entrance Date: 6/8/2017 Approval Date: _____	



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POLICY TITLE	Internal Investigations	Policy Number	107
Section	Governance, Organization, and General Information	Approval Date	June 18, 1992
Subsection	Governance and Organization	Effective Date	June 18, 1992
Responsible Office	Office the Vice President of Finance and Administration		

1.0 PURPOSE

2.0 REFERENCES

3.0 DEFINITIONS

4.0 POLICY

4.1 President's Discretion

4.1.1 The President, in his or her sole discretion, may organize the internal auditor or a special committee to investigate such incidents or alleged incidents as he or she deems appropriate.

4.2 Scope of Investigation

4.2.1 The investigation shall be by and among current campus personnel only unless significant evidence clearly demonstrates a need for broader investigation. Any investigation beyond the department in which the incident or alleged incident originated should be undertaken only after notice to the President.

4.2.2 The purpose of an investigation shall be to determine whether there has been conduct in violation of institutional standards.

4.3 Confidentiality



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~~4.3.1 The fact of an investigation itself shall not be a secret. However, the committee should function with a low profile. Nothing said or done in committee meetings should be disclosed outside the meetings. The final report of the committee should be disclosed only to the President.~~

~~4.4 Investigatory Procedures~~

~~4.4.1 Function~~

~~1) The function of the committee shall be that of investigation only, not discipline or grievance.~~

~~4.4.2 Evidence and Testimony~~

~~1) The committee shall collect evidence and testimony. Any public accounts such as newspaper articles or court records should be reviewed.~~

~~2) The committee should then interview people, one at a time. With at least one business day's advance notice, those people may be accompanied by witnesses or advisers. Anyone may be interviewed more than once. Each person shall be informed that their statements will be confidential; although, those statements might be put into a report to the President, they will not be attributed to anyone, unless the person testifying requests that his or her name be used. Only if the University decides to initiate some sort of disciplinary proceeding which requires witnesses, will the person be asked to come forward.~~

~~3) Interviews should begin with the individual who is under investigation. Then, other personnel in that department should be interviewed to the extent reasonable to complete the investigation or as directed by the President. People in other departments or students may be interviewed. However, people should be interviewed about other departments only if there is significant evidence (including testimony) of an infraction and then only after notice to the President.~~

~~4) The committee shall seek firsthand information. Hearsay (one person's report of what another person said) should be characterized as that and should generally be used only to ask the other person to come forward and be heard. No one will be "under oath," but all should be counseled about the value to the institution, its students, and employees of speaking fairly, accurately, and honestly.~~

~~4.4.3 Report to the President~~

~~1) The committee shall deliver a report to the President. The report should be in writing and signed by all the committee members. (Majority and minority reports would be acceptable, if necessary.) It should summarize, analyze, and briefly state the conclusions based on the facts, and make recommendations. The report should not mention any names, either of those who were interviewed (unless the person being interviewed expressly requests that his or her name be~~



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included) or of anyone else. Letters ("A," "B," etc.) could be substituted for names. The committee chair should keep a complete version of the report showing all names. If no further action is taken with respect to the report (such as further investigation or discipline of an employee), all versions of the report are to be destroyed at the earliest time permitted by law.

2) The recommendations should indicate only either that no further action should be taken or that the University should examine the need for disciplinary proceedings or organizational changes or both.

3) The report will not be binding on the President of the University.

5.0 PROCEDURE

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



UVU BOARD OF TRUSTEES
Agenda Item Coversheet

DATE:	June 22, 2017
TITLE:	Policy 161 <i>Freedom of Speech</i> Policy 544 <i>Scheduling Peaceful Assemblies</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Michelle Taylor, Vice President of Student Affairs/Karen Clemes, General Counsel
SUBJECT:	Policy 161 <i>Freedom of Speech</i> Policy 544 <i>Scheduling Peaceful Assemblies</i>
BACKGROUND:	<p>These policy proposals have been processed through UVU's regular policy process.</p> <ul style="list-style-type: none">• Policy 161 will replace the temporary emergency policy that would lapse in January 2018• Policy 544 will be deleted from the policy manual <p>The proposed policy revision for Policy 161 includes the following:</p> <ul style="list-style-type: none">• Clarification on digital signage• Clarification of university speech such as sponsored student publications
ALTERNATIVES:	<ul style="list-style-type: none">• Approve as presented, "I move to approve the revision to Policy 161 as presented and the deletion of Policy 544."• Amend and approve, "I move to approve, as amended, Policy 161 and the deletion of Policy 544."• No action, "I move that we go to the next agenda item."
FINANCIAL IMPACT:	\$0.00
EXHIBITS:	<ul style="list-style-type: none">a. Policy 161 <i>Freedom of Speech</i> (with the proposed revisions indicated by markup)b. Policy 161 <i>Freedom of Speech</i> (clean copy)c. Policy 544 <i>Scheduling Peaceful Assemblies</i>



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Proposed Policy Number and Title: 161 <i>Freedom of Speech</i>		
Existing Policy Number and Title:		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input checked="" type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy 101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: Stage 4 Board of Trustees, June 6, 2017		
President's Council Sponsor: Michelle Taylor	Ext.	6158
Policy Steward: Alexis Palmer, Karen Clemes	Ext.	8681, 5630

POLICY APPROVAL PROCESS DATES	
Policy Drafting and Revision Entrance Date: 4/24/2014	POST APPROVAL PROCESS Verify: <ul style="list-style-type: none"><input type="checkbox"/> Policy Number<input type="checkbox"/> Section<input type="checkbox"/> Title<input type="checkbox"/> BOT approval<input type="checkbox"/> Approval date<input type="checkbox"/> Effective date<input type="checkbox"/> Proper format of Policy Manual posting<input type="checkbox"/> TOPS Pipeline and Archives update
University Entities Review Entrance Date: 1/12/2017 Close Feedback: 3/12/2017	Policy Office personnel who verified and posted this policy to the University Policy Manual Name: _____ Date posted and verified: _____
University Community Review Entrance Date: 04/13/2017 Open Feedback: 04/13/2017 Close Feedback: 05/11/2017	
Board of Trustees Review Entrance Date: 05/18/2017 Approval Date: _____	



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POLICY TITLE	Freedom of Speech	Policy Number	161
Section	Governance, Organization, and General Information	Approval Date	
Subsection	Individual Rights	Effective Date	
Responsible Office	Office of the Vice President of Student Affairs and the Office of General Counsel		

1.0 PURPOSE

1.1 As free expression and the free exchange of ideas are central to the goals of a university, Utah Valley University is committed to the principles of free speech and assembly guaranteed by the United States Constitution and the Utah Constitution, and in accordance with generally accepted concepts of academic freedom. It is the purpose of this policy to protect and enhance the free exchange of ideas, the right to free speech, and academic freedom in the University and on the university campus, without prior restraint or censorship, subject to limitations on unlawful/unprotected speech and to clearly stated, reasonable, and nondiscriminatory rules regarding time, place, and manner.

2.0 REFERENCES

2.1 United States Constitution

2.2 Title VII of the *Civil Rights Act of 1964*

2.3 Title IX of the *Educational Amendments of 1972*

2.4 Utah Constitution

2.5 Utah Code Annotated § 53B-27-101 *et seq.* (H.B. 54)

2.6 UVU Policy 154 *Workplace Violence*

2.7 UVU Policy 162 *Sexual Misconduct*

2.8 UVU Policy 165 *Discrimination, Harassment, and Affirmative Action*

2.9 UVU Policy 402 *Keys and Proximity Cards*

2.10 UVU Policy 403 *Restrictions on the Use of Skateboards, Roller Blades, Roller Skates, Bicycles, Motorcycles, and Hoverboards*



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- 2.11 UVU Policy 407 *Clery Act Compliance*
- 2.12 UVU Policy 425 *Scheduling Campus Facilities*
- 2.13 UVU Policy 429 *Campus Walkway Safety Policy*
- 2.14 UVU Policy 430 *Institutional Campus Closure Policy*
- 2.15 UVU Policy 541 *Student Rights and Responsibilities Code*
- 2.16 UVU Policy 601 *Classroom Instruction and Management*
- 2.17 UVU Policy 635 *Faculty Rights and Professional Responsibilities*

3.0 DEFINITIONS

3.1 Appeals Committee: The Appeals Committee, comprised of the Senior Vice President of Academic Affairs, the Vice President of Student Affairs, and the Vice President of Finance & Administration (or their designees), reviews all appeals of any denials or other decisions made pursuant to sections 4.8 through 4.14 of this policy.

3.2 Chartered student club: A student group with a common interest or goal, with at least six members where 75 percent of the members are currently enrolled UVU students, that complies with university-chartered club requirements, including but not limited to having a lawful purpose, chartering the club, having a club constitution, having a president who is a full-time UVU student and who meets other requirements, and establishing and assessing dues. Chartered student clubs are at a minimum funded by member dues and additional funding from the Utah Valley University Student Association (UVUSA).

3.3 Commercial speech: For the purpose of this policy, commercial speech includes all spoken, written, and symbolic speech intended, in whole or in part, for the profit of the person, organization, or institution engaged in the speech. Commercial speech at the University includes speech paid for by persons or organizations who are not members of the university community. Examples include advertisements in or on the UCCU Center, Brent Brown Ballpark, UCCU Center outdoor digital sign, or commercial handbills. Generally, the sponsors of commercial speech are subject to established university fees and must comply with appropriate university procedures.

3.4 Demonstration/Protest: Any rally, gathering, protest, parade, or procession to express views or opinions.

3.5 Members of the university community: For the purposes of this policy, all enrolled students, all persons employed by the University, including but not limited to administrators, faculty, and



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staff, and all organizations comprised of members of the university community, such as UVUSA and chartered student clubs.

3.6 Obscenity: For the purposes of this policy, obscenity is defined by applicable law, including the following US Supreme Court’s “Miller test”: whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest; whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law; and whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. See *Miller v. California*, 413 US 15, 21 (1973).

3.7 Structure: Any object (other than objects such as handbills, signs, small lawn signs, notices and posters, arm bands, or personal attire) used in expressing views or opinions, including but not limited to booths, buildings, billboards, banners, large lawn signs, and similar displays.

3.8 Time, place, and manner restrictions: Generally speaking, time, place, and manner restrictions refer to requirements on when, where, and how messages may be presented on a university campus. These restrictions are viewpoint neutral, narrowly tailored to serve significant university interests, and designed to leave open ample alternative channels of communication.

3.9 University campus: Any campus or facility, physical or virtual, owned or leased by the University, including but not limited to the Orem, Wasatch, UVU West, UVU North, and Provo Airport campuses and the university learning management system.

3.10 University organizations: For purposes of this policy, university administrative departments and academic schools/colleges, centers, institutes, or departments.

4.0 POLICY

4.1 Scope of this Policy

4.1.1 All persons on any Utah Valley University campus, including members of the university community and visitors or guests, are protected by and subject to freedom of speech laws and this policy. In permitting the exercise of free speech on its campuses, the University does not sponsor or sanction the messages stated or the methods of speech used, unless expressly stated otherwise.

4.2 Policy Statement

4.2.1 Because free expression and the free exchange of ideas are central to the goals of a university, Utah Valley University is committed to the principles of free speech and assembly guaranteed by the United States Constitution and the Utah Constitution, and in accordance with generally accepted concepts of academic freedom. The University is committed to protecting and



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enhancing the free exchange of ideas and to artistic expression, the right to free speech, and academic freedom in the University and on the university campus without prior restraint or censorship, subject to limitations on unlawful/unprotected speech and to clearly stated, reasonable, and nondiscriminatory rules regarding time, place, and manner.

4.2.2 Nothing in this policy shall be construed as protecting, authorizing, or condoning the following unlawful or otherwise unprotected speech, as defined by applicable law: (a) obscenity (see section 3.6); (b) child pornography; (c) defamation; (d) speech that by its very utterance tends to incite an immediate breach of the peace by the hearer; (e) speech that incites or produces imminent lawless action and that is likely to incite or produce such action; (f) speech that creates a hostile environment within the meaning of Title IX of the *Educational Amendments of 1972*, Title VII of the *Civil Rights Act of 1964*, or other applicable law; (g) speech that substantially disrupts, obstructs, or interferes with classes, teaching, the use of offices, ceremonies, sporting events, or other university activities related to teaching, research, or administration of the University, or vehicular or pedestrian traffic; (h) speech that damages university or private property; (i) speech that discloses confidential information or trade secrets of the University or private parties without appropriate authorization; and (j) employee speech that is not a matter of public concern.

4.2.3 Nothing in this policy shall be construed as authorizing or condoning the use of university trade or service marks (including but not limited to names, logos, mascots, and imagery) in any materials that may be created or displayed under this policy without the express written authorization of the University Department of Trademarks and Licensing.

4.2.4 Students or employees who violate this policy or its referenced procedures are subject to university discipline. Moreover, all persons who violate this policy are subject to orders to leave the campus and possible arrest for criminal trespass for failure to comply with such orders.

4.3 Freedom of Speech and Assembly

4.3.1 Members of the university community shall have the right to freedom of speech and assembly without prior restraint or censorship, subject to clearly stated, reasonable, and nondiscriminatory rules and procedures regarding time, place, and manner.

4.4 Freedom of the Press

4.4.1 Members of the university community in their publications or broadcasts are entitled to the full protection of the constitutional right of freedom of the press. Reasonable and nondiscriminatory rules and procedures, consistent with this policy, may be adopted regarding the operations of student, faculty, and staff publications, posting of signs and notices, the distribution of commercial advertising materials, and the solicitation of funds.



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4.4.2 Student publications supported by university funds or student fees, other than those publications sponsored by a college/school, department, or academic program, shall be regulated by the University's Student Publications Board pursuant to reasonable and nondiscriminatory procedures, which shall be viewpoint neutral, consistent with this policy, and published on the Student Publications Board website or made available for public inspection upon request. No member of administration or staff, including but not limited to student publication advisors, shall exercise any prior restraint or editorial control over the content of these publications.

4.4.3 In the case of student publications sponsored by a college, school, department, or academic program, such publications and the roles of any student editors shall be regulated in accordance with the procedures adopted by the sponsoring college, school, department, or academic program, which shall be consistent with this policy.

4.5 Academic Freedom

4.5.1 Academic freedom in the pursuit and dissemination of knowledge through all media shall be maintained at Utah Valley University (see UVU Policy 635 *Faculty Rights and Professional Responsibilities*). Academic freedom shall be recognized as a right of all members of the faculty, whether with or without tenure or continuing appointment, as they engage in teaching, scholarly and creative activities, and service to the University and their professions.

4.5.2 Faculty shall evaluate students solely on academic bases reasonably related to legitimate pedagogical concerns, and not on student opinions or conduct unrelated to the academic standards of a course as defined by the standards of the applicable discipline or profession.

4.5.3 Discussion and expression of all views relevant to the subject matter of a class, even if unpopular, are recognized as necessary to the educational process; however, students have no right to impinge on the freedom of instructors to teach or the right of other students to learn. Faculty members shall not permit classroom behavior that interferes with the faculty member's ability to teach and/or the students' ability to learn. If a student persists in behaving disruptively in class after the instructor has explained the unacceptability of such conduct, the instructor may dismiss the student from the class and may refer the matter to the University's Director of Student Conduct, who shall address the conduct in accordance with UVU Policy 541 *Student Rights and Responsibilities Code* and other applicable policies.

4.5.4 Faculty members have the legal rights and privileges of citizens and shall not be subject to punishment or reprisal for the exercise of such rights and privileges; however, they may be subject to sanctions for breach of other policies applicable to faculty, including but not limited to the rules and responsibilities enumerated in UVU policies 154 *Workplace Violence*, 162 *Sexual Misconduct*, 165 *Discrimination, Harassment, and Affirmative Action*, and 635 *Faculty Rights and Professional Responsibilities*.



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4.5.5 All faculty members have the right to academic freedom and the right to examine and communicate ideas relevant to their courses by any lawful means, even where such activities generate hostility or pressures against the faculty member or the University. Faculty shall not use academic freedom or freedom of speech as a pretext to discriminate or create a hostile environment within the meaning of Title IX of the *Educational Amendments of 1972*, Title VII of the *Civil Rights Act of 1964*, or other applicable laws or to violate the rights of students pursuant to UVU Policy 541 *Student Rights and Responsibilities Code* or other applicable UVU policies. Faculty shall also not use academic freedom or freedom of speech as a pretext to teach controversial matter that is not related to their subject.

4.5.6 Faculty members' exercise of freedom of communication, association, or assembly, or their participation in political activities, does not constitute a violation of duty to the University, to their profession, or to students, except as prohibited by applicable law.

4.5.7 Faculty members are entitled to support and assistance from the University in maintaining a climate suitable for the exercise of rights of academic freedom, scholarship, and effective teaching and learning. Faculty members are entitled to classrooms free from violence or systematic disruption (see UVU Policy 601 *Classroom Instruction and Management*).

4.6 Right to Form Chartered Student Clubs

4.6.1 Chartered student clubs may be established for any lawful purpose. Affiliation of any student club with lawful off-campus groups shall not, in itself, disqualify that club from enjoying the benefits and privileges that the University affords to student clubs. Student clubs shall have the right to keep membership lists confidential and solely for their own use. The names and addresses of officers are required by the University as a condition for registration or access to university funds or enjoyment of university privileges.

4.6.2 Any chartered student club may be added to the university chartered student club roster upon the filing of a completed *Club Charter Form* with the UVU Clubs Office.

4.6.3 Chartered student clubs shall maintain their position on the university student club roster upon filing with the UVU Clubs Office each fall semester (by a deadline provided by the University Clubs Office). This *Charter Renewal Form* shall include any changes in the initial charter since its latest filing and shall list the current officers. Clubs that renew by the appropriate date are eligible for merit money. Any club may register at any time.

4.6.4 The UVU Clubs Office may remove a student club from the university-chartered student clubs roster for failure by the club to abide by university rules and policies or federal or state law.

4.7 Student Body Officer Elections



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4.7.1 Subject to the limitations on unlawful/unprotected speech (section 4.2.2) and reasonable, viewpoint-neutral, and nondiscriminatory time, place, and manner restrictions, student body officer elections for the Utah Valley University Student Association (UVUSA) shall be regulated pursuant to the UVUSA constitution and bylaws.

4.8 Speakers

4.8.1 The rights of speakers to freedom of expression under the United States Constitution and the Utah Constitution shall be protected. The rights of speakers to speak and audiences to hear, free from undue disruption and interference, shall also be protected.

4.8.2 In permitting the exercise of free speech on its campuses, the University does not sponsor or sanction the messages stated or the methods of speech used unless expressly stated otherwise.

4.8.3 Members of the university community shall have the right to invite speakers to address audiences on campus (at the expense of the sponsoring organization and members), subject to the limitations on unlawful/unprotected speech (section 4.2.2), reasonable and nondiscriminatory time, place, and manner restrictions, and other policies governing the use of university facilities such as university safety and security policies (such as UVU Policy 402 *Keys and Proximity Cards*, UVU Policy 403 *Restrictions on the Use of Skateboards, Roller Blades, Roller Skates, Bicycles, Motorcycles, and Hoverboards*, and UVU Policy 407 *Clery Act Compliance*) and applicable facilities and scheduling policies (such as UVU Policy 425 *Scheduling Campus Facilities*, UVU Policy 429 *Campus Walkway Safety Policy*, and UVU Policy 430 *Institutional Campus Closure Policy*), to the extent such policies are consistent with this policy.

4.8.4 Members of the university community, except university organizations, who invite speakers to address audiences on or off the campus, may not use the name of the University to imply official sponsorship of the speaker in advertising or publicizing the event, but may use the University's name as a means to identify the location of the event.

4.8.5 Speaker Areas

4.8.5.1 Speakers may speak in any outdoor area, as long as such speech does not violate the time, place, and manner restrictions set forth in section 4.8.6 of this policy. The University also provides reasonably appropriate places inside the Sorensen Student Center and outside the Student Life and Wellness Center Plaza and the Pope Science Courtyard to enable speakers to address those wishing to listen. These places shall be available to any person, but university organizations and members of the university community shall have scheduling preference in the use of these designated places.

4.8.5.2 Nothing in this section (4.8.5) shall be interpreted as limiting the right of free speech elsewhere on the campus as provided by this policy.

4.8.6 Time, Place, and Manner Restrictions for Speakers



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4.8.6.1 Although it is not necessary for a person using one of the designated places in section 4.8.5.1 to obtain prior permission from the University, the University encourages such persons to contact the Campus Scheduling Office to reserve or schedule a designated place in advance to ensure availability, in accordance with the UVU Policy 425 *Scheduling Campus Facilities*. University organizations and members of the university community reserving use of these designated places shall be given priority over those seeking to use these places without reservation.

4.8.6.2 The Campus Scheduling Office shall provide general notice of the procedures for reserving the speaker areas in section 4.8.5.1. Use of the speaker areas may be reserved for up to two hours for purposes of speaking.

4.8.6.3 Persons reserving speaker areas may use university-provided tables and other temporary means for displaying or distributing information, provided that they set up and remove them upon the expiration of their reservation. Reservations and arrangements for tables, including the payment of applicable fees, shall be made with the Campus Scheduling Office.

4.9 Protests and Demonstrations

4.9.1 To facilitate robust debate and the free exchange of ideas, peaceful protests and demonstrations on campus are legitimate means of expression. Anyone who wishes to engage in protests and demonstrations shall be permitted to do so, as long as the protest/demonstration and the conduct of participants

- 1) Does not take place in indoor rooms/areas where quiet or reflection may be expected by those using these rooms/areas (including but not limited to classrooms, laboratories, the Reflections Center, the Woodbury Art Museum, the Fulton Library, the Bingham Gallery, the Noorda Center for the Performing Arts, and other indoor venues where theatrical/musical performances or public or private ceremonies are occurring);
- 2) Does not take place inside buildings where minors or vulnerable populations are predominantly present (including but not limited to the Wee Care Center, the Cole Nellesen Building, or indoor rooms/areas where youth camps are taking place);
- 3) Is not violent; and
- 4) Does not unduly disrupt the functioning of the University, interfere with the rights of other members of the university community, or damage university or private property. Protests and demonstrations are also subject to the limitations on unlawful/unprotected speech (section 4.2.2) and reasonable and nondiscriminatory time, place, and manner restrictions.

4.9.2 Time, Place, and Manner Restrictions for Protests and Demonstrations



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4.9.2.1 Although it is not necessary for a person planning a protest or demonstration to obtain prior permission from the University, the University encourages such persons to contact the Campus Scheduling Office to reserve or schedule a place in advance to ensure availability, in accordance with UVU Policy 425 *Scheduling Campus Facilities*. University organizations and members of the university community reserving use of university facilities and places shall be given priority over those who do not have a reservation.

4.9.2.2 Protests and demonstrations must be orderly at all times and must not jeopardize public order or safety. The University reserves the right to prohibit protestors from wearing masks or otherwise disguising their identity during protests if protestors' conduct threatens to endanger the safety of others or to damage University property.

4.9.2.3 Protests and demonstrations must not interfere with the entrances and exits to buildings or the normal flow of pedestrian or vehicular traffic.

4.9.2.4 Protests and demonstrations must not disrupt or obstruct university functions, organized meetings, or other assemblies in such a way as to invade the rights of others to assemble and the rights of speakers to free expression.

4.9.2.5 Protests and demonstrations must not interfere with classes and teaching, the use of administrative or academic departments or offices, university activities related to teaching or research, or previously scheduled meetings or events.

4.9.2.6 Persons violating the time, place, and manner restrictions relating to protests and demonstrations may be subject to arrest or other action authorized by law after notice is given of the restrictions being violated and the persons refuse to cease and desist.

4.9.2.7 Protesters and demonstrators shall be financially responsible for any damages caused by their protests and demonstrations. Damages caused by third parties not part of the protests and demonstrations shall be assessed against such third parties, with such assessments not being final until they are appealed to and reviewed by the Appeals Committee (section 5.1).

4.10 Sound Amplification Equipment

4.10.1 Sound equipment shall be used only at volume levels that do not disrupt or disturb teaching, research, or other duly authorized meetings or activities at the University, and in accordance with city ordinances.

4.11 Posting of Signs, Notices, Posters, and Banners

4.11.1 Non-Commercial Signs, Notices, Posters, and Banners

4.11.1.1 The University shall provide reasonable space indoors and outdoors for the posting of non-commercial signs, notices, posters, and banners by members of the university community.



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Subject to the limitations on unlawful/unprotected speech (section 4.2.2) and reasonable and nondiscriminatory time, place, and manner restrictions, such signs, notices, posters, and banners may deal with any subject matter, including but not limited to notices of meetings or events and expressions of positions and ideas on social or political topics.

4.11.2 Time, Place, and Manner Restrictions for Posting Non-Commercial Signs, Notices, Posters, and Banners

4.11.2.1 Members of the university community may post non-commercial signs, notices, and posters on bulletin boards and kiosks located on UVU campus and maintained by the University; however, they may not be posted on bulletin boards or kiosks maintained by academic and administrative departments of the University or in classrooms (per section 4.11.2.2. Non-commercial signs, notices, and posters shall not be attached to non-bulletin board or kiosk locations, such as on trees, buildings or portions of buildings (including walls, doors, windows, fixtures, handrails), fountains, statues, equipment, furniture, or machinery, unless otherwise expressly authorized by the Dean of Students. For lawn sign requirements, see section 4.11.2.9.

4.11.2.2 Unless expressly designated for broader use, bulletin boards, easels, and kiosks maintained by an academic or administrative department of the University, and all walls, doors, whiteboards, chalkboards, windows, and other areas within classrooms, are reserved exclusively for university organizations for university speech. Designated areas in bathroom stalls in the Sorensen Student Center and Student Wellness Center are also reserved exclusively for university speech by the UVU Student Life division. In addition, designated areas for the hanging of artwork on campus are reserved exclusively for university organizations. Postings under this section do not need to have a Campus Connection stamp but are required to comply with the department's published nondiscriminatory rules and procedures, including a procedure that all such items be date stamped and otherwise identified as authorized by the department.

4.11.2.3 University websites and digital signage are reserved for university organizations for university speech. However, 10 digital signage slots shall be reserved for chartered student clubs to advertise meetings, fundraisers, service projects, or other events that are open to the entire student body. Chartered student clubs must submit their signage to the UVU Clubs Office and comply with the digital signage procedures included in the UVU Clubs Handbook. The UVU Clubs Office shall post digital signage that complies with such procedures on a first-come, first-served basis, up to the 10-slot limit. The UVU Clubs digital signage procedures shall be viewpoint-neutral and shall not violate this policy.

4.11.2.4 University organizations, UVUSA, and chartered student clubs may post banners in designated banner areas only after registering the banner with Campus Connection, being assigned a banner location, paying a deposit fee, obtaining a date stamp on the banner, and otherwise complying with Campus Connection procedures. The procedures shall be viewpoint-neutral and shall not violate this policy. Outdoor banners may be posted only in designated



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outdoor areas identified and maintained by Campus Connection and only after paying a posting and removal fee.

4.11.2.5 Messages or slogans of any kind shall not be painted, hung, or otherwise written on trees, buildings, windows, sidewalks, grounds, fountains, walls, or other structures or surfaces, or on the personal property of others. No tape of any kind may be used for installation of signs, notices, posters, or banners. Sidewalk chalk messages may be used on sidewalks in the speaker areas designated in section 4.8.5.1 of this policy but are not permitted on any permanent standing structures. All sidewalk chalk messages shall be removed by the end of the day. Individuals or organizations that fail to comply with the requirements may be charged an additional cost for any removal of sidewalk chalk.

4.11.2.6 All non-commercial signs, notices, posters, or banners posted on UVU campus, other than those specifically exempted in sections 4.11.2.2, 4.11.2.3, and 4.11.2.11, must have a visible expiration date stamp from Campus Connection, after which date the sign, notice, poster, or banner may be removed, generally not to exceed 14 calendar days from the date of posting.

4.11.2.7 Non-commercial signs, notices, posters, or banners may be re-posted for an additional 14 calendar days within a 60-day time period after the original posting date, but only after it is shown that there is good reason for the sign, notice, poster, or banner to remain in place for a longer period (such as the occurrence of a campus closure during the original posting period) and the sign, notice, poster, or banner has been restamped by Campus Connection.

4.11.2.8 Due to the limited amount of available display space and preference for university-sponsored speech, the number of posters per event sponsored is limited to 50 for one month or 25 for two months. No more than two flyers for any event may be posted on any single bulletin board or kiosk. No more than two banners may be posted for any upcoming announcement, deadline, or event.

4.11.2.9 Small lawn signs may only be used to advertise an upcoming event or deadline held on a UVU campus or sponsored by university organizations or members of the university community, or to provide directions to such events. Sponsors of such events must obtain stamps on lawn signs with visible expiration dates from Campus Connection, which shall publish reasonable time, place, and manner procedures that comply with this policy on the size, number, and graphics requirements of such lawn signs, where such lawn signs may be posted, and for how long.

4.11.2.10 The UVUSA Elections Committee may publish viewpoint-neutral, nondiscriminatory rules and procedures for the posting of campaign posters, signs, and banners, which may include exceptions to this policy permitting additional election-related signage on campus during a designated period leading to UVUSA elections.



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4.11.2.11 The University Events and the Athletics departments are exempted from the Campus Connection stamp requirement set forth in section 4.11.2.6 when they post posters, banners, small lawn signs, easels, and other similar media to publicize events sponsored by these departments, as long as they stamp and identify such items as University Events Department or Athletics Department media and otherwise comply with this policy.

4.11.2.12 University maintenance personnel or other university officials may remove any non-commercial signs, notices, posters, or banners that do not comply with this policy.

4.11.3 Commercial Signs, Notices, Posters, and Banners

4.11.3.1 Campus Connection shall publish procedures governing the posting or distribution of commercial signs (including digital signage and projections on the side of buildings), notices, posters, banners, and other materials for commercial purposes, except for commercial signage at the UCCU Center, the Brent Brown Ballpark, other athletic facilities, and at university athletic events (with Campus Connection maintaining a list of other university departments, and their procedures, responsible for commercial signage in these other venues). Campus Connection procedures may include a schedule of fees for nonmembers of the university community and limitations upon the areas in which such commercial speech may take place. The procedures shall be viewpoint neutral. Signs, notices, posters, and banners are subject to the limitations on unlawful/unprotected speech (section 4.2.2) and reasonable and nondiscriminatory time, place, and manner restrictions. All commercial and non-university community signs, notices, posters, and banners shall be available for inspection in Campus Connection, and a written record of actions taken under the procedures shall be maintained and be open for public inspection.

4.11.3.2 By posting the commercial sign, notice, poster, or banner on campus, the person or organization (a) agrees to hold the University harmless for any assessed damages or liability incurred as a result of the sign, notice, poster, or banner; and (b) is responsible for the content of any signs, notices, posters, or banners it sponsors or posts on campus.

4.12 Distribution of Non-Commercial Handbills, Petitions, and Other Written Material

4.12.1 Any person may hand out and distribute non-commercial handbills, petitions, or other written material throughout campus without prior approval, as long as the distributed materials clearly identify the author or sponsor of the materials, subject to the limitations on unlawful/unprotected speech (section 4.2.2) and reasonable and nondiscriminatory time, place, and manner restrictions.

4.12.2 Time, Place, and Manner Restrictions for Non-Commercial Handbills, Petitions, and Other Written Material



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4.12.2.1 Distribution of non-commercial handbills, petitions, and other written material on the university campus is permissible but must not interfere with the entrances and exits of university buildings or the normal flow of pedestrian and vehicular traffic.

4.12.2.2 Distribution may not occur within classrooms, academic and administrative departments or offices, may not interfere with classes, and teaching or university activities related to teaching, may not disrupt the functioning or events of the University, and may not interfere with the rights of other members of the university community.

4.12.2.3 Handbills or other written materials may not be attached or affixed to private property (including but not limited to vehicles) without the owner's permission and may not be dropped or left on the ground or floors, fixtures, furniture, or in other areas in violation of applicable littering laws.

4.13 Distribution of Commercial Handbills

4.13.1 Campus Connection shall publish rules and procedures governing the distribution of commercial handbills. The procedures may include a schedule of fees and limitations upon the areas in which such commercial activity may take place. The rules and procedures shall be published on the Campus Connection website, and a written record of actions taken under the rules and procedures shall be maintained and open for public inspection upon request.

4.13.2 Any person distributing handbills or written material shall be personally responsible for the content of the material and hold the University harmless for any assessed damage or liability incurred as a result of the distribution of the handbills or material.

4.14 Non-Commercial Structures

4.14.1 Members of the university community and their organizations may erect non-commercial structures on campus to express their views or opinions subject to the limitations on unlawful/unprotected speech (section 4.2.2) and reasonable and nondiscriminatory time, place, and manner restrictions. Such structures may deal with any subject matter, including but not limited to social or political issues.

4.14.2 Time, Place, and Manner Restrictions for Non-Commercial Structures

4.14.2.1 Members of the university community may erect non-commercial structures in speaker areas defined in section 4.8.5.1 of this policy. Members of the university community may erect structures outside of the speaker areas in section 4.8.5.1 where it is shown that the message is intended for an audience elsewhere on the campus.

4.14.2.2 The Campus Scheduling Office shall create viewpoint-neutral, nondiscriminatory procedures related to the physical requirements and limitations, such as health and safety, of non-



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commercial structures, which shall be maintained and available for inspection on the Campus Scheduling Office webpage.

4.14.2.3 Prior to the erection of any non-commercial structure, a person or organization must obtain a permit from the Campus Scheduling Office for each proposed structure. Permit application forms may be obtained from the Campus Scheduling Office. The permit application shall include the identity of the member or members of the university community responsible for the structure; the proposed location, size, and design of the structure; the period of time the structure will be in place (up to 30 calendar days for 12 hours per day for booths and buildings of any kind and 24 hours per day for other structures); an agreement to remove the structure at the end of each day and upon expiration of the permit and to pay for any damage the structure may cause to the site upon which it is erected; and an agreement to hold the University harmless for any assessed damages or liabilities caused by the structure itself. In the case of structures other than lawn signs, billboards, banners and similar self-explanatory structures, the Campus Scheduling Office shall require that the structure be regularly staffed during daytime school hours as a condition of issuing the permit and renewing the permit.

4.14.2.4 The Campus Scheduling Office shall issue the permit if (a) the intended non-commercial structure and uses made of it will not constitute a safety hazard and will not impede the normal functions of the University; (b) the structure does not block or impede entry to any building or interfere with normal pedestrian or vehicular traffic; and (c) the proposed location of the structure does not cause unreasonable damage, in the University's exclusive judgment, to landscaping, such as flowers and shrubs.

4.14.2.5 A permit shall be issued for up to 30 calendar days. In the event of compliance with the terms of the permit, it may be renewed, upon application, for the same time period, subject to the requirements applicable to the issuance of the original permit.

4.14.2.6 University maintenance personnel or other university officials may remove any non-commercial structures that do not comply with this policy.

4.14.3 Commercial Structures

4.14.3.1 The Campus Scheduling Office shall issue rules and procedures governing the creation and use of structures for commercial purposes. The rules and procedures, which may include a schedule of fees and limitations upon the areas in which such commercial activity may take place, shall be published on the Campus Connection website, and a written record of actions taken under the rules and procedures shall be maintained and open for public inspection upon request. Commercial structures are subject to the limitations on unlawful/unprotected speech (section 4.2.2).

5.0 PROCEDURES



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5.1 Appeals

5.1.1 Any person seeking to appeal decisions made pursuant to sections 4.8 through 4.14 of this policy, such as the denial of a request to post signs, notices, or posters; the removal of signs, notices, or posters by university staff; the assessment of damages caused by protests/demonstrations; the denial of permission to erect a structure or restrictions placed upon a structure's permit; etc., may do so by submitting a written appeal to Campus Connection within five business days of the adverse decision. The written appeal must include the specific reasons for the appeal request.

5.1.2 The appeal shall be referred to the Appeals Committee for decision. The committee will consult with the Office of General Counsel to ensure compliance with this policy and applicable law. The decision of the Appeals Committee, which shall be reached by a majority vote, shall be final.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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Proposed Policy Number and Title: 161 <i>Freedom of Speech</i>		
Existing Policy Number and Title:		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input checked="" type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy 101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: Stage 4 Board of Trustees, June 6, 2017		
President's Council Sponsor: Michelle Taylor	Ext.	6158
Policy Steward: Alexis Palmer, Karen Clemes	Ext.	8681, 5630

POLICY APPROVAL PROCESS DATES	
Policy Drafting and Revision Entrance Date: 4/24/2014	POST APPROVAL PROCESS Verify: <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update
University Entities Review Entrance Date: 1/12/2017 Close Feedback: 3/12/2017	Policy Office personnel who verified and posted this policy to the University Policy Manual Name: _____ Date posted and verified: _____
University Community Review Entrance Date: 04/13/2017 Open Feedback: 04/13/2017 Close Feedback: 05/11/2017	
Board of Trustees Review Entrance Date: 05/18/2017 Approval Date: _____	

Printed On:

June 6, 2017 June 1, 2017



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POLICY TITLE	Freedom of Speech	Policy Number	161
Section	Governance, Organization, and General Information	Approval Date	
Subsection	Individual Rights	Effective Date	
Responsible Office	Office of the Vice President of Student Affairs and the Office of General Counsel		

1.0 PURPOSE

1.1 As free expression and the free exchange of ideas are central to the goals of a university, Utah Valley University is committed to the principles of free speech and assembly guaranteed by the United States Constitution and the Utah Constitution, and in accordance with generally accepted concepts of academic freedom. It is the purpose of this policy to protect and enhance the free exchange of ideas, the right to free speech, and academic freedom in the University and on the university campus, without prior restraint or censorship, subject to limitations on unlawful/unprotected speech and to clearly stated, reasonable, and nondiscriminatory rules regarding time, place, and manner.

2.0 REFERENCES

2.1 United States Constitution

2.2 Title VII of the *Civil Rights Act of 1964*

2.3 Title IX of the *Educational Amendments of 1972*

2.4 Utah Constitution

2.5 [Utah Code Annotated § 53B-27-101 et seq. \(H.B. 54\)](#)

2.52.6 UVU Policy 154 *Workplace Violence*

2.62.7 UVU Policy 162 *Sexual Misconduct*

2.72.8 UVU Policy 165 *Discrimination, Harassment, and Affirmative Action*

2.82.9 UVU Policy 402 *Keys and Proximity Cards*

2.92.10 UVU Policy 403 *Restrictions on the Use of Skateboards, Roller Blades, Roller Skates, Bicycles, Motorcycles, and Hoverboards*

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[~~2.102.11~~](#) UVU Policy 407 *Clery Act Compliance*

[~~2.112.12~~](#) UVU Policy 425 *Scheduling Campus Facilities*

[~~2.122.13~~](#) UVU Policy 429 *Campus Walkway Safety Policy*

[~~2.132.14~~](#) UVU Policy 430 *Institutional Campus Closure Policy*

[~~2.142.15~~](#) UVU Policy 541 *Student Rights and Responsibilities Code*

[~~2.152.16~~](#) UVU Policy 601 Classroom *Instruction and Management*

[~~2.162.17~~](#) UVU Policy 635 *Faculty Rights and Professional Responsibilities*

3.0 DEFINITIONS

3.1 Appeals Committee: The Appeals Committee, comprised of the Senior Vice President of Academic Affairs, the Vice President of Student Affairs, and the Vice President of Finance & Administration (or their designees), reviews all appeals of any denials or other decisions made pursuant to sections 4.8 through 4.14 of this policy.

3.2 Chartered student club: A student group with a common interest or goal, with at least six members where 75 percent of the members are currently enrolled UVU students, that complies with university-chartered club requirements, including but not limited to having a lawful purpose, chartering the club, having a club constitution, having a president who is a full-time UVU student and who meets other requirements, and establishing and assessing dues. Chartered student clubs are at a minimum funded by member dues and additional funding from the Utah Valley University Student Association (UVUSA).

3.3 Commercial speech: For the purpose of this policy, commercial speech includes all spoken, written, and symbolic speech intended, in whole or in part, for the profit of the person, organization, or institution engaged in the speech. Commercial speech at the University includes speech paid for by persons or organizations who are not members of the university community. Examples include advertisements in or on the UCCU Center, Brent Brown Ballpark, UCCU Center outdoor digital sign, or commercial handbills. Generally, the sponsors of commercial speech are subject to established university fees and must comply with appropriate university procedures.

3.4 Demonstration/Protest: Any rally, gathering, protest, parade, or procession to express views or opinions.

3.5 Members of the university community: For the purposes of this policy, all enrolled students, all persons employed by the University, including but not limited to administrators, faculty, and



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staff, and all organizations comprised of members of the university community, such as UVUSA and chartered student clubs.

3.53.6 Obscenity: For the purposes of this policy, obscenity is defined by applicable law, including the following US Supreme Court’s “Miller test”: whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest; whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law; and whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. See *Miller v. California*, 413 U.S. 15, 21 (1973).

3.63.7 Structure: Any object (other than objects such as handbills, signs, small lawn signs, notices and posters, arm bands, or personal attire) used in expressing views or opinions, including but not limited to booths, buildings, billboards, banners, large lawn signs, and similar displays.

3.73.8 Time, place, and manner restrictions: Generally speaking, time, place, and manner restrictions refer to requirements on when, where, and how messages may be presented on a university campus. These restrictions are viewpoint neutral, narrowly tailored to serve significant university interests, and designed to leave open ample alternative channels of communication.

3.83.9 University campus: Any campus or facility, physical or virtual, owned or leased by the University, including but not limited to the Orem, Wasatch, UVU West, UVU North, and Provo Airport campuses and the university learning management system.

3.93.10 University organizations: For purposes of this policy, university administrative departments and academic schools/colleges, centers, institutes, or departments.

4.0 POLICY

4.1 Scope of this Policy

4.1.1 All persons on any Utah Valley University campus, including members of the university community and visitors or guests, are protected by and subject to freedom of speech laws and this policy. In permitting the exercise of free speech on its campuses, the University does not sponsor or sanction the messages stated or the methods of speech used, unless expressly stated otherwise.

4.2 Policy Statement

4.2.1 Because free expression and the free exchange of ideas are central to the goals of a university, Utah Valley University is committed to the principles of free speech and assembly guaranteed by the United States Constitution and the Utah Constitution, and in accordance with generally accepted concepts of academic freedom. The University is committed to protecting and

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enhancing the free exchange of ideas and to artistic expression, the right to free speech, ~~and~~ academic freedom in the University and on the university campus without prior restraint or censorship, subject to limitations on unlawful/unprotected speech and to clearly stated, reasonable, and nondiscriminatory rules regarding time, place, and manner.

4.2.2 Nothing in this policy shall be construed as protecting, authorizing, or condoning the following unlawful ~~or~~ otherwise unprotected speech, as defined by applicable law: ~~Impermissible unlawful/unprotected speech includes~~ (a) obscenity (see section 3.6); (b) child pornography; (c) defamation; (d) speech that by its very utterance tends to incite an immediate breach of the peace by the hearer; (e) speech that incites or produces imminent lawless action and that is likely to incite or produce such action; (f) speech that creates a hostile environment within the meaning of Title IX of the *Educational Amendments of 1972*, ~~or~~ Title VII of the *Civil Rights Act of 1964*, or other applicable law; (g) speech that ~~materially~~substantially disrupts, obstructs, or interferes with classes, teaching, the use of offices, ceremonies, sporting events, or other university activities related to teaching, research, or administration of the University, or vehicular or pedestrian traffic; (h) speech that damages university or private property; ~~and~~ (i) speech that discloses confidential information or trade secrets of the University or private parties without appropriate authorization; and (j) employee speech that is not a matter of public concern.

4.2.3 Nothing in this policy shall be construed as authorizing or condoning the use of university trade or service marks (including but not limited to names, logos, mascots, and imagery) in any materials that may be created or displayed under this policy without the express written authorization of the University Department of Trademarks and Licensing.

4.2.4 Students or employees who violate this policy or its referenced procedures are subject to university discipline. Moreover, all persons who violate this policy are subject to orders to leave the campus and possible arrest for criminal trespass for failure to comply with such orders.

4.3 Freedom of Speech and Assembly

4.3.1 Members of the university community shall have the right to freedom of speech and assembly without prior restraint or censorship, subject to clearly stated, reasonable, and nondiscriminatory rules and procedures regarding time, place, and manner.

4.4 Freedom of the Press

4.4.1 Members of the university community in their publications or broadcasts are entitled to the full protection of the constitutional right of freedom of the press. Reasonable and nondiscriminatory rules and procedures, consistent with this policy, may be adopted regarding the operations of student, ~~and~~ faculty, and staff publications, posting of signs and notices, the distribution of commercial advertising materials, and the solicitation of funds.



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4.4.2 Student publications supported by university funds or student fees, other than those publications sponsored by a college/school, ~~or department,~~ or academic program, shall be regulated by the University's Student Publications Board pursuant to reasonable and nondiscriminatory procedures, which shall be viewpoint neutral, consistent with this policy, and published on the Student Publications Board website or made available for public inspection upon request. No member of administration or staff, including but not limited to student publication advisors, ~~should~~ shall exercise any prior restraint or editorial control over the content of these publications.

4.4.3 ~~In the case of student publications sponsored by a college or department, the publication shall be regulated in accordance with the procedures adopted by the college or department, which shall be consistent with this policy. In the case of student publications sponsored by a college, school, department, or academic program, such publications and the roles of any student editors shall be regulated in accordance with the procedures adopted by the sponsoring college, school, department, or academic program, which shall be consistent with this policy.~~

4.5 Academic Freedom

4.5.1 Academic freedom in the pursuit and dissemination of knowledge through all media shall be maintained at Utah Valley University (see UVU Policy 635 *Faculty Rights and Professional Responsibilities*). Academic freedom shall be recognized as a right of all members of the faculty, whether with or without tenure or continuing appointment, as they engage in teaching, scholarly and creative activities, and service to the University and their professions.

4.5.2 Faculty shall evaluate students solely on academic bases reasonably related to legitimate pedagogical concerns, and not on student opinions or conduct unrelated to the academic standards of a course as defined by the standards of the applicable discipline or profession.

4.5.3 Discussion and expression of all views relevant to the subject matter of a class, even if unpopular, are recognized as necessary to the educational process; however, students have no right to impinge on the freedom of instructors to teach or the right of other students to learn. Faculty members shall not permit classroom behavior that interferes with the faculty member's ability to teach and/or the students' ability to learn. If a student persists in behaving disruptively in class after the instructor has explained the unacceptability of such conduct, the instructor may dismiss the student from the class and may refer the matter to the University's Director of Student Conduct, who shall address the conduct in accordance with UVU Policy 541 *Student Rights and Responsibilities Code* and other applicable policies.

4.5.4 ~~A~~ Faculty members ~~have~~ has the legal rights and privileges of ~~a~~ a citizen and; ~~He or she~~ they shall not be subject to punishment or reprisal for the exercise of such rights and privileges; however, they; ~~He or she~~ may be subject to sanctions for breach of other policies applicable to faculty, including but not limited to the rules and responsibilities enumerated in UVU policies 154



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Workplace Violence, 162 Sexual Misconduct, 165 Discrimination, Harassment, and Affirmative Action, and 635 Faculty Rights and Professional Responsibilities.

4.5.5 ~~All~~Every faculty members ~~have~~has the right to academic freedom and the right to examine and communicate ideas relevant to their courses by any lawful means, even where such activities generate hostility or pressures against the faculty member or the University. Faculty shall not use academic freedom or freedom of speech as a pretext to discriminate or create a hostile environment within the meaning of Title IX of *the Educational Amendments of 1972*, ~~or~~ Title VII of the *Civil Rights Act of 1964*, or other applicable laws or to violate the rights of students pursuant to UVU Policy 541 *Student Rights and Responsibilities Code* or other applicable UVU policies. Faculty shall also not use academic freedom or freedom of speech as a pretext to teach controversial matter that is not related to their subject.

4.5.6 ~~A faculty member's~~ exercise of freedom of communication, association, or assembly, or ~~their~~his or her participation in political activities, does not constitute a violation of duty to the University, to ~~his or her~~their profession, or to students, except as prohibited by applicable law.

4.5.7 Faculty members are entitled to support and assistance from the University in maintaining a climate suitable for the exercise of rights of academic freedom, scholarship, and effective teaching and learning. ~~A faculty member~~s is are entitled to ~~a classroom~~s free from violence or systematic disruption (see UVU Policy 601 *Classroom Instruction and Management*).

4.6 Right to Form Chartered Student Clubs

4.6.1 Chartered student clubs may be established for any lawful purpose. Affiliation of any student club with lawful off-campus groups shall not, in itself, disqualify that club from enjoying the benefits and privileges that the University affords to student clubs. Student clubs shall have the right to keep membership lists confidential and solely for their own use. The names and addresses of officers are required by the University as a condition for registration or access to university funds or enjoyment of university privileges.

4.6.2 Any chartered student club may be added to the university chartered student club roster upon the filing of a completed *Club Charter Form* with the UVU Clubs Office.

4.6.3 Chartered student clubs shall maintain their position on the university student club roster upon filing with the UVU Clubs Office each fall semester (by a deadline provided by the University Clubs Office). This *Charter Renewal Form* shall include any changes in the initial charter since its latest filing and shall list the current officers. Clubs that renew by the appropriate date are eligible for merit money. Any club may register at any time.

4.6.4 The UVU Clubs Office may remove a student club from the university-chartered student clubs roster for failure by the club to abide by university rules and policies or federal or state law.

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4.7 Student Body Officer Elections

4.7.1 Subject to the limitations on unlawful/unprotected speech (section 4.2.2) and reasonable, viewpoint-neutral, and nondiscriminatory time, place, and manner restrictions, sStudent body officer elections for the Utah Valley University Student Association (UVUSA) shall be regulated pursuant to the UVUSA constitution and bylaws.

4.8 Speakers

4.8.1 The rights of speakers to freedom of expression under the United States Constitution and the Utah Constitution shall be protected. The rights of speakers to speak and audiences to hear, free from undue disruption and interference, shall also be protected.

4.8.2 In permitting the exercise of free speech on its campuses, the University does not sponsor or sanction the messages stated or the methods of speech used unless expressly stated otherwise.

4.8.3 Members of the university community shall have the right to invite speakers to address audiences on campus (at the expense of the sponsoring organization and members), subject to the limitations on unlawful/unprotected speech (section 4.2.2), reasonable and nondiscriminatory time, place, and manner restrictions, and other policies governing the use of university facilities such as ~~the~~ university safety and security policies (such as UVU Policy 402 *Keys and Proximity Cards*, UVU Policy 403 *Restrictions on the Use of Skateboards, Roller Blades, Roller Skates, Bicycles, Motorcycles, and Hoverboards*, and UVU Policy 407 *Clery Act Compliance*) and applicable facilities and scheduling policies (such as UVU Policy 425 *Scheduling Campus Facilities*, UVU Policy 429 *Campus Walkway Safety Policy*, and UVU Policy 430 *Institutional Campus Closure Policy*), to the extent such policies are consistent with this policy.

4.8.4 Members of the university community, except university organizations, who invite speakers to address audiences on or off the campus, ~~except university organizations~~, may not use the name of the University to imply official sponsorship of the speaker in advertising or publicizing the event, but may use the University's name as a means to identify the location of the event.

4.8.5 ~~Designated Places for Speakers~~Speaker Areas

4.8.5.1 Speakers may speak in any outdoor area, as long as such speech does not violate the time, place, and manner restrictions set forth in section 4.8.69 of this policy. The University ~~shall also~~ provides reasonably appropriate places ~~insidewithin~~ the Sorensen Student Center and outside ~~in~~ the Student Life and Wellness Center Plaza and the Pope Science Courtyard to enable speakers to address those wishing to listen. These places shall be available to any person, but university organizations and members of the university community shall have scheduling preference in the use of these designated places.



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4.8.5.2 Nothing in this section (4.8.5) shall be interpreted as limiting the right of free speech elsewhere on the campus as provided by this policy.

4.8.6 Time, Place, and Manner Restrictions for Speakers

4.8.6.1 Although it is not necessary for a person using one of the designated places in section 4.8.5.1 to obtain prior permission from the University, the University encourages such persons to contact the Campus Scheduling Office to reserve or schedule a designated place in advance to ensure availability, in accordance with the UVU Policy 425 *Scheduling Campus Facilities*. University organizations and members of the university community reserving use of these designated places shall have preference be given priority over those seeking to use these places without reservation.

4.8.6.2 The Campus Scheduling Office shall provide general notice of the procedures for reserving the designated speaker spaces/areas in section 4.8.5.1. Use of the speaker areas/designated places may be reserved for up to two hours for purposes of speaking.

4.8.6.3 Persons reserving the speaker areas/designated places may make use of university-provided tables and other temporary means for displaying or distributing information, provided that they must set up and remove them upon the expiration of their reservation. Reservations and arrangements for tables, including the payment of applicable fees, shall be made with the Campus Scheduling Office.

4.9 Protests and Demonstrations

4.9.1 To facilitate robust debate and the free exchange of ideas, peaceful protests and demonstrations on campus are legitimate means of expression. Anyone who wishes to engage in protests and demonstrations shall be permitted to do so, as long as their protest/demonstration and the conduct of participants

1) Does not take place in indoor rooms/areas where quiet or reflection may be expected by those using these rooms/areas (including but not limited to classrooms, laboratories, the Reflections Center, the Woodbury Art Museum, the Fulton Library, the Bingham Gallery, the Noorda Center for the Performing Arts, and other indoor venues where theatrical/musical performances or public or private ceremonies are occurring);

2) Does not take place inside buildings where minors or vulnerable populations are predominantly present (including but not limited to the Wee Care Center, the Cole Nellesen Building, or indoor rooms/areas where youth camps are taking place);

3) Is not violent; and

4) Does not unduly disrupt the functioning of the University, interfere with the rights of other members of the university community, or damage university or private property. Protests and

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demonstrations are [also](#) subject to the limitations on unlawful/unprotected speech (section 4.2.2) and reasonable and nondiscriminatory time, place, and manner restrictions.

4.9.2 Time, Place, and Manner Restrictions for Protests and Demonstrations

4.9.2.1 Although it is not necessary for a person planning a protest or demonstration to obtain prior permission from the University, the University encourages such persons to contact the Campus Scheduling Office to reserve or schedule a place in advance to ensure availability, in accordance with UVU Policy 425 *Scheduling Campus Facilities*. University organizations and members of the university community reserving use of university facilities and places shall [have preference be given priority](#) over those who do not have a reservation.

4.9.2.2 Protests and demonstrations must be orderly at all times and must not jeopardize public order or safety. [The University reserves the right to prohibit protestors from wearing masks or otherwise disguising their identity during protests if protestors' conduct threatens to endanger the safety of others or to damage University property.](#)

4.9.2.3 Protests and demonstrations must not interfere with the entrances [and exits](#) to buildings or the normal flow of pedestrian or vehicular traffic.

4.9.2.4 Protests and demonstrations must not disrupt or obstruct university functions, organized meetings, or other assemblies in such a way as to invade the rights of others to assemble and the rights of speakers to free expression.

4.9.2.5 Protests and demonstrations must not interfere with classes and teaching, the use of administrative or academic departments or offices, university activities related to teaching or research, or previously scheduled meetings or events.

4.9.2.6 Persons violating the time, place, and manner restrictions relating to protests and demonstrations may be subject to arrest or other action authorized by law after notice is given of the restrictions being violated and the persons refuse to cease and desist.

4.9.2.7 Protesters and demonstrators shall be financially responsible for any damages caused by their protests and demonstrations. Damages caused by third parties not part of the protests and demonstrations shall be assessed against such third parties, with such assessments not being final until they are appealed to and reviewed by the Appeals Committee (section 5.1).

4.10 Sound Amplification Equipment

4.10.1 Sound equipment shall be used only at [volumesound](#) levels that do not disrupt or disturb teaching, research, or other duly authorized meetings or activities at the University, and in accordance with city ordinances.

4.11 Posting of Signs, Notices, Posters, and Banners

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4.11.1 Non-Commercial Signs, Notices, Posters, and Banners

4.11.1.1 The University shall provide reasonable space indoors and outdoors for the posting of non-commercial signs, notices, posters, and banners by members of the university community. Subject to the limitations on unlawful/unprotected speech (section 4.2.2) and reasonable and nondiscriminatory time, place, and manner restrictions, such signs, notices, posters, and banners may deal with any subject matter, including but not limited to notices of meetings or events and expressions of positions and ideas on social or political topics.

4.11.2 Time, Place, and Manner Restrictions for Posting Non-Commercial Signs, Notices, Posters, and Banners

4.11.2.1 Members of the university community may post non-commercial signs, notices, and posters on bulletin boards and kiosks located on ~~the~~ UVU campus and maintained by the University; however, except they may not be posted on bulletin boards or kiosks maintained by academic and administrative departments of the University or in classrooms (per section 4.11.2.2 ~~of this policy~~). Non-commercial signs, notices, and posters shall not be attached to non-bulletin board or kiosk locations, such as on trees, buildings or portions of buildings (including walls, doors, windows, fixtures, handrails), fountains, statues, equipment, furniture, or machinery, unless otherwise expressly authorized by the Dean of Students. For lawn sign requirements, see section 4.11.2.9.

4.11.2.2 Unless expressly designated for broader use, bulletin boards, easels, and kiosks maintained by ~~the~~ an academic ~~and or~~ administrative departments of the University, and all ~~classroom~~ walls, doors, whiteboards, chalkboards, windows, and ~~all~~ other areas within classrooms, are reserved exclusively for university organizations for university speech. ~~Moreover, university websites and digital signage are reserved exclusively for university organizations for university speech.~~ Designated areas in bathroom stalls in the Sorensen Student Center and Student Wellness Center are also reserved exclusively for university speech by the UVU Student Life division. In addition, designated areas for the hanging of art-work on campus are reserved exclusively for university organizations. Postings under this section do not need to have a Campus Connection stamp but are required to comply with the department's published nondiscriminatory rules and procedures, including a procedure that all such items be date stamped and otherwise identified as authorized by the department.

4.11.2.3 University websites and digital signage are reserved for university organizations for university speech. However, 10 digital signage slots shall be reserved for chartered student clubs to advertise meetings, fundraisers, service projects, or other events that are open to the entire student body. Chartered student clubs must submit their signage to the UVU Clubs Office and comply with the digital signage procedures included in the UVU Clubs Handbook. The UVU Clubs Office shall post digital signage that complies with such procedures on a first-come, first-served basis, up to the 10-slot limit. The UVU Clubs digital signage procedures shall be viewpoint-neutral and shall not violate this policy.

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4.11.2.4 University organizations, UVUSA, and chartered student clubs may post banners in designated banner areas only after registering the banner with Campus Connection, being assigned a banner location, paying a deposit fee, obtaining a date stamp on the banner, and otherwise complying with Campus Connection procedures. The procedures shall be viewpoint-neutral and shall not violate this policy. Outdoor banners may be posted only in designated outdoor areas identified and maintained by Campus Connection and only after paying a posting and removal fee.

4.11.2.5 Messages or slogans of any kind shall not be painted, hung, or otherwise written on trees, buildings, windows, sidewalks, grounds, fountains, walls, or other structures or surfaces, or on the personal property of others. No tape of any kind may be used for installation of signs, notices, posters, or banners. Sidewalk chalk messages may be used on sidewalks in the speaker areas designated in section 4.8.5.1 of this policy but are not permitted on any permanent standing structures. All sidewalk chalk messages shall be removed by the end of the day. Individuals or organizations that fail to comply with the requirements may be charged an additional cost for any removal of sidewalk chalk.

4.11.2.6 ~~Any~~ All non-commercial signs, notices, posters, or banners posted on ~~the~~ UVU campus, other than those specifically exempted in sections 4.11.2.2, 4.11.2.3, and 4.11.2.11, must have ~~obtain~~ a ~~stamped~~ visible expiration date stamp from Campus Connection, ~~a date~~ after which date the sign, notice, poster, or banner may be removed, generally not to exceed 14 calendar days from the date of posting.

4.11.2.7 Non-commercial signs, notices, posters, or banners may be re-posted for an additional 14 calendar days within a 60-day time period after the original posting date, but only after it is shown that there is good reason for the sign, notice, poster, or banner to remain in place for a longer period (such as the occurrence of a campus closure during the original posting period) and the sign, notice, poster, or banner has been restamped by Campus Connection.

4.11.2.8 Due to the limited amount of available display space and preference for university-sponsored speech, the number of posters per event sponsored is limited to 50 for one month or 25 for two months. No more than two flyers for any event may be posted on any single bulletin board or kiosk. No more than two banners may be posted for any upcoming announcement, deadline, or event.

4.11.2.9 Small lawn signs may only be used to advertise an upcoming event or deadline held on a UVU campus or sponsored by university organizations or members of the university community, or to provide directions to such events. Sponsors of such events must obtain stamps on lawn signs with visible expiration dates from Campus Connection, which shall publish reasonable time, place, and manner procedures that comply with this policy on the size, number, and graphics requirements of such lawn signs, where such lawn signs may be posted, and for how long.



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4.11.2.10 The UVUSA Elections Committee may publish viewpoint-neutral, nondiscriminatory rules and procedures for the posting of campaign posters, signs, and banners, which may include exceptions to this policy permitting additional election-related signage on campus during a designated period leading to UVUSA elections.

4.11.2.11 The University Events ~~and the Athletics departments, which are~~ is exempted from the ~~time, place, and manner restrictions~~ Campus Connection stamp requirement set forth in section 4.11.2.6 ~~when they may~~ post posters, banners, small lawn signs, easels, and other similar media to publicize events sponsored by ~~the University Events Department~~ these departments, as long as they stamp and identify in accordance with its own nondiscriminatory rules and procedures, which shall include a procedure that all such items ~~be identified as University Events Department or Athletics Department~~ media and otherwise comply with this policy.

4.11.2.12 University maintenance personnel or other university officials may remove any non-commercial signs, notices, posters, or banners that do not comply with this policy.

4.11.3 Commercial Signs, Notices, Posters, and Banners

4.11.3.1 Campus Connection shall publish procedures governing the posting or distribution of commercial signs (including digital signage and projections on the side of buildings), notices, posters, banners, and other materials for commercial purposes, except for commercial signage at the UCCU Center, the Brent Brown Ballpark, other athletic facilities, and at university athletic events (with Campus Connection maintaining a list of other university departments, and their procedures, responsible for commercial signage in these other venues). Campus Connection procedures may include a schedule of fees for nonmembers of the university community and limitations upon the areas in which such commercial speech may take place. The procedures shall be viewpoint neutral. Signs, notices, posters, and banners are subject to the limitations on unlawful/unprotected speech (section 4.2.2) and reasonable and nondiscriminatory time, place, and manner restrictions. All commercial and non-university community signs, notices, posters, and banners shall be available for inspection in Campus Connection, and a written record of actions taken under the procedures shall be maintained and be open for public inspection.

4.11.3.2 By posting the commercial sign, notice, poster, or banner on campus, the person or organization (a) agrees to hold the University harmless for any assessed damages or liability incurred as a result of the sign, notice, poster, or banner; and (b) is responsible for the content of any signs, notices, posters, or banners it sponsors or posts on campus.

4.12 Distribution of Non-Commercial Handbills, Petitions, and Other Written Material

4.12.1 Any person may hand out and distribute non-commercial handbills, petitions, or other written material throughout campus without prior approval, ~~as~~ so long as the distributed materials clearly identify the author or sponsor of the materials, ~~and~~ subject to the limitations on



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unlawful/unprotected speech (section 4.2.2) and reasonable and nondiscriminatory time, place, and manner restrictions.

4.12.2 Time, Place, and Manner Restrictions ~~for~~ Non-Commercial Handbills, Petitions, and Other Written Material

4.12.2.1 Distribution of non-commercial handbills, petitions, and other written material on the university campus is permissible but must not interfere with the entrances and exits of university buildings or the normal flow of pedestrian and vehicular traffic.

4.12.2.2 Distribution may not occur within classrooms, ~~or~~ academic and administrative departments or offices, may not interfere with classes, and teaching or university activities related to teaching, may not disrupt the functioning or events of the University, and may not interfere with the rights of other members of the university community.

4.12.2.3 Handbills or other written materials may not be attached or affixed to private property (including but not limited to vehicles) without the owner's permission and may not be dropped or left on the ground or floors, fixtures, furniture, or in other areas in violation of applicable littering laws.

4.13 Distribution of Commercial Handbills

4.13.1 Campus Connection shall publish rules and procedures governing the distribution of commercial handbills. The procedures may include a schedule of fees and limitations upon the areas in which such commercial activity may take place. The rules and procedures shall be published on the Campus Connection website, and a written record of actions taken under the rules and procedures shall be maintained and open for public inspection upon request.

4.13.2 Any person distributing handbills or written material shall be personally responsible for the content of the material and hold the University harmless for any assessed damage or liability incurred as a result of the distribution of the handbills or material.

4.14 Non-Commercial Structures

4.14.1 Members of the university community and their organizations may erect non-commercial structures on campus to express their views or opinions subject to the limitations on unlawful/unprotected speech (section 4.2.2) and reasonable and nondiscriminatory time, place, and manner restrictions. Such structures may deal with any subject matter, including but not limited to social or political issues.

4.14.2 Time, Place, and Manner Restrictions for Non-Commercial Structures

4.14.2.1 Members of the university community may erect non-commercial structures in ~~designated places as~~ speaker areas defined in section ~~4.8.5.1~~ 4.9.5.1 of this policy. Members of

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the university community may erect structures outside of the ~~designated places~~[speaker areas](#) in section 4.~~89~~.5.1 where it is shown that the message is intended for an audience elsewhere on the campus.

4.14.2.2 The Campus Scheduling Office shall create viewpoint-neutral, nondiscriminatory procedures related to the physical requirements and limitations, such as health and safety, of non-commercial structures, which shall be maintained and available for inspection on the Campus Scheduling Office webpage.

4.14.2.3 Prior to the erection of any non-commercial structure, a person or organization must obtain a permit from the Campus Scheduling Office for each proposed structure. Permit application forms may be obtained from the Campus Scheduling Office. The permit application shall include the identity of the member or members of the university community responsible for the structure~~;~~ the proposed location, size, and design of the structure~~;~~ the period of time the structure will be in place (up to 30 calendar days for 12 hours per day for booths and buildings of any kind and 24 hours per day for other structures)~~;~~ an agreement to remove the structure at the end of each day and upon expiration of the permit and to pay for any damage the structure may cause to the site upon which it is erected~~;~~ and an agreement to hold the University harmless for any assessed damages or liabilities caused by the structure itself. In the case of structures other than lawn signs, billboards, banners and similar self-explanatory structures, the Campus Scheduling Office shall require that the structure be regularly staffed during daytime school hours as a condition of issuing the permit and renewing the permit.

4.14.2.4 The Campus Scheduling Office shall issue the permit if (a) the intended non-commercial structure and uses made of it will not constitute a safety hazard and will not impede the normal functions of the University; (b) the structure does not block or impede entry to any building or interfere with normal pedestrian or vehicular traffic; and (c) the proposed location of the structure does not cause unreasonable damage, in the University's exclusive judgment, ~~to~~[upon](#) landscaping, ~~such as like~~ flowers and shrubs.

4.14.2.5 A permit shall be issued for up to 30 calendar days. ~~Thereafter,~~[In](#) the event of compliance with the terms of the permit, it ~~may~~[shall](#) be renewed~~,~~ upon application~~,~~ for the same time period~~,~~ subject to the requirements applicable to the issuance of the original permit.

4.14.2.6 University maintenance personnel or other university officials may remove any non-commercial structures that do not comply with this policy.

4.14.3 [Commercial Structures](#) ~~Erected for Commercial Purposes~~

4.14.3.1 The Campus Scheduling Office shall issue rules and procedures governing the creation and use of structures for commercial purposes. The rules and procedures, which may include a schedule of fees and limitations upon the areas in which such commercial activity may take place, shall be published on the Campus Connection website, and a written record of



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actions taken under the rules and procedures shall be maintained and open for public inspection upon request. ~~The e~~Commercial structures are subject to the limitations on unlawful/unprotected speech (section 4.2.2).

4.15 Appeals

~~4.15.1 Any person seeking to appeal any denials or other decisions made pursuant to sections 4.8 through 4.14 this policy, such as the denial of a request to post signs, notices, or posters; the removal of signs, notices, or posters by university staff; the assessment of damages caused by protests and demonstrations; the denial of permission to erect a structure; or restrictions placed upon a structure's permit, may do so by submitting a written appeal to Campus Connection within five business days of the adverse decision. The written appeal must include the specific reasons for the appeal request.~~

~~4.15.2 The appeal shall be referred to the Appeals Committee for decision. The committee will consult with the Office of General Counsel to ensure compliance with this policy and applicable law. The decision of the Appeals Committee, which shall be reached by a majority vote, shall be final.~~

5.0 PROCEDURES

5.1 Appeals

5.1.1 Any person seeking to appeal any denials or other decisions made pursuant to sections 4.8 through 4.14 of this policy, such as the denial of a request to post signs, notices, or posters; the removal of signs, notices, or posters by university staff; the assessment of damages caused by protests/demonstrations; the denial of permission to erect a structure ;or restrictions placed upon a structure's permit; etc., may do so by submitting a written appeal to Campus Connection within five business days of the adverse decision. The written appeal must include the specific reasons for the appeal request.

5.1.2 The appeal shall be referred to the Appeals Committee for decision. The committee will consult with the Office of General Counsel to ensure compliance with this policy and applicable law. The decision of the Appeals Committee, which shall be reached by a majority vote, shall be final.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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Proposed Policy Number and Title: 544 Scheduling Peaceful Assemblies (DELETION)		
Existing Policy Number and Title:		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input checked="" type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
NOTE: Bundled with Policy 161	Anticipated Expiration Date:	
*See UVU Policy #101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: Stage 4
President's Council Sponsor: Michelle Taylor **Ext.** _____
Policy Steward: Alexis Palmer **Ext.** _____

POLICY APPROVAL PROCESS DATES

Policy Drafting and Revision

Entrance Date: 4/24/2014

University Entities Review

Entrance Date: 01/12/2017

Close Feedback: 03/12/2017

University Community Review

Entrance Date: 04/20/2017

Open Feedback: 04/20/2017

Close Feedback: 05/17/2017

Board of Trustees Review

Entrance Date: 05/18/2017

Approval Date: MM/DD/YYYY

POST APPROVAL PROCESS

Verify:

- ☐ Policy Number
- ☐ Section
- ☐ Title
- ☐ BOT approval
- ☐ Approval date
- ☐ Effective date
- ☐ Proper format of Policy Manual posting
- ☐ TOPS Pipeline and Archives update

Policy Office personnel who verified and posted this policy to the University Policy Manual

Name: _____

Date posted and verified: _____



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POLICY TITLE	Scheduling Peaceful Assemblies	Policy Number	544
Section	Student Affairs	Approval Date	February 8, 1996
Subsection	Student Rights	Effective Date	February 8, 1996
Responsible Office	Office of the Vice President of Student Affairs		

1.0 PURPOSE

2.0 REFERENCES

~~2.1 U.C.A. 76-8-703, 704, 705, 706, 710, 711, 713~~

~~2.2 Utah State Board of Regents' Policy R255 *Scheduling and Authorizing Use of Campus Facilities*~~

~~2.3 Utah State Board of Regents' Policy R253 *Campus Discipline*~~

~~2.4 UVU Policy 541 *Student Rights and Responsibilities Code*~~

3.0 DEFINITIONS

4.0 POLICY

~~4.1 Free expression and peaceful assembly are rights guaranteed by the Constitution, subject to time, place, and manner regulations. The University acknowledges this right for its students to assemble and express their views peacefully. To protect the health and safety of both participants and bystanders, peaceful assembly procedures follow. (See also UVU Policy 541 *Student Rights and Responsibilities Code*.)~~

4.2 Procedure

4.2.1 Planning and Preparation Strategies

~~4.2.1.1 Plan your peaceful assemblies through the Dean of Students.~~

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~~4.2.1.2 Seek help from the Dean of Students to ensure compliance with federal, state, and local law as well as university policies.~~

~~4.2.1.3 Reserve an appropriate location from the lists below.~~

~~4.2.1.4 Schedule appropriate amplification, if necessary.~~

~~4.2.1.5 Contact University Police for traffic and crowd control, if necessary.~~

~~4.2.1.6 Post fliers and/or cardboard signs according to Campus Connection guidelines.~~

~~4.2.1.7 Pay rental charges, if required.~~

~~4.2.1.8 Commit to obey local, state, and federal laws, and university policies.~~

~~4.2.1.9 Agree not to disrupt the educational process of the University.~~

4.2.2 Prohibitions

~~4.2.2.1 Interference with the rights of others. Examples are harassment, intimidation, and discrimination.~~

~~4.2.2.2 Disruption of normal functions of the University (U.C.A. 76-8-703).~~

~~4.2.2.3 Damage to university property (U.C.A. 76-8-706).~~

~~4.2.2.4 Endangerment of the health or safety of self or others.~~

~~4.2.2.5 Use of classrooms during academic hours.~~

~~4.2.2.6 Refusal to vacate the premises upon official request by a university administrator or law enforcement personnel (U.C.A. 76-8-703, 704, 710, and/or 713).~~

~~4.2.2.7 Use of objects that might injure participants or bystanders. Examples are wires, ropes, sticks, and chains.~~

4.2.3 Penalties

~~4.2.3.1 Prohibited acts are grounds for suspension or dismissal. Utah law provides that a student may be barred from the University for up to 14 days following an incident where the student violates university policy or state law. (U.C.A. 76-8-711).~~



~~4.2.3.2 Refusal to vacate premises upon official request warrants immediate temporary suspension and arrest under the law (U.C.A. 76-8-703, 704, 705).~~

4.2.4 Locations Appropriate for Peaceful Assembly

~~4.2.4.1 For large assemblies (more than 50 people):~~

- ~~1) Sorensen Student Center Courtyard Lawn~~
- ~~2) Sorensen Student Center Ballroom~~
- ~~3) Sorensen Student Center Ragan Theater~~
- ~~4) Athletic fields/lawn areas~~
- ~~5) Sorensen Student Center Meeting Rooms~~
- ~~6) UCCU Events Center Arena~~
- ~~7) UCCU Events Center Presidential Level~~

~~4.2.4.2 For small assemblies (fewer than 50 people):~~

- ~~1) Student lounges~~
- ~~2) UVUSA meeting rooms (SC 213)~~

~~4.2.4.3 Locations are subject to availability; some locations may not be available at all times due to previously scheduled engagements.~~

4.2.5 Resources

4.2.5.1 Reservations

~~4.2.5.1.1 Sorenson Student Center Scheduling, SC 103~~

~~4.2.5.1.2 Events Center Scheduling, EC 012~~

~~4.2.5.1.3 All Other University Scheduling, FC 104~~

~~4.2.5.1.4 Amplification for the Sorensen Student Center and outdoor areas can occur between 11:00 a.m. and 1:00 p.m., Monday through Friday; Saturday hours are flexible. Adequate and~~



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~~effective amplification shall be provided within limits necessary to protect the neighboring community. Amplification for small peaceful assembly sites is rarely needed.~~

~~4.2.5.1.4.1 Media Services & Engineering, LI 321~~

~~4.2.5.1.4.2 Sorensen Student Center Scheduling, SC 103~~

~~4.2.5.2 Assistance~~

~~4.2.5.2.1 Student Life, SC 109~~

~~4.2.5.2.2 Vice President for Student Affairs, SC 109~~

~~4.2.5.2.3 Office of the President, BA 218~~

~~4.2.5.2.4 Emergency: University Police Department, Parking Services Building, 936 South 400 West, 863-8187 or 863-5555. Non-Emergency: University Police, GT 331, 863-8014~~

5.0 PROCEDURES

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



UVU BOARD OF TRUSTEES
Agenda Item Coversheet

DATE:	June 22, 2017
TITLE:	Conduct Policies <i>Policy 162 Sexual Misconduct</i> <i>Policy 165 Discrimination, Harassment, and Affirmative Action</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Linda Makin, VP of Planning, Budget, and HR/Karen Clemes, General Counsel
SUBJECT:	Policy 162 Sexual Misconduct Policy 165 Discrimination, Harassment, and Affirmative Action
BACKGROUND:	<p>These two policy revisions have been processed through UVU's regular policy process and will replace the temporary emergency policies.</p> <p>The proposed policy revisions include the following:</p> <ul style="list-style-type: none">• Inclusion of standards for student disciplinary processes in compliance with the recently adopted Utah State Board of Regents' Policy R256 <i>Student Disciplinary Processes</i>.• Protection of confidential communications to designated UVU advocates in compliance with recently adopted statute <i>Campus Advocate Confidentiality Amendments</i>.• Addition of gender expression to list of protections from discrimination.• Inclusion of respondent and witnesses in protection related to drug/alcohol violation• Clarification of opportunity for support persons/advisors• Addition of ability to place respondent employees on paid/unpaid leave during investigation• Expansion of timeline and process detail for review hearings• Clarify timely complaints in Policy 165

ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve Policy 162 and Policy 165 as presented.” • Amend and approve, “I move to approve, as amended, Policy 162 and Policy 165.” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	\$0.00
EXHIBITS:	<ul style="list-style-type: none"> a. Policy 162 <i>Sexual Misconduct</i> (with the proposed revisions indicated by markup) b. Policy 162 <i>Sexual Misconduct</i> (clean copy) c. Policy 165 <i>Discrimination, Harassment, and Affirmative Action</i> (with the proposed revisions indicated by markup) d. Policy 165 <i>Discrimination, Harassment, and Affirmative Action</i> (clean copy)



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Proposed Policy Number and Title: Policy 162 <i>Sexual Misconduct</i>		
Existing Policy Number and Title: Policy 162 <i>Sexual Misconduct</i>		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input checked="" type="checkbox"/> Revision-Limited Scope	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy #101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: Board of Trustees,, Regular, Limited Scope, June 8, 2017		
President's Council Sponsor: Linda Makin, Michelle Taylor	Ext.	
Policy Steward: Alexis Palmer, Melissa Frost, Karen Clemes	Ext.	

POLICY APPROVAL PROCESS DATES	
Policy Drafting and Revision Entrance Date: <u>7/26/2016</u>	POST APPROVAL PROCESS
University Entities Review Entrance Date: <u>03/23/2017</u> Close Feedback: <u>Completed</u>	Verify: <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update
University Community Review Entrance Date: <u>04/20/2017</u> Open Feedback: <u>04/20/2017</u> Close Feedback: <u>05/17/2017</u>	Policy Office personnel who verified and posted this policy to the University Policy Manual
Board of Trustees Review Entrance Date: <u>05/25/2017</u> Approval Date: <u>MM/DD/YYYY</u>	Name: _____ Date posted and verified: <u>MM/DD/YYYY</u>



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POLICY TITLE	Sexual Misconduct	Policy Number	162
Section	Governance, Organization, and General Information	Approval Date	
Subsection	Individual Rights	Effective Date	
Responsible Office	Office of the Vice President of Planning, Budget, and Human Resources		

1.0 PURPOSE

1.1 Utah Valley University is committed to maintaining a respectful and safe environment for its students, faculty, staff, and visitors. This policy defines and prohibits all forms of sexual misconduct (including sexual discrimination, sexual harassment, sexual violence, domestic violence, dating violence, human trafficking, and stalking); establishes expectations for university community members and campus visitors; details how to report a violation of this policy; describes university resources and interim measures to protect those involved in the process; outlines investigation, disciplinary, and due process procedures for addressing reported violations of this policy; and overviews the University's education, awareness, prevention, and risk-reduction programs. This policy applies to all persons who are (1) employed by, attending, or affiliated with Utah Valley University in any way; (2) participating in any university program or activity, including but not limited to trustees, administrators, faculty, staff, students, independent contractors, volunteers, and guests; and/or (3) visiting a university campus or any property owned or leased by the University.

2.0 REFERENCES

2.1 *Americans with Disabilities Act (ADA)* (as amended)

2.2 *Campus Sexual Violence Elimination Act (SaVE)*—Reauthorization of the *Violence against Women Act of 2013 (VAWA)*

2.3 *Family Educational Rights and Privacy Act (FERPA)*

2.4 *Health Insurance Portability and Accountability Act (HIPAA)*

2.5 *Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (Clery Act)*

2.6 Title VII of the *Civil Rights Act of 1964* ([Title VII](#))

2.7 Title IX of the *Higher Education Amendments Act of 1972* ([Title IX](#))



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2.8 [Utah Code § 53B-27-101 et seq. Campus Advocate Confidentiality Amendments](#)

2.9 Utah Code § 63G-2 *Government Records Access and Management Act (GRAMA)*

2.10 Utah Code § 77-36 *Cohabitant Abuse Procedures Act*

2.11 Utah Code § 77-38 *Rights of Crime Victims Act*

2.12 Utah State Board of Regents' Policy R256 *Student Disciplinary Processes*

2.13 UVU Policy 115 *Minors on Campus and at University-Sponsored Events*

2.14 UVU Policy 154 *Workplace Violence*

2.15 UVU Policy 161 *Freedom of Speech*

2.16 UVU Policy 165 *Discrimination, Harassment, and Affirmative Action*

2.17 UVU Policy 407 *Clery Act Compliance*

3.0 DEFINITIONS

3.1 Bystander: An individual who witnesses or becomes aware of an instance of sexual misconduct. A bystander may not be directly involved but has the choice to intervene where it is safe to do so by discouraging, preventing, or interrupting an incident, or by summoning help.

3.2 Bystander intervention: When bystanders proactively respond and provide assistance in a situation in which sexual misconduct has occurred, is occurring, or could occur.

3.3 Campus Security Authority (CSA): As required by the *Clery Act*, individuals (1) serving in positions identified by the Vice President of Finance and Administration, who have significant responsibility for student and campus activities, or (2) serving in a security role for a university activity temporarily or for a designated event and who have a duty to report sexual misconduct and all Clery-reportable crimes. These individuals may not always be university employees. For examples of designated CSAs and definitions of Clery-reportable crimes and geography, see UVU Policy 407 *Clery Act Compliance*.

3.4 Complainant, victim, or alleged victim: ~~Someone who has~~ [An individual who has allegedly experienced sexual misconduct and who has requested university interim measures or disciplinary action in violation of university policy. The University may also be a complainant.](#) Use of these terms does not imply that a finding of misconduct is assumed or made before an investigation has been completed.



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3.5 Consent: Consent to engage in a sexual encounter must be given by all participating parties; must be clear, knowing, and voluntary; and may be given only by someone who is 18 years of age or older and is not mentally and/or physically incapacitated. Consent is active, not passive. Consent requires an affirmatively communicated willingness through words and/or actions to participate in sexual activity. Silence, in and of itself, may not be interpreted as consent.

3.6 Dating/relationship violence: Violence or threat of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on a consideration of all relevant factors, including (a) the length of the relationship, (b) the type of relationship, and (c) the frequency of interaction between the persons involved in the relationship.

3.7 Discrimination: For purposes of this policy, negative or adverse conduct towards university employees or students in the terms or conditions of employment; university admission or education; access to university programs, services, or activities; or other university benefits or services, on the basis of their inclusion or perceived inclusion (in the case of sexual orientation, gender identity, or gender expression) in the protected classes of sex, pregnancy, pregnancy-related conditions, sexual orientation, ~~or gender identity, or gender expression~~, that has the effect of denying or limiting participation in a university program or activity.

3.8 Domestic violence: Violence or physical harm, or threat of violence or physical harm, committed by (a) a current or former spouse or intimate partner of the alleged victim, (b) a person with whom the victim shares a child in common, (c) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (d) a person similarly situated to a spouse of the individual who experienced domestic violence under the domestic or family violence laws of the jurisdiction where the act of domestic violence occurred, or (e) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction where the act of domestic violence occurred.

3.9 ~~Hostile environment~~Harassment: For purposes of this policy, any unwelcome verbal, physical, written, electronic, or nonverbal conduct (whether directly, indirectly, or through a third party) of a sexual nature, or related to an individual's sex, pregnancy, pregnancy-related conditions, sexual orientation, ~~or gender identity, or gender expression~~, that is sufficiently severe, persistent, or pervasive ~~to alter to it alters~~ the conditions of employment ~~of an employee,~~ or ~~to limits,~~ interferes with, or denies educational benefits or opportunities ~~of a student,~~ from both a subjective and objective viewpoint based on a totality of the circumstances, including but not limited to the frequency and severity of the conduct, whether the conduct was physically threatening or humiliating, the effect of the conduct on the individual's mental or emotional state, whether the conduct was directed at more than one person, whether the conduct arose in the context of other discriminatory conduct, and whether the speech or conduct deserves the protections of academic freedom or the First Amendment.



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3.10 Incapacitation: An individual who is incapacitated cannot give consent to engage in a sexual encounter. Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments. Factors that could be indications of incapacitation include but are not limited to mental or physical disability; lack of sleep; alcohol; illegal, date-rape, or prescription drug use; unconsciousness; blackout; or involuntary physical restraint. Being intoxicated by drugs or alcohol does not diminish one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew, or whether a reasonable person should have known, that the complainant was incapacitated.

3.103.11 Party: -Complainant or respondent.

3.113.12 Preponderance of evidence: The evidentiary standard used during a sexual misconduct investigation/review to determine if the allegations occurred and if a university policy violation has occurred. Preponderance of evidence means it is more likely than not, or more than 50 percent in favor, that the misconduct occurred as alleged.

3.123.13 Respondent: The individual against whom an alleged complaint of sexual misconduct in violation of university policy has been made. Use of these terms does not imply that a finding of misconduct is assumed or made before an investigation has been completed.

3.133.14 Responsible employee: Any university employee (faculty, staff, administration) or volunteer, excluding those designated as strictly confidential in section 5.4.1 of this policy, who becomes aware of a sexual misconduct issue involving any university student or employee.

3.143.15 Result: Any initial, interim, and/or final outcome or decision by any official or entity authorized to resolve disciplinary matters within the University. The result must include any sanctions imposed by the University.

3.153.16 Retaliation: Intimidation, threats of reprisal, harassment, or other materially adverse actions, or threats of such materially adverse actions, made by or against persons employed by, attending, or affiliated with the University in any way or participating in any university program or activity, against anyone who in good faith opposes discrimination or harassment; reports or files a complaint of discrimination or harassment; honestly participates or assists in a university-related investigation, hearing, or other proceeding relating to discrimination or harassment; or otherwise asserts rights protected by Title IX, Title VII, or other applicable laws. Any action designed to prevent or discourage someone from reporting a concern regarding sexual misconduct may also be retaliation.

3.163.17 Sexual assault: A forcible or non-forcible sex offense, including actual or attempted sexual contact, againstwith another person without that person's consent. Sexual assault includes but is not limited to involvement in any sexual contact when the victim is unable to consent, or intentional and unwelcome touching, however slight, of any body part or object, by any person



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upon another person, that is without consent and/or by force or by coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast). Sexual intercourse without consent includes acts commonly referred to as rape, statutory rape, or incest. Intercourse includes vaginal penetration by a penis, object, tongue, finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth-to-genital contact or genital-to-mouth contact), no matter how slight the penetration or contact.

3.173.18 Sexual Assault Response Team (SART): Group of trained interdepartmental university staff working collaboratively to provide services for the university community by offering specialized sexual assault intervention services, including but not limited to ensuring the immediate safety of the alleged victim, taking interim measures as necessary, and remediating the effects of substantiated sexual misconduct.

3.183.19 Sexual exploitation: Specific forms of sexual behavior that involve ~~non-~~consensual/nonconsensual use of another individual's nudity or sexuality, excluding behavior that constitutes one of the other sexual misconduct offenses. Examples of sexual exploitation include but are not limited to

- 1) Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person engaging in a sexual act without the consent of all parties);
- 2) Invasion of sexual privacy, such as allowing a third party to watch, or disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without that person's consent;
- 3) Administering alcohol or drugs to another person for the purpose of making that person vulnerable to ~~non-consensual/nonconsensual~~ sexual activity;
- 4) Exposing one's genitals to another person without consent;
- 5) Prostituting another individual;
- 6) Engaging in sexual trafficking; or
- 7) Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual's knowledge.

3.193.20 Sexual harassment: ~~Unwelcome~~A form of harassment consisting of unwelcome sexual advances, requests for sexual favors, or other verbal actions including lewd or sexually suggestive comments, jokes, questions, innuendoes, and remarks about clothing, body, or previous or future sexual activity; physical actions including unwelcome touching, patting, hugging, or brushing against a person's body; written, graphic, or electronic statements or



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depictions; or ~~non-verbal~~nonverbal conduct of a sexual nature (whether the conduct is direct, indirect, or by third persons) when

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, advancement, or participation in a university activity;
- 2) Submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual's employment, education, advancement, or participation in a university activity; and/or
- 3) Such conduct is sufficiently severe or pervasive and it unreasonably interferes with an individual's employment or educational performance or creates an intimidating, hostile, or abusive environment for that individual's employment, education, or participation in a university activity.

3.203.21 Sexual misconduct: Sexual misconduct includes but is not limited to acts of, or failed attempts of, dating and relationship violence; domestic violence; discrimination based on sex, pregnancy, pregnancy-related conditions, sexual orientation, ~~or~~ gender identity, or gender expression; hostile environment based on sex, pregnancy, pregnancy-related conditions, sexual orientation, ~~or~~ gender identity, or gender expression (including intimidation and hazing/bullying); sexual harassment; sexual assault (including ~~non-consensual~~nonconsensual sexual contact or ~~non-consensual~~nonconsensual sexual intercourse); sexual exploitation (including engaging in sexual trafficking); and stalking as defined by state and federal law.

3.213.22 Stalking: Engaging in a course of conduct (two or more acts) directed at a specific person that the actor knows or should know would cause a reasonable person to fear for his or her safety or the safety of others, to suffer other emotional distress, or that interferes with the other person's property, including harassing, threatening, following, monitoring, observing, surveilling, intimidating, delivering items, or communicating with or about another, directly, indirectly, or through a third party, by telephone, mail, electronic communication, social media, photography, or any other action, device, or method. Stalking may be but is not limited to sex- or gender-based stalking.

4.0 POLICY

4.1 Scope of Policy

4.1.1 This policy applies to all persons employed by or affiliated with Utah Valley University in any way and persons participating in any university program or activity, including but not limited to trustees, administrators, faculty, staff, students, independent contractors, volunteers, participants in any university program or activity, and guests or visitors to a university campus or any property owned or leased by the University (sometimes referred to as "third parties"). To the



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extent that any other university policies address sexual misconduct, this policy takes precedence and controls.

4.1.2 Conduct subject to this policy includes the following:

- 1) Conduct on UVU premises.
- 2) Conduct in the context of a UVU employment or education program or activity, including but not limited to UVU-sponsored travel, athletics, activities, research, and internship programs.
- 3) Conduct that occurs off campus or via electronic media can be the subject of a complaint or report and shall be evaluated to determine whether the misconduct has continuing effects on the campus and therefore violates this policy. Allegations of off-campus sexual misconduct involving members of the university community shall be reported to the Title IX Coordinator.

4.2 Policy Statement

~~4.2.1 As required by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and related applicable laws, T~~he University prohibits all forms of sexual misconduct ~~that violate Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, or related applicable laws.~~ The University shall respond promptly and effectively to reports of sexual misconduct and shall take appropriate action to stop, prevent recurrence of, and remediate the effects of sexual misconduct on the complainant and/or the university community. The University may discipline any person who violates this policy, up to and including termination of employment and/or expulsion from the University. If a student has been disciplined for serious violations of institutional policies regarding sexual misconduct, sex discrimination, or harassment, the University may enter a notation on the student's transcript consistent with the Family Educational Rights and Privacy Act.

4.2.2 The University works to prevent sexual misconduct through education, training, and policies, and to remediate the effects of sexual misconduct by protecting the rights of the parties involved and providing support services to members of the university community. All members of the university community, including visitors and bystanders, have the responsibility, to the extent possible, to prevent sexual misconduct, to report sexual misconduct, and to assist those who have experienced sexual misconduct.

4.2.3 University community members are responsible for knowing the information and procedures in this policy. Reports of sexual misconduct made after the fact are governed by the policy in place at the time of the alleged sexual misconduct. However, procedures applicable are those in place at the time of the resolution.

4.2.4 Nothing in the policy shall be construed in a manner that impinges on the rights or privileges of individuals protected by the US Constitution, including their protected free speech rights, as set forth in UVU Policy 161 Freedom of Speech.-



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4.2.5 Nothing in this policy shall be interpreted to alter the status of employees who are otherwise at will.

4.2.54.2.6 When applying this policy to students, the University shall comply with Utah State Board of Regents' *Policy R256 Student Disciplinary Processes*, which sets forth minimum standards of due process for student disciplinary processes related to non-academic matters that may result in either expulsion or a minimum 10-day suspension.

4.3 Prohibited Conduct

4.3.1 Violations of this policy include but are not limited to acts of, or failed attempts of, dating and relationship violence; domestic violence; discrimination based on sex, pregnancy, pregnancy-related conditions, sexual orientation, ~~or~~ gender identity, or gender expression; hostile environment based on sex, pregnancy, pregnancy-related conditions, sexual orientation, ~~or~~ gender identity, or gender expression (including intimidation and hazing/bullying); sexual harassment; sexual assault (including ~~non-consensual~~ nonconsensual sexual contact or ~~non-consensual~~ nonconsensual sexual intercourse); sexual exploitation (including engaging in sexual trafficking); and stalking.

4.3.2 The University prohibits retaliation as defined in this policy. The University shall take steps to prevent retaliation and shall take strong responsive action to threats or acts of retaliation, up to and including termination of employment and/or expulsion from the University.

4.3.3 Individuals who, in bad faith, deliberately make false or malicious accusations of violation of this policy shall be subject to disciplinary action, up to and including termination of employment and/or expulsion from the University. However, a no-violation finding by the investigator does not in itself constitute proof of a false or malicious accusation.

4.4 Determination of Consent

4.4.1 All members of the university community must understand how to determine consent to sexual activity. All participants in the sexual activity are responsible for ensuring that they have the consent of all involved to engage in sexual activity. Any individual who engages in sexual activity without receiving clear, knowing, and voluntary consent, or in which one of the parties withdraws consent at any point but is forced to participate, has violated this policy.

4.4.2 Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity. Past consent to sexual activity does not imply ongoing future consent. The current or past existence of a dating or marital relationship does not imply consent. Whether an individual has taken advantage of a position of authority over an alleged victim may be a factor in determining consent or coercion.



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4.4.3 There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent.

4.4.4 Sexual activity with someone deemed unable to grant clear, knowing, and voluntary consent constitutes a violation of this policy. This includes, but is not limited to, individuals who are

1) Mentally and/or physically incapacitated for any reason (such as by mental or physical disability; lack of sleep; alcohol; illegal, date-rape or prescription drug use; unconsciousness; blackout; or involuntary physical restraint);

2) Under the age of 18; or

3) Forced to give consent in any way, including but not limited to by coercion, intimidation, duress, deception, threats, implied threats, and/or physical force.

4.4.5 Use of alcohol or other drugs (prescription or illegal) does not waive the requirement to obtain consent from all involved to engage in sexual activity and shall not provide a defense for any behavior that violates this policy.

4.4.6 The University views amorous or sexual relationships between those in a position of authority and their subordinates, such as in a teaching, evaluating, supervising, or advising role as part of a school program or in an employment situation, as a power relationship that undermines and/or eliminates the ability of the subordinate to provide consent to an amorous or sexual relationship and thereby violates this policy. Moreover, those in a position of authority may not use their position of authority to reward, penalize, or retaliate against, either directly or indirectly, any person or subordinate with whom he or she is having, or who has rejected, an amorous or sexual relationship.

4.5 Safeguards for Privacy

4.5.1 The University is committed to protecting the privacy of complainants and respondents and any party involved in a sexual misconduct report or process to the extent allowed by the *Utah Government Records and Management Act (GRAMA)*, the federal *Family Educational Rights and Privacy Act (FERPA)*, the federal *Health Information Portability and Accountability Act (HIPAA)*, and other applicable laws.

4.5.2 The University shall make reasonable efforts to protect the privacy of those involved in reported incidents, including sharing information only with those who have a “need to know” due to their responsibility to eliminate the reported conduct, prevent its recurrence, and/or address its effects.



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4.5.3 All university employees who are involved in responding to Title IX reports of sexual misconduct shall receive training about safeguarding private information in accordance with applicable laws.

4.6 Requests for Confidentiality

4.6.1 In determining whether to honor a complainant's request ~~to maintain his or her privacy for~~ anonymity, the University shall consider the facts and circumstances and the safety of the university community in accordance with applicable law. However, requests for anonymity may limit the University's ability to investigate or respond in a more targeted way, such as offering reasonably available interim protective measures or modifications to the complainant.

4.6.2 In some instances, the University may determine that it cannot honor the complainant's request for anonymity where necessary to ensure the safety of the complainant or the university community, in which case the complainant will be informed that an investigation will be conducted and anonymity of the complainant not maintained. When the University agrees to honor a complainant's request to maintain anonymity and not to conduct a further investigation, the matter shall be considered resolved, with the University taking appropriate steps and protective measures or modifications.

4.6.3 The University recognizes that a complainant may initially be hesitant to move forward, but later seek an investigation. Where a report was closed because the University agreed to the complainant's request ~~to maintain his or her privacy for~~ anonymity and/or not conduct further investigation, the matter may later be reopened at the discretion of the Title IX Coordinator or designated deputy coordinator based on such factors as complainant request and/or concerns about safety to the university community. The passage of time and the memory/availability of witnesses may limit the University's ability to investigate at a later date.

4.6.3.4.6.4 The University will protect confidential communications to designated UVU advocates authorized by the Title IX Coordinator, protected under the Utah Campus Advocate Confidentiality Amendments (Utah Code § 53B-27-101 et seq.), from where disclosure is not required by applicable federal law, including Title IX, Title VII, and/or the Clery Act.

4.7 Reporting an Incident of Sexual Misconduct

4.7.1 The University strongly encourages individuals who have experienced sexual misconduct or who are aware of alleged incidents to report sexual misconduct to the Title IX Coordinator or deputy coordinators, to UVU Police, and/or to other university administrators set forth in this policy. Police investigations and Title IX investigations may proceed simultaneously, with specific procedures set forth in section 5.98.9.

4.7.2 All university responsible employees and CSAs, with the exception of licensed mental health counselors or members of the clergy who are working within the scope of their license or



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religious assignment, [or advocates authorized by the Title IX Coordinator](#), are required to report all incidents of sexual misconduct to the Title IX Coordinator.

4.7.3 Upon receipt of a report involving a student or employee complainant, the University shall take and/or make available reasonable and appropriate interim measures to protect the complainant, regardless of whether the complainant requests an investigation, initiates a code-of-conduct proceeding, or makes a criminal report.

4.7.4 ~~Anyone~~ [complainant or witness](#) who reports or [any witness or respondent who](#) participates in an investigation of sexual misconduct who might have engaged in a personal violation of the University drug or alcohol policy around the time of the alleged sexual misconduct incident shall not be disciplined by the University for minor alcohol policy violations.

4.7.5 ~~Individuals are encouraged to report incidents of sexual misconduct within 180 days of the incident. While there is no time limit on reporting violations of this policy, the University's ability to respond may be limited as evidence may be less available and the University may no longer have jurisdiction over complainants or respondents who are no longer affiliated with the University. A complaint is timely if it is filed within 365 calendar days of the last alleged discriminatory act of sexual misconduct. A complaint that is not timely or that fails to state a claim of discrimination~~sexual misconduct may be dismissed by the Title IX Coordinator after an initial review. At the Title IX Coordinator's discretion and for good cause, particularly in cases alleging sexual misconduct, a complaint that is not timely may be accepted. However, the University's ability to respond may be limited, as evidence may be less available and the University may no longer have jurisdiction over complainants or respondents who are no longer affiliated with the University. If the respondent is enrolled at another USHE institution, the Title IX Coordinator will refer the complainant to the Title IX Coordinator where the respondent is enrolled.

4.8 Investigations and Disciplinary Proceedings

4.8.1 The University shall provide prompt, fair, and impartial investigations and disciplinary proceedings. During these proceedings, both the complainant and the respondent shall be provided equitable rights and opportunities, as outlined in these procedures.

4.8.2 The University is committed to ensuring that its resolution process is free from actual or perceived bias or conflicts of interest that would materially impact the outcome. University officials who are designated to conduct and/or participate in sexual misconduct investigations or proceedings shall be trained on how to conduct these investigations or proceedings in a manner free from bias or intimidation. Officials shall also be trained to recognize and acknowledge any potential conflict of interest. Any party who believes there is bias or conflict of interest may submit a written request to remove the person from the process to the Title IX Coordinator or the Associate Vice President of Human Resources. The written request should include the specific



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rationale as to why the requestor believes the bias or conflict could materially impact the outcome.

4.8.24.8.3 Employees and students shall promptly participate in good faith in formal or informal internal administrative investigations related to this policy. Failure to participate promptly or in good faith may lead to a records hold for students or to an outcome that is unfavorable to the party who chooses not to participate. If either party fails to participate in good faith, the investigator(s) may make findings without the response of that party, potentially leading to an unfavorable outcome for that party.

4.9 Training

4.9.1 The University shall provide training, as required by applicable law and recommended by best practices, to the Title IX Coordinator and deputy coordinators, review/appeal board members, CSAs, SART, and other employees involved in providing services relevant to sexual misconduct intervention.

4.9.2 In compliance with applicable federal law, the University shall provide initial training for new employees and incoming students and ongoing training for students and employees about the prevention and reporting of sexual misconduct and appropriate resources and services provided by the University and the community.

5.0 PROCEDURES

5.1 Scope and Applicability of These Procedures

5.1.1 All sexual misconduct complaints are subject to the procedures set forth in this policy. Unless the sexual misconduct also violates additional university policies, other university policies and procedures do not apply to sexual misconduct reports, processes, and proceedings. All other protected class discrimination, harassment, and retaliation complaints are subject to the procedures set forth in UVU Policy 165 Discrimination, Harassment, and Affirmative Action. All other misconduct not involving sexual misconduct or protected class discrimination, harassment, and/or retaliation shall be addressed through the procedures found in the respective student, faculty, and staff university policies.

5.2 Resources for Victims of Sexual Assault

5.2.1 If a report involves potentially criminal acts, alleged victims shall be informed in writing that they have the option to make a formal criminal complaint by reporting the incident to UVU Police, Ph. (801) 863-5555, or to local police by calling 911.

5.2.2 Regardless of whether they decide to report an incident of sexual misconduct, alleged victims of sexual assault shall be encouraged to preserve evidence in case they decide later to



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report the incident to law enforcement. It is critical to preserve evidence as soon as possible after the incident.

5.2.3 If the incident just occurred, evidence should be preserved as follows:

- 1) The victim should call 911 and get to a safe place as soon as possible. Seeking assistance by promptly calling 911 may be important to ensuring an individual's physical safety and/or to obtaining immediate medical care or other support. It may also be necessary to preserve evidence, which can assist the University and/or law enforcement in responding effectively.
- 2) The victim should go to a hospital emergency room where trained medical personnel can collect evidence through forensic rape exam, check for injuries, and provide emergency contraception and limited STD-preventative medication.
- 3) Even if the victim chooses not to seek immediate medical care, he or she should try to preserve all the physical evidence (keeping in mind it may be possible to collect evidence of the offense up to five days following the incident).
- 4) The victim should not shower, bathe, or douche.
- 5) The victim should not brush his or her teeth.
- 6) The victim should save the clothing that he or she was wearing in a brown paper bag.
- 7) If the incident took place in the victim's home, he or she should not rearrange and/or clean up anything.
- 8) The victim should be encouraged to seek support by talking with someone he or she trusts (friend, family, [support person/advisor](#), community, or university resource).
- 9) The victim may contact the Utah County 24-hour Crisis Line, Ph. (801) 226-4433. Trained advocates are available to provide support and to talk with the victim about available options.
- 10) The victim should decide whether to report the incident to the police and/or university officials (keeping in mind that delay may result in lost evidence).

5.2.4 The University provides confidential crisis and medical services on campus. These resources are available to alleged victims regardless of whether they report to UVU Police or request university disciplinary proceedings. Students are encouraged to contact Student Health Services, and benefits-eligible employees are encouraged to contact the Employee Assistance Program. Following are some of the university resources that are available:

UVU Police (801) 863-5555



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Title IX Coordinator (801) 863-7590

Student Conduct Office (801) 863-8665

University Ombuds (801) 863-7237

The following university office provides strictly confidential services:

Student Health/Counseling (801) 863-8876

5.2.5 Individuals may also choose to contact community resources such as local victim offices, counseling, clergy, chaplains, and healthcare services. For a list of such resources, contact the Title IX Coordinator or university Student Health Services and/or see UVU's *Support Services & Options* brochure, which can be found at <https://www.uvu.edu/studentconduct/docs/title9optionsbrochure.pdf>.

5.3 Reporting an Incident of Sexual Misconduct

5.3.1 Faculty, staff, or students who have experienced sexual misconduct should report it to the Title IX Coordinator. Faculty, staff, or students who become aware of sexual misconduct involving others within the university community shall report such issues to the Title IX Coordinator, who is charged with investigating reports of violations of this policy.

5.3.2 The Title IX Coordinator, who oversees all Title IX investigations and coordinates the University's response to sexual misconduct, may be reached at 800 West University Parkway, Browning Administration Building, Suite 203, Orem, UT 84058; phone (801) 863-7590; e-mail TitleIXCoordinator@uvu.edu. The names, office addresses, telephone numbers, and e-mail addresses of the Title IX Coordinator and deputy Title IX coordinators can be found on the University's Title IX website at http://www.uvu.edu/equalopportunity/title_9.html.

5.3.3 Individuals may also submit reports, including anonymous reports, through EthicsPoint, the University's 24-hour hotline provider, by calling (877) 228-5401 or by submitting information online at <https://secure.ethicspoint.com/domain/media/en/gui/23421/index.html>.

5.4 Confidentiality and Reporting

5.4.1 To make informed choices when consulting campus resources, alleged victims should be aware of confidentiality and mandatory reporting requirements. Although the University will consider the requests of a complainant, complainants should be aware that the following levels of confidentiality, as required by state and federal law, apply to university employees who receive reports of sexual misconduct:

1) *Strictly Confidential*: Conversations with university licensed mental health counselors or members of the clergy who are working within the scope of their license or religious assignment



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can remain anonymous except in rare circumstances when the alleged victim is a minor or a vulnerable adult, or when there is imminent danger to the alleged victim or others in the community. In some cases, these individuals are required to report to UVU Police for *Clery Act* purposes that an incident occurred, but the identities of the alleged victims are not shared.

2) *Mostly Private*: Except for conversations that occur with the persons listed under “strictly confidential” above, conversations with faculty or staff about sexual misconduct must be reported to the Title IX Coordinator or a designated deputy coordinator. In those cases, the Title IX Coordinator or designated deputy coordinator shall only share such information with administrators on a “need-to-know” basis. The Title IX Coordinator or designated deputy coordinator will review requests for anonymity in accordance with this policy. Reports of sexual misconduct to the following individuals are considered “mostly private,” with a requirement that identities of alleged victims be reported to the Title IX Coordinator:

a) Designated campus security authorities (CSA)

b) Responsible employees

c) Students who serve in an ongoing peer-advising role (such as Work Study) are also expected to report to the Title IX Coordinator if they learn of sexual misconduct while working. If they learn of the incident outside the workplace, they are not required to report but are encouraged to follow the recommendations presented in bystander prevention training.

3) *Confidentiality Limited by State Law*: If reported to UVU Police, some exploratory conversations are confidential. Alleged victims may meet with a detective or officer without immediately triggering a full-scale investigation or the requirement to press criminal charges. Police reports, with identifying information redacted, may be available to the public upon request only if permitted by *GRAMA* and other applicable laws.

[5.4.2 The University will protect confidential communications protected under the Utah Campus Advocate Confidentiality Amendments \(Utah Code § 53B-27-101 et seq.\), where disclosure is not required by applicable federal law, including Title IX, Title VII, and/or the Clery Act.](#)

5.5 Third-Party/Bystander Reporting Obligations

5.5.1 Any responsible employee or CSA who receives a sexual misconduct report shall inform the complainant as soon as possible about his or her duty to report, how the complainant’s privacy will be protected, what levels of confidentiality can be offered, and the University’s Clery reporting obligations. Responsible employees or CSAs shall report information they learn about alleged or possible sexual misconduct incidents to the Title IX Coordinator within 24 hours. For after-hours reporting to the Title IX Coordinator, responsible employees or CSAs should use the link or phone number found on the University’s Title IX webpage.



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5.5.2 Any incident involving a minor shall be immediately reported to UVU Police, or to the local police department if the incident occurred off campus. Responsible employees or CSAs who become aware of allegations involving a minor shall notify the Title IX Coordinator and their supervisor that they have reported the allegation to the police, and must follow procedures required by Policy 115 *Minors on Campus and at University-Sponsored Events*.

5.5.3 For third-party complainants, the University shall provide reasonable protective measures as appropriate and available, based on consideration of the role of the third party, the nature of any contractual or other relationship with the University, the relationship of the respondent to the University, and the facts and/or evidence received.

5.6 Support Persons/Advisors

5.6.1 As required by Utah State Board of Regents' Policy R256 Student Disciplinary Processes, in matters of non-academic misconduct, including when students are respondents in protected class discrimination, harassment, or retaliation complaints, and where the University believes in good faith, based on facts known by the University at the time or when additional facts are discovered later, that the matter may result in expulsion or a minimum 10-day suspension, the following additional protections will apply. Students may waive any rights described in this section. This section does not apply to UVU Police Department law enforcement activities.

1) Prior to interviewing the student, the investigator or representative of the Title IX Office shall notify the student of the allegations made against him or her and of his or her right to have a support person/advisor throughout the process who may be, but need not be, an attorney. This notice may be verbal and may be given immediately before a student is interviewed in regards to the issue described in the notice. If a student wishes to seek counsel from a support person/advisor, the University shall reschedule the interview, giving the student reasonable time to obtain a support person/advisor.

2) In meetings or interviews with the Title IX Office or the University, student complainants and respondents each have the right to a support person/advisor of their choice, who may be an attorney. If a complainant chooses to have a support person/advisor, an employee respondent may have a support person/advisor present when interviewed and at any subsequent meetings. During such meetings or interviews, the support person/advisor may only advise the complainant or respondent and may not actively participate in the investigation or informal process.

5.6.15.6.2 During any review hearings under section 5.11 of this policy, complainants and respondents (whether students or employees of the University) may each have a support person/advisor of their choice, who may be an attorney, advocate for them.

5.6.25.6.3 Advisors may not be an employee of the University who would have a conflict of interest in serving in the advisor role. Support persons/advisors must be willing to agree to maintain the confidentiality of investigation and review hearing processes.



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5.6.4 The University may proceed with the investigation and review hearing processes in a timely fashion without the complainant or respondent if that party fails to respond or declines to participate. The University may set reasonable deadlines and move forward with processes regardless of whether a party and/or a party's support person/advisor is able to accommodate those deadlines.

5.7 Preliminary Review of Reports of Sexual Misconduct

5.7.1 Within three business days (sooner if there appears to be an imminent safety risk) of receiving a report of sexual misconduct, the Title IX Coordinator or designated deputy coordinator shall conduct a preliminary review that includes the following:

- 1) Assess the nature and circumstances of the report.
- 2) Address the immediate physical safety and emotional well-being needs of the complainant.
- 3) Provide the complainant with information about options for police and/or university code-of-conduct action (including the option of pursuing both or neither), and information about university policy and procedures.
- 4) Provide referral to SART resources and encourage complainants to use university and community services for victims of sexual misconduct.
- 5) Initiate any necessary interim measures intended to address the short-term effects of sexual misconduct, which may include referral to counseling and/or health services or referral to the employee assistance program, support for modification to housing arrangements, altering work arrangements for employees, a safety plan (such as providing campus escorts), implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc. At the recommendation of the Title IX Coordinator or designated deputy coordinator, the responsible university administrator (as defined in 5.98.14) may also impose an interim suspension of a student, employee, visitor, or organization, or invoke other safety measures temporarily pending the outcome of the investigation and subsequent proceedings.
- 6) Consider the complainant's request for anonymity and assess and determine the appropriate university response and whether there is reasonable cause to believe that this policy has been violated and that an investigation is necessary.
- 7) Assess the reported conduct for any Clery obligations, including entry in the crime log or issuance of a timely warning, and report to UVU Police when necessary.

5.7.2 If the Title IX Coordinator or designated deputy coordinator determines that there is no reasonable cause to believe that this policy was violated and/or that an investigation is not necessary, he or she shall issue a written notice of dismissal to the complainant.



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5.7.3 If the Title IX Coordinator or designated deputy coordinator determines that there is reasonable cause to believe that this policy was violated and/or that an investigation is necessary, and if informal resolution of the matter is not warranted or is unsuccessful, he or she shall report the complaint to the following person (unless a conflict of interest exists, in which case the complaint should be reported to the supervisor of the person listed below):

Respondent's Affiliation with the University	Person to Whom the Complaint is Reported
Student	Director of Student Conduct and Conflict Resolution
Faculty member	Associate Vice President of Academic Administration
Staff member (including executive employees)	Director of Employment Services
Contractor/vendor	Vice President of Finance and Administration

5.7.4 At the recommendation of the Title IX Coordinator or designee, the responsible university administrator (as defined in section 5.9.14) may impose an interim suspension of a student, employee, visitor, or organization, or invoke other temporary safety measures pending the outcome of the investigation and subsequent proceedings.

5.8 Informal Resolution

5.8.1 Because each case is different, the Title IX Coordinator or designated deputy coordinator shall tailor each resolution to the specific facts of the case. The Title IX Coordinator or designated deputy coordinator shall determine whether reports of sexual misconduct are appropriate for informal resolution, mediation, or require an investigation.

5.8.2 Informal resolution is encouraged to resolve concerns at the earliest stage possible with the cooperation of all parties involved. Participation in the informal resolution process is voluntary; the University shall not compel either party to engage in informal resolution. Informal resolution may be appropriate for responding to anonymous reports and/or third-party reports. Informal resolution may not be used in cases involving sexual violence, even if the complainant volunteers for informal resolution. Informal resolution may also be inappropriate when one or both of the parties are reluctant to participate in good faith.

5.8.3 Informal resolution may include an inquiry into the facts but typically does not include an investigation. Informal resolution is flexible and includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted preventive educational and training programs, or providing remedies for the individual harmed by the offense. Informal resolution also includes options such as discussions with the parties, making



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recommendations for resolution, and conducting a follow-up review after a period of time to ensure that the resolution has resolved concerns effectively.

5.8.4 The University endeavors to conclude informal resolution ~~shall be concluded~~ within 15 business days from when the Title IX Coordinator receives the complaint. Where this is not reasonably possible, the Title IX Coordinator or designated deputy coordinator shall notify the complainant in writing that resolution of the complaint will be delayed and indicate the reasons for the delay. All informal resolution efforts shall be documented.

5.8.5 ~~If informal complaint resolution is pursued and complainants have not requested anonymity, respondents will be notified in writing of the concern and that no disciplinary action can be taken against them as part of the early resolution agreement without their agreement.~~ Within seven business days of concluding informal resolution of a complaint, the Title IX Coordinator or designated deputy coordinator shall notify the complainant and respondent in writing of the resolution that was agreed upon.

5.8.6 Participation in informal resolution does not prohibit either party from terminating informal resolution and/or requesting an investigation at any point during the informal resolution process. Where a report was closed after informal resolution, the matter may later be reopened at the discretion of the Title IX Coordinator or designated deputy coordinator when requested by the complainant and/or if the Title IX Coordinator or designated deputy coordinator determines there is a risk to the safety of the university community.

5.9 Investigation

5.9.1 If the Title IX Coordinator or designated deputy coordinator determines an investigation is necessary, the University shall conduct a thorough, reliable, and impartial internal administrative investigation by interviewing witnesses, collecting documentary evidence, and preparing a written report of findings. The purpose of the investigation is to establish whether there is a reasonable basis, based on a preponderance of the evidence, for concluding that the alleged violation of this policy has occurred. The University reserves the right to engage an outside investigator to conduct the investigation if it is determined there is a conflict of interest or other compelling reason to do so.

5.9.2 Complainants, ~~and~~ respondents, and witnesses shall be treated with respect throughout the investigation process, disciplinary process, and other proceedings:

1) Complainants and respondents can expect prompt and equitable resolution of allegations of prohibited sexual misconduct.

2) Complainants, ~~and~~ respondents, and witnesses can expect privacy in accordance with this policy and any legal requirements.



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3) Complainants ~~and witnesses~~ can expect freedom from retaliation for making a good faith report of prohibited sexual misconduct or participating ~~under in~~ any investigation or proceeding under this policy.

4) ~~Respondents-Complainants, respondents, and witnesses have the responsibility to shall~~ refrain from ~~retaliation directed-retaliating~~ against any person for making a good faith report ~~of prohibited sexual misconduct~~ or participating ~~under in~~ any proceeding under this policy.

5) Respondents, complainants, and witnesses ~~have the responsibility to shall~~ provide truthful information in connection with any report, investigation, or resolution or prohibited sexual misconduct under this policy.

6) Complainants and respondents shall have interim measures ~~made~~ available and be given the opportunity to request modifications necessary for physical and/or emotional safety.

7) Complainants and respondents shall be given timely and equal access to allegations and ~~have the given an~~ opportunity to respond to information that will be used ~~against them~~ in any disciplinary proceeding ~~against them~~.

8) Complainants and respondents shall have the opportunity to offer information, present evidence, and identify witnesses during an investigation.

9) Complainants and respondents shall be given timely notice of meetings where their presence is necessary.

10) Complainants and respondents shall receive simultaneous notification, in writing, of the results of any proceedings.

11) Complainants and respondents shall have the opportunity to articulate concerns or issues about proceedings under this policy.

12) Complainants and respondents shall have ~~a~~ reasonable time to prepare any response permitted under this policy.

13) Complainants and respondents shall receive written notice of any necessary extensions of timeframes under this policy.

14) Complainants, ~~and~~ respondents, ~~and other participants in the Title IX process~~ may request accommodations necessary under the *Americans with Disabilities Act* (ADA) through the Title IX Coordinator or designated deputy coordinator, who will refer the request to the appropriate ADA coordinator and then implement approved accommodations.

5.9.3 When proceeding ~~anto~~ investigation, the investigator shall ask the complainant to provide written notice of the allegations, including a concise statement describing the incident, when and



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where the misconduct occurred, and why the complainant believes it violates university policy, and ~~propose a desired a proposed~~ resolution. The complainant shall be asked to provide and preserve all corroborating or potentially relevant evidence in any format, list potential witness names, and sign the statement. From this information, the Title IX Coordinator or designated deputy coordinator shall prepare a summary of allegations and relevant information from the complainant's statement for the respondent. The complainant will review the summary and statement, make any necessary corrections, and affirm the summary by signature.

5.9.4 ~~Unless the complainant has requested anonymity, b~~By requesting an investigation on the complaint form and/or signing the summary of allegations, the complainant is giving the investigator consent to discuss the information provided with other persons who may have relevant factual knowledge of the circumstances of the complaint, and is authorizing the collection and examination of all records and other documentation relevant to the complaint. In cases where a complainant does not want to pursue an investigation, the Title IX Coordinator or designated deputy coordinator shall inform the complainant that the University's ability to investigate and/or remediate may be limited.

5.9.5 If the complainant refuses to sign the summary, the coordinator may (1) note that the allegations have been withdrawn and end the investigation, or (2) note the complainant has refused to sign the summary and proceed to investigate investigation to determine what occurred and to protect the University's interest in maintaining a safe environment free from sexual misconduct.

5.9.6 The investigator shall provide the respondent with the summary of the complainant's allegations and a copy of this policy and shall request a written response from the respondent. The respondent shall also be asked to provide and preserve all corroborating or potentially relevant evidence in any format, list potential witness names, and sign any response to the allegations. In preparing the summary of the complainant's allegations for the respondent, the Title IX Coordinator or designated deputy coordinator has the discretion to redact names and/or witnesses to protect the identity and ensure the safety of the complainant and/or witnesses. The respondent may prepare and submit a signed written statement to admit or deny the allegations, provide an explanation why any conduct was not a violation of the policy, provide all corroborating evidence, list potential witnesseses-names, and state whether complainant's proposed resolution is appropriate.

5.9.7 Upon receipt of the written response from the complainant-respondent, or after the reply period expires without a response, the investigator shall send a written request to or meet with the complainanrespondent and/or complainant to clarify any discrepancies.

5.9.8 The Title IX Coordinator shall choose the investigator(s), except in cases where the Title IX Coordinator or others involved in the investigation have a conflict of interest, in which case the University's Office of General Counsel shall select internal or external impartial investigator(s).



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5.9.9 If the alleged misconduct is also the subject of a criminal investigation, the investigator(s) may not wait for the conclusion of the criminal investigation to begin an investigation pursuant to this policy. However, the investigator(s) shall coordinate their fact-finding efforts with the police investigation. Once notified that the police have completed gathering of evidence (not the ultimate outcome of the investigation or the filing of any criminal charges), the investigator(s) shall promptly resume and complete their fact-finding for the sexual misconduct case.

5.9.10 To provide a prompt, thorough, fair, and impartial investigation and resolution, all investigations of reports of sexual misconduct shall incorporate the following standards:

1) The respondent shall be provided the name of the complainant, if known, ~~(unless the complainant has requested anonymity)~~, a notice of request for investigation, a written statement of the allegations, and a copy of this policy. The respondent shall be given~~afforded~~ a full opportunity to respond to the allegations.

2) The investigator(s) conducting the investigation shall be familiar with this policy, have training or experience in conducting investigations, and shall be familiar with applicable university policies and procedures. For cases involving allegations of sexual violence, the individual(s) conducting the investigation must receive annual training on issues related to sexual violence. Such training includes how to conduct an investigation that protects the safety of complainants and promotes accountability.

3) Disclosure of material witnesses and relevant facts shall be given to both parties to permit each party a full opportunity to respond to allegations and defenses, subject to FERPA and privacy law requirements, and the need to guard against retaliation of parties and witnesses. Disclosure of facts to ~~parties and~~ witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation. Participants shall also be reminded ~~during the process~~ not to retaliate against other parties, witnesses, or other participants in the process.

4) The investigator(s) or others shall not question the complainant, or seek evidence, regarding the complainant's prior sexual conduct with anyone other than the respondent(s). The investigator(s) shall also apply the principles of consent set forth in this policy, including the principle that evidence or prior consensual dating or a sexual relationship between the parties, in itself, does not imply consent or preclude a finding of sexual misconduct.

5) The investigator shall apply a preponderance of evidence standard to determine whether the sexual misconduct occurred as alleged and whether there has been a violation of this policy.

6) If the complainant chooses to have a support person/advisor, the respondent may have a support person/advisor present when he or she is interviewed and at any subsequent ~~proceeding or related~~ meetings. The complainant may choose a support person/advisor, provided the support



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person/advisor does not ~~pose a conflict of interest to the process, does not~~ disrupt the meeting, and does not speak on behalf of the parties. Generally, the support person/advisor is limited to quietly conferring with the party through written correspondence or whisper, unless otherwise required by applicable law. As set forth in section 5.6, (1) student respondents may have a support person/advisor present during any meetings or interviews, regardless of whether complainants choose to do so, and (2) all complainants and respondents (whether students or employees of the University) may each have a support person/advisor of their choice advocate for them during any review hearings under section 5.11 of this policy.

7) At any time before or during the investigation, the investigator may recommend that interim protections or remedies for the parties or witnesses be provided by appropriate university administrators. Failure by a party to comply with the terms of interim protections may be considered a separate violation of this policy. For an interim measure, the Title IX Coordinator may recommend to the responsible university administrator (who should consult with Human Resources and the Office of General Counsel) that a respondent employee be placed on a paid or unpaid leave. Leave may be unpaid where the employee has failed to participate in the investigation promptly or in good faith, or when substantial evidence received before or during the investigation indicates that a serious violation of policy has occurred.

8) The investigation shall be completed and the final investigation summary provided to the responsible university administrator as promptly as possible, and no later than 50 calendar days from the determination by the Title IX Coordinator or designated deputy coordinator that an investigation is warranted. Investigators shall provide regular status updates to both parties and administrators with a need to know. When circumstances require an extension to complete a thorough investigation, the investigator shall inform both parties in writing of the expected completion date.

9) Parties and witnesses are expected to cooperate with and participate in the University's investigation in good faith. If either party fails to participate in good faith, the investigator(s) may make findings without the response of that party, potentially leading to an unfavorable outcome for that party.

10) The complainant and respondent shall be informed if there were findings made that the policy was or was not violated and of actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the accused not contact the complainant. In accordance with university policies protecting individuals' privacy and applicable law, the complainant may ~~generally~~ be generally notified that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the respondent. The investigator shall also advise the complainant and respondent of ~~the existence of~~ additional options outside the University that may be pursued.

5.9.11 Upon conclusion of the investigation, the investigator(s) shall prepare a draft written outline that summarizes the complainant's allegations and respondent's responses, synthesizes



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the areas of agreement and disagreement between the parties, and lists the evidence relied on and the number of material witnesses supporting or opposing each allegation and relied on by the investigators. Before the final findings are made and the report is finalized, the complainant and the respondent will each be given the opportunity to review this draft written outline in the offices of the Title IX Coordinator, designated deputy coordinator, or investigator. The parties shall not receive an electronic or written copy, nor may they photograph, record or copy the draft written outline, but they will be permitted to take notes and write questions to the investigator that will be left with the investigator. A complainant and respondent may submit any additional comment or information to the investigator within five business days of the date of the notice of the opportunity to review the draft written outline. This is the final opportunity for the parties to identify any additional information or witnesses. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the investigator at this juncture shall not be considered by the investigator.

5.9.12 The investigator(s) shall prepare a final investigation summary that contains a written summary of the findings (including a statement of the allegations and issues, the positions of the parties, a summary of evidence and findings, and a determination on whether this policy has been violated). The final investigation summary may also contain a recommendation for actions to resolve the complaint, including preventive remedies for the complainant, and a referral to disciplinary procedures, as appropriate. Unless there is a conflict, or an outside investigator was engaged, the Title IX Coordinator and an attorney assigned by the Office of the General Counsel shall review all each investigation summaryies before they are it is finalized.

5.9.13 The possible findings of the investigation are the following:

- 1) A decision of “unfounded” indicates ~~that~~ either that there is insufficient evidence for the investigators to conclude that the event(s) occurred as alleged, or even if the event(s) occurred, it/they did not constitute sexual misconduct.
- 2) A decision of “inconclusive” means that the evidence provided by both parties did not reach a preponderance of evidence in favor of either party.
- 3) A decision of “substantiated” means that the allegation events occurred as alleged by a preponderance of evidence in favor of the complainant.

5.9.14 The final investigation summary shall be submitted to the responsible university administrator designated below with authority to implement actions and/or discipline necessary to resolve the complaint (unless a conflict of interest exists, in which case the Office of General Counsel will recommend to the President a designee to serve as an alternative responsible university administrator). When the respondent is an employee, the responsible university administrator should consult with the EO/AA Director, the Office of General Counsel, and with Human Resources. The responsible university administrator should consult with the Title IX Coordinator, Human Resources, and the Office of General Counsel, as applicable. The final



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investigation summary shall be kept in the investigation file and may be used as evidence in other related procedures/proceedings, such as subsequent complaints, disciplinary actions, and/or review hearings or appeals.

Respondent's Affiliation with the University	Responsible University Administrator
Student	<u>Designated Student Conduct administrator (either the Director of Student Conduct or the Associate Dean of Students, with neither serving in that role if they were the investigator on the matter or another conflict exists)</u> Director of Student Conduct (or the Dean of Students if the Director of Student Conduct was the investigator)
Faculty member	The dean of the faculty member's college (in consultation with the Associate Vice President of Academic Administration)
Executive employee or direct report of a vice president	Vice president of the relevant department
Administration or staff member who is not an executive employee and does not report directly to a vice president	Direct report of the vice president, or another senior-level administrator designated by the vice president, of the department in which the respondent is employed
Vice president or direct report of the University President	University President
Contractor, vendor, or visitor	Vice President of Finance and Administration

5.9.15 Nothing in this procedure shall be interpreted to alter the status of otherwise at-will employees.

5.10 Sanctions and Remedies

5.10.1 Upon receiving the final investigation summary and findings-the Title IX Coordinator's or designated deputy coordinator's recommendations, the responsible university administrator shall promptly determine based on the investigative findings the appropriate sanctions and remedies, including offering remedies to the complainant and/or university community, implementing changes in programs and activities, providing training, and the imposition of any disciplinary sanctions, based on the investigative findings. In consultation with the Title IX Coordinator, ~~Human Resources~~, and the Office of General Counsel, (and with Human Resources when the respondent is an employee as needed), the responsible university administrator shall ensure sanctions and remedies are appropriate to end the prohibited conduct, to prevent further violation of this policy, and remedy the effects of any violation. In determining the appropriate



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sanction(s), the responsible university administrator (and the executive university administrator and review panel, should there be a review [hearing](#)) shall be guided by ~~the following a number of~~ considerations, ~~including~~:

- 1) The severity, persistence, or pervasiveness of the misconduct;
- 2) The nature of violence in the misconduct and/or use of weapons, drugs, or alcohol (if applicable);
- 3) The impact of the misconduct on the complainant;
- 4) The impact or implications of the misconduct ~~on within~~ the ~~u~~University community;
- 5) Prior misconduct by the respondent, including the respondent's relevant prior disciplinary history;
- 6) Whether the respondent has accepted responsibility for the misconduct;
- 7) The maintenance of a safe, nondiscriminatory, and respectful working and learning environment; and
- 8) Any other mitigating, aggravating, or compelling factors.

5.10.2 Respondents who are found to have violated this ~~sexual misconduct~~ policy may be subject to sanctions, depending on the circumstances and the severity of the violation, as follows:

- 1) Possible sanctions against faculty and non-faculty employees for violations of this policy include verbal counseling, written warning, probation, reassignment, transfer, demotion, reduction in pay, suspension, termination of employment, and [a no trespassing on campus and/or in university programs, services, and activities order](#)~~banning from campus~~.
- 2) Possible sanctions against students for violations of this policy include ~~any sanctions those~~ described in UVU Policy 541 *Student Rights and Responsibilities Code*, such as fines, restitution, interim suspension, suspension, suspension withheld, warning, probation, expulsion, withholding diploma, revocation of degree, discretionary sanction, and organizational sanction.
- 3) Possible sanctions against vendors or visitors to campus who are neither students nor employees of the University include banning the vendors/visitors from all or part(s) of the University and/or ending business relationships with the vendors.

5.10.3 Unless there are unusual circumstances that would require a delay, ~~the responsible university administrator, with the assistance of~~ the Title IX Coordinator ~~or designee~~ shall [promptly communicate the investigation findings in writing to both the complainant and the respondent simultaneously. After the findings are sent to both parties, the Title IX Coordinator](#)



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will promptly forward the written findings to the responsible university administrator, who shall send outcome of the investigation, including any sanctions and remedies determined by that administrator and the University's procedures for seeking a review/appeal of the outcome of the investigation, including any sanctions and remedies determined by that administrator, as well as the University's procedures for seeking a review/appeal of the outcome, in writing to both the complainant and the respondent simultaneously ("outcome notice") within five business days of receipt of the final investigation summary. However, the responsible university administrator, in consultation with the Title IX Coordinator or designated deputy coordinator, may choose not to disclose the sanctions, and shall not disclose the discipline imposed on a respondent student, except under the following circumstances:

- 1) The discipline directly affects the other party, such as when the respondent student is ordered to stay away from the other party, is transferred to another job site, worksite, class, or is suspended or dismissed from the University; or
- 2) The complainant alleged sexual misconduct involving a crime of violence or a non-forcible sex offense; or
- 3) The respondent student gives his or her written permission to disclose the discipline; or

5.10.4 The University reserves complies with all applicable reporting requirements and reserves the right to report findings of criminal misconduct to the police.

5.11 Review Hearing of Sanctions and Remedies (Reviews)

5.11.1 Student or employee (faculty, administration, or staff) complainants or respondents, or a Title IX Coordinator acting on behalf of an anonymous complainant, may seek a review of sanctions and/or remedies by requesting an administrative review hearing or appeal ("review") within five-seven business days from the date of the delivery of the outcome notice is sent. A written request for review must be submitted to the Title IX Coordinator and may not exceed 20 pages in length. Untimely requests will not be considered absent extraordinary circumstances. Activities such as graduation, study abroad, internships/externships, business travel, or educational, sabbatical, or extracurricular activities generally do not in themselves constitute extraordinary circumstances. A review may be withdrawn by the requestorperson requesting the review at any time without prejudice.

5.11.2 The party requesting a review must identify in the written request at least one or more of the following grounds as the reason for seeking the review:

- 1) New evidence unavailable to the party during the investigation has been discovered that could substantially impact the investigation findings and/or resolution.
- 2) Procedural errors raising substantial doubt that the procedures outlined in Policy 162 were not followed, or that the investigation was not thorough, fair, and/or impartial, which substantially



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impacted the outcome of the investigation. Procedural errors do not include the lengths of the investigation or sanction decision-making processes.

3) The sanction imposed is substantially disproportionate to the severity of the violation (i.e., too severe or not severe enough).

4) The non-disciplinary aspects of the resolution are not reasonably designed to correct the discriminatory effects on the complainant and/or on others who may have been affected or to prevent recurrence or further discriminatory or otherwise inappropriate actions.

5.11.3 If the responsible university administrator has determined that an employee (faculty, administrator, or staff) should be terminated from employment or that a student should be expelled from the University, that respondent has the right to a review if he or she provides a written request for review within the timeframe stated in section 5.110.1. The written request for review must still provide one or more of the grounds for review stated in section 5.110.2.

~~5.11.4 The final resolution of the responsible university administrator shall be affirmed. Unless~~ the review panel determines by a majority vote that the party seeking a review has demonstrated, by a preponderance of ~~the~~ evidence, that one or more of the grounds stated in 5.110.2 has been met and ~~the review panel determines~~ that modification(s) to the decision should be recommended, the responsible university administrator's original decision shall be upheld.

5.11.5 Information shared during a review process must remain confidential. The University shall not be responsible for disclosures made by the parties, who shall bear individual liability for their disclosures. All meetings and hearings related to a review process are closed meetings.

5.11.6 While a review is pending, interim sanctions shall be imposed by the responsible university administrator, but irreversible sanctions shall not be imposed until the review process is complete. For example, if termination from employment has been recommended, a respondent may be suspended from employment (on a paid or unpaid basis) during the review process, but a termination of employment shall not be imposed until the review process is complete and the termination recommendation is upheld. Such leave may be unpaid where the employee has failed to participate in the investigation promptly or in good faith.

~~5.11.45.11.7~~ Upon receipt of a written request for review, the Title IX Coordinator or designee shall provide the party not requesting the review a copy of the request and invite that party to submit a written response within five business days.

~~5.11.55.11.8~~ The Title IX Coordinator or designee shall promptly convene a three-member review panel from a pool of faculty, staff, and students trained in Title IX and Title VII requirements, Policy 162, and related procedures.

5.11.8.1 The three-member review panel shall be selected from the pool of trained panel members as follows:



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<u>Respondent's Affiliation with the University</u>	<u>Composition of Review Panel</u>
<u>Faculty member</u>	<u>Three faculty members</u>
<u>Staff member (including executive employees)</u>	<u>Three staff members</u>
<u>Student</u>	<u>One faculty member, one staff member, one student</u>

5.11.5.15.11.8.2 Faculty members shall be selected for a term of service on the review panel pool by the Senior Vice President of Academic Affairs designee, and shall be approved by the President of Faculty Senate. Staff members shall be selected for a term of service by the Vice President of Planning, Budget, and Human Resources, or designee, and shall be approved by the president of the Professional Association of Campus Employees (PACE). Student members shall be selected for a term service by the Dean of Students and shall be members of the Utah Valley University Student Association (UVUSA) and approved by the UVUSA President.

5.11.5.25.11.8.3 The selected panel shall choose a panel chair, considering availability and Title IX training and panel experience. Review panel members must be in good standing with the University and must not have any conflicts of interest with serving on the panel. The review panel shall consult with an attorney assigned by the Office of General Counsel to advise the review panel regarding legal, procedural, policy, and other questions as needed during the review process.

5.11.65.11.9 The Title IX Coordinator or designee shall promptly notify the complainant and respondent in writing of the identity of the review panel members and shall provide the parties with a copy of the review panel procedures contained in this policy. Within five business days of receiving notification of the names of the review panel members, the complainant and respondent may each request in writing to the Title IX Coordinator that a review panel member be disqualified based on bias or conflict of interest, providing the reasons for this request in the letter. If bias or conflict of interest is confirmed by the Title IX Coordinator, after consultation with an attorney assigned by the Office of General Counsel, the Title IX Coordinator or designee shall select and notify the parties.

5.11.75.11.10 Once the review panel is confirmed, they shall promptly determine whether the request for review meets one or more criteria under section 5.11.2. The Title IX Coordinator or designee shall then notify both parties in writing of this determination and, if a hearing is warranted, of the review hearing date, which shall be scheduled within 14 calendar days.

5.11.11 The scope of the review hearing and the standard of review shall be limited to those stated in section 5.11.2 above. Along with the written notification of hearing date, the Title IX Coordinator or designee shall provide to the review panel, the complainant, and respondent



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copies of the final investigation summary and the written review request and opposition statements submitted by the parties. The review hearing is an opportunity for the parties to address the review panel in person about the issues being considered for review, based on the reasons and standards of review outlined in section 5.11.2, including addressing information in the final investigation summary, any supplemental statements or new evidence unavailable during the investigation submitted by the parties, and any written impact or mitigation statements. Each party will have the opportunity to be heard, to identify witnesses for the review panel's consideration, and to respond to any questions from the review panel.

~~5.11.85.11.12~~ The complainant and respondent may each request remote video conferencing, so that the parties do not have to be present in the same room at the same time during the hearing. Such requests must be made in writing to the Title IX Coordinator at least 10 calendar days before the hearing, and the Title IX Coordinator or designee shall make the appropriate arrangements.

~~5.11.95.11.13~~ The complainant and respondent may each be accompanied at the review hearing by a support person/advisor of his or her choice, who may be an attorney and who may participate in the hearing as provided in these procedures. The complainant and respondent must notify the review panel chair and the Title IX Coordinator of his or her selected support person/advisor at least seven calendar days prior to the date of the review hearing. If timely notice is not provided, the support person/advisor may attend but shall not participate in the hearing.

~~5.11.105.11.14~~ The review panel chair, complainant, and respondent may each request the appearance of witnesses at the hearing. The Title IX investigator(s) may also suggest a witness list to the panel. At least seven calendar days before the date of the review hearing, parties may submit to the review panel chair, with copies to the Title IX Coordinator or designee, their request for witnesses, including names and contact information, and requests for documentary evidence they would like to have reviewed, along with explanations of how each request is relevant to their reasons for seeking or opposing the review (per the section 5.11.2 bases for review). Only witnesses and other evidence that is relevant to the section 5.11.2 bases for review may be considered by the review panel. It is the responsibility of the party calling a particular witness to invite that witness to attend the hearing. Witnesses who are UVU employees whom the panel requests to appear have a duty to appear at the review hearing.

~~5.11.115.11.15~~ The following procedures apply to the review panel hearing:

1) In the event that either party fails to attend the hearing without prior notice to the Title IX Coordinator and good cause, the review panel may proceed with the hearing. Neither party is required to participate in the hearing for the hearing to proceed. The University reserves the right to modify review hearing procedures to protect the safety of all parties involved.



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- 2) The hearing, except for deliberations, shall be recorded by the review panel chair, who shall give the recording to the Title IX Office. A copy shall be made available to either party per request and at the requesting party's expense. The recording of interviews and other meetings preceding and following the hearing by the participants is prohibited.
- 3) The review panel shall begin the hearing by asking the Title IX investigator(s) to provide a summary of the investigation process and the findings and conclusions contained in the final investigation summary. The review panel may also ask the investigator(s) to state the sanction(s) determined by the responsible university administrator. The scope of questioning shall be guided by the applicable basis for review included in section 5.11.2 as cited in the review request.
- 4) If the scope of review includes review of the sanction(s), the review panel may ask the responsible university administrator to explain the reasons for the sanction(s), including any mitigating or aggravating factors.
- 5) The complainant and respondent shall each have an opportunity to make a personal statement. The statement relevant to the scope of review, which should include the bases for seeking or opposing the review, the personal impact of the alleged misconduct and/or sanction, the relief sought, and mitigating or aggravating information. In addition to the personal statements by the parties, each party's support person/advisor shall have the opportunity to make an opening statement relevant to the scope of review.
- 6) The complainant and respondent (or their respective support persons/advisors, if any) shall each have the opportunity to call witnesses that the review panel deems relevant to the scope of review, to question witnesses (including the other party and the Title IX investigator[s]) through the review panel chair (not directly), to present evidence, and to make concluding remarks.
- 7) The review panel may question the investigator(s), any witness, or each/either party. Only the person to whom a question is directed may answer (e.g., a support person/advisor shall not be permitted to answer the review panel's questions on a party's behalf). The review panel's questions should be relevant to the scope of review. During questioning, the parties, support persons/advisors, and panel chair/members shall treat all persons with respect.
- 8) The review panel shall not be bound by strict rules of legal evidence or procedure and may consider any evidence it deems relevant to the standard and scope of review (see section 5.11+0.2). The review panel chair shall determine the appropriateness and relevancy of any information and questions submitted and may exclude evidence deemed to be outside the scope of review, irrelevant, or duplicative.
- 9) Each party shall have up to a total of 90 minutes for personal and/or opening statements, questioning witnesses, presenting evidence, and concluding remarks.



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10) After issuing a warning, the review panel has authority to exclude from the hearing any party, support person/advisor, or other participant whose behavior the review panel finds disruptive.

11) The Office of General Counsel shall provide an attorney to be present at hearings to provide guidance to the review panel on this policy, substantive law, and procedural matters.

12) The review panel chairs and other review panel members are prohibited from discussing any matter related to the hearing with the parties, witnesses, and/or others (except the assigned Office of General Counsel attorney) before or after the hearing. Violation of confidentiality may result in dismissal from the review panel and/or other corrective or disciplinary action.

13) Review panel deliberations and voting shall be closed sessions from which all other persons are excluded, except, at the review panel's request, an advising attorney from the Office of General Counsel. Votes shall be cast by secret ballot. A majority vote by the members of the review panel who attended the hearing shall be required for recommendations. The review panel chair shall be entitled to vote on all questions. The Title IX Office shall not participate in the review panel's deliberations. If the review panel asks the advising attorney from the Office of the General Counsel to remain for the deliberations, the advising attorney may remain present but shall have no vote.

14) The University reserves the right to modify the review process to protect the safety of all parties involved.

~~5.11.125.11.16~~ Within five business days of the review hearing, the review panel shall provide to the executive university administrator and the Title IX Coordinator a review panel report, which shall include the following:

1) In cases where the review panel determines that (a) new evidence arose after the investigation concluded that could substantially impact the investigation findings and/or resolution, or (b) the issue(s) brought forward by the contesting party raise substantial doubt that a procedural error occurred that substantially impacted the outcome of the investigation, the review panel may recommend to the executive university administrator that the investigation be returned to the original investigator(s) with recommended instructions for further investigation on the raised issue(s).

2) In cases where the review panel finds that the original investigator(s) had a conflict of interest, the review panel may recommend to the executive university administrator that a review be conducted by new investigator(s). The executive university administrator, in consultation with an assigned attorney from the Office of General Counsel, will determine whether the assignment of a new investigator is needed.



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3) In cases where the review panel is asked to review whether (a) the sanction(s) imposed is/are substantially disproportionate to the severity of the violation, or (b) the non-disciplinary aspects of the resolution are not reasonably designed to correct the discriminatory effects on the complainant and/or others who may have been affected or to prevent its recurrence and further discriminatory or otherwise inappropriate actions, the review panel will recommend whether it finds that the sanctions and/or resolutions are reasonable in light of the circumstances.

~~5.11.13 Within three business days from the date the review meeting concludes, the following shall occur:~~

~~1) In cases where the review panel determines that (a) new evidence arose after the investigation concluded that could substantially impact the investigation findings and/or resolution or (b) the issue(s) brought forward by the contesting party raise substantial doubt that a procedural error occurred that substantially impacted the outcome of the investigation, the review panel may remand the investigation to the original investigator(s) with instructions for further investigation on the raised issue(s). In cases where the review panel determines that the original investigator(s) may have a conflict of interest, the review panel may request review by new investigator(s). The Title IX Coordinator, in consultation with an assigned attorney from the Office of General Counsel, will determine whether the assignment of new investigators is needed. If the Title IX Coordinator was one of the original investigators, an assigned attorney from the Office of General Counsel will decide. Once the investigator(s) provide that follow up to the review panel, the review panel will promptly resume its review to determine if the questions have been adequately addressed. If substantial doubt remains, the panel may either ask the investigator(s) for additional follow up or send a written notice to the executive university administrator (defined in 5.11.1), with a copy to the Title IX Coordinator, recommending alternative sanction(s) or remedies. If no substantial doubt remains that new evidence or a procedural error substantially impacted the outcome of the investigation, the panel will consider the issues raised in 5.10.14(2) below.~~

~~2) If the review panel decides that the sanction(s) imposed is/are substantially disproportionate to the severity of the violation, or that the non-disciplinary aspects of the resolution are not reasonably designed to correct the discriminatory effects on the complainant, and/or others who may have been affected, or to prevent recurrence or further discriminatory or otherwise inappropriate actions, the review panel chair will draft a letter to the executive university administrator, with a copy to the Title IX Coordinator, recommending alternate sanction(s) or other remedies and the reasons for said recommendation(s).~~

~~3) If the review panel finds no basis under the standards set forth in 5.10.2 that alternate conclusions, sanctions, or remedies should be recommended, the review panel chair will draft a letter to the executive university administrator, with a copy to the Title IX Coordinator, stating this and the reasons for said recommendation(s).~~



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5.12 Executive Review, Final Sanction, and Final Outcome Letter

5.12.1 The executive university administrator who is responsible for reviewing the recommendations from the review panel and determining next steps, including remand to the Title IX Office for additional investigation and/or imposition of the final sanction(s) and other remedies, if any, ~~are~~ is as follows (unless a conflict of interest exists, in which case the Office of General Counsel will recommend to the President a designee to serve as an alternative executive university administrator):

Respondent's Affiliation with the University	Executive University Administrator
Student	Dean of Students (or if the Dean of Students was the responsible university administrator who made the initial decision, the Vice President of Student Affairs)
Faculty member	Senior Vice President of Academic Affairs
Administration or staff member who is not an executive employee and does not report directly to a vice president	Vice president of the department in which the respondent is employed (or the vice president's designee)
Executive employee or direct report of a vice president	University President
Vice president or other direct report of the University President	University President

5.12.2 Upon receipt of ~~written notice~~ the review panel report from the review panel, the appropriate executive university administrator shall promptly review all of the information that was available to the review panel and then decide whether to remand the investigation to the Title IX Office for additional investigation, affirm the responsible university administrator's original decision, ~~to~~ adopt the sanction and resolution recommendation(s) of the review panel, and/or to determine an alternative outcome. In determining the appropriate sanction(s) and other remedies, the executive university administrator ~~should~~ shall be guided by the considerations in 5.109.1 and consult with other administrators as needed, including an attorney assigned by the Office of General Counsel, Human Resources, the Title IX Coordinator, and the Office of Academic Affairs, to ensure that any sanctions and/or remedies are appropriate to end the prohibited conduct, prevent further violation of this policy, and remedy the effects of any violation. Remedies may include offering remedies to the complainant and/or university community, implementing changes in programs and activities, providing training, and the imposition of any disciplinary sanctions, based on the investigative findings.



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5.12.25.12.3 The executive university administrator will notify the Title IX Coordinator in writing of his or her decision and a summary of the reasons for the decision. If the matter is remanded to the Title IX Office for additional investigation, the Title IX Office shall promptly investigate and provide an investigation summary addendum that includes new evidence considered and changes to findings, if any, to the executive university administrator, who shall then determine sanctions, resolutions, and outcomes.

~~5.12.3~~ Any sanction or combination of sanctions imposed upon a respondent will be documented in the respondent's personnel and/or student file. Nothing in these procedures prevents the executive university administrator from imposing disciplinary action against a respondent when the final investigation summary demonstrates that the respondent engaged in other conduct prohibited by the University, regardless of whether the respondent has been found responsible for violating this policy.

~~5.12.4~~ The executive university administrator will notify the Title IX Coordinator in writing of his or her decision, which should include the following information: whether the responsible university administrator's sanctions were affirmed or modified and whether the review panel's recommendations were adopted, and the rationale for these decisions; any sanction(s) imposed against the respondent and the rationale for this decision; and any other remedial actions to be implemented for the complainant, respondent, and/or community.

~~5.12.55.12.4~~ Within two business days of After receiving the executive university administrator's decision, the Title IX Coordinator shall promptly notify the complainant and respondent, simultaneously, in writing of the final outcome of the investigation review and the rationale for the outcome. The final outcome letter shall include the name of the respondent; the violations of policy for which the respondent was found responsible or not responsible, as supported by the rationale set forth in the final investigation summary and/or modified by the executive university administrator; and whether the imposed sanction(s) (if applicable) have changed. The final outcome letter may also identify protective measures implemented with respect to the respondent or the university community. The final outcome letter will not disclose any remedial measures provided to the complainant. Any such remedial measures will be shared shortly thereafter with the complainant. The final outcome letter shall also state that the decision is final and not subject to further university review or grievance, and shall include options for seeking other remedies outside of the University, such as with the federal Equal Employment Opportunity Commission (EEOC) and the Utah Antidiscrimination and Labor Division (UALD), which investigate complaints of unlawful discrimination and/or harassment in employment, or the US Department of Education Office for Civil Rights (OCR), which investigates complaints of unlawful discrimination, harassment, and/or sexual misconduct in employment and educational programs or activities.

~~5.12.65.12.5~~ The University shall strives to meet the deadlines stated in this policy and to complete the review process, shall be completed, including sending and the final outcome letter from the Title IX Coordinator shall be sent to the parties, no later than 90 calendar days after the



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Title IX Coordinator or designated deputy coordinator made a determination that an investigation is warranted. If ~~this~~ these deadlines must be delayed due to exigent factors, such as unavailability or lack of cooperation from the parties and/or witnesses, the discovery of new evidence requiring additional review, ~~or the unavailability of witnesses or a complicated case with complex or multiple issues, a large volume of evidence to be reviewed, and/or a large number of key witnesses to be interviewed~~, the Title IX Coordinator or designated deputy coordinator shall notify the parties of the anticipated length of the delay in writing. The length of the delay shall be determined on a case-by-case basis, depending on the extenuating circumstances involved.

~~5.12.75.12.6~~ Once the final outcome letter is issued to the parties, no further internal reviews, appeals, or grievances are available to the parties. Nothing in this policy abrogates the rights of the parties to seek ~~outside~~ other remedies under state or federal law, such as with the ~~federal Equal Employment Opportunity Commission (EEOC) and the Utah Antidiscrimination and Labor Division (UALD)~~ agencies mentioned in section 5.12.4 above. A waiver to the finality of the decision may be sought from the executive university administrator asking the administrator to review the final decision. Such a waiver may be granted only in very limited exceptions when new evidence could be obtained only after the review process was concluded, such as through a law enforcement investigation subpoena. If granted, the review would be limited only to the impact the new evidence has on the decision and would be subject to the same procedure outlined in this policy.

5.12.7 The final outcome letter ~~shall~~ may be used by the Title IX Coordinator for data collection and compliance purposes only. The review panel, responsible university administrator, and executive university administrator shall provide all documents ~~related to confidential record reviews~~ submitted and reviewed as part of the review process to the Title IX Coordinator for confidential storage and shall not keep any written or electronic copies of such documents.

5.12.8 All documents, records, recordings, and other information associated with the Title IX process are designated as protected in accordance with the State of Utah Government Records and Management Act (GRAMA).

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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Proposed Policy Number and Title: Policy 162 <i>Sexual Misconduct</i>		
Existing Policy Number and Title: Policy 162 <i>Sexual Misconduct</i>		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input checked="" type="checkbox"/> Revision-Limited Scope	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy #101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: Board of Trustees,, Regular, Limited Scope, June 8, 2017		
President's Council Sponsor: Linda Makin, Michelle Taylor	Ext.	
Policy Steward: Alexis Palmer, Melissa Frost, Karen Clemes	Ext.	

POLICY APPROVAL PROCESS DATES	
Policy Drafting and Revision Entrance Date: <u>7/26/2016</u>	POST APPROVAL PROCESS Verify: <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update
University Entities Review Entrance Date: <u>03/23/2017</u> Close Feedback: <u>Completed</u>	Policy Office personnel who verified and posted this policy to the University Policy Manual Name: _____ Date posted and verified: <u>MM/DD/YYYY</u>
University Community Review Entrance Date: <u>04/20/2017</u> Open Feedback: <u>04/20/2017</u> Close Feedback: <u>05/17/2017</u>	
Board of Trustees Review Entrance Date: <u>05/25/2017</u> Approval Date: <u>MM/DD/YYYY</u>	



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POLICY TITLE	Sexual Misconduct	Policy Number	162
Section	Governance, Organization, and General Information	Approval Date	
Subsection	Individual Rights	Effective Date	
Responsible Office	Office of the Vice President of Planning, Budget, and Human Resources		

1.0 PURPOSE

1.1 Utah Valley University is committed to maintaining a respectful and safe environment for its students, faculty, staff, and visitors. This policy defines and prohibits all forms of sexual misconduct (including sexual discrimination, sexual harassment, sexual violence, domestic violence, dating violence, human trafficking, and stalking); establishes expectations for university community members and campus visitors; details how to report a violation of this policy; describes university resources and interim measures to protect those involved in the process; outlines investigation, disciplinary, and due process procedures for addressing reported violations of this policy; and overviews the University's education, awareness, prevention, and risk-reduction programs. This policy applies to all persons who are (1) employed by, attending, or affiliated with Utah Valley University in any way; (2) participating in any university program or activity, including but not limited to trustees, administrators, faculty, staff, students, independent contractors, volunteers, and guests; and/or (3) visiting a university campus or any property owned or leased by the University.

2.0 REFERENCES

2.1 *Americans with Disabilities Act (ADA)* (as amended)

2.2 *Campus Sexual Violence Elimination Act (SaVE)*—Reauthorization of the *Violence against Women Act of 2013 (VAWA)*

2.3 *Family Educational Rights and Privacy Act (FERPA)*

2.4 *Health Insurance Portability and Accountability Act (HIPAA)*

2.5 *Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (Clery Act)*

2.6 Title VII of the *Civil Rights Act of 1964* (Title VII)

2.7 Title IX of the *Higher Education Amendments Act of 1972* (Title IX)



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2.8 Utah Code § 53B-27-101 *et seq. Campus Advocate Confidentiality Amendments*

2.9 Utah Code § 63G-2 *Government Records Access and Management Act (GRAMA)*

2.10 Utah Code § 77-36 *Cohabitant Abuse Procedures Act*

2.11 Utah Code § 77-38 *Rights of Crime Victims Act*

2.12 Utah State Board of Regents' Policy R256 *Student Disciplinary Processes*

2.13 UVU Policy 115 *Minors on Campus and at University-Sponsored Events*

2.14 UVU Policy 154 *Workplace Violence*

2.15 UVU Policy 161 *Freedom of Speech*

2.16 UVU Policy 165 *Discrimination, Harassment, and Affirmative Action*

2.17 UVU Policy 407 *Clery Act Compliance*

3.0 DEFINITIONS

3.1 Bystander: An individual who witnesses or becomes aware of an instance of sexual misconduct. A bystander may not be directly involved but has the choice to intervene where it is safe to do so by discouraging, preventing, or interrupting an incident, or by summoning help.

3.2 Bystander intervention: When bystanders proactively respond and provide assistance in a situation in which sexual misconduct has occurred, is occurring, or could occur.

3.3 Campus Security Authority (CSA): As required by the *Clery Act*, individuals (1) serving in positions identified by the Vice President of Finance and Administration, who have significant responsibility for student and campus activities, or (2) serving in a security role for a university activity temporarily or for a designated event and who have a duty to report sexual misconduct and all Clery-reportable crimes. These individuals may not always be university employees. For examples of designated CSAs and definitions of Clery-reportable crimes and geography, see UVU Policy 407 *Clery Act Compliance*.

3.4 Complainant, victim, or alleged victim: An individual who has allegedly experienced sexual misconduct in violation of university policy. The University may also be a complainant. Use of these terms does not imply that a finding of misconduct is assumed or made before an investigation has been completed.

3.5 Consent: Consent to engage in a sexual encounter must be given by all participating parties; must be clear, knowing, and voluntary; and may be given only by someone who is 18 years of



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age or older and is not mentally and/or physically incapacitated. Consent is active, not passive. Consent requires an affirmatively communicated willingness through words and/or actions to participate in sexual activity. Silence, in and of itself, may not be interpreted as consent.

3.6 Dating/relationship violence: Violence or threat of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on a consideration of all relevant factors, including (a) the length of the relationship, (b) the type of relationship, and (c) the frequency of interaction between the persons involved in the relationship.

3.7 Discrimination: For purposes of this policy, negative or adverse conduct towards university employees or students in the terms or conditions of employment; university admission or education; access to university programs, services, or activities; or other university benefits or services, on the basis of their inclusion or perceived inclusion (in the case of sexual orientation, gender identity, or gender expression) in the protected classes of sex, pregnancy, pregnancy-related conditions, sexual orientation, gender identity, or gender expression that has the effect of denying or limiting participation in a university program or activity.

3.8 Domestic violence: Violence or physical harm, or threat of violence or physical harm, committed by (a) a current or former spouse or intimate partner of the alleged victim, (b) a person with whom the victim shares a child in common, (c) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (d) a person similarly situated to a spouse of the individual who experienced domestic violence under the domestic or family violence laws of the jurisdiction where the act of domestic violence occurred, or (e) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction where the act of domestic violence occurred.

3.9 Harassment: For purposes of this policy, any unwelcome verbal, physical, written, electronic, or nonverbal conduct (whether directly, indirectly, or through a third party) of a sexual nature, or related to an individual's sex, pregnancy, pregnancy-related conditions, sexual orientation, gender identity, or gender expression that is sufficiently severe, persistent, or pervasive to alter the conditions of employment of an employee, or to limit, interfere with, or deny educational benefits or opportunities of a student, from both a subjective and objective viewpoint based on a totality of the circumstances, including but not limited to the frequency and severity of the conduct, whether the conduct was physically threatening or humiliating, the effect of the conduct on the individual's mental or emotional state, whether the conduct was directed at more than one person, whether the conduct arose in the context of other discriminatory conduct, and whether the speech or conduct deserves the protections of academic freedom or the First Amendment.

3.10 Incapacitation: An individual who is incapacitated cannot give consent to engage in a sexual encounter. Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments. Factors that could be indications of incapacitation include but are



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not limited to mental or physical disability; lack of sleep; alcohol; illegal, date-rape, or prescription drug use; unconsciousness; blackout; or involuntary physical restraint. Being intoxicated by drugs or alcohol does not diminish one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew, or whether a reasonable person should have known, that the complainant was incapacitated.

3.11 Party: Complainant or respondent.

3.12 Preponderance of evidence: The evidentiary standard used during a sexual misconduct investigation/review to determine if the allegations occurred and if a university policy violation has occurred. Preponderance of evidence means it is more likely than not, or more than 50 percent in favor, that the misconduct occurred as alleged.

3.13 Respondent: The individual against whom an alleged complaint of sexual misconduct in violation of university policy has been made. Use of these terms does not imply that a finding of misconduct is assumed or made before an investigation has been completed.

3.14 Responsible employee: Any university employee (faculty, staff, administration) or volunteer, excluding those designated as strictly confidential in section 5.4.1 of this policy, who becomes aware of a sexual misconduct issue involving any university student or employee.

3.15 Result: Any initial, interim, and/or final outcome or decision by any official or entity authorized to resolve disciplinary matters within the University. The result must include any sanctions imposed by the University.

3.16 Retaliation: Intimidation, threats of reprisal, harassment, or other materially adverse actions, or threats of such materially adverse actions, made by or against persons employed by, attending, or affiliated with the University in any way or participating in any university program or activity, against anyone who in good faith opposes discrimination or harassment; reports or files a complaint of discrimination or harassment; honestly participates or assists in a university-related investigation, hearing, or other proceeding relating to discrimination or harassment; or otherwise asserts rights protected by Title IX, Title VII, or other applicable laws. Any action designed to prevent or discourage someone from reporting a concern regarding sexual misconduct may also be retaliation.

3.17 Sexual assault: A forcible or non-forcible sex offense, including actual or attempted sexual contact, against another person without that person's consent. Sexual assault includes but is not limited to involvement in any sexual contact when the victim is unable to consent, or intentional and unwelcome touching, however slight, of any body part or object, by any person upon another person, that is without consent and/or by force or by coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast). Sexual intercourse without consent includes acts commonly referred to as



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rape, statutory rape, or incest. Intercourse includes vaginal penetration by a penis, object, tongue, finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth-to-genital contact or genital-to-mouth contact), no matter how slight the penetration or contact.

3.18 Sexual Assault Response Team (SART): Group of trained interdepartmental university staff working collaboratively to provide services for the university community by offering specialized sexual assault intervention services, including but not limited to ensuring the immediate safety of the alleged victim, taking interim measures as necessary, and remediating the effects of substantiated sexual misconduct.

3.19 Sexual exploitation: Specific forms of sexual behavior that involve nonconsensual use of another individual's nudity or sexuality, excluding behavior that constitutes one of the other sexual misconduct offenses. Examples of sexual exploitation include but are not limited to

- 1) Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person engaging in a sexual act without the consent of all parties);
- 2) Invasion of sexual privacy, such as allowing a third party to watch, or disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without that person's consent;
- 3) Administering alcohol or drugs to another person for the purpose of making that person vulnerable to nonconsensual sexual activity;
- 4) Exposing one's genitals to another person without consent;
- 5) Prostituting another individual;
- 6) Engaging in sexual trafficking; or
- 7) Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual's knowledge.

3.20 Sexual harassment: A form of harassment consisting of unwelcome sexual advances, requests for sexual favors, or other verbal actions including lewd or sexually suggestive comments, jokes, questions, innuendoes, and remarks about clothing, body, or previous or future sexual activity; physical actions including unwelcome touching, patting, hugging, or brushing against a person's body; written, graphic, or electronic statements or depictions; or nonverbal conduct of a sexual nature (whether the conduct is direct, indirect, or by third persons) when

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, advancement, or participation in a university activity;



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- 2) Submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual's employment, education, advancement, or participation in a university activity; and/or
- 3) Such conduct is sufficiently severe or pervasive and it unreasonably interferes with an individual's employment or educational performance or creates an intimidating, hostile, or abusive environment for that individual's employment, education, or participation in a university activity.

3.21 Sexual misconduct: Sexual misconduct includes but is not limited to acts of, or failed attempts of, dating and relationship violence; domestic violence; discrimination based on sex, pregnancy, pregnancy-related conditions, sexual orientation, gender identity, or gender expression; hostile environment based on sex, pregnancy, pregnancy-related conditions, sexual orientation, gender identity, or gender expression (including intimidation and hazing/bullying); sexual harassment; sexual assault (including nonconsensual sexual contact or nonconsensual sexual intercourse); sexual exploitation (including engaging in sexual trafficking); and stalking as defined by state and federal law.

3.22 Stalking: Engaging in a course of conduct (two or more acts) directed at a specific person that the actor knows or should know would cause a reasonable person to fear for his or her safety or the safety of others, to suffer other emotional distress, or that interferes with the other person's property, including harassing, threatening, following, monitoring, observing, surveilling, intimidating, delivering items, or communicating with or about another, directly, indirectly, or through a third party, by telephone, mail, electronic communication, social media, photography, or any other action, device, or method. Stalking may be but is not limited to sex- or gender-based stalking.

4.0 POLICY

4.1 Scope of Policy

4.1.1 This policy applies to all persons employed by or affiliated with Utah Valley University in any way and persons participating in any university program or activity, including but not limited to trustees, administrators, faculty, staff, students, independent contractors, volunteers, and guests or visitors to a university campus or any property owned or leased by the University (sometimes referred to as "third parties"). To the extent that any other university policies address sexual misconduct, this policy takes precedence and controls.

4.1.2 Conduct subject to this policy includes the following:

- 1) Conduct on UVU premises.



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- 2) Conduct in the context of a UVU employment or education program or activity, including but not limited to UVU-sponsored travel, athletics, activities, research, and internship programs.
- 3) Conduct that occurs off campus or via electronic media can be the subject of a complaint or report and shall be evaluated to determine whether the misconduct has continuing effects on the campus and therefore violates this policy. Allegations of off-campus sexual misconduct involving members of the university community shall be reported to the Title IX Coordinator.

4.2 Policy Statement

4.2.1 The University prohibits all forms of sexual misconduct that violate Title IX of the *Education Amendments of 1972*, Title VII of the *Civil Rights Act of 1964*, or related applicable laws. The University shall respond promptly and effectively to reports of sexual misconduct and shall take appropriate action to stop, prevent recurrence of, and remediate the effects of sexual misconduct on the complainant and/or the university community. The University may discipline any person who violates this policy, up to and including termination of employment and/or expulsion from the University. If a student has been disciplined for serious violations of institutional policies regarding sexual misconduct, sex discrimination, or harassment, the University may enter a notation on the student's transcript consistent with the *Family Educational Rights and Privacy Act*.

4.2.2 The University works to prevent sexual misconduct through education, training, and policies, and to remediate the effects of sexual misconduct by protecting the rights of the parties involved and providing support services to members of the university community. All members of the university community, including visitors and bystanders, have the responsibility, to the extent possible, to prevent sexual misconduct, to report sexual misconduct, and to assist those who have experienced sexual misconduct.

4.2.3 University community members are responsible for knowing the information and procedures in this policy. Reports of sexual misconduct made after the fact are governed by the policy in place at the time of the alleged sexual misconduct. However, procedures applicable are those in place at the time of the resolution.

4.2.4 Nothing in the policy shall be construed in a manner that impinges on the rights or privileges of individuals protected by the US Constitution, including their protected free speech rights, as set forth in UVU Policy 161 *Freedom of Speech*.

4.2.5 Nothing in this policy shall be interpreted to alter the status of employees who are otherwise at will.

4.2.6 When applying this policy to students, the University shall comply with Utah State Board of Regents' Policy R256 *Student Disciplinary Processes*, which sets forth minimum standards of



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due process for student disciplinary processes related to nonacademic matters that may result in either expulsion or a minimum 10-day suspension.

4.3 Prohibited Conduct

4.3.1 Violations of this policy include but are not limited to acts of, or failed attempts of, dating and relationship violence; domestic violence; discrimination based on sex, pregnancy, pregnancy-related conditions, sexual orientation, gender identity, or gender expression; hostile environment based on sex, pregnancy, pregnancy-related conditions, sexual orientation, gender identity, or gender expression (including intimidation and hazing/bullying); sexual harassment; sexual assault (including nonconsensual sexual contact or nonconsensual sexual intercourse); sexual exploitation (including engaging in sexual trafficking); and stalking.

4.3.2 The University prohibits retaliation as defined in this policy. The University shall take steps to prevent retaliation and shall take strong responsive action to threats or acts of retaliation, up to and including termination of employment and/or expulsion from the University.

4.3.3 Individuals who, in bad faith, deliberately make false or malicious accusations of violation of this policy shall be subject to disciplinary action, up to and including termination of employment and/or expulsion from the University. However, a no-violation finding by the investigator does not in itself constitute proof of a false or malicious accusation.

4.4 Determination of Consent

4.4.1 All members of the university community must understand how to determine consent to sexual activity. All participants in the sexual activity are responsible for ensuring that they have the consent of all involved to engage in sexual activity. Any individual who engages in sexual activity without receiving clear, knowing, and voluntary consent, or in which one of the parties withdraws consent at any point but is forced to participate, has violated this policy.

4.4.2 Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity. Past consent to sexual activity does not imply ongoing future consent. The current or past existence of a dating or marital relationship does not imply consent. Whether an individual has taken advantage of a position of authority over an alleged victim may be a factor in determining consent or coercion.

4.4.3 There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent.

4.4.4 Sexual activity with someone deemed unable to grant clear, knowing, and voluntary consent constitutes a violation of this policy. This includes, but is not limited to, individuals who are



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1) Mentally and/or physically incapacitated for any reason (such as by mental or physical disability; lack of sleep; alcohol; illegal, date-rape or prescription drug use; unconsciousness; blackout; or involuntary physical restraint);

2) Under the age of 18; or

3) Forced to give consent in any way, including but not limited to by coercion, intimidation, duress, deception, threats, implied threats, and/or physical force.

4.4.5 Use of alcohol or other drugs (prescription or illegal) does not waive the requirement to obtain consent from all involved to engage in sexual activity and shall not provide a defense for any behavior that violates this policy.

4.4.6 The University views amorous or sexual relationships between those in a position of authority and their subordinates, such as in a teaching, evaluating, supervising, or advising role as part of a school program or in an employment situation, as a power relationship that undermines and/or eliminates the ability of the subordinate to provide consent to an amorous or sexual relationship and thereby violates this policy. Moreover, those in a position of authority may not use their position of authority to reward, penalize, or retaliate against, either directly or indirectly, any person or subordinate with whom he or she is having, or who has rejected, an amorous or sexual relationship.

4.5 Safeguards for Privacy

4.5.1 The University is committed to protecting the privacy of complainants and respondents and any party involved in a sexual misconduct report or process to the extent allowed by the *Utah Government Records and Management Act (GRAMA)*, the federal *Family Educational Rights and Privacy Act (FERPA)*, the federal *Health Information Portability and Accountability Act (HIPAA)*, and other applicable laws.

4.5.2 The University shall make reasonable efforts to protect the privacy of those involved in reported incidents, including sharing information only with those who have a “need to know” due to their responsibility to eliminate the reported conduct, prevent its recurrence, and/or address its effects.

4.5.3 All university employees who are involved in responding to Title IX reports of sexual misconduct shall receive training about safeguarding private information in accordance with applicable laws.

4.6 Requests for Confidentiality

4.6.1 In determining whether to honor a complainant’s request for anonymity, the University shall consider the facts and circumstances and the safety of the university community in accordance with applicable law. However, requests for anonymity may limit the University’s



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ability to investigate or respond in a more targeted way, such as offering reasonably available interim protective measures or modifications to the complainant.

4.6.2 In some instances, the University may determine that it cannot honor the complainant's request for anonymity where necessary to ensure the safety of the complainant or the university community, in which case the complainant will be informed that an investigation will be conducted and anonymity of the complainant not maintained. When the University agrees to honor a complainant's request to maintain anonymity and not to conduct a further investigation, the matter shall be considered resolved, with the University taking appropriate steps and protective measures or modifications.

4.6.3 The University recognizes that a complainant may initially be hesitant to move forward, but later seek an investigation. Where a report was closed because the University agreed to the complainant's request for anonymity and/or not conduct further investigation, the matter may later be reopened at the discretion of the Title IX Coordinator or designated deputy coordinator based on such factors as complainant request and/or concerns about safety to the university community. The passage of time and the memory/availability of witnesses may limit the University's ability to investigate at a later date.

4.6.4 The University will protect confidential communications to designated UVU advocates authorized by the Title IX Coordinator, protected under the *Utah Campus Advocate Confidentiality Amendments* (Utah Code § 53B-27-101 *et seq.*), from where disclosure is not required by applicable federal law, including Title IX, Title VII, and/or the *Clery Act*.

4.7 Reporting an Incident of Sexual Misconduct

4.7.1 The University strongly encourages individuals who have experienced sexual misconduct or who are aware of alleged incidents to report sexual misconduct to the Title IX Coordinator or deputy coordinators, to UVU Police, and/or to other university administrators set forth in this policy. Police investigations and Title IX investigations may proceed simultaneously, with specific procedures set forth in section 5.9.9.

4.7.2 All university responsible employees and CSAs, with the exception of licensed mental health counselors or members of the clergy who are working within the scope of their license or religious assignment, or advocates authorized by the Title IX Coordinator, are required to report all incidents of sexual misconduct to the Title IX Coordinator.

4.7.3 Upon receipt of a report involving a student or employee complainant, the University shall take and/or make available reasonable and appropriate interim measures to protect the complainant, regardless of whether the complainant requests an investigation, initiates a code-of-conduct proceeding, or makes a criminal report.



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4.7.4 Any complainant who reports or any witness or respondent who participates in an investigation of sexual misconduct who might have engaged in a personal violation of the University drug or alcohol policy around the time of the alleged sexual misconduct incident shall not be disciplined by the University for minor alcohol policy violations.

4.7.5 A complaint is timely if it is filed within 365 calendar days of the last alleged act of sexual misconduct. A complaint that is not timely or that fails to state a claim of sexual misconduct may be dismissed by the Title IX Coordinator after an initial review. At the Title IX Coordinator's discretion and for good cause, particularly in cases alleging sexual misconduct, a complaint that is not timely may be accepted. However, the University's ability to respond may be limited, as evidence may be less available and the University may no longer have jurisdiction over complainants or respondents who are no longer affiliated with the University. If the respondent is enrolled at another USHE institution, the Title IX Coordinator will refer the complainant to the Title IX Coordinator where the respondent is enrolled.

4.8 Investigations and Disciplinary Proceedings

4.8.1 The University shall provide prompt, fair, and impartial investigations and disciplinary proceedings. During these proceedings, both the complainant and the respondent shall be provided equitable rights and opportunities, as outlined in these procedures.

4.8.2 The University is committed to ensuring that its resolution process is free from actual or perceived bias or conflicts of interest that would materially impact the outcome. University officials who are designated to conduct and/or participate in sexual misconduct investigations or proceedings shall be trained on how to conduct these investigations or proceedings in a manner free from bias or intimidation. Officials shall also be trained to recognize and acknowledge any potential conflict of interest. Any party who believes there is bias or conflict of interest may submit a written request to remove the person from the process to the Title IX Coordinator or the Associate Vice President of Human Resources. The written request should include the specific rationale as to why the requestor believes the bias or conflict could materially impact the outcome.

4.8.3 Employees and students shall promptly participate in good faith in formal or informal internal administrative investigations related to this policy. If either party fails to participate in good faith, the investigator(s) may make findings without the response of that party, potentially leading to an unfavorable outcome for that party.

4.9 Training

4.9.1 The University shall provide training, as required by applicable law and recommended by best practices, to the Title IX Coordinator and deputy coordinators, review/appeal board members, CSAs, SART, and other employees involved in providing services relevant to sexual misconduct intervention.



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4.9.2 In compliance with applicable federal law, the University shall provide initial training for new employees and incoming students and ongoing training for students and employees about the prevention and reporting of sexual misconduct and appropriate resources and services provided by the University and the community.

5.0 PROCEDURES

5.1 Scope and Applicability of These Procedures

5.1.1 All sexual misconduct complaints are subject to the procedures set forth in this policy. Unless the sexual misconduct also violates additional university policies, other university policies and procedures do not apply to sexual misconduct reports, processes, and proceedings. All other protected class discrimination, harassment, and retaliation complaints are subject to the procedures set forth in UVU Policy 165 *Discrimination, Harassment, and Affirmative Action*. All other misconduct not involving sexual misconduct or protected class discrimination, harassment, and/or retaliation shall be addressed through the procedures found in the respective student, faculty, and staff university policies.

5.2 Resources for Victims of Sexual Assault

5.2.1 If a report involves potentially criminal acts, alleged victims shall be informed in writing that they have the option to make a formal criminal complaint by reporting the incident to UVU Police, Ph. (801) 863-5555, or to local police by calling 911.

5.2.2 Regardless of whether they decide to report an incident of sexual misconduct, alleged victims of sexual assault shall be encouraged to preserve evidence in case they decide later to report the incident to law enforcement. It is critical to preserve evidence as soon as possible after the incident.

5.2.3 If the incident just occurred, evidence should be preserved as follows:

- 1) The victim should call 911 and get to a safe place as soon as possible. Seeking assistance by promptly calling 911 may be important to ensuring an individual's physical safety and/or to obtaining immediate medical care or other support. It may also be necessary to preserve evidence, which can assist the University and/or law enforcement in responding effectively.
- 2) The victim should go to a hospital emergency room where trained medical personnel can collect evidence through forensic rape exam, check for injuries, and provide emergency contraception and limited STD-preventative medication.
- 3) Even if the victim chooses not to seek immediate medical care, he or she should try to preserve all the physical evidence (keeping in mind it may be possible to collect evidence of the offense up to five days following the incident).



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- 4) The victim should not shower, bathe, or douche.
- 5) The victim should not brush his or her teeth.
- 6) The victim should save the clothing that he or she was wearing in a brown paper bag.
- 7) If the incident took place in the victim's home, he or she should not rearrange and/or clean up anything.
- 8) The victim should be encouraged to seek support by talking with someone he or she trusts (friend, family, support person/advisor, community, or university resource).
- 9) The victim may contact the Utah County 24-hour Crisis Line, Ph. (801) 226-4433. Trained advocates are available to provide support and to talk with the victim about available options.
- 10) The victim should decide whether to report the incident to the police and/or university officials (keeping in mind that delay may result in lost evidence).

5.2.4 The University provides confidential crisis and medical services on campus. These resources are available to alleged victims regardless of whether they report to UVU Police or request university disciplinary proceedings. Students are encouraged to contact Student Health Services, and benefits-eligible employees are encouraged to contact the Employee Assistance Program. Following are some of the university resources that are available:

UVU Police	(801) 863-5555
Title IX Coordinator	(801) 863-7590
Student Conduct Office	(801) 863-8665
University Ombuds	(801) 863-7237

The following university office provides strictly confidential services:

Student Health/Counseling (801) 863-8876

5.2.5 Individuals may also choose to contact community resources such as local victim offices, counseling, clergy, chaplains, and healthcare services. For a list of such resources, contact the Title IX Coordinator or university Student Health Services and/or see UVU's *Support Services & Options* brochure, which can be found at <https://www.uvu.edu/studentconduct/docs/title9optionsbrochure.pdf>.

5.3 Reporting an Incident of Sexual Misconduct



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5.3.1 Faculty, staff, or students who have experienced sexual misconduct should report it to the Title IX Coordinator. Faculty, staff, or students who become aware of sexual misconduct involving others within the university community shall report such issues to the Title IX Coordinator, who is charged with investigating reports of violations of this policy.

5.3.2 The Title IX Coordinator, who oversees all Title IX investigations and coordinates the University's response to sexual misconduct, may be reached at 800 West University Parkway, Browning Administration Building, Suite 203, Orem, UT 84058; phone (801) 863-7590; e-mail TitleIXCoordinator@uvu.edu. The names, office addresses, telephone numbers, and e-mail addresses of the Title IX Coordinator and deputy Title IX coordinators can be found on the University's Title IX website at http://www.uvu.edu/equalopportunity/title_9.html.

5.3.3 Individuals may also submit reports, including anonymous reports, through EthicsPoint, the University's 24-hour hotline provider, by calling (877) 228-5401 or by submitting information online at <https://secure.ethicspoint.com/domain/media/en/gui/23421/index.html>.

5.4 Confidentiality and Reporting

5.4.1 To make informed choices when consulting campus resources, alleged victims should be aware of confidentiality and mandatory reporting requirements. Although the University will consider the requests of a complainant, complainants should be aware that the following levels of confidentiality, as required by state and federal law, apply to university employees who receive reports of sexual misconduct:

1) *Strictly Confidential*: Conversations with university licensed mental health counselors or members of the clergy who are working within the scope of their license or religious assignment can remain anonymous except in rare circumstances when the alleged victim is a minor or a vulnerable adult, or when there is imminent danger to the alleged victim or others in the community. In some cases, these individuals are required to report to UVU Police for *Clergy Act* purposes that an incident occurred, but the identities of the alleged victims are not shared.

2) *Mostly Private*: Except for conversations that occur with the persons listed under "strictly confidential" above, conversations with faculty or staff about sexual misconduct must be reported to the Title IX Coordinator or a designated deputy coordinator. In those cases, the Title IX Coordinator or designated deputy coordinator shall only share such information with administrators on a "need-to-know" basis. The Title IX Coordinator or designated deputy coordinator will review requests for anonymity in accordance with this policy. Reports of sexual misconduct to the following individuals are considered "mostly private," with a requirement that identities of alleged victims be reported to the Title IX Coordinator:

a) Designated campus security authorities (CSA)

b) Responsible employees



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c) Students who serve in an ongoing peer-advising role (such as Work Study) are also expected to report to the Title IX Coordinator if they learn of sexual misconduct while working. If they learn of the incident outside the workplace, they are not required to report but are encouraged to follow the recommendations presented in bystander prevention training.

3) *Confidentiality Limited by State Law*: If reported to UVU Police, some exploratory conversations are confidential. Alleged victims may meet with a detective or officer without immediately triggering a full-scale investigation or the requirement to press criminal charges. Police reports, with identifying information redacted, may be available to the public upon request only if permitted by *GRAMA* and other applicable laws.

5.4.2 The University will protect confidential communications protected under the *Utah Campus Advocate Confidentiality Amendments* (Utah Code § 53B-27-101 *et seq.*), where disclosure is not required by applicable federal law, including Title IX, Title VII, and/or the *Clergy Act*.

5.5 Third-Party/Bystander Reporting Obligations

5.5.1 Any responsible employee or CSA who receives a sexual misconduct report shall inform the complainant as soon as possible about his or her duty to report, how the complainant's privacy will be protected, what levels of confidentiality can be offered, and the University's Clergy reporting obligations. Responsible employees or CSAs shall report information they learn about alleged or possible sexual misconduct incidents to the Title IX Coordinator within 24 hours. For after-hours reporting to the Title IX Coordinator, responsible employees or CSAs should use the link or phone number found on the University's Title IX webpage.

5.5.2 Any incident involving a minor shall be immediately reported to UVU Police, or to the local police department if the incident occurred off campus. Responsible employees or CSAs who become aware of allegations involving a minor shall notify the Title IX Coordinator and their supervisor that they have reported the allegation to the police, and must follow procedures required by Policy 115 *Minors on Campus and at University-Sponsored Events*.

5.5.3 For third-party complainants, the University shall provide reasonable protective measures as appropriate and available, based on consideration of the role of the third party, the nature of any contractual or other relationship with the University, the relationship of the respondent to the University, and the facts and/or evidence received.

5.6 Support Persons/Advisors

5.6.1 As required by Utah State Board of Regents' Policy R256 *Student Disciplinary Processes*, in matters of nonacademic misconduct, including when students are respondents in protected class discrimination, harassment, or retaliation complaints, and where the University believes in good faith, based on facts known by the University at the time or when additional facts are discovered later, that the matter may result in expulsion or a minimum 10-day suspension, the



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following additional protections will apply. Students may waive any rights described in this section. This section does not apply to UVU Police Department law enforcement activities.

1) Prior to interviewing the student, the investigator or representative of the Title IX Office shall notify the student of the allegations made against him or her and of his or her right to have a support person/advisor throughout the process who may be, but need not be, an attorney. This notice may be verbal and may be given immediately before a student is interviewed in regards to the issue described in the notice. If a student wishes to seek counsel from a support person/advisor, the University shall reschedule the interview, giving the student reasonable time to obtain a support person/advisor.

2) In meetings or interviews with the Title IX Office or the University, student complainants and respondents each have the right to a support person/advisor of their choice, who may be an attorney. If a complainant chooses to have a support person/advisor, an employee respondent may have a support person/advisor present when interviewed and at any subsequent meetings. During such meetings or interviews, the support person/advisor may only advise the complainant or respondent and may not actively participate in the investigation or informal process.

5.6.2 During any review hearings under section 5.11 of this policy, complainants and respondents (whether students or employees of the University) may each have a support person/advisor of their choice, who may be an attorney, advocate for them.

5.6.3 Support persons/advisors must be willing to agree to maintain the confidentiality of investigation and review hearing processes.

5.6.4 The University may proceed with the investigation and review hearing processes in a timely fashion without the complainant or respondent if that party fails to respond or declines to participate. The University may set reasonable deadlines and move forward with processes regardless of whether a party and/or a party's support person/advisor is able to accommodate those deadlines.

5.7 Preliminary Review of Reports of Sexual Misconduct

5.7.1 Within three business days (sooner if there appears to be an imminent safety risk) of receiving a report of sexual misconduct, the Title IX Coordinator or designated deputy coordinator shall conduct a preliminary review that includes the following:

- 1) Assess the nature and circumstances of the report.
- 2) Address the immediate physical safety and emotional well-being needs of the complainant.
- 3) Provide the complainant with information about options for police and/or university code-of-conduct action (including the option of pursuing both or neither), and information about university policy and procedures.



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- 4) Provide referral to SART resources and encourage complainants to use university and community services for victims of sexual misconduct.
- 5) Initiate any necessary interim measures intended to address the short-term effects of sexual misconduct, which may include referral to counseling and/or health services or referral to the employee assistance program, support for modification to housing arrangements, altering work arrangements for employees, a safety plan (such as providing campus escorts), implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc. At the recommendation of the Title IX Coordinator or designated deputy coordinator, the responsible university administrator (as defined in 5.9.14) may also impose an interim suspension of a student, employee, visitor, or organization, or invoke other safety measures temporarily pending the outcome of the investigation and subsequent proceedings.
- 6) Consider the complainant's request for anonymity and assess and determine the appropriate university response and whether there is reasonable cause to believe that this policy has been violated and that an investigation is necessary.
- 7) Assess the reported conduct for any Clery obligations, including entry in the crime log or issuance of a timely warning, and report to UVU Police when necessary.

5.7.2 If the Title IX Coordinator or designated deputy coordinator determines that there is no reasonable cause to believe that this policy was violated and/or that an investigation is not necessary, he or she shall issue a written notice of dismissal to the complainant.

5.7.3 If the Title IX Coordinator or designated deputy coordinator determines that there is reasonable cause to believe that this policy was violated and/or that an investigation is necessary, and if informal resolution of the matter is not warranted or is unsuccessful, he or she shall report the complaint to the following person (unless a conflict of interest exists, in which case the complaint should be reported to the supervisor of the person listed below):

Respondent's Affiliation with the University	Person to Whom the Complaint is Reported
Student	Director of Student Conduct and Conflict Resolution
Faculty member	Associate Vice President of Academic Administration
Staff member (including executive employees)	Director of Employment Services
Contractor/vendor	Vice President of Finance and Administration

5.7.4 At the recommendation of the Title IX Coordinator or designee, the responsible university administrator (as defined in section 5.9.14) may impose an interim suspension of a student, employee, visitor, or organization, or invoke other temporary safety measures pending the outcome of the investigation and subsequent proceedings.



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5.8 Informal Resolution

5.8.1 Because each case is different, the Title IX Coordinator or designated deputy coordinator shall tailor each resolution to the specific facts of the case. The Title IX Coordinator or designated deputy coordinator shall determine whether reports of sexual misconduct are appropriate for informal resolution, mediation, or require an investigation.

5.8.2 Informal resolution is encouraged to resolve concerns at the earliest stage possible with the cooperation of all parties involved. Participation in the informal resolution process is voluntary; the University shall not compel either party to engage in informal resolution. Informal resolution may be appropriate for responding to anonymous reports and/or third-party reports. Informal resolution may not be used in cases involving sexual violence, even if the complainant volunteers for informal resolution. Informal resolution may also be inappropriate when one or both of the parties are reluctant to participate in good faith.

5.8.3 Informal resolution may include an inquiry into the facts but typically does not include an investigation. Informal resolution is flexible and includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted preventive educational and training programs, or providing remedies for the individual harmed by the offense. Informal resolution also includes options such as discussions with the parties, making recommendations for resolution, and conducting a follow-up review after a period of time to ensure that the resolution has resolved concerns effectively.

5.8.4 The University endeavors to conclude informal resolution within 15 business days from when the Title IX Coordinator receives the complaint. Where this is not reasonably possible, the Title IX Coordinator or designated deputy coordinator shall notify the complainant in writing that resolution of the complaint will be delayed and indicate the reasons for the delay. All informal resolution efforts shall be documented.

5.8.5 Within seven business days of concluding informal resolution of a complaint, the Title IX Coordinator or designated deputy coordinator shall notify the complainant and respondent in writing of the resolution that was agreed upon.

5.8.6 Participation in informal resolution does not prohibit either party from terminating informal resolution and/or requesting an investigation at any point during the informal resolution process. Where a report was closed after informal resolution, the matter may later be reopened at the discretion of the Title IX Coordinator or designated deputy coordinator when requested by the complainant and/or if the Title IX Coordinator or designated deputy coordinator determines there is a risk to the safety of the university community.

5.9 Investigation



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5.9.1 If the Title IX Coordinator or designated deputy coordinator determines an investigation is necessary, the University shall conduct a thorough, reliable, and impartial internal administrative investigation by interviewing witnesses, collecting documentary evidence, and preparing a written report of findings. The purpose of the investigation is to establish whether there is a reasonable basis, based on a preponderance of the evidence, for concluding that the alleged violation of this policy has occurred. The University reserves the right to engage an outside investigator to conduct the investigation if it is determined there is a conflict of interest or other compelling reason to do so.

5.9.2 Complainants, respondents, and witnesses shall be treated with respect throughout the investigation process, disciplinary process, and other proceedings:

- 1) Complainants and respondents can expect prompt and equitable resolution of allegations of prohibited sexual misconduct.
- 2) Complainants, respondents, and witnesses can expect privacy in accordance with this policy and any legal requirements.
- 3) Complainants can expect freedom from retaliation for making a good faith report of prohibited sexual misconduct or participating in any investigation or proceeding under this policy.
- 4) Complainants, respondents, and witnesses shall refrain from retaliating against any person for making a good faith report or participating in any proceeding under this policy.
- 5) Respondents, complainants, and witnesses shall provide truthful information in connection with any report, investigation, or resolution of prohibited sexual misconduct under this policy.
- 6) Complainants and respondents shall have interim measures made available and be given the opportunity to request modifications necessary for physical and/or emotional safety.
- 7) Complainants and respondents shall be given timely and equal access to allegations and have the opportunity to respond to information that will be used against them in any disciplinary proceeding.
- 8) Complainants and respondents shall have the opportunity to offer information, present evidence, and identify witnesses during an investigation.
- 9) Complainants and respondents shall be given timely notice of meetings where their presence is necessary.
- 10) Complainants and respondents shall receive simultaneous notification, in writing, of the results of any proceedings.



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- 11) Complainants and respondents shall have the opportunity to articulate concerns or issues about proceedings under this policy.
- 12) Complainants and respondents shall have reasonable time to prepare any response permitted under this policy.
- 13) Complainants and respondents shall receive written notice of any necessary extensions of timeframes under this policy.
- 14) Complainants, respondents, and other participants in the Title IX process may request accommodations necessary under the *Americans with Disabilities Act (ADA)* through the Title IX Coordinator or designated deputy coordinator, who will refer the request to the appropriate ADA coordinator and then implement approved accommodations.

5.9.3 When proceeding an investigation, the investigator shall ask the complainant to provide written notice of the allegations, including a concise statement describing the incident, when and where the misconduct occurred, and why the complainant believes it violates university policy, and a proposed resolution. The complainant shall be asked to provide and preserve all corroborating or potentially relevant evidence in any format, list potential witness names, and sign the statement. From this information, the Title IX Coordinator or designated deputy coordinator shall prepare a summary of allegations and relevant information from the complainant's statement for the respondent. The complainant will review the summary and statement, make any necessary corrections, and affirm the summary by signature.

5.9.4 By requesting an investigation on the complaint form and/or signing the summary of allegations, the complainant is giving the investigator consent to discuss the information provided with other persons who may have relevant factual knowledge of the circumstances of the complaint, and is authorizing the collection and examination of all records and other documentation relevant to the complaint. In cases where a complainant does not want to pursue an investigation, the Title IX Coordinator or designated deputy coordinator shall inform the complainant that the University's ability to investigate and/or remediate may be limited.

5.9.5 If the complainant refuses to sign the summary, the coordinator may (1) note that the allegations have been withdrawn and end the investigation, or (2) note the complainant has refused to sign the summary and proceed to investigate to determine what occurred and to protect the University's interest in maintaining a safe environment free from sexual misconduct.

5.9.6 The investigator shall provide the respondent with the summary of the complainant's allegations and a copy of this policy and shall request a written response from the respondent. The respondent shall also be asked to provide and preserve all corroborating or potentially relevant evidence in any format, list potential witness names, and sign any response to the allegations. In preparing the summary of the complainant's allegations for the respondent, the Title IX Coordinator or designated deputy coordinator has the discretion to redact names and/or



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witnesses to protect the identity and ensure the safety of the complainant and/or witnesses. The respondent may prepare and submit a signed written statement to admit or deny the allegations, provide an explanation why any conduct was not a violation of the policy, provide all corroborating evidence, list potential witnesses, and state whether complainant's proposed resolution is appropriate.

5.9.7 Upon receipt of the written response from the respondent, or after the reply period expires without a response, the investigator shall send a written request to or meet with the respondent and/or complainant to clarify any discrepancies.

5.9.8 The Title IX Coordinator shall choose the investigator(s), except in cases where the Title IX Coordinator or others involved in the investigation have a conflict of interest, in which case the University's Office of General Counsel shall select internal or external impartial investigator(s).

5.9.9 If the alleged misconduct is also the subject of a criminal investigation, the investigator(s) may not wait for the conclusion of the criminal investigation to begin an investigation pursuant to this policy. However, the investigator(s) shall coordinate their fact-finding efforts with the police investigation. Once notified that the police have completed gathering of evidence (not the ultimate outcome of the investigation or the filing of any criminal charges), the investigator(s) shall promptly resume and complete their fact-finding for the sexual misconduct case.

5.9.10 To provide a prompt, thorough, fair, and impartial investigation and resolution, all investigations of reports of sexual misconduct shall incorporate the following standards:

- 1) The respondent shall be provided the name of the complainant, if known, a notice of request for investigation, a written statement of the allegations, and a copy of this policy. The respondent shall be given a full opportunity to respond to the allegations.
- 2) The investigator(s) conducting the investigation shall be familiar with this policy, have training or experience in conducting investigations, and shall be familiar with applicable university policies and procedures. For cases involving allegations of sexual violence, the individual(s) conducting the investigation must receive annual training on issues related to sexual violence. Such training includes how to conduct an investigation that protects the safety of complainants and promotes accountability.
- 3) Disclosure of material witnesses and relevant facts shall be given to both parties to permit each party a full opportunity to respond to allegations and defenses, subject to *FERPA* and privacy law requirements, and the need to guard against retaliation of parties and witnesses. Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation. Participants shall also be reminded not to retaliate against other parties, witnesses, or other participants in the process.



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- 4) The investigator(s) or others shall not question the complainant, or seek evidence, regarding the complainant's prior sexual conduct with anyone other than the respondent(s). The investigator(s) shall also apply the principles of consent set forth in this policy, including the principle that evidence or prior consensual dating or a sexual relationship between the parties, in itself, does not imply consent or preclude a finding of sexual misconduct.
- 5) The investigator shall apply a preponderance of evidence standard to determine whether the sexual misconduct occurred as alleged and whether there has been a violation of this policy.
- 6) If the complainant chooses to have a support person/advisor, the respondent may have a support person/advisor present when he or she is interviewed and at any subsequent meetings. The complainant may choose a support person/advisor, provided the support person/advisor does not disrupt the meeting and does not speak on behalf of the parties. Generally, the support person/advisor is limited to quietly conferring with the party through written correspondence or whisper, unless otherwise required by applicable law. As set forth in section 5.6, (1) student respondents may have a support person/advisor present during any meetings or interviews, regardless of whether complainants choose to do so, and (2) all complainants and respondents (whether students or employees of the University) may each have a support person/advisor of their choice advocate for them during any review hearings under section 5.11 of this policy.
- 7) At any time before or during the investigation, the investigator may recommend that interim protections or remedies for the parties or witnesses be provided by appropriate university administrators. Failure by a party to comply with the terms of interim protections may be considered a separate violation of this policy. For an interim measure, the Title IX Coordinator may recommend to the responsible university administrator (who should consult with Human Resources and the Office of General Counsel) that a respondent employee be placed on a paid or unpaid leave. Leave may be unpaid where the employee has failed to participate in the investigation promptly or in good faith, or when substantial evidence received before or during the investigation indicates that a serious violation of policy has occurred.
- 8) The investigation shall be completed and the final investigation summary provided to the responsible university administrator as promptly as possible, and no later than 50 calendar days from the determination by the Title IX Coordinator or designated deputy coordinator that an investigation is warranted. Investigators shall provide regular status updates to both parties and administrators with a need to know. When circumstances require an extension to complete a thorough investigation, the investigator shall inform both parties in writing of the expected completion date.
- 9) Parties and witnesses are expected to cooperate with and participate in the University's investigation in good faith. If either party fails to participate in good faith, the investigator(s) may make findings without the response of that party, potentially leading to an unfavorable outcome for that party.



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10) The complainant and respondent shall be informed if there were findings made that the policy was or was not violated and of actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the accused not contact the complainant. In accordance with university policies protecting individuals' privacy and applicable law, the complainant may be generally notified that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the respondent. The investigator shall also advise the complainant and respondent of additional options outside the University that may be pursued.

5.9.11 Upon conclusion of the investigation, the investigator(s) shall prepare a draft written outline that summarizes the complainant's allegations and respondent's responses, synthesizes the areas of agreement and disagreement between the parties, and lists the evidence relied on and the material witnesses supporting or opposing each allegation and relied on by the investigators. Before the final findings are made and the report is finalized, the complainant and the respondent will each be given the opportunity to review this draft written outline in the offices of the Title IX Coordinator, designated deputy coordinator, or investigator. The parties shall not receive an electronic or written copy, nor may they photograph, record or copy the draft written outline, but they will be permitted to take notes and write questions to the investigator that will be left with the investigator. A complainant and respondent may submit any additional comment or information to the investigator within five business days of the date of the notice of the opportunity to review the draft written outline. This is the final opportunity for the parties to identify any additional information or witnesses. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the investigator at this juncture shall not be considered by the investigator.

5.9.12 The investigator(s) shall prepare a final investigation summary that contains a written summary of the findings (including a statement of the allegations and issues, the positions of the parties, a summary of evidence and findings, and a determination on whether this policy has been violated). Unless there is a conflict, or an outside investigator was engaged, the Title IX Coordinator and an attorney assigned by the Office of the General Counsel shall review each investigation summary before it is finalized.

5.9.13 The possible findings of the investigation are the following:

- 1) A decision of "unfounded" indicates either that there is insufficient evidence for the investigators to conclude that the event(s) occurred as alleged, or even if the event(s) occurred, it/they did not constitute sexual misconduct.
- 2) A decision of "inconclusive" means that the evidence provided by both parties did not reach a preponderance of evidence in favor of either party.
- 3) A decision of "substantiated" means that the events occurred as alleged by a preponderance of evidence in favor of the complainant.



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5.9.14 The final investigation summary shall be submitted to the responsible university administrator designated below with authority to implement actions and/or discipline necessary to resolve the complaint (unless a conflict of interest exists, in which case the Office of General Counsel will recommend to the President a designee to serve as an alternative responsible university administrator). When the respondent is an employee, the responsible university administrator should consult with the EO/AA Director, the Office of General Counsel, and with Human Resources. The final investigation summary shall be kept in the investigation file and may be used as evidence in other related proceedings, such as subsequent complaints, disciplinary actions, and/or review hearings or appeals.

Respondent's Affiliation with the University	Responsible University Administrator
Student	Designated Student Conduct administrator (either the Director of Student Conduct or the Associate Dean of Students, with neither serving in that role if they were the investigator on the matter or another conflict exists)
Faculty member	The dean of the faculty member's college (in consultation with the Associate Vice President of Academic Administration)
Executive employee or direct report of a vice president	Vice president of the relevant department
Administration or staff member who is not an executive employee and does not report directly to a vice president	Direct report of the vice president or another senior-level administrator designated by the vice president of the department in which the respondent is employed
Vice president or direct report of the University President	University President
Contractor, vendor, or visitor	Vice President of Finance and Administration

5.9.15 Nothing in this procedure shall be interpreted to alter the status of otherwise at-will employees.

5.10 Sanctions and Remedies

5.10.1 Upon receiving the final investigation summary and findings, the responsible university administrator shall promptly determine based on the investigative findings the appropriate sanctions and remedies, including offering remedies to the complainant and/or university community, implementing changes in programs and activities, providing training, and the imposition of any disciplinary sanctions. In consultation with the Title IX Coordinator and the Office of General Counsel, (and with Human Resources when the respondent is an employee) the responsible university administrator shall ensure sanctions and remedies are appropriate to



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end the prohibited conduct, to prevent further violation of this policy, and remedy the effects of any violation. In determining the appropriate sanction(s), the responsible university administrator (and the executive university administrator and review panel, should there be a review hearing) shall be guided by the following considerations:

- 1) The severity, persistence, or pervasiveness of the misconduct;
- 2) The nature of violence in the misconduct and/or use of weapons, drugs, or alcohol (if applicable);
- 3) The impact of the misconduct on the complainant;
- 4) The impact or implications of the misconduct on the university community;
- 5) Prior misconduct by the respondent, including the respondent's relevant prior disciplinary history;
- 6) Whether the respondent has accepted responsibility for the misconduct;
- 7) The maintenance of a safe, nondiscriminatory, and respectful working and learning environment; and
- 8) Any other mitigating, aggravating, or compelling factors.

5.10.2 Respondents who are found to have violated this policy may be subject to sanctions, depending on the circumstances and the severity of the violation, as follows:

- 1) Possible sanctions against faculty and non-faculty employees for violations of this policy include verbal counseling, written warning, probation, reassignment, transfer, demotion, reduction in pay, suspension, termination of employment, and a no trespassing on campus and/or in university programs, services, and activities order.
- 2) Possible sanctions against students for violations of this policy include those described in UVU Policy 541 *Student Rights and Responsibilities Code*, such as fines, restitution, interim suspension, suspension, suspension withheld, warning, probation, expulsion, withholding diploma, revocation of degree, discretionary sanction, and organizational sanction.
- 3) Possible sanctions against vendors or visitors to campus who are neither students nor employees of the University include banning the vendors/visitors from all or part(s) of the University and/or ending business relationships with the vendors.

5.10.3 Unless there are unusual circumstances that would require a delay, the Title IX Coordinator or designee shall promptly communicate the investigation findings in writing to both the complainant and the respondent simultaneously. After the findings are sent to both parties,



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the Title IX Coordinator will promptly forward the written findings to the responsible university administrator, who shall send the outcome of the investigation, including any sanctions and remedies determined by that administrator, as well as the University's procedures for seeking a review/appeal of the outcome, in writing to both the complainant and the respondent simultaneously ("outcome notice"). However, the responsible university administrator, in consultation with the Title IX Coordinator or designated deputy coordinator, may choose not to disclose the sanctions, and shall not disclose the discipline imposed on a respondent student, except under the following circumstances:

- 1) The discipline directly affects the other party, such as when the respondent student is ordered to stay away from the other party, is transferred to another job site, worksite, class, or is suspended or dismissed from the University; or
- 2) The complainant alleged sexual misconduct involving a crime of violence or a non-forcible sex offense; or
- 3) The respondent student gives his or her written permission to disclose the discipline; or

5.10.4 The University complies with all applicable reporting requirements and reserves the right to report findings of criminal misconduct to the police.

5.11 Review Hearing of Sanctions and Remedies (Reviews)

5.11.1 Student or employee (faculty, administration, or staff) complainants or respondents, or a Title IX Coordinator acting on behalf of an anonymous complainant, may seek a review of sanctions and/or remedies by requesting an administrative review hearing or appeal ("review") within seven business days from the date the outcome notice is sent. A written request for review must be submitted to the Title IX Coordinator and may not exceed 20 pages in length. Untimely requests will not be considered absent extraordinary circumstances. Activities such as graduation, study abroad, internships/externships, business travel, or educational, sabbatical, or extracurricular activities generally do not in themselves constitute extraordinary circumstances. A review may be withdrawn by the requestor at any time without prejudice.

5.11.2 The party requesting a review must identify in the written request at least one or more of the following grounds as the reason for seeking the review:

- 1) New evidence unavailable to the party during the investigation has been discovered that could substantially impact the investigation findings and/or resolution.
- 2) Procedural errors raising substantial doubt that the procedures outlined in Policy 162 were not followed, or that the investigation was not thorough, fair, and/or impartial, which substantially impacted the outcome of the investigation. Procedural errors do not include the lengths of the investigation or sanction decision-making processes.



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3) The sanction imposed is substantially disproportionate to the severity of the violation (i.e., too severe or not severe enough).

4) The non-disciplinary aspects of the resolution are not reasonably designed to correct the discriminatory effects on the complainant and/or on others who may have been affected or to prevent recurrence or further discriminatory or otherwise inappropriate actions.

5.11.3 If the responsible university administrator has determined that an employee (faculty, administrator, or staff) should be terminated from employment or that a student should be expelled from the University, that respondent has the right to a review if he or she provides a written request for review within the timeframe stated in section 5.11.1. The written request for review must still provide one or more of the grounds for review stated in section 5.11.2.

5.11.4 Unless the review panel determines by a majority vote that the party seeking a review has demonstrated, by a preponderance of evidence, that one or more of the grounds stated in 5.11.2 has been met and that modification(s) to the decision should be recommended, the responsible university administrator's original decision shall be upheld.

5.11.5 Information shared during a review process must remain confidential. The University shall not be responsible for disclosures made by the parties, who shall bear individual liability for their disclosures. All meetings and hearings related to a review process are closed meetings.

5.11.6 While a review is pending, interim sanctions shall be imposed by the responsible university administrator, but irreversible sanctions shall not be imposed until the review process is complete. For example, if termination from employment has been recommended, a respondent may be suspended from employment (on a paid or unpaid basis) during the review process, but a termination of employment shall not be imposed until the review process is complete and the termination recommendation is upheld. Such leave may be unpaid where the employee has failed to participate in the investigation promptly or in good faith.

5.11.7 Upon receipt of a written request for review, the Title IX Coordinator or designee shall provide the party not requesting the review a copy of the request and invite that party to submit a written response within five business days.

5.11.8 The Title IX Coordinator or designee shall promptly convene a three-member review panel from a pool of faculty, staff, and students trained in Title IX and Title VII requirements, Policy 162, and related procedures.

5.11.8.1 The three-member review panel shall be selected from the pool of trained panel members as follows:



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Respondent's Affiliation with the University	Composition of Review Panel
Faculty member	Three faculty members
Staff member (including executive employees)	Three staff members
Student	One faculty member, one staff member, one student

5.11.8.2 Faculty members shall be selected for a term of service on the review panel pool by the Senior Vice President of Academic Affairs designee, and shall be approved by the President of Faculty Senate. Staff members shall be selected for a term of service by the Vice President of Planning, Budget, and Human Resources, or designee, and shall be approved by the president of the Professional Association of Campus Employees (PACE). Student members shall be selected for a term service by the Dean of Students and shall be members of the Utah Valley University Student Association (UVUSA) and approved by the UVUSA President.

5.11.8.3 The selected panel shall choose a panel chair, considering availability and Title IX training and panel experience. Review panel members must be in good standing with the University and must not have any conflicts of interest with serving on the panel. The review panel shall consult with an attorney assigned by the Office of General Counsel to advise the review panel regarding legal, procedural, policy, and other questions as needed during the review process.

5.11.9 The Title IX Coordinator or designee shall promptly notify the complainant and respondent in writing of the identity of the review panel members and shall provide the parties with a copy of the review panel procedures contained in this policy. Within five business days of receiving notification of the names of the review panel members, the complainant and respondent may each request in writing to the Title IX Coordinator that a review panel member be disqualified based on bias or conflict of interest, providing the reasons for this request in the letter. If bias or conflict of interest is confirmed by the Title IX Coordinator, after consultation with an attorney assigned by the Office of General Counsel, the Title IX Coordinator or designee shall select and notify the parties.

5.11.10 Once the review panel is confirmed, they shall promptly determine whether the request for review meets one or more criteria under section 5.11.2. The Title IX Coordinator or designee shall then notify both parties in writing of this determination and, if a hearing is warranted, of the review hearing date, which shall be scheduled within 14 calendar days.

5.11.11 The scope of the review hearing and the standard of review shall be limited to those stated in section 5.11.2 above. Along with the written notification of hearing date, the Title IX Coordinator or designee shall provide to the review panel, the complainant, and respondent copies of the final investigation summary and the written review request and opposition statements submitted by the parties. The review hearing is an opportunity for the parties to address the review panel in person about the issues being considered for review, based on the



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reasons and standards of review outlined in section 5.11.2, including addressing information in the final investigation summary, any supplemental statements or new evidence unavailable during the investigation submitted by the parties, and any written impact or mitigation statements. Each party will have the opportunity to be heard, to identify witnesses for the review panel's consideration, and to respond to any questions from the review panel.

5.11.12 The complainant and respondent may each request remote video conferencing, so that the parties do not have to be present in the same room at the same time during the hearing. Such requests must be made in writing to the Title IX Coordinator at least 10 calendar days before the hearing, and the Title IX Coordinator or designee shall make the appropriate arrangements.

5.11.13 The complainant and respondent may each be accompanied at the review hearing by a support person/advisor of his or her choice, who may be an attorney and who may participate in the hearing as provided in these procedures. The complainant and respondent must notify the review panel chair and the Title IX Coordinator of his or her selected support person/advisor at least seven calendar days prior to the date of the review hearing. If timely notice is not provided, the support person/advisor may attend but shall not participate in the hearing.

5.11.14 The review panel chair, complainant, and respondent may each request the appearance of witnesses at the hearing. The Title IX investigator(s) may also suggest a witness list to the panel. At least seven calendar days before the date of the review hearing, parties may submit to the review panel chair, with copies to the Title IX Coordinator or designee, their request for witnesses, including names and contact information, and requests for documentary evidence they would like to have reviewed, along with explanations of how each request is relevant to their reasons for seeking or opposing the review (per the section 5.11.2 bases for review). Only witnesses and other evidence that is relevant to the section 5.11.2 bases for review may be considered by the review panel. It is the responsibility of the party calling a particular witness to invite that witness to attend the hearing. Witnesses who are UVU employees whom the panel requests to appear have a duty to appear at the review hearing.

5.11.15 The following procedures apply to the review panel hearing:

1) In the event that either party fails to attend the hearing without prior notice to the Title IX Coordinator and good cause, the review panel may proceed with the hearing. Neither party is required to participate in the hearing for the hearing to proceed. The University reserves the right to modify review hearing procedures to protect the safety of all parties involved.

2) The hearing, except for deliberations, shall be recorded by the review panel chair, who shall give the recording to the Title IX Office. A copy shall be made available to either party per request and at the requesting party's expense. The recording of interviews and other meetings preceding and following the hearing by the participants is prohibited.



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- 3) The review panel shall begin the hearing by asking the Title IX investigator(s) to provide a summary of the investigation process and the findings and conclusions contained in the final investigation summary. The review panel may also ask the investigator(s) to state the sanction(s) determined by the responsible university administrator. The scope of questioning shall be guided by the applicable basis for review included in section 5.11.2 as cited in the review request.
- 4) If the scope of review includes review of the sanction(s), the review panel may ask the responsible university administrator to explain the reasons for the sanction(s), including any mitigating or aggravating factors.
- 5) The complainant and respondent shall each have an opportunity to make a personal statement. The statement relevant to the scope of review, which should include the bases for seeking or opposing the review, the personal impact of the alleged misconduct and/or sanction, the relief sought, and mitigating or aggravating information. In addition to the personal statements by the parties, each party's support person/advisor shall have the opportunity to make an opening statement relevant to the scope of review.
- 6) The complainant and respondent (or their respective support persons/advisors, if any) shall each have the opportunity to call witnesses that the review panel deems relevant to the scope of review, to question witnesses (including the other party and the Title IX investigator[s]) through the review panel chair (not directly), to present evidence, and to make concluding remarks.
- 7) The review panel may question the investigator(s), any witness, or each/either party. Only the person to whom a question is directed may answer (e.g., a support person/advisor shall not be permitted to answer the review panel's questions on a party's behalf). The review panel's questions should be relevant to the scope of review. During questioning, the parties, support persons/advisors, and panel chair/members shall treat all persons with respect.
- 8) The review panel shall not be bound by strict rules of legal evidence or procedure and may consider any evidence it deems relevant to the standard and scope of review (see section 5.11.2). The review panel chair shall determine the appropriateness and relevancy of any information and questions submitted and may exclude evidence deemed to be outside the scope of review, irrelevant, or duplicative.
- 9) Each party shall have up to a total of 90 minutes for personal and/or opening statements, questioning witnesses, presenting evidence, and concluding remarks.
- 10) After issuing a warning, the review panel has authority to exclude from the hearing any party, support person/advisor, or other participant whose behavior the review panel finds disruptive.
- 11) The Office of General Counsel shall provide an attorney to be present at hearings to provide guidance to the review panel on this policy, substantive law, and procedural matters.



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12) The review panel chairs and other review panel members are prohibited from discussing any matter related to the hearing with the parties, witnesses, and/or others (except the assigned Office of General Counsel attorney) before or after the hearing. Violation of confidentiality may result in dismissal from the review panel and/or other corrective or disciplinary action.

13) Review panel deliberations and voting shall be closed sessions from which all other persons are excluded, except, at the review panel's request, an advising attorney from the Office of General Counsel. Votes shall be cast by secret ballot. A majority vote by the members of the review panel who attended the hearing shall be required for recommendations. The review panel chair shall be entitled to vote on all questions. The Title IX Office shall not participate in the review panel's deliberations. If the review panel asks the advising attorney from the Office of the General Counsel to remain for the deliberations, the advising attorney may remain present but shall have no vote.

14) The University reserves the right to modify the review process to protect the safety of all parties involved.

5.11.16 Within five business days of the review hearing, the review panel shall provide to the executive university administrator and the Title IX Coordinator a review panel report, which shall include the following:

1) In cases where the review panel determines that (a) new evidence arose after the investigation concluded that could substantially impact the investigation findings and/or resolution, or (b) the issue(s) brought forward by the contesting party raise substantial doubt that a procedural error occurred that substantially impacted the outcome of the investigation, the review panel may recommend to the executive university administrator that the investigation be returned to the original investigator(s) with recommended instructions for further investigation on the raised issue(s).

2) In cases where the review panel finds that the original investigator(s) had a conflict of interest, the review panel may recommend to the executive university administrator that a review be conducted by new investigator(s). The executive university administrator, in consultation with an assigned attorney from the Office of General Counsel, will determine whether the assignment of a new investigator is needed.

3) In cases where the review panel is asked to review whether (a) the sanction(s) imposed is/are substantially disproportionate to the severity of the violation, or (b) the non-disciplinary aspects of the resolution are not reasonably designed to correct the discriminatory effects on the complainant and/or others who may have been affected or to prevent its recurrence and further discriminatory or otherwise inappropriate actions, the review panel will recommend whether it finds that the sanctions and/or resolutions are reasonable in light of the circumstances.

5.12 Executive Review, Final Sanction, and Final Outcome Letter



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5.12.1 The executive university administrator who is responsible for reviewing the recommendations from the review panel and determining next steps, including remand to the Title IX Office for additional investigation and/or imposition of the final sanction(s) and other remedies, if any, is as follows (unless a conflict of interest exists, in which case the Office of General Counsel will recommend to the President a designee to serve as an alternative executive university administrator):

Respondent's Affiliation with the University	Executive University Administrator
Student	Dean of Students
Faculty member	Senior Vice President of Academic Affairs
Administration or staff member who is not an executive employee and does not report directly to a vice president	Vice president of the department in which the respondent is employed (or the vice president's designee)
Executive employee or direct report of a vice president	University President
Vice president or other direct report of the University President	University President

5.12.2 Upon receipt of the review panel report, the appropriate executive university administrator shall promptly review all of the information that was available to the review panel and then decide whether to remand the investigation to the Title IX Office for additional investigation, affirm the responsible university administrator's original decision, adopt the sanction and resolution recommendation(s) of the review panel, and/or to determine an alternative outcome. In determining the appropriate sanction(s) and other remedies, the executive university administrator shall be guided by the considerations in 5.10.1 and consult with other administrators as needed, including an attorney assigned by the Office of General Counsel, Human Resources, the Title IX Coordinator, and the Office of Academic Affairs, to ensure that any sanctions and/or remedies are appropriate to end the prohibited conduct, prevent further violation of this policy, and remedy the effects of any violation. Remedies may include offering remedies to the complainant and/or university community, implementing changes in programs and activities, providing training, and the imposition of any disciplinary sanctions, based on the investigative findings.

5.12.3 The executive university administrator will notify the Title IX Coordinator in writing of his or her decision and a summary of the reasons for the decision. If the matter is remanded to the Title IX Office for additional investigation, the Title IX Office shall promptly investigate and



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provide an investigation summary addendum that includes new evidence considered and changes to findings, if any, to the executive university administrator, who shall then determine sanctions, resolutions, and outcomes.

5.12.4 After receiving the executive university administrator's decision, the Title IX Coordinator shall promptly notify the complainant and respondent, simultaneously, in writing of the final outcome of the investigation review and the rationale for the outcome. The final outcome letter shall also state that the decision is final and not subject to further university review or grievance, and shall include options for seeking remedies outside of the University, such as with the federal Equal Employment Opportunity Commission (EEOC) and the Utah Antidiscrimination and Labor Division (UALD), which investigate complaints of unlawful discrimination and/or harassment in employment, or the US Department of Education Office for Civil Rights (OCR), which investigates complaints of unlawful discrimination, harassment, and/or sexual misconduct in employment and educational programs or activities.

5.12.5 The University shall strive to meet the deadlines stated in this policy and to complete the review process, including sending the final outcome letter from the Title IX Coordinator to the parties, no later than 90 calendar days after the Title IX Coordinator or designated deputy coordinator made a determination that an investigation is warranted. If these deadlines must be delayed due to exigent factors, such as unavailability or lack of cooperation from the parties and/or witnesses, the discovery of new evidence requiring additional review, or a complicated case with complex or multiple issues, a large volume of evidence to be reviewed, and/or a large number of key witnesses to be interviewed, the Title IX Coordinator or designated deputy coordinator shall notify the parties of the anticipated length of the delay in writing. The length of the delay shall be determined on a case-by-case basis, depending on the extenuating circumstances involved.

5.12.6 Once the final outcome letter is issued to the parties, no further internal reviews, appeals, or grievances are available to the parties. Nothing in this policy abrogates the rights of the parties to seek outside remedies under state or federal law, such as with the agencies mentioned in section 5.12.4 above. A waiver to the finality of the decision may be sought from the executive university administrator asking the administrator to review the final decision. Such a waiver may be granted only in very limited exceptions when new evidence could be obtained only after the review process was concluded, such as through a law enforcement investigation subpoena. If granted, the review would be limited only to the impact the new evidence has on the decision and would be subject to the same procedure outlined in this policy.

5.12.7 The final outcome letter may be used by the Title IX Coordinator for data collection and compliance purposes only. The review panel, responsible university administrator, and executive university administrator shall provide all documents submitted and reviewed as part of the review process to the Title IX Coordinator for confidential storage and shall not keep any written or electronic copies of such documents.



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5.12.8 All documents, records, recordings, and other information associated with the Title IX process are designated as protected in accordance with the State of Utah *Government Records and Management Act (GRAMA)*.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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Proposed Policy Number and Title: 165 Discrimination, Harassment, and Affirmative Action (REGULAR)		
Existing Policy Number and Title: 165 Discrimination, Harassment, and Affirmative Action (TEMPORARY EMERGENCY)		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input checked="" type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy 101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: Board of Trustees Draft, June 6, 2017		
President's Council Sponsor: Linda Makin	Ext.	8457
Policy Steward: Karen Clemes, Melissa Frost	Ext.	5630, 5704

POLICY APPROVAL PROCESS DATES	
Policy Drafting and Revision Entrance Date: 6/9/2016	POST APPROVAL PROCESS Verify: <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update
University Entities Review Entrance Date: 3/23/2017 Close Feedback: Completed	
University Community Review Entrance Date: 4/20/2017 Open Feedback: 4/20/2017 Close Feedback: 5/17/2017	Policy Office personnel who verified and posted this policy to the University Policy Manual Name: _____ Date posted and verified: _____
Board of Trustees Review Entrance Date: 6/2/2017 Approval Date: _____	

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June 6, 2017 June 2, 2017



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POLICY TITLE	Discrimination, Harassment, and Affirmative Action	Policy Number	165
Section	Governance, Organization, and General Information	Approval Date	
Subsection	Individual Rights	Effective Date	
Responsible Office	Human Resources, Academic Affairs, Student Affairs, Office of the President		

1.0 PURPOSE

1.1 Utah Valley University is committed to maintaining a respectful and safe environment for its students, faculty, staff, and visitors. This policy defines and prohibits all forms of unlawful discrimination, harassment, and retaliation. Sexual misconduct is addressed separately and exclusively in UVU Policy 162 *Sexual Misconduct*. This policy establishes expectations for university community members and campus visitors; details how to report a violation of this policy; and outlines investigation, disciplinary, and due process procedures for addressing reported violations of this policy. This policy applies to all persons employed by or affiliated with Utah Valley University in any way and persons participating in any university program, service, or activity, including but not limited to trustees, administrators, faculty, staff, students, independent contractors, volunteers, and guests or visitors to a university campus or any property owned or leased by the University.

2.0 REFERENCES

2.1 *Americans with Disabilities Act (ADA)* (as amended)

2.2 Title VII of the *Civil Rights Act of 1964* ([Title VII](#))

2.3 Title IV of the *Higher Education Amendments Act of 1972* ([Title IV](#))

2.4 Title VI of the *Higher Education Amendments Act of 1972* ([Title VI](#))

2.5 *Rehabilitation Act of 1973*, Section 504

2.6 [Utah Code § 63G-2 Government Records Access and Management Act \(GRAMA\)](#)

2.7 [Utah State Board of Regents' Policy R256 Student Disciplinary Processes](#)

2.8 [UVU Policy 161 Freedom of Speech](#)

2.9 UVU Policy 162 *Sexual Misconduct*

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2.10 UVU Policy 361 *Leave of Absence*

2.11 UVU Policy 541 *Student Rights and Responsibilities Code*

2.12 UVU Policy 601 *Classroom Instruction and Management*

3.0 DEFINITIONS

3.1 Complainant, victim, or alleged victim: An individual who has allegedly experienced discrimination, harassment, or retaliation in violation of university policy. The University may also be a complainant. Use of these terms does not imply that a finding of discrimination, harassment, or retaliation is assumed or made before an investigation has been completed.

3.2 Discrimination: -For purposes of this policy, negative or adverse conduct towards university employees or students in the terms or conditions of employment; university admission or education; access to university programs, services, or activities; or other university benefits or services on the basis of inclusion or perceived inclusion (in the case of disability, sexual orientation, gender identity, or gender expression) in one or more of the protected classes that has the effect of denying or limiting participation in university employment or in a university program or activity.

3.3 EO/AA Director: Director of Equal Opportunity and Affirmative Action.

3.4 Harassment: For purposes of this policy, aAny unwelcome verbal, physical, written, electronic, or non-verbal conduct unwelcome physical, verbal, or non-verbal conduct or written, graphic, or electronic statements or depictions (whether directly, indirectly, or by-through a third personsparty) toward an employee, student, or other person affiliated with the University based on that person's inclusion in one or more protected classes that unreasonably interferes with that person's work or academic performance, or creates an intimidating, hostile, or abusive work or learning environment, viewed from both a subjective and objective viewpoint based on a totality of the circumstances, including but not limited to the frequency and severity of the conduct, whether the conduct was physically threatening or humiliating, the effect of the conduct on the individual's mental or emotional state, whether the conduct was directed at more than one person, whether the conduct arose in the context of other discriminatory conduct, and whether the speech or conduct deserves the protections of academic freedom or the First Amendment.that is sufficiently severe, persistent, or pervasive to alter the conditions of employment of an employee or to limit, interfere with, or deny educational benefits or opportunities of a student, from both a subjective and objective viewpoint based on a totality of the circumstances, including but not limited to the frequency and severity of the conduct, whether the conduct was physically threatening or humiliating, the effect of the conduct on the individual's mental or emotional state, whether the conduct was directed at more than one person, whether the conduct arose in the context of other discriminatory conduct, and whether the speech or conduct deserves the protections of academic freedom or the First Amendment.

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3.5 OEO/AA: Office for Equal Opportunity and Affirmative Action.

3.6 Party: Complainant or respondent.

3.7 Preponderance of the evidence: The evidentiary standard used during a discrimination, harassment, retaliation investigation/review to determine if the allegations occurred and if a university policy violation has occurred. Preponderance of evidence means it is more likely than not, or more than 50 percent in favor, that the misconduct occurred as alleged.

3.8 Protected classes: Race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age (40 and over), disability, veteran status, pregnancy, childbirth, or pregnancy-related conditions, genetic information, or other bases protected by applicable federal, state, or local law.

3.9 Respondent: The individual against whom an alleged complaint of discrimination, harassment, or retaliation in violation of university policy has been made. Use of these terms does not imply that a finding of discrimination, harassment, or retaliation is assumed or made before an investigation has been completed.

3.10 Retaliation: Intimidation, threats of reprisal, harassment, or other materially adverse actions, or threats of such materially adverse actions, made by or against persons employed by, attending, or affiliated with the University in any way or participating in any university program or activity, against anyone who in good faith opposes discrimination or harassment; reports or files a complaint of discrimination or harassment; honestly participates or assists in a university-related investigation, hearing, or other proceeding relating to discrimination or harassment; or otherwise asserts rights protected by Title VII or other applicable laws. Any action designed to prevent or discourage someone from reporting a protected class harassment or discrimination concern may also be retaliation.

3.11 Sexual misconduct: Sexual misconduct includes but is not limited to acts of, or failed attempts of, dating and relationship violence; domestic violence; discrimination based on sex, pregnancy, pregnancy-related conditions, sexual orientation, ~~or~~ gender identity, or gender expression; hostile environment based on sex, pregnancy, pregnancy-related conditions, sexual orientation, ~~or~~ gender identity, or gender expression (including intimidation and hazing/bullying); sexual harassment; sexual assault (including non-consensual sexual contact or non-consensual sexual intercourse); sexual exploitation (including engaging in sexual trafficking); and stalking as defined by state and federal law. (See UVU Policy 162 *Sexual Misconduct*.)

4.0 POLICY

4.1 Scope of Policy

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4.1.1 This policy applies to all persons employed by or affiliated with Utah Valley University in any way and persons participating in any university program or activity, including but not limited to trustees, administrators, faculty, staff, students, independent contractors, volunteers, ~~participants in any university program or activity~~, and guests or visitors to a university campus or any property owned or leased by the University (sometimes referred to as “third parties”). To the extent that any other university policies address protected class discrimination, harassment, or retaliation that is not sexual misconduct, this policy takes precedence and controls. Policy 162 *Sexual Misconduct* separately and exclusively addresses sexual misconduct, as defined in ~~section 3.20 of~~ Policy 162 and section 3.5-110 of this policy.

4.1.2 The President of the University shall appoint a Director of Equal Opportunity and Affirmative Action (EO/AA Director). ~~The EO/AA Director oversees the Office for~~ Equal Opportunity and Affirmative Action (OEO/AA) ~~and also serves as the Title IX Coordinator~~ to provide training and education about discrimination and harassment to the university community. ~~The Director of Equal Opportunity and Affirmative Action-EO/AA Director~~ or designee is responsible for overseeing the receipt and investigation of reports and complaints of discrimination, harassment, and retaliation in accordance with this policy and applicable laws.

4.2 Policy Statement

4.2.1 ~~As required by Title VII of the Civil Rights Act of 1964 (Title VII), Title IV of the Higher Education Amendments Act of 1972 (Title IV), Title VI of the Higher Education Amendments Act of 1972 (Title VI), and related applicable laws, the University prohibits all forms of protected class discrimination, harassment, and retaliation that violate Title VII of the Civil Rights Act of 1964 (Title VII), Title IV of the Higher Education Amendments Act of 1972 (Title IV), Title VI of the Higher Education Amendments Act of 1972 (Title VI), or related applicable laws. The University shall respond promptly and effectively to reports of protected class discrimination, harassment, and retaliation and shall take appropriate action to stop and prevent the recurrence of such conduct on the complainant and/or the university community. The University may discipline any person who violates this policy, up to and including termination of employment or expulsion from the University.~~

4.2.2 The University affirmatively endeavors to provide equal opportunity consistent with applicable law in all recruitment, admissions, and employment-related activities, procedures, and decisions. Administrators, faculty, or staff exercising recruitment, admissions, or employment-related management responsibilities are required to take vigorous and appropriate action to ensure that all university practices and decisions for which they are responsible are made without prohibited discrimination, harassment, or retaliation.

4.2.3 All employment-related practices and decisions shall be instituted and administered in a fair and equitable manner, using only legally valid, job-related criteria and standards, including but not limited to experience, training, education, skills, and potential for successful job performance.

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4.2.4 The University endeavors to provide reasonable accommodations and to ensure equal access to qualified university job applicants, employees, or students with disabilities, to those with sincerely held religious beliefs, and to those who are pregnant or who have pregnancy-related conditions, who are requesting accommodations, unless doing so would create an undue hardship on the University and/or compromise legitimate [academic or technical standards](#), course objectives, or educational goals. The University also complies with applicable law in providing military leave and other exceptions to qualifying employees and students.

4.2.5 Nothing in the policy shall be construed in a manner that impinges on the rights or privileges of individuals protected by the US Constitution, [including their protected free speech rights, as set forth in UVU Policy 161 *Freedom of Speech*](#).

4.2.6 Nothing in this policy shall be interpreted to alter the status of employees who are otherwise at will.

4.2.7 [In applying this UVU Policy 165 to students, the University shall comply with Utah State Board of Regents' Policy R256 *Student Disciplinary Processes*, which sets forth minimum standards of due process for student disciplinary processes related to nonacademic matters that may result in either expulsion or a minimum 10-day suspension.](#)

4.3 Prohibited Conduct

4.3.1 Violations of this policy include acts of protected class discrimination, harassment, and retaliation ~~as defined in this policy~~ [within the meaning of Title VII, Title IV, Title VI, or related applicable laws](#).

4.3.2 The University shall respond promptly and effectively to reports of protected class discrimination, harassment, and retaliation and shall take appropriate action to stop and prevent the recurrence of such conduct on the complainant and/or the university community.

4.3.3 The University shall take steps to prevent retaliation and shall take strong, responsive action to threats or acts of retaliation.

4.3.4 Individuals who, in bad faith, deliberately make false or malicious accusations of violation of this policy shall be subject to disciplinary action, up to and including termination of employment [and/or](#) expulsion from the University. A finding of no violation by the investigator(s) does not in itself constitute proof of a false or malicious accusation.

4.3.5 The University may discipline any person who is found to have violated this policy, up to and including termination of employment [and/or](#) ~~or~~ expulsion from the University.

4.4 Investigations and Disciplinary Proceedings

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4.4.1 The University shall provide prompt, fair, and impartial investigations and disciplinary proceedings. During these proceedings, both the complainant and the respondent shall be provided equitable rights and opportunities, as outlined in these procedures.

4.4.2 The University is committed to ensuring that its resolution process is free from actual or perceived bias or conflicts of interest that would materially impact the outcome. University officials who are designated to conduct and/or participate in discrimination, harassment, or retaliation investigations or proceedings shall be trained on how to conduct these investigations or proceedings in a manner free from bias or intimidation. Officials shall also be trained to recognize and acknowledge any potential conflict of interest. Any party who believes there is bias or conflict of interest may submit a written request to remove the person from the process to the [Director of Equal Opportunity and Affirmative Action/EO/AA Director](#) -or to the Associate Vice President of Human Resources. The written request should include the specific rationale as to why the requestor believes the bias or conflict could materially impact the outcome.

4.4.3 Employees and students shall promptly participate in good faith in formal or informal internal administrative investigations related to this policy. ~~Failure to participate promptly or in good faith may lead to a records hold for students. If either party fails to participate in a good faith, the investigator(s) may make findings without the response of that party, potentially leading to an unfavorable outcome for that party.~~

5.0 PROCEDURES

5.1.1 All protected class discrimination, harassment, and retaliation complaints, other than sexual misconduct complaints (which are addressed in Policy 162 *Sexual Misconduct*), are subject to the procedures set forth in this policy. Unless the alleged misconduct also violates additional university policies, other university policies and procedures do not apply to protected class discrimination, harassment, and retaliation reports, processes, and proceedings. All misconduct not involving protected class discrimination, harassment, and retaliation shall be addressed through the procedures found in the respective student, faculty, and staff university policies.

5.1.2 Reports of protected class discrimination, harassment, or retaliation made after the fact are governed by the policy in place at the time of the alleged misconduct. However, procedures applicable are those in place at the time of the resolution.

5.2 Requesting Disability, Religious, and/or Pregnancy Accommodations, or Military Service or Leave Exceptions

5.2.1 Job applicants or employees with qualifying disabilities who are seeking accommodations to help them perform the essential functions of their jobs should contact the Accommodations Coordinator in Human Resources. Supervisors (employees who supervise staff, administrators, or faculty) who receive disability accommodation requests from university employees must promptly report such requests to the Accommodations Coordinator in Human Resources.

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Students shall make requests for disability accommodations related to academics or other university services (except employment) through the Accessibility Services Office.

5.2.2 Employees who are seeking accommodations due to their sincerely held religious beliefs should contact the Accommodations Coordinator in Human Resources. Supervisors who receive religious accommodation requests from university employees must promptly report such requests to the Accommodations Coordinator in Human Resources, who shall manage the accommodations process with the employee. -Students who are seeking accommodations due to their sincerely held religious beliefs should contact their professor(s) and follow the procedures in Policy 601 *Classroom Instruction and Management*, including but not limited to consulting with the EO/AA Director before the professor denies an accommodation. If students believe a religious accommodation request has been wrongfully denied, they may contact the ~~Office for Equal Opportunity~~OEO/AA for assistance.

5.2.3 Employees who are seeking accommodations due to pregnancy and/or pregnancy-related conditions should contact the Accommodations Coordinator in Human Resources. Supervisors who receive pregnancy and/or pregnancy-related accommodation requests from university employees must promptly report such requests to the Accommodations Coordinator in Human Resources. Students who are seeking accommodations due to pregnancy and/or pregnancy-related conditions should contact Accessibility Services, which shall gather any necessary medical documentation. If accommodations for disability are not warranted, students shall be referred to the ~~Office for Equal Opportunity~~OEO/AA for a determination of appropriate accommodations, including options to withdraw if that is the student's preference.

5.2.4 Employees who are seeking military service or leave requests should contact Benefits in Human Resources. Supervisors who receive military service or leave requests must promptly report such requests to Benefits in Human Resources. Students who are seeking military service or leave requests should contact the UVU Veteran Success Center and/or the ~~Office for Equal Opportunity~~OEO/AA for assistance. Employees who believe a veteran leave request has been wrongfully denied may contact the OEO/AA for assistance.

5.3 Affirmative Action Program

5.3.1 The ~~Equal Opportunity and Affirmative Action~~EO/AA Director, in coordination with Human Resources, has the responsibility to write, implement, monitor, and update the University's affirmative action program in compliance with law and shall provide an annual program report of these activities to President's Council.

5.4 Reporting an Incident of Protected Class Discrimination, Harassment, or Retaliation

5.4.1 University community members are responsible for knowing the information and procedures in this policy. University community members who believe they have been subjected to protected class discrimination, harassment, or retaliation, or who witness such conduct against



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other university community members, ~~are encouraged to promptly~~ shall promptly report such issues to the EO/AA Director of Equal Opportunity and Affirmative Action (who is also the Title IX Coordinator).

5.4.2 The ~~Director of Equal Opportunity and Affirmative Action~~ EO/AA Director, who oversees all protected class discrimination, harassment, and retaliation investigations, may be reached in the Office of Equal Opportunity and Affirmative Action, 800 West University Parkway, Browning Administration Building, Suite 203, Orem, Utah, 84058, phone (801) 863-7590. Reports may be filed in person, through email, or via the equal opportunity website at <https://www.uvu.edu/equalopportunity/>

5.4.3 Individuals may also submit reports, including anonymous reports, through EthicsPoint, the University's 24-hour hotline provider, by calling (877) 228-5401 or by submitting information online at <https://secure.ethicspoint.com/domain/media/en/gui/23421/index.html>

5.4.4 Supervisors who receive a complaint of any kind of protected class discrimination, harassment, or retaliation, or who otherwise witness or become aware of such conduct, must promptly report such issues to the ~~Director of Equal Opportunity and Affirmative Action~~ EO/AA Director within 24 hours of the incident or learning of the incident.

5.5 Support Persons/Advisors

5.5.1 As required by Utah State Board of Regents' Policy R256 Student Disciplinary Processes, in matters of nonacademic misconduct, including when students are respondents in protected class discrimination, harassment, or retaliation complaints, and where the University believes in good faith, based on facts known by the University at the time; or when additional facts are discovered later, that the matter may result in expulsion or a minimum 10-day suspension, the following additional protections will apply. Students may waive any rights described in this section. This section 5.5 does not apply to UVU Police Department law enforcement activities.

1) Prior to interviewing the student, the investigator or representative of the OEO/AA shall notify the student of the allegations made against him or her and of the student's right to have a support person/advisor throughout the process who may be, but need not be, an attorney. This notice may be verbal and may be given immediately before a student is interviewed in regards to the issue described in the notice. If a student wishes to seek counsel from a support person/advisor, the University shall reschedule the interview, giving the student reasonable time to obtain a support person/advisor.

4)2) In meetings or interviews with the OEO/AA or the University, Student complainants and respondents each have the right to be accompanied by a support person/advisor of their choice, who may be an attorney. During such meetings or interviews, the support person/advisor may only advise the student and may not actively participate in the investigation or informal process.



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5.5.2 During any review hearings under section 5.10 of this policy, complainants and respondents (whether students or employees of the University) may each have a support person/advisor of their choice, who may be an attorney, advocate for them.

5.5.3 Advisors may not be an employee of the University who would have a conflict of interest in serving in the advisor role. Support persons/advisors must be willing to agree to maintain the confidentiality of investigation and review hearing processes.

5.5.4 The University may proceed with the investigation and review hearing processes in a timely fashion without the complainant or respondent if that party fails to respond or declines to participate. The University may set reasonable deadlines and move forward with processes regardless of whether a party and/or a party's support person/advisor is able to accommodate those deadlines.

5.6 Preliminary Review of Reports of Discrimination, Harassment, or Retaliation

5.6.1 After receiving a report of protected class discrimination, harassment, or retaliation, the Director of Equal Opportunity and Affirmative Action EO/AA Director or designee shall promptly conduct a preliminary review to determine if interim measures are needed and if there is reasonable cause to believe that this policy was violated and/or that an investigation is necessary.

5.6.2 A complaint is timely if it is filed within 365 calendar days of the last alleged discriminatory act. A complaint that is not timely or that fails to state a claim of discrimination may be dismissed by the EO/AA Director after an initial review. At the Director's discretion and for good cause, a complaint that is not timely may not be accepted.

5.6.3 If the Director of Equal Opportunity and Affirmative Action EO/AA Director or designee determines that there is no reasonable cause to believe that this policy was violated and/or that an investigation is not necessary, he or she shall issue a written notice of dismissal to the complainant.

5.6.4 If the Director of Equal Opportunity and Affirmative Action EO/AA Director or designee determines that there is reasonable cause to believe that this policy was violated and/or that an investigation is necessary, and if informal resolution of the matter is not warranted or is unsuccessful, he or she shall report the complaint to the following person (unless a conflict of interest exists, in which case the complaint shall be reported to the supervisor of the person listed below):

Respondent's Affiliation with the University	Person to Whom the Complaint is Reported
Student	Director of Student Conduct and Conflict Resolution
Faculty member	Associate Vice President of Academic Administration

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Staff member (including executive employees)	Director of Employment Services
Contractor/vendor	Vice President of Finance and Administration

5.6.5 At the recommendation of the EO/AA Director or designee, the responsible university administrator (as defined in section 5.8.12) may impose an interim suspension of a student, employee, visitor, or organization, or invoke other temporary safety measures pending the outcome of the investigation and subsequent proceedings.

5.7 Informal Resolution

5.7.1 Because each case is different, the ~~Director of Equal Opportunity and Affirmative Action~~EO/AA Director or designee shall tailor each resolution to the specific facts of the case, including determining whether reports of discrimination, harassment, or retaliation are appropriate for informal resolution, mediation, or require an investigation.

5.7.2 Informal resolution is encouraged to resolve concerns at the earliest stage possible with the cooperation of all parties involved. Participation in the informal resolution process is voluntary; the University shall not compel either party to engage in informal resolution. Informal resolution may be appropriate for responding to anonymous ~~reports~~ and/or third-party reports. Informal resolution may be inappropriate when one or both of the parties are reluctant to participate in good faith.

5.7.3 Informal resolution may include an inquiry into the facts, but typically does not include an investigation. Informal resolution is flexible and includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted preventive educational and training programs, or providing remedies for the individual harmed by the offense. Informal resolution also includes options such as discussions with the parties, making recommendations for resolution, and conducting a follow-up review after a period of time to ensure that the resolution has resolved concerns effectively.

5.7.4 ~~If informal complaint resolution is pursued, respondents will be notified in writing of the concern and that no disciplinary action can be taken against them as part of the early resolution agreement without their agreement.~~ After concluding informal resolution of a complaint, the ~~Director of Equal Opportunity and Affirmative Action~~EO/AA Director or designee shall notify the complainant and respondent in writing of the resolution that was agreed upon.

5.7.5 Participation in informal resolution does not prohibit either party from terminating informal resolution and/or requesting an investigation at any point during the informal resolution process. Where a report was closed after informal resolution, the matter may later be reopened at the discretion of the ~~Director of Equal Opportunity and Affirmative Action~~EO/AA Director or

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designee when requested by the complainant and/or if the ~~Director of Equal Opportunity and Affirmative Action~~EO/AA Director or designee determines there is good cause to do so.

5.8 Investigation

5.8.1 If the ~~Director of Equal Opportunity and Affirmative Action~~EO/AA Director or designee determines an investigation is necessary, the University shall conduct a thorough, reliable, and impartial internal administrative investigation by interviewing witnesses, collecting documentary evidence, and preparing a written report of findings. The purpose of the investigation is to establish whether there is a reasonable basis, based on a preponderance of the evidence, for concluding that the alleged violation of this policy has occurred. The University reserves the right to engage an outside investigator to conduct the investigation if it is determined there is a conflict of interest or other compelling reason to do so.

5.8.2 ~~Throughout the investigation process, disciplinary process, and other proceedings~~
Complainants, respondents, and witnesses shall be treated with respect throughout the investigation process, disciplinary process, and other proceedings:

- 1) Complainants and respondents can expect prompt and equitable resolution of allegations of prohibited protected class discrimination, harassment, and retaliation.
- 2) Complainants ~~and witnesses~~ can expect freedom from retaliation for making a good faith report of prohibited protected class discrimination, harassment, and retaliation or for participating ~~in under~~ any investigation or proceeding under this policy.
- 3) ~~Respondents~~ Complainants, respondents, and witnesses ~~have the responsibility to shall~~ refrain from ~~retaliating~~ retaliation directed against any person for making a good faith report of protected class discrimination, harassment, and retaliation or participating ~~under in~~ any proceeding under this policy.
- 4) Respondents, complainants, and witnesses ~~have the responsibility to shall~~ provide truthful information in connection with any report, investigation, or resolution of protected class discrimination, harassment, and retaliation under this policy.
- 5) Complainants and respondents shall have interim measures made available and be given the opportunity to request modifications necessary for physical and/or emotional safety.
- 6) Complainants and respondents shall be given timely and equal access to allegations and ~~given~~ an ~~have the~~ opportunity to respond to information that will be used against them in any disciplinary proceeding ~~against them~~.
- 7) Complainants and respondents shall have the opportunity to offer information, present evidence, and identify witnesses during an investigation.

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8) Complainants and respondents shall be given timely notice of meetings where their presence is necessary.

9) Complainants and respondents shall receive simultaneous notification, in writing, of the results of any proceedings.

10) Complainants and respondents shall have the opportunity to articulate concerns or issues about proceedings under this policy.

11) Complainants and respondents shall have a reasonable time to prepare any response permitted under this policy.

12) Complainants and respondents shall receive written notice of any necessary extensions of timeframes under this policy.

13) Complainants, ~~and~~ respondents, and other participants in the EO/AA process may request accommodations necessary under the *Americans with Disabilities Act (ADA)* through the ~~Director of Equal Opportunity and Affirmative Action~~ EO/AA Director, who will refer the request to the appropriate ADA coordinator and then implement approved accommodations.

5.8.3 When proceeding to an investigation, the investigator shall ask the complainant to provide written notice of the allegations, including a concise statement describing the incident, when and where the alleged misconduct occurred, and why the complainant believes it violates university policy, and ~~propose a desired a proposed~~ resolution. The complainant shall be asked to provide and preserve all corroborating or potentially relevant evidence in any format, list potential witness names, and sign the statement. From this information, the ~~Director of Equal Opportunity and Affirmative Action~~ EO/AA Director or designee shall prepare a summary of allegations and relevant information from the complainant's statement for the respondent. The complainant will review the summary and statement, make any necessary corrections, and affirm the summary by signature.

5.8.4 By requesting an investigation on the complaint form and/or signing the summary of allegations, the complainant is giving the investigator consent to discuss the information provided with other persons who may have relevant factual knowledge of the circumstances of the complaint and is authorizing the collection and examination of all records and other documentation relevant to the complaint. In cases where a complainant does not want to pursue an investigation, the ~~Director of Equal Opportunity and Affirmative Action~~ EO/AA Director or designee shall inform the complainant that the University's ability to investigate and/or remediate may be limited.

5.8.5 If the complainant refuses to sign the summary, the ~~coordinator~~ EO/AA Director may (1) note that the allegations have been withdrawn and end the investigation, or (2) note the complainant has refused to sign the summary and proceed to ~~investigate~~ investigation to

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determine what occurred and to protect the University's interest in maintaining a safe environment free from discrimination, harassment, and retaliation.

5.8.6 The investigator shall provide the respondent with the summary of the complainant's allegations and a copy of this policy and shall request a written response from the respondent. The respondent shall also be asked to provide and preserve all corroborating or potentially relevant evidence in any format, list potential witness names, and sign any response to the allegations. In preparing the summary of complainant's allegations for the respondent, the ~~Director of Equal Opportunity and Affirmative Action~~EO/AA Director or designee has the discretion to redact names and/or witnesses to protect the identity and ensure the safety of the complainant and/or witnesses. The respondent may prepare and submit a signed written statement to admit or deny the allegations, provide an explanation why any conduct was not a violation of the policy, provide all corroborating evidence, list potential witnesses~~es~~ names, and state whether the complainant's proposed resolution is appropriate.

5.8.7 Upon receipt of the written response from the ~~complainant~~ respondent, or after the reply period expires without a response, the investigator shall send a written request to or meet with the ~~respondent and/or~~ complainant to clarify any discrepancies.

5.8.8 The ~~Director of Equal Opportunity and Affirmative Action~~EO/AA Director shall choose the investigator(s), except in cases where the ~~Director of Equal Opportunity and Affirmative Action~~EO/AA Director or others involved in the investigation have a conflict of interest, in which case the University's Office of General Counsel shall select internal or external impartial investigator(s).

5.8.9 To provide a prompt, thorough, fair, and impartial investigation and resolution, all investigations of reports of discrimination, harassment, and retaliation shall incorporate the following standards:

- 1) The respondent shall be provided the name of the complainant (~~if known~~), a notice of request for investigation, a written statement of the allegations, and a copy of this policy. The respondent shall be ~~given~~afforded a full opportunity to respond to the allegations.
- 2) The investigator(s) conducting the investigation shall be familiar with this policy, have training or experience in conducting investigations, and shall be familiar with applicable university policies and procedures.
- 3) Disclosure of material witnesses and relevant facts shall be given to both parties to permit each party a full opportunity to respond to allegations and defenses, subject to FERPA and privacy law requirements, and the need to guard against retaliation of parties and witnesses. ~~Disclosure of facts to~~ Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity

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of the investigation. Participants shall also be reminded ~~during the process~~ not to retaliate against other parties, witnesses, or other participants in the process.

4) The investigator shall apply a preponderance of evidence standard to determine whether the conduct occurred as alleged and whether there has been a violation of this policy.

5) At any time ~~before or~~ during the investigation, the investigator may recommend that interim protections or remedies for the parties or witnesses be provided by appropriate university administrators. Failure by a party to comply with the terms of interim protections may be considered a separate violation of this policy.

6) At any time before or during the investigation, the investigator(s) or the EO/AA Director may recommend to the responsible university administrator; (who should consult with Human Resources and the Office of General Counsel); that a respondent employee be placed on a paid or unpaid leave. Leave may be unpaid where the employee has failed to participate in the investigation promptly or in good faith or when substantial evidence received before or during the investigation shows that a serious violation of policy has occurred.

~~6)7)~~ The investigation shall be completed and the final investigation summary provided to the responsible university administrator as promptly as possible. Investigators shall provide regular status updates to both parties and administrators with a need to know.

~~7)8)~~ Parties and witnesses are expected to cooperate with and participate in the University's investigation in good faith. If either party fails to participate in good faith, the investigator(s) may make findings without the response of that party, potentially leading to an unfavorable outcome for that party.

~~8)9)~~ The complainant and respondent shall be informed if there were findings made that the policy was or was not violated. In accordance with university policies protecting individuals' privacy, and applicable laws, the complainant may ~~generally~~ be generally notified that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the respondent. The investigator shall also advise the complainant and respondent of ~~the existence of additional~~ options outside the University that may be pursued.

5.8.10 The investigator(s) shall prepare a final investigation summary that contains a written summary of the findings (including a statement of the allegations and issues, the positions of the parties, a summary of evidence ~~and~~, findings, and a determination on whether this policy has been violated). ~~The final investigation summary may also contain a recommendation for actions to resolve the complaint, including preventive remedies for the complainant, and a referral to disciplinary procedures, as appropriate.~~ Unless there is a conflict, or an outside investigator was engaged, the ~~Director of Equal Opportunity and Affirmative Action~~ EO/AA Director and an



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attorney assigned by General Counsel shall review each final investigation summaryies before itthey isare finalized.

5.8.11 The possible findings of the investigation are the following:

- 1) A decision of “unfounded” indicates ~~that~~ either that there is insufficient evidence for the investigators to conclude that the event(s) occurred as alleged, or even if the event(s) occurred, it/they did not constitute protected class discrimination, harassment, or retaliation.
- 2) A decision of “inconclusive” means that the evidence provided by both parties did not reach a preponderance of evidence in favor of either party.
- 3) A decision of “substantiated” means that the event(s)allegation occurred as alleged by a preponderance of evidence in favor of the complainant.

5.8.12 The final investigation summary shall be submitted to the responsible university administrator designated below with authority to implement actions and/or discipline necessary to resolve the complaint (unless a conflict of interest exists, in which case the Office of General Counsel will recommend to the President a designee to serve as an alternative responsible university administrator). When the respondent is an employee, the responsible university administrator should consult with the EO/AA Director, the Office of General Counsel, and with Human Resources. ~~The responsible university administrator should consult with the Director of Equal Opportunity and Affirmative Action, Human Resources, and the Office of General Counsel, when the respondent is an employee as applicable.~~ The final investigation summary shall be kept in the investigation file and may be used as evidence in other related procedures, such as subsequent complaints, disciplinary actions, and/or review hearings or appeals.

Respondent's Affiliation with the University	Responsible University Administrator
Student	<u>Designated Student Conduct Administrator (either the Director of Student Conduct or the Associate Dean of Students, with neither serving in that role if they were the investigator on the matter or if another conflict exists) Director of Student Conduct (or the Dean of Students if the Director of Student Conduct was the investigator)</u>
Faculty member	The dean of the faculty member's college (in consultation with the Associate Vice President of Academic Administration)
Executive employee or direct report of a vice president	Vice president of the relevant department

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Administration or staff member who is not an executive employee and does not report directly to a vice president	Direct report of the vice president; or another senior-level administrator designated by the vice president; of the department in which the respondent is employed
Vice president or direct report of the University President	University President
Contractor, vendor, or visitor	Vice President of Finance and Administration

5.8.13 Nothing in this procedure shall be interpreted to alter the status of otherwise at-will employees.

5.9 Sanctions and Remedies

5.9.1 Upon receiving the final investigation summary ~~and findings and the Director of Equal Opportunity and Affirmative Action or designee's recommendations~~, the responsible university administrator shall promptly determine based on the investigative findings the appropriate sanctions and remedies, including offering remedies to the complainant and/or university community, implementing changes in programs and activities, providing training, and the imposition of any disciplinary sanctions, ~~based on the investigative findings~~. In consultation with ~~Director of Equal Opportunity and Affirmative Action~~ the EO/AA Director and the Office of General Counsel, and with Human Resources when the respondent is an employee, ~~and the Office of General Counsel, as needed~~, the responsible university administrator shall ensure sanctions and remedies are appropriate to end the prohibited conduct and to prevent further violation of this policy. In determining the appropriate sanction(s), the responsible university administrator (and the executive university administrator and review panel, should there be a review hearing) shall be guided by a number of the following considerations, ~~including~~:

- 1) The severity, persistence, or pervasiveness of the misconduct;
- 2) The impact of the misconduct on the complainant;
- 3) The impact or implications of the misconduct within-on the university community;
- 4) Prior misconduct by the respondent, including the respondent's relevant prior disciplinary history;
- 5) Whether the respondent has accepted responsibility for the misconduct;
- 6) The maintenance of a safe, nondiscriminatory, and respectful environment conducive to learning; and
- 7) Any other mitigating, aggravating, or compelling factors.

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5.9.2 Respondents who are found to have violated this policy may be subject to sanctions, depending on the circumstances and the severity of the violation, as follows:

- 1) Possible sanctions against faculty and non-faculty employees for violations of this policy include verbal counseling, written warning, probation, reassignment, transfer, demotion, reduction in pay, suspension, termination of employment, and a no trespassing on campus and/or in university programs, services, and activities order ~~banning from campus~~.
- 2) Possible sanctions against students for violations of this policy include ~~any sanctions those~~ described in UVU Policy 541 *Student Rights and Responsibilities Code*, such as fines, restitution, interim suspension, suspension, suspension withheld, warning, probation, expulsion, withholding diploma, revocation of degree, discretionary sanction, and organizational sanction.
- 3) Possible sanctions against vendors or visitors to campus who are neither students nor employees of the University include banning the vendors/visitors from all or part(s) of the University and/or ending business relationships with the vendors.

5.9.3 Unless there are unusual circumstances that would require a delay, ~~the responsible university administrator, with the assistance of the~~ Director of Equal Opportunity and Affirmative Action ~~EO/AA Director (or designee)~~ shall promptly communicate the investigation findings in writing to both the complainant and the respondent simultaneously. After the findings are sent to both parties, the EO/AA Director will promptly forward the written findings to the responsible university administrator, who shall send the outcome of the investigation, including any sanctions and remedies determined by that administrator and the University's procedures for seeking a review/appeal of the outcome, in writing to both the complainant and the respondent simultaneously ("outcome notice"). ~~within five business days of receipt of the final investigation summary~~. However, the responsible university administrator, in consultation with the ~~Director of Equal Opportunity and Affirmative Action~~ EO/AA Director or designee, may choose not to disclose the sanctions, and shall not disclose the discipline imposed on a respondent student, except under the following circumstances:

- 1) The discipline directly affects the other party, such as when the respondent student is ordered to stay away from the other party, an employee is transferred to another job site, worksite, class, or is suspended or dismissed from the University; or
- 2) The respondent student gives his or her written permission to disclose the discipline.

5.10 Review Hearing of Sanctions and Remedies (Reviews)

5.10.1 Student or employee (faculty, administration, or staff) complainants or respondents may seek a review of sanctions and/or remedies by requesting an administrative review hearing or appeal ("review") within ~~five~~ seven business days from the date ~~of the delivery of the outcome notice~~ is sent. A written request for review must be submitted to the EO/AA Director ~~of Equal~~

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~~Opportunity and Affirmative Action~~ and may not exceed 20 pages in length. Untimely requests will not be considered absent extraordinary circumstances. Activities such as graduation, study abroad, internships/externships, business travel, or education al, sabbatical, or extracurricular activities generally do not in themselves constitute extraordinary circumstances. A review may be withdrawn by the ~~person requesting the review requester~~ at any time without prejudice.

5.10.2 The party requesting a review must identify in the written request at least one or more of the following grounds as the reason for seeking the review:

- 1) New evidence unavailable to the party during the investigation has been discovered that could substantially impact the investigation findings and/or resolution.
- 2) Procedural errors raising substantial doubt that the procedures outlined in this policy were not followed, or that the investigation was not thorough, fair, and/or impartial, which substantially impacted the outcome of the investigation. Procedural errors do not include the lengths of the investigation or sanction-decision-making processes.
- 3) The sanction imposed is substantially disproportionate to the severity of the violation (i.e., too severe or not severe enough).
- 4) The non-disciplinary aspects of the resolution are not reasonably designed to correct the discriminatory effects on the complainant and/or on others who may have been affected or to prevent recurrence or further discriminatory or otherwise inappropriate actions.

5.10.3 If the responsible university administrator has determined that an employee (faculty, administrator, or staff) should be terminated from employment or that a student should be expelled from the University, that respondent has the right to a review if he or she provides a written request for review within the timeframe stated in section 5.109.1. The written request for review must still provide one or more of the grounds for review stated in section 5.109.2.

5.10.4 ~~The final resolution of the responsible university administrator shall be affirmed. Unless the a~~ review panel determines by a majority vote that the party seeking a review has demonstrated by a preponderance of ~~the~~ evidence that one or more of the grounds stated in section 5.910.2 has been met and ~~the review panel determines~~ that modification(s) to the decision should be recommended, the responsible university administrator's original decision shall be upheld.

5.10.5 Information shared during a review process must remain confidential. The University shall not be responsible for disclosures made by the parties, who ~~shall~~will bear individual liability for their disclosures. All meetings and hearings related to a review process are closed meetings.

5.10.6 While a review is pending, interim sanctions may be imposed by the responsible university administrator, but irreversible sanctions shall not be imposed until the review process

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is complete. For example, if termination from employment has been recommended, a respondent may be suspended from employment (on a paid or unpaid basis) during the review process, but a termination of employment shall not be imposed until the review process is complete and the termination recommendation is upheld. Leave may be unpaid where the employee has failed to participate in the investigation promptly or in good faith.

5.10.7 Upon receipt of a written request for review, the EO/AA Director or designee shall provide the party not requesting the review a copy of the request and invite that responding party to submit a written response within five business days.

5.10.8 The EO/AA Director or designee shall promptly convene a three-member review panel from a pool of faculty, staff, and students trained in Title VII, Title IV, and Title VI requirements, Policy 165, and related procedures.

5.10.8.1 The three-member review panel shall be selected from the pool of trained panel members as follows:

Respondent's Affiliation with the University	Composition of Review Panel
Faculty member	Three faculty members
Staff member (including executive employees)	Three staff members
Student	One faculty member, one staff member, one student

5.10.5-5.10.8.2 Faculty members shall be selected for a term of service on the review panel pool by the Senior Vice President of Academic Affairs or ~~his/her~~ designee and shall be approved by the President of Faculty Senate. Staff members shall be selected for a term of service by the Vice President of Planning, Budget, and Human Resources or ~~his/her~~ designee and shall be approved by the president of the Professional Association of Campus Employees (PACE). Student members shall be selected for a term of service by the Dean of Students and shall be members of the Utah Valley University Student Association (UVUSA) and approved by the UVUSA President.

5.10.8.3 The selected panel shall choose a panel chair, considering availability and EO/AA training and panel experience. Review panel members must be in good standing with the University and must not have any conflicts of interest with serving on the review-panel. The review panel shall consult with an attorney assigned by the Office of General Counsel to advise the review panel regarding legal, procedural, policy, and other questions as needed during the review process.

5.10.9 The EO/AA Director or designee shall promptly notify the complainant and respondent in writing of the names of the review panel members and provide the parties with a copy of the review panel procedures contained in this policy. Within five business days of receiving



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notification of the names of the review panel members, the complainant and respondent may each request in writing to the EO/AA Director that a review panel member be disqualified based on bias or conflict of interest, providing the reasons for this request in the letter. If bias or conflict of interest is confirmed by the EO/AA Director, after consultation with an attorney assigned by the Office of General Counsel, then the EO/AA Director or designee shall select and notify the parties.

5.10.10 Once the review panel is confirmed, they shall promptly determine whether the request for review meets one or more criteria under section 5.10.2. The EO/AA Director or designee shall then notify both parties in writing of this determination and, if a hearing is warranted, of the review hearing date, which shall be scheduled within 14 to 21 calendar days.

5.10.11 The scope of the review hearing and the standard of review shall be limited to those stated in section 5.10.2 above. Along with the written notification of hearing date, the EO/AA Director or designee shall provide to the review panel, complainant, and respondent copies of the final investigation summary and the written review request and opposition statements submitted by the parties. The review hearing is an opportunity for the parties to address the review panel in person about the issues being considered for review, based on the reasons and standards of review outlined in 5.10.2, including addressing information in the final investigation summary, any supplemental statements or new evidence unavailable during the investigation submitted by the parties, and any written impact or mitigation statements. Each party will have the opportunity to be heard, to identify witnesses for the review panel's consideration, and to respond to any questions from the review panel.

5.10.12 The complainant and respondent may each request remote video -conferencing, so that the parties do not have to be present in the same room at the same time during the hearing. Such requests must be made in writing to the EO/AA Director at least 10 calendar days before the hearing, and the EO/AA Director or designee shall make the appropriate arrangements.

5.10.13 The complainant and respondent may each be accompanied at the review hearing by a support person/advisor of his or her choice, who may be an attorney and who may participate in the hearing as provided in these procedures. The complainant and respondent must notify the review panel chair and the EO/AA Director of his or her selected support person/advisor at least 10 calendar days prior to the date of the review hearing. If timely notice is not provided, the support person/advisor may attend but shall not participate in the hearing.

5.10.14 The review panel chair, complainant, and respondent may each request the appearance of witnesses at the hearing. At least 10 calendar days before the date of the review hearing, parties may submit to the review panel chair, with copies to the EO/AA Director or designee, their request for witnesses, including names and contact information, and requests for documentary evidence they would like to have reviewed, along with explanations of how each request is relevant to their reasons for seeking or opposing the review (per the section 5.10.2 bases for review). Only witnesses and other evidence that is relevant to the 5.10.2 bases for review may be



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considered by the review panel. It is the responsibility of the party calling a particular witness to invite that witness to attend the hearing. The OEO/AA investigator(s) may also suggest a witness list to the panel. Witnesses who are UVU employees whom the panel requests to appear have a duty to appear at the review hearing.

5.10.15 The following procedures apply to the review panel hearing:

1) In the event that either party fails to attend the hearing without prior notice to the EO/AA Director and good cause, the review panel may proceed with the hearing. Neither party is required to participate in the hearing for the hearing to proceed. The University reserves the right to modify review hearing procedures to protect the safety of all parties involved.

2) The hearing, except for deliberations, shall be recorded by the review panel chair, who shall give the recording to the OEO/AA. A copy shall be made available to either party upon request at the requesting party's expense. The recording of interviews and other meetings preceding and following the hearing by the participants is prohibited.

3) The review panel shall begin the hearing by asking the OEO/AA investigator(s) to provide a summary of the investigation process and the findings and conclusions contained in the final investigation summary. The review panel may also ask the investigator(s) to state the sanction(s) determined by the responsible university administrator. The scope of questioning shall be guided by the applicable bases for review included in section 5.10.2, as cited in the review request.

4) If the scope of review includes review of the sanction(s), the review panel may ask the responsible university administrator to explain the reasons for the sanction(s), including any mitigating or aggravating factors.

5) The complainant and respondent shall each have an opportunity to make a personal statement relevant to the scope of review, which should include the bases for seeking or opposing the review, the personal impact of the alleged misconduct and/or sanction, the relief sought, and mitigating or aggravating information. In addition to the personal statements by the parties, each party's support person/advisor shall have the opportunity to make an opening statement relevant to the standard and scope of review.

6) The complainant and respondent (or their respective support person/advisor, if any) shall each have the opportunity to call witnesses that the review panel deems relevant to the scope of review, to question witnesses (including the other party and the OEO/AA investigator[s]) through the review panel chair (not directly), to present evidence, and to make concluding remarks.

7) The review panel may question the investigator(s), any witness, or each/either party. Only the person to whom a question is directed may answer (e.g., a support person/advisor shall not be permitted to answer the review panel's questions on a party's behalf). The review panel's



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questions should be relevant to the scope of review. During questioning, the parties, support persons/advisors, and panel chair/members shall treat all persons with respect.

8) The review panel shall not be bound by strict rules of legal evidence or procedure and may consider any evidence it deems relevant to the standard and scope of review (see section 5.10.2). The review panel chair shall determine the appropriateness and relevancy of any information and questions submitted and may exclude evidence deemed to be outside the scope of review, irrelevant, or duplicative.

9) Each party shall have up to a total of 90 minutes for personal and/or opening statements, questioning witnesses, presenting evidence, and concluding remarks.

10) After issuing a warning, the review panel has authority to exclude from the hearing any party, support persons/advisors, or other participant whose behavior the review panel finds disruptive.

11) The Office of General Counsel shall provide an attorney to be present at hearings to provide guidance to the review panel on this policy, substantive law, and procedural matters.

12) The review panel chair and other review panel members are prohibited from discussing any matter related to the hearing with the parties, witnesses, and/or others (except the assigned Office of General Counsel attorney) before or after the hearing. Violation of confidentiality may result in dismissal from the review panel and/or other corrective or disciplinary action.

13) Review panel deliberations and voting shall be closed sessions from which all other persons are excluded, except, at the review panel's request, an advising attorney from the Office of General Counsel. Votes shall be cast by secret ballot. A majority vote by the members of the review panel who attended the hearing shall be required for recommendations. The review panel chair shall be entitled to vote on all questions. The OEO/AA shall not participate in the review panel's deliberations. If the review panel asks the advising attorney from the Office of the General Counsel to remain for the deliberations, the advising attorney may remain present but shall have no vote.

~~5.9.12 Both the complainant and the respondent have the right to be present at the review meeting. This request must be submitted to the review panel chair at least two calendar days prior to the review meeting. If, despite being notified of the date, time, and location of the review meeting, either party is not in attendance, the review meeting may proceed and applicable sanctions may be recommended. Neither party is required to participate in the meeting for the meeting to proceed.~~

~~5.9.13 The University reserves the right to modify the review process to protect the safety of all parties involved.~~



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5.10.16 Within ~~five~~ 10 calendar days ~~business days from of~~ the date the review meeting hearing concludes, ~~the following shall occur~~ the review panel shall provide to the executive university administrator and the EO/AA Director a review panel report, which shall include the following:

1) In cases where the review panel determines that (a) new evidence arose after the investigation concluded that could substantially impact the investigation findings and/or resolution, or (b) the issue(s) brought forward by the contesting party raise substantial doubt that a procedural error occurred that substantially impacted the outcome of the investigation, the review panel may recommend to the executive university administrator that the investigation be returned to the original investigator(s) with recommended instructions for further investigation on the raised issue(s).

2) In cases where the review panel finds that the original investigator(s) have had a conflict of interest, the review panel may recommend to the executive university administrator that a review be conducted by new investigator(s). The executive university administrator, in consultation with an assigned attorney from the Office of General Counsel, will determine whether the assignment of a new investigators is needed.

3) In cases where the review panel is asked to review whether (a) the sanction(s) imposed is/are substantially disproportionate to the severity of the violation, or (b) the non-disciplinary aspects of the resolution are not reasonably designed to correct the discriminatory effects on the complainant and/or others who may have been affected or to prevent its recurrence and further discriminatory or otherwise inappropriate actions, the review panel will recommend whether it finds that the sanctions and/or resolutions are reasonable in light of the circumstances.

1) In cases where the review panel determines that (a) new evidence arose after the investigation concluded that could substantially impact the investigation findings and/or resolution or (b) the issue(s) brought forward by the contesting party raise substantial doubt that a procedural error occurred that substantially impacted the outcome of the investigation, the review panel may remand the investigation to the original investigator(s) with instructions for further investigation on the raised issue(s). In cases where the review panel determines that the original investigator(s) may have a conflict of interest, the review panel may request review by new investigator(s). The Director of Equal Opportunity and Affirmative Action, in consultation with an assigned attorney from the Office of General Counsel, will determine whether the assignment of new investigators is needed. If the Director of Equal Opportunity and Affirmative Action was one of the original investigators, an assigned attorney from the Office of General Counsel will decide. Once the investigator(s) provide that follow up to the review panel, the review panel will promptly resume its review to determine if the questions have been adequately addressed. If substantial doubt remains, the panel may either ask the investigator(s) for additional follow up or send a written notice to the executive university administrator (defined in 5.10.1), with a copy to the Director of Equal Opportunity and Affirmative Action, recommending alternative sanction(s) or remedies. If



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~~no substantial doubt remains that new evidence or a procedural error substantially impacted the outcome of the investigation, the panel will consider the issues raised in 5.9.14(2) below.~~

~~2) If the review panel decides that the sanction(s) imposed is/are substantially disproportionate to the severity of the violation, or that the non-disciplinary aspects of the resolution are not reasonably designed to correct the discriminatory effects on the complainant, and/or others who may have been affected, or to prevent recurrence or further discriminatory or otherwise inappropriate actions, the review panel chair will draft a letter to the executive university administrator, with a copy to the Director of Equal Opportunity and Affirmative Action, recommending alternate sanction(s) or other remedies and the reasons for said recommendation(s).~~

~~3) If the review panel finds no basis under the standards set forth in 5.9.2 that alternate conclusions, sanctions, or remedies should be recommended, the review panel chair will draft a letter to the executive university administrator, with a copy to the Director of Equal Opportunity and Affirmative Action, stating this and the reasons for said recommendation(s).~~

~~5.9.15 Within five business days of receiving the written recommendation from the review panel, the Director of Equal Opportunity and Affirmative Action or designee will send a notice to the complaint and respondent, simultaneously, outlining the review panel's recommendation(s).~~

5.11 Executive Review, Final Sanction, and Final Outcome Letter

5.11.1 The executive university administrator, who is responsible for reviewing the recommendations from the review panel and determining next steps, including remand to the OEO/AA for additional investigation and/or imposition of the final sanction(s) and other remedies, if any, are is as follows (unless a conflict of interest exists, in which case the Office of General Counsel will recommend to the President a designee to serve as an alternative responsible executive university administrator):

Respondent's Affiliation with the University	Executive University Administrator
Student	Dean of Students (or if the Dean of Students was the responsible university administrator who made the initial sanctions decision, the Vice President of Student Affairs)
Faculty member	Senior Vice President of Academic Affairs
Administration or staff member who is not an executive employee and does not report directly to a vice president	Vice president of the department in which the respondent is employed (or the vice president's designee)

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Executive employee or direct report of a vice president	University President
Vice president or other direct report of the University President	University President

5.11.2 Upon receipt of ~~written notice~~the review panel report, from the review panel, the appropriate executive university administrator shall promptly review all of the information that was available to the review panel and then decide whether to remand the investigation to the OEO/AA for additional investigation, affirm the responsible university administrator's original decision, ~~to~~ adopt the sanction and resolution recommendation(s) of the review panel, and/or to determine an alternative outcome. In determining the appropriate sanction(s) and other remedies, the executive university administrator ~~should~~shall be guided by the considerations in section 5.98.1 and ~~will~~ consult with other administrators as needed, including an attorney assigned by the Office of General Counsel, Human Resources, the ~~Director of Equal Opportunity and Affirmative Action~~EO/AA Director, and the Office of Academic Affairs, to ensure that any sanctions and/or remedies are appropriate to end the prohibited conduct and prevent further violation of this policy. Remedies may include offering remedies to the complainant and/or university community, implementing changes in programs and activities, providing training, and the imposition of any disciplinary sanctions, based on the investigative findings.

5.11.3 The executive university administrator will notify the EO/AA Director in writing of his or her decision and a summary of the reasons for the decision. If the matter is remanded to the OEO/AA for additional investigation, the OEO/AA shall promptly investigate and provide an investigation summary addendum that includes new evidence considered and changes to findings, if any, to the executive university administrator, who shall then determine sanctions, resolutions, and outcomes.

5.10.3 ~~Any sanction or combination of sanctions imposed upon a respondent will be documented in the respondent's personnel and/or student file. Nothing in these procedures prevents the executive university administrator from imposing disciplinary action against a respondent when the final investigation summary demonstrates that the respondent engaged in other conduct prohibited by the University, regardless of whether the respondent has been found responsible for violating this policy.~~

5.10.4 ~~The executive university administrator will notify the Director of Equal Opportunity and Affirmative Action in writing of his or her decision, which should include the following information: whether the responsible university administrator's sanctions were affirmed or modified and whether the review panel's recommendations were adopted, and the rationale for these decisions; any sanction(s) imposed against the respondent and the rationale for this decision; and any other remedial actions to be implemented for the complainant, respondent, and/or community.~~

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5.11.35.11.4 After receiving the executive university administrator's decision, the ~~Director of Equal Opportunity and Affirmative Action~~EO/AA Director or designee shall promptly notify the complainant and respondent, simultaneously, in writing of the final outcome of the investigation review and the rationale for the outcome. ~~The final outcome letter shall include the name of the respondent; the violations of policy for which the respondent was found responsible or not responsible, as supported by the rationale set forth in the final investigation summary and/or modified by the executive university administrator; and whether the imposed sanction(s) (if applicable) have changed.~~ The final outcome letter shall also state that the decision is final and not subject to further university review or grievance and include options for seeking other remedies outside of the University, such as with the federal Equal Employment Opportunity Commission (EEOC) and the Utah Antidiscrimination and Labor Division (UALD), which investigate complaints of unlawful discrimination and/or harassment in employment, or the US Department of Education Office for Civil Rights (OCR), which investigates complaints of unlawful discrimination, and harassment in employment and educational programs or activities.

5.11.45.11.5 Once the final outcome letter is issued to the parties, no further internal reviews, appeals, or grievances are available to the parties. Nothing in this policy abrogates the rights of the parties to seek other remedies under state or federal law, such as with the ~~federal Equal Employment Opportunity Commission (EEOC) and the Utah Antidiscrimination and Labor Division (UALD)~~ agencies mentioned in section 5.11.43 above).

5.11.6 The final outcome letter ~~shall~~ may be used by the ~~Director of Equal Opportunity and Affirmative Action~~EO/AA Director for data collection and compliance purposes only. The review panel, responsible university administrator, and executive university administrator shall provide all documents ~~related to confidential record reviews~~submitted and reviewed as part of the review process to the ~~Director of Equal Opportunity and Affirmative Action~~EO/AA Director for confidential storage and shall not keep any written or electronic copies of such documents.

5.11.55.11.7 All documents, records, recordings, and information associated with the EO/AA process are designated as protected in accordance with the ~~State of Utah Government Records and Management Act (GRAMA).~~

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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Proposed Policy Number and Title: 165 Discrimination, Harassment, and Affirmative Action (REGULAR)		
Existing Policy Number and Title: 165 Discrimination, Harassment, and Affirmative Action (TEMPORARY EMERGENCY)		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input checked="" type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy 101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: Board of Trustees Draft, June 6, 2017		
President's Council Sponsor: Linda Makin	Ext.	8457
Policy Steward: Karen Clemes, Melissa Frost	Ext.	5630, 5704

POLICY APPROVAL PROCESS DATES	
Policy Drafting and Revision Entrance Date: 6/9/2016 <hr/> University Entities Review Entrance Date: 3/23/2017 Close Feedback: Completed <hr/> University Community Review Entrance Date: 4/20/2017 Open Feedback: 4/20/2017 Close Feedback: 5/17/2017 <hr/> Board of Trustees Review Entrance Date: 6/2/2017 Approval Date: _____	POST APPROVAL PROCESS Verify: <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update <hr/> Policy Office personnel who verified and posted this policy to the University Policy Manual Name: _____ Date posted and verified: _____



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POLICY TITLE	Discrimination, Harassment, and Affirmative Action	Policy Number	165
Section	Governance, Organization, and General Information	Approval Date	
Subsection	Individual Rights	Effective Date	
Responsible Office	Human Resources, Academic Affairs, Student Affairs, Office of the President		

1.0 PURPOSE

1.1 Utah Valley University is committed to maintaining a respectful and safe environment for its students, faculty, staff, and visitors. This policy defines and prohibits all forms of unlawful discrimination, harassment, and retaliation. Sexual misconduct is addressed separately and exclusively in UVU Policy 162 *Sexual Misconduct*. This policy establishes expectations for university community members and campus visitors; details how to report a violation of this policy; and outlines investigation, disciplinary, and due process procedures for addressing reported violations of this policy. This policy applies to all persons employed by or affiliated with Utah Valley University in any way and persons participating in any university program, service, or activity, including but not limited to trustees, administrators, faculty, staff, students, independent contractors, volunteers, and guests or visitors to a university campus or any property owned or leased by the University.

2.0 REFERENCES

- 2.1** *Americans with Disabilities Act (ADA)* (as amended)
- 2.2** Title VII of the *Civil Rights Act of 1964* (Title VII)
- 2.3** Title IV of the *Higher Education Amendments Act of 1972* (Title IV)
- 2.4** Title VI of the *Higher Education Amendments Act of 1972* (Title VI)
- 2.5** *Rehabilitation Act of 1973*, Section 504
- 2.6** Utah Code § 63G-2 *Government Records Access and Management Act (GRAMA)*
- 2.7** Utah State Board of Regents' Policy R256 *Student Disciplinary Processes*
- 2.8** UVU Policy 161 *Freedom of Speech*
- 2.9** UVU Policy 162 *Sexual Misconduct*



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2.10 UVU Policy 361 *Leave of Absence*

2.11 UVU Policy 541 *Student Rights and Responsibilities Code*

2.12 UVU Policy 601 *Classroom Instruction and Management*

3.0 DEFINITIONS

3.1 Complainant, victim, or alleged victim: An individual who has allegedly experienced discrimination, harassment, or retaliation in violation of university policy. The University may also be a complainant. Use of these terms does not imply that a finding of discrimination, harassment, or retaliation is assumed or made before an investigation has been completed.

3.2 Discrimination: For purposes of this policy, negative or adverse conduct towards university employees or students in the terms or conditions of employment; university admission or education; access to university programs, services, or activities; or other university benefits or services on the basis of inclusion or perceived inclusion (in the case of disability, sexual orientation, gender identity, or gender expression) in one or more of the protected classes that has the effect of denying or limiting participation in university employment or in a university program or activity.

3.3 EO/AA Director: Director of Equal Opportunity and Affirmative Action.

3.4 Harassment: For purposes of this policy, any unwelcome verbal, physical, written, electronic, or non-verbal conduct (whether directly, indirectly, or through a third party) based on that person's inclusion in one or more protected classes that is sufficiently severe, persistent, or pervasive to alter the conditions of employment of an employee or to limit, interfere with, or deny educational benefits or opportunities of a student, from both a subjective and objective viewpoint based on a totality of the circumstances, including but not limited to the frequency and severity of the conduct, whether the conduct was physically threatening or humiliating, the effect of the conduct on the individual's mental or emotional state, whether the conduct was directed at more than one person, whether the conduct arose in the context of other discriminatory conduct, and whether the speech or conduct deserves the protections of academic freedom or the First Amendment.

3.5 OEO/AA: Office for Equal Opportunity and Affirmative Action.

3.6 Party: Complainant or respondent.

3.7 Preponderance of the evidence: The evidentiary standard used during a discrimination, harassment, retaliation investigation/review to determine if the allegations occurred and if a university policy violation has occurred. Preponderance of evidence means it is more likely than not, or more than 50 percent in favor, that the misconduct occurred as alleged.



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3.8 Protected classes: Race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age (40 and over), disability, veteran status, pregnancy, childbirth, or pregnancy-related conditions, genetic information, or other bases protected by applicable federal, state, or local law.

3.9 Respondent: The individual against whom an alleged complaint of discrimination, harassment, or retaliation in violation of university policy has been made. Use of these terms does not imply that a finding of discrimination, harassment, or retaliation is assumed or made before an investigation has been completed.

3.10 Retaliation: Intimidation, threats of reprisal, harassment, or other materially adverse actions, or threats of such materially adverse actions, made by or against persons employed by, attending, or affiliated with the University in any way or participating in any university program or activity, against anyone who in good faith opposes discrimination or harassment; reports or files a complaint of discrimination or harassment; honestly participates or assists in a university-related investigation, hearing, or other proceeding relating to discrimination or harassment; or otherwise asserts rights protected by Title VII or other applicable laws. Any action designed to prevent or discourage someone from reporting a protected class harassment or discrimination concern may also be retaliation.

3.11 Sexual misconduct: Sexual misconduct includes but is not limited to acts of, or failed attempts of, dating and relationship violence; domestic violence; discrimination based on sex, pregnancy, pregnancy-related conditions, sexual orientation, gender identity, or gender expression; hostile environment based on sex, pregnancy, pregnancy-related conditions, sexual orientation, gender identity, or gender expression (including intimidation and hazing/bullying); sexual harassment; sexual assault (including non-consensual sexual contact or non-consensual sexual intercourse); sexual exploitation (including engaging in sexual trafficking); and stalking as defined by state and federal law. (See UVU Policy 162 *Sexual Misconduct*.)

4.0 POLICY

4.1 Scope of Policy

4.1.1 This policy applies to all persons employed by or affiliated with Utah Valley University in any way and persons participating in any university program or activity, including but not limited to trustees, administrators, faculty, staff, students, independent contractors, volunteers, , and guests or visitors to a university campus or any property owned or leased by the University (sometimes referred to as “third parties”). To the extent that any other university policies address protected class discrimination, harassment, or retaliation that is not sexual misconduct, this policy takes precedence and controls. Policy 162 *Sexual Misconduct* separately and exclusively addresses sexual misconduct, as defined in Policy 162 and section 3.11 of this policy.



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4.1.2 The President of the University shall appoint a Director of Equal Opportunity and Affirmative Action (EO/AA Director). The EO/AA Director oversees the Office for Equal Opportunity and Affirmative Action (OEO/AA) and also serves as the Title IX Coordinator to provide training and education about discrimination and harassment to the university community. The EO/AA Director or designee is responsible for overseeing the receipt and investigation of reports and complaints of discrimination, harassment, and retaliation in accordance with this policy and applicable laws.

4.2 Policy Statement

4.2.1 The University prohibits all forms of protected class discrimination, harassment, and retaliation that violate Title VII of the *Civil Rights Act of 1964* (Title VII), Title IV of the *Higher Education Amendments Act of 1972* (Title IV), Title VI of the *Higher Education Amendments Act of 1972* (Title VI), or related applicable laws. The University shall respond promptly and effectively to reports of protected class discrimination, harassment, and retaliation and shall take appropriate action to stop and prevent the recurrence of such conduct on the complainant and/or the university community.

4.2.2 The University affirmatively endeavors to provide equal opportunity consistent with applicable law in all recruitment, admissions, and employment-related activities, procedures, and decisions. Administrators, faculty, or staff exercising recruitment, admissions, or employment-related management responsibilities are required to take vigorous and appropriate action to ensure that all university practices and decisions for which they are responsible are made without prohibited discrimination, harassment, or retaliation.

4.2.3 All employment-related practices and decisions shall be instituted and administered in a fair and equitable manner, using only legally valid, job-related criteria and standards, including but not limited to experience, training, education, skills, and potential for successful job performance.

4.2.4 The University endeavors to provide reasonable accommodations and to ensure equal access to qualified university job applicants, employees, or students with disabilities, to those with sincerely held religious beliefs, and to those who are pregnant or who have pregnancy-related conditions, who are requesting accommodations, unless doing so would create an undue hardship on the University and/or compromise legitimate academic or technical standards, course objectives, or educational goals. The University also complies with applicable law in providing military leave and other exceptions to qualifying employees and students.

4.2.5 Nothing in the policy shall be construed in a manner that impinges on the rights or privileges of individuals protected by the US Constitution, including their protected free speech rights, as set forth in UVU Policy 161 *Freedom of Speech*.



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4.2.6 Nothing in this policy shall be interpreted to alter the status of employees who are otherwise at will.

4.2.7 In applying this UVU Policy 165 to students, the University shall comply with Utah State Board of Regents' Policy R256 *Student Disciplinary Processes*, which sets forth minimum standards of due process for student disciplinary processes related to nonacademic matters that may result in either expulsion or a minimum 10-day suspension.

4.3 Prohibited Conduct

4.3.1 Violations of this policy include acts of protected class discrimination, harassment, and retaliation within the meaning of Title VII, Title IV, Title VI, or related applicable laws.

4.3.2 The University shall respond promptly and effectively to reports of protected class discrimination, harassment, and retaliation and shall take appropriate action to stop and prevent the recurrence of such conduct on the complainant and/or the university community.

4.3.3 The University shall take steps to prevent retaliation and shall take strong, responsive action to threats or acts of retaliation.

4.3.4 Individuals who, in bad faith, deliberately make false or malicious accusations of violation of this policy shall be subject to disciplinary action, up to and including termination of employment and/or expulsion from the University. A finding of no violation by the investigator(s) does not in itself constitute proof of a false or malicious accusation.

4.3.5 The University may discipline any person who is found to have violated this policy, up to and including termination of employment and/or expulsion from the University.

4.4 Investigations and Disciplinary Proceedings

4.4.1 The University shall provide prompt, fair, and impartial investigations and disciplinary proceedings. During these proceedings, both the complainant and the respondent shall be provided equitable rights and opportunities, as outlined in these procedures.

4.4.2 The University is committed to ensuring that its resolution process is free from actual or perceived bias or conflicts of interest that would materially impact the outcome. University officials who are designated to conduct and/or participate in discrimination, harassment, or retaliation investigations or proceedings shall be trained on how to conduct these investigations or proceedings in a manner free from bias or intimidation. Officials shall also be trained to recognize and acknowledge any potential conflict of interest. Any party who believes there is bias or conflict of interest may submit a written request to remove the person from the process to the EO/AA Director or to the Associate Vice President of Human Resources. The written request should include the specific rationale as to why the requestor believes the bias or conflict could materially impact the outcome.



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4.4.3 Employees and students shall promptly participate in good faith in formal or informal internal administrative investigations related to this policy. If either party fails to participate in good faith, the investigator(s) may make findings without the response of that party, potentially leading to an unfavorable outcome for that party.

5.0 PROCEDURES

5.1.1 All protected class discrimination, harassment, and retaliation complaints, other than sexual misconduct complaints (which are addressed in Policy 162 *Sexual Misconduct*), are subject to the procedures set forth in this policy. Unless the alleged misconduct also violates additional university policies, other university policies and procedures do not apply to protected class discrimination, harassment, and retaliation reports, processes, and proceedings. All misconduct not involving protected class discrimination, harassment, and retaliation shall be addressed through the procedures found in the respective student, faculty, and staff university policies.

5.1.2 Reports of protected class discrimination, harassment, or retaliation made after the fact are governed by the policy in place at the time of the alleged misconduct. However, procedures applicable are those in place at the time of the resolution.

5.2 Requesting Disability, Religious, and/or Pregnancy Accommodations, or Military Service or Leave Exceptions

5.2.1 Job applicants or employees with qualifying disabilities who are seeking accommodations to help them perform the essential functions of their jobs should contact the Accommodations Coordinator in Human Resources. Supervisors (employees who supervise staff, administrators, or faculty) who receive disability accommodation requests from university employees must promptly report such requests to the Accommodations Coordinator in Human Resources. Students shall make requests for disability accommodations related to academics or other university services (except employment) through the Accessibility Services Office.

5.2.2 Employees who are seeking accommodations due to their sincerely held religious beliefs should contact the Accommodations Coordinator in Human Resources. Supervisors who receive religious accommodation requests from university employees must promptly report such requests to the Accommodations Coordinator in Human Resources, who shall manage the accommodations process with the employee. Students who are seeking accommodations due to their sincerely held religious beliefs should contact their professor(s) and follow the procedures in Policy 601 *Classroom Instruction and Management*, including but not limited to consulting with the EO/AA Director before the professor denies an accommodation. If students believe a religious accommodation request has been wrongfully denied, they may contact the OEO/AA for assistance.

5.2.3 Employees who are seeking accommodations due to pregnancy and/or pregnancy-related conditions should contact the Accommodations Coordinator in Human Resources. Supervisors



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who receive pregnancy and/or pregnancy-related accommodation requests from university employees must promptly report such requests to the Accommodations Coordinator in Human Resources. Students who are seeking accommodations due to pregnancy and/or pregnancy-related conditions should contact Accessibility Services, which shall gather any necessary medical documentation. If accommodations for disability are not warranted, students shall be referred to the OEO/AA for a determination of appropriate accommodations, including options to withdraw if that is the student's preference.

5.2.4 Employees who are seeking military service or leave requests should contact Benefits in Human Resources. Supervisors who receive military service or leave requests must promptly report such requests to Benefits in Human Resources. Students who are seeking military service or leave requests should contact the UVU Veteran Success Center and/or the OEO/AA for assistance. Employees who believe a veteran leave request has been wrongfully denied may contact the OEO/AA for assistance.

5.3 Affirmative Action Program

5.3.1 The EO/AA Director, in coordination with Human Resources, has the responsibility to write, implement, monitor, and update the University's affirmative action program in compliance with law and shall provide an annual program report of these activities to President's Council.

5.4 Reporting an Incident of Protected Class Discrimination, Harassment, or Retaliation

5.4.1 University community members are responsible for knowing the information and procedures in this policy. University community members who believe they have been subjected to protected class discrimination, harassment, or retaliation, or who witness such conduct against other university community members, shall promptly report such issues to the EO/AA Director).

5.4.2 The EO/AA Director, who oversees all protected class discrimination, harassment, and retaliation investigations, may be reached in the Office of Equal Opportunity and Affirmative Action, 800 West University Parkway, Browning Administration Building, Suite 203, Orem, Utah, 84058, phone (801) 863-7590. Reports may be filed in person, through email, or via the equal opportunity website at <https://www.uvu.edu/equalopportunity/>

5.4.3 Individuals may also submit reports, including anonymous reports, through EthicsPoint, the University's 24-hour hotline provider, by calling (877) 228-5401 or by submitting information online at <https://secure.ethicspoint.com/domain/media/en/gui/23421/index.html>

5.4.4 Supervisors who receive a complaint of any kind of protected class discrimination, harassment, or retaliation, or who otherwise witness or become aware of such conduct, must promptly report such issues to the EO/AA Director within 24 hours of the incident or learning of the incident.

5.5 Support Persons/Advisors



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5.5.1 As required by Utah State Board of Regents' Policy R256 *Student Disciplinary Processes*, in matters of nonacademic misconduct, including when students are respondents in protected class discrimination, harassment, or retaliation complaints, and where the University believes in good faith, based on facts known by the University at the time or when additional facts are discovered later, that the matter may result in expulsion or a minimum 10-day suspension, the following additional protections will apply. Students may waive any rights described in this section. This section does not apply to UVU Police Department law enforcement activities.

1) Prior to interviewing the student, the investigator or representative of the OEO/AA shall notify the student of the allegations made against him or her and of the student's right to have a support person/advisor throughout the process who may be, but need not be, an attorney. This notice may be verbal and may be given immediately before a student is interviewed in regards to the issue described in the notice. If a student wishes to seek counsel from a support person/advisor, the University shall reschedule the interview, giving the student reasonable time to obtain a support person/advisor.

2) In meetings or interviews with the OEO/AA or the University, Student complainants and respondents each have the right to be accompanied by a support person/advisor of their choice, who may be an attorney. During such meetings or interviews, the support person/advisor may only advise the student and may not actively participate in the investigation or informal process.

5.5.2 During any review hearings under section 5.10 of this policy, complainants and respondents (whether students or employees of the University) may each have a support person/advisor of their choice, who may be an attorney, advocate for them.

5.5.3 Advisors may not be an employee of the University who would have a conflict of interest in serving in the advisor role. Support persons/advisors must be willing to agree to maintain the confidentiality of investigation and review hearing processes.

5.5.4 The University may proceed with the investigation and review hearing processes in a timely fashion without the complainant or respondent if that party fails to respond or declines to participate. The University may set reasonable deadlines and move forward with processes regardless of whether a party and/or a party's support person/advisor is able to accommodate those deadlines.

5.6 Preliminary Review of Reports of Discrimination, Harassment, or Retaliation

5.6.1 After receiving a report of protected class discrimination, harassment, or retaliation, the EO/AA Director or designee shall promptly conduct a preliminary review to determine if interim measures are needed and if there is reasonable cause to believe that this policy was violated and/or that an investigation is necessary.



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5.6.2 A complaint is timely if it is filed within 365 calendar days of the last alleged discriminatory act. A complaint that is not timely or that fails to state a claim of discrimination may be dismissed by the EO/AA Director after an initial review. At the Director's discretion and for good cause, a complaint that is not timely may not be accepted.

5.6.3 If the EO/AA Director or designee determines that there is no reasonable cause to believe that this policy was violated and/or that an investigation is not necessary, he or she shall issue a written notice of dismissal to the complainant.

5.6.4 If the EO/AA Director or designee determines that there is reasonable cause to believe that this policy was violated and/or that an investigation is necessary, and if informal resolution of the matter is not warranted or is unsuccessful, he or she shall report the complaint to the following person (unless a conflict of interest exists, in which case the complaint shall be reported to the supervisor of the person listed below):

Respondent's Affiliation with the University	Person to Whom the Complaint is Reported
Student	Director of Student Conduct and Conflict Resolution
Faculty member	Associate Vice President of Academic Administration
Staff member (including executive employees)	Director of Employment Services
Contractor/vendor	Vice President of Finance and Administration

5.6.5 At the recommendation of the EO/AA Director or designee, the responsible university administrator (as defined in section 5.8.12) may impose an interim suspension of a student, employee, visitor, or organization, or invoke other temporary safety measures pending the outcome of the investigation and subsequent proceedings.

5.7 Informal Resolution

5.7.1 Because each case is different, the EO/AA Director or designee shall tailor each resolution to the specific facts of the case, including determining whether reports of discrimination, harassment, or retaliation are appropriate for informal resolution, mediation, or require an investigation.

5.7.2 Informal resolution is encouraged to resolve concerns at the earliest stage possible with the cooperation of all parties involved. Participation in the informal resolution process is voluntary; the University shall not compel either party to engage in informal resolution. Informal resolution may be appropriate for responding to anonymous and/or third-party reports. Informal resolution may be inappropriate when one or both of the parties are reluctant to participate in good faith.



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5.7.3 Informal resolution may include an inquiry into the facts but typically does not include an investigation. Informal resolution is flexible and includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted preventive educational and training programs, or providing remedies for the individual harmed by the offense. Informal resolution also includes options such as discussions with the parties, making recommendations for resolution, and conducting a follow-up review after a period of time to ensure that the resolution has resolved concerns effectively.

5.7.4 After concluding informal resolution of a complaint, the EO/AA Director or designee shall notify the complainant and respondent in writing of the resolution that was agreed upon.

5.7.5 Participation in informal resolution does not prohibit either party from terminating informal resolution and/or requesting an investigation at any point during the informal resolution process. Where a report was closed after informal resolution, the matter may later be reopened at the discretion of the EO/AA Director or designee when requested by the complainant and/or if the EO/AA Director or designee determines there is good cause to do so.

5.8 Investigation

5.8.1 If the EO/AA Director or designee determines an investigation is necessary, the University shall conduct a thorough, reliable, and impartial internal administrative investigation by interviewing witnesses, collecting documentary evidence, and preparing a written report of findings. The purpose of the investigation is to establish whether there is a reasonable basis, based on a preponderance of the evidence, for concluding that the alleged violation of this policy has occurred. The University reserves the right to engage an outside investigator to conduct the investigation if it is determined there is a conflict of interest or other compelling reason to do so.

5.8.2 Complainants, respondents, and witnesses shall be treated with respect throughout the investigation process, disciplinary process, and other proceedings:

- 1) Complainants and respondents can expect prompt and equitable resolution of allegations of prohibited protected class discrimination, harassment, and retaliation.
- 2) Complainants can expect freedom from retaliation for making a good faith report of prohibited protected class discrimination, harassment, and retaliation or for participating in any investigation or proceeding under this policy.
- 3) Complainants, respondents, and witnesses shall refrain from retaliating against any person for making a good faith report of protected class discrimination, harassment, and retaliation or participating in any proceeding under this policy.



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- 4) Respondents, complainants, and witnesses shall provide truthful information in connection with any report, investigation, or resolution of protected class discrimination, harassment, and retaliation under this policy.
- 5) Complainants and respondents shall have interim measures made available and be given the opportunity to request modifications necessary for physical and/or emotional safety.
- 6) Complainants and respondents shall be given timely and equal access to allegations and the opportunity to respond to information that will be used against them in any disciplinary proceeding.
- 7) Complainants and respondents shall have the opportunity to offer information, present evidence, and identify witnesses during an investigation.
- 8) Complainants and respondents shall be given timely notice of meetings where their presence is necessary.
- 9) Complainants and respondents shall receive simultaneous notification, in writing, of the results of any proceedings.
- 10) Complainants and respondents shall have the opportunity to articulate concerns or issues about proceedings under this policy.
- 11) Complainants and respondents shall have reasonable time to prepare a response permitted under this policy.
- 12) Complainants and respondents shall receive written notice of any necessary extensions of timeframes under this policy.
- 13) Complainants, respondents, and other participants in the EO/AA process may request accommodations necessary under the *Americans with Disabilities Act (ADA)* through the EO/AA Director, who will refer the request to the appropriate ADA coordinator and then implement approved accommodations.

5.8.3 When proceeding to an investigation, the investigator shall ask the complainant to provide written notice of the allegations, including a concise statement describing the incident, when and where the alleged misconduct occurred, and why the complainant believes it violates university policy, and a proposed resolution. The complainant shall be asked to provide and preserve all corroborating or potentially relevant evidence in any format, list potential witness names, and sign the statement. From this information, the EO/AA Director or designee shall prepare a summary of allegations and relevant information from the complainant's statement for the respondent. The complainant will review the summary and statement, make any necessary corrections, and affirm the summary by signature.



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5.8.4 By requesting an investigation on the complaint form and/or signing the summary of allegations, the complainant is giving the investigator consent to discuss the information provided with other persons who may have relevant factual knowledge of the circumstances of the complaint and is authorizing the collection and examination of all records and other documentation relevant to the complaint. In cases where a complainant does not want to pursue an investigation, the EO/AA Director or designee shall inform the complainant that the University's ability to investigate and/or remediate may be limited.

5.8.5 If the complainant refuses to sign the summary, the EO/AA Director may (1) note that the allegations have been withdrawn and end the investigation, or (2) note the complainant has refused to sign the summary and proceed to investigate to determine what occurred and to protect the University's interest in maintaining a safe environment free from discrimination, harassment, and retaliation.

5.8.6 The investigator shall provide the respondent with the summary of the complainant's allegations and a copy of this policy and shall request a written response from the respondent. The respondent shall also be asked to provide and preserve all corroborating or potentially relevant evidence in any format, list potential witness names, and sign any response to the allegations. In preparing the summary of complainant's allegations for the respondent, the EO/AA Director or designee has the discretion to redact names and/or witnesses to protect the identity and ensure the safety of the complainant and/or witnesses. The respondent may prepare and submit a signed written statement to admit or deny the allegations, provide an explanation why any conduct was not a violation of the policy, provide all corroborating evidence, list potential witnesses, and state whether the complainant's proposed resolution is appropriate.

5.8.7 Upon receipt of the written response from the respondent, or after the reply period expires without a response, the investigator shall send a written request to or meet with the respondent and/or complainant to clarify any discrepancies.

5.8.8 The EO/AA Director shall choose the investigator(s), except in cases where the EO/AA Director or others involved in the investigation have a conflict of interest, in which case the University's Office of General Counsel shall select internal or external impartial investigator(s).

5.8.9 To provide a prompt, thorough, fair, and impartial investigation and resolution, all investigations of reports of discrimination, harassment, and retaliation shall incorporate the following standards:

- 1) The respondent shall be provided the name of the complainant (if known), a notice of request for investigation, a written statement of the allegations, and a copy of this policy. The respondent shall be given a full opportunity to respond to the allegations.



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- 2) The investigator(s) conducting the investigation shall be familiar with this policy, have training or experience in conducting investigations, and shall be familiar with applicable university policies and procedures.
- 3) Disclosure of material witnesses and relevant facts shall be given to both parties to permit each party a full opportunity to respond to allegations and defenses, subject to *FERPA* and privacy law requirements, and the need to guard against retaliation of parties and witnesses. Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation. Participants shall also be reminded not to retaliate against other parties, witnesses, or other participants in the process.
- 4) The investigator shall apply a preponderance of evidence standard to determine whether the conduct occurred as alleged and whether there has been a violation of this policy.
- 5) At any time before or during the investigation, the investigator may recommend that interim protections or remedies for the parties or witnesses be provided by appropriate university administrators. Failure by a party to comply with the terms of interim protections may be considered a separate violation of this policy.
- 6) At any time before or during the investigation, the investigator(s) or the EO/AA Director may recommend to the responsible university administrator (who should consult with Human Resources and the Office of General Counsel) that a respondent employee be placed on a paid or unpaid leave. Leave may be unpaid where the employee has failed to participate in the investigation promptly or in good faith or when substantial evidence received before or during the investigation shows that a serious violation of policy has occurred.
- 7) The investigation shall be completed and the final investigation summary provided to the responsible university administrator as promptly as possible. Investigators shall provide regular status updates to both parties and administrators with a need to know.
- 8) Parties and witnesses are expected to cooperate with and participate in the University's investigation in good faith. If either party fails to participate in good faith, the investigator(s) may make findings without the response of that party, potentially leading to an unfavorable outcome for that party.
- 9) The complainant and respondent shall be informed if there were findings made that the policy was or was not violated. In accordance with university policies protecting individuals' privacy, and applicable laws, the complainant may be generally notified that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the respondent. The investigator shall also advise the complainant and respondent of additional options outside the University that may be pursued.



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5.8.10 The investigator(s) shall prepare a final investigation summary that contains a written summary of the findings (including a statement of the allegations and issues, the positions of the parties, a summary of evidence and findings, and a determination on whether this policy has been violated). Unless there is a conflict, or an outside investigator was engaged, the EO/AA Director and an attorney assigned by General Counsel shall review each final investigation summary before it is finalized.

5.8.11 The possible findings of the investigation are the following:

- 1) A decision of “unfounded” indicates either that there is insufficient evidence for the investigators to conclude that the event(s) occurred as alleged, or even if the event(s) occurred, it/they did not constitute protected class discrimination, harassment, or retaliation.
- 2) A decision of “inconclusive” means that the evidence provided by both parties did not reach a preponderance of evidence in favor of either party.
- 3) A decision of “substantiated” means that the event(s) occurred as alleged by a preponderance of evidence in favor of the complainant.

5.8.12 The final investigation summary shall be submitted to the responsible university administrator designated below with authority to implement actions and/or discipline necessary to resolve the complaint (unless a conflict of interest exists, in which case the Office of General Counsel will recommend to the President a designee to serve as an alternative responsible university administrator). When the respondent is an employee, the responsible university administrator should consult with the EO/AA Director, the Office of General Counsel, and with Human Resources.. The final investigation summary shall be kept in the investigation file and may be used as evidence in other related procedures, such as subsequent complaints, disciplinary actions, and/or review hearings or appeals.

Respondent’s Affiliation with the University	Responsible University Administrator
Student	Designated Student Conduct Administrator (either the Director of Student Conduct or the Associate Dean of Students, with neither serving in that role if they were the investigator on the matter or if another conflict exists)
Faculty member	The dean of the faculty member’s college (in consultation with the Associate Vice President of Academic Administration)
Executive employee or direct report of a vice president	Vice president of the relevant department



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Administration or staff member who is not an executive employee and does not report directly to a vice president	Direct report of the vice president or another senior-level administrator designated by the vice president of the department in which the respondent is employed
Vice president or direct report of the University President	University President
Contractor, vendor, or visitor	Vice President of Finance and Administration

5.8.13 Nothing in this procedure shall be interpreted to alter the status of otherwise at-will employees.

5.9 Sanctions and Remedies

5.9.1 Upon receiving the final investigation summary and findings, the responsible university administrator shall promptly determine based on the investigative findings the appropriate sanctions and remedies, including offering remedies to the complainant and/or university community, implementing changes in programs and activities, providing training, and the imposition of any disciplinary sanctions. In consultation with the EO/AA Director and the Office of General Counsel, and with Human Resources when the respondent is an employee, the responsible university administrator shall ensure sanctions and remedies are appropriate to end the prohibited conduct and to prevent further violation of this policy. In determining the appropriate sanction(s), the responsible university administrator (and the executive university administrator and review panel, should there be a review hearing) shall be guided by the following considerations:

- 1) The severity, persistence, or pervasiveness of the misconduct;
- 2) The impact of the misconduct on the complainant;
- 3) The impact or implications of the misconduct on the university community;
- 4) Prior misconduct by the respondent, including the respondent's relevant prior disciplinary history;
- 5) Whether the respondent has accepted responsibility for the misconduct;
- 6) The maintenance of a safe, nondiscriminatory, and respectful environment conducive to learning; and
- 7) Any other mitigating, aggravating, or compelling factors.

5.9.2 Respondents who are found to have violated this policy may be subject to sanctions, depending on the circumstances and the severity of the violation, as follows:



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- 1) Possible sanctions against faculty and non-faculty employees for violations of this policy include verbal counseling, written warning, probation, reassignment, transfer, demotion, reduction in pay, suspension, termination of employment, and a no trespassing on campus and/or in university programs, services, and activities order.
- 2) Possible sanctions against students for violations of this policy include those described in UVU Policy 541 *Student Rights and Responsibilities Code*, such as fines, restitution, interim suspension, suspension, suspension withheld, warning, probation, expulsion, withholding diploma, revocation of degree, discretionary sanction, and organizational sanction.
- 3) Possible sanctions against vendors or visitors to campus who are neither students nor employees of the University include banning the vendors/visitors from all or part(s) of the University and/or ending business relationships with the vendors.

5.9.3 Unless there are unusual circumstances that would require a delay, the EO/AA Director (or designee) shall promptly communicate the investigation findings in writing to both the complainant and the respondent simultaneously. After the findings are sent to both parties, the EO/AA Director will promptly forward the written findings to the responsible university administrator, who shall send the outcome of the investigation, including any sanctions and remedies determined by that administrator and the University's procedures for seeking a review/appeal of the outcome, in writing to both the complainant and the respondent simultaneously ("outcome notice"). However, the responsible university administrator, in consultation with the EO/AA Director or designee, may choose not to disclose the sanctions, and shall not disclose the discipline imposed on a respondent student, except under the following circumstances:

- 1) The discipline directly affects the other party, such as when the respondent student is ordered to stay away from the other party, an employee is transferred to another job site, worksite, class, or is suspended or dismissed from the University; or
- 2) The respondent student gives his or her written permission to disclose the discipline.

5.10 Review Hearing of Sanctions and Remedies (Reviews)

5.10.1 Student or employee (faculty, administration, or staff) complainants or respondents may seek a review of sanctions and/or remedies by requesting an administrative review hearing or appeal ("review") within seven business days from the date the outcome notice is sent. A written request for review must be submitted to the EO/AA Director and may not exceed 20 pages in length. Untimely requests will not be considered absent extraordinary circumstances. Activities such as graduation, study abroad, internships/externships, business travel, or educational, sabbatical, or extracurricular activities generally do not in themselves constitute extraordinary circumstances. A review may be withdrawn by the requester at any time without prejudice.



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5.10.2 The party requesting a review must identify in the written request at least one or more of the following grounds as the reason for seeking the review:

- 1) New evidence unavailable to the party during the investigation has been discovered that could substantially impact the investigation findings and/or resolution.
- 2) Procedural errors raising substantial doubt that the procedures outlined in this policy were not followed, or that the investigation was not thorough, fair, and/or impartial, which substantially impacted the outcome of the investigation. Procedural errors do not include the lengths of the investigation or sanction-decision-making processes.
- 3) The sanction imposed is substantially disproportionate to the severity of the violation (i.e., too severe or not severe enough).
- 4) The non-disciplinary aspects of the resolution are not reasonably designed to correct the discriminatory effects on the complainant and/or on others who may have been affected or to prevent recurrence or further discriminatory or otherwise inappropriate actions.

5.10.3 If the responsible university administrator has determined that an employee (faculty, administrator, or staff) should be terminated from employment or that a student should be expelled from the University, that respondent has the right to a review if he or she provides a written request for review within the timeframe stated in section 5.10.1. The written request for review must still provide one or more of the grounds for review stated in section 5.10.2.

5.10.4 Unless a review panel determines by a majority vote that the party seeking a review has demonstrated by a preponderance of evidence that one or more of the grounds stated in section 5.10.2 has been met and that modification(s) to the decision should be recommended, the responsible university administrator's original decision shall be upheld.

5.10.5 Information shared during a review process must remain confidential. The University shall not be responsible for disclosures made by the parties, who shall bear individual liability for their disclosures. All meetings and hearings related to a review process are closed meetings.

5.10.6 While a review is pending, interim sanctions may be imposed by the responsible university administrator, but irreversible sanctions shall not be imposed until the review process is complete. For example, if termination from employment has been recommended, a respondent may be suspended from employment (on a paid or unpaid basis) during the review process, but a termination of employment shall not be imposed until the review process is complete and the termination recommendation is upheld. Leave may be unpaid where the employee has failed to participate in the investigation promptly or in good faith.

5.10.7 Upon receipt of a written request for review, the EO/AA Director or designee shall provide the party not requesting the review a copy of the request and invite that responding party to submit a written response within five business days.



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5.10.8 The EO/AA Director or designee shall promptly convene a three-member review panel from a pool of faculty, staff, and students trained in Title VII, Title IV, and Title VI requirements, Policy 165, and related procedures.

5.10.8.1 The three-member review panel shall be selected from the pool of trained panel members as follows:

Respondent's Affiliation with the University	Composition of Review Panel
Faculty member	Three faculty members
Staff member (including executive employees)	Three staff members
Student	One faculty member, one staff member, one student

5.10.8.2 Faculty members shall be selected for a term of service on the review panel pool by the Senior Vice President of Academic Affairs or designee and shall be approved by the President of Faculty Senate. Staff members shall be selected for a term of service by the Vice President of Planning, Budget, and Human Resources or designee and shall be approved by the president of the Professional Association of Campus Employees (PACE). Student members shall be selected for a term of service by the Dean of Students and shall be members of the Utah Valley University Student Association (UVUSA) and approved by the UVUSA President.

5.10.8.3 The selected panel shall choose a panel chair, considering availability and EO/AA training and panel experience. Review panel members must be in good standing with the University and must not have any conflicts of interest with serving on the panel. The review panel shall consult with an attorney assigned by the Office of General Counsel to advise the review panel regarding legal, procedural, policy, and other questions as needed during the review process.

5.10.9 The EO/AA Director or designee shall promptly notify the complainant and respondent in writing of the names of the review panel members and provide the parties with a copy of the review panel procedures contained in this policy. Within five business days of receiving notification of the names of the review panel members, the complainant and respondent may each request in writing to the EO/AA Director that a review panel member be disqualified based on bias or conflict of interest, providing the reasons for this request in the letter. If bias or conflict of interest is confirmed by the EO/AA Director, after consultation with an attorney assigned by the Office of General Counsel, then the EO/AA Director or designee shall select and notify the parties.

5.10.10 Once the review panel is confirmed, they shall promptly determine whether the request for review meets one or more criteria under section 5.10.2. The EO/AA Director or designee shall then notify both parties in writing of this determination and, if a hearing is warranted, of the review hearing date, which shall be scheduled within 14 to 21 calendar days.



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5.10.11 The scope of the review hearing and the standard of review shall be limited to those stated in section 5.10.2 above. Along with the written notification of hearing date, the EO/AA Director or designee shall provide to the review panel, complainant, and respondent copies of the final investigation summary and the written review request and opposition statements submitted by the parties. The review hearing is an opportunity for the parties to address the review panel in person about the issues being considered for review, based on the reasons and standards of review outlined in 5.10.2, including addressing information in the final investigation summary, any supplemental statements or new evidence unavailable during the investigation submitted by the parties, and any written impact or mitigation statements. Each party will have the opportunity to be heard, to identify witnesses for the review panel's consideration, and to respond to any questions from the review panel.

5.10.12 The complainant and respondent may each request remote video conferencing, so that the parties do not have to be present in the same room at the same time during the hearing. Such requests must be made in writing to the EO/AA Director at least 10 calendar days before the hearing, and the EO/AA Director or designee shall make the appropriate arrangements.

5.10.13 The complainant and respondent may each be accompanied at the review hearing by a support person/advisor of his or her choice, who may be an attorney and who may participate in the hearing as provided in these procedures. The complainant and respondent must notify the review panel chair and the EO/AA Director of his or her selected support person/advisor at least 10 calendar days prior to the date of the review hearing. If timely notice is not provided, the support person/advisor may attend but shall not participate in the hearing.

5.10.14 The review panel chair, complainant, and respondent may each request the appearance of witnesses at the hearing. At least 10 calendar days before the date of the review hearing, parties may submit to the review panel chair, with copies to the EO/AA Director or designee, their request for witnesses, including names and contact information, and requests for documentary evidence they would like to have reviewed, along with explanations of how each request is relevant to their reasons for seeking or opposing the review (per the section 5.10.2 bases for review). Only witnesses and other evidence that is relevant to the 5.10.2 bases for review may be considered by the review panel. It is the responsibility of the party calling a particular witness to invite that witness to attend the hearing. The OEO/AA investigator(s) may also suggest a witness list to the panel. Witnesses who are UVU employees whom the panel requests to appear have a duty to appear at the review hearing.

5.10.15 The following procedures apply to the review panel hearing:

- 1) In the event that either party fails to attend the hearing without prior notice to the EO/AA Director and good cause, the review panel may proceed with the hearing. Neither party is required to participate in the hearing for the hearing to proceed. The University reserves the right to modify review hearing procedures to protect the safety of all parties involved.



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- 2) The hearing, except for deliberations, shall be recorded by the review panel chair, who shall give the recording to the OEO/AA. A copy shall be made available to either party upon request at the requesting party's expense. The recording of interviews and other meetings preceding and following the hearing by the participants is prohibited.
- 3) The review panel shall begin the hearing by asking the OEO/AA investigator(s) to provide a summary of the investigation process and the findings and conclusions contained in the final investigation summary. The review panel may also ask the investigator(s) to state the sanction(s) determined by the responsible university administrator. The scope of questioning shall be guided by the applicable bases for review included in section 5.10.2, as cited in the review request.
- 4) If the scope of review includes review of the sanction(s), the review panel may ask the responsible university administrator to explain the reasons for the sanction(s), including any mitigating or aggravating factors.
- 5) The complainant and respondent shall each have an opportunity to make a personal statement relevant to the scope of review, which should include the bases for seeking or opposing the review, the personal impact of the alleged misconduct and/or sanction, the relief sought, and mitigating or aggravating information. In addition to the personal statements by the parties, each party's support person/advisor shall have the opportunity to make an opening statement relevant to the standard and scope of review.
- 6) The complainant and respondent (or their respective support person/advisor, if any) shall each have the opportunity to call witnesses that the review panel deems relevant to the scope of review, to question witnesses (including the other party and the OEO/AA investigator[s]) through the review panel chair (not directly), to present evidence, and to make concluding remarks.
- 7) The review panel may question the investigator(s), any witness, or each/either party. Only the person to whom a question is directed may answer (e.g., a support person/advisor shall not be permitted to answer the review panel's questions on a party's behalf). The review panel's questions should be relevant to the scope of review. During questioning, the parties, support persons/advisors, and panel chair/members shall treat all persons with respect.
- 8) The review panel shall not be bound by strict rules of legal evidence or procedure and may consider any evidence it deems relevant to the standard and scope of review (see section 5.10.2). The review panel chair shall determine the appropriateness and relevancy of any information and questions submitted and may exclude evidence deemed to be outside the scope of review, irrelevant, or duplicative.
- 9) Each party shall have up to a total of 90 minutes for personal and/or opening statements, questioning witnesses, presenting evidence, and concluding remarks.



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- 10) After issuing a warning, the review panel has authority to exclude from the hearing any party, support persons/advisors, or other participant whose behavior the review panel finds disruptive.
- 11) The Office of General Counsel shall provide an attorney to be present at hearings to provide guidance to the review panel on this policy, substantive law, and procedural matters.
- 12) The review panel chair and other review panel members are prohibited from discussing any matter related to the hearing with the parties, witnesses, and/or others (except the assigned Office of General Counsel attorney) before or after the hearing. Violation of confidentiality may result in dismissal from the review panel and/or other corrective or disciplinary action.
- 13) Review panel deliberations and voting shall be closed sessions from which all other persons are excluded, except, at the review panel's request, an advising attorney from the Office of General Counsel. Votes shall be cast by secret ballot. A majority vote by the members of the review panel who attended the hearing shall be required for recommendations. The review panel chair shall be entitled to vote on all questions. The OEO/AA shall not participate in the review panel's deliberations. If the review panel asks the advising attorney from the Office of the General Counsel to remain for the deliberations, the advising attorney may remain present but shall have no vote.

5.10.16 Within 10 calendar days of the review hearing, the review panel shall provide to the executive university administrator and the EO/AA Director a review panel report, which shall include the following:

- 1) In cases where the review panel determines that (a) new evidence arose after the investigation concluded that could substantially impact the investigation findings and/or resolution, or (b) the issue(s) brought forward by the contesting party raise substantial doubt that a procedural error occurred that substantially impacted the outcome of the investigation, the review panel may recommend to the executive university administrator that the investigation be returned to the original investigator(s) with recommended instructions for further investigation on the raised issue(s).
- 2) In cases where the review panel finds that the original investigator(s) have had a conflict of interest, the review panel may recommend to the executive university administrator that a review be conducted by new investigator(s). The executive university administrator, in consultation with an assigned attorney from the Office of General Counsel, will determine whether the assignment of a new investigator is needed.
- 3) In cases where the review panel is asked to review whether (a) the sanction(s) imposed is/are substantially disproportionate to the severity of the violation, or (b) the non-disciplinary aspects of the resolution are not reasonably designed to correct the discriminatory effects on the complainant and/or others who may have been affected or to prevent its recurrence and further



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discriminatory or otherwise inappropriate actions, the review panel will recommend whether it finds that the sanctions and/or resolutions are reasonable in light of the circumstances.

5.11 Executive Review, Final Sanction, and Final Outcome Letter

5.11.1 The executive university administrator, who is responsible for reviewing the recommendations from the review panel and determining next steps, including remand to the OEO/AA for additional investigation and/or imposition of the final sanction(s) and other remedies, if any, is as follows (unless a conflict of interest exists, in which case the Office of General Counsel will recommend to the President a designee to serve as an alternative responsible executive university administrator):

Respondent's Affiliation with the University	Executive University Administrator
Student	Dean of Students
Faculty member	Senior Vice President of Academic Affairs
Administration or staff member who is not an executive employee and does not report directly to a vice president	Vice president of the department in which the respondent is employed (or the vice president's designee)
Executive employee or direct report of a vice president	University President
Vice president or other direct report of the University President	University President

5.11.2 Upon receipt of the review panel report, the appropriate executive university administrator shall promptly review all of the information that was available to the review panel and then decide whether to remand the investigation to the OEO/AA for additional investigation, affirm the responsible university administrator's original decision, adopt the sanction and resolution recommendation(s) of the review panel, and/or to determine an alternative outcome. In determining the appropriate sanction(s) and other remedies, the executive university administrator shall be guided by the considerations in section 5.9.1 and consult with other administrators as needed, including an attorney assigned by the Office of General Counsel, Human Resources, the EO/AA Director, and the Office of Academic Affairs, to ensure that any sanctions and/or remedies are appropriate to end the prohibited conduct and prevent further violation of this policy. Remedies may include offering remedies to the complainant and/or university community, implementing changes in programs and activities, providing training, and the imposition of any disciplinary sanctions, based on the investigative findings.



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5.11.3 The executive university administrator will notify the EO/AA Director in writing of his or her decision and a summary of the reasons for the decision. If the matter is remanded to the OEO/AA for additional investigation, the OEO/AA shall promptly investigate and provide an investigation summary addendum that includes new evidence considered and changes to findings, if any, to the executive university administrator, who shall then determine sanctions, resolutions, and outcomes.

5.11.4 After receiving the executive university administrator's decision, the EO/AA Director or designee shall promptly notify the complainant and respondent, simultaneously, in writing of the final outcome of the investigation review and the rationale for the outcome. The final outcome letter shall also state that the decision is final and not subject to further university review or grievance and include options for seeking remedies outside of the University, such as with the federal Equal Employment Opportunity Commission (EEOC) and the Utah Antidiscrimination and Labor Division (UALD), which investigate complaints of unlawful discrimination and/or harassment in employment, or the US Department of Education Office for Civil Rights (OCR), which investigates complaints of unlawful discrimination and harassment in employment and educational programs or activities.

5.11.5 Once the final outcome letter is issued to the parties, no further internal reviews, appeals, or grievances are available to the parties. Nothing in this policy abrogates the rights of the parties to seek other remedies under state or federal law, such as with the agencies mentioned in section 5.11.4 above.

5.11.6 The final outcome letter may be used by the EO/AA Director for data collection and compliance purposes only. The review panel, responsible university administrator, and executive university administrator shall provide all documents submitted and reviewed as part of the review process to the EO/AA Director for confidential storage and shall not keep any written or electronic copies of such documents.

5.11.7 All documents, records, recordings, and information associated with the EO/AA process are designated as protected in accordance with the *Utah Government Records and Management Act (GRAMA)*.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



UVU BOARD OF TRUSTEES
Agenda Item Coversheet

DATE:	June 22, 2017
TITLE:	Travel Policy Bundle: Policy 251 <i>Traveling on University Business</i> Policy 252 <i>International Travel for Students, Faculty, and Staff</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Val Peterson, Vice President of Finance & Administration/Scott Wood, Accountant III
SUBJECT:	Policy 251 <i>Traveling on University Business</i> Policy 252 <i>International Travel for Students, Faculty, and Staff</i>
BACKGROUND:	<p>These two policies have been processed through UVU's regular policy process and will replace the temporary emergency policies that will be expiring in September 2017.</p> <p>The proposed policy revisions include the following:</p> <ul style="list-style-type: none">• Guidance on when spouses, partners, and minors may accompany students and staff participating in travel programs or traveling on university business.• Eligibility for student travel.• Additional clarification regarding travel to areas with a US Department of State travel alert/warning and/or CDC alert• Requirement for first-time travelers to complete export control and safety training.
ALTERNATIVES:	<ul style="list-style-type: none">• Approve as presented, "I move to approve the revisions to Policy 251 and Policy 252 as presented."• Amend and approve, "I move to approve, as amended, Policy 251 and Policy 252."• No action, "I move that we go to the next agenda item."

FINANCIAL IMPACT:	\$0.00
EXHIBITS:	<p>a. Policy 251 <i>Traveling on University Business</i> (with the proposed revisions indicated by markup)</p> <p>b. Policy 251 <i>Traveling on University Business</i> (clean copy)</p> <p>c. Policy 252 <i>International Travel for Students, Faculty, and Staff</i> (with the proposed revisions indicated by markup)</p> <p>d. Policy 252 <i>International Travel for Students, Faculty, and Staff</i> (clean copy)</p>



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Proposed Policy Number and Title: 251 <i>Traveling on University Business</i>		
Existing Policy Number and Title: 251 <i>Traveling on University Business (Temporary Emergency)</i>		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input checked="" type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy #101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: Regular, Stage 4, Board of Trustees, June 6, 2017		
President's Council Sponsor: Val Peterson	Ext.	8424
Policy Steward: Scott Wood	Ext.	8822

POLICY APPROVAL PROCESS DATES	
Policy Drafting and Revision Entrance Date: 10/11/2012	POST APPROVAL PROCESS Verify: <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update
University Entities Review Entrance Date: 3/16/2017 Close Feedback: 5/16/2017	
University Community Review Entrance Date: 5/11/2017 Open Feedback: 5/11/2017 Close Feedback: 5/24/2017	Policy Office personnel who verified and posted this policy to the University Policy Manual Name: _____ Date posted and verified: _____
Board of Trustees Review Entrance Date: 5/25/2017 Approval Date: _____	



UTAH VALLEY UNIVERSITY

Policies and Procedures

POLICY TITLE	Traveling on University Business	Policy Number	251
Section	Financial Affairs and Development	Approval Date	
Subsection	Travel	Effective Date	
Responsible Office	Office of the Vice President of Finance and Administration		

1.0 PURPOSE

1.1 Utah Valley University supports travel for bona fide university business and education purposes. The University provides opportunities for students, faculty, staff, and other authorized individuals to travel to attend conferences or professional organization meetings, conduct research, study cultures and languages, promote collaboration with peer institutions, represent the University, and for other sanctioned academic, administrative, and student activities. This policy outlines the approval process for travel, conduct and safety policies, expense reimbursement procedures, and other related requirements that mitigate risks associated with travel.

2.0 REFERENCES

2.1 20 USC 1092(f) *Jeanne Clery Act*

2.2 49 USC 40118 *Fly America Act*

2.3 Utah Administrative Code R25-7 *Travel-Related Reimbursements for State Employees*

2.4 Utah Code 58-37 *Utah Controlled Substances Act*

2.5 UVU Policy 162 *Sexual Misconduct*

2.6 UVU Policy 201 *General Fiscal Policies and Procedures*

2.7 UVU Policy 204 *Appropriateness of Expenditures*

2.8 UVU Policy 210 *Independent Contractors*

2.9 UVU Policy 252 *International Travel for Students, Faculty, and Staff*

2.10 UVU Policy 371 *Corrective Actions and Termination for Staff Employees*

2.11 UVU Policy 405 *Fleet Operations*



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2.12 UVU Policy 407 *Clery Act Compliance*

2.13 UVU Policy 541 *Student Rights and Responsibilities Code*

2.14 UVU Policy 648 *Faculty Personnel Reduction*

3.0 DEFINITIONS

3.1 Accompanying adult: An individual 18 years of age or older who is not a current university employee or student but has been approved through this policy to accompany an individual who is traveling as part of a university travel program. This term does not apply to adults who are formally registered to participate in extracurricular (noncredit) travel programs.

3.13.2 Allowable expense: A necessary, reasonable, and appropriate expense that is incurred by an approved traveler in accordance with university policy and is therefore eligible for reimbursement.

3.23.3 Domestic travel: Travel within or between any of the states and/or territories/possessions of the United States of America.

3.4 Extended-day travel: Travel on bona fide university business that does not require an overnight stay but does require the traveler to be away from his or her normal place of employment for 10 hours or more and a distance of at least 100 miles (one way).

3.33.5 Global Engagement Advisory Board: A group comprised of appointed representatives from Academic Affairs and Student Affairs. This board reviews requests and makes recommendations for all international travel programs.

3.43.6 Home Base: The location from which travel distance is calculated. For the purpose of this policy, Home Base is defined as Utah Valley University's main campus, located in Orem, Utah.

3.53.7 International travel: Travel to any country or region outside the United States and its territories/possessions, or as specifically defined by contracting agencies.

3.8 Per diem: The maximum daily allowance for certain reimbursable expenses.

3.63.9 Personal guest: An individual (who is not an accompanying adult) traveling with a UVU employee who is on university-authorized travel not involving travel programs or students, and whose travel itinerary, arrangements, and expenses for which the University shall not be responsible.

3.73.10 Program director: A full-time university employee designated to supervise a student group participating in a university-authorized domestic or international travel program.



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3.83.11 Proper receipt: A receipt, invoice, registration form, or other qualifying documentation provided by the vendor or lodging establishment where an eligible, business-related expense was incurred. For expense verification purposes, proper receipts must contain the name and address of the business, date and time of purchase, itemization of charges, amount paid, and method of payment. Proper receipts for lodging establishments must also include the rate charged, names of guest(s), and date(s) of occupancy.

3.93.12 Traveler: An individual authorized through this policy to travel on bona fide university business (including educational and intercultural travel programs and travel to international conferences, but excluding internships in which the University is not the employer), the expenses of which are paid, in full or in part, by university funding, including grants, contracts, cooperative agreements, etc.

3.103.13 Travel reimbursement: Repayment by the University to an authorized traveler for certain eligible expenses incurred while traveling on bona fide university business.

4.0 POLICY

4.1 Scope and Applicability

4.1.1 To ensure the safety of individuals participating in university-authorized travel, the University establishes travel authorization, conduct and safety, insurance, and expense verification/reimbursement requirements.

4.1.2 The requirements established within apply to all individuals who participate, in any capacity, in university-authorized travel. Travel authorized prior to the enactment of this policy shall be bound by the policies and procedures in place at the time the travel was approved by the University.

4.1.3 If travel is not authorized and executed under the requirements of university policy, individuals who thereafter determine to travel without the University's authorization do so at their own risk, assuming all responsibility for costs incurred, harm, complications, detention, and/or death, thereby absolving and releasing the University from all risk, liability, and responsibility for, or associated with, the unauthorized travel.

4.2 Conduct and Safety

4.2.1 Travelers must comply with all applicable university policies and codes of conduct, travel program stipulations, and with the local, state, federal, and international laws of the areas to which they travel. The University shall neither intercede on behalf of travelers who violate any law nor attempt to protect violators from the legal consequences of their actions.



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4.2.2 Travelers who violate university policy shall be subject to immediate disciplinary action, including but not limited to warnings, restricted or limited participation in travel activities, revocation of approved travel status, and/or mandatory return to campus. Travelers who must returned to campus prior to the originally before their originally scheduled departure may be required to reimburse the University in full for the ~~associated~~ costs and fees associated of with their return.

4.2.3 Travelers who violate university policy may also be subject to additional disciplinary sanctions up to and including termination/expulsion, as outlined in Policy 541 *Student Rights and Responsibilities Code* (students), Policy 371 *Corrective Actions and Termination for Staff Employees* (staff), Policy 648 *Faculty Personnel Reduction* (faculty), and/or other applicable university policies.

4.2.4 As a part of program curriculum requirements, any activity, event, excursion, etc. organized by a university travel program shall be considered an extension of the university classroom, and shall therefore be governed by the same policies and codes of conduct.

4.2.5 Designated program directors supervising university travel groups shall be responsible for the enforcement of university policies, codes of conduct, and travel program requirements.

4.2.6 Travelers shall neither possess nor use any narcotic, illegal drug, or controlled substance, except as permitted by the *Utah Controlled Substances Act*.

4.2.6.2.7 University faculty and/or staff shall not share sleeping quarters with students when traveling for official university business or activities, except under limited circumstances and with prior written approval for an exception. A written request for such an exception shall be submitted by the university faculty and/or staff member to his or her supervising dean or director for approval at the time the proposed travel is requested. If the exception is approved for an international university travel program, the program director must clearly communicate the lodging details to potential participants in writing before participants book travel and pay program fees. If the exception is approved for domestic university program trips and other types of travel, potential travelers must be notified in writing by the applicable university unit before they book their travel.

4.2.8 Undergraduate students traveling as part of an undergraduate study abroad group or other for-credit, university-sponsored student group shall not be permitted to have personal guests accompany them (unless both are registered students and both have applied and been accepted into the same travel program).

4.2.9 Graduate students participating in immersion experience trips in UVU graduate programs are permitted to have an accompanying adult travel with them as long as the students and accompanying adult sign all required waivers and other forms, participate in required training, and pay for all travel-related costs associated with the accompanying adult's travel. For domestic



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destinations, accompanying adult travel must be approved by the appropriate dean and, as appropriate, the Vice President of Student Affairs or the Senior Vice President of Academic Affairs. For international destinations, accompanying adult travel must be approved by the appropriate dean and as recommended by the Global Engagement Advisory Board.

4.2.10 Students who are planning to participate in a university-sponsored travel program must be in good academic standing and in compliance with all university policies and procedures, including Policy 541 *Student Rights and Responsibilities Code*. In addition, students planning to participate in an academic, credit-bearing travel program must be enrolled and registered with the University during the academic semester in which the program will be occurring.

4.3 Mandatory Reporting

4.3.1 As mandated by federal law and in accordance with university Policy 407 *Clery Act: ~~Campus Safety and Security Compliance~~*, university employees who are traveling with students are required to promptly report to the Chief of UVU Police and the Title IX Coordinator instances of Clery-reportable crimes (as outlined in Policy 407) that are reported to them. In addition, university employees who are traveling with students shall promptly report instances of sexual harassment, discrimination, and/or misconduct that they become aware of to the Title IX Coordinator, in accordance with the procedures outlined in Policy 162 *Sexual Misconduct*.

4.4 Travel Expense Verification

4.4.1 All travel expenses paid, or to be paid, with university funds shall be subject to verification and approval through the appropriate forms and documentation. Travelers are responsible for ensuring that such travel expenses are permitted under this policy, are for bona fide university business, and are fully documented in accordance with university policies and guidelines.

4.4.2 When travel expenses are to be paid in part by non-university sources, only eligible expenses not paid from other sources shall be paid/reimbursed by the University, subject to the provisions of this policy. Travel expenses incurred on sponsored funds or grants must also follow the sponsor's/grant's rules and guidelines.

4.4.3 Individuals who authorize travel or verify travel expenses on behalf of the University are responsible for ensuring that proposed travel is justified for the operation of the University and its mission, as outlined in Policy 204 *Appropriateness of Expenditures*, and for verifying that all travel expenses comply with university policy and are a prudent use of university funds, adequately documented, and submitted and accounted for within the required timeframes established by university policies and guidelines.

5.0 PROCEDURES

5.1 Travel Authorization



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5.1.1 Travelers shall submit travel requests and obtain required approvals in accordance with [university Travel Office](#) guidelines prior to travel. [For group travel](#), ~~p~~Program directors are responsible for submitting travel requests on behalf of their travel groups.

5.1.2 Authorization of university travel is required for

- 1) All in-state travel that requires an overnight stay;
- 2) All domestic travel; and
- 3) All international travel.

5.1.3 International travel approval procedures are outlined in Policy 252 *International Travel for Students, Faculty, and Staff*.

5.1.4 Non-employee travel shall be preapproved by a dean, department head, or vice president. Travel expenses for individuals who are not employees of the University but who are providing services to the University, such as consultants, speakers, lecturers, and visiting professors and students (scholars), are reimbursed in accordance with the terms and conditions and vendor payment procedures outlined in Policy 210 *Independent Contractors*.

5.2 Liability Insurance

5.2.1 University general liability insurance covers employees for liabilities that may be incurred directly from the scope of their employment activities, including activities undertaken while traveling domestically on university business. University general liability insurance does not cover employees traveling internationally.

[5.2.2](#) University general liability insurance covers students for liabilities that may be incurred from participating in activities essential to and required by their course of study, including those activities undertaken while traveling domestically with a university program. Students engaged in travel that is not required to fulfill university requirements (e.g., non-credit and/or personal travel) are not covered by university general liability insurance. University general liability insurance does not cover students traveling internationally.

[5.2.3](#) Damage or loss to personal property is not covered by university general liability insurance.

[5.2.25.2.4](#) Personal guests are not covered by the University's general liability insurance.

[5.2.35.2.5](#) Additional insurance requirements for international travelers are outlined in Policy 252 *International Travel for Students, Faculty, and Staff*.



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5.2.6 Insurance coverage for ~~non-employees or for volunteer workers~~accompanying adults shall be specified by UVU-approved contract or agreement.

5.3 Air Transportation

5.3.1 Travelers are encouraged to make airline reservations through the University's Travel Office. The University and the State Travel Office have contracted with various airlines and travel agents to provide rates that are cost beneficial to the University and traveler. State contract rates are not available for personal travel.

5.3.2 When traveling with a personal guest, airline reservations may be booked through the Travel Office to ensure that the flights are together; however, university funds may not be committed or used to pay for personal guest travel.

5.3.3 Travel funded, in part or in full, through federal grants or contracts must comply with the *Fly America Act* by using a US air carrier even when a non-US carrier would be more cost-effective or convenient. Exceptions to this rule may be allowed under certain circumstances as permitted by law and must be well documented and approved in advance. Travelers may direct questions pertaining to this stipulation to the Office of Sponsored Programs, the principal investigator, or the project director of the specific federal grant or contract.

5.4 Ground Transportation

5.4.1 Travelers may use private or rental vehicles in lieu of air transportation with preapproval from the appropriate supervisor. Rental vehicles may be used for extended-day travel only when such method of travel is more advantageous to the University and with the approval of the traveler's appropriate supervisor.

5.4.2 Rental vehicle reservations booked through the Travel Office using State of Utah contracts include insurance coverage for domestic travel (excluding US territories). When traveling within areas covered by this insurance, additional insurance coverage is not required and shall not be paid for/reimbursed with university funds. When traveling outside the insurance coverage areas, additional insurance should be purchased and is eligible for reimbursement. If ~~the a~~ traveler books ~~their own~~a rental vehicle outside of a state contract, ~~drivers are~~he or she is required to be insured, in full compliance with applicable laws and regulations, the expenses of which shall not be paid for/reimbursed with university funds. The University is not responsible for reimbursing the traveler for any damage, maintenance, or collision-related expenses.

5.4.3 Mileage shall be calculated from Home Base, unless it is more essential and prudent to calculate mileage from the traveler's personal residence. Mileage is calculated by state road map, chart, or odometer reading. Travelers must specify their destination and any other stops made for mileage credit; otherwise, only the destination and return mileage shall be honored. Mileage rates are all-inclusive; additional itemized expenses related to such travel, such as vehicle



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maintenance costs, traffic/parking violation fines, etc., shall not be paid for/reimbursed with university funds.

5.4.4 When using a private or rental vehicle in lieu of air travel, travelers shall be reimbursed either at the current mileage rate multiplied by the miles driven, or for the amount equivalent to the lowest available airfare (identified by the Travel Office) plus airport transportation costs and airport parking at the current long-term parking rate, whichever is less.

5.4.5 Eligible travelers may lease university vehicles through the University's Fleet Operations in accordance with university requirements and procedures and Policy 405 *Fleet Operations*. Chartered transportation may be scheduled by contacting Purchasing.

5.5 Lodging

5.5.1 For expense verification or reimbursement, lodging expenses must be documented on travel expense reports and supported with proper receipts. Only the single occupancy rate is reimbursable.

5.5.2 Travelers may use non-conventional lodging (e.g., personal recreation vehicles, lodging with friends/relatives, overnight camping, etc.) in accordance with [university Travel Office](#) guidelines.

5.6 Meal Allowances

5.6.1 Expenses for meals incurred during approved travel are reimbursable. Travelers may choose to use the current per-diem rate for meals or be reimbursed for the actual meal cost (not to exceed the current per-diem rate). Travelers may choose to combine reimbursement methods during a trip; however, only a single method of reimbursement may be used per day.

5.6.2 The per-diem meal allowance is all-inclusive. Additional expenses associated with the meal, such as sales tax, tips, etc., are considered part of the allowance.

5.6.3 When there is no overnight stay, meals may be reimbursed only if they are taken with non-employees and are for a business purpose. The traveler shall provide the names of the non-employees and explain the purpose on the travel expense report.

5.6.4 The value of meals included in the registration fee of a function, or complimentary meals offered by lodging facilities, shall be deducted from the total per-diem allowance. Meals provided by airlines and continental breakfasts, where no hot food item is served, shall not reduce the meal allowance; [travelers may choose to include such meals in their per-diem allowance.](#)

5.7 Miscellaneous Expenses



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5.7.1 Miscellaneous expenses, such as baggage fees, parking fees, and transportation costs (including public transportation fares, taxi/limousine services), shall be reimbursed for actual out-of-pocket costs. Such expenses should be well documented in accordance with university requirements and guidelines.

5.7.2 Travelers may be reimbursed for long-term parking or away-from-the-airport parking. The maximum reimbursement for parking, whether travelers park at the airport or away from the airport, is the economy-lot parking rate for the departure airport.

5.7.3 Conference registration fees shall be paid using a department procurement card, travel card, or by submitting the registration form with the purchase order indicated on the form to the Accounts Payable office for payment.

5.8 Unsubstantiated/Unallowable Expenses

5.8.1 Expenses not directly related to and required for official university travel, or that are incurred for the personal use or convenience of the traveler, shall not be reimbursed. Examples of such expenses include but are not limited to

- 1) Personal entertainment expenses, such as pay TV, movie or game rentals, health club fees, sight-seeing tours, hospitality events, etc.;
- 2) Damages or losses of personal property;
- 3) Expenses incurred by a ~~spouse~~ [n accompanying adult](#) or personal guest during travel;
- 4) Program loyalty credits used to pay for airline travel, lodging reservations, upgrades or discounts, and/or other travel expenses;
- 5) Expenses for travel associated with typical employment duties, such as commuting between home and place of employment; and
- 6) The purchase of alcohol, tobacco, or other recreational substances.

5.9 Travel Advances

5.9.1 Certain eligible travelers may request travel advances in accordance with university guidelines.

5.9.2 Travel advances are considered personal loans. Funds advanced to the traveler must be accounted for within 30 days of returning from travel. Travel advance payments exceeding actual bona fide travel expenses shall be returned to the University in the amount of the overpayment.



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5.9.3 Travel advances that have not been accounted for within 30 days of travel shall be deducted from the traveler's payroll check in accordance with Utah ~~State~~ law.

5.10 Travel Expense Verification and Reimbursement

5.10.1 A completed travel expense report along with all receipts must be submitted to the Travel Office within 30 days of return from travel. Reports that are not submitted within 30 days may not be honored by the University.

5.10.2 Travel expense reports must include a proper receipt for each individual expense of 25 US dollars (USD) or more. Expenses less than 25 USD without a receipt shall be itemized and explained. If the approved travel was for a seminar, conference, convention, or similar function, a copy of the agenda/schedule of events should also be included.

5.10.3 A proper receipt shall be included for expense verification for lodging accommodations, including campgrounds and trailer parks if applicable.

5.10.4 Travel expense receipts that include guest charges should be itemized to reflect only the charges of the authorized traveler on travel expense reports. All guest-incurred expenses shall be deducted from the reimbursement request. Lodging receipts should indicate a single rate. If a traveler hosts an eligible business meal with others while in travel status, the University shall reimburse this particular meal based on the receipt. A list of those attending the meal should be attached to the receipt.

5.10.5 The amount(s) of travel advances granted to the traveler shall be deducted from the final reimbursement amount.

5.10.6 When paying for expenses in foreign currencies, travelers are reimbursed in US dollars at the actual exchange rate for the travel period. A foreign-currency exchange receipt or a credit card billing statement can support the exchange rate.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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Proposed Policy Number and Title: 251 <i>Traveling on University Business</i>		
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Draft Number and Date: Regular, Stage 4, Board of Trustees, June 6, 2017		
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Board of Trustees Review Entrance Date: 5/25/2017 Approval Date: _____	Name: _____ Date posted and verified: _____



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POLICY TITLE	Traveling on University Business	Policy Number	251
Section	Financial Affairs and Development	Approval Date	
Subsection	Travel	Effective Date	
Responsible Office	Office of the Vice President of Finance and Administration		

1.0 PURPOSE

1.1 Utah Valley University supports travel for bona fide university business and education purposes. The University provides opportunities for students, faculty, staff, and other authorized individuals to travel to attend conferences or professional organization meetings; conduct research; study cultures and languages; promote collaboration with peer institutions; represent the University; and for other sanctioned academic, administrative, and student activities. This policy outlines the approval process for travel, conduct and safety policies, expense reimbursement procedures, and other related requirements that mitigate risks associated with travel.

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4.2.2 Travelers who violate university policy shall be subject to immediate disciplinary action, including but not limited to warnings, restricted or limited participation in travel activities, revocation of approved travel status, and/or mandatory return to campus. Travelers who must return before their originally scheduled departure may be required to reimburse the University in full for the costs and fees associated with their return.

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appropriate, the Vice President of Student Affairs or the Senior Vice President of Academic Affairs. For international destinations, accompanying adult travel must be approved by the appropriate dean and as recommended by the Global Engagement Advisory Board.

4.2.10 Students who are planning to participate in a university-sponsored travel program must be in good academic standing and in compliance with all university policies and procedures, including Policy 541 *Student Rights and Responsibilities Code*. In addition, students planning to participate in an academic, credit-bearing travel program must be enrolled and registered with the University during the academic semester in which the program will be occurring.

4.3 Mandatory Reporting

4.3.1 As mandated by federal law and in accordance with university Policy 407 *Clery Act Compliance*, university employees who are traveling with students are required to promptly report to the Chief of UVU Police and the Title IX Coordinator instances of Clery-reportable crimes (as outlined in Policy 407) that are reported to them. In addition, university employees who are traveling with students shall promptly report instances of sexual harassment, discrimination, and/or misconduct that they become aware of to the Title IX Coordinator, in accordance with the procedures outlined in Policy 162 *Sexual Misconduct*.

4.4 Travel Expense Verification

4.4.1 All travel expenses paid, or to be paid, with university funds shall be subject to verification and approval through the appropriate forms and documentation. Travelers are responsible for ensuring that such travel expenses are permitted under this policy, are for bona fide university business, and are fully documented in accordance with university policies and guidelines.

4.4.2 When travel expenses are to be paid in part by non-university sources, only eligible expenses not paid from other sources shall be paid/reimbursed by the University, subject to the provisions of this policy. Travel expenses incurred on sponsored funds or grants must also follow the sponsor's/grant's rules and guidelines.

4.4.3 Individuals who authorize travel or verify travel expenses on behalf of the University are responsible for ensuring that proposed travel is justified for the operation of the University and its mission, as outlined in Policy 204 *Appropriateness of Expenditures*, and for verifying that all travel expenses comply with university policy and are a prudent use of university funds, adequately documented, and submitted and accounted for within the required timeframes established by university policies and guidelines.

5.0 PROCEDURES

5.1 Travel Authorization



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5.1.1 Travelers shall submit travel requests and obtain required approvals in accordance with Travel Office guidelines prior to travel. For group travel, program directors are responsible for submitting travel requests on behalf of their travel groups.

5.1.2 Authorization of university travel is required for

- 1) All in-state travel that requires an overnight stay;
- 2) All domestic travel; and
- 3) All international travel.

5.1.3 International travel approval procedures are outlined in Policy 252 *International Travel for Students, Faculty, and Staff*.

5.1.4 Non-employee travel shall be preapproved by a dean, department head, or vice president. Travel expenses for individuals who are not employees of the University but who are providing services to the University, such as consultants, speakers, lecturers, and visiting professors and students (scholars), are reimbursed in accordance with the terms and conditions and vendor payment procedures outlined in Policy 210 *Independent Contractors*.

5.2 Liability Insurance

5.2.1 University general liability insurance covers employees for liabilities that may be incurred directly from the scope of their employment activities, including activities undertaken while traveling domestically on university business. University general liability insurance does not cover employees traveling internationally.

5.2.2 University general liability insurance covers students for liabilities that may be incurred from participating in activities essential to and required by their course of study, including those activities undertaken while traveling domestically with a university program. Students engaged in travel that is not required to fulfill university requirements (e.g., noncredit and/or personal travel) are not covered by university general liability insurance. University general liability insurance does not cover students traveling internationally.

5.2.3 Damage or loss to personal property is not covered by university general liability insurance.

5.2.4 Personal guests are not covered by the University's general liability insurance.

5.2.5 Additional insurance requirements for international travelers are outlined in Policy 252 *International Travel for Students, Faculty, and Staff*.



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5.2.6 Insurance coverage for accompanying adults shall be specified by UVU-approved contract or agreement.

5.3 Air Transportation

5.3.1 Travelers are encouraged to make airline reservations through the University's Travel Office. The University and the State Travel Office have contracted with various airlines and travel agents to provide rates that are cost beneficial to the University and traveler. State contract rates are not available for personal travel.

5.3.2 When traveling with a personal guest, airline reservations may be booked through the Travel Office to ensure that the flights are together; however, university funds may not be committed or used to pay for personal guest travel.

5.3.3 Travel funded, in part or in full, through federal grants or contracts must comply with the *Fly America Act* by using a US air carrier even when a non-US carrier would be more cost-effective or convenient. Exceptions to this rule may be allowed under certain circumstances as permitted by law and must be well documented and approved in advance. Travelers may direct questions pertaining to this stipulation to the Office of Sponsored Programs, the principal investigator, or the project director of the specific federal grant or contract.

5.4 Ground Transportation

5.4.1 Travelers may use private or rental vehicles in lieu of air transportation with preapproval from the appropriate supervisor. Rental vehicles may be used for extended-day travel only when such method of travel is more advantageous to the University and with the approval of the traveler's appropriate supervisor.

5.4.2 Rental vehicle reservations booked through the Travel Office using State of Utah contracts include insurance coverage for domestic travel (excluding US territories). When traveling within areas covered by this insurance, additional insurance coverage is not required and shall not be paid for/reimbursed with university funds. When traveling outside the insurance coverage areas, additional insurance should be purchased and is eligible for reimbursement. If a traveler books a rental vehicle outside of a state contract, he or she is required to be insured, in full compliance with applicable laws and regulations, the expenses of which shall not be paid for/reimbursed with university funds. The University is not responsible for reimbursing the traveler for any damage, maintenance, or collision-related expenses.

5.4.3 Mileage shall be calculated from Home Base, unless it is more essential and prudent to calculate mileage from the traveler's personal residence. Mileage is calculated by state road map, chart, or odometer reading. Travelers must specify their destination and any other stops made for mileage credit; otherwise, only the destination and return mileage shall be honored. Mileage rates are all-inclusive; additional itemized expenses related to such travel, such as vehicle



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maintenance costs, traffic/parking violation fines, etc., shall not be paid for/reimbursed with university funds.

5.4.4 When using a private or rental vehicle in lieu of air travel, travelers shall be reimbursed either at the current mileage rate multiplied by the miles driven, or for the amount equivalent to the lowest available airfare (identified by the Travel Office) plus airport transportation costs and airport parking at the current long-term parking rate, whichever is less.

5.4.5 Eligible travelers may lease university vehicles through the University's Fleet Operations in accordance with university requirements and procedures and Policy 405 *Fleet Operations*. Chartered transportation may be scheduled by contacting Purchasing.

5.5 Lodging

5.5.1 For expense verification or reimbursement, lodging expenses must be documented on travel expense reports and supported with proper receipts. Only the single occupancy rate is reimbursable.

5.5.2 Travelers may use nonconventional lodging (e.g., personal recreation vehicles, lodging with friends/relatives, overnight camping, etc.) in accordance with Travel Office guidelines.

5.6 Meal Allowances

5.6.1 Expenses for meals incurred during approved travel are reimbursable. Travelers may choose to use the current per-diem rate for meals or be reimbursed for the actual meal cost (not to exceed the current per-diem rate). Travelers may choose to combine reimbursement methods during a trip; however, only a single method of reimbursement may be used per day.

5.6.2 The per-diem meal allowance is all-inclusive. Additional expenses associated with the meal, such as sales tax, tips, etc., are considered part of the allowance.

5.6.3 When there is no overnight stay, meals may be reimbursed only if they are taken with non-employees and are for a business purpose. The traveler shall provide the names of the non-employees and explain the purpose on the travel expense report.

5.6.4 The value of meals included in the registration fee of a function, or complimentary meals offered by lodging facilities, shall be deducted from the total per-diem allowance. Meals provided by airlines and continental breakfasts, where no hot food item is served, shall not reduce the meal allowance; travelers may choose to include such meals in their per-diem allowance.

5.7 Miscellaneous Expenses



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5.7.1 Miscellaneous expenses, such as baggage fees, parking fees, and transportation costs (including public transportation fares, taxi/limousine services), shall be reimbursed for actual out-of-pocket costs. Such expenses should be well documented in accordance with university requirements and guidelines.

5.7.2 Travelers may be reimbursed for long-term parking or away-from-the-airport parking. The maximum reimbursement for parking, whether travelers park at the airport or away from the airport, is the economy-lot parking rate for the departure airport.

5.7.3 Conference registration fees shall be paid using a department procurement card, travel card, or by submitting the registration form with the purchase order indicated on the form to the Accounts Payable office for payment.

5.8 Unsubstantiated/Unallowable Expenses

5.8.1 Expenses not directly related to and required for official university travel, or that are incurred for the personal use or convenience of the traveler, shall not be reimbursed. Examples of such expenses include but are not limited to

- 1) Personal entertainment expenses, such as pay TV, movie or game rentals, health club fees, sight-seeing tours, hospitality events, etc.;
- 2) Damages or losses of personal property;
- 3) Expenses incurred by an accompanying adult or personal guest during travel;
- 4) Program loyalty credits used to pay for airline travel, lodging reservations, upgrades or discounts, and/or other travel expenses;
- 5) Expenses for travel associated with typical employment duties, such as commuting between home and place of employment; and
- 6) The purchase of alcohol, tobacco, or other recreational substances.

5.9 Travel Advances

5.9.1 Certain eligible travelers may request travel advances in accordance with university guidelines.

5.9.2 Travel advances are considered personal loans. Funds advanced to the traveler must be accounted for within 30 days of returning from travel. Travel advance payments exceeding actual bona fide travel expenses shall be returned to the University in the amount of the overpayment.



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5.9.3 Travel advances that have not been accounted for within 30 days of travel shall be deducted from the traveler's payroll check in accordance with Utah law.

5.10 Travel Expense Verification and Reimbursement

5.10.1 A completed travel expense report along with all receipts must be submitted to the Travel Office within 30 days of return from travel. Reports that are not submitted within 30 days may not be honored by the University.

5.10.2 Travel expense reports must include a proper receipt for each individual expense of 25 US dollars (USD) or more. Expenses less than 25 USD without a receipt shall be itemized and explained. If the approved travel was for a seminar, conference, convention, or similar function, a copy of the agenda/schedule of events should also be included.

5.10.3 A proper receipt shall be included for expense verification for lodging accommodations, including campgrounds and trailer parks if applicable.

5.10.4 Travel expense receipts that include guest charges should be itemized to reflect only the charges of the authorized traveler on travel expense reports. All guest-incurred expenses shall be deducted from the reimbursement request. Lodging receipts should indicate a single rate. If a traveler hosts an eligible business meal with others while in travel status, the University shall reimburse this particular meal based on the receipt. A list of those attending the meal should be attached to the receipt.

5.10.5 The amount(s) of travel advances granted to the traveler shall be deducted from the final reimbursement amount.

5.10.6 When paying for expenses in foreign currencies, travelers are reimbursed in US dollars at the actual exchange rate for the travel period. A foreign-currency exchange receipt or a credit card billing statement can support the exchange rate.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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Proposed Policy Number and Title: <i>252 International Travel for Students, Faculty, and Staff</i>		
Existing Policy Number and Title: <i>252 International Travel for Students, Faculty, and Staff (Temporary Emergency)</i>		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input checked="" type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy #101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: <u>Regular, Stage 4 BOT Review, June 6, 2017</u>		
President's Council Sponsor: <u>Jeff Olson</u>	Ext.	<u>8048</u>
Policy Steward: <u>Scott Wood, Baldomero Lago</u>	Ext.	<u>8822, 7301</u>

POLICY APPROVAL PROCESS DATES	
Policy Drafting and Revision Entrance Date: <u>08/22/2016</u> University Entities Review Entrance Date: <u>3/16/2017</u> Close Feedback: <u>5/16/2017</u> University Community Review Entrance Date: <u>05/11/2017</u> Open Feedback: <u>05/11/2017</u> Close Feedback: <u>05/24/2017</u> Board of Trustees Review Entrance Date: <u>5/25/2017</u> Approval Date: _____	POST APPROVAL PROCESS Verify: <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update Policy Office personnel who verified and posted this policy to the University Policy Manual Name: _____ Date posted and verified: _____



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POLICY TITLE	International Travel for Students, Faculty, and Staff	Policy Number	252
Section	Financial Affairs and Development	Approval Date	
Subsection	Travel	Effective Date	
Responsible Office	Office of the Senior Vice President of Academic Affairs		

1.0 PURPOSE

1.1 Utah Valley University supports international travel for bona fide university business and education purposes. The University provides opportunities for students, faculty, and staff to travel to attend conferences or professional organization meetings; conduct research; study cultures and languages; promote collaboration with peer institutions; represent the University; and for other sanctioned academic, administrative, and student activities. This policy outlines the authorization process for international travel, ensures university compliance with federal ~~Export export~~ Control-control regulations, establishes safety and security procedures, and addresses other related requirements to mitigate the risks associated with international travel.

2.0 REFERENCES

2.1 49 USC 40118 *Fly America Act*

2.2 US Department of State "Travel Alerts and Warnings"

~~2.2~~2.3 UVU Policy 142 *Export Control*

~~2.3~~2.4 UVU Policy 162 *Sexual Misconduct*

~~2.4~~2.5 UVU Policy 201 *General Fiscal Policies and Procedures*

~~2.5~~2.6 UVU Policy 204 *Appropriateness of Expenditures*

~~2.6~~2.7 UVU Policy 251 *Traveling on University Business*

2.8 UVU Policy 407 *Clery Act Compliance*

~~2.7~~2.9 UVU Policy 541 *Student Rights and Responsibilities Code*

3.0 DEFINITIONS



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3.1 Accompanying adult: An individual 18 years of age or older who is not ~~affiliated with the University~~ a current university employee or student but has been approved through this policy to accompany a ~~university employee participating in~~ an individual who is traveling as part of a university travel programs. This term does not apply to adults ~~not affiliated with the University~~ who are formally registered to participate in extracurricular (non-credit) travel programs.

3.2 Accompanying minor: An individual younger than 18 years of age who is not currently enrolled at the University but has been approved to accompany ~~a university employee (who is his or her/his/her parent or legal guardian)~~ participating in ~~a credit bearing~~ university travel programs.

3.3 CDC Alert Level 3 ~~Warning~~: A warning issued by the US Centers for Disease Control and Prevention (CDC) indicating that travel to a stated area is high risk and non-essential travel should be avoided. The warnings arise from concerns about disease outbreaks, special events or gatherings, natural disasters, or other conditions that may affect travelers' health.

3.4 Export ~~Control~~ control: US laws restricting the shipment, transmission, and transfer of certain items, software, technology, and services from the United States to foreign countries, and the restriction of "deemed exports," which are releases of controlled technology and software source code, visually or verbally, to foreign nationals located in the United States.

3.5 Global Engagement Advisory Board: A group comprised of appointed representatives from Academic Affairs and Student Affairs. This board reviews requests for and makes recommendations for all international travel programs.

3.43.6 High-risk travel: Travel to a country under a CDC Alert Level 3 (3.3) or US Department of State Travel Warning (3.12).

3.7 International travel: Travel to any country or region outside the United States and its territories/possessions, or as specifically defined by contracting agencies.

3.53.8 Personal guest: An individual (who is not an accompanying adult) traveling with a UVU employee who is on university-authorized travel not involving travel programs or students, and whose travel itinerary, arrangements, and expenses for which the University shall not be responsible.

3.63.9 Program director: A full-time university employee designated to supervise a student group participating in a university-authorized domestic or international travel program.

3.73.10 Travel Alert: A communique issued by the US Department of State to identify a particular country or region where short-term events, such as inclement weather, demonstrations, elections, outbreaks of contagious disease, or elevated risks of terrorist attacks, may pose imminent risks to the security of US citizens. Travel Alerts are canceled when such events have passed.



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3.93.11 Traveler: An individual authorized through this policy to travel on bona fide university business (including educational and intercultural travel programs and travel to international conferences, but excluding internships in which the University is not the employer), the expenses of which are paid, in full or in part, by university funding, including grants, contracts, cooperative agreements, etc.

3.93.12 Travel Warning: A communique issued by the US Department of State that strongly warns US citizens against travel in identified countries or regions where long-term conditions, such as unstable government, civil war, ongoing intense crime or violence, embassy closures, or frequent terrorist attacks, may make travel dangerous for US citizens. US government employees generally are not permitted to conduct official or personal travel to a country under a [travel Travel warningWarning](#). Travel Warnings remain in place for as long as the conditions persist and until the country/region stabilizes.

4.0 POLICY

4.1 Scope and Applicability

4.1.1 To ensure the safety of individuals participating in university-authorized international travel, the University establishes travel authorization, insurance, security, and training requirements. Travelers ~~, defined above as individuals authorized through this policy to travel on bona fide university business (including educational and intercultural travel programs and travel to international conferences, but excluding internships in which the University is not the employer), the expenses of which are paid, in full or in part, by university funding, along with their accompanying adults and minors,~~ must comply with the requirements established in this policy.

4.1.2 Travel authorized prior to the enactment of this policy shall be bound by the policies and procedures in place at the time the travel was approved by the University.

4.1.3 In addition to the requirements established in this policy, travelers are responsible for adhering to Policy 251 *Traveling on University Business*.

4.1.4 If travel is not authorized and executed under the requirements of university policy, individuals who thereafter determine to travel without the University's authorization do so at their own risk, assuming all responsibility for costs incurred, harm, complications, detention, and/or death, thereby absolving and releasing the University from all risk, liability, and responsibility for, or ~~associated association with,~~ the unauthorized travel.

4.1.5 University employees who violate this policy, including but not limited to failing to [register with and](#) obtain travel clearance from the University's [International and Multicultural Studies Office for Global Engagement \(GEOIMS\)](#) ~~office~~ and/or failing to comply with the training, release, and other requirements set forth by [GEOIMS](#), may be subject to discipline [through the](#)



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[University](#), up to and including suspension of university international travel privileges and/or termination of employment.

4.2 International Travel Requirements

4.2.1 Travelers must comply with the training, release-~~completion~~, and other requirements set forth by [IMSGEO](#).

4.2.2 University employees must [register with and](#) obtain travel clearance through [or from IMSGEO](#) for themselves and any additional ~~travel participant~~travelers (students, accompanying adults and minors, etc.) before travel. University employees are responsible for ensuring [IMSGEO](#) has a complete record of all persons who intend to travel in any capacity (including accompanying adults and minors), in full or in part, with a university-authorized international traveler or travel group.

4.2.3 Travelers shall comply with all federal ~~Export export Control-control~~ laws [in accordance with Policy 142 Export Controls](#).

4.2.4 International travelers shall ensure that all necessary passport and visa arrangements have been completed prior to the proposed travel date.

~~**4.2.5** Travel insurance acquired through IMS is required for all~~ [All](#) international travelers, including any accompanying adults and/or minor ~~children~~, [must enroll in UVU's currently approved travel insurance plan](#).

~~**4.2.5**~~**4.2.6** Personal guests shall be responsible for obtaining their own travel insurance. [The University strongly recommends that personal guests, when traveling internationally, obtain travel insurance through the same vendor and on the same plan as the university employee with whom they will travel. In cases of emergency or evacuation, the University will be unable to assist uninsured personal guests or those insured through different vendors or on different plans.](#)

~~**4.2.6**~~**4.2.7** Travel funded, in part or in full, through federal grants or contracts must comply with the transportation requirements established in the *Fly America Act*.

4.2.8 To ensure compliance with the terms and conditions of externally sponsored programs, advance approval by the Office of Sponsored Programs and the University's Compliance Officer is required for all foreign travel paid from external funds, including federal grants and contacts.

~~**4.2.7**~~**4.2.9** [Students who are planning to participate in any university-sponsored travel program must be in good academic standing and in compliance with all university policies and procedures, including Policy 541 Student Rights and Responsibilities Code. In addition, students planning to participate in an academic, credit-bearing travel program must be enrolled and registered with the University during the academic semester in which the program will be occurring.](#)



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4.3 Traveling Internationally with Students

4.3.1 University student groups traveling internationally ~~must~~ should be supervised by a program director. Upon review and approval, IMSGEO will permit undergraduate ~~Undergraduate~~ students ~~are not permitted~~ to travel on university business unaccompanied ~~or university-sponsored~~ activities ~~(except student internships) without being accompanied by a university employee with experience in the area to which the students are traveling.~~

4.3.14.3.2 For the University's policy on faculty, staff, and students sharing accommodations, see Policy 251 Traveling on University Business.

4.3.24.3.3 ~~Students participating in international internships may travel unaccompanied,~~ as long as the student completes all internship program requirements, including signing a university travel waiver before traveling to the internship location.

4.4 Accompanying Adults and Minors

4.4.1 ~~Students traveling as part of a study abroad or other international travel group may not bring accompanying adults or minors with them. An accompanying adult may be approved by the Senior Vice President of Academic Affairs (SVPA).~~ Upon approval by IMSGEO and completion of the University's required agreements and releases, adults not affiliated with the University may accompany a university employee on who is leading a study abroad or other international travel group. In such a case, the role of the accompanying adult(s) must be agreed upon in advance, and in writing, between the individual, the program director, and IMSGEO. In no event may an accompanying adult be assigned any supervisory or other university work duties without approval by IMSGEO and Human Resources. ~~Upon approval by IMSGEO and completion of the University's required agreements and releases, minors may accompany a university employee or an approved accompanying adult on a study abroad or other international travel group. The University reserves the right to impose limits and/or conditions on the role, activities, and presence of any adult or minor who accompanies the program. Such limits or conditions shall derive from programmatic concerns related to health, safety, or security as determined by the University. The presence of accompanying adults may not disrupt or alter the study abroad or travel program in any way.~~

4.4.2 Upon approval by GEO and completion of the University's required agreements and releases, minors may accompany a university employee or an approved accompanying adult on a study abroad or other international travel group. However, the program director(s) of a travel program must be available at all times to respond to student needs or emergencies. For this reason, it is not recommended that program directors, other university employees, or accompanying adults participating in university travel programs be accompanied by minor children ~~while participating in university travel programs~~. In certain circumstances, minor children (for whom a traveler has legal guardianship) may be permitted to accompany university employees or accompanying adults on international travel programs with the approval of the



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program director(s) and [IMSGEO](#), and with the completion of, by the minor's ~~parent(s) or~~ legal guardian(s), the University's agreements and releases related to such travel.

4.4.3 Accompanying minors must be ~~accompanied by, and~~ under the direct supervision of, an adult having no formal or informal role in the program (i.e., a full-time caretaker) at all times for the duration of the trip. ~~The presence of accompanying minor children may not disrupt or alter the travel program in any way.~~

4.4.4 Travelers authorized to bring accompanying minors must ensure that all international customs and border patrol requirements pertaining to minor children (both for the United States and for the areas to which they are traveling) are met prior to departure.

4.4.5 The University reserves the right to impose limits and/or conditions on the role, activities, and presence of any adult or minor who accompanies the program. Such limits or conditions shall derive from programmatic concerns related to health, safety, or security, as determined by the University.

4.4.5.4.6 The presence of accompanying adults/minors may not disrupt or alter the study abroad or travel program in any way. In addition to the requirements of this policy, travelers authorized to bring accompanying adults/minors shall also be responsible for the policies pertaining to guest travel set forth in Policy 251 *Traveling on University Business*.

4.4.7 Adults who are not affiliated with the University and not accompanying a university-authorized traveler-employee (i.e., not considered an accompanying adult under this policy) may participate in extracurricular (non-credit) travel programs when formally registered with the program and IMSGEO, and only after program participation priority is given to current students.

4.4.8 Undergraduate students traveling as part of an undergraduate study abroad group or other for-credit, university-sponsored student group shall not be permitted to have personal guests accompany them (unless both are registered students and both have applied and been accepted into the same travel program).

4.4.9 -Graduate students participating in immersion experience trips in UVU graduate programs are permitted to have an accompanying adult travel with them as long as the student and accompanying adult sign all required waivers and other forms, participate in required training, and pay for all travel-related costs associated with the accompanying adult's travel. For international destinations, accompanying adult travel must be approved by the appropriate dean and as recommended by the Global Engagement Advisory Board.

4.5 University Response to US Department of State Risk Advisories

4.5.1 The University endeavors to monitor regions and countries for which the US Department of State issues Travel Alerts or Travel Warnings, for regions under a CDC [Alert](#) Level 3



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Warning, and for countries under sanctions or embargo by the US Department of Treasury where travel by university employees or students might occur.

4.5.1

4.5.2 As set forth in sections 5.3 and 5.4 ~~below~~, the University may prohibit or suspend travel to regions or countries where Travel Alerts or Travel Warnings have been issued. ~~In addition, the University may prohibit or suspend travel to regions or countries to areas~~ experiencing serious outbreaks of infectious disease upon the advice of the University's infectious disease specialist, Emergency Risk Management, and/or warnings from organizations such as the US Centers for Disease Control and Prevention (CDC). ~~The University reserves the authority to cancel or suspend travel to such regions or countries.~~

4.5.24.5.3 In cases where travel is postponed or suspended due to the imposition of a Travel Alert, Travel Warning, or CDC Alert Level 3, the program director, in consultation with the relevant department and GEO, shall determine the amount to be returned to the appropriate program/individual. Whenever possible, personal funds expended for previously authorized travel will be returned to travelers when a trip is cancelled for reasons outside of the travelers' control. Travelers in academic programs who are required to return from travel early due to an active Travel Warning or CDC Alert Level 3 may be eligible to receive full or partial academic credit, pursuant to program objectives and activities completed at the time of departure.

4.5.4 Except in very limited circumstances as authorized by the Senior Vice President of Academic Affairs (SVPAA), the University may not authorize or otherwise sponsor any international academic or extracurricular project in any country or region for which the US Department of State currently has ordered the withdrawal of all US citizens and non-emergency personnel. This restriction shall apply through the date of departure.

4.5.34.5.5 The University shall not require any student or employee (faculty, staff, or administrator) to travel to a country or region for which the US Department of State has issued a Travel Alert or Travel Warning or to areas under a CDC Alert Level 3.

4.6 Mandatory Reporting

4.6.1 As mandated by federal law and in accordance with university Policy 407 ~~Clery Act~~ Campus Safety and Security Compliance, university employees who are traveling with students internationally are required to promptly report to the Chief of UVU Police and the Title IX Coordinator instances of Clery-reportable crimes (as outlined in Policy 407) that are reported to them. In addition, university employees who are traveling with students internationally shall promptly report instances of sexual harassment, discrimination, and/or misconduct that they become aware of to the Title IX Coordinator, in accordance with the procedures outlined in Policy 162 *Sexual Misconduct*.



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4.7 Driving Motor Vehicles while Abroad

4.7.1 Absent exceptional circumstances approved by the program director, students shall not be permitted to drive any motorized vehicle while participating in university-sponsored international travel programs, regardless of whether the student is familiar with the area or the local driving laws and customs. In countries where driving laws are significantly different from those in the United States, such as the United Kingdom, Hong Kong, Australia, or Ireland where drivers travel on the left side of the road, or in other countries where the driver would experience a completely different driving environment, driving will become more of a challenge and insurance coverage can be prohibitive. If a driver is involved in a vehicle accident resulting in damages or injuries to another party, the driver may be detained by local authorities until a settlement is arranged with the injured party. Furthermore, depending upon the extent of damages or injuries to the other party, the driver may face charges filed by the country's judicial authorities.

4.7.2 Program directors or supervising employees who drive motorized vehicles while abroad must have a valid and appropriate license and follow all applicable local laws, ~~and safety precautions, and university policies, including but not limited to refraining from text messaging, talking on the phone, accessing the Web, entering data, taking or viewing pictures or videos, or other activities that might cause a distraction while driving.~~

5.0 PROCEDURES

5.1 International Travel Procedures

5.1.1 Travelers must submit international travel requests and obtain required approvals in accordance with university guidelines. Program directors are responsible for submitting travel requests on behalf of their travel groups. The following documentation and requirements must be completed at least one month prior to departure for the approval of all international travel requests:

- 1) Clearance from [IMSGEO](#) (for international travel involving university student groups)
- 2) Completed and approved travel request [through the university online travel tool; and, if applicable, the Exemption Request for Travel Form \(for groups or individuals participating in high-risk travel\)](#)
- 3) [Assumption of Risk and Release Form for all travelers; and, if applicable, High-Risk Travel Waiver \(for groups or individuals participating in high-risk travel\)](#)
- 3) ~~International Outbound Programs Student Participant Waiver (students) or International Study Programs Staff/Faculty/Volunteer Participant Waiver (employees and volunteers)~~



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4) Enrollment in the University's currently approved travel insurance plan (no later than 14 days prior to departure, unless an exception to this deadline is approved by the SVPA)

4) Acquisition of international travel insurance through IMS

5) Clearance of Export-control requirements

6) Assumption of Risk and Release for UVU International Travel form for each traveler, including for accompanying adults and minors (if applicable)

7) High Risk Travel Waiver (if traveling to a country with a Travel Warning and/or CDC Level 3 Warning), for each traveler, including for accompanying adults and minors (if applicable)

8) Mandatory training required (for faculty and staff traveling with at least one student)

9) Additional requirements deemed necessary by IMSGEO, the Travel Office, and other applicable offices

5.1.2 Travelers shall obtain international travel insurance through the IMS no later than 14 days prior to departure. In cases of extenuating circumstances, exceptions to this deadline may be approved by the Senior Vice President of Academic Affairs.

5.1.2 First-time travelers are required to complete export control/risk management training. When applicable, all travelers are required to submit export control disclosure forms to the University Compliance Office prior to travel. This training and disclosure helps travelers assess whether they will be traveling with items or accessing information abroad for which they must obtain export control clearance. (This training must be retaken every two years.) If it is determined travelers will be traveling with such items or information, they must, in consultation with the University Compliance Officer, meet export control requirements. If such items or information requires a license, travelers are encouraged to consult with University Compliance Office at least six months prior to traveling to better ensure the granting of license by the federal government prior to travel.

5.1.3 Travelers must consult with the University Compliance Officer to obtain clearance of Export Control requirements. If traveling with controlled equipment or technology requiring a license, the traveler should consult with University Compliance at least six months or more prior to departure.

5.1.4.1.3 Travelers shall consult with IMSGEO to determine if there is a US Department of State Travel Warning or Travel Alert or a CDC Alert Level 3 Warning for the countries or regions to which they propose to travel. If such alerts or warnings exist, travelers must meet the requirements and approvals in Sections 5.3 and 5.4 below before proceeding with such travel.



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5.2 Preparation for International Travel

5.2.1 [IMSGEO](#), in collaboration with various risk-related offices across campus responsible for health, safety, and compliance, will provide mandatory health and safety training for all program directors, students, staff, and accompanying guests prior to engaging in travel. A country-specific orientation ~~with an emphasis on safety issues shall~~ may be presented by the program director to all ~~participants~~ travelers ~~with an emphasis on safety issues~~. [IMSGEO](#) will determine how often such trainings must be attended by travelers, including whether ~~a~~ prior training satisfies the requirements for an upcoming trip.

5.2.2 Program directors must ensure that all ~~participants~~ travelers, including students, faculty, staff, and any other accompanying adults/minors, have provided their emergency contacts to [IMSGEO](#) prior to departure. A copy of this information will be distributed to University Marketing and Communications, Risk Management, University Police, and the ~~Sr. Vice President of Academic Affairs~~ [SVPAA](#) or other appropriate vice president.

5.2.3 Program directors are required to send a list of ~~participants~~ travelers, together with itinerary and overseas contact information, to the US ~~Embassy~~ embassy or ~~Consulate~~ consulate nearest to the program site. This registration may be completed online at <https://travelregistration.state.gov>.

5.3 Travel Alert Procedures

5.3.1 When the US Department of State issues a Travel Alert that restricts or otherwise strongly urges US citizens against travel to a country or region, the University's current travel programs in that country/region may be suspended.

5.3.2 New or continuing travel during a Travel Alert, either before the trip has commenced or where travelers are already in the country or region for which a Travel Alert has been issued, will be permitted only if approved by [IMSGEO](#) and the ~~Senior Vice President for Academic Affairs~~ [SVPAA](#), in consultation with the General Counsel and other applicable university officials.

~~**5.3.3** The University shall not require any student or employee (faculty, staff, or administrators) to travel to a country or region for which the US Department of State has issued a Travel Alert.~~

~~**5.3.4** Travelers in academic programs who are required to return from travel early due to an active Travel Alert may be eligible to receive full or partial academic credit pursuant to program objectives and activities completed at time of departure.~~

~~**5.3.5**~~ **5.3.3** Travelers who elect to remain in a country/region under a current Travel Alert without obtaining permission from the University ~~as described in~~ under this policy must recognize that they do so at their own risk, that the University shall retain no further liability for, or association with, the unauthorized travel, and that the travel thereafter shall no longer be eligible for academic credit and/or expense reimbursement from the University.



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~~5.3.6 Whenever possible, personal funds expended for authorized travel will be returned to travelers when a trip is cancelled for reasons outside the travelers' control. In cases where travel is postponed or suspended due to the imposition of a Travel Alert, The program director, in consultation with the relevant department and IMSGEO, shall determine the amount to be returned to the appropriate program/individual. Travelers in academic programs who are required to return from travel early due to an active Travel Alert may be eligible to receive full or partial academic credit pursuant to program objectives and activities completed at time of departure.~~

5.4 ~~Travel Warning/CDC Level 3 Warning~~High-Risk Travel Procedures

5.4.1 The University ~~will~~shall not offer travel programs, and university employees and students should not commence or continue travel, to a country or region that is on the US Department of State Travel Warning or CDC Alert Level 3 ~~Warning~~ list, except in ~~exceptional-unusual~~ and limited circumstances and only if preapproved ~~under-in accordance with~~ this policy. Faculty University employees should avoid submitting abstracts for presentations or conferences in locations on the Travel Warning or CDC Alert Level 3 ~~Warning~~ lists.

5.4.2 Requests for exceptions for faculty, administrators, staff, and students must come to IMSGEO for review and must be approved by the Senior Vice President for Academic Affairs/SVPAA, in consultation with the General Counsel and other applicable university officials. ~~Travels-Travelers~~ who are granted exceptions will be required to sign a-the ~~University's highHigh--Risk Ttravel Wwaiver/release~~.

~~5.4.3 The University shall not require any employee (faculty, staff, or administrator) to travel to a country or region for which the US Department of State has issued a Travel Warning or CDC Level 3 Warning.~~

~~5.4.4~~5.4.3 Travelers who elect to remain in a country/region during a Travel Warning or CDC Alert Level 3 ~~Warning~~ without obtaining permission from the University ~~as described in~~under this policy may be subject to discipline and must recognize that they do so at their own risk, that the University shall retain no further liability for, or association with, the unauthorized travel, and that the travel thereafter shall no longer be eligible for academic credit and/or expense reimbursement from the University.

~~5.4.5 In cases where travel is postponed or suspended due to the imposition of a Travel Warning (or CDC Level 3 Warning), the program director, in consultation with the relevant department and IMSGEO, shall determine the amount to be returned to the appropriate program/individual. Travelers in academic programs who are required to return from travel early due to an active Travel Warning (or CDC Level 3 Warning may be eligible to receive full or partial academic credit pursuant to program objectives and activities completed at time of departure.~~

5.5 International Travel Emergency Procedures



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5.5.1 International travelers must take into consideration the possibility that, should they encounter difficulties abroad, the University and even the US Department of State may be unable to assist.

5.5.2 Prior to departure, all international travelers (including all accompanying adults/minors and personal guests) should register with the US embassy(ies) in the area(s) to which they are traveling.

5.5.3 Should travelers encounter an emergency while abroad, and only if it is safe to do so, they should proceed to the nearest US embassy or consulate for assistance as soon as possible.

5.5.4 Additional resources for assistance while abroad:

- 1) Call Overseas Citizens Services at 1-~~(202)~~-501-4444 (for emergencies or to report a lost or stolen passport).
- 2) Call the local authorities (ambulance, police, etc.).
- 3) Contact ~~or email your~~ family.
- 4) Contact ~~the your~~ on-site program director.
- 5) Contact the Office ~~for of International and Multicultural Studies~~ Global Engagement at 1 (801) 863-8342 during business hours, or after business hours at 1 (801) 863-7301.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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Proposed Policy Number and Title: <i>252 International Travel for Students, Faculty, and Staff</i>		
Existing Policy Number and Title: <i>252 International Travel for Students, Faculty, and Staff (Temporary Emergency)</i>		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input checked="" type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy #101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: <u>Regular, Stage 4 BOT Review, June 6, 2017</u>		
President's Council Sponsor: <u>Jeff Olson</u>	Ext.	<u>8048</u>
Policy Steward: <u>Scott Wood, Baldomero Lago</u>	Ext.	<u>8822, 7301</u>

POLICY APPROVAL PROCESS DATES	
Policy Drafting and Revision Entrance Date: <u>08/22/2016</u> University Entities Review Entrance Date: <u>3/16/2017</u> Close Feedback: <u>5/16/2017</u> University Community Review Entrance Date: <u>05/11/2017</u> Open Feedback: <u>05/11/2017</u> Close Feedback: <u>05/24/2017</u> Board of Trustees Review Entrance Date: <u>5/25/2017</u> Approval Date: _____	POST APPROVAL PROCESS Verify: <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update Policy Office personnel who verified and posted this policy to the University Policy Manual Name: _____ Date posted and verified: _____



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POLICY TITLE	International Travel for Students, Faculty, and Staff	Policy Number	252
Section	Financial Affairs and Development	Approval Date	
Subsection	Travel	Effective Date	
Responsible Office	Office of the Senior Vice President of Academic Affairs		

1.0 PURPOSE

1.1 Utah Valley University supports international travel for bona fide university business and education purposes. The University provides opportunities for students, faculty, and staff to travel to attend conferences or professional organization meetings; conduct research; study cultures and languages; promote collaboration with peer institutions; represent the University; and for other sanctioned academic, administrative, and student activities. This policy outlines the authorization process for international travel, ensures university compliance with federal export control regulations, establishes safety and security procedures, and addresses other related requirements to mitigate the risks associated with international travel.

2.0 REFERENCES

- 2.1** 49 USC 40118 *Fly America Act*
- 2.2** US Department of State “Travel Alerts and Warnings”
- 2.3** UVU Policy 142 *Export Control*
- 2.4** UVU Policy 162 *Sexual Misconduct*
- 2.5** UVU Policy 201 *General Fiscal Policies and Procedures*
- 2.6** UVU Policy 204 *Appropriateness of Expenditures*
- 2.7** UVU Policy 251 *Traveling on University Business*
- 2.8** UVU Policy 407 *Clery Act Compliance*
- 2.9** UVU Policy 541 *Student Rights and Responsibilities Code*

3.0 DEFINITIONS



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3.1 Accompanying adult: An individual 18 years of age or older who is not a current university employee or student but has been approved through this policy to accompany an individual who is traveling as part of a university travel program. This term does not apply to adults who are formally registered to participate in extracurricular (noncredit) travel programs.

3.2 Accompanying minor: An individual younger than 18 years of age who is not currently enrolled at the University but has been approved to accompany his/her legal guardian on a university travel program.

3.3 CDC Alert Level 3: A warning issued by the US Centers for Disease Control and Prevention (CDC) indicating that travel to a stated area is high risk and nonessential travel should be avoided. The warnings arise from concerns about disease outbreaks, special events or gatherings, natural disasters, or other conditions that may affect travelers' health.

3.4 Export control: US laws restricting the shipment, transmission, and transfer of certain items, software, technology, and services from the United States to foreign countries, and the restriction of "deemed exports," which are releases of controlled technology and software source code, visually or verbally, to foreign nationals located in the United States.

3.5 Global Engagement Advisory Board: A group comprised of appointed representatives from Academic Affairs and Student Affairs. This board reviews requests and makes recommendations for all international travel programs.

3.6 High-risk travel: Travel to a country under a CDC Alert Level 3 (3.3) or US Department of State Travel Warning (3.12).

3.7 International travel: Travel to any country or region outside the United States and its territories/possessions, or as specifically defined by contracting agencies.

3.8 Personal guest: An individual (who is not an accompanying adult) traveling with a UVU employee who is on university-authorized travel not involving travel programs or students, and whose travel itinerary, arrangements, and expenses for which the University shall not be responsible.

3.9 Program director: A full-time university employee designated to supervise a student group participating in a university-authorized domestic or international travel program.

3.10 Travel Alert: A communique issued by the US Department of State to identify a particular country or region where short-term events, such as inclement weather, demonstrations, elections, outbreaks of contagious disease, or elevated risks of terrorist attacks, may pose imminent risks to the security of US citizens. Travel Alerts are canceled when such events have passed.

3.11 Traveler: An individual authorized through this policy to travel on bona fide university business (including educational and intercultural travel programs and travel to international



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conferences, but excluding internships in which the University is not the employer), the expenses of which are paid, in full or in part, by university funding, including grants, contracts, cooperative agreements, etc.

3.12 Travel Warning: A communique issued by the US Department of State that strongly warns US citizens against travel in identified countries or regions where long-term conditions, such as unstable government, civil war, ongoing intense crime or violence, embassy closures, or frequent terrorist attacks, may make travel dangerous for US citizens. US government employees generally are not permitted to conduct official or personal travel to a country under a Travel Warning. Travel Warnings remain in place for as long as the conditions persist and until the country/region stabilizes.

4.0 POLICY

4.1 Scope and Applicability

4.1.1 To ensure the safety of individuals participating in university-authorized international travel, the University establishes travel authorization, insurance, security, and training requirements. Travelers must comply with the requirements established in this policy.

4.1.2 Travel authorized prior to the enactment of this policy shall be bound by the policies and procedures in place at the time the travel was approved by the University.

4.1.3 In addition to the requirements established in this policy, travelers are responsible for adhering to Policy 251 *Traveling on University Business*.

4.1.4 If travel is not authorized and executed under the requirements of university policy, individuals who thereafter determine to travel without the University's authorization do so at their own risk, assuming all responsibility for costs incurred, harm, complications, detention, and/or death, thereby absolving and releasing the University from all risk, liability, and responsibility for or association with the unauthorized travel.

4.1.5 University employees who violate this policy, including but not limited to failing to register with and obtain travel clearance from the University's Office for Global Engagement (GEO) and/or failing to comply with the training, release, and other requirements set forth by GEO, may be subject to discipline through the University, up to and including suspension of university international travel privileges and/or termination of employment.

4.2 International Travel Requirements

4.2.1 Travelers must comply with the training, release, and other requirements set forth by GEO.



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4.2.2 University employees must register with and obtain travel clearance through or from GEO for themselves and any additional travelers (students, accompanying adults and minors, etc.) before travel. University employees are responsible for ensuring GEO has a complete record of all persons who intend to travel in any capacity (including accompanying adults and minors), in full or in part, with a university-authorized international traveler or travel group.

4.2.3 Travelers shall comply with all federal export control laws in accordance with Policy 142 *Export Controls*.

4.2.4 International travelers shall ensure that all necessary passport and visa arrangements have been completed prior to the proposed travel date.

4.2.5 All international travelers, including any accompanying adults and/or minors, must enroll in UVU's currently approved travel insurance plan.

4.2.6 Personal guests shall be responsible for obtaining their own travel insurance. The University strongly recommends that personal guests, when traveling internationally, obtain travel insurance through the same vendor and on the same plan as the university employee with whom they will travel. In cases of emergency or evacuation, the University will be unable to assist uninsured personal guests or those insured through different vendors or on different plans.

4.2.7 Travel funded, in part or in full, through federal grants or contracts must comply with the transportation requirements established in the *Fly America Act*.

4.2.8 To ensure compliance with the terms and conditions of externally sponsored programs, advance approval by the Office of Sponsored Programs and the University's Compliance Officer is required for all foreign travel paid from external funds, including federal grants and contacts.

4.2.9 Students who are planning to participate in any university-sponsored travel program must be in good academic standing and in compliance with all university policies and procedures, including Policy 541 *Student Rights and Responsibilities Code*. In addition, students planning to participate in an academic, credit-bearing travel program must be enrolled and registered with the University during the academic semester in which the program will be occurring.

4.3 Traveling Internationally with Students

4.3.1 University student groups traveling internationally should be supervised by a program director. Upon review and approval, GEO will permit undergraduate students to travel on university business unaccompanied.

4.3.2 For the University's policy on faculty, staff, and students sharing accommodations, see Policy 251 *Traveling on University Business*.



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4.3.3 Students participating in international internships may travel unaccompanied as long as the student completes all internship program requirements, including signing a university travel waiver before traveling to the internship location.

4.4 Accompanying Adults and Minors

4.4.1 Upon approval by GEO and completion of the University's required agreements and releases, adults not affiliated with the University may accompany a university employee who is leading a study abroad or other international travel group. In such a case, the role of the accompanying adult(s) must be agreed upon in advance, and in writing, between the individual, the program director, and GEO. In no event may an accompanying adult be assigned any supervisory or other university work duties without approval by GEO and Human Resources.

4.4.2 Upon approval by GEO and completion of the University's required agreements and releases, minors may accompany a university employee or an approved accompanying adult on a study abroad or other international travel group. However, the program director(s) of a travel program must be available at all times to respond to student needs or emergencies. For this reason, it is not recommended that program directors, other university employees, or accompanying adults participating in university travel programs be accompanied by minor children. In certain circumstances, minor children (for whom a traveler has legal guardianship) may be permitted to accompany university employees or accompanying adults on international travel programs with the approval of the program director(s) and GEO, and with the completion of, by the minor's legal guardian(s), the University's agreements and releases related to such travel.

4.4.3 Accompanying minors must be under the direct supervision of an adult having no formal or informal role in the program (i.e., a full-time caretaker) at all times for the duration of the trip.

4.4.4 Travelers authorized to bring accompanying minors must ensure that all international customs and border patrol requirements pertaining to minor children (both for the United States and for the areas to which they are traveling) are met prior to departure.

4.4.5 The University reserves the right to impose limits and/or conditions on the role, activities, and presence of any adult or minor who accompanies the program. Such limits or conditions shall derive from programmatic concerns related to health, safety, or security, as determined by the University.

4.4.6 The presence of accompanying adults/minors may not disrupt or alter the study abroad or travel program in any way. In addition to the requirements of this policy, travelers authorized to bring accompanying adults/minors shall also be responsible for the policies pertaining to guest travel set forth in Policy 251 *Traveling on University Business*.



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4.4.7 Adults who are not affiliated with the University and not accompanying a university-authorized traveler (i.e., not considered an accompanying adult under this policy) may participate in extracurricular (noncredit) travel programs when formally registered with the program and GEO, and only after program participation priority is given to current students.

4.4.8 Undergraduate students traveling as part of an undergraduate study abroad group or other for-credit, university-sponsored student group shall not be permitted to have personal guests accompany them (unless both are registered students and both have applied and been accepted into the same travel program).

4.4.9 Graduate students participating in immersion experience trips in UVU graduate programs are permitted to have an accompanying adult travel with them as long as the student and accompanying adult sign all required waivers and other forms, participate in required training, and pay for all travel-related costs associated with the accompanying adult's travel. For international destinations, accompanying adult travel must be approved by the appropriate dean and as recommended by the Global Engagement Advisory Board.

4.5 University Response to US Department of State Risk Advisories

4.5.1 The University endeavors to monitor regions and countries for which the US Department of State issues Travel Alerts or Travel Warnings, for regions under a CDC Alert Level 3, and for countries under sanctions or embargo by the US Department of Treasury where travel by university employees or students might occur.

4.5.2 As set forth in sections 5.3 and 5.4, the University may prohibit or suspend travel to regions or countries where Travel Alerts or Travel Warnings have been issued or to areas experiencing serious outbreaks of infectious disease upon the advice of the University's infectious disease specialist, Emergency Risk Management, and/or warnings from organizations such as the US Centers for Disease Control and Prevention (CDC).

4.5.3 In cases where travel is postponed or suspended due to the imposition of a Travel Alert, Travel Warning, or CDC Alert Level 3, the program director, in consultation with the relevant department and GEO, shall determine the amount to be returned to the appropriate program/individual. Whenever possible, personal funds expended for previously authorized travel will be returned to travelers when a trip is cancelled for reasons outside of the travelers' control. Travelers in academic programs who are required to return from travel early due to an active Travel Warning or CDC Alert Level 3 may be eligible to receive full or partial academic credit, pursuant to program objectives and activities completed at the time of departure.

4.5.4 Except in very limited circumstances as authorized by the Senior Vice President of Academic Affairs (SVPAA), the University may not authorize or otherwise sponsor any international academic or extracurricular project in any country or region for which the US



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Department of State currently has ordered the withdrawal of all US citizens and nonemergency personnel. This restriction shall apply through the date of departure.

4.5.5 The University shall not require any student or employee (faculty, staff, or administrator) to travel to a country or region for which the US Department of State has issued a Travel Alert or Travel Warning or to areas under a CDC Alert Level 3.

4.6 Mandatory Reporting

4.6.1 As mandated by federal law and in accordance with university Policy 407 *Clery Act Compliance*, university employees who are traveling with students internationally are required to promptly report to the Chief of UVU Police and the Title IX Coordinator instances of Clery-reportable crimes (as outlined in Policy 407) that are reported to them. In addition, university employees who are traveling with students internationally shall promptly report instances of sexual harassment, discrimination, and/or misconduct that they become aware of to the Title IX Coordinator, in accordance with the procedures outlined in Policy 162 *Sexual Misconduct*.

4.7 Driving Motor Vehicles while Abroad

4.7.1 Absent exceptional circumstances approved by the program director, students shall not be permitted to drive any motorized vehicle while participating in university-sponsored international travel programs, regardless of whether the student is familiar with the area or the local driving laws and customs. In countries where driving laws are significantly different from those in the United States, such as the United Kingdom, Hong Kong, Australia, or Ireland where drivers travel on the left side of the road, or in other countries where the driver would experience a completely different driving environment, driving will become more of a challenge and insurance coverage can be prohibitive. If a driver is involved in a vehicle accident resulting in damages or injuries to another party, the driver may be detained by local authorities until a settlement is arranged with the injured party. Furthermore, depending upon the extent of damages or injuries to the other party, the driver may face charges filed by the country's judicial authorities.

4.7.2 Program directors or supervising employees who drive motorized vehicles while abroad must have a valid and appropriate license and follow all applicable local laws, safety precautions, and university policies.

5.0 PROCEDURES

5.1 International Travel Procedures

5.1.1 Travelers must submit international travel requests and obtain required approvals in accordance with university guidelines. Program directors are responsible for submitting travel requests on behalf of their travel groups. The following documentation and requirements must be



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completed at least one month prior to departure for the approval of all international travel requests:

- 1) Clearance from GEO (for international travel involving university student groups)
- 2) Completed and approved travel request through the university online travel tool; and, if applicable, the *Exemption Request for Travel Form* (for groups or individuals participating in high-risk travel)
- 3) *Assumption of Risk and Release Form* for all travelers; and, if applicable, *High-Risk Travel Waiver* (for groups or individuals participating in high-risk travel)
- 4) Enrollment in the University's currently approved travel insurance plan (no later than 14 days prior to departure, unless an exception to this deadline is approved by the SVPAA)
- 5) Clearance of export control requirements
- 6) Mandatory training required for faculty and staff traveling with at least one student
- 7) Additional requirements deemed necessary by GEO, the Travel Office, and other applicable offices

5.1.2 First-time travelers are required to complete export control/risk management training. When applicable, all travelers are required to submit export control disclosure forms to the University Compliance Office prior to travel. This training and disclosure helps travelers assess whether they will be traveling with items or accessing information abroad for which they must obtain export control clearance. This training must be retaken every two years. If it is determined travelers will be traveling with such items or information, they must, in consultation with the University Compliance Officer, meet export control requirements. If such items or information requires a license, travelers are encouraged to consult with University Compliance Office at least six months prior to traveling to better ensure the granting of license by the federal government prior to travel.

5.1.3 Travelers shall consult with GEO to determine if there is a US Department of State Travel Warning or Travel Alert or a CDC Alert Level 3 for the countries or regions to which they propose to travel. If such alerts or warnings exist, travelers must meet the requirements and approvals in sections 5.3 and 5.4 below before proceeding with such travel.

5.2 Preparation for International Travel

5.2.1 GEO, in collaboration with various risk-related offices across campus responsible for health, safety, and compliance, will provide mandatory health and safety training for all program directors, students, staff, and accompanying guests prior to engaging in travel. A country-specific orientation with an emphasis on safety issues may be presented by the program director to all



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travelers. GEO will determine how often such trainings must be attended by travelers, including whether prior training satisfies the requirements for an upcoming trip.

5.2.2 Program directors must ensure that all travelers, including students, faculty, staff, and any other accompanying adults/minors, have provided their emergency contacts to GEO prior to departure. A copy of this information will be distributed to University Marketing and Communications, Risk Management, University Police, and the SVPAA or other appropriate vice president.

5.2.3 Program directors are required to send a list of travelers, together with itinerary and overseas contact information, to the US embassy or consulate nearest to the program site. This registration may be completed online at <https://travelregistration.state.gov>.

5.3 Travel Alert Procedures

5.3.1 When the US Department of State issues a Travel Alert that restricts or otherwise strongly urges US citizens against travel to a country or region, the University's current travel programs in that country/region may be suspended.

5.3.2 New or continuing travel during a Travel Alert, either before the trip has commenced or where travelers are already in the country or region for which a Travel Alert has been issued, will be permitted only if approved by GEO and the SVPAA, in consultation with the General Counsel and other applicable university officials.

5.3.3 Travelers who elect to remain in a country/region under a current Travel Alert without obtaining permission from the University under this policy must recognize that they do so at their own risk, that the University shall retain no further liability for or association with the unauthorized travel, and that the travel thereafter shall no longer be eligible for academic credit and/or expense reimbursement from the University.

5.4 High-Risk Travel Procedures

5.4.1 The University shall not offer travel programs, and university employees and students should not commence or continue travel, to a country or region that is on the US Department of State Travel Warning or CDC Alert Level 3 list, except in unusual and limited circumstances and only if preapproved in accordance with this policy. University employees should avoid submitting abstracts for presentations or conferences in locations on the Travel Warning or CDC Alert Level 3 lists.

5.4.2 Requests for exceptions for faculty, administrators, staff, and students must come to GEO for review and must be approved by the SVPAA, in consultation with the General Counsel and other applicable university officials. Travelers who are granted exceptions will be required to sign the University's *High-Risk Travel Waiver*.



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5.4.3 Travelers who elect to remain in a country/region during a Travel Warning or CDC Alert Level 3 without obtaining permission from the University under this policy may be subject to discipline and must recognize that they do so at their own risk, that the University shall retain no further liability for, or association with, the unauthorized travel, and that the travel thereafter shall no longer be eligible for academic credit and/or expense reimbursement from the University.

5.5 International Travel Emergency Procedures

5.5.1 International travelers must take into consideration the possibility that, should they encounter difficulties abroad, the University and even the US Department of State may be unable to assist.

5.5.2 Prior to departure, all international travelers (including all accompanying adults/minors and personal guests) should register with the US embassy(ies) in the area(s) to which they are traveling.

5.5.3 Should travelers encounter an emergency while abroad, and only if it is safe to do so, they should proceed to the nearest US embassy or consulate for assistance as soon as possible.

5.5.4 Additional resources for assistance while abroad:

- 1) Call Overseas Citizens Services at 1 (202) 501-4444 (for emergencies or to report a lost or stolen passport).
- 2) Call the local authorities (ambulance, police, etc.).
- 3) Contact family.
- 4) Contact the on-site program director.
- 5) Contact the Office for Global Engagement at 1 (801) 863-8342 during business hours, or after business hours at 1 (801) 863-7301.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



UVU BOARD OF TRUSTEES
Agenda Item Coversheet

DATE:	June 22, 2017
TITLE:	Academic Policies <i>Policy 606 Adoption of Course Materials and Textbooks</i> <i>Policy 633 Annual Faculty Reviews</i> <i>Policy 637 Faculty Tenure</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Jeff Olson, Senior Vice President of Academic Affairs/Kat Brown, Associate Vice President of Academic Administration/Mark Bracken, Faculty Senate President
SUBJECT:	<i>Policy 606 Adoption of Course Materials and Textbooks</i> <i>Policy 633 Annual Faculty Reviews</i> <i>Policy 637 Faculty Tenure</i>
BACKGROUND:	<p>These policy proposals have been processed through UVU's regular policy process.</p> <p>The proposed revision to Policy 606 includes:</p> <ul style="list-style-type: none">• Detailed procedures for evaluating and approving the purchase of course materials and text books.• Bring the policy into alignment with Utah State Board of Regents' Policy R465 <i>Course Materials Affordability</i>. <p>The newly proposed Policy 633 standardizes the practice of annual reviews for all full-time faculty. Annual reviews are an essential component of retention, tenure, and promotion. The policy includes processes for establishing improvement plans and resolving disputes of annual review findings.</p> <p>In response to the growth of faculty participating in third-year review and tenure review, the proposed revision to Policy 637</p>

	<ul style="list-style-type: none"> • Provides for and describes the composition and roles of a university RTP advisory committee. • Clarifies the expectations for tenure review portfolios. • Revises the timeline for the review processes.
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve Policy 606, Policy 633, and Policy 637 as presented.” • Amend and approve, “I move to approve, as amended, Policy 606, Policy 633, and Policy 637.” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	\$0.00
EXHIBITS:	<ul style="list-style-type: none"> a. Policy 606 <i>Adoption of Course Materials and Textbooks</i> (with the proposed revisions indicated by markup) b. Policy 606 <i>Adoption of Course Materials and Textbooks</i> (clean copy) c. Policy 633 <i>Annual Faculty Reviews</i> d. Policy 637 <i>Faculty Tenure</i> (with the proposed revisions indicated by markup) e. Policy 637 <i>Faculty Tenure</i> (clean copy)



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Proposed Policy Number and Title: 606 <i>Adoption of Course Materials and Textbooks</i>		
Existing Policy Number and Title: 606 <i>Adoption of Course Materials and Textbooks</i>		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input checked="" type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy #101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: Stage 4, Board of Trustees, June 5, 2017		
President's Council Sponsor: Jeff Olson	Ext.	8048
Policy Steward: Kat Brown, Pilar Hays	Ext.	8700, 5268

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>9/22/2016</u></p> <p>University Entities Review Entrance Date: <u>01/26/2017</u> Close Feedback: <u>03/16/2017</u></p> <p>University Community Review Entrance Date: <u>05/11/2017</u> Open Feedback: <u>05/11/2017</u> Close Feedback: <u>05/24/2017</u></p> <p>Board of Trustees Review Entrance Date: <u>05/25/2017</u> Approval Date: _____</p>	<p style="text-align: center;">POST APPROVAL PROCESS</p> <p>Verify:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update <p>Policy Office personnel who verified and posted this policy to the University Policy Manual Name: _____ Date posted and verified: _____</p>



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POLICY TITLE	Adoption of Course Materials and Textbooks	Policy Number	606
Section	Academics	Approval Date	
Subsection	Instruction and Curriculum	Effective Date	
Responsible Office	Office of the Senior Vice President of Academic Affairs	Effective Date	

1.0 PURPOSE

1.1 This policy establishes procedures regulating the adoption of course materials by university instructors. These procedures will help ensure that selected course materials meet established curricular and quality standards and are priced fairly and affordably for students.

2.0 REFERENCES

2.1 *Higher Education Opportunity Act (HEOA), Section 112: “Textbook Information”*

2.2 *Utah Code 53B-7-105 Higher Education Cost Disclosure*

2.3 *Utah Code 63G-2 Government Records Access and Management Act (GRAMA)*

2.4 *Utah Code 67-16 Utah Public Officers’ and Employees’ Ethics Act*

2.5 *Utah State Board of Regents’ Policy R465 Course Materials Affordability*

2.6 *Utah State Board of Regents’ Policy R511 Tuition Disclosures and Consultation*

2.7 *UVU Policy 114 Conflict of Interest*

2.8 *UVU Policy 135 Use of Copyrighted Materials*

2.9 *UVU Policy 222 Bookstore*

2.10 *UVU Policy 511 Student Fees*

2.11 *UVU Policy 607 Course-Based Fees for Credit Courses*

2.12 *UVU Policy 633 Annual Faculty Reviews*

2.13 *UVU Policy 635 Faculty Rights and Professional Responsibilities*



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2.14 UVU Policy 647 *Faculty Grievance*

2.15 UVU Policy 648 *Faculty Personnel Reduction*

3.0 DEFINITIONS

3.1 Course fee: Fees that are established to offset non-personnel costs associated with individual courses that are not covered by tuition and/or general fees. Examples of such fees include but are not limited to participation in the use of technology-supported delivery or field experiences; access to and the use of specialized instruments, technology, or software; and/or use of consumable laboratory or other specialized instructional materials/resources.

3.2 Course materials: Any required or optional textbooks or other course materials (including but not limited to software, packets, applications, and art supplies), which a student purchases or acquires, that are associated with a given class. Optional course materials are not required to complete course assignments.

3.3 Digital-materials access fee: A fee paid to access required digital materials for the duration of the course. Digital materials are those meant to replace or supplement a print textbook. These fees are assessed upon registration and are not included as a course fee.

3.4 Direct sale: For the purposes of this policy, a transaction between a student and vendor other than the university bookstore for purchase of any course materials.

3.5 Employee: For the purposes of this policy, any individual employed part- or full-time in any capacity by the University.

3.6 Open Educational Resources (OER): Teaching, learning, and research resources that reside in the public domain or have been released under an intellectual-property license that permits their free use and repurposing by others. OER include full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

3.7 Royalties: A sum of money paid under contract to an author from the sales of creative works.

4.0 POLICY

4.1 Instructor Choice of Course Materials

4.1.1 The University respects the right of individual instructors to select their own instructional materials as a right protected under the principles of academic freedom. This right is balanced by



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considerations such as educational quality, cost, availability, department requirements, and/or coordination of curriculum and course materials with other instructors or courses.

4.1.2 A department may determine that all sections of a single course shall use the same course materials. If state higher-education regulatory authorities have established uniform curricular standards for specific courses or require that all sections of a particular course must be consistent, course materials shall conform to those standards. Course materials required across all sections of single course must be approved through the approval process outlined in section 5.1.

4.2 Faculty/Employee-Authored or Faculty/Employee-Compiled Course Materials

4.2.1 Course materials authored or compiled by UVU faculty or employees cannot be listed as required or optional course materials until approved through the review process (see section 5.2). UVU faculty and employees are responsible to submit for review and obtain approval for such authored or compiled course materials.

4.2.2 UVU faculty/employee-authored or faculty/employee-compiled course materials must be competitive in both price and quality with comparable course materials.

4.3 Compliance

4.3.1 It is the responsibility of the faculty author or compiler to ensure compliance with all copyright laws and guidelines, regardless of the authorship of course material(s), in consultation with the Office of General Counsel and UVU Policy 135 *Use of Copyrighted Materials*.

5.0 PROCEDURE

5.1 Course Materials Approval Process

5.1.1 Departments shall use the procedures established in this policy as minimum requirements for course material approvals or individual departments may adopt more stringent practices.

5.1.2 The adoption of all course materials shall be initiated at the department level by the individual faculty member under the direction of the department chair and/or dean, in consultation with the departmental curriculum committee, and in accordance with the procedures outlined below.

5.1.3 All course materials must be approved at least every three years (or when changes are made before the end of the three-year period). An individual instructor's determination of course materials, as well as any committee review of course materials or any other entity's approval of course materials, shall include consideration of these factors:



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- 1) Utility of the course material for achievement of course learning outcomes as determined by the instructor and/or department
- 2) Total cost of the course materials and/or digital-materials access fee for each course
- 3) Use of the same course materials for multiple sections of the same course
- 4) Adoption period and availability of used course materials
- 5) Availability of the course materials at the time of course initiation
- 6) Availability and selection (where appropriate) of Open Educational Resources for which there is no cost and
- 7) Affordability for students

5.1.4 Whenever possible, departments shall place a copy of each required and optional textbook on reserve at the UVU library to provide access for students who cannot afford to purchase the textbook, are unable purchase the textbook at the beginning of the semester, and/or in cases where there are no immediately available copies.

5.1.5 If an instructor is not assigned to a section by the time semester registration begins, the department chair or designee shall select for use in that section course materials that have been approved through the procedures outlined in this policy.

5.1.6 Before course materials can be required of students, faculty must complete the *Approval for Adoption Form* and the *Copyright Compliance, Non-Conflict of Interest Assurance Form*. (These forms are located on the university employee website under the faculty tab.) Faculty shall submit the completed forms to the appropriate department chair.

5.1.7 Each department shall maintain and archive written approvals of course material adoptions. These records are public and subject to internal disclosure and/or the *Government Records Access and Management Act (GRAMA)*.

5.2 Review and Approval of Faculty/Employee-Authored and Faculty/Employee-Compiled Course Materials

5.2.1 Once approved through the review process outlined in section 5.3, faculty/employee-authored material may be assigned.

5.2.2 To arrange commercial publication of course materials, faculty and employee authors shall negotiate directly as private individuals with publishers. The University shall not enter into such negotiations, and the author must not commit the University to any agreement entered into with a



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publisher. Statements by the author promising university adoption of the course materials are strictly prohibited.

5.2.3 Except for reimbursement of out-of-pocket costs, faculty and employees may not accept or retain royalties or any other personal compensation or material benefit from the sale or furnishing of course materials they authored to students in their own classes, in any classes in their department, or department/college for which they have authority to assign or recommend course materials. They may, however, designate such royalties or compensation into a department-wide fund, as approved by the college/school dean in consultation with the university Compliance Officer.

5.3 Committee Review Process

5.3.1 Once received from an instructor, the department chair must approve or deny the course materials/textbook adoption proposal or return it to the faculty member with recommendations. The school/college curriculum committee reviews and approves course materials/textbook proposals forwarded from the department chair. All such proposals must be approved by majority vote of the committee or denied and returned to the faculty member with recommendations.

5.3.2 Curriculum committee recommendations shall be based, at a minimum, on the requirements listed in section 5.1.3 of this policy. The committee will consider the appropriateness of the items to the specific course, materials adopted in similar courses at the University and at other institutions, and the cost to students in comparison with other available materials.

5.3.3 When a curriculum committee decide upon non-adoption of proposed course materials, faculty members may appeal the decision pursuant to Policy 647 *Faculty Grievance*. Until the appeal has been resolved, a faculty member shall not adopt non-approved course materials.

5.4 Dissemination of Course Materials Information

5.4.1 Faculty must provide timely and accurate information regarding course material adoptions to the university bookstore and the administrator of the University's learning management system by the established deadlines. This includes immediate notification of course materials selection and adoption for classes added after semester registration begins.

5.4.2 As soon as is practicable and/or upon the request of the university bookstore, department chairs shall provide the most accurate information available regarding

- 1) The department's course schedule for the subsequent academic period; and
- 2) For each course offered by the department for the subsequent academic period



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- a) If not provided by the instructor, the International Standard Book Number (ISBN) and retail price information of required and optional course materials for each course listed in the course schedule used for preregistration and registration purposes;
- b) The number of students enrolled in the course; and
- c) The maximum student enrollment for the course.

5.4.3 The university bookstore or university-sanctioned suppliers shall post a list of required and optional course materials and the cost of each item in a timely manner and in a conspicuous place. Course materials in the postings shall be clearly labeled as “required” or “optional.” University course schedules shall identify where students can access information regarding the course materials, including the ISBN and retail price.

5.5 Sale of Course Materials

5.5.1 Faculty and employees, whether part-time or full-time, are prohibited from selling materials directly to students for any class, laboratory, project, or other activities sponsored in the name of the University.

5.6 Compliance

5.6.1 A faculty member who violates this policy shall be subject to appropriate discipline pursuant to Policy 648 *Faculty Personnel Reduction* and Policy 633 *Annual Faculty Reviews*.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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POLICY TITLE	Adoption of Course Materials and Textbooks	Policy Number	606
Section	Academics	Approval Date	January 21, 1993
Subsection	Instruction and Curriculum	Effective Date	January 21, 1993
Responsible Office	Office of the Senior Vice President of Academic Affairs		

1.0 PURPOSE

2.0 REFERENCES

3.0 DEFINITIONS

4.0 POLICY

~~4.1 The adoption of all textbooks shall be initiated at the department level and administered under the direction of the dean. A textbook is defined as any written material that students may be required to purchase.~~

5.0 PROCEDURES

~~5.1 The following procedures shall be used as a basis for department policies. More control may be required depending upon the size of faculty, number of courses being offered, and the frequency with which course content must change to meet the needs of students and the work force.~~

~~5.1.1 An individual instructor shall have considerable freedom in the choice of instructional materials to be utilized in his or her courses. However, all textbooks require approval through the outlined committee review process (see section 5.3) at least every three years or when changes are made.~~

~~5.1.2 All sections of a single course shall use the same textbook. Exceptions require the approval of the department chair and the dean.~~



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~~5.1.3 If textbook changes are required more often than annually, approval must be obtained through the outlined committee review process (see section 5.3).~~

~~5.1.4 A faculty authored publication that is required of students must have approval through the review process as outlined in the policy statement. Submission of the publication for review and approval is the responsibility of the faculty member. No required publication authored by UVU employees may be sold to students without the appropriate approvals and completion of forms.~~

~~5.1.4.1 UVU faculty authored publications must be competitive in both price and quality with comparable publications written by non-UVU authors.~~

~~5.1.4.2 UVU faculty authored publications must meet established copyright laws and guidelines.~~

~~5.1.4.3 UVU faculty authored publications for sale to UVU students must have written approval from the departmental committee and the school committee prior to being offered for sale if the publication is non-refereed.~~

~~5.1.4.4 The *UVU Faculty authored Publication Approval Form* and the *Copyright Release, Non-Conflict of Interest Assurance Form* must be completed before faculty authored publications can be offered for sale to students.~~

~~5.1.4.5 Faculty authors shall negotiate directly as private individuals with publishers to arrange commercial publication of materials. UVU shall not enter into such negotiations, and the author must not commit the University to any agreement entered into with a publisher. Statements by the author promising university adoption of the publication are specifically prohibited.~~

~~5.1.4.6 UVU faculty and employees in general are restricted from selling any publications directly to students.~~

5.2 Structure of Committees

~~5.2.1 Department chairs shall appoint department review committees from within their departments to review quality and accuracy of presentation of materials, quality, and appropriateness of content, and pricing structure for all textbooks. Consultants may be used as part of these committees.~~

~~5.2.2 Deans shall appoint school review committees from within their schools. Consultants may be used as part of these committees.~~

~~5.2.3 A university wide committee shall be structured to include a representative from each school, a member at large from the Faculty Senate, a student, a representative from Student Affairs, and an external consultant.~~



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5.3 Committee Review Process

5.3.1 Department review committees shall recommend adoption, modification, or non-adoption of all texts to the appropriate dean.

5.3.2 School review committees shall review all faculty authored, non-refereed texts and recommend adoption, modification, or non-adoption to the appropriate dean.

5.3.3 The university-wide review committee shall review any appeals of faculty in the case of non-adoption recommendations by the department and school committees.

5.4 Approval Forms

5.4.1 Copyright Release, Non-Conflict of Interest Assurance

I (We) _____
author(s) of the publication _____ have complied with all
copyright laws, grants or patents pertaining to included materials and have not knowingly violated same;
and do hereby accept responsibility for such authorship of the above-named publication; and guarantee
Utah Valley University free of any responsibility from damages, costs, and expenses which may arise
from breach of this guarantee.

Furthermore, I/we do guarantee that I/we are not involved in any activities relative to the above-named
publication that might be defined as conflict of interest according to State and/or University regulations.

3 Signature(s) **4** Date

5.4.2 Approval for Adoption

Approval is granted for use of the above-named publication in the following UVU course(s):

Course Number(s) Title(s)

Approved by:

5 Department Review Committee Chairperson **6** Date

7 School Review Committee Chairperson **8** Date

9 Dean **10** Date



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~~11 University-wide Review Committee Chairperson~~

~~12 Date~~

Refereed:

~~Yes No~~

5.4.3 Non-Approval of Textbook Adoption

Approval is *not* granted for the above-named textbook for the following reasons:

~~13 Department Review Committee Chairperson~~

~~14 Date~~

~~15 School Review Committee Chairperson~~

~~16 Date~~

~~17 Dean~~

~~18 Date~~

~~19 University-wide Review Committee Chairperson~~

~~20 Date~~

Copies of this form are to be distributed to:

(1) Author(s), (2) Department Chairperson, (3) Dean, and (4) UVU Bookstore Manager.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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Proposed Policy Number and Title: 633 Annual Faculty Reviews		
Existing Policy Number and Title:		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input checked="" type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy #101 Policy Governing Policies for process details.		

Draft Number and Date: Board of Trustees Review, 6/07/2017		
President's Council Sponsor: Jeff Olson	Ext.	
Policy Steward: Kat Brown, Pilar Hays	Ext.	

POLICY APPROVAL PROCESS DATES	
Policy Drafting and Revision Entrance Date: 07/14/2011	POST APPROVAL PROCESS Verify: <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update
University Entities Review Entrance Date: 01/26/2017 Close Feedback: 03/16/2017	Policy Office personnel who verified and posted this policy to the University Policy Manual Name: _____ Date posted and verified: _____
University Community Review Entrance Date: 04/20/2017 Open Feedback: 04/20/2017 Close Feedback: 05/17/2017	
Board of Trustees Review Entrance Date: 05/25/2017 Approval Date: _____	



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POLICY TITLE	Annual Faculty Reviews	Policy Number	633
Section	Academics	Approval Date	
Subsection	Faculty	Effective Date	
Responsible Office	Office the Senior Vice President of Academic Affairs		

1.0 PURPOSE

1.1 Annual reviews are essential to the meaningful evaluation of tenured, tenure-track, and non-tenure-track faculty members. These reviews are used to help advance faculty members' professional goals and expectations and to foster and support faculty in teaching, scholarship/creative works, service, and compliance with university policies. This policy establishes annual reviews as a mandatory tool to assess each faculty member's performance for retention, tenure, and promotion.

2.0 REFERENCES

2.1 Northwest Commission on Colleges and Universities *Accreditation Standards* 2.B.6: "Human Resources"

2.2 Utah Board of Regents' Policy R481 *Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review*

2.3 UVU Policy 631 *Student Evaluations of Faculty and Courses*

2.4 UVU Policy 632 *Assignment and Advancement in Academic Rank*

2.5 UVU Policy 635 *Faculty Rights and Professional Responsibilities*

2.6 UVU Policy 637 *Faculty Tenure*

2.7 UVU Policy 638 *Post-Tenure Review*

2.8 UVU Policy 641 *Salaried Faculty Workload—Academic Year*

2.9 UVU Policy 644 *Appointment and Responsibilities of Department Chairs*

3.0 DEFINITIONS



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3.1 Annual review: An annual assessment that includes a written report and a personal meeting between a supervisor and a faculty member (including chairs) to document and discuss the faculty member's performance in the past year and future goals in teaching, scholarship/creative works, and service.

3.2 Annual review improvement plan: A written plan developed by the faculty member and supervisor that identifies areas for improvement and a course of action.

3.3 Department: A group of salaried, benefits-eligible faculty members from the same or related disciplines who are authorized by the Senior Vice President of Academic Affairs (SVPAA) to act as an academic unit in evaluating faculty peers for retention, tenure, and promotion.

3.4 Faculty member: An employee hired into a faculty position categorized as a full-time, benefits-eligible employee. In this policy, the term "faculty" means a faculty member whether tenured, tenure-track, or non-tenure track.

3.5 Non-tenure-track faculty: A faculty member in a position ineligible for tenure, including lecturer, appointment in residence, visiting faculty/scholar, senior lecturer, senior appointment in residence, and senior visiting faculty/scholar.

3.6 Post-tenure retention review: The period of time after a failed or partially failed post-tenure review, or two annual reviews that do not meet expectations in a three-year period, when a tenured faculty member is subject to remediation under an improvement plan under this policy.

3.7 Retention, tenure, and promotion (RTP) criteria: Program/department criteria corresponding to teaching, scholarship/creative works, and service, outlining requirements for the achievement of retention (including post-tenure), tenure, and promotion for tenure-track and tenured faculty members, and compliance with university policies.

3.8 Supervisor: In the case of a faculty member, the supervisor is the department chair. In the case of a department chair, the supervisor is the dean.

3.9 Tenure: A status of continued employment, awarded to qualified faculty members, that promotes academic freedom, attracts professionals of ability, and enhances the quality of the University's academic programs.

3.10 Tenure-track faculty: A faculty member in a position eligible for tenure, including assistant professor. May include associate professor and professor if hired into such ranks without tenure.

3.11 University Annual Review Performance Template: An electronic template, supplied by the SVPAA, that includes the minimum criteria for, and is used for the documentation of, faculty members' performance and goals in teaching, scholarship/creative works, service, and compliance with university policies.



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4.0 POLICY

4.1 Supervisors of faculty shall conduct an annual review of each faculty member's performance for purposes of retention, tenure, and promotion. The annual review shall be conducted in a consistent, collegial, and nondiscriminatory manner.

4.2 The Office of the Senior Vice President of Academic Affairs (SVPAA) provides oversight and management of the annual review process, and approves and retains copies of all retention, tenure, and promotion (RTP) criteria.

4.3 Annual reviews shall address compliance with university policies and RTP criteria for teaching, scholarship/creative works, and service. The standards against which faculty are evaluated are established by each department in its RTP criteria. RTP criteria establishes differing standards for tenure, post tenure, rank advancement, non-tenure track and merit reviews. Departmental criteria and procedures shall be consistent with the requirements of *University Annual Review Performance Template* and all university policies and RTP requirements.

4.4 Annual reviews must be completed using the *University Annual Review Performance Template* developed by Faculty Senate in consultation with and approved by the SVPAA. Annual reviews include both an evaluation of the last year's performance and establishment of goals for the upcoming year. Annual reviews are developed by the faculty member and agreed upon with the department chair. The annual plan establishes objectives that must reflect RTP criteria standards corresponding with the faculty member's rank and assigned workload. The annual evaluation assesses the faculty member's achievements against the objectives established in the annual plan.

4.5 To ensure equality and fairness, departments or schools/colleges (if applicable) shall use the same evaluation instruments and methods for all faculty members in the department, and shall ensure that the criteria, procedures, and template are available to all faculty members.

4.6 Annual reviews shall be included in school/college personnel files for non-tenure-track, tenure-track, and tenured faculty members, and shall be available to the dean upon request.

4.7 Annual reviews shall be included in tenure-track/tenured faculty members' portfolios for midterm, tenure, rank advancement, post-tenure, and merit purposes.

4.8 For tenured faculty members, annual reviews shall serve as the primary mechanism for

1) Determining recognition for performance that exceeds expectations. Faculty members who exceed expectations in teaching (which shall weigh more heavily in an annual review), scholarship/creative works, and/or service may be recognized for their achievements. A faculty



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member's primary responsibility is teaching. Any deviation or reassignment from teaching responsibilities must be approved in writing by the faculty member's dean and the SVPAA.

2) Facilitating post-tenure review. A tenured faculty member who receives two annual reviews that do not meet expectations within a three-year period shall participate in the remedial post-tenure review process, per Policy 638 *Post-Tenure Review*.

4.9 For all faculty members, annual reviews provide opportunities to identify areas for improvement in performance and conduct directly related to the faculty member's role and responsibilities.

5.0 PROCEDURE

5.1 Annual Review Process and Key Deadlines

5.1.1 The evaluation period for annual reviews shall be defined as a calendar year. The evaluation component of the annual review shall be based upon the previous calendar year. The performance plan component of the annual review shall address the current calendar year.

5.1.2 To assess a faculty member's performance, departments and schools/colleges shall use the *University Annual Review Performance Template* to document the annual review. The template shall include separate areas to address compliance with university policies and compliance with RTP policies and criteria. Departments and/or schools/colleges may supplement the template with additional requirements consistent with specific criteria of the department/school/college. Departments and schools/colleges shall retain university-required elements in the template.

5.1.3 No later than February 7 each year, Faculty members shall submit the self-review portion of the *University Annual Review Performance Template* to their supervisor and schedule a date and time for the annual review meeting.

5.1.4 At least one calendar week prior to the scheduled annual review meeting, and no later than February 28, the supervisor shall provide a copy of the annual review with any amendments to the faculty member. The supervisor shall not delegate the responsibility for writing or delivering annual reviews.

5.1.4.1 Faculty members' annual evaluations shall be classified as "exceeds expectations," "meets expectations," or "does not meet expectations" based on RTP criteria for teaching, scholarship/creative works, and service established in their previous years' annual plan for the current evaluation period. A failure to meet expectations in teaching will result in an overall evaluation of "does not meet expectations." Faculty members whose evaluation do not meet expectations in any of the three areas must establish objectives in their annual plan that reflect RTP criteria corresponding with their rank and conditions of hire.



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5.1.5 Annual review meetings shall be conducted no later than March 7 each year. At the conclusion of the annual review meeting, both the faculty member and the supervisor shall sign the annual review. In the case of disagreement on the annual review, an appeals process will be conducted under 5.2 of this policy. By signing the review, the faculty member is not signifying agreement with the assessment of the review but acknowledging receipt and discussion of the review.

5.1.6 Department chairs who do not complete annual reviews for each member of their faculty by the specified deadline will receive a “does not meet expectations” rating on their annual review. A faculty member who fail to submit the *University Annual Review Performance Template* by the specified deadline will receive a “does not meet expectations” rating on their annual review. Faculty members shall not be held responsible for their supervisor’s failure to conduct annual reviews.

5.2 Disputing Annual Review Findings

5.2.1 Faculty members who disagree with part or all of their annual review may submit a rebuttal to their supervisor and department/college RTP committee immediately after the annual review meeting but no later than March 14. The department/college RTP committee shall provide a written response to the rebuttal no later than March 19.

5.2.2 Resolution of disputes may include observation of teaching or review of scholarship and/or service activities by a faculty member mutually agreed upon by both the disputing faculty member and the supervisor. Any rebuttal and adjudication documentation shall be included with the relevant annual review in the college files and RTP portfolio. If upon adjudication the disputed annual review or any part thereof is determined to be unfounded, the supervisor shall revise the annual review to include only those portions which have been upheld. If the rebuttal or any part thereof is determined to be unfounded, the faculty member shall revise the rebuttal to include only those portions which have been upheld.

5.2.3 If an additional level of review is requested by any party to the annual review, the matter shall be heard by an ad hoc university-level Faculty Senate committee comprised of full-time tenured faculty and representative(s) of the Office of the SVPAA. The committee shall make a recommendation to the SVPAA. The SVPAA’s decision shall be final.

5.2.4 If a tenured faculty member receives a second annual review that does not meet expectations in a three-year period, the tenured faculty member may provide a rebuttal per section 5.2.1. If the tenured faculty member does not provide a rebuttal to the second review that does not meet expectations, or is found deficient by the department/college RTP committee after an additional review, the faculty member shall be referred to UVU Policy 638 *Post-Tenure Review* to begin the post-tenure retention review process.



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5.2.5 If a faculty member has any remaining disagreement with the rebuttal and materials added to the tenure, rank advancement, or post-tenure review portfolio, such disagreement shall be addressed in accordance with UVU Policy 632 *Assignment and Advancement in Academic Rank*, Policy 637 *Faculty Tenure*, or Policy 638 *Post-Tenure Review*, as warranted.

5.3 Annual Review Improvement Plans

5.3.1 If an annual review or post-tenure review (including any department/college RTP committee evaluation and response) documents that a tenured or tenure-track faculty member's performance falls below expected program/department RTP criteria and university and departmental standards for teaching, scholarship/creative works, service, and/or compliance with university policies, the supervisor and faculty member shall jointly establish a written, detailed improvement plan no later than April 7. If a faculty member and supervisor cannot agree on an improvement plan, the matter shall be taken to the department/college RTP committee who shall make a final decision on the improvement plan.

5.3.2 If an annual review documents that the performance of a non-tenure-track faculty member in a multi-year appointment falls below university and department standards for teaching and/or compliance with university policies, and, if applicable, scholarship/creative works and department service, the supervisor and faculty member shall jointly establish a written, detailed improvement plan no later than April 7. Non-tenure-track faculty in multi-year appointments shall be eligible for annual review improvement plans only with recommendations from the department chair and dean and approval from the SVPAA. Failure of the non-tenure-track faculty member to accept the improvement plan shall result in termination of the appointment at the conclusion of the current academic year.

5.3.3 If an annual review documents that the performance of a non-tenure-track faculty member in a one-year appointment falls below university and department standards for teaching, the faculty member shall not be eligible for a faculty appointment for at least one academic year. Non-tenure-track faculty members in one-year appointments shall not be eligible for annual review improvement plans.

5.3.4 The annual review improvement plan shall be included in the faculty member's department personnel file and review portfolios for midterm, tenure, rank advancement, or post-tenure review, as applicable. A copy of the improvement plan shall also be included in the faculty member's file in the dean's office and the SVPAA's office.



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5.4 Summary of Relevant Dates*

Annual Reviews	
February 7	Deadline for faculty members to complete the required self-review areas on the <i>University Annual Review Performance Template</i> , and other department/school/college annual review forms, if any, that supplement the template.
February 28; at least one week prior to face-to-face meeting	Deadline for supervisors to complete and deliver the appropriate sections of the faculty member's <i>University Annual Review Performance Template</i> and any other department annual review forms, if any, which supplement the template.
March 7	Deadline for the annual review face-to-face meeting between the supervisor and faculty member.
Annual Review Disputes	
March 14	Deadline for faculty member to submit a written rebuttal to the supervisor and department/college RTP committee to request department/college RTP committee's evaluation of the review.
March 19	Deadline for department/college RTP committee's response to faculty member's rebuttal/
Annual Review Improvement Plans	
April 7	If first "does not meet expectations" review in three-year period—deadline for an eligible faculty member (per 5.3) and supervisor to create an improvement plan.
March 21	If second "does not meet expectations" review in three-year period—deadline for supervisor to supply copies of eligible faculty member's (see 5.3) first and second annual reviews that do not meet expectations to department/school RTP committee to begin post-tenure review. (See Policy 638 <i>Post-Tenure Review</i> .)

* If any due date falls on a weekend or holiday, the due date will be extended to the next business day.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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Proposed Policy Number and Title: Policy 637 Faculty Tenure		
Existing Policy Number and Title: Policy 637 Faculty Tenure		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input checked="" type="checkbox"/> Revision–Limited Scope	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy #101 Policy Governing Policies for process details.		

Draft Number and Date: Board of Trustees Review, Regular, Limited Scope, June 6, 2017		
President's Council Sponsor: Mark Bracken, Jeff Olson	Ext.	8739, 8048
Policy Steward: Kat Brown	Ext.	8517

POLICY APPROVAL PROCESS DATES	
Policy Drafting and Revision Entrance Date: 01/26/2017	POST APPROVAL PROCESS
University Entities Review Entrance Date: 03/23/2017 Close Feedback: Completed	Verify: <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update
University Community Review Entrance Date: 04/27/2017 Open Feedback: 04/27/2017 Close Feedback: 05/22/2017	Policy Office personnel who verified and posted this policy to the University Policy Manual
Board of Trustees Review Entrance Date: 05/25/2017 Approval Date: MM/DD/YYYY	Name: _____ Date posted and verified: MM/DD/YYYY

Printed On:

June 7, 2017 June 6, 2017



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POLICY TITLE	Faculty Tenure	Policy Number	637
Section	Academics	Approval Date	June 10, 2010
Subsection	Faculty	Effective Date	June 10, 2010
Responsible Office	Office of the Senior Vice President of Academic Affairs		

1.0 PURPOSE

1.1 This policy establishes the requirements and procedures for achieving tenure at Utah Valley University.

2.0 REFERENCES

2.1 [American Association of University Professors' "1940 Statement of Principles on Academic Freedom and Tenure," AAUP Policy Documents & Reports, Tenth Edition, American Association of University Professors \(AAUP\), 2006.](#)

2.2 Utah Board of Regents' Policy R312 *Configuration of the Utah System of Higher Education and Institutional Missions and Roles*

2.3 Utah Board of Regents' Policy R481 *Academic Freedom, Professional Responsibility and Tenure, Termination, and Post-Tenure Review*

2.4 Utah Board of Regents' Policy R482 *Bona Fide Financial Exigency and Personnel Reduction*

2.5 UVU Policy 631 ~~*Instructor and Course Evaluations*~~[Student Evaluations of Faculty and Courses](#)

2.6 UVU Policy 635 *Faculty Rights and Professional Responsibilities*

2.7 UVU Policy 641 *Salaried Faculty Workload–Academic Year*

2.8 UVU Policy 646 *Faculty Appeals for Retention, Tenure, and Promotion*

2.9 UVU Policy 648 *Faculty ~~Non-Renewal of Appointment, Disciplinary Action, and Termination~~ Personnel Reduction*

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3.0 DEFINITIONS

3.1 Academic year: The period beginning Fall semester and ending with the subsequent Spring semester.

3.2 Department: A group of salaried, benefits-eligible faculty members from the same or related disciplines that are authorized by the Senior Vice President of Academic Affairs ([SVPAA](#)) to act as an academic unit in evaluating faculty peers for retention, tenure, and promotion.

3.3 Faculty portfolio: A collection of documents prepared by a faculty member as evidence of his or her contributions in teaching, scholarly and creative works, and service to his or her profession and the University. Documents may be stored electronically. (See section 5.56.1.)

3.4 Midterm review: A comprehensive review of a faculty member's faculty portfolio to evaluate progress on his or her tenure plan. This review typically takes place during the third year of the probationary period and considers the faculty member's contributions throughout the previous two years of tenure-track service.

3.5 Probationary year: A year in which a faculty member is in a tenure-track position, but is not yet tenured.

3.6 Retention, tenure, and promotion (~~RTP~~) committee ([RTP committee](#)): A group of tenured faculty members that evaluates faculty peers for recommendations for or against retention, tenure, or promotion. RTP committees may serve a single academic department, a cluster of academic departments in the same school, or an entire school. (See section 5.2.)

3.7 Service: For the purposes of this policy, "~~service~~" refers to service activities at the University, to one's profession, and in the community that are clearly related to the faculty member's role. ~~For the purposes of this policy, "service" refers to service activities at the University, to one's profession, and in the community that are clearly related to the faculty role.~~

3.8 Tenure: A condition of continuing employment, awarded to qualified faculty members, that promotes academic freedom, attracts professionals of ability, and enhances the quality of the University's academic programs.

3.9 Tenure plan: An outline of proposed goals and achievements, to be completed by a faculty member during the probationary period, related to teaching, scholarly and creative works, and service.

3.10 Tenure review: A comprehensive review of a faculty member's faculty portfolio to determine whether or not the faculty member shall be awarded tenure. This review typically takes place during the sixth year of the probationary period and considers the faculty member's contributions throughout the previous five years.



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3.11 Tenure review portfolio: The collection of documents consisting of a faculty member's faculty portfolio submitted for evaluation for tenure or midterm review, a copy of the relevant tenure criteria, copies of annual reviews, peer and other evaluations solicited by the RTP committee during the review process, Students Ratings of Instructor (SRI) for the evaluation period, and all applicable recommendations from the RTP committee, department chair, dean, [Senior Vice President of Academic Affairs \(SVPAA\)](#), President [of the University](#), and Board of Trustees, as applicable, as well as any optional written responses of the faculty member submitted during the review process in response to letters of the various reviewers.

3.12 Termination for cause: Dismissal of tenured faculty for professional incompetence, serious misconduct or unethical behavior, serious violation of university policies and procedures, or substantially impaired performance due to health reasons. (See Utah Board of Regents Policy R481.)

3.123.13 -University Retention, Tenure, and Promotion Advisory Committee (Advisory Committee): A Faculty Senate committee charged with reviewing tenure candidates' tenure review portfolios and advising the SVPAA on whether each portfolio satisfies department and university criteria for tenure review portfolios. (See section 5.3.)

3.133.14 University Tenure Board of Review: A standing committee of ~~the~~ Faculty Senate that encourages equity and rigor in department tenure criteria, promotes adherence to the policies of the University, considers appeals of tenure decisions, and advises on matters of tenure policy.

4.0 POLICY

4.1 Awarding of Tenure

4.1.1 Tenure is awarded by the Board of Trustees based upon the recommendations of the RTP committee, department chair, dean, Senior Vice President of Academic Affairs (SVPAA), and the President of the University.

4.1.2 Recommendations of the reviewing bodies are to be based upon university policies and evaluations of the tenure review portfolio with respect to approved department tenure criteria.

4.1.3 Tenure shall be awarded when a faculty member demonstrates sustained, expected levels of teaching effectiveness, scholarly and creative endeavors, and service to [the](#) profession, [the](#) University, and [the](#) community, as set forth in the approved department tenure criteria.

4.1.4 A faculty member's tenure award is tied to one specific academic department. When a faculty member transfers to another department during the probationary period or after tenure, the approved procedures of the new department determine the transfer candidate's tenure status. (See section 5.89.1.)



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4.1.5 Tenured status shall become effective on July 1 following ~~the~~ approval ~~of from~~ the Board of Trustees.

4.2 Development and Review of Criteria for Awarding Tenure

4.2.1 Each department shall develop tenure criteria that establish the expected levels of faculty performance in teaching, scholarly and creative endeavors, and service in accordance with the standards of their respective disciplines, consistent with the principles and practices specified in UVU Policy 635 *Faculty Rights and Professional Responsibilities*, and in accordance with the mission of the University.

4.2.2 Tenure criteria documents shall be sufficiently detailed enough that faculty members can develop a plan for achieving tenure by the end of the probationary period, and shall provide for variations in assigned workload.

4.2.3 Tenure criteria shall undergo multiple levels of review and approval at least every five years to assure clarity and consistency of expectations for tenure across the University. (See section 5.1.)

4.3 Eligibility and Probationary Period

4.3.1 Tenure is only awarded to a faculty member or administrator who has successfully completed a probationary period of tenure-track service at UVU-the University or another regionally accredited or recognized institution.

4.3.2 The probationary period for tenure shall be six years of full-time, tenure-track service.

4.3.3 Probationary years may be fulfilled through previous employment in a tenure-track position at other regionally accredited or recognized international institutions as agreed upon at time of hire.

4.3.4 The probationary period and conditions for awarding tenure may be altered by circumstances ~~which that~~ may include, but are not limited to, stoppage of the tenure clock, department transfer, administrative appointment during the probationary period, or agreements made at the time of hire.

4.3.5 Faculty members who have been notified before the commencement of the final year of the probationary period that their employment shall not be continued are not eligible to apply for tenure.

4.4 Review Process for Tenure

4.4.1 The review process for tenure includes an annual review of the tenure plan and subsequent written feedback from the department chair to a probationary faculty member. Comprehensive

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reviews shall occur at midterm in the probationary period and at the time of consideration for tenure in the final year of the probationary period.

4.4.2 Evaluations for midterm or tenure review shall be based only on the material in the tenure review portfolio. (See section 5.56.2.)

4.4.3 Recommendations regarding retention of a probationary faculty member at midterm shall be made by the RTP committee, department chair, and dean, with final determination regarding retention made by the SVPA.

4.4.4 Recommendations regarding tenure for a probationary faculty member shall be made by the RTP committee, department chair, dean, SVPA, and President [of the University](#), with final determination regarding tenure made by the Board of Trustees.

4.5 Responsibilities of the Tenured Faculty Member and the University

4.5.1 A tenured faculty member shall make ongoing contributions in teaching, scholarly and creative work, and service in support of the mission of the University. Tenure presupposes reciprocal responsibilities between the faculty member and the University. The University shall respect the rights of ~~the~~ faculty pertaining to academic freedom and may not dismiss a tenured faculty member without cause except in the case of a bona fide program or unit discontinuance, or under circumstances of financial exigency.

5.0 PROCEDURES

5.1 Development and Application of Tenure Criteria

5.1.1 Each department shall develop discipline-appropriate tenure criteria, consistent with university policy and mission, and subject to review and approval by the department faculty, dean, SVPA, and President [of the University](#).

5.1.2 The University Tenure Board of Review shall have responsibility for reviewing department tenure criteria for compliance with this policy at least every five years, and may recommend changes in the criteria which shall be subject to review and approval by the department faculty, dean, SVPA, and President [of the University](#).

5.1.3 Deans may also recommend changes to the department tenure criteria, subject to review and approval by the department faculty, SVPA, and President [of the University](#). Any discrepancies between the recommendations of the department faculty and the dean shall be resolved by the SVPA.

5.1.4 Faculty members are evaluated for tenure according to the department tenure criteria in place at the time of hire. Candidates for tenure may, upon their request and if approved by the

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department chair, dean, and SVPAA, be evaluated according to more recent department tenure criteria, should the criteria be revised during their probationary period.

5.2 RTP Committee Composition

5.2.1 An A retention, tenure, and promotion committee (RTP committee) shall consist of an odd number of at least five tenured faculty members elected by a simple majority of the tenured and tenure-track faculty of the department.

5.2.2 When a sufficient number of tenured faculty members is not available and elected in a department, or other conditions exist that make clustering of departments desirable for evaluating faculty, the following options are available:

- 1) Under the direction of the dean, members may be elected by the department tenured and tenure-track faculty from among tenured faculty members in other departments of related disciplines.
- 2) Under the direction of the dean, departments of related disciplines may share the same RTP committee consisting of tenured faculty members elected by the tenured and tenure-track faculty of the affected departments.
- 3) In either case, the final composition of the RTP committee must be approved by the dean.

5.2.3 Department chairs may vote as a faculty member for election of members to serve on RTP committees.

5.2.4 Faculty members in full-time administrative positions may not vote for election of members to serve on RTP committees.

5.2.5 The RTP committee elects annually one of its members as a chair.

5.2.6 A department chair may not serve on the RTP committee of his or her own department.

5.2.7 RTP recommendations are decided by a simple majority vote.

5.2.8 RTP committee members serve a three-year term. Faculty members may serve an unlimited number of terms, but preferably no more than two terms in succession.

5.3 Composition of the University Retention, Tenure, and Promotion Advisory Committee

5.3.1 The University Retention, Tenure, and Promotion Advisory Committee (Advisory Committee) shall consist of one tenured faculty member from each college/school. These committee members shall be nominated through and elected by the college/school tenured and tenure-track faculty. College/school elections shall be conducted the Faculty Senate Elections

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Committee through common procedures. The initial cohort will serve staggered two-year, three-year, or four-year terms. After the members of the initial cohort have completed their term of service, three-year terms shall become the standard term length.

5.3.2 Advisory Committee members shall elect a committee chair from among the members of the committee. The committee chair shall serve in this capacity until his or her term on the committee ends.

5.3.3 Advisory Committee members must demonstrate commitment to the teaching mission of the University, maintain confidentiality, and attend required meetings for the evaluation of tenure review portfolios.

5.3.4 Advisory Committee members are expected to read, understand, and apply

1) University RTP criteria,

2) Department/college RTP criteria as they apply to each candidate being considered for tenure, and

3) University policies.

5.2.85.3.5 Advisory Committee members are also expected to critically review tenure review portfolios against approved department and university requirements and university policies.

5.35.4 Tenure-Related Decisions at the Time of Hire

5.3.15.4.1 Faculty tenure status is determined at the time of initial hire. Faculty hired on the tenure-track typically enter the track in their first probationary year.

5.3.25.4.2 A candidate for hire into a tenure-track position may be granted up to four years toward tenure for equivalent tenure-track experience at other institutions if approved by the dean and SVPAA. A determination of the necessity and timing of a midterm review of candidates for hire who are granted three or four years toward tenure at the time of hire is recommended by the department and approved by the dean and SVPAA. Years awarded toward tenure shall not exceed the number of years actually served at previous institutions in tenure-track.

5.3.35.4.3 If a newly hired faculty member or administrator has been awarded tenure previously at another regionally accredited institution or equivalent, he or she may be awarded tenure at hire, or after a specified period of full-time employment after hire as agreed upon at the time of hire, if approved by the Board of Trustees which shall consider recommendation by the appropriate RTP committee.

5.3.45.4.4 Years awarded toward tenure or the granting of tenure at the time of hire shall be communicated to the faculty candidate in the letter of appointment.

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5.3.55.4.5 For faculty members who begin their employment in a tenure-track position with UVU at some time other than the beginning of Fall semester of the regular academic year, the dean shall recommend and the SVPAA approve the year in which the affected faculty member shall apply for midterm review and/or tenure. This determination shall be made in consultation with the prospective faculty member and documented at time of hire.

5.45.5 Orientation of New Faculty, Development, and Annual Review of the Tenure Plan

5.4.15.5.1 The department chair shall provide a copy of this tenure policy and the approved department-specific tenure criteria to each newly hired tenure-track faculty member within the first month after hire.

5.4.25.5.2 Within the first semester of hire in a tenure-track position, a new faculty member shall meet jointly with the department chair and the chair of the RTP committee to develop the expectations of the faculty member's performance during the probationary period, consistent with established department tenure criteria. The expectations agreed upon constitute the candidate's initial tenure plan. Such expectations shall be clear and reasonable, yet not overly prescriptive, allowing for a broad range of faculty achievement. The tenure plan shall be written, signed by the faculty member, department chair and RTP committee chair, and a copy shall be placed in the faculty member's official personnel file.

5.4.35.5.3 Department chairs shall review and document the faculty member's progress toward tenure in annual reviews. If the faculty member is serving as a department chair while on tenure-track, the dean shall review and document the department chair's progress toward tenure in annual reviews during the faculty member's tenure as department chair.

5.55.6 The Faculty Portfolio and the Tenure Review Portfolio

5.5.15.6.1 Candidates for tenure are responsible for maintaining a faculty portfolio that documents their contributions and accomplishments in teaching, scholarly and creative works, and professional service, consistent with department tenure criteria. The faculty portfolio shall contain at least the following:

- 1) A detailed table of contents listing every entry in the portfolio.
- 2) A brief statement wherein the faculty member describes the nature of his or her contribution to the profession and to the University, the extent to which department expectations were met, any circumstances that helped or hindered his or her progress, and any other information that shall be beneficial to the reviewers in evaluating the material in the portfolio.
- 3) A current curriculum vitae.
- 4) A section containing evidence of achievements in teaching, including a self-assessment of the faculty member's teaching performance and experiences, a supervisor assessment, peer

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assessments, Students Ratings of Instructor (SRI) from all courses taught during the evaluation period, evidence of contributions to curriculum and course development, professional development related to teaching, and any other evidence related to teaching-

5) A section containing evidence of scholarly and/or creative works, such as publications, presentations, performances, and discipline-related professional development-

6) A section containing evidence of discipline-related service to [the](#) department, [the](#) college/school, [the](#) University, [the](#) profession, and [the](#) community-

5.5.25.6.2 The tenure review portfolio is created by the chair of the RTP committee when the faculty member submits his or her faculty portfolio at the time of midterm or tenure review. The RTP committee chair creates the initial tenure review portfolio by combining the following with the faculty portfolio: (1) Copies of the faculty member's annual reviews from the evaluation period, (2) the tenure criteria against which the faculty member shall be evaluated, and (3) all solicited peer evaluations. All reviews of the candidate by the RTP committee, department chair, dean, SVPAA, and President [of the University](#) shall be added to the tenure review portfolio as each respective review is completed.

5.5.35.6.3 During the evaluation process, the contents of the tenure review portfolio shall be kept confidential and only made available to those with responsibility for reviewing the faculty member's portfolio.

5.5.45.6.4 Evaluations

5.5.415.6.4.1 Student evaluations of teaching shall take place each semester for each course assigned to the faculty member. Additional student evaluations may be conducted as determined by the department chair or dean. All student evaluation results shall be included by the faculty member in the faculty portfolio. (See UVU Policy 631 [Instructor and Course Evaluations](#) [Student Evaluations of Faculty and Courses](#).)

5.5.425.6.4.2 In the year of midterm or tenure review, the RTP committee, in consultation with the faculty member and the department chair, shall solicit peer evaluations of the teaching, scholarly or creative works, and service of the faculty member. Soliciting evaluations of scholarly and/or creative work from peers outside the University is encouraged. These evaluations shall be added to the tenure review portfolio by the RTP committee chair. Identification of the peer reviewers shall be known to the RTP committee and others charged with reviewing the tenure review portfolio, but shall not be disclosed to the tenure candidate unless identification becomes material during a tenure appeal.

5.5.435.6.4.3 In the case of midterm review, the RTP committee shall recommend for or against retention of the faculty member in a detailed report. The report shall comment on the strengths and weaknesses of the faculty member relative to the department tenure criteria, and shall

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include the vote tally that led to the final decision. If the decision is to retain the probationary faculty member, the report shall provide comments and recommendations concerning the faculty member's progress toward tenure.

5.5.4.45.6.4.4 In the case of tenure review, the RTP committee shall recommend for or against tenure of the faculty member in a detailed report. The report shall comment on the strengths and weaknesses of the faculty member relative to the department tenure criteria, and shall include the vote tally that led to the final decision.

5.5.4.55.6.4.5 Candor is expected and is critical to both the University and the candidate for tenure in all reviews.

5.5.55.6.5 During the midterm or tenure review process, recommendations by the RTP committee, department chair, dean, and SVPAA, addressed to the person at the next level of review, become part of the tenure review portfolio as it passes to each level of review. Recommendations that disagree with those made at a previous level of review shall be explained in the accompanying recommendation document.

5.5.65.6.6 The tenure review portfolio shall be returned to the faculty member within 14 days after the final decision for midterm or tenure review. Copies of the peer reviews with the identifying information of the peer reviewer redacted shall be included in the candidate's faculty tenure review portfolio when it is returned to the candidate at the end of the review process. Peer reviews with the identifying information of the peer reviewer intact shall be retained in a confidential file in the office of the ~~Senior Vice President of Academic Affairs~~ **SVPAA**. In the case of a negative decision, a copy of the tenure portfolio shall be kept with Academic Affairs until any associated appeal process has concluded.

5.5.75.6.7 Electronic portfolios and hard-copy portfolios shall be handled in the same way. Electronic files used in midterm and tenure reviews must reside in systems provided or approved by the University.

5.65.7 Midterm and Tenure Review Processes

5.6.15.7.1 Unless the faculty member has been notified that his or her employment shall not be continued, the chair of the RTP committee shall notify the faculty member in writing by March 1 of the fifth probationary year that he or she must apply for tenure by September 15 of the next academic year. By March 15 the chair of the RTP committee shall have consulted with the faculty member for input in determining suitable candidates from whom to solicit peer evaluations. (See section 5.~~56~~.4.2.)

5.6.25.7.2 Faculty members apply for midterm review or tenure in the Fall semester of the third or sixth year of the probationary period, respectively. By September 15, faculty members shall apply for midterm review or tenure by submitting a letter of application and their faculty



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portfolio to the chair of the RTP committee. Portfolios and letters of application may be delivered electronically.

5.6.35.7.3 The RTP committee creates the faculty member's tenure review portfolio, which consists initially of the faculty portfolio and the evaluations described in section 5.56. The RTP committee may request any additional information from the faculty member and/or peers that it deems appropriate. The RTP committee shall review the tenure review portfolio according to approved university policy and department tenure criteria. The RTP committee adds its written review and recommendation for or against retention or tenure, as appropriate, to the tenure review portfolio.

5.6.45.7.4 By October 7, the chair of the RTP committee shall forward the tenure review portfolio along with the committee's written recommendation to the department chair (or dean, if the faculty member is a department chair).

5.6.55.7.5 No later than October 21, the department chair shall forward the tenure review portfolio along with a written recommendation to the dean (unless the faculty member is a department chair, in which case the RTP committee forwards the tenure review portfolio directly to the dean).

5.6.65.7.6 By November 7, the dean provides a copy of the solicited peer evaluations (with the identifying information of the peer reviewer redacted) and the recommendations of the RTP committee, department chair, and dean to the candidate. No later than November 14, the faculty member may deliver a written response to all recommendations up to that point to the dean for inclusion in the tenure review portfolio.

5.7.7 No later than December 1, the dean shall forward the tenure review portfolio along with all written recommendations and faculty response, if any, to the SVPAA.

5.7.8 The SVPAA's office shall provide to the Advisory Committee a list of all of the tenure candidates, so that tenure review portfolio assignments for committee members can be made prior to but no later than December 1.

5.6.75.7.9 The Advisory Committee shall assess each tenure review portfolio. Each portfolio will be reviewed by a minimum of three Advisory Committee members. The process and portfolio content-assessment form used by the committee shall be based on university criteria as defined in section 4.2 of this policy and in UVU Policy 635 *Faculty Rights and Professional Responsibilities*. The Advisory Committee review shall verify that each tenure review portfolio (1) fulfills university and department requirements, (2) is complete, (3) has been considered equitably at the prior levels of review, and (4) represents procedural fairness and quality at the prior levels of review. The Advisory Committee shall not review the quality of a tenure review portfolio's specific contents. The Advisory Committee shall complete an assessment form for each tenure review portfolio and classify it as either unproblematic or problematic. If a portfolio



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is found to be problematic, the committee shall provide comments explaining the reason(s). This assessment form will be made available to tenure candidates at the beginning of the tenure process to assist them in the preparation and organization of their tenure review portfolio.

5.7.9.1 Tenure review portfolios shall be deemed unproblematic if they contain all of the following elements:

- 1) The tenure review portfolio contains, in order, all requisite documents addressing the relevant criteria for promotion, tenure, or both.
- 2) The department RTP committee vote was unanimous and clearly based on department and university criteria and university policies.
- 3) A detailed department RTP committee recommendation letter unambiguously, and clearly based on department and university criteria and university policies and without a dissenting or concurring opinion, unanimously recommends promotion and/or tenure, or denial of the same.
- 4) The detailed recommendation letters from the tenure candidate's department chair and dean also unambiguously, and clearly based on department and university criteria and university policies, recommend promotion and/or tenure, or denial of promotion and/or tenure.
- 5) The tenure candidate does not submit in writing within timeframes established by other RTP policies any objection to the criteria applied to his or her review or point to some other factor sufficient to change the review result in response to factors 1–4 above.

5.7.9.2 Tenure review portfolios may be deemed problematic if they contain one or more of the following issues:

- 1) The tenure review portfolio does not contain, in order, all requisite documents addressing the relevant criteria.
- 2) The department RTP committee vote was not unanimous or was not clearly based on department and university criteria and university policies.
- 3) The department RTP letter contains a dissenting or concurring view, sufficient to raise a problem with the tenure candidate's application for tenure.
- 4) The tenure candidate's department chair and/or dean failed to unambiguously support the applicant, or placed a letter in the applicant's file disclosing one or more substantive problems with the applicant meeting the relevant criteria for promotion and/or tenure.



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5) The tenure candidate contests the result of any of the deficiencies or problems contained within items 1–4 above and raises plausible reasons to suspect that the result might have been erroneous.

6) The SVPAA notes that required documents appear to be missing, or present, contrary to the recommendations at any lower level, and wishes additional review for timely clarification.

5.7.9.3 If a portfolio is deemed unproblematic, no further evaluation by the Advisory Committee is required; the Advisory Committee reports that the tenure review portfolio is in order and that no further assessment is necessary. If the portfolio is found to be problematic, the Advisory Committee shall conduct a thorough review of the tenure review portfolio and provide its views on the portfolio as a whole, as well as its views on any of the deficiencies or problems noted. If any problem or deficiency found in the tenure review portfolio is potentially rectifiable or was not adequately considered, the tenure candidate will be given an opportunity to address the problem or deficiency, and the tenure candidate's response shall be included with the Advisory Committee's report. The committee may set a reasonable timeframe of no more than 14 calendar days for the candidate to respond in writing.

5.6.85.7.10 The Advisory Committee shall forward the findings for each tenure review portfolio to the SVPAA no later than January 10. The SVPAA shall make final tenure recommendations based upon university policies and the quality and content of a candidate's tenure review portfolio.

5.7.11 In cases of midterm review, the SVPAA shall review the tenure review portfolio and render a written decision to the faculty member, dean, department chair, and chair of the RTP committee no later than March 1. If the decision is that the midterm faculty member is not to be retained, the candidate shall lose probationary status. The candidate shall be offered a one-year, terminal appointment for the next academic year.

5.6.95.7.12 In cases of tenure review, the SVPAA reviews the tenure review portfolio and forwards his or her written recommendation to the President of the University no later than March 1.

5.6.105.7.13 The President of the University forwards his or her recommendation to the Board of Trustees for consideration at its next meeting. The Board of Trustees decides whether to award or deny tenure. Within 14 days, the SVPAA conveys the decision of the Board of Trustees to the faculty member by letter. Copies of the letter are sent to the dean and department chair. Faculty members who are denied tenure shall be offered a one-year, terminal appointment for the next academic year, except in cases of termination for cause, due to a bona fide program or unit discontinuance, or financial exigency.



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5.6.115.7.14 If a deadline specified in this policy does not fall on a business day, the deadline shall be extended to the next business day. Reasonable exceptions to these dates due to extraordinary circumstances may be allowed if approved by the SVPAA.

5.7.5.8 Summary of Dates in the Midterm and Tenure Review Processes

	Candidate is NOT a Department Chair	Candidate IS a Department Chair
March 1	RTP chair informs candidate of pending tenure application deadline and requests input in choosing peer evaluators.	
March 15	RTP chair receives input from faculty member concerning candidate peer evaluators. Requests for one-year extensions to the probationary period must be received by the department chair by this date (see section 5.910.1).	
April 15	One-year extensions approved or denied by the RTP committee, department chair, dean, and SVPAA .	
September 15	Candidate requests midterm review or tenure by submitting a letter of application and faculty portfolio to the RTP chair.	
October 7	RTP committee submits the tenure review portfolio and recommendation to the department chair.	RTP committee submits the tenure review portfolio and recommendation to the dean.
October 21	Department chair submits tenure review portfolio and recommendation to the dean.	N/A
November 7	Dean delivers a copy of the solicited peer evaluations (with the identifying information of the peer reviewer redacted) and the recommendations of the RTP committee, department chair, and dean to the candidate. Candidate may respond in writing to the dean before November 14.	
November 14	Final date for candidate to submit a written response to the dean.	
November 15 December 1	Dean submits tenure review portfolio, which includes all recommendations and the faculty response, if any, to the SVPAA.	
December 10 – March 1	SVPAA midterm decision due, or SVPAA final tenure recommendation submitted to the President of the University .	
January–March	The President of the University presents recommendation to the Board of Trustees.	
Late March	Board of Trustees approves or denies tenure.	

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February-March/April	Decision delivered to candidate in writing.
March/AprilApril/May	Appeal process, if candidate appeals.
At Conclusion of Process	Candidate retrieves tenure review portfolio (with identifying information of peer reviewers redacted) from the SVPAA.

5.85.9 Adjustments to the Probationary Period

5.8.15.9.1 Department Transfer during the Probationary Period

5.8.115.9.1.1 Probationary years may be fulfilled in more than one department, subject to the recommendation of the respective department chairs, with input from the faculty involved, and if approved by the respective deans and the SVPAA.

5.8.125.9.1.2 When possible, transfers during the probationary period shall be avoided in the years of midterm or tenure review unless the disciplines are so closely related that the tenure plan of the transfer candidate is applicable to the discipline of the new department.

5.8.135.9.1.3 Any change to the length of the probationary period must be requested by the faculty member and approved by the chair of the new department, the dean of the new college/school, if applicable, and the SVPAA.

5.8.25.9.2 Tenure Clock Stoppage

5.8.215.9.2.1 Upon request of a faculty member, the recommendations of the department chair and dean, and the approval of the SVPAA, the probationary period may be interrupted for a specified time when circumstances would justifiably prevent the faculty member from making progress on the tenure plan. Examples of such circumstances that may receive consideration include, but are not limited to, childbirth or adoption, military duty, or other extenuating medical, professional, or personal circumstances.

5.95.10 Request for Extension of the Probationary Period

5.9.15.10.1 One-year extensions to the probationary period for tenure, while rarely granted, are possible. If the faculty member requests a one-year extension, he or she shall submit a letter requesting and justifying the extension to the department chair by March 15 of the fifth year of the probationary period. Extensions to the probationary period shall be approved or denied by the RTP committee, department chair, dean, and SVPAA by April 15 of the faculty member's fifth probationary year.



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5.11 Request for Reduction of the Probationary Period

5.11.1 In rare cases, and when accompanied by extraordinary performance by the faculty member, the probationary period for tenure may be shortened if requested by the faculty member and approved by the applicant's RTP committee, department chair, dean, and SVPAA.

5.12 Administrative Appointments during the Tenure-Track Period

5.12.1 A tenure-track faculty member shall normally retain probationary status while serving in an administrative position within the University. In unusual circumstances, the faculty member's tenure clock may be stopped while serving in an administrative position, if approved by the dean and SVPAA.

5.13 Appeals

5.13.1 Faculty members may appeal decisions relating to a denial of tenure or a non-renewal of appointment resulting from a midterm review according to the provisions and timelines [outlined in](#) UVU Policy 646 *Faculty Appeals for Retention, Tenure, and Promotion*.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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Proposed Policy Number and Title: Policy 637 <i>Faculty Tenure</i>		
Existing Policy Number and Title: Policy 637 <i>Faculty Tenure</i>		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input checked="" type="checkbox"/> Revision–Limited Scope	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy #101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: Board of Trustees Review, Regular, Limited Scope, June 6, 2017		
President's Council Sponsor: Mark Bracken, Jeff Olson	Ext. 8739, 8048	
Policy Steward: Kat Brown	Ext. 8517	

POLICY APPROVAL PROCESS DATES	
Policy Drafting and Revision Entrance Date: 01/26/2017 University Entities Review Entrance Date: 03/23/2017 Close Feedback: Completed University Community Review Entrance Date: 04/27/2017 Open Feedback: 04/27/2017 Close Feedback: 05/22/2017 Board of Trustees Review Entrance Date: 05/25/2017 Approval Date: MM/DD/YYYY	POST APPROVAL PROCESS Verify: <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update Policy Office personnel who verified and posted this policy to the University Policy Manual Name: _____ Date posted and verified: MM/DD/YYYY



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POLICY TITLE	Faculty Tenure	Policy Number	637
Section	Academics	Approval Date	
Subsection	Faculty	Effective Date	
Responsible Office	Office of the Senior Vice President of Academic Affairs		

1.0 PURPOSE

1.1 This policy establishes the requirements and procedures for achieving tenure at Utah Valley University.

2.0 REFERENCES

2.1 American Association of University Professors' *1940 Statement of Principles on Academic Freedom and Tenure*

2.2 Utah Board of Regents' Policy R312 *Configuration of the Utah System of Higher Education and Institutional Missions and Roles*

2.3 Utah Board of Regents' Policy R481 *Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review*

2.4 Utah Board of Regents' Policy R482 *Bona Fide Financial Exigency and Personnel Reduction*

2.5 UVU Policy 631 *Student Evaluations of Faculty and Courses*

2.6 UVU Policy 635 *Faculty Rights and Professional Responsibilities*

2.7 UVU Policy 641 *Salaried Faculty Workload–Academic Year*

2.8 UVU Policy 646 *Faculty Appeals for Retention, Tenure, and Promotion*

2.9 UVU Policy 648 *Faculty Personnel Reduction*



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3.0 DEFINITIONS

3.1 Academic year: The period beginning Fall semester and ending with the subsequent Spring semester.

3.2 Department: A group of salaried, benefits-eligible faculty members from the same or related disciplines that are authorized by the Senior Vice President of Academic Affairs (SVPAA) to act as an academic unit in evaluating faculty peers for retention, tenure, and promotion.

3.3 Faculty portfolio: A collection of documents prepared by a faculty member as evidence of his or her contributions in teaching, scholarly and creative works, and service to his or her profession and the University. Documents may be stored electronically. (See section 5.6.1.)

3.4 Midterm review: A comprehensive review of a faculty member's faculty portfolio to evaluate progress on his or her tenure plan. This review typically takes place during the third year of the probationary period and considers the faculty member's contributions throughout the previous two years of tenure-track service.

3.5 Probationary year: A year in which a faculty member is in a tenure-track position, but is not yet tenured.

3.6 Retention, tenure, and promotion committee (RTP committee): A group of tenured faculty members that evaluates faculty peers for recommendations for or against retention, tenure, or promotion. RTP committees may serve a single academic department, a cluster of academic departments in the same school, or an entire school. (See section 5.2.)

3.7 Service: For the purposes of this policy, refers to service activities at the University, to one's profession, and in the community that are clearly related to the faculty member's role.

3.8 Tenure: A condition of continuing employment, awarded to qualified faculty members, that promotes academic freedom, attracts professionals of ability, and enhances the quality of the University's academic programs.

3.9 Tenure plan: An outline of proposed goals and achievements, to be completed by a faculty member during the probationary period, related to teaching, scholarly and creative works, and service.

3.10 Tenure review: A comprehensive review of a faculty member's faculty portfolio to determine whether or not the faculty member shall be awarded tenure. This review typically takes place during the sixth year of the probationary period and considers the faculty member's contributions throughout the previous five years.



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3.11 Tenure review portfolio: The collection of documents consisting of a faculty member's faculty portfolio submitted for evaluation for tenure or midterm review, a copy of the relevant tenure criteria, copies of annual reviews, peer and other evaluations solicited by the RTP committee during the review process, Students Ratings of Instructor (SRI) for the evaluation period, and all applicable recommendations from the RTP committee, department chair, dean, SVPAA, President of the University, and Board of Trustees, as applicable, as well as any optional written responses of the faculty member submitted during the review process in response to letters of the various reviewers.

3.12 Termination for cause: Dismissal of tenured faculty for professional incompetence, serious misconduct or unethical behavior, serious violation of university policies and procedures, or substantially impaired performance due to health reasons. (See Utah Board of Regents Policy R481.)

3.13 University Retention, Tenure, and Promotion Advisory Committee (Advisory Committee): A Faculty Senate committee charged with reviewing tenure candidates' tenure review portfolios and advising the SVPAA on whether each portfolio satisfies department and university criteria for tenure review portfolios. (See section 5.3.)

3.14 University Tenure Board of Review: A standing committee of Faculty Senate that encourages equity and rigor in department tenure criteria, promotes adherence to the policies of the University, considers appeals of tenure decisions, and advises on matters of tenure policy.

4.0 POLICY

4.1 Awarding of Tenure

4.1.1 Tenure is awarded by the Board of Trustees based upon the recommendations of the RTP committee, department chair, dean, Senior Vice President of Academic Affairs (SVPAA), and the President of the University.

4.1.2 Recommendations of the reviewing bodies are to be based upon university policies and evaluations of the tenure review portfolio with respect to approved department tenure criteria.

4.1.3 Tenure shall be awarded when a faculty member demonstrates sustained, expected levels of teaching effectiveness, scholarly and creative endeavors, and service to the profession, the University, and the community, as set forth in the approved department tenure criteria.

4.1.4 A faculty member's tenure award is tied to one specific academic department. When a faculty member transfers to another department during the probationary period or after tenure, the approved procedures of the new department determine the transfer candidate's tenure status. (See section 5.9.1.)



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4.1.5 Tenured status shall become effective on July 1 following approval from the Board of Trustees.

4.2 Development and Review of Criteria for Awarding Tenure

4.2.1 Each department shall develop tenure criteria that establish the expected levels of faculty performance in teaching, scholarly and creative endeavors, and service in accordance with the standards of their respective disciplines, consistent with the principles and practices specified in UVU Policy 635 *Faculty Rights and Professional Responsibilities*, and in accordance with the mission of the University.

4.2.2 Tenure criteria documents shall be sufficiently detailed enough that faculty members can develop a plan for achieving tenure by the end of the probationary period, and shall provide for variations in assigned workload.

4.2.3 Tenure criteria shall undergo multiple levels of review and approval at least every five years to assure clarity and consistency of expectations for tenure across the University. (See section 5.1.)

4.3 Eligibility and Probationary Period

4.3.1 Tenure is only awarded to a faculty member or administrator who has successfully completed a probationary period of tenure-track service at the University or another regionally accredited or recognized institution.

4.3.2 The probationary period for tenure shall be six years of full-time, tenure-track service.

4.3.3 Probationary years may be fulfilled through previous employment in a tenure-track position at other regionally accredited or recognized international institutions as agreed upon at time of hire.

4.3.4 The probationary period and conditions for awarding tenure may be altered by circumstances that may include but are not limited to stoppage of the tenure clock, department transfer, administrative appointment during the probationary period, or agreements made at the time of hire.

4.3.5 Faculty members who have been notified before the commencement of the final year of the probationary period that their employment shall not be continued are not eligible to apply for tenure.

4.4 Review Process for Tenure

4.4.1 The review process for tenure includes an annual review of the tenure plan and subsequent written feedback from the department chair to a probationary faculty member. Comprehensive



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reviews shall occur at midterm in the probationary period and at the time of consideration for tenure in the final year of the probationary period.

4.4.2 Evaluations for midterm or tenure review shall be based only on the material in the tenure review portfolio. (See section 5.6.2.)

4.4.3 Recommendations regarding retention of a probationary faculty member at midterm shall be made by the RTP committee, department chair, and dean, with final determination regarding retention made by the SVPA.

4.4.4 Recommendations regarding tenure for a probationary faculty member shall be made by the RTP committee, department chair, dean, SVPA, and President of the University, with final determination regarding tenure made by the Board of Trustees.

4.5 Responsibilities of the Tenured Faculty Member and the University

4.5.1 A tenured faculty member shall make ongoing contributions in teaching, scholarly and creative work, and service in support of the mission of the University. Tenure presupposes reciprocal responsibilities between the faculty member and the University. The University shall respect the rights of faculty pertaining to academic freedom and may not dismiss a tenured faculty member without cause except in the case of a bona fide program or unit discontinuance, or under circumstances of financial exigency.

5.0 PROCEDURES

5.1 Development and Application of Tenure Criteria

5.1.1 Each department shall develop discipline-appropriate tenure criteria, consistent with university policy and mission, and subject to review and approval by the department faculty, dean, SVPA, and President of the University.

5.1.2 The University Tenure Board of Review shall have responsibility for reviewing department tenure criteria for compliance with this policy at least every five years, and may recommend changes in the criteria which shall be subject to review and approval by the department faculty, dean, SVPA, and President of the University.

5.1.3 Deans may also recommend changes to the department tenure criteria, subject to review and approval by the department faculty, SVPA, and President of the University. Any discrepancies between the recommendations of the department faculty and the dean shall be resolved by the SVPA.

5.1.4 Faculty members are evaluated for tenure according to the department tenure criteria in place at the time of hire. Candidates for tenure may, upon their request and if approved by the



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department chair, dean, and SVPAA, be evaluated according to more recent department tenure criteria, should the criteria be revised during their probationary period.

5.2 RTP Committee Composition

5.2.1 A retention, tenure, and promotion committee (RTP committee) shall consist of an odd number of at least five tenured faculty members elected by a simple majority of the tenured and tenure-track faculty of the department.

5.2.2 When a sufficient number of tenured faculty members is not available and elected in a department, or other conditions exist that make clustering of departments desirable for evaluating faculty, the following options are available:

- 1) Under the direction of the dean, members may be elected by the department tenured and tenure-track faculty from among tenured faculty members in other departments of related disciplines.
- 2) Under the direction of the dean, departments of related disciplines may share the same RTP committee consisting of tenured faculty members elected by the tenured and tenure-track faculty of the affected departments.
- 3) In either case, the final composition of the RTP committee must be approved by the dean.

5.2.3 Department chairs may vote as a faculty member for election of members to serve on RTP committees.

5.2.4 Faculty members in full-time administrative positions may not vote for election of members to serve on RTP committees.

5.2.5 The RTP committee elects annually one of its members as a chair.

5.2.6 A department chair may not serve on the RTP committee of his or her own department.

5.2.7 RTP recommendations are decided by a simple majority vote.

5.2.8 RTP committee members serve a three-year term. Faculty members may serve an unlimited number of terms, but preferably no more than two terms in succession.

5.3 Composition of the University Retention, Tenure, and Promotion Advisory Committee

5.3.1 The University Retention, Tenure, and Promotion Advisory Committee (Advisory Committee) shall consist of one tenured faculty member from each college/school. These committee members shall be nominated through and elected by the college/school tenured and tenure-track faculty. College/school elections shall be conducted the Faculty Senate Elections



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Committee through common procedures. The initial cohort will serve staggered two-year, three-year, or four-year terms. After the members of the initial cohort have completed their term of service, three-year terms shall become the standard term length.

5.3.2 Advisory Committee members shall elect a committee chair from among the members of the committee. The committee chair shall serve in this capacity until his or her term on the committee ends.

5.3.3 Advisory Committee members must demonstrate commitment to the teaching mission of the University, maintain confidentiality, and attend required meetings for the evaluation of tenure review portfolios.

5.3.4 Advisory Committee members are expected to read, understand, and apply

- 1) University RTP criteria,
- 2) Department/college RTP criteria as they apply to each candidate being considered for tenure, and
- 3) University policies.

5.3.5 Advisory Committee members are also expected to critically review tenure review portfolios against approved department and university requirements and university policies.

5.4 Tenure-Related Decisions at the Time of Hire

5.4.1 Faculty tenure status is determined at the time of initial hire. Faculty hired on the tenure-track typically enter the track in their first probationary year.

5.4.2 A candidate for hire into a tenure-track position may be granted up to four years toward tenure for equivalent tenure-track experience at other institutions if approved by the dean and SVPA. A determination of the necessity and timing of a midterm review of candidates for hire who are granted three or four years toward tenure at the time of hire is recommended by the department and approved by the dean and SVPA. Years awarded toward tenure shall not exceed the number of years actually served at previous institutions in tenure-track.

5.4.3 If a newly hired faculty member or administrator has been awarded tenure previously at another regionally accredited institution or equivalent, he or she may be awarded tenure at hire, or after a specified period of full-time employment after hire as agreed upon at the time of hire, if approved by the Board of Trustees which shall consider recommendation by the appropriate RTP committee.

5.4.4 Years awarded toward tenure or the granting of tenure at the time of hire shall be communicated to the faculty candidate in the letter of appointment.



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5.4.5 For faculty members who begin their employment in a tenure-track position with UVU at some time other than the beginning of Fall semester of the regular academic year, the dean shall recommend and the SVPAA approve the year in which the affected faculty member shall apply for midterm review and/or tenure. This determination shall be made in consultation with the prospective faculty member and documented at time of hire.

5.5 Orientation of New Faculty, Development, and Annual Review of the Tenure Plan

5.5.1 The department chair shall provide a copy of this tenure policy and the approved department-specific tenure criteria to each newly hired tenure-track faculty member within the first month after hire.

5.5.2 Within the first semester of hire in a tenure-track position, a new faculty member shall meet jointly with the department chair and the chair of the RTP committee to develop the expectations of the faculty member's performance during the probationary period, consistent with established department tenure criteria. The expectations agreed upon constitute the candidate's initial tenure plan. Such expectations shall be clear and reasonable, yet not overly prescriptive, allowing for a broad range of faculty achievement. The tenure plan shall be written; signed by the faculty member, department chair and RTP committee chair; and a copy shall be placed in the faculty member's official personnel file.

5.5.3 Department chairs shall review and document the faculty member's progress toward tenure in annual reviews. If the faculty member is serving as a department chair while on tenure-track, the dean shall review and document the department chair's progress toward tenure in annual reviews during the faculty member's tenure as department chair.

5.6 The Faculty Portfolio and the Tenure Review Portfolio

5.6.1 Candidates for tenure are responsible for maintaining a faculty portfolio that documents their contributions and accomplishments in teaching, scholarly and creative works, and professional service, consistent with department tenure criteria. The faculty portfolio shall contain at least the following:

- 1) A detailed table of contents listing every entry in the portfolio
- 2) A brief statement wherein the faculty member describes the nature of his or her contribution to the profession and to the University, the extent to which department expectations were met, any circumstances that helped or hindered his or her progress, and any other information that shall be beneficial to the reviewers in evaluating the material in the portfolio
- 3) A current curriculum vitae
- 4) A section containing evidence of achievements in teaching, including a self-assessment of the faculty member's teaching performance and experiences, a supervisor assessment, peer



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assessments, Students Ratings of Instructor (SRI) from all courses taught during the evaluation period, evidence of contributions to curriculum and course development, professional development related to teaching, and any other evidence related to teaching

5) A section containing evidence of scholarly and/or creative works, such as publications, presentations, performances, and discipline-related professional development

6) A section containing evidence of discipline-related service to the department, the college/school, the University, the profession, and the community

5.6.2 The tenure review portfolio is created by the chair of the RTP committee when the faculty member submits his or her faculty portfolio at the time of midterm or tenure review. The RTP committee chair creates the initial tenure review portfolio by combining the following with the faculty portfolio: (1) Copies of the faculty member's annual reviews from the evaluation period, (2) the tenure criteria against which the faculty member shall be evaluated, and (3) all solicited peer evaluations. All reviews of the candidate by the RTP committee, department chair, dean, SVPA, and President of the University shall be added to the tenure review portfolio as each respective review is completed.

5.6.3 During the evaluation process, the contents of the tenure review portfolio shall be kept confidential and only made available to those with responsibility for reviewing the faculty member's portfolio.

5.6.4 Evaluations

5.6.4.1 Student evaluations of teaching shall take place each semester for each course assigned to the faculty member. Additional student evaluations may be conducted as determined by the department chair or dean. All student evaluation results shall be included by the faculty member in the faculty portfolio. (See UVU Policy 631 *Student Evaluations of Faculty and Courses*.)

5.6.4.2 In the year of midterm or tenure review, the RTP committee, in consultation with the faculty member and the department chair, shall solicit peer evaluations of the teaching, scholarly or creative works, and service of the faculty member. Soliciting evaluations of scholarly and/or creative work from peers outside the University is encouraged. These evaluations shall be added to the tenure review portfolio by the RTP committee chair. Identification of the peer reviewers shall be known to the RTP committee and others charged with reviewing the tenure review portfolio, but shall not be disclosed to the tenure candidate unless identification becomes material during a tenure appeal.

5.6.4.3 In the case of midterm review, the RTP committee shall recommend for or against retention of the faculty member in a detailed report. The report shall comment on the strengths and weaknesses of the faculty member relative to the department tenure criteria, and shall include the vote tally that led to the final decision. If the decision is to retain the probationary



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faculty member, the report shall provide comments and recommendations concerning the faculty member's progress toward tenure.

5.6.4.4 In the case of tenure review, the RTP committee shall recommend for or against tenure of the faculty member in a detailed report. The report shall comment on the strengths and weaknesses of the faculty member relative to the department tenure criteria, and shall include the vote tally that led to the final decision.

5.6.4.5 Candor is expected and is critical to both the University and the candidate for tenure in all reviews.

5.6.5 During the midterm or tenure review process, recommendations by the RTP committee, department chair, dean, and SVPAA, addressed to the person at the next level of review, become part of the tenure review portfolio as it passes to each level of review. Recommendations that disagree with those made at a previous level of review shall be explained in the accompanying recommendation document.

5.6.6 The tenure review portfolio shall be returned to the faculty member within 14 days after the final decision for midterm or tenure review. Copies of the peer reviews with the identifying information of the peer reviewer redacted shall be included in the candidate's faculty tenure review portfolio when it is returned to the candidate at the end of the review process. Peer reviews with the identifying information of the peer reviewer intact shall be retained in a confidential file in the office of the SVPAA. In the case of a negative decision, a copy of the tenure portfolio shall be kept with Academic Affairs until any associated appeal process has concluded.

5.6.7 Electronic portfolios and hard-copy portfolios shall be handled in the same way. Electronic files used in midterm and tenure reviews must reside in systems provided or approved by the University.

5.7 Midterm and Tenure Review Processes

5.7.1 Unless the faculty member has been notified that his or her employment shall not be continued, the chair of the RTP committee shall notify the faculty member in writing by March 1 of the fifth probationary year that he or she must apply for tenure by September 15 of the next academic year. By March 15 the chair of the RTP committee shall have consulted with the faculty member for input in determining suitable candidates from whom to solicit peer evaluations. (See section 5.6.4.2.)

5.7.2 Faculty members apply for midterm review or tenure in the Fall semester of the third or sixth year of the probationary period, respectively. By September 15, faculty members shall apply for midterm review or tenure by submitting a letter of application and their faculty



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portfolio to the chair of the RTP committee. Portfolios and letters of application may be delivered electronically.

5.7.3 The RTP committee creates the faculty member's tenure review portfolio, which consists initially of the faculty portfolio and the evaluations described in section 5.6. The RTP committee may request any additional information from the faculty member and/or peers that it deems appropriate. The RTP committee shall review the tenure review portfolio according to approved university policy and department tenure criteria. The RTP committee adds its written review and recommendation for or against retention or tenure, as appropriate, to the tenure review portfolio.

5.7.4 By October 7, the chair of the RTP committee shall forward the tenure review portfolio along with the committee's written recommendation to the department chair (or dean, if the faculty member is a department chair).

5.7.5 No later than October 21, the department chair shall forward the tenure review portfolio along with a written recommendation to the dean (unless the faculty member is a department chair, in which case the RTP committee forwards the tenure review portfolio directly to the dean).

5.7.6 By November 7, the dean provides a copy of the solicited peer evaluations (with the identifying information of the peer reviewer redacted) and the recommendations of the RTP committee, department chair, and dean to the candidate. No later than November 14, the faculty member may deliver a written response to all recommendations up to that point to the dean for inclusion in the tenure review portfolio.

5.7.7 No later than December 1, the dean shall forward the tenure review portfolio along with all written recommendations and faculty response, if any, to the SVPAA.

5.7.8 The SVPAA's office shall provide to the Advisory Committee a list of all of the tenure candidates, so that tenure review portfolio assignments for committee members can be made prior to but no later than December 1.

5.7.9 The Advisory Committee shall assess each tenure review portfolio. Each portfolio will be reviewed by a minimum of three Advisory Committee members. The process and portfolio content-assessment form used by the committee shall be based on university criteria as defined in section 4.2 of this policy and in UVU Policy 635 *Faculty Rights and Professional Responsibilities*. The Advisory Committee review shall verify that each tenure review portfolio (1) fulfills university and department requirements, (2) is complete, (3) has been considered equitably at the prior levels of review, and (4) represents procedural fairness and quality at the prior levels of review. The Advisory Committee shall not review the quality of a tenure review portfolio's specific contents. The Advisory Committee shall complete an assessment form for each tenure review portfolio and classify it as either unproblematic or problematic. If a portfolio is found to be problematic, the committee shall provide comments explaining the reason(s). This



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assessment form will be made available to tenure candidates at the beginning of the tenure process to assist them in the preparation and organization of their tenure review portfolio.

5.7.9.1 Tenure review portfolios shall be deemed unproblematic if they contain all of the following elements:

- 1) The tenure review portfolio contains, in order, all requisite documents addressing the relevant criteria for promotion, tenure, or both.
- 2) The department RTP committee vote was unanimous and clearly based on department and university criteria and university policies.
- 3) A detailed department RTP committee recommendation letter unambiguously, and clearly based on department and university criteria and university policies and without a dissenting or concurring opinion, unanimously recommends promotion and/or tenure, or denial of the same.
- 4) The detailed recommendation letters from the tenure candidate's department chair and dean also unambiguously, and clearly based on department and university criteria and university policies, recommend promotion and/or tenure, or denial of promotion and/or tenure.
- 5) The tenure candidate does not submit in writing within timeframes established by other RTP policies any objection to the criteria applied to his or her review or point to some other factor sufficient to change the review result in response to factors 1–4 above.

5.7.9.2 Tenure review portfolios may be deemed problematic if they contain one or more of the following issues:

- 1) The tenure review portfolio does not contain, in order, all requisite documents addressing the relevant criteria.
- 2) The department RTP committee vote was not unanimous or was not clearly based on department and university criteria and university policies.
- 3) The department RTP letter contains a dissenting or concurring view, sufficient to raise a problem with the tenure candidate's application for tenure.
- 4) The tenure candidate's department chair and/or dean failed to unambiguously support the applicant, or placed a letter in the applicant's file disclosing one or more substantive problems with the applicant meeting the relevant criteria for promotion and/or tenure.
- 5) The tenure candidate contests the result of any of the deficiencies or problems contained within items 1–4 above and raises plausible reasons to suspect that the result might have been erroneous.



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6) The SVPAA notes that required documents appear to be missing, or present contrary to the recommendations at any lower level, and wishes additional review for timely clarification.

5.7.9.3 If a portfolio is deemed unproblematic, no further evaluation by the Advisory Committee is required; the Advisory Committee reports that the tenure review portfolio is in order and that no further assessment is necessary. If the portfolio is found to be problematic, the Advisory Committee shall conduct a thorough review of the tenure review portfolio and provide its views on the portfolio as a whole, as well as its views on any of the deficiencies or problems noted. If any problem or deficiency found in the tenure review portfolio is potentially rectifiable or was not adequately considered, the tenure candidate will be given an opportunity to address the problem or deficiency, and the tenure candidate's response shall be included with the Advisory Committee's report. The committee may set a reasonable timeframe of no more than 14 calendar days for the candidate to respond in writing.

5.7.10 The Advisory Committee shall forward the findings for each tenure review portfolio to the SVPAA no later than January 10. The SVPAA shall make final tenure recommendations based upon university policies and the quality and content of a candidate's tenure review portfolio.

5.7.11 In cases of midterm review, the SVPAA shall review the tenure review portfolio and render a written decision to the faculty member, dean, department chair, and chair of the RTP committee no later than March 1. If the decision is that the midterm faculty member is not to be retained, the candidate shall lose probationary status. The candidate shall be offered a one-year, terminal appointment for the next academic year.

5.7.12 In cases of tenure review, the SVPAA reviews the tenure review portfolio and forwards his or her written recommendation to the President of the University no later than March 1.

5.7.13 The President of the University forwards his or her recommendation to the Board of Trustees for consideration at its next meeting. The Board of Trustees decides whether to award or deny tenure. Within 14 days, the SVPAA conveys the decision of the Board of Trustees to the faculty member by letter. Copies of the letter are sent to the dean and department chair. Faculty members who are denied tenure shall be offered a one-year, terminal appointment for the next academic year, except in cases of termination for cause, due to a bona fide program or unit discontinuance, or financial exigency.

5.7.14 If a deadline specified in this policy does not fall on a business day, the deadline shall be extended to the next business day. Reasonable exceptions to these dates due to extraordinary circumstances may be allowed if approved by the SVPAA.

5.8 Summary of Dates in the Midterm and Tenure Review Processes



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	Candidate is NOT a Department Chair	Candidate IS a Department Chair
March 1	RTP chair informs candidate of pending tenure application deadline and requests input in choosing peer evaluators.	
March 15	RTP chair receives input from faculty member concerning candidate peer evaluators. Requests for one-year extensions to the probationary period must be received by the department chair by this date (see section 5.10.1).	
April 15	One-year extensions approved or denied by the RTP committee, department chair, dean, and SVPAA.	
September 15	Candidate requests midterm review or tenure by submitting a letter of application and faculty portfolio to the RTP chair.	
October 7	RTP committee submits the tenure review portfolio and recommendation to the department chair.	RTP committee submits the tenure review portfolio and recommendation to the dean.
October 21	Department chair submits tenure review portfolio and recommendation to the dean.	N/A
November 7	Dean delivers a copy of the solicited peer evaluations and the recommendations of the RTP committee, department chair, and dean to the candidate.	
November 14	Final date for candidate to submit a written response to the dean.	
December 1	Dean submits tenure review portfolio, which includes all recommendations and the faculty response, if any, to the SVPAA.	
March 1	SVPAA midterm decision due, or SVPAA final tenure recommendation submitted to the President of the University.	
March	The President of the University presents recommendation to the Board of Trustees.	
Late March	Board of Trustees approves or denies tenure.	
March/April	Decision delivered to candidate in writing.	
April/May	Appeal process, if candidate appeals.	
At Conclusion of Process	Candidate retrieves tenure review portfolio (with identifying information of peer reviewers redacted) from the SVPAA.	

5.9 Adjustments to the Probationary Period



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5.9.1 Department Transfer during the Probationary Period

5.9.1.1 Probationary years may be fulfilled in more than one department, subject to the recommendation of the respective department chairs, with input from the faculty involved, and if approved by the respective deans and the SVPAA.

5.9.1.2 When possible, transfers during the probationary period shall be avoided in the years of midterm or tenure review unless the disciplines are so closely related that the tenure plan of the transfer candidate is applicable to the discipline of the new department.

5.9.1.3 Any change to the length of the probationary period must be requested by the faculty member and approved by the chair of the new department, the dean of the new college/school, if applicable, and the SVPAA.

5.9.2 Tenure Clock Stoppage

5.9.2.1 Upon request of a faculty member, the recommendations of the department chair and dean, and the approval of the SVPAA, the probationary period may be interrupted for a specified time when circumstances would justifiably prevent the faculty member from making progress on the tenure plan. Examples of such circumstances that may receive consideration include, but are not limited to, childbirth or adoption, military duty, or other extenuating medical, professional, or personal circumstances.

5.10 Request for Extension of the Probationary Period

5.10.1 One-year extensions to the probationary period for tenure, while rarely granted, are possible. If the faculty member requests a one-year extension, he or she shall submit a letter requesting and justifying the extension to the department chair by March 15 of the fifth year of the probationary period. Extensions to the probationary period shall be approved or denied by the RTP committee, department chair, dean, and SVPAA by April 15 of the faculty member's fifth probationary year.



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5.11 Request for Reduction of the Probationary Period

5.11.1 In rare cases, and when accompanied by extraordinary performance by the faculty member, the probationary period for tenure may be shortened if requested by the faculty member and approved by the applicant's RTP committee, department chair, dean, and SVPAA.

5.12 Administrative Appointments during the Tenure-Track Period

5.12.1 A tenure-track faculty member shall normally retain probationary status while serving in an administrative position within the University. In unusual circumstances, the faculty member's tenure clock may be stopped while serving in an administrative position, if approved by the dean and SVPAA.

5.13 Appeals

5.13.1 Faculty members may appeal decisions relating to a denial of tenure or a non-renewal of appointment resulting from a midterm review according to the provisions and timelines outlined in UVU Policy 646 *Faculty Appeals for Retention, Tenure, and Promotion*.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



UVU BOARD OF TRUSTEES
Agenda Item Coversheet

DATE:	June 22, 2017
TITLE:	FLSA Policy Bundle: Policies 325, 326, 327, 328, 351
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Linda Makin, Vice President of Planning, Budget, and HR/Karen Clemes, General Counsel, and Mark Wiesenberg, Associate Vice President of Human Resources
SUBJECT:	FLSA Policy Bundle: Policies 325, 326, 327, 328, 351
BACKGROUND:	<p>These policy proposals have been processed through UVU's regular policy process and will replace the temporary emergency policies that will be expiring in December 2017.</p> <p>On May 18, 2016, the Department of Labor (DOL) issued a Final Rule that would have increased the salary threshold under which certain workers may be exempt from FLSA overtime provisions. While implementation of the Final Rule has been stayed by the courts, the preparation for its implementation provided opportunity for review of FLSA-related policies.</p> <p>The proposed policy actions are:</p> <ul style="list-style-type: none">• Revision of Policy 325 <i>Workload for Full-time, Non-Faculty Employees</i>• Deletion of Policy 326 <i>Special Pay for Staff</i>• Revision of Policy 327 <i>Overload for Exempt, Non-Faculty Employees</i>• Deletion of Policy 328 <i>Responsibility for Scheduling and Reporting Working Hours</i>• Deletion of Policy 351 <i>Annual Compensation and Benefits Plan</i>
ALTERNATIVES:	<ul style="list-style-type: none">• Approve as presented, "I move to approve the revision to Policy 325 and Policy 327 as

	<p>presented and the deletion of Policy 326, Policy 328 and Policy 351.”</p> <ul style="list-style-type: none"> • Amend and approve, “I move to approve, as amended Policy 325 and Policy 327 as presented and the deletion of Policy 326, Policy 328 and Policy 351.” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	\$0
EXHIBITS:	<ul style="list-style-type: none"> a. Policy 325 <i>Workload for Full-time, Non-Faculty Employees</i> (with the proposed revisions indicated by markup) b. Policy 325 <i>Workload for Full-time, Non-Faculty Employees</i> (clean copy) c. Policy 326 <i>Special Pay for Staff</i> d. Policy 327 <i>Overload for Exempt, Non-Faculty Employees</i> (with the proposed revisions indicated by markup) e. Policy 327 <i>Overload for Exempt, Non-Faculty Employees</i> (clean copy) f. Policy 328 <i>Responsibility for Scheduling and Reporting Working Hours</i> g. Policy 351 <i>Annual Compensation and Benefits Plan</i>



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Proposed Policy Number and Title: Policy 325 FLSA Compliance: Exempt/Nonexempt Classifications, Wages, and Work Hours

Existing Policy Number and Title: Workload for Full-time, Non-Faculty Employees

Approval Process*

X Regular	Temporary Emergency	Expedited
New	New	New
X Revision	Revision	Revision
Deletion	Suspension	
	Anticipated Expiration Date:	

*See UVU Policy #101 *Policy Governing Policies* for process details.

Draft Number and Date: Board of Trustees Review, Stage 4, May 18, 2017

President's Council Sponsor: Linda Makin **Ext.** _____

Policy Steward: Mark Wiesenberg, Karen Clemes **Ext.** _____

POLICY APPROVAL PROCESS DATES

Policy Drafting and Revision

Entrance Date: 10/20/2016

University Entities Review

Entrance Date: 11/17/2016

University Community Review

Entrance Date: 04/20/2017

Open Feedback: 04/20/2017

Close Feedback: 05/17/2017

Board of Trustees Review

Entrance Date: 05/18/2017

Approval Date: _____

POST APPROVAL PROCESS

Verify:

Policy Number

Section

Title

BOT approval

Approval date

Effective date

Proper format of Policy Manual posting

TOPS Pipeline and Archives update

Policy Office personnel who verified and posted this policy to the University Policy Manual

Name: _____

Date posted and verified: _____

Printed On:

June 8, 2017 May 30, 2017



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POLICY TITLE	FLSA Compliance: Exempt/Nonexempt Classifications, Wages, and Work Hours (Temporary Emergency)	Policy Number	325
Section	Human Resources	Approval Date	
Subsection	Conditions of Employment	Effective Date	
Responsible Office	Office of the Vice President of Planning, Budget, and Human Resources		

1.0 PURPOSE

1.1 Utah Valley University is committed to complying with the federal *Fair Labor Standards Act (FLSA)*, the regulations implementing the FLSA, and applicable state laws governing the wages and hours of its employees. This policy sets forth and explains the University's requirements related to exempt/nonexempt classifications; non-employee workers (temporary staff agency employees, independent contractors, and volunteers); work hours; recording hours and timekeeping; overtime pay and compensatory time; call-in pay and holiday premium pay; meal times, rest breaks, and lactation breaks; paydays and paychecks; and paycheck deductions. This policy applies to all employees of the University, including faculty, staff, administration, and student employees, with specific portions of this policy applying only to nonexempt employees.

2.0 REFERENCES

2.1 *Fair Labor Standards Act of 1938* (as amended)

2.2 29 CFR Parts 510, 516, 531, 541, 548, 553, 778, 785

2.3 Department of Labor *Guidance for Higher Education Institutions on Paying Overtime under the Fair Labor Standards Act* (May 18, 2016)

2.4 UVU Policy 202 *Payroll*

2.5 UVU Policy 210 *Independent Contractors*

2.6 UVU Policy 321 *Employment Classifications and Work Limits*

2.7 UVU Policy 327 [Additional Assignments for Full-time Staff and Executives](#) [Additional Assignments for Full-time Exempt Staff and Executives](#)

2.8 UVU Policy 332 *Work-at-Home*

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2.9 UVU Policy 361 *Leave of Absence*

2.10 UVU Policy 363 *Supplemental and Adjunct/Overload Pay Methods*

2.11 UVU Policy 641 *Salaried Faculty Workload – Academic Year*

3.0 DEFINITIONS

3.1 Compensatory leave: Requested and approved use of compensatory time earned and accrued by a nonexempt employee.

3.2 Compensatory time (comp time): Time off (leave) earned and accrued by a nonexempt employee at a rate of not less than 1½ hours for each overtime hour worked as compensation in lieu of monetary payment.

3.3 Exempt: A classification of employees who meet the applicable FLSA salary level, salary basis, and duties test of one or more of the executive, administrative, academic administrative, or professional exemptions or they are performing non-manual work and paid a total annual compensation that meets the highly compensated employee exemption.

3.4 Full-time employee: An employee hired into a position in which the University has a reasonable belief that the employee will work at least 130 hours per month (30 hours per week) in a 12-month measurement period. A full-time employee is eligible for benefits, including medical insurance.

3.5 Holiday premium pay: Differential rate of pay for employees who are authorized to work on days designated annually by President's Council as UVU holidays.

3.6 Nonexempt: A classification of employees who are paid either by a wage rate or by a salary that is based on a per hour wage rate who primarily perform work that is subject to the overtime provisions of the FLSA who receive time and a half for hours worked beyond 40 hours a week.

3.7 Overtime hours: As defined by FLSA, time worked beyond 40 hours in a work week.

3.8 Overtime pay: Payment for all overtime hours, which is paid at 1½ times a nonexempt employee's regular rate of pay.

3.9 Part-time (variable hour) employee: An employee hired into a position in which the University has a reasonable belief that the employee will work less than 130 hours per month (30 hours per week) in a 12-month measurement period. A part-time (variable hour) employee is not eligible for benefits, including medical insurance.



3.10 Regular rate of pay: The regular rate of pay is the weighted average of the employee's hourly rate, including the employee's hourly wage and any applicable shift differentials. Payments that are not included in the regular rate include pay for expenses incurred on the employer's behalf, weekend or holiday premium pay, discretionary bonuses, gifts and payments in the nature of gifts on special occasions, and payments for occasional periods when no work is performed due to vacation, holidays, or illness.

3.11 Supervisor: A university employee charged with the responsibility for managing the performance and timekeeping of another employee.

3.12 Workweek: Seven consecutive 24-hour periods or 168 consecutive hours. UVU's workweek begins on Saturday at 12:00 a.m. and ends the following Friday at 11:59 p.m.

4.0 POLICY

4.1 Statement/Scope of Policy

4.1.1 The University classifies, pays, and sets its work hour requirements for its employees in accordance with the *Fair Labor Standards Act (FLSA)* and other applicable federal and state law. UVU employees shall comply with the requirements of this policy. UVU supervisors have additional responsibility to consistently administer this policy with respect to employees who report to them.

4.1.2 This policy applies to all persons employed part-time or full-time by Utah Valley University, including faculty, staff, executives, and student employees. Portions of this policy, as indicated herein, apply only to nonexempt employees or only to staff and executive employees. To the extent any other university policy addresses the subjects covered by this policy, this policy takes precedence and controls.

4.1.3 The University may discipline any employee who violates this policy, up to and including termination of employment from the University. A supervisor who directs or requires an employee to violate this policy, or who allows or permits an employee reporting to them to violate this policy, may be subject to disciplinary action, up to and including termination of employment.

4.2 Exempt/Nonexempt Employee Classification

4.2.1 In addition to classifying employees as either full-time or part-time (variable hour) employees (see UVU Policy 321 *Employment Classifications and Work Limits*), the University also classifies each employee as either exempt or nonexempt. Human Resources, in consultation with the Office of General Counsel as needed, shall determine the exempt or nonexempt status of employees based on the requirements of the FLSA, the FLSA's implementing regulations, other applicable legal precedents and guidance, and UVU's compensation philosophy and guidelines,

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and shall notify each employee of their exempt or nonexempt status upon hire, transfer, or promotion. As legal requirements or an employee's job duties change or as departments are restructured, Human Resources may change an employee's exempt/nonexempt classification to meet legal requirements and the University's compensation philosophy and guidelines.

4.2.2 Employees classified by UVU as exempt shall meet the applicable FLSA salary level, salary basis, and duties tests of one or more of the executive, administrative, academic administrative, or professional exemptions or they are performing non-manual work and paid a total annual compensation that meets the highly compensated employee exemption. All faculty whose primary duty is teaching are classified as exempt under the learned professional exemption. Full-time exempt employees are paid on a salary basis and are not entitled to overtime compensation. Adjunct faculty are paid a fixed amount per course and are not entitled to overtime compensation.

4.2.3 Employees who do not meet the requirements in 4.2.2 are classified as nonexempt. Further, UVU may, at its discretion, classify employees who meet the requirements in 4.2.2 as nonexempt based on the University's compensation philosophy and guidelines. All employees classified as nonexempt are covered by the FLSA's minimum wage and overtime provisions. While UVU's nonexempt employees are paid on a salary basis, they shall record, and shall be compensated for, all hours worked using UVU's currently designated time keeping system. They shall also receive compensation (compensatory time or overtime pay) for all hours worked over 40 hours in a workweek.

4.3 Other Worker Classifications

4.3.1 Not all individuals performing services for the University are university employees. At times, the University engages workers who are not employed by UVU, such as independent contractors, consultants, or staffing agency temporary employees, to perform certain services. The University shall not engage such workers unless (1) they meet the applicable legal requirements to be classified as such and (2) a legally compliant agreement or arrangement is in place with or concerning those workers. (See also UVU Policy 210 *Independent Contractors*.)

4.3.2 Individuals not otherwise employed by the University who volunteer their services to the University are excluded from the definition of employee and thus are excluded from coverage by the FLSA. Individuals employed by the University in any capacity shall not volunteer their services to the University if the work is of the same type they or others at the University are employed to perform.



4.4 Work Hours

4.4.1 University offices and departments are typically open to serve students or the public Monday through Friday from 8 a.m. to 5 p.m. Department leaders may establish alternative business hours.

4.4.2 Supervisors are responsible for establishing work schedules for employees that are consistent with university policies and procedures, including overtime provisions. Full-time nonexempt employees are expected to work 40 hours per week, generally eight hours a day, with an unpaid meal period each workday of between 30 minutes and one hour, as directed and approved by their supervisor.

4.4.3 Employees are required to be to work on time. A nonexempt employee who is late, regardless of the reason (including inclement weather), shall, with the approval of his or her supervisor, either make up the lost time by adjusting his or her work schedule or use accrued leave or leave without pay.

4.4.4 Full-time exempt staff and executive employees are expected to work as many hours as needed to complete their job duties and at least 40 hours per week, generally eight hours per day, in accordance with a work schedule established by the supervisor.

4.4.5 Full-time faculty work hours and workloads are addressed separately in UVU Policy 641 *Salaried Faculty Workload–Academic Year*.

4.5 Time and Leave Reporting

4.5.1 All full-time employees, both exempt and nonexempt, shall report all absences from work using UVU's currently designated time keeping system no later than two weeks after the absence. Supervisors shall notify Human Resources if they have an employee with an unplanned absences of more than three days.

4.5.2 Nonexempt employees shall complete and submit a semi-monthly time record that accurately reflects the hours actually worked per week, including approved and unapproved overtime, on-call time, stand-by time, and approved leave time.

4.5.3 The University strictly prohibits off-the-clock work for nonexempt employees. Supervisors shall not permit or instruct nonexempt employees reporting to them to work off the clock. Examples of "off the clock" work include performing work-related functions prior to or after the workday without recording this time. Nonexempt employees shall not work after hours, work at home, or check their [electronic-UVU work-related](#) communications outside of their regular work schedule unless pre-approved to do so by their supervisor. In such approved instances, nonexempt employees shall include such time worked in their time record for that workweek.

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4.5.4 Nonexempt employees who fail to report work hours correctly or who work off the clock may be subject to disciplinary action, up to and including termination of employment. Supervisors who direct a nonexempt employee to submit an incorrect time record, knowingly approve an incorrect time record, or direct a nonexempt employee to work off the clock may be subject to disciplinary action, up to and including termination of employment.

4.6 Overtime Pay and Compensatory Time (Nonexempt Employees)

4.6.1. Nonexempt employees are expected to work a reasonable amount of overtime when requested to do so by their supervisor, particularly in unusual or emergency circumstances. Overtime shall not be worked at the option of the nonexempt employee and, unless necessitated by a natural disaster or other emergency situation, must have prior approval of the appropriate supervisor. Nonexempt employees who work unauthorized overtime shall be paid overtime, but may be subject to disciplinary action, up to and including termination of employment.

4.6.2 Nonexempt employees who work more than 40 hours in a workweek shall be compensated for their overtime hours. Overtime hours shall be compensated through (1) compensatory time accrued at a rate of 1½ hours for each overtime hour worked or (2) overtime pay for each overtime hour worked paid at the overtime pay rate of 1½ times the employee's regular rate of pay.

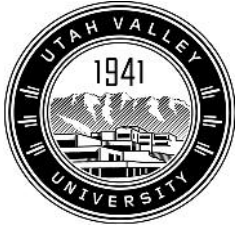
4.6.3 Nonexempt employees who earn compensatory time may accrue a maximum of 120 hours of compensatory leave. Once a nonexempt employee has accrued 120 hours of compensatory leave, any additional overtime hours worked shall be paid as overtime pay.

4.6.4 Supervisors shall arrange for a nonexempt employee's use of compensatory leave as soon as possible after it is accrued and within a reasonable period after the employee's request, if such use does not unduly disrupt university operations or endanger public health, safety, or property.

4.6.5 Nonexempt employees, with appropriate supervisor approval, may be authorized for overtime work other than adjunct teaching within their department/division, and in exceptional circumstances that are for the benefit of the University, in another university division. Authorization for overtime work in another division requires prior approval by the executive leader of both the nonexempt employee's division and the division in which the overtime work will be performed. Information and forms related to these additional overtime assignments are available through Human Resources.

4.7 Call-in and Holiday Premium Pay (Nonexempt Employees)

4.7.1 Nonexempt employees who are called in to work outside of regularly scheduled work hours to work on critical operational duties shall be paid the greater of all time worked or four hours. Such critical operational duties are performed physically at a university campus, facility, or worksite and are determined and authorized by the nonexempt employee's vice president (or vice president).



president's designee). The rate of pay for these hours shall be at the regular rate of pay or at overtime pay as applicable. Call-in pay shall not be paid on a UVU holiday. When a nonexempt employee is asked to work on a UVU holiday, the holiday premium rate of pay shall supersede call-in pay.

4.7.2 Nonexempt employees required by their supervisors to work on a UVU holiday (between ~~12:01 a.m.~~ 12:00 a.m. and ~~12-11:59~~ p.m. on the day of the UVU holiday) are eligible for holiday premium pay. Part-time nonexempt employees receive 1½ their regular hourly pay rate for each hour worked on a UVU holiday. Full-time nonexempt employees receive two times their regular hourly rate of pay for each hour worked on a UVU holiday.

4.8 Meal Periods and Rest Breaks (Nonexempt Employees)

4.8.1 Full-time nonexempt employees shall take one unpaid duty-free meal (lunch) period of not less than 30 minutes and no longer than one hour each workday, generally in the middle of the workday or as otherwise scheduled with the employee's supervisor. Nonexempt employees may not miss meal periods to shorten a work day without supervisor approval.

4.8.2 Full-time and part-time nonexempt employees may take one 15-minute paid rest break for every four hours worked. Rest breaks are not to be used (1) to offset late arrival or early departure from the worksite, (2) to extend the meal period, or (3) to accumulate paid time off from one day to the next.

4.9 Payment of Wages, Deductions, and Administrative Pay Corrections

4.9.1 Full-time exempt and nonexempt employees are paid on a salaried basis. Part-time (variable hour) employees, with the exception of adjunct faculty, are paid on an hourly rate basis. Adjunct faculty are paid a fixed amount per course taught spread in even payments across the term of the course instructed (typically a semester); additional non-teaching assignments are paid on an hourly rate basis and shall be pre-approved by the department chair, reported, and compensated in accordance with UVU Policy 321 *Employment Classifications and Work Limits*.

4.9.2 All employees receive their pay on a semi-monthly basis. Employees are paid one half month after the completion of a pay period. Pay for the first half of the month (days 1–15) is paid the first working day of the following month. Pay for the second half of the month (day 16–last day) is paid on the 16th of the following month.

4.9.3 When a payday falls on a Saturday, pay is generally issued on Friday. When a payday falls on a Sunday, pay is generally issued on Monday. If a payday falls on a UVU holiday during the



week, pay is generally issued the working day immediately prior to the holiday. The Payroll Office publishes a detailed pay schedule on its website.

4.9.4 Utah Valley University shall make all legally required deductions from employees' pay. These deductions include Social Security, payroll taxes, etc. Employees may also authorize the University to make other deductions related to benefits or otherwise, such as for health insurance premiums or retirement account contributions. The University also complies with all court orders related to wage garnishment.

4.9.5 Utah Valley University takes all reasonable steps to ensure that all employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the event that there is an error in the amount of pay, including an improper deduction from pay, the employee should promptly bring the discrepancy to the attention of the Payroll Office so the discrepancy can be corrected as quickly as possible. If an employee has been underpaid, the University will either correct it in the next regular paycheck or issue a separate check for the difference. Payroll will notify the employee of the method used. If an employee has been overpaid, a correction shall be made in the following paycheck to correct the error.

4.10 Reporting Concerns

4.10.1 Employees and supervisors shall immediately report aAny actual, threatened, or perceived violation of the University's policies or applicable law governing its FLSA compliance and pay practices, including the University's timekeeping policies, ~~shall be reported immediately~~ to Human Resources or the Payroll Office.

4.10.2 Employees who believe they have been misclassified as exempt under the FLSA may ask the Associate Vice President for Human Resources in writing to review the classification. The Associate Vice President for Human Resources shall determine whether a review is warranted, and if so, will review the classification and provide a response to the employee in a timely manner. There are no additional internal reviews or appeals.

4.10.3 Utah Valley University prohibits retaliation against an employee who makes a good faith report or appeal under this policy.

5.0 PROCEDURES

5.1 Other Worker Classifications

5.1.1 Employees who wish to engage a temporary staffing agency employee shall first obtain approval from their Dean or Vice President (or their designees) and shall then contact Human

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Resources and/or the Procurement and Contract Services Department to ensure compliance with this policy, UVU Policy 210 *Independent Contractors*, and procurement policies and procedures.

5.2 Time and Leave Reporting (Nonexempt Employees)

5.2.1 Nonexempt employees shall be paid for all hours that UVU suffers or permits (requires or allows) them to work. All work time shall be recorded by the minute in the University's currently designated timekeeping system. All hours are rolled up to the weekly total, time submitted each day (regular and overtime) submitted shall be rounded to the nearest quarter-hour increment. -Total daily employee time from one to six minutes will be rounded down, but employee time from seven to fourteen minutes will be rounded up and counted as a quarter hour of work time. rounded up to the next quarter hour when the nonexempt employee has worked seven minutes or more past the quarter hour and rounded down to the nearest quarter hour.

5.2.2 Generally, time worked by nonexempt employees shall be submitted no later than two working days after the last working day of the pay period. To ensure timekeeping accuracy, nonexempt employees are required to review and certify the accuracy of their time entries for each workweek. Following a nonexempt employee's certification of accuracy, the employee's supervisor, or the supervisor's designee, is also required to certify the accuracy of the employee's time entries.

5.2.3 Work time includes all time during which a nonexempt employee is required to be on UVU's premises, on duty, or at a prescribed place. Worktime generally begins when nonexempt employees arrive at their work area to begin their principal work activity and all time that follows until the employee ceases such principal activity, excluding time clocked out for a meal break. It generally does not include the time an employee spends parking or walking from (or to) his or her car to his or her work area to begin work.

5.2.4 Following are examples explaining which activities are considered "work" and are compensable:

1) *Lectures, Meetings, and Training Programs:* -When UVU requires or permits a nonexempt employee to attend lectures, meetings, or training during the employee's regular work hours, the training time shall be compensable "on the clock" time. Nonexempt employee training time shall be paid unless all four of the following criteria are met: (a) attendance is outside of the employee's regular working hours; (b) attendance is in fact voluntary; (c) the course, lecture, or meeting is not directly related to the employee's job; and (d) the employee does not perform any productive work during such attendance.

2) *Waiting Time:* Whether a nonexempt employee is compensated for "waiting time" depends on whether the employee was "engaged to wait" (which is work time) or the employee was "waiting to be engaged" (which is not work time). For example, an administrative assistant who reads a book while waiting for dictation or a firefighter who plays checkers while waiting for an alarm is

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working during such periods of inactivity. These employees have been "engaged to wait" and must therefore be compensated for such waiting time. To be considered completely relieved from duty, and thereby "waiting to be engaged," the employee must definitely be told in advance that he or she may leave the job and/or not have to commence work until a definitely specified hour has arrived. For example, if an employee decides to come to work before his or her scheduled start time and, before clocking in or doing any work for the University, sits at his or her desk and balances a personal checkbook, this would be "waiting to be engaged," which is not compensable.

3) *On-Call Time:* A nonexempt employee who is required to remain on the employer's premises is working while "on call." Whether an employee who is required to remain on call away from work depends on the facts, including considering additional constraints on the employee's freedom, how quickly the employee must respond, how far the employee can travel, how many calls they must respond to, and other similar factors. In such cases, the time an employee spends responding to calls is generally compensable, but whether the remainder of the on-call time is compensable depends on the facts.

4) *Travel Time:* Whether nonexempt employee travel time is compensable work time depends on the kind of travel involved.

a) A nonexempt employee who travels from home before the regular workday and returns to his or her home at the end of the workday is engaged in ordinary home to work travel, which is not compensable work time.

b) Time spent by a nonexempt employee in travel as part of their principal activity, such as travel from job site to job site during the workday, shall be counted as hours worked.

c) Time spent by a nonexempt employee who works at a fixed location in one city who is given a one-day assignment in another city and returns home the same day is all compensable, minus the time the employee would normally spend commuting to the regular job site.

d) Travel that keeps a nonexempt employee away from home overnight is travel away from home. Travel away from home shall be compensable work time when it occurs during the employee's workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days. Time spent in travel away from home outside of the employee's regular working hours as a passenger on an airplane, train, boat, bus, or automobile is not compensable work time assuming the employee is not working on work projects during that time. If an employee drives a car after his or her working hours to travel away from home, the time spent in the car is compensable work time.

5) *Sleeping Time and Certain Other Personal Activities:* Time spent by a nonexempt employee staying overnight on travel for their job is generally not compensable unless the employee is on duty during that time, such as when the employee is supervising students. A nonexempt

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employee who is required to be on duty for fewer than 24 hours is working even though he or she is permitted to sleep or engage in other personal activities when not busy. An employee required to be on duty for 24 hours or more may agree with the employer to exclude from hours worked bona fide regularly scheduled sleeping periods of not more than eight hours, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep. No reduction is permitted unless at least five hours of sleep is taken. Supervisors should contact Human Resources to assist with a bona fide sleeping period request.

5.2.5 Meal Periods and Rest Breaks (Nonexempt Employees)

5.2.5.1 Meal periods shall be duty-free, which means the nonexempt employee must be completely relieved from duty during meal periods. The employee is not relieved if he or she is required to perform any duties, whether active or inactive, during the meal period. Meal periods are unpaid and shall not be included when calculating total hours worked in a workday. Accordingly, nonexempt employees shall accurately account for their off-duty meal period time as "off the clock" in the University's time keeping system.

5.2.5.2 Full-time and part-time nonexempt employees may take one 15-minute paid rest break for every four hours worked. Rest breaks are not to be used (1) to offset late arrival or early departure from the worksite, (2) to extend the meal period, or (3) to accumulate paid time off from one day to the next.

5.2.6 Lactation Breaks

5.2.6.1 To allow any employee to express breast milk for her child, reasonable daily paid break periods shall be granted to employees for a year after an employee begins inducing lactation for her adopted child or after the birth of her biological child.

5.2.6.2 For nonexempt employees, any breaks taken in excess of normally provided paid breaks will be unpaid breaks.

5.3 Overtime Pay and Compensatory Time (Nonexempt Employees)

5.3.1 For purposes of calculating overtime, UVU's workweek begins on Saturday at 12:00 a.m. and ends the following Friday at 11:59 p.m.

5.3.2 Holidays, vacation leave, personal leave, sick leave, premium holiday work hours, and compensatory leave are not counted as time worked in calculating overtime hours.

5.4 Call-in and Holiday Premium Pay

5.4.1 If a UVU holiday falls on a Saturday or Sunday and the University observes the holiday on the following Monday or previous Friday, the supervisor shall determine which day the

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nonexempt employee is eligible for holiday premium pay.

5.4.2 Exempt employees in positions that are critical to the operation and safety of the University who are required by their supervisor to work on a UVU holiday shall receive equal time off at a time mutually determined by the employee and the employee's supervisor, if required by their supervisor to work on a UVU holiday.

5.4.3 Employees shall be eligible for holiday premium pay only if their supervisor is requiring the employee to work on a UVU holiday. Nonexempt employees who work UVU holiday hours without their supervisor's authorization shall not be eligible for holiday premium pay, shall be paid their regular hourly rate for those hours, and may be subject to discipline.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity

Printed On:

[June 8, 2017](#)~~[May 30, 2017](#)~~



POLICY TITLE	Workload for Full-time, Non-Faculty Employees	Policy Number	325
Section	Human Resources	Approval Date	September 6, 2001
Subsection	Conditions of Employment	Effective Date	September 6, 2001
Responsible Office	Office of the Vice President of Planning, Budget, and Human Resources		

1.0 PURPOSE

2.0 REFERENCES

3.0 DEFINITIONS

4.0 POLICY

4.1 Total Hours Worked

4.1.1 General Conditions of Full-Time Employment

~~4.1.1.1 Institution-classified, professional, and administrative employees who are full-time are expected to work eight hours per day or 40 hours per week. Standard working hours are from 8 a.m. to 5 p.m., Monday through Friday. However, working hours in certain departments and at certain times of the year may be scheduled in other shifts so as to meet departmental needs and/or special needs of employees and yet continue the efficient operation of the University.~~

4.1.2 Provisions for Professional and Administrative Employees to Teach

~~4.1.2.1 University professional and administrative employees who are approved to teach classes may do so with the following provisions:~~

~~1) For payroll purposes, any classes taught during the regular work day (normally 8 a.m. to 5 p.m.), except during the employee's lunch hour (normally between the hours of 11 a.m. and 2 p.m.) will be considered a part of the regular workload of that employee and must be approved by the supervisor and appropriate vice presidents of that employee.~~

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2) Classes taught outside the regular work day may be contracted as overload. These must also be approved by the supervisor, dean where appropriate, and vice president of that employee. These classes will be limited to a maximum of eight contact hours per week averaged over the academic year.

4.1.3 Meal and Rest Periods

~~4.1.3.1 Classified employees are allowed a meal period of not less than 30 minutes nor longer than one hour not later than five hours after the beginning of the employee's work day. Meal periods are taken without pay and are not included when calculating total hours worked. Classified employees are allowed a 10 minute rest period for each four hours worked. Generally, this period is taken at the mid point of each four hour shift; however, employees are not to work over 2½ consecutive hours without a rest period being made available to them. Rest periods are taken with pay. Therefore, if classified employees elect not to take rest periods, the time may not be accumulated so as to allow them to report to work late, take extended meal periods, nor leave work early.~~

5.0 PROCEDURES

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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Proposed Policy Number and Title: 326 Special Pay for Staff (Deletion)		
Existing Policy Number and Title: 326 Special Pay for Staff		
Approval Process*		
X Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
X Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy #101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: Stage 4, Regular, Deletion

President's Council Sponsor: Linda Makin **Ext.**

Policy Steward: Karen Clemes, Mark Wiesenberg **Ext.**

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>10/19/2016</u></p> <p>University Entities Review Entrance Date: <u>11/17/2016</u></p> <p>University Community Review Entrance Date: <u>04/20/2017</u> Open Feedback: <u>04/20/2017</u> Close Feedback: <u>05/17/2017</u></p> <p>Board of Trustees Review Entrance Date: <u>05/18/2017</u> Approval Date: <u></u></p>	<p style="text-align: center;">POST APPROVAL PROCESS</p> <p>Verify:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update <p>Policy Office personnel who verified and posted this policy to the University Policy Manual</p> <p>Name: <u></u></p> <p>Date posted and verified: <u></u></p>

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POLICY TITLE	Special Pay for Staff	Policy Number	326
Section	Human Resources	Approval Date	February 12, 2009
Subsection	Conditions of Employment	Effective Date	February 12, 2009
Responsible Office	Vice President of Planning, Budget, and Human Resources		

1.0 PURPOSE

1.1 The University provides university departments with an authorized method to provide staff with additional compensation for extenuating work hours performed under identified and approved special circumstances and conditions.

2.0 REFERENCES

2.1 *Fair Labor Standards Act of 1938 (FLSA)*, as amended (29 USC §201 et seq.; 29 CFR Parts 510 to 794)

3.0 DEFINITIONS

3.1 Call-in pay: Pay given to employees who are called in to work on critical operational duties.

3.2 Compensatory time: Authorized time off in lieu of monetary payment for accrued overtime hours.

3.3 Exempt employee: Any employee: (1) who is exempt from the wage and hour provisions of the *Fair Labor Standards Act (FLSA)*; (2) among the classification of employees, excluding faculty and executives, who are "exempt" from the requirements of the *Fair Labor Standards Act*; (3) who is an assistant to an administrator and other non-faculty employees whose positions require a high level of skill and advanced knowledge in a highly technical or professional field.

3.4 Fair Labor Standards Act (FLSA): A federal law which establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments.

3.5 Nonexempt: The classification of employees, excluding faculty and executives, who are paid either by a wage rate or by a salary that is based on a per hour wage rate and who receive time and a half for hours worked beyond 40 hours a week in compliance with the FLSA.



3.6 Overtime pay: Pay which is at least 1.5 times an employee's regular hourly rate for all hours worked over 40 in a workweek.

3.7 Overtime status: Overtime is authorized time worked in excess of 40 hours in a workweek by nonexempt employees.

3.8 Premium holidays: Holidays that are designated and approved annually by the Board of Trustees.

3.9 Premium holiday pay: Pay that is given to nonexempt employees who are authorized to work on premium holidays.

3.10 Staff: Non-faculty, non-student employees.

3.11 Workweek: The workweek begins at 12:01 a.m. Saturday and ends at 12:00 midnight the following Friday.

4.0 POLICY

4.1 Staff employees shall be compensated for their contributions that support the achievement of operational requirements. To this end, the University may require employees to work at times outside of their normal work hours. When this occurs, appropriate pay treatment will be used to compensate employee efforts during critical operational circumstances as per the procedures herein.

5.0 PROCEDURES

5.1 Overtime Pay

5.1.1 Overtime for Nonexempt Employees

5.1.1.1 Overtime is authorized time worked in excess of 40 hours in a workweek by nonexempt employees.

5.1.1.2 Overtime must be kept to a minimum and should be permitted only in unusual circumstances. Overtime may not be worked at the option of the employee and, unless necessitated by a natural disaster or other emergency situation, must have prior written approval of the appropriate supervisor and administrator responsible for the account to which the overtime is charged.

5.1.2 Employees Exempt from Overtime



~~5.1.2.1 Individuals employed in a bona fide executive, administrative, or professional capacity are exempt from overtime. Exempt status is determined by the guidelines of income level, percent of time employed, supervisory responsibilities, and other complex factors as defined in detail in the *Fair Labor Standards Act (FLSA)*, as amended. Specifically listed as exempt are persons employed in the capacity of academic administrative personnel and teachers.~~

~~5.1.2.2 In consultation with the appropriate college administrator(s), the Executive Director of Human Resources or designee will determine exempt or nonexempt status of employees and will furnish such information to supervisors as requested.~~

~~5.1.2.3 Individuals who volunteer their services to the University are excluded from the definition of employee and thus are excluded from coverage by the FLSA. Regular employees of the University may not volunteer their services to the University if the work is of the same type they are employed to perform.~~

5.1.3 Calculation of Overtime Hours

~~5.1.3.1 For purposes of computing overtime hours, the University's standard workweek begins at 12:01 a.m. Saturday and ends at 12:00 midnight the following Friday.~~

~~5.1.3.2 All overtime must be recorded to the nearest quarter-hour increment.~~

~~5.1.3.3 Holidays, vacation, sick leave, and compensatory time off are not counted as time worked in calculating overtime hours.~~

~~5.1.3.4 At their own option and with the approval of their supervisor, employees may work for the University on an occasional or sporadic basis in a part-time position different than their regular employment and be compensated at the normal rate for that position.~~

5.1.4 Compensatory Time Off for Overtime

~~5.1.4.1 Compensatory time is granted at 1.5 times of the employee's regular hourly rate for each one hour of overtime worked.~~

~~5.1.4.2 Compensatory hours worked must be entered into the HR/Payroll system for processing and tracking.~~

~~5.1.4.3 Compensatory time off should be taken within a reasonable period after it is accrued. The time off should have prior approval of the appropriate supervisor so as to not unduly disrupt the efficient operation of the department.~~

~~5.1.4.4 Compensatory time hours will be accrued as per public policy and regulations.~~



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~~5.1.4.5 An employee who has accrued the maximum number of compensatory hours will be paid monetary compensation for any additional overtime hours worked.~~

~~5.1.4.6 Upon termination, an employee's payment for accrued compensatory time is calculated at the employee's average regular rate of pay for the final three years of employment or the final regular rate, whichever is greater.~~

5.1.5 Pay for Overtime

~~5.1.5.1 When compensatory time off is not taken in payment for overtime worked, nonexempt employees are paid additional compensation for overtime hours at 1.5 times their regular hourly pay rate.~~

~~5.1.5.2 When an employee performs work in more than one department and is required to work overtime, the department creating the overtime will bear the cost of the overtime pay. If the responsible department cannot be identified clearly by the Payroll department, the overtime pay will be prorated among departments.~~

5.2 Premium Holiday Pay

5.2.1 Eligible Employees

~~5.2.1.1 Nonexempt employees in positions that are critical to the operation and safety of the University will be eligible for premium holiday pay. This policy applies to nonexempt full-time and part-time employees. Employees must be performing work assignments physically on the University's campuses/worksites.~~

~~5.2.1.2 Exempt employees in positions that are critical to the operation and safety of the University will receive equal time off at a mutual convenience of the employee and the employee's supervisor, if required to work on a premium holiday.~~

5.2.2 Premium Holiday Pay Application

~~5.2.2.1 Part-time, nonexempt employees who are required to work on a premium holiday will receive 1.5 times their regular hourly pay rate.~~

~~5.2.2.2 Full-time, nonexempt, benefits-eligible employees will receive 1 hour at regular rate of pay plus 1 additional hour at regular rate of pay for each hour worked on a premium holiday.~~

~~5.2.2.3 Employees will only be eligible for premium holiday pay if their supervisor is requiring the employee to work on a premium holiday. Employees who work premium holiday hours without their supervisor's authorization will not be eligible for premium holiday pay.~~



5.2.3 Premium Holiday Pay Hours

~~5.2.3.1 Premium holiday hours are paid for hours that occur from 12:01 a.m. to 12:00 midnight on the day of the premium holiday. Hours worked outside this time will not be eligible for premium holiday pay.~~

5.2.4 Premium Holiday Occurring on a Weekend

~~5.2.4.1 The day the University observes a premium holiday is the day that employees are eligible for premium holiday pay. If a premium holiday falls on a Saturday or Sunday and the University observes the holiday on the following Monday or previous Friday, the supervisor will determine which day the employee is eligible for premium holiday pay.~~

5.2.5 Premium Holiday Pay and Overtime Pay

~~5.2.5.1 Premium holiday hours are not considered as time worked in the computation of overtime.~~

5.2.6 Call-in Pay

~~5.2.6.1 Employees called in to work on critical operational duties will be paid at least four (4) hours of call-in pay. Critical operational work duties are performed physically on the University's campuses/worksites. Rate of pay for these hours will be at regular rate of pay or at overtime rate if overtime pay rate is applicable. Call-in pay does not occur on a premium holiday. When a premium holiday occurs, the rate of pay for the premium holiday will supersede the call-in pay.~~

5.2.7 Determination of Critical Operational Duties

~~5.2.7.1 The appropriate vice president is responsible for determining critical operational duties.~~

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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Proposed Policy Number and Title: 327 Additional Assignments for Full-time Exempt Staff and Executives

Existing Policy Number and Title: 327 Overload for Exempt, Non-Faculty Employees

Approval Process*

<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input checked="" type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	

*See UVU Policy #101 *Policy Governing Policies* for process details.

Draft Number and Date: Board of Trustees, Stage 4, May 18, 2017, Regular, Revision
President's Council Sponsor: Linda Makin **Ext.** _____
Policy Steward: Karen Clemes, Mark Wiesenberg **Ext.** _____

POLICY APPROVAL PROCESS DATES

Policy Drafting and Revision

Entrance Date: 10/19/2016

University Entities Review

Entrance Date: 11/17/2016

University Community Review

Entrance Date: 04/20/2017

Open Feedback: 04/20/2017

Close Feedback: 05/17/2017

Board of Trustees Review

Entrance Date: 05/18/2017

Approval Date: _____

POST APPROVAL PROCESS

Verify:

- ☐ Policy Number
- ☐ Section
- ☐ Title
- ☐ BOT approval
- ☐ Approval date
- ☐ Effective date
- ☐ Proper format of Policy Manual posting
- ☐ TOPS Pipeline and Archives update

Policy Office personnel who verified and posted this policy to the University Policy Manual

Name: _____

Date posted and verified: _____



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POLICY TITLE	Additional Assignments for Full-time Exempt Staff and Executives	Policy Number	327
Section	Human Resources	Approval Date	
Subsection	Conditions of Employment	Effective Date	
Responsible Office	Office of the Vice President of Planning, Budget, and Human Resources		

1.0 PURPOSE

Utah Valley University recognizes that some full-time exempt staff and executives may be professionally qualified for an additional compensated assignment within the University, including teaching as adjunct faculty. While exempt employees who have additional assignments are not entitled to the overtime protections of the *Fair Labor Standards Act (FLSA)*, this policy outlines the authorization required for exempt staff and executives to receive an additional compensated assignment.

2.0 REFERENCES

2.1 *Fair Labor Standards Act of 1938 (as amended)*

2.2 UVU Policy 325 *FLSA Compliance: Exempt/Nonexempt Classifications, Wages, and Work Hours*

2.3 UVU Policy 363 *Supplemental and Adjunct/Overload Pay Methods*

2.4 UVU Policy 371 *Corrective Actions and Termination for Staff Employees*

3.0 DEFINITIONS

3.1 Extraordinary circumstances: Peculiar or unusual situations, generally unanticipated or unforeseen, that would have substantial impact on the student educational experience or on key university operations.

3.2 Exempt: A classification of employees who meet the applicable FLSA salary level, salary basis, and duties test of one or more of the executive, administrative, academic administrative, or professional exemptions or they are performing non-manual work and paid a total annual compensation that meets the highly compensated employee exemption.

3.3 Full-time employee: An employee hired into a position in which the University has a reasonable belief that the employee will work at least 130 hours per month (30 hours per week)

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in a 12-month measurement period. A full-time employee is eligible for benefits, including medical insurance.

3.4 Interim assignment: Temporary assignment of higher grade level job responsibilities to a full-time employee for an extended, but temporary, period of time. Interim assignments typically result from a position vacancy.

3.5 Salary basis: Annual base salary, not based on an hourly wage rate, spread equally over 24 pay periods.

4.0 POLICY

4.1 Full-time exempt staff and executives are expected to work as many hours as needed to complete their job duties at a minimum of 40 hours per week in accordance with a work schedule established by the supervisor. Full-time exempt staff and executives are paid on a salary basis and are not entitled to overtime compensation.

4.2 Exempt staff and executives have primary employment and professional responsibility to the University.

4.3 An academically qualified, full-time exempt staff or executive who is selected through the University's hiring process for an adjunct teaching assignment in addition to his or her primary job duties, may only accept such assignment with approval from his or her immediate supervisor, supervisory vice president, and dean of the school/college of the course to be instructed. The employee must be in good standing and not under any formal corrective action (i.e., Written Warning Notice or Final Written Warning Notice).

4.3.1 Full-time exempt staff and executives are limited to one section or up to three credit hours, whichever is greater, adjunct teaching assignment per semester. For Spring Semester 2017 only, a full-time exempt staff or executive may teach an additional section or up to three additional credit hours if pre-approved through the completion of a special exception request by the employee's supervisor and with the approval of the Senior Vice President of Academic Affairs.

4.3.2 Course meeting times and all course preparation should be outside of the employee's normal working hours. If course meeting times occur during the employee's normal working hours, the employee shall receive prior supervisor approval to (a) use his or her scheduled lunch hour or (b) adjust the start or end time of his or her regular work day.

4.3.3 An approved adjunct teaching assignment, including the related work (i.e., class preparation, grading, advising/meeting with students, etc.), may not conflict with or detract, distract, or divert from the employee's full-time duties, performance of those duties, or the operations of the employee's department.



4.3.4 An approved adjunct teaching assignment must be outside of the scope of the job duties for which the employee receives base pay. Full-time exempt staff and executives with an approved adjunct teaching assignment will be compensated in accordance with UVU's adjunct pay rate and pay dates.

4.4 Full-time exempt staff and executives selected for an interim assignment may receive additional compensation for the successful performance of higher level responsibilities.

4.4.1 Interim assignments must be for an extended period of time, typically greater than two months, and are temporary in nature, generally less than twelve months.

4.4.2 The employee selected for the interim assignment must assume at least 60 percent of the job responsibilities and meet the minimum qualifications of the higher level position.

4.5 Under extraordinary circumstances, a full-time exempt staff or executive may be selected to temporarily (generally no longer than six months) perform additional duties unrelated to his or her job responsibilities and/or outside of his or her department. In consultation with Human Resources and with prior written approval by the employee's supervisor, supervising vice president (or designee), and, as applicable, vice president (or designee) of the division in which the additional duties will be performed, an employee may receive additional compensation for the successful performance of these additional duties.

4.6 The University may discipline any employee who violates this policy, up to and including termination of employment from the University. Supervisors who direct or permit an employee to violate this policy may be subject to disciplinary action, up to and including termination of employment.

5.0 PROCEDURES

5.1 A full-time exempt staff employee or executive who is selected through the University's hiring process is responsible for obtaining prior approval for an adjunct teaching assignment by completing the *Overload Assignment Authorization Form*. If prior approval is not obtained, the employee will not be eligible for an adjunct teaching assignment during the following semester.

5.2 Supervisors, in consultation with Human Resources, outline in writing the responsibilities of an interim assignment, including the expected term of the assignment and interim assignment compensation (paid as a stipend or lump sum). This document must be approved by the supervising vice president or designee prior to the interim assignment offer.

5.3 Supervisors, in consultation with Human Resources, outline in writing the responsibilities of an extraordinary circumstances assignment, including the expected term of the assignment and



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compensation (paid as a lump sum or stipend). This document must be approved by the supervising vice president or designee prior to the extraordinary circumstances assignment offer.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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POLICY TITLE	Overload for Exempt, Non-Faculty Employees	Policy Number	327
Section	Human Resources	Approval Date	March 14, 1994
Subsection	Conditions of Employment	Effective Date	March 14, 1994
Responsible Office	Office of the Vice President of Planning, Budget, and Human Resources		

1.0 PURPOSE

2.0 REFERENCES

3.0 DEFINITIONS

4.0 POLICY

4.1 Full-time appointments require a full commitment of working time and effort. Full-time, exempt, non-faculty employees are expected to complete their primary assignments regardless of the time required. This is to be done without overload compensation, except in rare circumstances, such as an emergency situation or where the specific expertise of the employee is required. However, full time, exempt, non-faculty employees may render overload service for the University, within the reasonable discretion of the supervisor, provided that these services will not interfere or conflict with their primary assignment.

4.2 Utah Valley University recognizes that exempt, non-faculty staff make broad and significant contributions through application of professional skills and services to the community, university, and state, as well as national, and international communities. Professional services provided to these communities by exempt, non-faculty staff beyond their role assignments at the University contribute, not only to the needs of others, but also increase the competence of the exempt person in recognition to the University. However, exempt, non-faculty staff members of Utah Valley University must be cognizant of their responsibilities and obligations as employees of the University. Exempt personnel have primary employment and professional responsibilities to the University. Contractual services provided to entities outside the University requiring release time from the University are a privilege extended by the institution for the professional development of the individual and are granted at the discretion of the University with approval from the supervisors, the respective vice president, and from the personnel director.

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May 30, 2017



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5.0 PROCEDURES

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



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Proposed Policy Number and Title: 328 Responsibility for Scheduling and Reporting Working Hours

Existing Policy Number and Title: 328 Responsibility for Scheduling and Reporting Working Hours

Approval Process*

<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input checked="" type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	

*See UVU Policy #101 *Policy Governing Policies* for process details.

Draft Number and Date: Board of Trustees, Stage 4, May 18, 2017, Regular, Deletion

President's Council Sponsor: Linda Makin **Ext.** _____

Policy Steward: Karen Clemes, Mark Wiesenbergs **Ext.** _____

POLICY APPROVAL PROCESS DATES

Policy Drafting and Revision

Entrance Date: 10/19/2016

University Entities Review

Entrance Date: 11/17/29016

University Community Review

Entrance Date: 04/20/2017

Open Feedback: 04/20/2017

Close Feedback: 05/17/2017

Board of Trustees Review

Entrance Date: 05/18/2017

Approval Date: _____

POST APPROVAL PROCESS

Verify:

- ☐ Policy Number
- ☐ Section
- ☐ Title
- ☐ BOT approval
- ☐ Approval date
- ☐ Effective date
- ☐ Proper format of Policy Manual posting
- ☐ TOPS Pipeline and Archives update

Policy Office personnel who verified and posted this policy to the University Policy Manual

Name: _____

Date posted and verified: _____



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POLICY TITLE	Responsibility for Scheduling and Reporting Working Hours	Policy Number	328
Section	Human Resources	Approval Date	June 18, 1992
Subsection	Conditions of Employment	Effective Date	June 18, 1992
Responsible Office	Office of the Vice President of Planning, Budget, and Human Resources		

1.0 PURPOSE

2.0 REFERENCES

2.1 *Fair Labor Standards Act (FLSA)*

2.2 UVU Policy 323 *Guidelines for Consulting*

3.0 DEFINITIONS

4.0 POLICY

4.1 Supervisors are responsible for preparing and maintaining work schedules that are consistent with university policy and procedures. The *Fair Labor Standards Act (FLSA)* requires that extensive time and payroll records be maintained by the University. If employees work other than their standard working hours, supervisors must report the excess or shortage to the nearest quarter-hour to the Business Office or Human Resources, as appropriate, so the official records maintained there can be kept up to date and accurate. Compensatory time off and pay for accrued overtime hours will be allowed only for hours that have been posted to these official records.

4.2 Faculty evaluation procedures, criteria for establishing appropriate development activities and rewards for completion of such activities, and merit pay procedures are under the direction of the Vice President for Academic Affairs and are reviewed and modified from time to time in consultation with appropriate faculty, administrators, and faculty groups. Such information for administrative and classified employees is maintained in Human Resources. ———



5.0 PROCEDURES

5.1 Overload Assignment Authorization

~~5.1.1 The director of the hiring department or the department chair of an academic department must authorize all overload work within their administrative or academic unit. The employee agreeing to perform the authorized overload has the obligation to obtain approval signatures from their supervisors, the respective vice president, and the personnel director. A copy of the approval form is attached. The completed form is retained in Human Resources.~~

5.2 Compensation

~~5.2.1 The appropriate academic department chair or administrative director will recommend the overload compensation within the limits of eight working hours per week averaged over the contract period. The employee must complete the overload assignment form before beginning the assignment.~~

5.3 Reporting

~~5.3.1 Human Resources will distribute periodic reports on overload compensation and hours worked to all vice presidents for review of their organizations. An annual report will be prepared for and reviewed by the University President.~~

5.4 External Consulting

~~5.4.1 See UVU Policy 323 *Guidelines for Consulting*.~~



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Policies and Procedures

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OVERLOAD ASSIGNMENT AUTHORIZATION

Name: _____ Date: _____

Job Title: _____

FTE Department: _____

Approvals

Supervisor Department Chair Vice President

Overload Department: _____

Duration of Assignment: _____

Beginning Date _____ Ending Date _____

Approvals

Human Resources Dir/Equity Officer Vice President

CC: Employee, FTE Department, Overload Department, Human Resources.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity

Printed On:
May 30, 2017



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Proposed Policy Number and Title: 351 Annual Compensation and Benefits Plan		
Existing Policy Number and Title: 351 Annual Compensation and Benefits Plan		
Approval Process*		
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> New
<input type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input checked="" type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy #101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: Board of Trustees Review, May 18, 2017, Regular, Deletion
President's Council Sponsor: Linda Makin **Ext.** _____
Policy Steward: Karen Clemes, Mark Wiesenber **Ext.** _____

POLICY APPROVAL PROCESS DATES

Policy Drafting and Revision
Entrance Date: 10/19/2016

University Entities Review
Entrance Date: 11/17/2016

University Community Review
Entrance Date: 04/20/2017
Open Feedback: 04/20/2017
Close Feedback: 05/17/2017

Board of Trustees Review
Entrance Date: 05/18/2017
Approval Date: _____

POST APPROVAL PROCESS

Verify:

- ☐ Policy Number
- ☐ Section
- ☐ Title
- ☐ BOT approval
- ☐ Approval date
- ☐ Effective date
- ☐ Proper format of Policy Manual posting
- ☐ TOPS Pipeline and Archives update

Policy Office personnel who verified and posted this policy to the University Policy Manual

Name: _____

Date posted and verified: _____



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POLICY TITLE	Annual Compensation and Benefits Plan	Policy Number	351
Section	Human Resources	Approval Date	August 12, 2004
Subsection	Conditions of Employment	Effective Date	August 12, 2004
Responsible Office	Office of the Vice President of Planning, Budget, and Human Resources		

1.0 PURPOSE

2.0 REFERENCES

3.0 DEFINITIONS

4.0 POLICY

4.1. Annual Compensation/Benefit Plan

4.1.1 The University shall provide an annual compensation/benefit plan as established by the President and approved by the Board of Trustees. Insofar as is possible, the compensation/benefit plan shall be:

- 1) *Adequate*: Meeting minimum governmental, university, labor market, and employee requirements;
- 2) *Equitable*: Paying employees fairly in line with job requirements, effort, performance, abilities, education, training, and so on;
- 3) *Cost Effective*: Being within the scope of what the University can afford to pay based on legislated and other funding sources;
- 4) *Balanced*: Providing a reasonable combination of pay, benefits, and other rewards; and
- 5) *Motivational*: Providing enough incentive for employees to be efficient, effective, and productive in their work.

4.2 Salary and Wage Schedules

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~~4.2.1 Salary and hourly wage schedules for faculty, classified, and student employees shall be reviewed and published annually as part of the University's compensation/benefit plan. Current schedules are maintained in Human Resources.~~

4.3 Employee Benefits

~~4.3.1 The University's annual compensation/benefit plan shall define employee benefits for a given year.~~

4.4 Paydays and Paycheck Procedures

4.4.1 Paydays for Hourly Employees

~~4.4.1.1 The standard paydays for employees paid on an hourly basis are the 1st and 16th of each month. Checks issued on the 1st are for work performed from the 1st to the 15th of the previous month. Checks issued on the 16th are for work performed from the 16th to the end of the previous month. Generally, time cards must be submitted two working days after the last working day of the pay period. Payments for late time cards will be paid on the next payroll.~~

4.4.2 Paydays for Adjunct Faculty

~~4.4.2.1 The standard paydays for adjunct faculty will be the 1st and 16th of each month during the semester. Total adjunct pay is spread in even payments throughout each semester.~~

4.4.3 Paydays for Overload Faculty and Staff

~~4.4.3.1 Full-time faculty or staff who are contracted to teach by semester appointment will receive equal payments spread over the semester taught. These payments will be paid as part of regular contract paychecks on the 1st and 16th of each month.~~

4.4.4 Paydays for Salaried Employees

~~4.4.4.1 The standard paydays for salaried employees are the 1st and 16th of each month. Checks issued on the 1st are for the work performed during the last half of the previous month; those issued on the 16th are for work performed during the first half of the current month.~~

4.4.5 Paydays that Fall on a Weekend or a Holiday

~~4.4.5.1 When a standard payday falls on a Saturday, checks are issued on Friday. When a payday falls on Sunday, checks are issued on Monday. If payday falls on a holiday on Friday, checks are issued on Thursday. If the holiday falls on any other week day, checks are issued the following day.~~

4.4.6 Pickup Procedures

~~4.4.6.1 Checks and direct deposit pay stubs will be disbursed on payday by the payroll coordinator. All employees are assigned to the coordinator of the department where the greatest percentage of pay is received. Special arrangements may be made for check distribution (hold, mail, etc.) during vacation or holidays with the payroll coordinator.~~

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4.4.7 Direct Deposit

~~4.4.7.1 University employees are encouraged to have their paychecks deposited directly to a bank account via magnetic wire transfers. Forms and additional information are available from departmental personnel coordinators and the Payroll Office.~~

5.0 PROCEDURES

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



UVU BOARD OF TRUSTEES
Agenda Item Coversheet

DATE:	June 22, 2017
TITLE:	Academic Program Approval
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Jeff Olson, Senior Vice President for Academic Affairs
SUBJECT:	Academic Programs
BACKGROUND:	<p>The Board of Trustees is being asked to approve the adoption of several new programs, the restructure of the Deaf Studies program, and a name change for the Noorda Theatre. The Trustees have been given the following proposals to consider:</p> <p>MBA Marketing Emphasis MBA Finance Emphasis Disaster Assistance Emphasis BA in French Secondary Education GC in Mathematics BS in Geography AS in Health Sciences AS in Intelligence Studies CP in Digital Media Deaf Studies Restructure Name Change of Noorda Theatre</p>
ALTERNATIVES:	<p>Approve as presented, “I move to approve the MBA Marketing Emphasis, the MBA Finance Emphasis, the Disaster Assistance Emphasis, the BA in French Secondary Education, the GC in Mathematics, the BS in Geography, the AS in Health Sciences, the AS in Intelligence Studies, the CP in Digital Media, the Deaf Studies Restructure, and the Name Change of the Noorda Theatre.”</p> <ul style="list-style-type: none">• Amend and approve, “I move to approve, as amended...”

	<ul style="list-style-type: none"> • No action, “I move that we go to the next agenda item...”
FINANCIAL IMPACT:	Available upon request
EXHIBITS:	<ul style="list-style-type: none"> a. MBA Marketing Emphasis Proposal b. MBA Finance Emphasis Proposal c. Disaster Assistance Emphasis Proposal d. BA in French Secondary Education Proposal e. GC in Mathematics Proposal f. BS in Geography Proposal g. AS in Health Sciences Proposal h. AS in Intelligence Studies Proposal i. CP in Digital Media Proposal j. Deaf Studies Restructure Proposal k. Name Change of Noorda Theatre Proposal

Utah Valley University

Curriculum Items

Board of Trustees

June 14, 2017

Proposal:

It is proposed that the following program items be approved:

- **MBA Marketing Emphasis**
- **MBA Finance Emphasis**
- **Disaster Assistance Emphasis**
- **BA in French Secondary Education**
- **GC in Mathematics**
- **BS in Geography**
- **AS in Health Sciences**
- **AS in Intelligence Studies**
- **CP in Digital Media**
- **Deaf Studies Restructure**
- **Name Change of Noorda Theatre**

Background:

The UVU Master of Business Administration is an applied graduate degree reflecting the Woodbury School of Business's long and distinguished history of providing excellence in business education. The **Marketing Emphasis** in the MBA program will employ the innovative, team-based, woven approach of the MBA program to provide instruction in marketing analytics and research tools, the management of brands, products, and services, and skill development in traditional and digital distribution and promotion. As with other emphases in the MBA program, the Marketing Emphasis will also provide opportunities to apply important skills such as leadership, teamwork, ethical decision making, critical thinking, problem solving, and written and oral communication which are woven throughout the curriculum. Students who choose the Marketing Emphasis will also participate in an international marketing project and travel to the country of their project hosts. This MBA Marketing Emphasis is designed to prepare participants through the coursework to accept marketing management jobs in brand, product, or services management, in digital marketing management, or in managing marketing research.

Individuals who elect the **MBA Finance Emphasis** will complete the core curriculum requirements outlined for all MBA participants in the Woodbury School of Business (WSB) program. In addition, this emphasis is designed to guide students through a process of learning the skills appropriate to take level I or level II of the Chartered Financial Analyst (CFA) exam during the MBA experience.

The **Disaster Assistance Emphasis** in the BS in Emergency Management is designed to meet the needs of students aspiring for a career in emergency management and/or disaster assistance at the local, regional, state, or national level.

The **BA in French Secondary Education** prepares students to teach French in secondary education settings. It also prepares students to qualify for the Dual Language Immersion (DLI) Endorsement. Students take major courses from the Department of Languages and Cultures and licensure and endorsement courses through the School of Education. This degree requires separate application to the School of Education.

The **Graduate Certificate in Mathematics** aims to improve mathematics education and student achievement by focusing on two specific research-supported areas. First, by delivering high-quality content-based knowledge critical to student achievement, and second, by targeting in-service teachers who desire to teach dual credit in high school, given that dual-credit/dual-enrollment students are more likely to persist in college and are more likely to complete a bachelor's degree in less time than those who did not attempt college credits in high school. Graduate courses for this program will be available to match in-service teacher's schedules—evenings and during summer sessions—taught on the main campus and live-interactive by Utah Valley University's full-time faculty.

The **BS in Geography** provides students with a program of study in the fundamentals of geography and prepares them to succeed as geographers as well as in many other careers related to geography. Students learn theories and methods of analysis related to land use and land cover change, urbanization, sustainability, human-environment interactions, and Geographic Information Systems (GIS) technology through the core courses of the program. Through elective courses, students can choose to further focus their studies on physical sciences, social sciences, and/or geospatial techniques to meet their career goals.

The **AS in Health Sciences** will provide students who are undecided on which health program they will pursue an opportunity to complete an AS degree that includes some of the prerequisites for the BS degrees in health profession programs offered by Utah Valley University (UVU), and many of the health degrees offered across the USHE system. This Associate of Science in Health Sciences will allow the student to continue their education at UVU and other USHE schools in the areas of biology, chemistry, exercise science, and other health and science BS degrees. The degree includes instruction in medical terminology, physiology, anatomy, and other areas that will give the students a realistic overview of the health sciences. The Associate of Science in Health Sciences is transferrable to other colleges and universities and can be used as the foundation for moving on to a variety of health related disciplines preparing students to become a health professional.

The **AS in Intelligence Studies** exposes students to the wide range of theoretical and functional issues related to the field of military intelligence. Students are prepared for employment in the intelligence field. This degree is limited to students participating in the Utah National Guard's (UNG) military intelligence education program at Camp Williams in Bluffdale, Utah.

The **CP in Digital Media** is designed to provide high school students an opportunity to obtain a certificate of proficiency while still enrolled in high school, which not only gives initial employability skills, but also stacks into associate degrees at UVU.

The **BA in Deaf Studies** is a liberal arts degree that provides in-depth study into all facets of the Deaf-World. There are matriculation requirements, but students should declare their major by contacting the academic advisor for the Languages Department. The degree has two emphases: **Interpreting and General Deaf Studies**, which are being restructured to best meet the needs of the students and the Deaf Community.

The Noorda Regional Theatre Center for Children and Youth (known as the Noorda Center) came as the result of a donation from the Ray and Tye Noorda Foundation in 2007. The donation also included funding for the building of the Noorda Theatre. The Noorda Family Foundation has since provided the lead gift for the building of the performing arts center, which will be named the 'Noorda Center for the Performing Arts.' To avoid confusion, both on and off campus, the Noorda Family requested the existing Noorda Center be changed to **Theatre for Youth and Education Center (TYE Center)** in recognition of the contribution of Tye Noorda.

Recommendation:

The Senior Vice-President for Academic Affairs recommends that the Board of Trustees approve the proposed actions as summarized above and detailed in the attached documents.

**Utah System of Higher Education
New Academic Program Proposal
Cover/Signature Page—Abbreviated Template**

Institution Submitting Request: Utah Valley University

Proposed Program Title: MBA Marketing Emphasis

Sponsoring School, College, or Division: Woodbury School of Business

Sponsoring Academic Department(s) or Unit(s): WSB Master of Business Administration

Classification of Instructional Program Code: 52:1401

Min/Max Credit Hours Required of Full Program: 36

Proposed Beginning Term: Fall 2018

Institutional Board of Trustees' Approval Date:

Program Type:

<input type="checkbox"/>	Certificate of Proficiency	<input type="checkbox"/> Entry-level CTE CP	<input type="checkbox"/> Mid-level CP
<input type="checkbox"/>	Certificate of Completion		
<input type="checkbox"/>	Minor		
<input type="checkbox"/>	Graduate Certificate		
<input type="checkbox"/>	K-12 Endorsement		
<input checked="" type="checkbox"/>	New Emphasis for Regent-Approved Program Credit Hours for NEW Emphasis Only: 9 Current Major CIP: 52:0201 Current Program Title: Master of Business Administration Current Program BOR Approval Date: 7/16/09		
<input type="checkbox"/>	Out of Service Area Delivery Program		

Chief Academic Officer (or Designee) Signature:

I, the Chief Academic Officer or Designee, certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.

Name: Jeffery E. Olson, Senior Vice President Academic Affairs

Date:

Utah System of Higher Education New Academic Program Proposal

Section I: The Request

The Masters of Business Administration Department in the Woodbury School of Business at Utah Valley University requests approval to offer a Marketing Emphasis in the current MBA effective Fall 2018.

Section II: Program Proposal/Needs Assessment

Program Description/Rationale

The UVU Master of Business Administration is an applied graduate degree reflecting the Woodbury School of Business's long and distinguished history of providing excellence in business education. The Marketing Emphasis in the MBA program will employ the innovative, team-based, woven approach of the MBA program to provide instruction in marketing analytics and research tools, the management of brands, products, and services, and skill development in traditional and digital distribution and promotion. As with other emphases in the MBA program, the Marketing Emphasis will also provide opportunities to apply important skills such as leadership, teamwork, ethical decision making, critical thinking, problem solving, and written and oral communication which are woven throughout the curriculum. Students who choose the Marketing Emphasis will also participate in an international marketing project and travel to the country of their project hosts. This MBA Marketing Emphasis is designed to prepare participants through the coursework to accept marketing management jobs in brand, product, or services management, in digital marketing management, or in managing marketing research.

Over the past five years, many awards have been won by junior and senior-level undergraduate marketing students at UVU, including over ten Top 3 placements in national competitions in such areas as sales, marketing strategy, marketing analytics, digital and social marketing, and marketing promotional campaigns. These exceptional students receive training in marketing through UVU's undergraduate programs, participation in the marketing club and then in club leadership—the club fills about 40 leadership positions each year and these positions give the students significant marketing experience in local, regional, and national competitions, and internships. Many of these students have expressed deep interest in continuing their marketing education at the graduate level either right after they graduate or after they have acquired a few years of experience in their marketing careers. In short, the undergraduate marketing degree is producing a large pipeline of marketing professionals who want additional, graduate education, but (as discussed below in the Labor Marketing Demand section) have limited options in the state, and even more limited options when they are deliberately seeking an engaged learning graduate experience.

Individuals who enroll in the Marketing Emphasis of the MBA program will be expected to have graduated with a four-year bachelor degree in marketing or other business discipline or in the related disciplines of economics, psychology, or communications. Alternatively, candidates will be expected to have a level of business related courses that are characterized as business matriculation courses in accounting, economics, statistics, with appropriate pre-requisites, and a junior level marketing course.

Labor Market Demand

Long-term Bureau of Labor Statistics (BLS) estimates the 2014-2024 growth rate for SOC codes in Marketing/Marketing management (CIP 52.1401) within Utah to be faster than average with estimated increase of 38-52% and combined growth of about 460 new job openings annually. According to the BLS, the median annual wage for marketing analysts, specialists and managers is estimated to be ~ \$53,120 and 109,570, which is significantly higher than the Utah median wage (\$33,990) making these high paying jobs in the State. Labor Insight Burning Glass data indicates higher immediate demand as the longer-term BLS projections with 4,035 job postings in Utah during the past 12 months – 2,310 in the SLC MSA, 376 in Ogden, 885 in Provo-Orem, 120 in Logan-Idaho and 50 in the St. George region.

This proposed certificate would attract students from the existing UVU marketing programs. The UVU Marketing Department has experienced tremendous growth in the past five years, adding 100 or more majors annually. Enrolled Fall headcounts: 156 in 2011; 322 in 2012; 347 in 2013; 453 in 2014 and 555 in 2015. The stable, growing enrollments in the Marketing Department suggests a large pool of potential students for this emphasis if pursuing an MBA.

Consistency with Institutional Mission/Impact on Other USHE Institutions

The Woodbury School of Business has experienced a significant growth in its MBA Program since it was started in 2010. An important element in the WSB mission has been to meet the needs of students as they prepare for professional careers. With the success of UVU students who have trained in marketing and shown aptitude through the many national awards won, the decision to develop a Marketing Emphasis within the MBA extends the opportunities of WSB students to achieve success and fills a need for employers who are seeking people with these types of skills.

IPEDS does not provide data on emphases or concentrations. Currently there are only two post-baccalaureate programs in Marketing within the state – a post-bacc certificate at Westminster College and a Master's degree program at University of Phoenix-Utah. However, these programs combined only had two graduates in 2013-14, which does not meet the statewide demand for these technical positions indicated by the BLS and Burning Glass labor market reports.

The limited number of graduates from neighboring USHE institutions further suggests the value of creating this MBA with a Marketing eEmphasis to prepare more individuals with the skills to provide employers the types of individuals to fill those positions. There are no plans to provide this degree outside the designated service area of Utah Valley University.

Finances

The Marketing Emphasis requires the addition of three new courses. Enrollment in the courses will come from a reduction in enrollments in existing MBA emphasis courses. With the addition of the Marketing Emphasis and the additionally proposed Finance Emphasis, it is anticipated that one less section of existing Management Emphasis courses will be needed. Those faculty resources will be redirected to undergraduate courses and existing marketing faculty will be reallocated to support these new graduate courses. Given these reallocations, no additional financial impact is anticipated.

Section III: Curriculum

Program Curriculum:

Course Number	New Course	Course Title	Credit Hours
Required Courses			
ACC 6350		Accounting Strategies for Achieving Profits	3
ECON 6300		Managerial Economics	3
FIN 6150		Financial Management	3
MGMT 6000		Career Development and Advancement	1.5
MGMT 6500		Managing Individuals and Groups	3
MGMT 6800		Global Business Strategy	3
MGMT 6910		Designing Business	1.5
MGMT 6930		International Engagement	1.5
MGMT 6940		MBA Consulting Project	3
MKTG 6600		Marketing Strategy	3
MKTG 6920		Creativity and Innovative Problem Solving	1.5
Required Course Credit Hour Sub Total:			27
New Emphasis to an existing Regent approved program			
Required Emphasis Courses	New Courses	Course Title	Credit Hours
MKTG 6620	X	Marketing Research and Analytics	3
MKTG 6640	X	Brand, Product, and Services Management	3
MKTG 6660	X	Marketing Channels and Communications	3
Emphasis Core Credit Hour Subtotal:			9
Emphasis Total Credit Hours:			36

Program Learning Outcomes:

- Assess market opportunities using “thick” and “big” data tools including effective data collection, marketing models, experimentation, and qualitative and quantitative approaches.
- Develop brand, product, and service offerings that customers want because they create significant value and they are appropriately priced.
- Demonstrate channel management and marketing communications skills in retailing, ecommerce, and digital and traditional marketing communications.

Degree Map:**Degree Map:**

Fall of First Year (Course Prefix and Number)	Course Title	Credit Hours
ACC 6350	Accounting Strategies for Achieving Profits	3
MGMT 6000	Career Development and Advancement	1.5
MGMT 6500	Managing Individuals and Groups	3
MKTG 6900	Creativity and Innovative Problem Solving	1.5
MKTG 6620	Marketing Research and Analytics	3
Spring of First Year (Course Prefix and Number)	Course Title	Credit Hours
FIN 6150	Financial Management	3
MGMT 6910	Designing Business	1.5
MGMT 6930	International Engagement	1.5
MKTG 6600	Marketing Strategy	3
MKTG 6640	Brand, Product, and Services Management	3

Summer (Course Prefix and Number)	Course Title	Credit Hours
ECON 6300	Managerial Economics	3
MGMT 6800	Global Business Strategy	3
MGMT 6940	MBA Consulting	3
MKTG 6660	Marketing Channels and Communications	3

**Utah System of Higher Education
New Academic Program Proposal
Cover/Signature Page**

Institution Submitting Request: Utah Valley University

Proposed Program Title: MBA Finance Emphasis

Sponsoring School, College, or Division: Woodbury School of Business

Sponsoring Academic Department(s) or Unit(s): WSB Master of Business Administration

Classification of Instructional Program Code: 52:0801

Min/Max Credit Hours Required of Full Program: 9 / 36

Proposed Beginning Term: Fall 2018

Institutional Board of Trustees' Approval Date:

Program Type:

<input type="checkbox"/>	Certificate of Proficiency	<input type="checkbox"/> Entry-level CTE CP	<input type="checkbox"/> Mid-level CP
<input type="checkbox"/>	Certificate of Completion		
<input type="checkbox"/>	Minor		
<input type="checkbox"/>	Graduate Certificate		
<input type="checkbox"/>	K-12 Endorsement		
<input checked="" type="checkbox"/>	New Emphasis for Regent-Approved Program Credit Hours for NEW Emphasis Only: 9 Current Major CIP: 52:0201 Current Program Title: Master of Business Administration Current Program BOR Approval Date:		
<input type="checkbox"/>	Out of Service Area Delivery Program		

Chief Academic Officer (or Designee) Signature:

I, the Chief Academic Officer or Designee, certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.

Name: Jeffery E. Olson, Senior Vice President Academic Affairs

Date:

Utah System of Higher Education New Academic Program Proposal

Section I: The Request

The Master's of Business Administration Department in the Woodbury School of Business at Utah Valley University requests approval to offer a Finance Emphasis in the current MBA effective Fall 2018.

Section II: Program Proposal/Needs Assessment

Individuals who elect this emphasis will complete the core curriculum requirements outlined for all MBA participants in the Woodbury School of Business (WSB) program. In addition, this MBA Finance Emphasis is designed to guide students through a process of learning the skills appropriate to take level I or level II of the Chartered Financial Analyst (CFA) exam during the MBA experience.

Over the last two years, finance and economic majors within the WSB have been extraordinarily successful in preparing for and passing the Chartered Financial Analyst (CFA) exam. CFA officials authorize college seniors to take level one of the three levels of the exam, which when students are successful, results in a significant increase in job placement and beginning salaries for those involved. Several undergraduates that have passed the level I CFA have requested the opportunity to continue their education, within the MBA program, with the intent of focusing on passing level II of the CFA exam as a part of that curriculum. As will be outlined below there is high labor market demand for individuals with these skills, and WSB officials believe that supporting the development of a Finance Emphasis within the MBA will meet the needs of many students to further their professional development.

Individuals who enroll in the Finance Emphasis of the MBA will be expected to have graduated with a four-year bachelor degree in accounting, economics, finance, or a business degree with one of those emphases. Alternatively, candidates will be expected to have a level of business related courses that are characterized as business matriculation courses in accounting, economics, statistics, with appropriate pre-requisites, and a junior level finance course.

Labor Market Demand

The Bureau of Labor Statistics (BLS) has estimated that finance related occupations in Utah would grow between 21-28% over the period from 2014-24. This will result in approximately 690 new job openings annually. The median annual wage of these positions is approximately \$28,190 to \$72,510, which is much higher than the Utah medium of \$33,990.

Burning Glass Technologies estimated that during the year from October 2015 to October 2016 there were some 4,124 Utah jobs in finance positions with titles such as budget analysts, financial analysts, credit counselors, loan officers, and other financial specialists. 69% were in Salt Lake City, another 23% were in the Ogden and Provo SMSA's, with the balance throughout the remainder of the state. A sample of those jobs where salary was available showed that 33% of the

salaries were greater than \$75,000, 30% were \$50,000 to \$74,999 and 36% were under \$50,000. The mean salary was \$63,700.

Within those four thousand plus jobs during that period seven out of ten specified educational requirements. About 21% or 613 required a master's or professional degree. These occupations have had consistent year-over-year demand over the past five years with a large increase in labor demand during the last two years. Only the University of Utah and Utah State University offer master's degrees necessary to meet this demand with graduates over the preceding three years ending in 2014 of only 42, 47, and 65 respectively.

During that same three-year period ending in 2014, the Woodbury School of Business (WSB) maintained between 200-350 majors annually. In the last two years, the significant success of the faculty development of a CFA exam preparation program has resulted in a growing interest among finance and other WSB students to complete graduate work that will enable them to successfully pass the CFA and pursue careers as financial managers. This proposed finance emphasis within the MBA program is designed to meet that need.

Consistency with Institutional Mission/Impact on Other USHE Institutions

The Woodbury School of Business has experienced a significant growth in its MBA Program since it was started in 2010. An important element in the WSB mission has been to meet the needs of students as they prepare for professional careers. With the success of UVU students who have trained for and passed the CFA exam over the last two years the decision to develop a Finance Emphasis within the MBA extends the opportunities of WSB students to achieve success and fill a need for employers who are seeking people with these types of skills.

The limited number of graduates from neighboring USHE institutions further suggests the value of creating this MBA with a Finance Emphasis to prepare more individuals with the skills to provide employers the types of individuals to fill those positions. There are no plans to provide this degree outside the designated service area of Utah Valley University.

Finances

The Finance Emphasis requires the addition of three new courses. Enrollment in the courses will come from a reduction in enrollments in existing MBA emphasis courses. UVU has already funded a new finance faculty position to support the addition of these three new courses as well as meet demand for undergraduate courses. Given this existing funding, no additional financial impact is anticipated.

Section III: Curriculum

Program Curriculum:

Course Number	New Course	Course Title	Credit Hours
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Required Courses			
ACC 6350		Accounting Strategies for Achieving Profit Goals	3
ECON 6300		Managerial Economics	3
FIN 6150		Financial Management	3
MGMT 6000		Career Development and Advancement	1.5
MGMT 6500		Managing Individuals and Groups	3
MGMT 6800		Global Business Strategy	3
MGMT 6910		Designing Business	1.5
MGMT 6930		International Engagement	1.5
MGMT 6940		MBA Consulting Project	3
MKTG 6600		Marketing Strategy	3
MKTG 6920		Creativity and Innovative Problem Solving	1.5
Required Course Credit Hour Sub Total:			27

New Emphasis to an existing Regent approved program			
Required Emphasis Courses	New Courses	Course Title	Credit Hours
FIN 6130	X	Financial Statement Analysis and Modeling	3
FIN 6160	X	International Financial Management	3
FIN 6170	X	Investment Analysis and Portfolio Analysis	3
Emphasis Credit Hour Sub Total:			9
Total MBA Core and Emphasis Credit Hour Total:			36

Program Curriculum Narrative

Program Learning Outcomes

1. Develop an integrated set of financial analysis skills to be competitive in the industry.
2. Demonstrate the capacity to solve complex quantitative/qualitative issues relevant to industry needs.
3. Demonstrate a high level of integrity and professionalism.
4. Demonstrate the use of technical capabilities such as the use of Bloomberg terminals to provide solutions to managers and clients in the industry.
5. Achieve accreditation standards such as the Certified Financial Analyst status.

Degree Map:

Fall of First Year (Course Prefix and Number)	Course Title	Credit Hours
ACC 6350	Accounting Strategies for Achieving Profits	3
MGMT 6000	MBA Seminar	1.5
MGMT 6500	Effectively Managing and Facilitating Teams	3
MKTG 6900	Creativity and Innovative Problem Solving	1.5
FIN 6130	Financial Statement Analysis and Modeling	3
Spring of First Year (Course Prefix and Number)	Course Title	Credit Hours
FIN 6150	Financial Management	3
MGMT 6910	Designing Business	1.5
MGMT 6930	International Engagement	1.5
MKTG 6600	Marketing Strategy	3
FIN 6170	Investment Analysis and Portfolio Analysis	3

Summer (Course Prefix and Number)	Course Title	Credit Hours
ECON 6300	Managerial Economics	3
MGMT 6800	Global Business Strategy	3
MGMT 6940	MBA Consulting	3
FIN 6160	International Financial Management	3

**Utah System of Higher Education
New Academic Program Proposal
Cover/Signature Page—Abbreviated Template**

Institution Submitting Request: Utah Valley University

Proposed Program Title: Emergency Services Administration BS modification and add a new emphasis in Emergency Management and Disaster Assistance

Sponsoring School, College, or Division: College of Health and Public Service

Sponsoring Academic Department(s) or Unit(s): Emergency Services

Classification of Instructional Program Code: 43.0302

Min/Max Credit Hours Required of Full Program: 120-126

Proposed Beginning Term: Fall 2018

Institutional Board of Trustees' Approval Date:

Program Type:

<input type="checkbox"/>	Certificate of Proficiency	<input type="checkbox"/> Entry-level CTE CP	<input type="checkbox"/> Mid-level CP
<input type="checkbox"/>	Certificate of Completion		
<input type="checkbox"/>	Minor		
<input type="checkbox"/>	Graduate Certificate		
<input type="checkbox"/>	K-12 Endorsement		
<input checked="" type="checkbox"/>	New Emphasis for Regent-Approved Program Credit Hours for NEW Emphasis Only: Current Major CIP: Current Program Title: Current Program BOR Approval Date:		
<input type="checkbox"/>	Out of Service Area Delivery Program		

Chief Academic Officer (or Designee) Signature:

I, the Chief Academic Officer or Designee, certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.

Name: Jeffery Olson, Senior Vice President, Academic Affairs

Date:

Utah System of Higher Education New Academic Program Proposal

Section I: The Request

The Department of Emergency Services in the College of Health and Public Service at Utah Valley University requests approval to modify the Emergency Services Administration BS core and create an emphasis in Emergency Management and Disaster Assistance effective Fall 2018.

Section II: Program Proposal/Needs Assessment

Program Description/Rationale

The Emergency Services Administration BS core is updated to reflect changes in the field of emergency services administration. The Emergency Management Emphasis in the BS in Emergency Services Administration has continued to grow over the past five years so that FTE is now over 600 students. This online program provides administrative skills to mid-career police, fire, paramedics, and military personnel who work full-time for affiliated government agencies and are seeking promotion. While the numbers of these “affiliated” students have remained consistent, more traditional, often younger, students without work experience have enrolled in the Emergency Management Program. They are less interested in the traditional leadership courses, gravitating to newer courses like Community Emergency Preparedness, Humanitarian Services and Disaster Relief, Disaster Communications and The Public, Human Factors in Emergency Management, Psychology of Emergency Services, and Principles of Disaster and Emergency Management. They number about 15-20% of the Emergency Management FTE (about 100 students). These students are more interested in disaster assistance and humanitarian services than in leadership in emergency agencies. In addition, an articulation agreement between Salt Lake Community College Homeland Security and Emergency Management Program and UVU will increase numbers in the current program and the proposed Emergency Management and Disaster Assistance program. It is because of the influx of students into the “disaster response and humanitarian assistance” portion of these programs that the Emergency Management and Disaster Assistance Emphasis in the BS in Emergency Services Administration is being proposed. Since no similar programs are now offered at UVU or in other state institutions and, because of the increasing interest in disaster preparedness and humanitarian services in Utah, both UVU and the USHE will benefit by offering the proposed program.

The Emergency Management and Disaster Assistance emphasis is designed to meet the needs of students aspiring for a career in emergency management and/or disaster assistance at the local, regional, state, or national level.

Labor Market Demand

Long-term Bureau of Labor Statistics (BLS) estimates the 2012-22 growth rate for SOC code 11.9161 Emergency Management Directors in Utah to be ten average annual openings. However, Labor Insight Burning Glass data includes a broader scope of job positions including disaster

managers, emergency preparedness planners, humanitarian aid, and volunteer coordinators. Positions in these areas indicate much greater immediate demand than the longer-term BLS projections with over 100 job postings in Utah during the past 12 months – 65 in the SLC MSA, 19 in Ogden, 23 in Provo-Orem and three in remaining regions. In addition, other potential jobs exist with the American Red Cross, United Nations, LDS Charities, Catholic Charities, and other international organizations. Many other organizations, including the military, public utilities, and private industry, require personnel with these skills. These job postings include both new and existing job positions and the volume of job postings exceeds the BLS estimates significantly. According to the BLS, the median annual wage for Emergency Management Directors is estimated to be \$64,330, which is almost two times higher than the Utah median wage of \$33,990.

This proposed program is closely aligned with the existing UVU Bachelor's in Emergency Services Administration (ESA). The ESA Bachelor's program consistently attracts about 600 majors annually with enrolled majors as follows: 625 in 2011-12; 623 in 2012-13; 597 in 2013-14; 629 in 2014-15. The demand for this existing ESA program suggests a large pool of potential student enrollments for a new program in this field. UVU anticipates drawing students because of Utah's interest in disaster preparedness, service and volunteerism, languages, etc.

Consistency with Institutional Mission/Impact on Other USHE Institutions

No institutions in Utah offer a program in emergency preparedness or disaster management and Utah Higher Education is not specifically meeting any of the in-state demand.

Because this proposal is for a new program that is not offered at any other USHE institution, the impact on other institutions will be minimal or have no effect. The current Emergency Management program at UVU is unique; no similar bachelor's program is offered in the state. The proposed Emergency Management and Disaster Assistance emphasis will result in a short to medium term drop in students in the current emergency leadership program, but overtime the number of students in both programs is expected to rise. The Emergency Management and Disaster Assistance emphasis, like the current emphasis, will be offered online. Currently, about 50% of the students in the emergency leadership emphasis come from within the UVU catchment area, another 35% from other areas of the state, and 15% from outside the state. The proposed Emergency Management and Disaster Assistance emphasis will likely have similar demographics.

Finances

The addition of this new emphasis requires already approved upper division courses, which will be taught by adjunct faculty members or by existing salaried faculty members whose lower division courses would then be taught by adjunct. Sufficient sections of all other existing courses exist to support this new emphasis. Tuition revenue generated by the anticipated growth in the program including these two new courses will generate sufficient revenue to cover the costs.

Section III: Curriculum

Program Learning Outcomes

1. Students will demonstrate familiarity with the major concepts, theoretical perspectives, empirical findings, and historical trends in emergency management and disaster assistance. (Applies to ELO #1 Discipline-appropriate experiences and ELO #4 Professional competence.)
2. Students will use critical and creative thinking, skeptical inquiry, and problem solving in making ethical and good decisions in the fields of emergency management and disaster assistance. (Applies to ELO #2 Intellectual and practical skills and ELO #3 Ethical reasoning and understanding.)
3. Students will recognize, understand, and respect the complexity of socio-cultural and international diversity and apply this knowledge to emergency management and disaster assistance. (Applies to ELO #5 Stewardship of local, national and global communities and ELO #6 Knowledge of human cultures and the physical and natural.)

Program Curriculum:

List all courses, including new courses, to be offered in the proposed program by prefix, number, title, and credit hours (or credit equivalences). Indicate new courses with an X in the appropriate columns. The total number of credit hours should reflect the number of credits required to be awarded the degree. **For NEW Emphases, skip to emphases tables below.** For variable credits, please enter the minimum value in the table for credit hours. Explain variable credit in detail as well as any additional information, in the narrative section below the table.

Course Number	New Course	Course Title	Credit Hours
General Education Courses			
ENGL 1010		Introduction to Writing	3
ENGL 2010 or ENGL 2020		Intermediate Writing – Humanities/Social Sci Intermediate Writing – Science & Technology	3
MAT 1030 or MAT 1035 or STAT 1040 or STAT 1045 or MATH 1050 or MATH 1055 or MATH 1090		Quantitative Reasoning Introduction to Statistics College Algebra College Algebra for Business	3
HIST or POLS		History or Political Science	3

[illegible]

Core Elective Credit Hour Subtotal:			32
Core Curriculum			95
New Emphasis to an existing Regent approved program			
Required Emphasis Courses	New Courses	Course Title	Credit Hours
ESMG 3400		Critical Infrastructure Protection	3
ESMG 4150		Humanitarian Services and Disaster Relief	3
ESMG 4200		Disaster Response and the Public	3
ESMG 425G		Crisis and Disaster Management	3
ESMG 4550		Principles of Disaster and Emergency Management	3
		Emphasis Core Credit Hour Subtotal:	15
Elective Emphasis Courses	New Courses	Course Title	Credit Hours
		Choose 10 credits from the following:	
ESMG 3350		Analytical Research Approaches to Public Emergency Services (3)	
ESMG 3300		Master Planning for Public Emergency Services (3)	
ESMG 445G		Human Factors in Emergency Management (3)	
ESMG 481R		Internship in Emergency Services (1)	
ESMG 489R		Special Topics in Humanitarian Services (1)	
		Emphasis Elective Credit Hour Subtotal:	10
		Emphasis Total Credit Hours:	25
		Core Total Credit Hours	95
		Total Degree Credits	120

Program Curriculum Narrative

Students can participate in an Internship in Emergency Services (ESMG 481R). Students can

take a minimum of three credits and may take a maximum of nine credits. In addition, students are encouraged to participate in a Humanitarian Services Study Abroad (ESMG 489R) of three to six credits.

Degree Map:

Provide a degree map for proposed program. Degree Maps were approved by the State Board of Regents on July 17, 2014 as a degree completion measure. Degree maps or graduation plans are a suggested semester-by-semester class schedule that includes prefix, number, title, and semester hours.

Fall of First Year (Course Prefix and Number)	Course Title	Credit Hours
ENGL 1010	Introduction to Writing	3
MATH 1030 or MATH 1040 or MATH 1050 or MATH 1090	Quantitative Reasoning Introduction to Statistics College Algebra College Algebra for Business	3
HLTH 1100 or PES 1097	Personal Health and Wellness Fitness for Life	2
FINE ARTS	Fine Arts Distribution	3
ESFF 1000	Introduction to Emergency Services and Ability Testing	4
	Semester Total	15

Spring of First Year (Course Prefix and Number)	Course Title	Credit Hours
ENGL 2010 or ENGL 2020	Intermediate Writing Humanities/Social Sciences or Intermediate Writing Science/Technology	3
HLTH 3400	Human Diseases (or other Biology Distribution)	3
PHIL 2050	Ethics and Values	3
ES 1150	Community Emergency Preparedness (Social/Behavioral Science)	3
HIST or POLS	History or Political Science Education Requirement	3
	Semester Total	15

Fall of Second Year (Course Prefix and Number)	Course Title	Credit Hours
ESEC 1140	Emergency Medical Technician--Basic	9
	Addition Emergency Services Course	3

	Addition Emergency Services Course	3
	Semester Total	15

Spring of Second Year (Course Prefix and Number)	Course Title	Credit Hours
COMM 1020	Public Speaking (or other Humanities Distribution)	3
GEOG 1000	Intro to Physical Geography (or other Physical Science Distribution)	3
	Addition Emergency Services Course	3
	Addition Emergency Services Course	3
	Addition Emergency Services Course	3
	Semester Total	15

Fall of Third Year (Course Prefix and Number)	Course Title	Credit Hours
ESMG 310G	Introduction to Homeland Security	3
ESMG 3150	Public Program Administration	3
ESMG 3350	Analytical Research Approaches to Emergency Services	3
ESMG 4150	Humanitarian Services and Disaster Relief	3
ESMG 4200	Disaster Response and the Public	3
	Semester Total	15

Spring of Third Year (Course Prefix and Number)	Course Title	Credit Hours
ESMG 425G	Crisis and Disaster Administration	3
ESMG 445G	Human Factors in Emergency Management	3
ESMG 4550	Principles of Disaster and Emergency Management	3
ESMG 489R	Special Topics (Humanitarian Services Travel Abroad)	6
	Semester Total	15

Fall of Fourth Year (Course Prefix and Number)	Course Title	Credit Hours
ESMG 3600	Psychology of Emergency Services	3

ESMG 4600	Public Administration and Emergency Services	3
ESMG 3300	Master Planning for Public Emergency services	3
ESMG 3400	Critical Infrastructure	3
	Elective	3
	Semester Total	15

Spring of Fourth Year (Course Prefix and Number)	Course Title	Credit Hours
ESMG 4650	Emergency Services Capstone	3
ESMG 481R	Emergency Services Internship (with a Non-Profit or Emergency Agency)	6
	Elective	3
	Elective	3
	Semester Total	15
	Total All Semesters	120

**Utah System of Higher Education
New Academic Program Proposal
Cover/Signature Page - Full
Template**

Institution Submitting Request: Utah Valley University

Proposed Program Title: Bachelor of Arts in Secondary French Education

Sponsoring School, College, or Division: College of Humanities and Social Sciences

Sponsoring Academic Department(s) or Unit(s): The Department of Languages and Cultures

Classification of Instructional Program Code: 13.1325

Min/Max Credit Hours Required to Earn Degree: 120

Proposed Beginning Term: Fall 2018

Institutional Board of Trustees' Approval Date: Pending

Program Type (check all that apply):

<input type="checkbox"/>	Associate of Applied Science Degree (AAS)
<input type="checkbox"/>	Associate of Arts Degree (AA)
<input type="checkbox"/>	Associate of Science Degree (AS)
<input type="checkbox"/>	Specialized Associate Degree (specify award type)
<input type="checkbox"/>	Other (specify award type)
x	Bachelor of Arts Degree (BA)
<input type="checkbox"/>	Bachelor of Science Degree (BS)
<input type="checkbox"/>	Professional Bachelor Degree (specify award type)
<input type="checkbox"/>	Other (specify award type)
<input type="checkbox"/>	Master of Arts Degree (MA)
<input type="checkbox"/>	Master of Science Degree (MS)
<input type="checkbox"/>	Professional Master Degree (specify award type)
<input type="checkbox"/>	Other (specify award type)
<input type="checkbox"/>	Doctoral Degree (specify award type)
<input type="checkbox"/>	K-12 School Personnel Program
<input type="checkbox"/>	Out of Service Area Delivery Program

Chief Academic Officer (or Designee) Signature:

I, the Chief Academic Officer or Designee, certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.

Signature:

Date:

**Utah System of Higher Education
Program Description - Full
Template**

Section I: The Request

The Department of Languages and Cultures in the College of Humanities and Social Sciences at Utah Valley University requests approval to offer a Bachelor of Arts in Secondary French Education effective Fall 2018.

Section II: Program Proposal

Program Description

This four-year degree prepares students to teach French in secondary education settings. It also prepares students to qualify for the Dual Language Immersion (DLI) Endorsement. Students take major courses from the Department of Languages and Cultures and licensure and endorsement courses through the School of Education. This degree requires separate application to the School of Education.

Consistency with Institutional Mission

The Bachelor of Arts in Secondary French Education explicitly blends the Regent's mission with the roles and goals of UVU. The program contributes to the growth and expansion of UVU in that it provides students with an opportunity to study French while simultaneously preparing them for a career in secondary education, thereby addressing a regional need for teachers of French. It will provide new opportunities to students and meet trending regional educational needs with an emphasis on engaged teaching and learning. It will additionally provide students at UVU with a viable career and technical education choice and promote community and professional engagement by preparing them for meaningful lifework in Utah's growing DLI programs. All of these factors will effectively contribute to the quality of life of the region and state.

Section III: Needs Assessment

Program Rationale

A Bachelor of Arts in Secondary French Education at UVU is crucial for Utah's DLI programs and to maintaining USHE's viability in this area of expertise. UVU is uniquely positioned to fulfill an enormous need for individuals that can teach French in DLI programs with the required secondary licensure. For elementary education candidates, language and culture courses will also be valuable, as they will facilitate competency in the language and cultures of the French-speaking world. DLI courses are already in place and will benefit both secondary and elementary education candidates. DLI schools are increasingly popular, and they will require an ever-steady supply of qualified instructors. Currently these positions are being filled with individuals that have obtained their credentials from non-UHSE institutions with the trend only increasing. The fact that UVU would be the only USHE institution that would offer this type of degree with either licensure in all of Utah is monumental when combined with the projected UVU student population growth of 50% by the year 2022. Even when it is considered that two USHE schools (USU and SUU) have programs that provide secondary education licensure, neither of these schools are located in the Salt Lake / Utah Valley geographic area. Additionally, the French Program Director is working to build and strengthen the French Concurrent Enrollment Program in an effort to expand UVU's presence in area high schools. Currently, UVU French courses are offered in five area high schools. These courses provide students with an opportunity to take lower-level language courses prior to graduating from high school, which in turn creates a demand for upper-level French courses at UVU. Many students will choose to major in French based on the expansion of the program, as well as the need for secondary French teachers in the region. UVU is also in a unique position in that students majoring in French Secondary Education at UVU can pursue graduate studies in French at the University of Utah.

Labor Market Demand

Long-term Bureau of Labor Statistics (BLS) estimates specifically for 13.1325 French Language Teacher Education in Utah are not available within the Bureau of Labor Statistics. All teacher education occupations are pooled together in BLS data. French Education teaching articulates with two general SOC codes: 25.2022 middle school teachers, except for special/CTE and 25.2031 secondary school teachers, except for special/CTE. Growth for these SOC codes from 2014-2024 are estimated to be about as fast as average with an estimated 570 average openings in Utah annually. According to the BLS, the median annual wage for middle school and secondary teachers is estimated to be \$53,240-\$55,690, which is higher than the Utah median wage of \$33,990.

The market demand currently shows the Utah now has:

- Approximately 2,800 French DLI students in elementary level schools (K-6).¹
- 61 French DLI teachers, 22 who are French trained/licensed and on loan from France under various arrangements.²

In addition, the following is noteworthy in relation to French DLI schools in Utah:

- With 14,000 students statewide, French is second only to Spanish in student DLI enrollment.³
- German and Chinese are a distant third and fourth respectively with about 5,000 each.⁴
- A Bloomberg report shows French as more important for business worldwide than Spanish and ranked as the second most important language other than English.⁵
- There have been limited reported degrees in French Language Teacher Education, but these degrees were granted from a non-USHE institution,⁶ yet as stated above, there is a high demand for teachers for DLI schools.

Student Demand

Demand for new programs can be assessed by enrollments in similar programs within the Languages and Cultures department. Over the past three years, students studying French at UVU have consistently requested a new major in French as an additional program of study within the Department of Languages and Cultures. Many students will likely be able to get dual degrees in French Secondary Education and one of the following disciplines: Integrated Studies, History, or Political Science. Additionally, this new major will provide students with a career path in education in a market where there is much demand. This French Secondary Education program will also contribute to UVU's growing presence in the region and will provide an alternative to other programs, including those out-of-state.

¹ Hales, Brenda. "Critical Languages: Dual Language Immersion Education Appropriations Report."

² Hales, Brenda. "Critical Languages: Dual Language Immersion Education Appropriations Report."

³ Hales, Brenda. "Critical Languages: Dual Language Immersion Education Appropriations Report."

⁴ Hales, Brenda. "Critical Languages: Dual Language Immersion Education Appropriations Report."

⁵ Lauerman, John. "Mandarin Chinese Most Useful Business Language After English."

www.Bloomberg.com. Bloomberg L.P., 30 August 2011. Web. 07 July 2015.

⁶ United States. Dept. of Education's National Center for Education Statistics. *Program Overview French Language Teacher Education in Utah*. Utah Department of Workforce Services, Economic Modeling Specialists International, April 2015. Web. 24 April 2015. www.economicmodeling.com.

After numerous student-led petitions requesting more courses in French, specifically, courses designed to prepare students to become qualified teachers of French, UVU conducted a formal survey of a portion of its French student population inquiring as to its interest in a Bachelor of Arts in French Education. Of 99 students contacted, 44 expressed solid interest in French Secondary Education. The French Program Director is currently working with (and advising) a cohort of students who are waiting for this degree to be approved. These students are currently completing general education requirements and basic French courses in preparation for upper-division courses within the Dept. of Languages and Cultures, and within the School of Education.

Other compelling evidence of student interest in French Education follows:

- The enrollment in French language classes at UVU has continued to grow.

2006 – 215	2007 – 227	2008 – 349	2009 – 332	2010 – 392
2011 – 407	2012 – 451	2013 -349*	2014 -353	2015 –449

*Recent dip attributed to Mormon missionary age adjustment.
- Concurrent Enrollment in five high schools shows early and continuing interest in UVU French.
- Steady growth in UVU's France Study Abroad program, which provides motivated students immersive language acquisition opportunities and accelerated course credit vis-à-vis authentic cultural engagement.
- Numerous upper level French courses have been cancelled in the past due to being just a few students short needed to carry the course. When students have been asked why more didn't sign up the dominating response has been the lack of a French degree program.

Similar Programs

Similar programs presently offered in the USHE fundamentally support the case for a Bachelor of Arts in French Education at UVU. While some institutions offer a French Language BA, only a very limited number of USHE institutions currently offer a Bachelor of Arts in Secondary French Education. With DLI (dual language immersion) schools currently on the rise, the need exists for a significant increase in this type of degree. Importantly, none of the USHE schools that offer a French Education degree are located in the Salt Lake or Utah Valley area. UVU would not only fill a growing need for a Bachelor of Arts in Secondary French Education, it would also fill a geographic void in this area of study. Indeed, given the choice between attending UVU or any other school within the USHE offering a comparable degree in French Education, local residents wishing to commute or stay in their geographical area would be apt to select UVU because of proximity and convenience.

Current USHE Institution French Programs / degree types

- Utah State University – French Major (BA), Minor, Teaching Major (BA) and Teaching minor for French
- Weber State University – French Major, French Teaching Major
 - Licensures not available
- University of Utah – Language major (BA), Master of Arts in Language (MA), Master of Arts in Language Pedagogy (MA)
 - Licensures not available
- Salt Lake Community College – Associate of Arts in Language and Culture (AA)
- Utah State University Eastern – Adjunct courses only
- Southern Utah University – Minor, Major, French teaching Major (BA)
- Dixie State College – online courses only
- Snow College – French lessons (non-matriculated)

Collaboration with and Impact on Other USHE Institutions

This document has been provided to the deans and department chairs of the USHE institutions with similar programs in order to make them aware of the pending proposals. Collaboration will take place to help facilitate a smooth transfer of credits of any possible future transfer students from one institution to another. This would benefit all of the USHE institutions with French Education programs and ensure a positive impact on all of the USHE schools.

External Review and Accreditation

The proposed program was developed internally at UVU without the use of external consultants.

The members of the program advisory committee are:

- Department of Languages and Cultures – Dr. Walter S. Temple, Dr. Jeffrey Packer
- School of Education – Dr. Parker Fawson, Dr. Stan Harward, Dr. Raquel Cook, Secondary Ed.

The program advisory committee will coordinate course schedules and ensure that courses are taught at times that will enable students to complete required courses from both departments without conflict.

Utah Valley University is accredited by the Northwest Commission on Colleges and Universities. UVU has previously been accredited with the Teacher Education Accreditation Council (TEAC) for our Licensure Program in Elementary and Secondary Education. While we retain the TEAC requirements as part of our program, the Council for the Accreditation of Educator Preparation (CAEP) is now our umbrella accreditor. This accreditation certifies that the professional education program adheres to CAEP's quality principles. The requirements to obtain the necessary licensures for the Bachelor of Arts in Secondary French Education are the same as previously accredited and would have previously been validated. The accreditation period extends through May 3, 2020 at which time an accreditation review will be accomplished. No further costs to UVU are required to obtain accreditation for this program.

Section IV: Program Details

Graduation Standards and Number of Credits

The Bachelor of Arts in Secondary French Education requirements and graduation standards are as follows:

Total Program Credits: 120

Graduation Requirements:

1. Complete a minimum of 120 credit hours with a minimum of 40 upper-division credits.
2. Overall grade of 3.0 (B) or above with no grade lower than a C or better in major required content courses and no grade lower than a B- in Licensure and Methods courses.
3. Completion of General Education, French core, and elective requirements.
4. Meet residency and maximum years in program requirements and any other requirements stated in the college catalog or established by the department.
5. Successful completion of at least one Global / Intercultural course.

Admission Requirements

UVU currently has an identical Spanish program: Bachelor of Arts in Spanish Education. This is important to note because the structure is already in place and available to simply duplicate the degree by mirroring the same requirements in French. Initial admissions requirements to the French program are the same as admissions requirements to Utah Valley University. The Bachelor of Arts in Secondary French Education will be the same as the existing Spanish program in that it will require separate application to the School of Education in order to complete the Teacher Education Licensure Program.

Specific matriculation requirements for the French Secondary Education, B.A. program, are as follows:

1. ACT exam required (re-take required if score is 7 years or older); composite score of 21 or higher, English 20 or higher, and Math 19 or higher.
2. GPA of 3.0 or higher with no grade lower than a C in content area courses.
3. Completion of all General Education requirements and the majority of content area courses.
4. Pass group interview directed by the Secondary Teacher School of Education.
5. Pass LiveScan Criminal Background Check.
6. Exit Interview with French Program Director
7. Other requirements as determined by the Department of Languages and Cultures.

Curriculum and Degree Map Program Curriculum

Course Number	New Course	Course Title	Credit Hours
General Education Courses			
ENG 1010		Introduction to Writing	3
MATH 1050 or MATH 1055		Quantitative Literacy Requirement	3
American Institutions-AS		Refer to GE (POLS 1000, POLS 1100, HIST 1740, HIST 1700, or HIST 2700 and 2710	3
HLTH 1100/PES 1097		Personal Health and Wellness or Fitness for Life	2
ENGL 2010		Intermediate Writing	3
Science 1		Refer to GE (BB or PP)**	3
Social/Behavior Science-SS		Refer to GE	3
Humanities-HH		Refer to GE*	3
Science 2		Refer to GE (BB or PP)	3
PHIL 2050-205G		Ethics and Values	3
Fine Art-FF		Refer to GE*	3
Science 3		Refer to GE (BB or PP)**	3
General Education Subtotal:			35
Required Courses			
FREN 3050		Advanced French	3
FREN 4050		Special Topics in Grammar Usage and Style	3
FREN 3610		French Literature to 1700	3
FREN 351G/352G		Culture and Civilization from/to 1700	3

FREN 4500		Advanced French Writing	3
FREN 3620		French Literature from 1700	3
FREN 4900		French Capstone	3
FREN 4100		Teaching French Grammar	3
EDSP 3400		Exceptional Students	2
EDSC 3000		Educational Psychology	3
EDSC 3050		Foundations of American Education	2
EDSC 4550		Secondary Curriculum, Instruction and Assessment	3
EDSC 3250		Instructional Media	2
EDSC 4200		Classroom Management I	2
EDSC 4440		Reading and Writing in the Content Area	3
EDSC 445G		Multicultural Instruction and ESL	3
LANG 4200		Methods of Teaching a Foreign Language (fall only)	3
EDSC 4850		Student Teaching-Secondary	10
EDSC 4250		Classroom Management II	2
Required Course Credit Hour Sub Total:			59
Elective Courses			
General Elective		SLSS 1000 recommended	3
General Elective		Any course numbered 1000 or higher	8
FREN Elective		Upper division(3000-4000 level) French course above 3050	3
FREN Elective		Upper division(3000-4000 level) French course above 3050	3
FREN Elective		Upper division(3000-4000 level) French course above 3050	3
FREN Elective		Upper division(3000-4000 level) French course above 3050	3
FREN Elective		Upper division(3000-4000 level) French course above 3050	3
Elective Credit Hour Subtotal:			26
Core Curriculum			120

Degree Map:

Fall of First Year (Course Prefix and Number)	Course Title	Credit Hours
ENGL 1010	Introduction to Writing	3
MAT 1010	Intermediate Algebra	4
American Institutions-AS	Refer to GE (POLS 1000, POLS 1100, HIST 1740, or HIST 1700)	3
General Elective	SLSS 1000 recommended	3
HLTH 1100/PES 1097	Personal Health & Wellness or Fitness for Life	2

Spring of First Year (Course Prefix and Number)	Course Title	Credit Hours
ENGL 2010	Intermediate Writing	3
MATH 1050	College Algebra	3
Science 1	Refer to GE (BB or PP)	3
Social/Behavior Science-SS	Refer to GE	3
FREN 3050	Advanced French	3
General Elective	Any course numbered 1000 or higher	1

Fall of Second Year (Course Prefix and Number)	Course Title	Credit Hours
Humanities Distribution	Refer to GE (HH)	3
Physical Science	Refer to GE (PP)	3
PHIL 2050/205G	Ethics and Values	3
Fine Arts Distribution	Refer to GE (FF)	3
FREN 4050	Special Topics in Grammar, Usage, and Style	3
General Elective	Any course numbered 1000 or higher	1

Spring Semester of Second Year (Course Prefix and Number)	Course Title	Credit Hours
Third Science Distribution	Refer to GE (BB or PP)	3
French 3610	French Literature to 1700	3
FREN 351G/352G	Culture and Civilisation to 1700/from 1700	3
FREN elective	Upper division (3000-4000 level)	3
General Elective	Any course numbered 1000 or higher	1

Fall Semester of Third Year (Course Prefix and Number)	Course Title	Credit Hours
FREN 4500	Advanced French Writing	3
FREN 3620	French Literature from 1700	3
FREN elective	Upper division (3000-4000 level)	3
FREN elective	Any course numbered 1000 or higher	3
FREN elective	Any course numbered 1000 or higher	3

Spring Semester of Third Year (Course Prefix and Number)	Course Title	Credit Hours
EDSC 3400	Exceptional Students	2
EDSC 3000	Educational Psychology	3
EDSC 3050	Foundations of American Education	2
EDSC 4550	Secondary Curriculum, Instruction, and Assessment	3
FREN 4100	Teaching French Grammar	3
FREN elective	Upper division (3000-4000 level)	3

Fall Semester of Fourth Year (Course Prefix and Number)	Course Title	Credit Hours
EDSC 3250	Instructional Media	2
EDSC 4200	Classroom Management I	2
EDSC 4440	Reading and Writing in the Content Area	3
EDSC 445G	Multicultural Instruction and ESL	3
FREN 4900	French Capstone	3
LANG 4200	Methods of Teaching a Foreign Language (fall only)	3

Spring Semester of Fourth Year (Course Prefix and Number)	Course Title	Credit Hours
EDSC 4850	Student Teaching-Secondary	10
EDSC 4250	Classroom Management II	2

Section V: Institution, Faculty, and Staff Support

Institutional Readiness

UVU's existing administrative structures are already positioned to make the transitions required to provide and deliver the French Education program. The courses required to provide a Bachelor of Arts in Secondary French Education can be incrementally added and are well within the scope of the Department of Languages and Cultures. The relationship between the Department of Languages and Cultures and School of Education would need to be defined but is easily achievable within the required time frame. The program will not adversely affect the delivery of any other undergraduate programs. Initially, all courses will be taught at UVU's main campus in Orem with an eventual possibility of online courses in the future.

Faculty

A need for additional TT faculty is not anticipated at this time. Currently, the Department of Languages and Cultures is comprised of one full-time TT faculty member in French and one full-time instructor in French. Lower-level basic language courses will be supported, as needed, by part-time instructors holding at least a M.A. in French or linguistics. One instructor is a TT faculty member in the Integrated Studies Department, but teaches one course, per semester, in this program. Upper-level and advanced courses will be taught by full-

time faculty in French. The French Program Director holds a Ph.D. in French and will supervise all aspects of this program.

Part I. Department Faculty/Staff

Identify # of department faculty / staff (headcount) for the year preceding implementation of proposed program.

	# Tenured	# Tenure -Track	# Non - Tenure
Faculty: Full Time with Doctorate	8		3
Faculty: Part Time with Doctorate			4
Faculty: Full Time with Masters			8
Faculty: Part Time with Masters	16		
Faculty: Full Time with Baccalaureate			
Faculty: Part Time with Baccalaureate	12		
Teaching / Graduate Assistants	N/A		
Staff: Full Time			
Staff: Part Time			

Part II. Proposed Program Faculty Profiles

List current faculty within the institution -- with academic qualifications -- to be used in support of the proposed program(s).

First Name	Last Name	Tenure (T) / Tenure Track (TT) / Other	Degree	Institution where Credential was Earned	Est. % of time faculty member will dedicate to proposed program.
Full Time Faculty					
Walter S.	Temple	TT	Ph.D.	University of Miami	100%
Tammy	Christensen		M.A.	Brigham Young University	100%
Part Time Faculty					
Gregory	Jackson	TT	Ph.D.	University of Utah	25%
Chellese	Bunker		M.A.	University of Utah	100%
George	King		M.A.	Brigham Young University	50%

Part III: New Faculty / Staff Projections for Proposed Program

Indicate the number of faculty / staff to be hired in the first three years of the program, if applicable. Include additional cost for these faculty / staff members in Financial Table Below. NOT APPLICABLE

	# Tenured	# Tenure - Track	# Non - Tenure Track	Academic or Industry Credentials Needed	Est. % of time to be dedicated to proposed program.
Faculty: Full Time with Doctorate					
Faculty: Part Time with Doctorate					
Faculty: Full Time with Masters					
Faculty: Part Time with Masters					
Faculty: Full Time with Baccalaureate					
Faculty: Part Time with Baccalaureate					
Teaching / Graduate Assistants					
Staff: Full Time					
Staff: Part Time					

Staff

No additional staff or faculty is needed to support this program. The current French advisor will advise all students majoring in French Secondary Education in consultation with the French Program Director. No additional budget requirements are anticipated or requested at this time.

Student Advisement

Students will be advised through the academic advisors currently established in the Department of Languages and Cultures and the School of Education. Overall degree advisement will take place through the Department of Languages and Cultures, however, if specific advisement based on a particular course or subject matter is needed, advisement will fall under its corresponding department.

The current academic advisors are:

- Department of Languages and Cultures – Sarah Lindsey
- School of Education – Rick Dumont

Library and Information Resources

Materials: Books, Media, and Electronic Books

UVU library has nearly 12,000 items available in French or about French language and literature. The physical materials are located in two Library of Congress call number areas. PC2001-3761 contains French language items such as instruction books, books about grammar, and dictionaries. In this call number area there are

115 titles. French prose, poetry, plays, and literature are in PQ1-3999 call number range. In this area there are 1404 titles.

Periodicals: Articles, Journals, and Databases

The UVU library currently subscribes to vast periodical database resources. A recent French keyword search in EBSCOHOST returned 2,096,113 results. This includes 808,378 news articles, 386,222 academic journals, 253,931 magazines, 76,972 reviews, 63,609 trade publications, 58,359 books, 12,177 reports, 12,035 biographies, and 11,238 audio. There is also access to French language journals, magazines, and newspapers.

Education

UVU Library maintains a vast collection of resources to support the Education curriculum.

Projected Enrollment and Finance

Part I.

Project the number of students who will be attracted to the proposed program as well as increased expenses, if any. Include new faculty & staff as described above.

Three Year Projection: Program Participation and Department Budget						
	Year Preceding Implementation	New Program				
		Year 1	Year 2	Year 3	Year 4	Year 5
Student Data						
# of Majors in Department						
# of Majors in Proposed Program(s)		30	60	60	60	60
# of Graduates from Department						
# Graduates in New Program(s)		15	15	15	15	15
Department Financial Data						
<i>Project additional expenses associated with offering new program(s). Account for New Faculty as stated in above in, "Faculty Projections."</i>	Department Budget					
	Year Preceding Implementation (Base Budget)	Year 1	Year 2	Year 3		
		Addition to Base Budget for New Program(s)	Addition to Base Budget for New Program(s)	Addition to Base Budget for New Program(s)		
		EXPENSES – nature of additional costs required for proposed program(s)				
<i>List salary benefits for additional faculty/staff each year the positions will be filled. For example, if hiring faculty in year 2, include expense in years 2 and 3. List one-time operating expenses only in the year expended.</i>						
Personnel (Faculty & Staff Salary & Benefits)	\$2,556,887	\$6,194	\$6,194	\$6,194		
Operating Expenses (equipment, travel, resources)	\$68,935	\$1,000	\$1,000	\$1,000		
Other:	\$0	\$0	\$0	\$0		
TOTAL PROGRAM EXPENSES		\$7194	\$7194	\$7194		
TOTAL EXPENSES	\$0	\$0	\$0	\$0		
FUNDING – source of funding to cover additional costs generated by proposed program(s)						

Comment [Office1]: Why is this cell blocked out? The number should be: \$2,625,822

Describe internal reallocation using Narrative 1 on the following page. Describe new sources of funding using Narrative 2.

Internal Reallocation				
Appropriation				
Special Legislative Appropriation				
Grants and Contracts				
Special Fees				
Tuition		\$14,520	\$14,520	\$14,520
Differential Tuition (requires Regents approval)				
PROPOSED PROGRAM FUNDING		\$7,194	\$7,194	\$7,194
TOTAL DEPARTMENT FUNDING	\$0	\$0	\$0	\$0
Difference				
Funding - Expense	\$0	\$7,362	\$7,362	\$7,362

Part II: Expense explanation**Expense Narrative**

The addition of this program requires two new upper division courses, which will be taught by existing salaried faculty members. Adjunct faculty will be hired to teach two sections of lower-division/basic language courses. Secondary education has reviewed this proposal and anticipates adding no additional sections in support of this program.

Part III: Describe funding sources**Revenue Narrative**

Enrollment in the two new upper division courses will generate sufficient new tuition revenue to fund the additional costs for this program.

Section VI: Program Evaluation**Program Assessment**

The French Education program goals are to foster engaged learning through a creative environment and effectively prepare and graduate competent professionals who will in turn be able to use methods of engaged teaching and learning in their careers at the secondary educational level. The Department of Languages and Cultures will solicit feedback during the student teaching process and from the regional DLI institutions in which the graduates are placed. In addition, the ACTFL Oral Proficiency Interview (OPI) score will provide an additional means to effectively measure students. Upon successful completion of this program, students will be:

1. Fluent in the target language, which includes being able to discuss (and respond to) the cultures associated with the target language ("cultural fluency");
2. Able to align all lessons and pedagogical practices with the ACTFL Standards;
3. Knowledgeable on effective classroom practices as they relate to the instruction of French and French and Francophone cultures at the secondary level;
4. Effectively participate in a community of teachers and learners in a secondary school setting, which includes being able to demonstrate the knowledge, skills, and abilities expected of a French teacher at the secondary level, as defined by the School of Education and the Department of Languages and Cultures

Student Standards of Performance

At the time of graduation, students that have completed the French Secondary Education program will be prepared to effectively teach French at the secondary level. Moreover, if students complete the five additional courses that lead to DLI certification, they will also be aptly prepared and qualified to teach in a DLI setting. The ACTFL Oral Proficiency Interview (OPI) and resulting score is an accepted standard that the Department of Languages and Cultures will use to measure performance. The OPI score must be at a level of Advanced Mid or higher. In addition, the student teaching portion of the program will provide a supplemental measure of ensuring competency and effectiveness. Additionally, instructors will continually evaluate and measure the student's progress and recommend additional coursework or study that will successfully achieve the necessary formative learning opportunities.

**Utah System of Higher Education
New Academic Program Proposal
Cover/Signature Page—Abbreviated Template**

Institution Submitting Request: Utah Valley University

Proposed Program Title: Graduate Certificate in Mathematics

Sponsoring School, College, or Division: College of Science

Sponsoring Academic Department(s) or Unit(s): Mathematics Department

Classification of Instructional Program Code: 13.1311

Min/Max Credit Hours Required of Full Program: 18 Credit Hours

Proposed Beginning Term: Fall 2018

Institutional Board of Trustees' Approval Date:

Program Type:

<input type="checkbox"/>	Certificate of Proficiency	<input type="checkbox"/> Entry-level CTE CP	<input type="checkbox"/> Mid-level CP
<input type="checkbox"/>	Certificate of Completion		
<input type="checkbox"/>	Minor		
<input checked="" type="checkbox"/>	Graduate Certificate		
<input type="checkbox"/>	K-12 Endorsement		
<input type="checkbox"/>	New Emphasis for Regent-Approved Program Credit Hours for NEW Emphasis Only: Current Major CIP: Current Program Title: Current Program BOR Approval Date:		
<input type="checkbox"/>	Out of Service Area Delivery Program		

Chief Academic Officer (or Designee) Signature:

I, the Chief Academic Officer or Designee, certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.

Name:

Date:

Utah System of Higher Education New Academic Program Proposal

Section I: The Request

The Mathematics Department in the College of Science at Utah Valley University requests approval to offer a Graduate Certificate in Mathematics effective Fall 2018.

Section II: Program Proposal/Needs Assessment

Program Description/Rationale

The Graduate Certificate in Mathematics aims to improve mathematics education and student achievement by focusing on two specific research-supported areas. First, by delivering high-quality content-based knowledge critical to student achievement, and second, by targeting in-service teachers who desire to teach dual credit in high school, given that dual-credit/dual-enrollment students are more likely to persist in college and are more likely to complete a bachelor's degree in less time than those who did not attempt college credits in high school. Graduate courses for this program will be available to match in-service teacher's schedules—evenings and during summer sessions—taught on the main campus and live-interactive by Utah Valley University's full-time faculty.

Utah Valley University Department of Mathematics proposes to provide a one-year course of study for secondary-level teachers leading to a Graduate Certificate in Mathematics. This program is intended for students who have earned a master's degree in a discipline other than mathematics or who lack the minimum 18 credit graduate credit hours in the discipline in which they teach and who wish to teach concurrent enrollment or college-level math courses.

Participants will be recruited from UVU's service region with the goal that every high school in UVU's service region will offer at least one CE Quantitative Literacy course, helping students be "college and career ready" and advancing their progress and completion toward a college degree. In addition, the program is designed to support Governor's Herbert's "On-Pace to 66% by 2020" initiative for education and economic development with the state goal that 66% of all working-age Utahns will hold a post-secondary degree or certificate.

A secondary objective is to provide curricula in mathematics, which will meet the present and future needs of participants and support evidence that shows that good teachers make a clear difference in student achievement and that the importance of teacher quality cannot be overstated. More importantly, evidence suggests that teacher quality is the "most important school factor in explaining differences in student performance (Goldhaber, 2002), even compared to the effects of changes in class size, the socio-economics characteristics of students, or the level of education of parents (Clotfelter, Ladd, & L., Teacher Credentials and Student Achievement: longitudinal analysis with student fixed effects, 2007).

Furthermore, the program is designed to give secondary mathematics teachers breadth and depth in mathematics and statistics. It is anticipated that these teachers' enhanced content knowledge will

not only help students become “college and career ready” but will have the added benefit of increased student achievement in subsequent mathematics courses at the college or university level.

The program’s effectiveness will be measured by participant’s progress on their approved professional development plan to increase math knowledge to 18 semester hours of graduate level mathematics courses and student retention rates by the end of the program.

Labor Market Demand

This priority is intended to facilitate community change by increasing the number of mathematics teachers qualifying to teach concurrent enrollment courses. Utah will need more level-four teachers as well as more qualified concurrent enrollment teachers to meet the demand of students taking concurrent enrollment courses as anticipated by Board Rule R22-700-9.

SB 196, Math Competency Initiative, sponsored by Senator Ann Milner passed during the 2015 legislative session. The bill brought attention to high school math preparation for college. The legislation defined requirements for the State Board of Education to establish math competency standards as part of graduation requirements from high school. The general intent of the legislation is to reduce levels of math remediation in college, as 40% of incoming freshmen at USHE institutions enroll in remedial/developmental math. The Higher Education Appropriations co-chair in the Utah Legislature, Senator Stephen Urquhart, remarked at the time, “This bill does a good job of making sure our students are prepared for college.”

For students pursuing a college degree after graduation, the legislation required the Board of Regents to define a specific qualifying score to demonstrate math competency.

In May 2015, the Commissioner of Higher Education, as authorized by the Board of Regents, submitted recommended specific qualifying scores to the Utah State Board of Education. All of the recommendations were unanimously approved:

- Advanced Placement (AP) Calculus AB – 3 or higher
- Advanced Placement (AP) Calculus BC – 3 or higher
- Advanced Placement (AP) Statistics – 3 or higher
- International Baccalaureate (IB) Higher Level Math Exam – 5 or higher
- College Level Exam Program (CLEP) Pre-calculus Exam – 50 or higher
- College Level Exam Program (CLEP) Calculus Exam – 50 or higher
- American College Test (ACT) – 26 or higher for the Mathematics Test
- Scholastic Aptitude Test (SAT) – 640 or higher for the Mathematics Test

How do high school students fare with SB 196 definitions? The Office of the Commissioner analyzed the grades, courses, and test scores of the high school graduating classes of 2008-13 (most recent available to USHE), and found 23% of those students demonstrated math competency as defined by this legislation.

A key contributing factor toward math success in college is how much math a student completed leading up to college enrollment—especially the last year of high school before graduation. Students who take math their last year of high school double their chances of math success in college, supporting the USHE recommended high school math courses approved by the Board of Regents, and the strong recommendation that each year in high school (four years) students should take the most rigorous mathematics course for which they qualify (March 2014).

In addition to the qualifying scores, high school students could demonstrate the math competency, and be eligible to take a concurrent enrollment course, as defined by this legislation, by earning a “C” or higher in Secondary Math I, II, and III. As a result, a growth of Concurrent Enrollment (CE) courses is anticipated. In May of 2015 the Utah System of Higher Education (USHE) hosted the annual Faculty Discipline Majors’ Meeting. The primary objective of each meeting is to achieve the greatest possible congruence in lower division and pre-major requirements at all USHE Institutions. The department chair of each USHE institution and a representative faculty member is invited to attend.

The Higher Learning Commission (HLC) accredits degree-granting post-secondary educational institutions in the North Central region of the United States. The Board of Trustees adopted the following policies effective September 1, 2017, which clarified longstanding expectations HLC had with regard to the qualifications of adjunct and dual-credit faculty.

It states “Faculty teaching general education courses, or other non-occupational courses hold a master’s degree or higher in the discipline or subfield. If a faculty member holds a master’s degree or higher in a discipline or subfield other than that in which he or she is teaching, that faculty member should have completed a minimum of 18 graduate credit hours in the discipline or subfield in which they teach” (Commission, 2015).

The American Mathematical Association of Two-Year Colleges (AMATYC) states, “All full- and part-time faculty should possess at least the qualifications listed under *minimal preparation*. All full- and part-time mathematics instructors at two-year colleges should possess at least a master’s degree in mathematics or in a related field with at least 18 semester hours (27 quarter hours) in graduate-level mathematics” (Colleges, 1993).

The National Alliance of Concurrent Enrollment Partnerships (NACEP) state, “The same minimum qualifications required of on-campus adjunct faculty are required of CEP instructors, with academic departments engaged in reviewing instructor qualifications” (Partnerships, 2015).

Given that the bill called for policy for qualifications of CE faculty, “(6) The State Board of Regents shall, in consultation with State Board of Education, make policies to (e) establish a consistent process to qualify high school teachers with an upper level mathematics endorsement to teach entry-level mathematics concurrent enrollment courses,” the May meeting representatives substantiated the qualifications in line with the HLC, the AMATYC, and the NAACP.

1. Master's in Math; OR
2. Master's in a related field (Math Education, Statistics, M.Ed.) with 18 hours graduate level math credits; OR
3. Level Four Endorsement with direct oversight under institutional control and contingent upon progress of an approved professional development plan to increase math knowledge to 18 semester hours of graduate level mathematics courses (beyond that required for the Level Four Endorsement).

The growing body of research recommends that only properly qualified personnel be permitted to teach mathematics. Ill-prepared instructors can do much harm to students' knowledge of and beliefs about mathematics. Given that many students suffer from mathematics anxiety, this should not be reinforced or exacerbated through inappropriate mathematics instruction. Individuals trained in other disciplines should not be permitted to teach mathematics unless they have received sufficient mathematical training as well. Moreover, individuals hired to teach mathematics at one level should not be permitted to teach at another level unless they possess appropriate credentials. "The evidence suggests that teachers' knowledge of their subject matter, as measured by degrees, courses, and certification in that area, is associated with high performance (Goldhaber, 2002).

The Fact Book at UVU is an annual publication of Institutional Research and Information. The most recent Fact Book published in 2016, stated that the headcount at UVU was 34,978, with 7,530 new incoming high school students (or 21%). Of the 2016 headcount admitted applicants, 6,207 were first-time college students with a median high school percentile of 57. Of that group first-time, degree-seeking students, 44.3% needed remedial or developmental mathematics. The retention rate of full-time, bachelors-degree seeking students was 63% and part-time was 46%.

The latest data, given by the Utah State Office of Education Assessment and Accountability department, from end of course, statewide Student Assessment of Growth and Excellence (SAGE) test results show that only 38.7% are proficient in mathematics (Education, 2015).

From this data it can be concluded that there is an increasing need for teachers in high school to have a much stronger background in mathematics affording the opportunity for teachers to "think deeply about simple things" and make connections between high school courses, graduate courses, and college-bearing credit quantitative literacy courses. Attending to the needs of prospective adjunct/CE teachers by focusing on reasoning and proof across the spectrum of graduate mathematics courses that they take, helps them to make sense of mathematics and makes it easier to understand, easier to teach, and intellectually satisfying for all students and participants.

This program is designed to achieve the following goal.

Enhance participant's content knowledge in mathematics preparing them to more effectively teach their students, increase student achievement, advance their progress and completion towards a college degree, and meet the requirements to teach concurrent enrollment. The

proposed graduate certificate exists in several institutions across the United States (Indiana University East, University of Oregon, Montana State University, University of Arizona, University of North Carolina, Texas Tech University), each with a similar goal where the 18-hour certificate is designed for anyone with a master's or doctoral degree who wants to increase mastery of mathematics, particularly in-service teachers who desire to teach dual credit in high school or teach at a junior college.

As this legislation is implemented, Utah Valley University's goal is to work to ensure needed concurrent enrollment courses are available for high school students, taught by qualified faculty in mathematics, so that students can become college and career ready in math as well as meet the requirements of this legislation.

Consistency with Institutional Mission/Impact on Other USHE Institutions

This graduate certificate will be housed in the Department of Mathematics and will be directed by the department chair of the mathematics department. Utilizing funding allocated by the Utah System of Higher Education provided through SB196 with a 25% institutional match, the Department of Mathematics shifted the responsibility of one of its full-time faculty members to serve as the Math Concurrent Enrollment Director.

UVU's Office of Teaching and Learning has enabled the enhancement of learning and teaching for each of the graduate faculty to create high quality course design, technical support, faculty development, and learning technology.

UVU anticipates serving 15-20 new graduate students per year. UVU provides concurrent enrollment (CE) for the Alpine, Nebo, Provo, Wasatch, North Summit, and South Summit districts, currently 21% (soon to be >21%) of Utah high school students. The most serious need is enhancing teacher qualifications. Current qualifications are varied, ranging from teachers who are close to completing a master's degree to those with little or no graduate training. The proposed strategy is for UVU to provide a flexible, ongoing program of graduate study for primarily secondary teachers leading to a Graduate Certificate in Mathematics, which will qualify teachers for CE instruction. Graduate courses will be offered to accommodate teacher's schedules—evenings and summer sessions—in-classroom and online and will be taught by UVU faculty.

Finances

Utilizing funding allocated by the Utah System of Higher Education provided through SB196 with a 25% institutional match, the Department of Mathematics shifted the responsibility of one of its full-time faculty members to serve as the Math Concurrent Enrollment Director.

This graduate certificate requires the repurposing of the equivalent of one-half of an existing full-time faculty position as well as the addition of a full-time faculty teaching two summer courses. The repurposing is possible due to a shift in the structure of UVU's quantitative literacy course, MAT 1030. Beginning Fall 2016, the Department of Developmental Mathematics took over responsibility for the scheduling, staffing, and oversight of MAT 1030, which freed up faculty in the Department of Mathematics to develop and implement the graduate-level mathematics courses. The additional summer teaching will be funded through tuition generated in this program.

Beginning Fall 2016, UVU was awarded funding from the Utah State Office of Education (USOE) through the Mathematics and Science Partnership Grant Program (MSP) to provide financial assistance to high school mathematics teachers to achieve graduate-level qualifications to teach CE courses, specifically MAT 1010, MAT 1030, STAT 1040, and MATH 1050. However, due to funding limitations, MSP funding is restricted to the Alpine and Wasatch districts, at an annual maximum of 20 part-time students. Through the allocation by USHE from SB196 funds, UVU is currently able to offer secondary teachers in other service region districts and Park City similar financial assistance.

Students will be assessed graduate tuition at UVU's basic graduate tuition rate. Tuition revenues generated will be used to support instructional costs. Beyond these tuition revenues, SB196 allocation, and MSP grant, no additional funds are required.

Section III: Curriculum

Program Curriculum:

Course Number	New Course	Course Title	Credit Hours
Complete six of the seven following courses			
MATH 6100	X	Topics in Geometry and Topology	3
MATH 6350	X	Introduction to Combinatorics	3
STAT 6010	X	Theory of Statistics for Mathematics Teachers	3
MATH 6620	X	Topics in Numerical Analysis	3
MATH 6610	X	Numerical Methods and Modeling	3
MATH 6300	X	Modern Algebra	3
MATH 6410	X	Topics in Ordinary Differential Equations	3
Required Course Credit Hour Total:			18

Program Curriculum Narrative

Program Learning Outcomes

1. Formulate appropriate mathematical models in a variety of areas of mathematics.
2. Make rigorous mathematical arguments including how to both prove and disprove conjectures.
3. Use appropriate mathematical technology with which to analyze mathematical problems in a wide variety of areas.

Graduation Requirements:

1. Completion of a minimum of 18 credits.
2. Overall grade point average of 3.0 (B) or above.
3. Residency hours – minimum of 5 credit hours through course attendance at UVU.
4. *Courses and project requirements must be finished within a five-year period. No courses will apply toward graduation which are older than five years.*

Degree Map:

Degree maps pertain to undergraduate programs ONLY. Provide a degree map for proposed program. Degree Maps were approved by the State Board of Regents on July 17, 2014 as a degree completion measure. Degree maps or graduation plans are a suggested semester-by-semester class schedule that includes prefix, number, title, and semester hours. For more details see <http://higheredutah.org/pdf/agendas/201407/TAB%20A%202014-7-18.pdf> (Item #3).

Fall of First Year (Course Prefix and Number)	Course Title	Credit Hours
MATH 6100	Topics in Geometry and Topology	3
MATH 6350	Introduction to Combinatorics	3
Spring of First Year (Course Prefix and Number)	Course Title	Credit Hours
STAT 6010	Theory of Statistics	3
MATH 6300	Modern Algebra	3
Summer of First Year (Course Prefix and Number)	Course Title	Credit Hours
MATH 6620	Topics in Numerical Analysis	3
Math 6610	Numerical Methods and Modeling	3

**Utah System of Higher Education
New Academic Program Proposal
Cover/Signature Page - Full
Template**

Institution Submitting Request: Utah Valley University

Proposed Program Title: Bachelor of Science in Geography

Sponsoring School, College, or Division: College of Science

Sponsoring Academic Department(s) or Unit(s): Department of Earth Science

Classification of Instructional Program Code: 45.0701

Min/Max Credit Hours Required to Earn Degree: 120

Proposed Beginning Term: Fall 2018

Institutional Board of Trustees' Approval Date:

Program Type (check all that apply):

<input type="checkbox"/>	Associate of Applied Science Degree (AAS)
<input type="checkbox"/>	Associate of Arts Degree (AA)
<input type="checkbox"/>	Associate of Science Degree (AS)
<input type="checkbox"/>	Specialized Associate Degree (specify award type)
<input type="checkbox"/>	Other (specify award type)
<input type="checkbox"/>	Bachelor of Arts Degree (BA)
X	Bachelor of Science Degree (BS)
<input type="checkbox"/>	Professional Bachelor Degree (specify award type)
<input type="checkbox"/>	Other (specify award type)
<input type="checkbox"/>	Master of Arts Degree (MA)
<input type="checkbox"/>	Master of Science Degree (MS)
<input type="checkbox"/>	Professional Master Degree (specify award type)
<input type="checkbox"/>	Other (specify award type)
<input type="checkbox"/>	Doctoral Degree (specify award type)
<input type="checkbox"/>	K-12 School Personnel Program
<input type="checkbox"/>	Out of Service Area Delivery Program

Chief Academic Officer (or Designee) Signature:

I, the Chief Academic Officer or Designee, certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.

Signature:

Date:

Utah System of Higher Education Program Description - Full Template

Section I: The Request

The Department of Earth Science in the College of Science at Utah Valley University requests approval to offer a Bachelor of Science in Geography effective Fall 2018.

Section II: Program Proposal

Program Description

Geography is the study of the earth's places, peoples, environments and their interrelationships from both the physical and social science perspectives. Geographers use many different scientific tools to study the relationships between earth's systems including geospatial technology and are employed in public agencies, local governments, federal offices, technology sectors, business planning, and careers related to spatial planning. The Bachelor of Science in Geography provides students with a program of study in the fundamentals of geography and prepares them to succeed as geographers as well as in many other careers related to geography. Students learn theories and methods of analysis related to land use and land cover change, urbanization, sustainability, human-environment interactions, and Geographic Information Systems (GIS) technology through the core courses of the program. Through elective courses, students can choose to further focus their studies on physical sciences, social sciences, and/or geospatial techniques to meet their career goals.

Consistency with Institutional Mission

The proposed program is consistent with the University's mission, roles, and goals. Geography is a diverse academic field that integrates many sub-disciplines. It is crucial for preparing professionals who will serve in many fields including regional planning, development, land use, resource management, and geospatial technologies. Graduates from the proposed BS in Geography will receive a high quality education that will prepare them to contribute to regional needs related to rapid growth, sustainability, and development. Students in the program will be engaged in a student-centered education that emphasizes exploratory learning and will be instructed by a faculty with diverse expertise in geography. As an inherently integrative field, a BS in Geography will lead graduates into numerous graduate and professional programs and a multitude of careers that serve to support stewardship of place and positive connections within Utah Valley's globally interdependent community.

Section III: Needs Assessment

Program Rationale

In 2015, Geography was recognized as a core academic subject at the federal level, essential for every student in the United States. Expanding the curriculum to include a BS in Geography helps UVU fulfill its role to provide access to a broad range of opportunities in higher education and to meet the needs of its service area. Currently in UVU's service area there is no USHE geography program, while the demand for geographers and geospatial technology skills is present and increasing. Geography provides students with employment opportunities in planning, land use, business, education, sustainability, and geospatial technology. A program in geography also creates opportunities for students and faculty to seek funding and participate in national programs, such as the National Science Foundation (geography and social sciences program) and Department of Homeland Security (which defines geography as a key STEM discipline).

Because geography is a fundamental academic discipline, an important STEM field, prepares students for a wide range of career options within and related to geography, and excellently fits with UVU's existing

strengths, the Department of Earth Science and the College of Science have articulated a need to develop geography for many years. The need to increase the department's geography offerings has been listed in every departmental strategic plan since at least 2011 and was noted in the department's 2013 strengths, weaknesses, opportunities, and threats assessment. Recently, the department added three faculty positions in geography via the PBA process to bolster existing geography courses previously taught exclusively by adjuncts. The addition of these geographers to the department's faculty, in combination with existing expertise, has positioned it to offer a high quality geography baccalaureate degree.

Labor Market Demand

Labor market demand for geographers is strong. The Bureau of Labor Statistics (BLS) estimates long-term 6-49% growth in key employment sectors for geographers and combined growth of at least 50 new jobs in the state of Utah annually. According to Utah's Department of Workforce Services, the median annual wage nationally for geographers is \$74,260, and the median wage in Utah is \$48,460, and annual growth of 2.9% is forecast. Many geographers find employment as social scientists, and the BLS forecasts 12% annual growth nationwide for social scientists and related workers. The median annual wage for GIS specialists (a key employment sector for geographers) in Utah is approximately \$45,000 to \$61,500, which is about 50% higher than Utah's median annual wage of \$33,990, making the positions high-paying jobs within the state. *Labor Insight Burning Glass* data lists much greater immediate demand, with 110 job postings in Utah in the past 12 months. It also is anticipated that graduates will successfully pursue careers in a wide range of related fields, particularly in light of recent reports (e.g., Harvard Business Review, June 2016) that show students with broad backgrounds often have better success in the job market.

Student Demand

Student demand for geography courses and programs is strong at UVU, throughout USHE, and across the country. At UVU, enrollment in geography courses increased from 102 in Spring 2014 to 274 in Spring 2016. Enrollment in required core courses for the proposed program averaged ~161 per semester in 2015-2016, and enrollment in required core geography courses offered by the sponsoring department, Earth Science, averaged 108 students per semester in 2015/2016. The department attracts approximately 150-200 majors annually with consistent growth and will supply a strong pool from which to attract students.

Similar Programs

Geography programs that have the same SIC code or are similar to the proposed program are widely offered by universities across the U.S., and within USHE baccalaureate degrees in geography are offered by the University of Utah, Utah State University, and Weber State University. Salt Lake Community College offers an AS in Geography and Southern Utah University offers a minor. Estimates of enrollment and graduation rates for the similar programs within the USHE program are as follows, based on each institution's published statistics. At the University of Utah, enrollment is approximately 84 majors with 38 graduates per year with a BS. At Utah State University, enrollment is approximately 24 majors, and approximately five students graduate per year with a BS. At Weber State University, enrollment is approximately 52 students, and approximately 18 graduate each year with a BS.

The combined awards from these institutions do not meet the statewide demand for GIS positions (an important employment sector for geographers) indicated by the BLS and Burning Glass labor market reports.

Both Utah State University and Weber State University additionally offer geography teaching degrees. According to the Association of American Geographers Guide to Geography Programs in the Americas 2015-2016, the number of geography degrees conferred nationwide has exhibited a steady upward trend since 1990. During the 1989-90 school year there were 3,210 total degrees conferred, and in the 2011-2012 school year this reached 4,807 total degrees conferred.

Collaboration with and Impact on Other USHE Institutions

Because modest enrollment is anticipated in the proposed program and UVU's service area differs from other USHE institutions, no significant impact on other institutions is expected. The chairs of the geography programs at the University of Utah, Utah State University, Weber State University, Salt Lake Community College, and Southern Utah University have been contacted to inform them UVU is developing a BS in Geography and all responses have been supportive.

External Review and Accreditation

The Department of Earth Science has assembled a group of four in-service geography professionals from UVU's service area to serve on an advisory board for the BS in Geography. The board consists of Steven Johnson, Stan McShinsky, Michael Hadley, David Henrie, and Dan Bedford. The first four are members of the Utah Valley GIS User Group with whom the department has closely worked with for several years in promoting Utah Valley GIS Day on the UVU campus, and Dan Bedford is a geographer on the faculty at Weber State University. They are assisting with formulating the program curriculum for geography.

Section IV: Program Details

Graduation Standards and Number of Credits

1. Completion of a minimum of 120 semester credits, including 40 hours of upper-division credit.
2. Overall grade point average of 2.0 (C) or above.
3. Grade of C- or better in every ENVT, GEO, GEOG, METO, and core curriculum course.
4. Residency hours – minimum of 30 credit hours through course attendance at UVU, with at least 10 of the last 45 credits earned at UVU.
5. Completion of GE and specified departmental requirements.
6. Successful completion of at least one Global / Intercultural course.

Admission Requirements

Students who have gained admission to UVU will be eligible for admission to the Geography program.

Curriculum and Degree Map

Program Curriculum:

List all courses, including new courses, to be offered in the proposed program by prefix, number, title, and credit hours (or credit equivalences). Indicate new courses with an X in the appropriate columns. The total number of credit hours should reflect the number of credits required to be awarded the degree. For variable credits, please enter the minimum value in the table for credit hours. Explain variable credit in detail as well as any additional information, in the narrative section below the table.

Course Number	New Course	Course Title	Credit Hours
General Education Courses			
ENGL 1010		Introduction to Writing	3
ENGL 2010		Intermediate Writing – Humanities/Social Sciences	3
MATH 1050 or 1055		College Algebra	4
HIST 2700 and 2710 or HIST 1700 or HIST 1740 or POLS 1000 or POLS 1100		US History to 1877 and since 1877 American Civilization US Economic History American Heritage American National Government	3
PHIL 2050		Ethics and Values	3
HLTH 1100		Personal Health and Wellness or Fitness for Life	2

or PES 1097			
METO 1010		Introduction to Meteorology	3
GEOG 1000		Introduction to Physical Geography	3
GEOG 130G		Survey of World Geography	3
Humanities Distribution			3
Fine Arts Distribution			3
Biology Distribution			3
General Education Subtotal:			36
Required Courses			
MATH 2040		Principles of Statistics	4
GEOG 1005		Introduction to Physical Geography Lab	1
GEOG 1600 or GEOG 1400		Geography of Utah or Introduction to Human Geography	3
GEOG 3100		Cartography	3
GEOG 3110		Urban Geography	3
GEOG 3500		Geomorphology	4
GEOG 3600		Introduction to Geographic Information Systems	4
GEOG 3650		Advanced Geographic Information Systems	4
GEO 480R		Earth Science Seminar (.5) (taken twice)	1
Required Course Credit Hour Sub Total:			27
Elective Courses			
Complete at least 57 credits from the following, including a minimum of 12 credits from Group I and 9 credits from Group II			
Group I			12
ENVT 2730		Introduction to Soils (4)	
ENVT 3790		Hydrology I (4)	
GEO 1010 and 1015		Introduction to Geology and Laboratory (4 credits)	
GEO 3200		Geologic Hazards (4)	
GEOG 3400		Environmental Remote Sensing (3)	
GEOG 3700 and 3705		Wetland Studies and Laboratory (4)	
GEOG 4100		Geospatial Field Methods (3)	
METO 3100		Climate and the Earth System (3)	
Group II			9
GEOG 2100		Geography of the United States (3)	
GEOG 2500		Geography of Latin America and the Caribbean (3)	
GEOG 3250		Cultural Geography (3)	
SOC 4020 or ANTH 3850		Survey Research Design or Ethnographic Methods (3)	

Group III Choose 36 credits from the following list or any that have not been taken from Group I or Group II			36
ANTH 2030		Archeological Method and Theory (3)	
ANTH 3150 or HLTH 3150		Culture Ecology and Health (3)	
BIOL 1610 and 1615		College Biology I and Laboratory (4)	
BIOL 1620 and 1625		College Biology II and Laboratory (4)	
BIOL 3700		General Ecology (3)	
CHEM 1110 or 1210		Elementary Chemistry for the Health Sciences or Principles of Chemistry I (4)	
CHEM 1115 or 1215		Elementary Chemistry Laboratory or Principles of Chemistry I Laboratory (1)	
CHEM 1120 or 1220		Elementary Organic Bio-Chemistry or Principles of Chemistry II (4)	
CHEM 1125 or 1225		Elementary Organic Bio-Chemistry Laboratory or Principles of Chemistry II Laboratory (1)	
ENGL 373R		Literature of Cultures and Places (3)	
ENST 3000		Introduction to Environmental Studies (3)	
ENVT 3750		Land Use Planning (3)	
ENVT 3770		Natural Resources Management (3)	
ENVT 3800		Energy Use on Earth (3)	
GEO 1220 and 1225		Historical Geology and Laboratory (4)	
GEO 3080 and GEO 3085		Earth Materials and Laboratory (4)	
GEOG 482R		GIS Internship (maximum 3)	
GEOG 489R		Student Research in Geography (maximum 4)	
PHIL 3530		Environmental Ethics (3)	
MATH 1060		Trigonometry (3)	
MATH 1210		Calculus I (5)	
MATH 1220		Calculus II (5)	
PHYS 2010 or 2210		College Physics I or Physics for Scientists and Engineers I (4)	
PHYS 2020 or 2220		College Physics II or Physics for Scientists and Engineers II (4)	
SOC / ENST 3520		Environmental Sociology (3)	
SOC 2370		Gender Roles (3)	
SOC 3700		Social Inequality (3)	
SOC 3850		Rural Life – Global and Local (3)	
Elective Credit Hour Subtotal:			57

Program Curriculum Narrative

None

Degree Map:

Degree maps pertain to undergraduate programs ONLY. Provide a degree map for proposed program. Degree Maps were approved by the State Board of Regents on July 17, 2014 as a degree completion measure. Degree maps or graduation plans are a suggested semester-by-semester class schedule that includes prefix, number, title, and semester hours. For more details see <http://higheredutah.org/pdf/agendas/201407/TAB%20A%202014-7-18.pdf> (Item #3).

Fall of First Year (Course Prefix and Number)	Course Title	Credit Hours
GEOG 1000 and 1005	Introduction to Physical Geography and Laboratory	4
MATH 1050	College Algebra	4
ENGL 1010	Introduction to Writing	3
American Institutions	See List	3
	Semester total	14
Spring of First Year (Course Prefix and Number)	Course Title	Credit Hours
GEOG 130G	Survey of World Geography	3
ENGL 2010	Intermediate Writing – Humanities/Social Sciences	3
HLTH 1100 or PES 1097	Personal Health and Wellness or Fitness for Life	2
METO 1010	Introduction to Meteorology	3
PHIL 2050	Ethics and Values	3
	Semester total	14
Fall of Second Year (Course Prefix and Number)	Course Title	Credit Hours
GEOG 3600	Introduction to Geographic Information Systems	4
MATH 2040	Principles of Statistics	4
GEOG 1600 or GEOG 1400	Geography of Utah or Introduction to Human Geography	3
Humanities Distribution	See List	3
	Semester total	14
Spring of Second Year (Course Prefix and Number)	Course Title	Credit Hours
GEOG 3100	Cartography	3
Biology Elective		3

Core Elective		3
Core Elective		3
Fine Arts Distribution	See List	3
	Semester Total	15
Fall of Third Year (Course Prefix and Number)	Course Title	Credit Hours
GEO 480R	Earth Science Seminar	0.5
GEOG 3110	Urban Geography	3
Core Elective		3
Core Elective		3
Core Elective		3
Core Elective		3
	Semester Total	15.5
Spring of Third Year (Course Prefix and Number)	Course Title	Credit Hours
GEOG 3650	Advanced Geographic Information Systems	4
GEOG 3500	Geomorphology	4
Core Elective		4
Core Elective		3
	Semester Total	15
Fall of Fourth Year (Course Prefix and Number)	Course Title	Credit Hours
GEO 480R	Earth Science Seminar	0.5
Core Elective		4
Core Elective		4
Core Elective		4
Core Elective		3
	Semester Total	15.5
Spring of Fourth Year (Course Prefix and Number)	Course Title	Credit Hours
Core Elective		4
Core Elective		3
Core Elective		3
Core Elective		4
Core Elective		3
	Semester Total	17

Section V: Institution, Faculty, and Staff Support

Institutional Readiness

The BS in Geography will be administered by the Department of Earth Science at UVU. No additional administrative support or structures are required. Undergraduate and lower-division course offerings by the department will be unaffected by the new degree. The degree comprises existing courses already offered annually with the exception of annual offering of Cartography and Urban Geography. In order to schedule these two classes and have them taught by full-time faculty, qualified part-time faculty will be hired to teach two existing sections of 1000-level courses. Modest increased enrollment is expected in core courses and will be accommodated without offering additional sections.

Infrastructure required for the program consists primarily of a geographic information systems (GIS) computer laboratory, software, and equipment for field elements of courses. The department has a 24-workstation GIS laboratory outfitted with needed software such as ArcGIS, ENVI, and Agisoft Photoscan. The department also has GPS, photography, coring, and other needed field equipment. No significant infrastructure nor equipment is needed for the program.

Faculty

In the past five years, the Department of Earth Science has hired four full-time, tenure track faculty members with PhD degrees in Geography or closely allied fields (Drs. Hungerford, Skiles, Toke, and Wong). Combined with existing faculty, the department has ample expertise to provide an excellent BS in Geography. Geography sub-disciplines in which the faculty has advanced training and experience include human geography, water development in developing nations, geomorphology, snow hydrology, GIS, remote sensing, and geospatial field methods. No new faculty will be needed to offer the BS in Geography.

The faculty of the Department of Earth Science is a leader in engaged learning implemented in the classroom and through mentoring students in research projects that take them beyond the classroom. The department's faculty is heavily involved with workshops and other opportunities for professional development offered by UVU's Office of Teaching and Learning, as well as external workshops such as ones offered through the American Association of Geographers, the American Geophysical Union, UNAVCO's Geodesy Education Program, the National Association of Geoscience Teachers, and others. This professional development will be utilized in core courses in the Geography BS program such as Introduction to Geographic Information Systems, Cartography, Urban Geography, Introduction to Physical Geography, Introduction to Meteorology, Geospatial Field Methods, and others. The department also has experience with alternative deliveries, and currently offers online sections of GEOG 1000 (Introduction to Physical Geography), GEOG 130G (Survey of World Geography) and METO 1010 (Introduction to Meteorology), all of which are required core courses in the program.

Part I. Department Faculty/Staff

Identify # of department faculty / staff (headcount) for the year preceding implementation of proposed program.

	# Tenured	# Tenure -Track	# Non - Tenure
Faculty: Full Time with Doctorate	6	2	2
Faculty: Part Time with Doctorate			
Faculty: Full Time with Masters		1	1
Faculty: Part Time with Masters			

Faculty: Full Time with Baccalaureate			
Faculty: Part Time with Baccalaureate			
Teaching / Graduate Assistants			
Staff: Full Time			1.5
Staff: Part Time			

Part II. Proposed Program Faculty Profiles

List current faculty within the institution -- with academic qualifications -- to be used in support of the proposed program(s).

First Name	Last Name	Tenure (T) / Tenure Track (TT) / Other	Degree	Institution where Credential was Earned	Est. % of time faculty member will dedicate to proposed program.
Full Time Faculty					
Joel	Bradford	T	MS	University of Utah	5%
Michael	Bunds	T	PhD	University of Utah	15%
Eddy	Cadet	T	PhD	Tuskegee University	5%
James	Callison	T	PhD	University of Arizona	5%
Steven	Emerman	T	PhD	Cornell University	5%
Hilary	Hungerford	TT	PhD	University of Kansas	20%
Daniel	Stephen	T	PhD	Texas A & M	5%
Nathan	Toke	TT	PhD	Arizona State Univ.	10%
Weihong	Wang	TT	PhD	Univ. of S. Carolina	10%
Alessandro	Zanazzi	TT	PhD	Univ. of S. Carolina	5%
Part Time Faculty					

Part III: New Faculty / Staff Projections for Proposed Program

Indicate the number of faculty / staff to be hired in the first three years of the program, if applicable. Include additional cost for these faculty / staff members in Financial Table Below.

	# Tenured	# Tenure - Track	# Non - Tenure Track	Academic or Industry Credentials Needed	Est. % of time to be dedicated to proposed program.
Faculty: Full Time with Doctorate					
Faculty: Part Time with Doctorate					
Faculty: Full Time with Masters					
Faculty: Part Time with Masters			0.25	MS in Geography, Geology, or closely related field	100%
Faculty: Full Time with Baccalaureate					
Faculty: Part Time with Baccalaureate					
Teaching / Graduate Assistants					
Staff: Full Time					
Staff: Part Time					

Staff

The department has an 0.5 FTE administrative assistant, a full-time laboratory manager/instructor, and its students are served by an advisor who also advises Physics students. No additional staff support will be necessary in the near term because enrollments are expected to be modest. The addition of this program requires two new sections of existing upper division courses which will be taught by existing salaried faculty members. Adjunct faculty will be hired to teach two sections of lower division Geography. Tuition revenue generated through enrollment in the new sections will be sufficient to cover adjunct faculty pay. The new program will require minimal additional support from the department's lab manager/instructor. The department's administrative assistant will have modest additional work to aid students, assessment, and other activities. Students will be advised by the advisor who serves existing majors housed in the department.

Student Advisement

Students in the new program will be advised by the advisor who currently serves students in the department's existing degree programs.

Library and Information Resources

Utah Valley University's Fulton Library is positioned to support the proposed degree. The Geography, Geology, Environmental Science, and Human Geography collections consist of 2,225 books, with an additional 3,221 ebooks. There are 75 DVDs and 595 streaming videos. Journal subscriptions include 70 in Earth & Atmospheric Science, 265 in Environmental Science, 18 in Human Geography, 68 in Geography and Cartography, and 37 in Geology for a total of 458. Overall, Fulton Library provides access to more than 300,000 full text periodicals. UVU's ability to provide journals continues to grow and is already providing excellent support to many successful Physical Geography, Geology, Environmental Sciences, Human Geography and Social Sciences classes.

Fulton Library is a member of the Utah Academic Library Consortium (UALC), enabling them to provide access to an additional 150,000 full text periodicals. Another benefit from UALC is a resource sharing agreement that allows UVU students and faculty to borrow items from any UALC member library. They may borrow materials from participating libraries by presenting their UV ID card. They may also request materials through use of the Interlibrary loan service (ILL).

Fulton Library's "Information Commons" provides direct access to a trained reference librarian for 13 hours on Mondays-Thursdays, 10 hours on Fridays, and 8 hours on Saturdays. The library is currently pursuing adding additional hours on Sundays. The computer lab and reference collection are collocated to create the optimal research environment.

The library is part of the campus-wide wireless network accessible to students and faculty. Patrons may also seek out specialized help from the Science Librarian – Trevor Young and the Behavioral Science Librarian – Emily Bullough, who are available for specialized classroom instruction and one-on-one reference assistance.

Projected Enrollment and Finance

Part I.

Project the number of students who will be attracted to the proposed program as well as increased expenses, if any. Include new faculty & staff as described above.

Three Year Projection: Program Participation and Department Budget						
	Year Preceding	New Program				
		Year 1	Year 2	Year 3	Year 4	Year 5
Student Data						
# of Majors in Department	180					
# of Majors in Proposed Program(s)				30	40	40
# of Graduates from Department			17			27
# Graduates in New Program(s)			0	5	10	
Department Financial Data						
	Department Budget					
		Year 1	Year 2	Year 3		
	Year Preceding	Addition to Base Budget	Addition to Base Budget	Addition to Base Budget		
<i>Project additional expenses associated with offering new</i>						
EXPENSES – nature of additional costs required for proposed program(s)						
<i>List salary benefits for additional faculty/staff each year the positions will be filled. For example if hiring faculty in year 2 include expense in years 2 and 3. List one-</i>						
Personnel (Faculty & Staff Salary &	\$ 1,180,557	\$3,318	\$6,382	\$6,382		
Operating Expenses (equipment, travel, resources)	\$ 42,340					
Other: Hourly Faculty & Benefits		\$0	\$ 0	\$0		
TOTAL PROGRAM EXPENSES		\$0	\$0	\$0		
TOTAL EXPENSES	\$1,222,897	\$3,318	\$6,382	\$6,382		
FUNDING – source of funding to cover additional costs generated by proposed						
<i>Describe internal reallocation using Narrative 1 on the following page. Describe new sources of funding using Narrative 2</i>						
Internal Reallocation						

Appropriation					
Special Legislative Appropriation					
Grants and Contracts					
Special Fees					
Tuition		\$9,924	\$9,924	\$9,924	
Differential Tuition (requires Regents approval)					
PROPOSED PROGRAM FUNDING		\$3,318	\$6,382	\$6,382	
TOTAL DEPARTMENT FUNDING	\$0	\$0	\$0	\$0	
Difference					
Funding - Expense	\$0	\$6,606	\$3,542	\$3,542	

Part II: Expense explanation

Expense Narrative

Describe expenses associated with the proposed program.

The addition of this program requires two new sections of existing upper division courses which will be taught by existing salaried faculty members. Adjunct faculty will be hired to teach two sections of lower division Geography. Tuition revenue generated through enrollment in the new sections will be sufficient to cover adjunct faculty pay.

Part III: Describe funding sources

Revenue Narrative 1

Describe what internal reallocations, if applicable, are available and any impact to existing programs or services.

Revenue Narrative 2

Describe new funding sources and plans to acquire the funds.

Section VI: Program Evaluation

Program Assessment

The overarching goal of the BS in geography degree is to produce competent geographers that can fill the regional needs for employment in interdisciplinary geospatial, human geography, and physical geography career tracks. In addition to assessing attainment of UVU's Essential Learning Outcomes by geography majors, the Department of Earth Science has established a set of four desired Program Learning Outcomes (PLOs) that will be applied to the BS in geography degree:

PLO 1: Technical Knowledge – Prior to graduation, students will develop the necessary technical knowledge to successfully enter careers related to geography or associated graduate programs.

PLO 2: Skill in oral and written communication – Prior to graduation, students will demonstrate effective oral and written communication skills that will enable them to succeed at presenting and publishing geographic data and analyses.

PLO 3: Skill in problem solving and reasoning – Prior to graduation, students will be able to use both quantitative and qualitative approaches to critically evaluate problems and questions in the geographical sciences.

PLO 4: Knowledge of Applicable Agencies, Laws, Regulations, and Career Options – Prior to graduation, students will have knowledge of the relevant agencies, societies, laws, regulations, and career options with sufficient depth such that they are capable to navigate as professionals in geography and related disciplines throughout their careers.

The Department of Earth Science will utilize five tools for assessment of the PLOs: graduate surveys, employer surveys, capstone/research/internship projects, final exams, and student surveys. They will survey recent graduates and their supervisors to assess program success in PLO 1-4. These surveys are conducted by the department assessment coordinator in consultation with the Department Chair and Earth Science Advisor. The results of these surveys are then summarized in a report and subsequently distributed to all department faculty members. Student products from capstone courses, research projects or internships will be used to assess PLO 1-3. Final exams results in required and upper division courses will be used as an indicator of PLO 1, 3, 4. Finally, results from student surveys (SRIs) will be used as a tertiary indicator of program success across learning outcomes. Assessment results will be used to guide pedagogical and

curriculum development and allocation of resources in the degree program.

Student Standards of Performance

The BS in Geography is designed to prepare students to enter the workforce with competency in geo-spatial analysis. There is not an accrediting body for geographic skills, so the following standards of performance are based on professional organizations—The Association of American Geographers and The National Council of Geographic Education—as well as peer-reviewed articles on geographic skills and workforce demand from journals such as *Transactions in GIS*, *Professional Geographer*, and *The Annals of the Association of American Geographers*.

At the end of the program, Geography students should be able to demonstrate the following standards, competencies, and marketable skills:

- 1) Proficiency in use and application of geospatial technologies, including but not limited to cartography, geographic information systems, and remote sensing technologies.
- 2) Collection, organization, evaluation, analysis, and synthesis of data about people, places, and environments in a spatial-temporal context.
- 3) Effective communication of quantitative and qualitative data using appropriate disciplinary media, including maps, tables, charts, and narratives.
- 4) Application of geographic skills, knowledge, theories, and technologies to problem-solving at multiple scales.

Student skills will be assessed through the following measures:

- Formative assessments:
 - Key assignments in required core courses. Key assignment serve as the major component of the summative portfolio.
 - Grades of C- or better in core required courses.
- Summative assessments will be a combination of the following:
 - Successful completion of independent research, or internship credits.
 - Completion of portfolio or professional presentation at state, regional, or national academic conference.
 - Survey employers of graduates to assess effectiveness of program.

**Utah System of Higher Education
New Academic Program Proposal
Cover/Signature Page - Full
Template**

Institution Submitting Request:

Proposed Program Title: Associate of Science in Health Sciences

Sponsoring School, College, or Division: College of Health and Public Service

Sponsoring Academic Department(s) or Unit(s): Department of Allied Health

Classification of Instructional Program Code: 51.0001

Min/Max Credit Hours Required to Earn Degree: 60.00

Proposed Beginning Term: Fall 2018

Institutional Board of Trustees' Approval Date:

Program Type (check all that apply):

<input type="checkbox"/>	Associate of Applied Science Degree (AAS)
<input type="checkbox"/>	Associate of Arts Degree (AA)
X	Associate of Science Degree (AS)
<input type="checkbox"/>	Specialized Associate Degree (specify award type)
<input type="checkbox"/>	Other (specify award type)
<input type="checkbox"/>	Bachelor of Arts Degree (BA)
<input type="checkbox"/>	Bachelor of Science Degree (BS)
<input type="checkbox"/>	Professional Bachelor Degree (specify award type)
<input type="checkbox"/>	Other (specify award type)
<input type="checkbox"/>	Master of Arts Degree (MA)
<input type="checkbox"/>	Master of Science Degree (MS)
<input type="checkbox"/>	Professional Master Degree (specify award type)
<input type="checkbox"/>	Other (specify award type)
<input type="checkbox"/>	Doctoral Degree (specify award type)
<input type="checkbox"/>	K-12 School Personnel Program
<input type="checkbox"/>	Out of Service Area Delivery Program

Chief Academic Officer (or Designee) Signature:

I, the Chief Academic Officer or Designee, certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.

Signature:

Date:

Utah System of Higher Education Program Description - Full Template

Section I: The Request

The Allied Health Department in the College of Health and Public Service at Utah Valley University requests approval to offer an Associate of Science in Health Sciences effective Fall 2018.

Section II: Program Proposal

Program Description

The Associate of Science (AS) in Health Sciences will provide students who are undecided on which health program they will pursue an opportunity to complete an AS degree that includes some of the prerequisites for the BS degrees in health profession programs offered by Utah Valley University (UVU), and many of the health degrees offered across the USHE system. This Associate of Science in Health Sciences will allow the student to continue their education at UVU and other USHE schools in the areas of biology, chemistry, exercise science, and other health and science BS degrees. The degree includes instruction in medical terminology, physiology, anatomy, and other areas that will give the students a realistic overview of the health sciences. The Associate of Science in Health Sciences is transferrable to other colleges and universities and can be used as the foundation for moving on to a variety of health related disciplines preparing students to become a health professional.

Consistency with Institutional Mission

Utah Valley University is a teaching institution that prepares professionally competent people of integrity who, as lifelong learners and leaders, serve as stewards of a globally interdependent community (Regents Policy R312). The proposed AS in Health Sciences continues UVU's commitment to serve the growing needs of the Mountainland Region for health care professionals. The proposed degree will focus on preparing students to pursue and complete degrees in the health professions.

Section III: Needs Assessment

Program Rationale

The proposed AS in Health Sciences will prepare students through the completion of a complete associate degree to pursue and complete four-year degrees in health occupations offered at UVU and by USHE institutions across the state. Many students enter UVU with the desire to pursue a healthcare profession. Most degrees offered in healthcare areas require that a substantial number of prerequisites be completed before actually being enrolled in a specific program. Many students begin taking these prerequisites, and accumulate a number of credits without a clear goal in mind. The proposed degree will assist students in making progress toward an associate's degree that will complete their general education requirements, as well as complete the prerequisites that are necessary for many of the professional healthcare programs.

Students will benefit from this proposed degree because it will focus their efforts in preparing to enter healthcare degrees that require substantial prerequisites so that they do not accumulate credit that does not lead to completion of a program. Utah Valley University will benefit by having students better prepared to enter healthcare professions and giving them an opportunity to complete a full associate degree. Since this degree will be transferable across USHE system, the system will benefit by having students persist and complete at a higher rate.

Labor Market Demand

Healthcare is one of the fastest growing industries in the Mountainland Region. According the Department of Workforce (DWS) data, 2015's job orders for healthcare workers is strong and expected to continue to increase. For example, in a recent Provo-Orem Wage and Occupational Openings Report, the highest number of openings were for healthcare positions that require more than a high school education—814 for RNs, 169 medical and health services managers, 127 for LPNs, 521 for nursing assistants, and 212 medical assistants. In each month of 2014, Utah maintained positive job growth above 3.2% compared to the same month the previous year with year-over growth for December of 4.8%. Three industries account for 37% of payroll jobs: trade (15%) healthcare/social services (11%), and private education (11%).

The Georgetown University Center on Education and the Workforce, a division of the McCourt School of Public Policy, released a report entitled *Recovery: Job Growth and Education Requirements through 2020*. The report stated "the demand for healthcare services will grow twice as fast as the national economy over the next eight years." It further reports that adding in all of the "behind-the-scenes" jobs, "the healthcare industry will grow from 15.6 million jobs in 2010 to 19.8 million jobs in 2020—13% of all jobs" (see cew.georgetown.edu/recovery2020). The report looks forward to the year 2020 and predicts the state of the American economy. *Recovery 2020* provides vital labor market information such as which fields are expected to create the most jobs, the education requirements required to gain employment in the U.S., and the skills most coveted by employers.

Utah was highlighted in the Georgetown study. Of the fastest growing jobs in Utah, from 2010 to 2020, three of the top four are in health care: healthcare professionals and technical (39% growth), healthcare support (45%), and healthcare and social assistance (45%).

Healthcare needs, including employment and facilities is growing rapidly in the Mountainland Region. The Department of Workforce Services (DWS) reports that in 2014 Utah County averaged 208,795 nonfarm payroll jobs or 4.2% above the 2013 yearly average. In each month of 2014, Utah maintained positive job growth above 3.2% compared to the same month the previous year with year-over growth for December of 4.8%. Three industries account for 37% of payroll jobs: trade (15%) healthcare/social services (11%), and private education (11%). During 2014, local government jobs totaled 19,697 on average, split between K through 12th grade education (11,269) and other local government (8,428). The outlook for 2105 job creation is above average with an expected growth of around 4.9%.

The 51.0001 CIP code articulates with the occupational codes 21-1094 Community Health Workers and 21-1091 Health Educators. Bureau of Labor Statistics projects annual growth in these positions in Utah of 22% and 30% by 2022, equaling 40 combined new annual openings. These positions also have an annual median wage (\$39,860 and \$42,950) higher than that for the State (\$33,990).

UVU has set the further development of healthcare programs as a high priority for the future. The proposed associate's degree will be the first effort to fulfill the needs of the local area with several more degree programs under development.

Student Demand

During 2014, 1,870 students were declared majors in Nursing, Dental Hygiene, Community Health, and Exercise Sciences. There were 3,500 students enrolled in an undeclared major within University Studies, with many of those students hoping to be accepted into a healthcare related program. UVU is currently planning for an increase in the number of healthcare programs being offered. With both the demand for healthcare workers, and supply of students interested in healthcare professions, a degree helping these students to focus preparation without wasting credits is essential.

Similar Programs

Weber State University and Salt Lake Community College offers an Associate of Health Sciences that provides their students with a focused approach to complete healthcare program prerequisites. Both Salt Lake Community College and Weber State offer several different allied health degrees, the AS in Health Sciences is a good pathway into these allied health professions. Salt Lake Community College has had an estimated 70 students enrolled in the AS degree each year since 2011, and during that same time frame Weber State has had an estimated 120 students enrolled in their AS of health science degree, with that number increasing each year.

Collaboration with and Impact on Other USHE Institutions

Since this degree is designed to provide existing students a pathway to an associate degree while fulfilling prerequisites for a variety of health care related programs, there is no expected impact on the other USHE programs. UVU has reviewed the programs at Weber State and Salt Lake Community College and found the information helpful in designing the curriculum for this proposed degree. Officials from UVU have had conversations with officials from Weber State to better understand the purpose of their degree and the success that the students have had in pursuing the associate degree.

External Review and Accreditation

No special accreditation is needed for the proposed degree.

Section IV: Program Details

Graduation Standards and Number of Credits

The number of credit hours required for this proposed degree is within the normal range specified by Regents Policy R401.

Graduation Requirements:

1. Completion of a minimum of 60 semester credits.
2. Overall grade point average of 2.0 (C) or above. (Departments may require a higher GPA.)
3. Residency hours – minimum of 20 credit hours through course attendance at UVU.
4. Completion of GE and specified departmental requirements.

Admission Requirements

There are no special admission standards for this proposed degree. Normal admission policies at UVU will be followed.

Curriculum and Degree Map

Program Curriculum:

List all courses, including new courses, to be offered in the proposed program by prefix, number, title, and credit hours (or credit equivalences). Indicate new courses with an X in the appropriate columns. The total number of credit hours should reflect the number of credits required to be awarded the degree. *For variable credits, please enter the minimum value in the table for credit hours. Explain variable credit in detail as well as any additional information, in the narrative section below the table.*

Course Number	New Course	Course Title	Credit Hours
General Education Courses			
(red indicates concurrent enrollment courses)			
ENGL 1010		Introduction to Writing	3
ENGL 2010		Intermediate Writing	3
MATH 1050 or MATH 1055		College Algebra	4
POLS 1000 or POLS 1100 or HIST 1700		American Heritage or American National Government or American Civilization	3
PHIL 2050 or PHIL 205G		Ethics & Values	3
PES 1097 or HLTH 1100		Fitness for Life or Personal Health and Wellness	2
COMM 1020		Public Speaking	3
Fine Art Elective (could be concurrent enrollment)			3
PSY 1010 or SOC 1010 or PSY 1100		Introduction to Psychology or Introduction to Sociology or Human Development: Life Span	3
BIOL 1010 or		General Biology	3
BIOL 1610		College Biology (4)	
CHEM 1010 or		Introduction to Chemistry	3
CHEM 1110		Elementary Chemistry for Health Sciences (4)	
PHYS 1010		Elementary Physics	3
		General Education Credit Hour Subtotal:	36
		Core Curriculum	
Required Courses			
ZOOL 2320 and		Human Anatomy	3
ZOOL 2325		Human Anatomy Laboratory	1
ZOOL 2420 and		Human Physiology	3
ZOOL 2425		Human Physiology Laboratory	1
STAT 2040 or		Principles of Statistics	4
BESC 3010		Statistics for the Behavior Sciences	4
		Required Course Credit Hour Sub Total:	12
Elective Courses			
		Complete 12 credits from the following courses.	

		Courses cannot be counted multiple times.	
BIOL 1610		College Biology (4) If not taken for GE	
BIOL 1615		College Biology Laboratory(1)	
PSY 1010 or		General Psychology (3) If not taken for GE	
SOC 1010 or		Introduction to Sociology (3) If not taken for GE	
PSY 1100		Human Development: Life Span (3) If not taken for GE	
HLTH 1300		Medical Terminology I (2)	
RESP 1540		Survey of Respiratory Therapy (1)	
MICR 2060		Microbiology for the Health Professions (3)	
MICR 2065		Microbiology for the Health Professions Laboratory (1)	
MICR 3450		General Microbiology (3)	
MICR 3455		General Microbiology Laboratory (1)	
PHYS 2010		College Physics I (4)	
PHYS 2015		College Physics Laboratory (1)	
PHYS 2020		College Physics II (4)	
PHYS 2025		College Physics II Laboratory (1)	
CHEM 1210		Principles of Chemistry I and (4)	
CHEM 1215		Principles of Chemistry Laboratory (1)	
CHEM 1220		Principles of Chemistry II (4)	
CHEM 1225		Principles of Chemistry II (1)	
PSY 3400		Abnormal Psychology (3)	
ZOOL 4400		Pathophysiology (4)	
		Or other department approved courses	
Elective Credit Hour Subtotal:			12
Core Curriculum			60

Program Curriculum Narrative

Describe any variable credits. You may also include additional curriculum information.

Degree Map:

Degree maps pertain to undergraduate programs ONLY. Provide a degree map for proposed program. Degree Maps were approved by the State Board of Regents on July 17, 2014 as a degree completion measure. Degree maps or graduation plans are a suggested semester-by-semester class schedule that includes prefix, number, title, and semester hours. For more details see <http://higheredutah.org/pdf/agendas/201407/TAB%20A%202014-7-18.pdf> (Item #3).

Fall of First Year (Course Prefix and Number)	Course Title	Credit Hours
ENGL 1010	Introduction to Writing	3

PHIL 2050 or PHIL 205G	Ethics & Values	3
PES 1097 or HLTH 1100	Fitness for Life or Personal Health and Wellness	2
MATH 1050 or MATH 1055	College Algebra	4
Fine Arts		3
CHEM 1010 or	Introduction to Chemistry	3
CHEM 1100	Elementary Chemistry for Health Sciences (4)	
Spring of First Year (Course Prefix and Number)	Course Title	Credit Hours
ENGL 2010	Intermediate Writing	3
PSY 1010 or SOC 1010 or PSY 1100	Introduction to Psychology or Introduction to Sociology or Human Development: Life Span	3
BIO 1010 or	General Biology	3
BIOL 1610	College Biology (4)	
PHYS 1010	Elementary Physics	3
Elective		
Fall of Second Year (Course Prefix and Number)	Course Title	Credit Hours
POLS 1000 or 1100 or HIST 1700	American Heritage or American National Government or American Civilization	3
ZOOL 2420	Human Physiology	3
ZOOL 2425	Human Physiology Laboratory	1
MATH 2040 or	Principles of Statistics	4
BESC 3010	Statistics for the Behavior Sciences (4)	
Elective		
Spring of Second Year (Course Prefix and Number)	Course Title	Credit Hours
ZOOL 2320	Human Anatomy	3
ZOOL 2325	Human Anatomy Laboratory	1
COMM 1020	Public Speaking	3
Elective		
Elective		

Section V: Institution, Faculty, and Staff Support

Institutional Readiness

The proposed program will be administered by the department chair of the Allied Health Department (Dental Hygiene and Respiratory Therapy) within the College of Health and Public Service. The department chair will

report directly to the assistant dean of the College. No new administration will be needed to supervise the program. Utah Valley University has been offering health related programs for the last 20 years, specifically Nursing, Dental Hygiene, Exercise Science, and Public and Community Health. Additional health related programs are in the planning stage that will add to these offerings in a significant way over the next year. In July of 2016, UVU was granted a Utah Cluster Acceleration Grant to help implement these programs. The proposed AS in Health Sciences will add to the foundation that the new programs will be built upon.

The addition of the proposed degree will not have a negative impact on the delivery of existing programs, but will provide students an opportunity to progress toward an associate degree while they prepare for a specific health related program. The overall impact will be positive on both new and existing students as well as help move the existing and proposed programs forward. No new faculty will be needed to implement this program, since all courses and the administrative structure is in place. Utah Valley University is prepared and ready to move forward in this direction.

Faculty

Since no new faculty will be required to implement this proposed degree, the existing faculty development activities, budgets, and all resources are already in place and adequate to support the needs of the proposed program.

Part I. Department Faculty/Staff

Identify # of department faculty / staff (headcount) for the year preceding implementation of proposed program.

Part II. Proposed Program Faculty Profiles

List current faculty within the institution -- with academic qualifications -- to be used in support of the proposed program(s).

Faculty Category	Faculty Headcount – Prior to Program Implementation	Faculty Additions to Support Program	Faculty Headcount at Full Program Implementation
With Doctoral Degrees (Including MFA and other terminal degrees, as specified by the institution)			
Full-time Tenured			0
Full-time Non-Tenured			0
Part-time Tenured			
Part-time Non-Tenured	1		
With Master's Degrees			
Full-time Tenured	1		
Full-time Non-Tenured	2		2
Part-time Tenured			
Part-time Non-Tenured	1		1
With Bachelor's Degrees			
Full-time Tenured			
Full-time Non-Tenured	1		
Part-time Tenured			
Part-time Non-Tenured	2		2
Other			
Full-time Tenured			
Full-time Non-Tenured			
Part-time Tenured			
Part-time Non-Tenured			0
Total Headcount Faculty			
Full-time Tenured	1	0	1
Full-time Non-Tenured	3	0	3
Part-time Tenured	0		0
Part-time Non-Tenured	4	0	4
Total Department Faculty FTE (As reported in the most recent A-1/S-11 Institutional Cost Study for "prior to program implementation" and using the A-1/S-11 Cost Study Definition for the projected "at full program implementation.")	8	0.00	8.00

Part III: New Faculty / Staff Projections for Proposed Program

No new faculty will be required for this program.

	# Tenured	# Tenure - Track	# Non - Tenure Track	Academic or Industry Credentials Needed	Est. % of time to be dedicated to proposed program.
Faculty: Full Time with Doctorate	0	0	0	0	0
Faculty: Part Time with Doctorate	0	0	0	0	0
Faculty: Full Time with Masters	0	0	0	0	0
Faculty: Part Time with Masters	0	0	0	0	0

Faculty: Full Time with Baccalaureate	0	0	0	0	0
Faculty: Part Time with Baccalaureate	0	0	0	0	0
Teaching / Graduate Assistants	0	0	0	0	0
Staff: Full Time	0	0	0	0	0
Staff: Part Time	0	0	0	0	0

Staff

Since no new faculty, courses, or resources, will be needed, the current staff supporting existing health related programs will be adequate to support the proposed degree.

Student Advisement

The existing advisors assigned to the health related programs within the College of Health and Public Service and general advising will advise students in the proposed program. Many of the students that will choose to pursue the proposed degree are already enrolled in prerequisite courses for existing programs; therefore, the impact on the advising staff should not be significant.

Library and Information Resources

The Utah Valley University Fulton Library cultivates a dynamically changing collection of eBooks, streamed videos, and books that relate to health. General Health Sciences themed holdings are interspersed throughout. As the influence of the program continues to expand, UVU Fulton Library's Health Sciences collection development will match its content and direction.

Collections are housed primarily in the R areas, using the Library of Congress classification system, including resources in areas related to the specific subject areas such as general health, public aspects of health, health services, health administration, community health care, and so forth. (Additional call numbers may apply as this subject is given attention by numerous minor subject areas.) The library specialist assigned to health sciences will work with the department, faculty and staff to augment the current collection with additional books and electronic materials as required.

Resources are selected in collaboration with faculty to best support current and future classes at UVU, and are updated with peer-recommended lists and other review sources. Because of the relatively new age of the holdings, students have access to books of quality and currency.

Initial "one-stop-shopping" for articles/books/videos relating to health science research can be done by means of the UVU Fulton Library website's OneSearch feature, which allows a single search to simultaneously span multiple databases and includes a search of the library catalog's books, eBooks, and videos. (Each individual database can also be searched within the scope of the respective database website.)

EBook Collections

Currently the UVU Fulton Library has access to Safari Tech Books, NetLibrary, EBSCO and Nursing and Allied Health, as well as several on-demand title selections. An over reaching list of approximately 180,000 academic titles.

Databases

Currently, the UVU Fulton Library provides access to over 150 periodical databases and accessing more that 800,000 journal titles. Those deemed useful for Health Sciences include:

Database	
<i>Academic Search Premier</i>	A multidisciplinary database containing nearly 3900 peer reviewed journal titles.
<i>Alt-Health Watch</i>	<i>Alt Healthwatch</i> is a full-text alternative health research database focused on complementary, holistic and integrated approaches to health care and wellness. It offers the latest information about the evolving practice of holistic medicine and therapies.
<i>CINAHL Plus with Full Text</i>	CINAHL is the electronic version of the Cumulative Index of Nursing and Allied Health Literature. Full text for nearly 770 of the 4,500 journals indexed dating back to 1937. CINAHL covers nursing, health sciences, alternative/complementary, consumer health and 17 allied health disciplines.
<i>HaPI (Health and Psychosocial Instruments)</i>	Encompassing nearly 190,000 records, HaPI is comprised of bibliographic information for peer-reviewed scholarly journals, books, technical reports, and test publishers' catalogs. The essential resource for researchers, students, clinicians and more, HaPI features coverage of more than 80 unique behavioral measurement tools and instruments which are used across professions and disciplines, including nursing, public health, psychology, social work, communication, sociology, and organizational behavior or human resources.
<i>Health Source; Consumer Edition</i>	This full-text database covers a wide variety of subjects, including information on specific diseases as well as overall health topics. Subjects include fitness, nutrition, diabetes, aging, women's health, children's health and more.
<i>Health Source: Nursing/Academic Edition</i>	<i>Health Source: Nursing/Academic Edition</i> provides researchers, allied health professionals, nurses and medical educators with access to full-text scholarly journals focusing on many medical disciplines. It provides indexing, abstracts and full-text for hundreds of nursing and allied health journals, many of which are peer-reviewed.
<i>Science Direct Journals</i>	ScienceDirect is Elsevier's leading information solution for researchers, teachers, students, health care professionals and information professionals . It combines authoritative, full-text scientific, technical and health publications with smart, intuitive functionality so that you can stay informed in your field, and can work more effectively and efficiently.
<i>Web of Science</i>	Provides researchers, administrators, faculty and students with quick powerful access to the bibliographic and citation information for journal articles that they need to find research data, analyze trends and more.
<i>PsycInfo</i>	Indexes and abstracts over 2500 psychology and psychology-related journals, including professional and academic literature

	in psychology, medicine, psychiatry, nursing, sociology, education, pharmacology, physiology, and linguistics.
<i>PsycARTICLES</i>	Provides full-text access to over 50 journal titles published by APA and other allied organizations covering general psychology and related disciplines. Includes full-text book chapters from 2000 to present.
<i>JSTOR</i>	Full text access to back issues of journals from many disciplines including 52 titles from Health Sciences.
<i>SPORTDiscus</i>	Covers sport, physical fitness, exercise, sports medicine, sports science, kinesiology, etc. Links to full text for sports & sports medicine journals.
<i>Oxford Reference Online</i>	Includes a Dictionary of Food and Nutrition, a Concise Medical Dictionary, an A-Z of Medicinal Drugs, a Dictionary of Nursing, a Dictionary of Psychology, and a Dictionary of Public Health.

Current catalog holdings for Health Sciences are estimated as follows:

Books	5140
eBooks	17314
Streamed videos	2144

Off-campus web access to library patrons is enabled by means of an LDAP login authentication layer that is enforced by the UVU Fulton Library EZProxy server.

A patron may often seek information (articles, books, etc.) that are not directly owned or licensed by UVU Fulton Library. In such cases, a desired item may be accessed from other libraries throughout the United States by means of the Interlibrary Loan service (ILL). A requested article full text is emailed to a requester within one business day. Print books are generally located, received, and made available within seven business days. In addition, UVU Library patrons have access to check out items from partner libraries of higher education in the Utah area (BYU, U of Utah, Utah State, etc.) by means of a Utah Academic Library Consortium (UALC) agreement.

Debbie Short is currently the UVU liaison librarian for faculty and student support for health sciences. She may be contacted for additional information:

Debbie Short

Electronic Resources Librarian
Health Sciences/Public Services Subject Specialist
Utah Valley University Fulton Library
Orem, Ut 84058
801-863-6336
shortde@uvu.edu

Projected Enrollment and Finance

Part I.

Project the number of students who will be attracted to the proposed program as well as increased expenses, if any. Include new faculty & staff as described above.

Three Year Projection: Program Participation and Department Budget		
	Year Preceding	New Program

	Implementation	Year 1	Year 2	Year 3	Year 4	Year 5		
Student Data								
# of Majors in Department	2019	86	136	136	136	136		
# of Majors in Proposed Program(s)		50	100	100	100	100		
# of Graduates from Department	2019	15	40	55	55	55		
# Graduates in New Program(s)		0	25	40	40	40		
Department Financial Data								
<i>Project additional expenses associated with offering new program(s). Account for New Faculty as stated in above in, "Faculty Projections."</i>	Department Budget							
	Year Preceding Implementation (Base Budget)	Year 1	Year 2	Year 3				
		Addition to Base Budget for New Program(s)	Addition to Base Budget for New Program(s)	Addition to Base Budget for New Program(s)				
Three-Year Budget Projection								
Departmental Budget								
	2017-18	2018-19	2019-20	2020-21				
<i>Project additional expenses associated with offering new program(s). Account for New Faculty as stated in above in, "Faculty Projections."</i>	Year Preceding Implementation (Base Budget)	Addition to Base Budget for New Program(s)	Addition to Base Budget for New Program(s)	Addition to Base Budget for New Program(s)				
Expenses - nature of additional costs required for proposed program(s)								
<i>List salary benefits for additional faculty/staff each year the positions will be filled. For example, if hiring faculty in year 2, include expense in years 2 and 3. List one-time operating expenses only in the year expended.</i>								
Personnel (Faculty & Staff Salary & Benefits)	\$446,713	\$0	\$0	\$0				
Operating Expenses (equipment, travel, resources)	\$11,993	\$0	\$0	\$0				
Other		\$0	\$0	\$0				
TOTAL PROGRAM EXPENSES	\$458,706	\$0	\$0	\$0				
FUNDING-source of funding to cover additional costs generated by proposed program(s)								
<i>Describe internal reallocation using Narrative 1 on the following page. Describe new sources of funding using Narrative 2.</i>								
Internal Reallocation								
Appropriation								
Special Legislative Appropriation								
Grants and Contracts								
Special Fees								
Tuition		\$0	\$0	\$0				
Differential Tuition (requires Regents approval)								
Total Revenue		\$0	\$0	\$0				
PROPOSED PROGRAM FUNDING		\$0	\$0	\$0				
TOTAL DEPARTMENT FUNDING								
Funding - Expense		\$0	\$0	\$0				

Part II: Expense explanation**Expense Narrative**

There will be no new expenses for this program, all the classes exist.

Part III: Describe funding sources**Revenue Narrative 1**

None applicable

Revenue Narrative 2

There are no plans for new funding sources for this program.

Section VI: Program Evaluation**Program Assessment**

Many students want to graduate from UVU and go on to graduate school in the health care fields. This degree will help align the classes that are best suited for these students. All of the GE classes are the classes that the majority of health care graduate schools require. By taking the correct GE classes students will be able to fulfill the pre-reqs for graduate school while completing the GE requirements. The success of the program will be assessed by the number of students that enroll in the degree. The graduate rates of students as they complete their bachelor's degree will also be assessed.

Student Standards of Performance

Students will achieve an AS degree with the least amount of classes taken as they continue on track to a BS or BA degree. Standards will be the same as other AS degrees, but the students will be more guided in their choice of GE and elective classes as they achieve the AS degree and continue with the BS degree. Graduates of the AS in health sciences will demonstrate command of the following program learning outcomes by their participation in class, completion of class assignments, projects, presentations and other class interaction.

- Communicate effectively in writing of topics related to health sciences.
- Demonstrate the ability to problem solve, think critically and reason analytically in regards to health sciences.
- Demonstrate the knowledge and ability to search and retrieve information and material related to individual courses related to health sciences.
- Demonstrate knowledge of and effectively apply health science topics, theories and tools affecting health care and the sciences related to health.

**Utah System of Higher Education
New Academic Program Proposal
Cover/Signature Page - Full
Template**

Institution Submitting Request: Utah Valley University

Proposed Program Title: Associate of Science in Intelligence Studies

Sponsoring School, College, or Division: College of Health and Public Service

Sponsoring Academic Department(s) or Unit(s): Criminal Justice

Classification of Instructional Program Code: 29.0201

Min/Max Credit Hours Required to Earn Degree: 60 credits

Proposed Beginning Term: Fall 2018

Institutional Board of Trustees' Approval Date:

Program Type (check all that apply):

<input type="checkbox"/>	Associate of Applied Science Degree (AAS)
<input type="checkbox"/>	Associate of Arts Degree (AA)
X	Associate of Science Degree (AS)
<input type="checkbox"/>	Specialized Associate Degree (specify award type)
<input type="checkbox"/>	Other (specify award type)
<input type="checkbox"/>	Bachelor of Arts Degree (BA)
<input type="checkbox"/>	Bachelor of Science Degree (BS)
<input type="checkbox"/>	Professional Bachelor Degree (specify award type)
<input type="checkbox"/>	Other (specify award type)
<input type="checkbox"/>	Master of Arts Degree (MA)
<input type="checkbox"/>	Master of Science Degree (MS)
<input type="checkbox"/>	Professional Master Degree (specify award type)
<input type="checkbox"/>	Other (specify award type)
<input type="checkbox"/>	Doctoral Degree (specify award type)
<input type="checkbox"/>	K-12 School Personnel Program
<input type="checkbox"/>	Out of Service Area Delivery Program

Chief Academic Officer (or Designee) Signature:

I, the Chief Academic Officer or Designee, certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.

Signature:

Date:

Utah System of Higher Education Program Description - Full Template

Section I: The Request

The Criminal Justice Department in the College of Health and Public Service at Utah Valley University requests approval to offer an Associate of Science in Intelligence Studies effective Fall 2018.

Section II: Program Proposal

Program Description

The Associate of Science in Intelligence Studies exposes students to the wide range of theoretical and functional issues related to the field of military intelligence. Students are prepared for employment in the intelligence field. This degree is limited to students participating in the Utah National Guard's (UNG) military intelligence education program at Camp Williams in Bluffdale, Utah.

Consistency with Institutional Mission

Offering students in the Utah National Guard's military intelligence education program the opportunity to earn credits and an Associate of Science (AS) in Intelligence Studies at Utah Valley University (UVU) fulfills the institutional mission and roles. The program is focused on practical teaching and engaged learning, and UVU's AS would provide students in the program with pathways to undergraduate and graduate degree opportunities. Bringing this degree program to Utah will meet regional and national educational needs for military intelligence professionals engaged in national service. UVU will provide students in the program with quality academic learning opportunities, both at Camp Williams and at UVU. Students will also be provided with access and pathways to pursue their higher education goals.

Section III: Needs Assessment

Program Rationale

The UNG's 640th Regiment is a regional academy established by the National Guard Bureau in April 1984 and functions as a full-time training institute in The Army Schools System. The UNG offers this destination military intelligence education program at Camp Williams in Bluffdale, Utah. Currently, students in the UNG's program have the opportunity to earn college credits for their program through Cochise Community College in Arizona, of which many students take advantage. However, when the UNG program administrators and instructors became aware of UVU's new National Security Studies program they thought UVU would be a better fit for them and a better value for their students than Cochise. The military intelligence education program at Camp Williams has been around for more than thirty years and draws about 250-350 students throughout the year, which is set to increase to 450-550 students beginning this summer. The UNG's program is recognized as one of the largest and most successful military intelligence education programs in the country. Currently, students in UNG's program may earn anywhere from 15-27 credits from Cochise. The program would be taught entirely at Camp Williams by UNG instructors, who would be approved by UVU.

Allowing Camp Williams students to earn UVU credit for their program will offer pathways to UVU associate and baccalaureate degrees. Many of the students in the program are Utahns and are interested in taking classes at UVU to complete their associate degrees and participating in the NSS program at UVU. The military education program would be a great way of bringing these students into UVU and helping them achieve their educational goals. The fact that all of the students will have military benefits and access to UVU's Veterans Success Center will help them pursue these pathways.

UVU sees this as a great opportunity for students in the UNG's program to earn college credit for their courses in military intelligence, for UVU to affiliate with a successful military program, and to bring more students into its degree programs, and for the State of Utah to bring the courses and degree program for a prestigious military intelligence educational program from Arizona to Utah. UVU is aiming to have this new degree approved and available by Fall 2018.

Labor Market Demand

All students in the program are members of the National Guard or U.S. military. The program at Camp Williams provides students educational training to assist them in preparing to conduct intelligence work for the U.S. military. This degree program is limited to students in the UNG's military intelligence education program and focused on job-oriented skill and knowledge acquisition.

Student Demand

The Utah National Guard has administered a military intelligence education program for many years at Camp Williams in Bluffdale, Utah. This program is one of the biggest and most successful programs in the United States and attracts students from across the country. In a typical year, the program has had between 250-350 students, in classes of around 15-30 students lasting three to five weeks throughout the calendar year. However, beginning in the summer of 2017, the program will expand to around 450-550 students a year. On average, about a third of these students have opted to earn concurrent college credit through Cochise Community College in Arizona, in addition to the recognition that the military provides for participation in the program. The administrators of the program anticipate that more students will opt to earn college credits if they are from UVU because many of the students are from Utah, because of the pathway to baccalaureate and graduate degrees, and because of the National Security Studies program that UVU offers. The program administrators approached UVU last year about transitioning from Cochise to UVU because of the advantages UVU offers their students and their program: to include assistance from the Veteran's Success Center, the availability of online classes to complete the associate of science degree, the pathway to four-year and graduate programs, the opportunities in the field of national security that the Center for National Security Studies offers, and the institutional reputation and value of the degree programs. The program administrators have received enthusiastic responses from their students when asked about their interest in UVU if it were a credit and degree provider for their military intelligence program. Criminal Justice anticipates that around 100-200 students will elect to earn credits from UVU through the National Guard's military intelligence education program, and that a majority of these students will choose to continue on with their associate of science degree. Over time, as the CNSS Director and Veteran's Success Center Director visit each new class at the beginning of the new class, it is anticipated that more students will elect to earn credits, more students will pursue an associate of science degree, and more will continue on with the baccalaureate programs.

Similar Programs

Currently, no higher education institution in USHE or the State of Utah offers an Associate of Science in Intelligence Studies. Cochise Community College is the only institution in the region that offers a similar AS program. Currently, students in the Utah National Guard's military intelligence education program have the opportunity of earning credits through Cochise Community College, but students have expressed interest in earning credits from an institution that offers four-year degree programs and, for Utah students, an interest in earning credits from an in-state university. After hearing about UVU's new National Security Studies program, the Utah National Guard approached UVU about offering credits for their program toward an intelligence studies degree program, with a pathway to four-year degrees at UVU.

Collaboration with and Impact on Other USHE Institutions

The program will be delivered at the Utah National Guard's Camp Williams facilities, which is inside UVU's

designated service area. The new program is consistent with UVU's other national security studies (NSS) programs and, like the NSS programs, unique in the State of Utah in that no other higher education institution in the state offers an intelligence studies program.

External Review and Accreditation

No external consultants or program advisory committees were involved in the development of the proposed program. The program will not seek special professional accreditation.

Section IV: Program Details

Graduation Standards and Number of Credits

Graduation Requirements:

1. Completion of a minimum of 60 semester credits.
2. Overall grade point average of 2.0 (C) or above and a grade of C- or higher in all core and elective requirements.
3. Residency hours – minimum of 20 credit hours through course attendance at UVU.
4. Completion of GE and specified departmental requirements.

Admission Requirements

Students in the AS program must be admitted to the Utah National Guard's Military Intelligence Education program and admitted to UVU.

Curriculum and Degree Map

Program Curriculum:

Course Number	New Course	Course Title	Credit Hours
General Education Courses			
ENGL 1010		Introduction to Writing	3
ENGL 2010		Intermediate Writing—Science and Technology	3
MAT 1030 or MAT 1035 or STAT 1040 or STAT 1045 or MATH 1050 or MATH 1055 or MATH 1090		Quantitative Literacy	3
HIST 1700 or 1740 or POLS 1000 or 1100		American Civilization or US Economic History or American Heritage or American National Government	3
PHIL 2050		Ethics and Values	3
HLTH 1100 or PES 1097		Personal Health and Wellness or Fitness for Life	2
		Biology	3
		Physical Science	3
		Additional Biology or Physical Science	3
		Humanities Distribution	3
		Fine Arts Distribution	3
		Social/Behavioral Science	3
General Education Subtotal:			35

Required Courses			
	X	Any 15 credits from the Intelligence Studies course offerings	15
Required Course Credit Hour Sub Total:			15
Elective Courses			
		Elective credits, including any courses from the Intelligence Studies course offerings	10
Elective Credit Hour Subtotal:			10
Core Curriculum			60

Program Curriculum Narrative

N/A

Degree Map:

All students in the Associate of Science in Intelligence Studies will have earned intelligence studies credits in the Utah National Guard's Military Intelligence Education program. Students in the AS program will have already completed at least 15 credits through the National Guard program, leaving general education and, in most cases, some of the elective credits to complete at UVU.

Fall of First Year (Course Prefix and Number)	Course Title	Credit Hours
	IS credit	15
	TOTAL	15
Spring of First Year (Course Prefix and Number)	Course Title	Credit Hours
ENGL 1010	Introduction to Writing	3
MATH 1040 or 1050 or 1060	Introduction to Statistics or College Algebra or Trigonometry	3
HIST 1700 or 1740 or POLS 1000 or 1100	American Institutions	3
	Social/Behavioral Science	3
PES 1097 or HLTH 1100	Fitness for Life or Personal Health and Wellness	3
	TOTAL	15
Fall of Second Year (Course Prefix and Number)	Course Title	Credit Hours
	Biology	3
ENGL 2010 or 2020	Intermediate Writing	3
	Humanities	3
	Fine Arts	3
	Elective or IS credit	3
	Total	15

Spring of Second Year (Course Prefix and Number)	Course Title	Credit Hours
	Additional Biology or Physical Science	3
	Physical Science	3
PHIL 2050	Ethics and Values	3
	Elective or IS credit	6
	TOTAL	15
	TWO-YEAR TOTAL	60

Section V: Institution, Faculty, and Staff Support

Institutional Readiness

All required administrative and support structures for the proposed AS program already exist. Camp Williams will continue to be the host of the Military Intelligence Education program and the Utah National Guard has the facilities, resources, and personnel necessary to accomplish its educational mission. The Veterans Success Center at UVU will be a valuable resource for military students in learning how to apply their benefits toward their educational costs and providing a support structure. The Center for National Security Studies will also provide AS students with academic, engaged learning, and professional opportunities in the intelligence and national security fields. In addition, the academic advisors for Criminal Justice will assist AS students in course and degree planning and transitioning to advanced degree programs. The Directors of the Center for National Security Studies and the Veterans Success Center, along with an academic advisor, will visit each class in the National Guard's program to explain their roles and offer their services.

Faculty

All faculty for the program will come from the Utah National Guard and be appointed by UVU. No other faculty or teaching assistants will be required.

Part I. Department Faculty/Staff

	# Tenured	# Tenure -Track	# Non - Tenure
Faculty: Full Time with Doctorate	4		2
Faculty: Part Time with Doctorate			3
Faculty: Full Time with Masters			4
Faculty: Part Time with Masters			5
Faculty: Full Time with Baccalaureate			
Faculty: Part Time with Baccalaureate			6
Teaching / Graduate Assistants			
Staff: Full Time			
Staff: Part Time			

Part II. Proposed Program Faculty Profiles

First Name	Last Name	Tenure (T) / Tenure Track (TT) / Other	Degree	Institution where Credential was Earned	Est. % of time faculty member will dedicate to proposed program.
Full Time Faculty					
Part Time Faculty					

Part III: New Faculty / Staff Projections for Proposed Program

	# Tenured	# Tenure - Track	# Non - Tenure Track	Academic or Industry Credentials Needed	Est. % of time to be dedicated to proposed program.
Faculty: Full Time with <u>Doctorate</u>					
Faculty: Part Time with <u>Doctorate</u>					
Faculty: Full Time with <u>Masters</u>					
Faculty: Part Time with <u>Masters</u>					
Faculty: Full Time with <u>Baccalaureate</u>					
Faculty: Part Time with <u>Baccalaureate</u>					
Teaching / Graduate Assistants					
Staff: Full Time					
Staff: Part Time					

Staff

The Utah National Guard will provide the primary administrative support for the program. UVU's Director of National Security Studies will provide support and oversight. The academic advisors for Criminal Justice will assist students with academic planning. And the Director of the Veterans Success Center will provide assistance to students in understanding how to use their veteran benefits toward their educational goals. No additional staff will be required for this program.

Student Advisement

Students in the program will receive advisement from the Criminal Justice academic advisors.

Library and Information Resources

N/A

Projected Enrollment and Finance

Part I.

Project the number of students who will be attracted to the proposed program as well as increased expenses, if any. Include new faculty & staff as described above.

Three Year Projection: Program Participation and Department Budget						
	Year Preceding Implementation	New Program				
		Year 1	Year 2	Year 3	Year 4	Year 5
Student Data						
# of Majors in Department						
# of Majors in Proposed Program(s)		60	70	80	0	0
# of Graduates from Department						
# Graduates in New Program(s)		10	10	15	15	
Department Financial Data						
	Department Budget					
		Year 1	Year 2	Year 3		
<i>Project additional expenses associated with offering new program(s). Account for New Faculty as stated in above in, "Faculty Projections."</i>	Year Preceding Implementation (Base Budget)	Addition to Base Budget for New Program(s)	Addition to Base Budget for New Program(s)	Addition to Base Budget for New Program(s)		
EXPENSES – nature of additional costs required for proposed program(s)						
<i>List salary benefits for additional faculty/staff each year the positions will be filled. For example, if hiring faculty in year 2, include expense in years 2 and 3. List one-time operating expenses only in the year expended.</i>						
Personnel (Faculty & Staff Salary & Benefits)	\$1,254,776	\$9,802	\$9,802	\$9,802		
Operating Expenses (equipment, travel, resources)	\$21,373	\$1,000	\$1,000	\$1,000		
Other:						
TOTAL PROGRAM EXPENSES		\$0	\$0	\$0		
TOTAL EXPENSES	\$1,276,149	\$10,802	\$10,802	\$10,802		
FUNDING – source of funding to cover additional costs generated by proposed program(s)						
<i>Describe internal reallocation using Narrative 1 on the following page. Describe new sources of funding using Narrative 2.</i>						
Internal Reallocation						
Appropriation						

Special Legislative Appropriation					
Grants and Contracts					
Special Fees					
Tuition		\$13,500	\$15,750	\$18,00	
Differential Tuition (requires Regents approval)					
PROPOSED PROGRAM FUNDING		\$0	\$0		
TOTAL DEPARTMENT FUNDING	\$1,276,149	\$10,802	\$10,802	\$10,802	
Difference					
Funding - Expense	\$0	\$2,698	\$4,948	\$7,198	

Part II: Expense explanation

Expense Narrative

Expenses for the program include a portion of salaried faculty member to oversee the courses (faculty selection, course outline, learning assessment) and travel between UVU and Camp Williams. All other instructional expenses associated with the new courses will be incurred by the Utah National Guard.

Part III: Describe funding sources

Revenue Narrative 1

None

Revenue Narrative 2

No new funding sources, beyond tuition revenue, are required or anticipated.

Section VI: Program Evaluation

Program Assessment

At the end of the program, students will be able to perform the following:

Written Communication – Students, using writing skills, both individually and collaboratively, will discover, shape, and communicate information, data, concepts, and arguments clearly and effectively to the appropriate audience and purpose.

Oral Communication – Students, using oral communication skills both individually and collaboratively, will research, organize, design, and present data, research, ideas, and concepts so as to add meaning and depth to the topics discussed.

Creativity – Students will investigate, evaluate, and ponder experiences; seek creative solutions to practical, social, or individual problems; and produce artifacts of self-expression.

Leadership – Students will examine, analyze, calculate and formulate methods by which they can motivate and lead others through leadership attributes and competencies.

Critical Thinking – Students will employ logical, analytical, analogical, and reflective reasoning as well as scientific, mathematical, and artistic inquiry to solve problems effectively.

Diverse Perspectives – Students will recognize cultural diversity and discuss the symbiotic roles of racial, ecological, social, historic, and economic forces and their roles in creating this diversity.

Information Literacy – Students will demonstrate proficiency in information literacy by finding information gaps and using both classic and modern sources to locate, evaluate, analyze and apply the information to fill those gaps.

Technology Literacy – Students will apply technological skills and processes to discover, organize, analyze, understand, and manage information, and to present that information effectively.

Student Standards of Performance

The standards and competencies were chosen to meet the current job requirements in the National Security arena. Panels of Subject Matter Experts were gathered to review the needs in the intelligence fields and determine which Terminal Learning Objectives should be addressed to meet these requirements. Formative and summative assessments will be used to assist students understanding of course materials and assist in measuring progress. Each learning objective will have an assessment to ensure student comprehension. Assessments will vary from check-on-learning questioning to formal tests and research papers.

**Utah System of Higher Education
New Academic Program Proposal
Cover/Signature Page - Abbreviated Template**

Institution Submitting Request: *Utah Valley University*
Proposed Program Title: *Certificate of Proficiency in Digital Media*
Sponsoring School, College, or Division: *College of Computing and Technology*
Sponsoring Academic Department(s) or Unit(s): *Department of Digital Media*
Classification of Instructional Program Code¹: *11.0801*
Min/Max Credit Hours Required to Earn Degree: *16*
Proposed Beginning Term²: *Fall Semester 2018*
Institutional Board of Trustees' Approval Date: *Select Month / Select Day / Select Year*

Program Type:

<input checked="checked" type="checkbox"/>	Certificate of Proficiency	<input type="checkbox"/> Entry-level CTE CP	<input type="checkbox"/> Mid-level CP
<input type="checkbox"/>	Certificate of Completion		
<input type="checkbox"/>	Minor		
<input type="checkbox"/>	Graduate Certificate		
<input type="checkbox"/>	K-12 Endorsement Program		
<input type="checkbox"/>	NEW Emphasis for Regent-Approved Program <i>Credit Hours for NEW Emphasis Only:</i> Min Cr Hr / Max Cr Hr <i>Current Major CIP:</i> 6 - Digit CIP <i>Current Program Title:</i> <i>Current Program BOR Approval Date:</i>		
<input type="checkbox"/>	Out of Service Area Delivery Program		

Chief Academic Officer (or Designee) Signature:

I, the Chief Academic Officer or Designee, certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.

Please type your first and last name _____ Date: _____

☐ I understand that checking this box constitutes my legal signature.

¹ For CIP code classifications, please see <http://nces.ed.gov/ipeds/cipcode/Default.aspx?y=55>.

² "Proposed Beginning Term" refers to first term after Regent approval that students may declare this program.

**Utah System of Higher Education
Program Description - Abbreviated Template**

Section I: The Request

The Digital Media Department in the College of Computing and Technology at Utah Valley University requests approval to offer a Certificate of Proficiency in Digital Media effective Fall 2018.

Section II: Program Proposal/Needs

Program Description/Rationale

This certificate is designed to provide high school students an opportunity to obtain a certificate of proficiency while still enrolled in high school, which not only gives initial employability skills, but also stacks into associate degrees at UVU.

Two years ago, President Holland launched a Business Engagement Strategy focused on connecting business and industry needs with career pathways at UVU. In the first phase of the project, the digital media industry within the Mountainland Region was surveyed. One of the outcomes was the development of a formal career pathway identifying and connecting secondary programs to certificates and degrees at UVU. During this phase of the strategy, a ten-step process for pathway development was created following the Rigorous Programs of Study Framework model that has been adopted as the model for career pathway development by the U.S. Department of Education, Labor, and Health and Human Resources. The success of the initial phase of pathway development laid the foundation and a phase II of the Business Engagement Strategy was initiated in 2014, resulting in a formal career pathway being developed in Computer Science and Information Systems Technology.

A major goal of the Business Engagement Strategy was to create new certificates that prepare workers with skills required to satisfy current labor needs. Working with the secondary CTE directors in the Mountainland Region, it became apparent that there was an opportunity to develop the initial stages of the pathway at the Advanced Learning Center (ALC) within the Nebo School District. At the ALC, students come from various high schools within the district to focus on training in the areas of digital media. Working with faculty members at UVU, many of the courses offered at the ALC offer concurrent enrollment opportunities for the students. These opportunities provided the perfect setting for the development of certificates of proficiencies for secondary students through concurrent enrollment agreements that lead to certificates and degrees at UVU. These certificates will also be available from the University for college students/adults looking for entry-level skills leading to further advancement.

Labor Market Demand

Utah's growth and development as the new "silicon slopes" is well documented. During 2015, Utah led the nation in job growth for seven months and ranked second the remaining five months. With an estimated year-over job growth rate of 3.7 percent and a 49,100 job increase, Utah's economy exceeded expectations in 2015.² The needs for skilled workers in the computer and software development areas continue to grow each year. Utah's employment in 2013 and 2014 grew faster than the national rate, and by 2014, Utah's unemployment rate had improved to 3.9% compared to the national rate of 6.6%.³ Utah's unemployment rate continued to fall faster than the national rate in 2015. The number of firms in this particular industry in Utah continues to grow, and the Department of Workforce Services in Utah rate

² Report to the Governor, Compendium, Prepared by the Utah Economic Council, 2016, p1.

³ Jasen Lee, Deseret News, Utah unemployment rate hits five-year low, March 7 2014.

these occupations as five star.⁴ According to the Utah Job Outlook, the Computer and Mathematical area ranks third in overall job openings with an average growth rate of 3.2%.⁵

Digital media employers are in need of a skilled workforce to continue their growth. UVU has worked closely with companies such as DigiCert, Exactware, Dell Computer, and Ancestry.com to establish certificates that will lead to employment, as well as be the foundation for degree attainment and advancement.

The proposed certificate will help close the entry-level skill gaps for these companies, as well as provide a pathway for students to follow in obtaining advanced training in an area of high labor demand.

Consistency with Institutional Mission/Impact on Other USHE Institutions

One of the elements of the UVU mission is a commitment to providing certificates and two-year degrees within their service delivery area. This effort will add to the statewide goal of having 66% of the state citizens holding a certificate or a degree by 2020 and is in harmony with the effort within the CTE regions to provide additional certificate opportunities for students that lead into stackable degrees. The proposed certificate fits nicely with the Mountainland Region's strategic plan to add certificates available to secondary students as well as adults.

This certificate will not have an impact on other USHE institutions since it is designed mainly for high school students and leads directly into degrees that are already in place at UVU. Salt Lake Community College has a similar certificate of proficiency serving their service deliver area. Concurrent enrollment courses are already in place or being created for some of the courses and will be supported by articulation agreements.

Finances

This proposed certificate will not require any additional faculty, staff, new facilities, or additional equipment, but is built on existing courses available at UVU and through the concurrent enrollment offered within the region. In addition, it is projected that this certificate will be a cost savings for high school students due to the concurrent enrollment program, and it is projected that this well-defined pathway will increase the completion rate for both high school students and UVU degree seekers.

⁴ Employment Outlook at a Glance, Department of Utah Workforce Services, <http://jobs.utah.gov/wi/pubs/outlooks/utahjoboutlook/index.html>.

⁵ Utah Job Outlook, Department of Workforce services, <http://jobs.utah.gov/wi/pubs/outlooks/state/index.html>

Section III: Curriculum

Certificate of Proficiency Digital Media

Course Prefix	Course Number	NEW Course: Mark with X	Course Title	Credit Hours
Required Courses				
			Certificate of Proficiency Digital Media	
ENGL	1010		Introduction to Writing	3
MAT	1030 or 1035or		Quantitative Reasoning	3
STAT	1040 or 1045 or		Introduction to Statistics	
MATH	1050 or 1055 or		College Algebra	
MATH	1090		College Algebra for Business	
DGM	1110		Digital Media Essentials	4
	Choose one set of two Courses from the following			
			Animation & Games	
DGM	1600		Intro to Scripting	3
DGM	1620		Survey of Animation	3
			Digital Cinema	
DGM	1061		Motion Picture Editing	3
DGM	1520		Corporate and Document Production	3
			Digital Audio	
DGM	2130		Digital Audio Essentials	3
DGM	2460		Radio Production	3
			Web Development	
DGM	1600		Introduction to Scripting	3
DGM	2120		Web Essentials	3
Required Course Credit Hour				16

Program Curriculum Narrative

Upon successful completion of this certificate, students will be able to:

Demonstrate an employable knowledge of the basics of digital media production as shown by a portfolio of technically and aesthetically solid work that could assist them in getting an entry-level production job.

Show a broad horizontal range of understanding of production processes across digital media disciplines, as demonstrated by the above-mentioned portfolio, together with passing grades in courses included in this CP program that are designed to give the students exactly this breadth of knowledge.

Show a more advanced level of achievement in one of the program subjects -- a subject of the students' choice -- as demonstrated by the best work-pieces of their portfolio.

Demonstrate habits of competence and perseverance in digital media production, skills which can be transferred to all other endeavors in their future life, as demonstrated by creation of several works of substantial dimension for the students' level of study, having taking each project from concept, development, and pre-production through production and post-production to a distribution-ready end result.

Demonstrate group-work skills, which will make each student desirable in the highly collaborative digital media production industry, as shown by works in their portfolios that were realized through team effort.

Demonstrate the importance of communication and documentation, as demonstrated with supporting documentation accompanying several of the works in their portfolio.

Degree Map:

Fall of First Year (Course Prefix and Number)	Course Title	Credit Hours
	<i>Math Requirement</i>	3
<i>ENG 1010</i>	<i>Introduction to Writing</i>	3
<i>DGM 1110</i>	<i>Digital Media Essentials I</i>	4
Spring of First Year (Course Prefix and Number)	Course Title	Credit Hours
	<i>2 course from one of the tracks</i>	6

**Utah System of Higher Education
Academic Program Change Proposal
Cover/Signature Page—Abbreviated Template**

Institution Submitting Request: Utah Valley University

Current Program Title: BA in Deaf Studies; Interpreting Emphasis

Sponsoring School, College, or Division: College of Humanities and Social Sciences

Sponsoring Academic Department(s) or Unit(s): Languages and Cultures

Classification of Instructional Program Code (new and old if different): 16.1603/16.1601

Min/Max Credit Hours Required of Full Program (new and old if different): 120

Proposed Beginning Term: Fall 2018

Institutional Board of Trustees' Approval Date:

Program Type (check all that apply):

<input type="checkbox"/>	Name Change of Existing Program
<input checked="" type="checkbox"/>	Program Restructure with or without Consolidation
<input type="checkbox"/>	Program Transfer to a new academic department or unit
<input type="checkbox"/>	Program Suspension
<input type="checkbox"/>	Program Discontinuation
<input type="checkbox"/>	Reinstatement of Previously Suspended Program
<input type="checkbox"/>	Out of Service Area Delivery Program

Chief Academic Officer (or Designee) Signature:

I, the Chief Academic Officer or Designee, certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.

Name:

Date:

Program Change Description—Abbreviated Template

Section I: The Request

The Department of Languages & Cultures at Utah Valley University requests approval to modify the BA in Deaf Studies; Interpreting Emphasis effective Fall 2018.

Section II: Program Proposal

Program Change Description/Rationale

This four-year degree is a liberal arts degree that provides in-depth study into all facets of the Deaf-World. There are matriculation requirements, but students should declare their major by contacting the academic advisor for the Languages Department.

This emphasis provides an opportunity for students and focuses on helping them to gain interpreting skills and certification. There is currently an intense shortage of interpreters for the Deaf across the United States. UVU offers two distinct programs to prepare students to enter the interpreting profession: The Novice-Level Interpreter Preparation Program (NLIPP) and the Advanced Certification Interpreter Preparation Program (ACIPP). These programs can accommodate students of any skill level and courses fit right into the Deaf Studies degree requirements.

The face-to-face and hybrid classes (there are about 4-6 classes offered hybrid) are all offered on main campus and the online (there are about 4-6 classes offered online) courses are currently offered during summer sessions.

Benefits

The American Sign Language and Deaf Studies Program benefits the institution and Utah State Higher Education in multiple ways. First, it addresses UVU's core theme of inclusion. The ASL & Deaf Studies program brings to the campus a significant form of inclusion with its study of not only a non-Indoeuropean language, but a language that takes space as its medium of transmission. It combines this language focus with the study of Deaf culture, a kind of diversity that is reflected in the student population of the institution, and one that brings into focus multiple theoretical implications for a wide range of disciplines across anthropology, linguistics, public policy, history, sociology, biology, ethics, philosophy, art, law, and more.

The focus of this program also addresses UVU's other core themes of Student Success, Engaged Learning, and Serious. Because this proposal is for a program revision rather than a start-from-scratch effort, there exists clear evidence of student success. UVU interpreting graduates interpret all over the country and can be seen on the podium with the POTUS and

other government leaders from time to time. UVU's education majors lead the way in the state's secondary education settings, and the graduates with an emphasis in interpreting have gone on to graduate work at prestigious institutions around the country. They have produced peer-reviewed publications and work in a wide range of fields where their training in Deaf Studies makes them uniquely qualified to contribute to their employers.

The program's students have been actively engaged in the local community. The internship requirement has resulted in multiple engagement opportunities from Utah County to Ghana, Africa. The internship program, now run by a new lecturer and UVU Deaf Studies alum, continues to expand opportunities to match both student interests and community needs.

The program is serious. The program maintains high standards of rigor, and the proposed changes reflect that. Students are expected to attain currency in related disciplines so they can bring multiple theoretical frameworks to bear on issues related to Deaf lives. The faculty and students are equally serious about finding ways to inform these diverse theoretical frameworks with insights derived from Deaf Theory.

The program provides practical benefits to the state as well by preparing students with new ways of seeing the world while simultaneously preparing them to enter the workforce. Graduates from the program are able to enter the workforce in meaningful employment that not only allows them to provide income for themselves and their families and to support the state's tax base, but these graduates are able to work in fields that address pressing social concerns within the state.

Program Need

The need for this program was demonstrated in 2006 when the program was initially approved and continues in terms of both student demand and in the need for graduates to work in allied fields.

The student demand for the program almost instantly outstripped the original estimates in the 2006 proposal and continues to be high. The enrollment headcount for Fall 2016 was approximately 750 students, which is very similar to the previous six to seven years. The number of graduates also continues to climb as illustrated in the Student Demand section below.

Labor Market Demand

As with other liberal arts degrees, the graduates from the program proposed here will possess the knowledge, abilities, and experience that are applicable to a variety of careers—too many to outline here. The graduates of this program, however, will find some very specific market conditions that make an education in Deaf Studies a particularly valuable asset.

The most intense demand for graduates is within the interpreting field. There is an ever-widening interpreter shortage throughout the United States. This shortage is particularly pronounced in

Utah. In fact, in September of 2005, the *Salt Lake Tribune* reported that, "Only 74 interpreters certified at an intermediate or master level currently are working in the state, according to the Department of Workforce Services (DWS). But more than 400 skilled interpreters are needed" (September 9, 2005). The article, titled "Sign Language: Help Wanted" went on to state that, "If qualified, [new interpreters] could land jobs paying \$25,000 to \$50,000 today." More recently the Bureau of Labor Statistics published a report stating: "Employment of interpreters and translators is projected to grow 29% from 2014 to 2024, much faster than the average for all occupations... Job prospects should be best for those who have professional certification." See <http://www.bls.gov/ooh/media-and-communication/interpreters-and-translators.htm>. According to the same report in May 2014 the median annual wage for interpreters and translators was \$43,590. *Id.*

The need for a Bachelor's Degree program in ASL interpretation is driven by statutory certification requirements and certification criteria. In 2012, The Registry of Interpreters for the Deaf, the largest national certifying body for ASL interpreters in the United States, implemented new criteria to be eligible for certification as an interpreter nationally. Applicants are required to have a minimum of a bachelor's degree in order to be considered a candidate for certification. In 2013 the Utah State code regarding interpreters was amended to read in part: "an individual is required to be certified as a certified interpreter if that individual provides interpreter services and a state or federal law requires the interpreter to be certified or qualified." (See Utah Code 53A-26a-301.) As the largest certifying organization requires a bachelor's degree in order to become certified and Utah State law requires certification in order to perform the duties of an interpreter, UVU's program is vital to meeting the growing demand of this industry.

Utah's market for interpreters is growing at an even higher rate than the national market driven in part by video relay services, which employs thousands of interpreters, both locally and nationally to interpret video-conferencing-type telephone calls between deaf and hearing individuals. The company that pioneered the field, Sorenson Communications, is based in Salt Lake City, and their first and largest call center is located there. Sorenson has since gone on to open dozens of other call centers around the country. One of Sorensen's largest competitors, Purple Communications, opened a call center in Utah in 2014, increasing the demand locally for skill certified interpreters. In fact, other entities that hire interpreters, including UVU, have noted with mixed feelings the difficulty of competing with Sorenson, Purple, and their competitors, while at the same time, this new demand for interpreters has sparked renewed attention on the need for highly skilled interpreters and is a great blessing to Deaf people who now have much more facile communication with hearing people.

In addition, Sorenson Communications has continually reached out to UVU to form a partnership over recent years. In 2014, Sorenson offered to build a micro call center on campus in which UVU interpreters could supplement their income with additional hours and at which internships could be conducted, as well as observations and other training. That effort fell through as the administrative processes took longer than Sorenson was able to wait. They did, however, open a call center just across the street, and UVU has enjoyed a productive relationship with them in giving students real-world exposure.

The number of students in ASL & Deaf Studies Majors/Minors (Reported in 2015)

Major: ASL & Deaf Studies Education- 46 Students
 Major: Deaf Studies in Emphasis General Deaf Studies- 40 Students
 Major: Deaf Studies in Emphasis Interpreting- 166 Students
 Integrated Studies in Emphasis Deaf Studies- 0 Students
 Minor: Deaf Studies- 28 Students
 Total Declared Majors/Minors- 280 students.

Faculty/Staff

The faculty or staff structures will not be impacted by the proposed change.

Consistency with Institutional Mission/Institutional Impact

Utah Valley University is committed to providing “programs leading to baccalaureate degrees in areas of high community demand and interest,” programs which also prepare students to take advantage of “diverse social, cultural, and international opportunities.” In this respect, the Deaf Studies major is a near-perfect fit. Interest in American Sign Language (ASL) and Deaf people is popular, and the demand for people with a Deaf Studies education is high in the state of Utah. Students majoring in Deaf Studies will work with a linguistic and cultural minority from within the country, a linguistic and cultural minority that is diverse, interesting, and dynamic. The major in Deaf Studies at UVU greatly enhances depth to the scope of the degrees offered at the University. In short, the proposed Deaf Studies major at UVU will allow the University to provide academically responsive programs to fulfill its mission more completely.

Finance

The proposed course and program changes will not create any additional costs to the department.

Section III: Curriculum

Program Curriculum: (not needed if only name change, transfer to a different department, suspension, or deletion)

Matriculation into the Interpreting Emphasis requires passing of the ASL & Deaf Studies Skills Evaluation with a score of 3 or higher and completion of ASL 3310 Interpreting I with a B grade or better.

Course Number	New Course	Course Title	Credit Hours
General Education Courses			
ENGL 1010		Introduction to Writing	3
ENGL 2010		Intermediate Writing	3
MAT 1030 or 1035 or		Quantitative Reasoning or Quantitative	3

STAT 1040 or 1045 or MATH 1050 or 1055 or MATH 1090		Reasoning with Algebra or Introduction to Statistics or Introduction to Statistics with Algebra or College Algebra or College Algebra Preliminaries or College Algebra for Business	
HIST 1700 or HIST 1740 or POLS 1000 or POLS 1100 or HIST 2700 and HIST 2710		American Civilization or US Economic History or American Heritage or American National Government or US History to 1877 and US History since 1877	3
PHIL 2050 or PHIL 205G		Ethics and Values	3
HLTH 1100 or PES 1097		Personal Health and Wellness or Fitness for Life	2
Fine Arts Distribution			3
Humanities Distribution			3
Social/Behavioral Science Distribution			3
Biology Distribution			3
Physical Science Distribution			3
Biology or Physical Science			3
General Education Subtotal:			35
Required Courses			
ASL 2030		Advanced Fingerspelling	1
ASL 2040		ASL Numbers	1
ASL 3000		Technology for Deaf Studies	3
ASL 3050		Advanced American Sign Language	3
ASL 3310		Interpreting I	3
ASL 3530		Modern Deaf Culture	3
ASL 3610		ASL Literature I	3
ASL 385G		Audism/Linguicism/Oppression	3
ASL 4410		ASL Linguistics	3
ASL 4550		Multicultural Deaf Lives	3
ASL 4560		Deaf People and the Law	3
ASL 4800		Deaf Culture Studies	3
LANG 3000		Language and Culture	3
Required Course Credit Hour Sub Total:			35
Elective Courses			
Elective Credit Hour Subtotal:			0
Core Curriculum			35

Emphasis change to an existing Regent approved program			
Required Emphasis Courses	New Courses	Course Title	Credit Hours
ASL 3320		Physiology of Interpreting	3
ASL 3330		Cross-Cultural Communication and Interpreting	3
ASL 3350		Consecutive Interpreting	3
ASL 3360		Simultaneous Interpreting	3
ASL 3370		Sign to Voice Interpreting	3
ASL 3380		Transliteration	3
ASL 3520		History of Deaf People after 1817	3
ASL 4330		Visual Linguistic Analysis for Interpreters	3
ASL 3340 or ASL 3390		Advanced Techniques in Interpreting or Professional Issues in Interpreting	3
ASL 4370		Ethics for Interpreters	3
Take two of the following courses: ASL 4380 or ASL 4381 or ASL 4382 or ASL 4383		Applying Interpreting Skills to Coursework--Medical or Applying Interpreting Skills to Coursework--Law or Applying Interpreting Skills to Coursework--Education or Applying Interpreting Skills to Coursework--Community	6
LANG 481R		Language Internship	3
Emphasis Core Credit Hour Subtotal:			39
Elective Emphasis Courses	New Courses	Course Title	Credit Hours
<i>Any 3000- or 4000-level ASL & Deaf Studies courses that are not part of the core and are not emphasis requirements</i>			6
<i>Any 3000+ class with the following prefixes: ACC, AIST, AMST, ANTH, ARCH, ARTH, ASTR, BESC, BIOL,</i>			5

BMED, BOT, BTEC, CA, CHEM, CJ, CNST, COMM, CS, ECE, ECFS, ECON, EDEC, EDEL, EDSC, EDUC, ENGL, ENGR, ESEC, ES, FAMS, FAMT, FIN, FSCI, GEOG, GEO, HIST, HLTH, HUM, IM, INFO, LEGL, MATH, METO, MGMT, MICR, MKTG, NURS, NUTR, PHIL, PHYS, PJST, POLS, PSY, SOC, SOSC, STAT, SUDC, SW, TECH, THEA, ZOOL			
Emphasis Elective Credit Hour Subtotal:			11
Emphasis Total Credit Hours:			50

Program Curriculum Narrative

Program Learning Outcomes:

1. Student will be able to negotiate meaning with individuals via speaking, writing, or reading at the Advanced Mid rating of the ACTFL proficiency levels.
2. Students will be able to interpret meaning in either oral or written forms with no recourse to active negotiation of meaning with the writer, speaker, or producer at the Advanced Mid rating of the ACTFL proficiency levels.
3. Students will be able to create messages that can be interpreted by members of the target language with no recourse to active negotiation of meaning with the writer, speaker, or producer at the Advanced Mid rating of the ACTFL proficiency levels.
4. Students will be able to use cultural knowledge to conform linguistically and behaviorally in many social and work-related interactions at the Advanced Level of the ACTFL proficiency levels.
5. Students will demonstrate sufficient knowledge of the Deaf-World, knowledge of interpreting, and the ethics of interpreting. Further, students will apply this knowledge in a way that shows they value deaf culture and the unique professional, social, ethical, and cultural role of an interpreter in relation to the Deaf-World. Finally, students will demonstrate skills sufficient to inspire confidence they are prepared to work as entry-level interpreters in a variety of settings.

Degree Map:

Degree maps pertain to undergraduate programs ONLY. Provide a degree map for proposed program. Degree Maps were approved by the State Board of Regents on July 17, 2014 as a degree completion measure. Degree maps or graduation plans are a suggested semester-by-

semester class schedule that includes prefix, number, title, and semester hours. For more details see <http://higheredutah.org/pdf/agendas/201407/TAB%20A%202014-7-18.pdf> (Item #3).

Fall of First Year (Course Prefix and Number)	Course Title	Credit Hours
ENGL 1010	Introduction to Writing	3
HIST 1700 or HIST 1740 or POLS 1000 or POLS 1100 or HIST 2700 and HIST 2710	American Civilization or US Economic History or American Heritage or American National Government or US History to 1877 and US History since 1877	3
Humanities Distribution		3
ASL 3050	Advanced American Sign Language	3
ASL 2030	Advanced Fingerspelling	1
ASL 2040	ASL Numbers	1
Spring of First Year (Course Prefix and Number)	Course Title	Credit Hours
ENGL 2010	Intermediate Writing	3
MAT 1030 or 1035 or STAT 1040 or 1045 or MATH 1050 or 1055 or MATH 1090	Quantitative Reasoning or Quantitative Reasoning with Algebra or Introduction to Statistics or Introduction to Statistics with Algebra or College Algebra or College Algebra Preliminaries or College Algebra for Business	3
Biology Distribution		3
ASL 3000	Technology for Deaf Studies	3
ASL 3520	History of Deaf People after 1817	3

Fall of Second Year (Course Prefix and Number)	Course Title	Credit Hours
Fine Arts Distribution		3
Physical Science Distribution		3
Social/Behavioral Science Distribution		3
ASL 3310	Interpreting I	3
ASL 4410	ASL Linguistics	3

Spring of Second Year (Course Prefix and Number)	Course Title	Credit Hours
PHIL 2050 or PHIL 205G	Ethics and Values	3
Biology or Physical Science		3
HLTH 1100 or PES 1097	Personal Health and Wellness or Fitness for Life	2
ASL 3320	Physiology of Interpreting	3
ASL 3350	Consecutive Interpreting	3
ELEC 3000+		2

Fall of Third Year (Course Prefix and Number)	Course Title	Credit Hours
ASL 3360	Simultaneous Interpreting	3
ASL 3530	Modern Deaf Culture	3
ASL 3610	ASL Literature I	3
ASL 3330	Cross-Cultural Communication and Interpreting	3
ASL 3000+		3

Spring of Third Year (Course Prefix and Number)	Course Title	Credit Hours
ASL 3370	Sign to Voice Interpreting	3
ASL 385G	Audism/Linguicism/Oppression	3
ASL 4550	Multicultural Deaf Lives	3
ASL 4560	Deaf People and the Law	3
ASL 4370	Ethics for Interpreters	3

Fall of Fourth Year (Course Prefix and Number)	Course Title	Credit Hours
ASL 3380	Transliteration	3
ASL 3340 or ASL 3390	Advanced Techniques in Interpreting or Professional Issues in Interpreting	3
ASL 4380 or ASL 4381 or ASL 4382 or ASL 4383	Applying Interpreting Skills to Coursework--Medical or Applying Interpreting Skills to Coursework--Law or Applying Interpreting Skills to Coursework Education or	3

	Applying Interpreting Skills to Coursework--Community	
ASL 3000+		3
ELEC 3000+		3

Spring of Fourth Year (Course Prefix and Number)	Course Title	Credit Hours
LANG 481R	Language Internship	3
LANG 3000	Language and Culture	3
ASL 4380 or ASL 4381 or ASL 4382 or ASL 4383	Applying Interpreting Skills to Coursework--Medical or Applying Interpreting Skills to Coursework--Law or Applying Interpreting Skills to Coursework Education or Applying Interpreting Skills to Coursework--Community	3
ASL 4330	Visual Linguistic Analysis for Interpreters	3
ASL 4800	Deaf Culture Studies	3

**Utah System of Higher Education
Academic Program Change Proposal
Cover/Signature Page—Abbreviated Template**

Institution Submitting Request: Utah Valley University

Current Program Title: Deaf Studies

Proposed Program Title (if applicable): Deaf Studies (General emphasis)

Sponsoring School, College, or Division: College of Humanities and Social Sciences

Sponsoring Academic Department(s) or Unit(s): Languages and Cultures

Classification of Instructional Program Code (new and old if different): 16.1601

Min/Max Credit Hours Required of Full Program (new and old if different): 120

Proposed Beginning Term: Fall 2018

Institutional Board of Trustees' Approval Date:

Program Type (check all that apply):

<input type="checkbox"/>	Name Change of Existing Program
<input checked="" type="checkbox"/>	Program Restructure with or without Consolidation
<input type="checkbox"/>	Program Transfer to a new academic department or unit
<input type="checkbox"/>	Program Suspension
<input type="checkbox"/>	Program Discontinuation
<input type="checkbox"/>	Reinstatement of Previously Suspended Program
<input type="checkbox"/>	Out of Service Area Delivery Program

Chief Academic Officer (or Designee) Signature:

I, the Chief Academic Officer or Designee, certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.

Name:

Date:

Program Change Description—Abbreviated Template

Section I: The Request

The Department of Languages and Cultures in the College of Humanities and Social Sciences at Utah Valley University requests approval to restructure the BA in Deaf Studies: General Deaf Studies Emphasis effective Fall 2018.

Section II: Program Proposal

Program Change Description/Rationale

This four-year degree is a liberal arts degree that provides in-depth study into all facets of the Deaf-World. Students choose between two emphases. There is no special application process, but students should declare their major by contacting the academic advisor for the Languages and Cultures Department.

This emphasis provides an opportunity for students to gain advanced ASL skills and thorough knowledge of the Deaf-World. Graduates with this emphasis will be prepared to work in various fields related to deafness. They will also work in fields that are not specifically tied to the Deaf-World, but which require the skills and knowledge cultivated through the acquisition of any liberal arts degree. This emphasis is also terrific preparation for graduate school in any number of disciplines.

Benefits

The American Sign Language and Deaf Studies Program benefits the institution and Utah State Higher Education in multiple ways. First, it addresses UVU's core theme of inclusion. The ASL & Deaf Studies program brings to the campus a significant form of inclusion with its study of not only a non-Indo-European language but also a language that takes space as its medium of transmission. It combines this language focus with the study of Deaf culture, a kind of diversity that is reflected in the student population of the institution, and one that brings into focus multiple theoretical implications for a wide range of disciplines across anthropology, linguistics, public policy, history, sociology, biology, ethics, philosophy, art, law, and more.

The focus of this program also addresses UVU's other core themes of Student Success, Engaged Learning, and Serious. Because this proposal is for a program revision rather than a start-from-scratch effort, there exists clear evidence of student success. UVU's education majors lead the way in the state's secondary education settings, and the graduates with an emphasis in general Deaf studies have gone on to graduate work at prestigious institutions around the country. They have produced peer-reviewed publications and work in a wide range of fields where their training in Deaf Studies makes them uniquely qualified to contribute to their employers.

The program's students have been actively engaged in the local community. The internship

requirement has resulted in multiple engagement opportunities from Utah County to Ghana, Africa. The internship program, now run by a new lecturer and UVU Deaf Studies alum, continues to expand opportunities to match both student interests and community needs.

The program is serious. The program maintains high standards of rigor, and the proposed changes reflect that. Students are expected to attain currency in related disciplines so they can bring multiple theoretical frameworks to bear on issues related to Deaf lives. The faculty and students are equally serious about finding way to inform these diverse theoretical frameworks with insights derived from Deaf Theory.

The program provides practical benefits to the state as well by preparing students with new ways of seeing the world while simultaneously preparing them to enter the world of work. Graduates from the program are able to enter the workforce in meaningful employment that not only allows them to provide income for themselves and their families and to support the state's tax base, these graduates are able to work in fields that address pressing social concerns within our state.

Program Need

The need for this program was demonstrated in 2006 when the program was initially approved and continues in terms of both student demand and in the need for graduates to work in allied fields.

The student demand for the program almost instantly outstripped the original estimates in the 2006 proposal and continues to be high. The enrollment headcount for Fall 2016 is approximately 750 students, which is very similar to the previous six to seven years. The number of graduates also continues to climb.

Labor Market Demand

As with other liberal arts degrees, the graduates from the program proposed here will possess the knowledge, abilities, and experience that are applicable to a variety of careers—too many to outline here. The graduates of this program, however, will find some very specific market conditions that make an education in Deaf Studies a particularly valuable asset.

The shortage of interpreters has created demand for people trained in Deaf Studies as well. It takes years to develop the kinds of knowledge and skills needed to be an interpreter. Part of the ongoing efforts in the state to provide more and better interpreters aims to provide more hearing students access to American Sign Language as part of the high school education. Currently many schools along the Wasatch Front and even some in more rural parts of the state offer ASL classes. That number is increasing, creating a demand for teachers. Unfortunately, most teachers of ASL in the state start out without proper certification. It is for this reason that the proposed program provides opportunities for students to gain secondary education certification in Deaf Studies.

Also noteworthy is that over the past three decades, the practice of mainstreaming deaf children into public schools has spread dramatically. As a result, many elementary and secondary school districts throughout the state and the nation need teachers and administrators who have a working knowledge of ASL and who can engage with the deaf students who are among their student body.

Undoubtedly, some other graduates will go on to do graduate work in deaf education. Other graduates will go on to graduate work in other fields and will pursue academic careers, serving on

the faculties of institutions of higher learning, perhaps even at UVU.

There is an increasing demand for people prepared in Deaf Studies for work in the business world. Deaf-owned businesses are more abundant than ever as are deaf-aimed businesses (such as divisions in the telecommunications market including Sprint, Purple, Convo, ZVRS, and Sorenson Communications). While a liberal arts education provides excellent preparation for work in business, these Deaf-World-related businesses demand skills in American Sign Language and knowledge of the people who use it. As a result, graduates in Deaf Studies will be uniquely qualified to fill niches that the population at large simply cannot. This is particularly important for students who are themselves Deaf who are increasingly in demand by businesses like Sorenson Communications to fill a variety of roles.

Another area in which Deaf Studies graduates will find demand for their services is within the social services fields. The Robert G. Sanderson Community Center of the Deaf and Hard of Hearing in Taylorsville, for example, hires many individuals who conduct outreach, educational, and service programs for deaf people in Utah. The Division of Vocational Rehabilitation, private care facilities, and nonprofit organizations serve deaf people and have specific needs that have doors wide open for future graduates of this UVU program.

Again, this is just a sampling of the areas of greatest demand. The preparation with a Deaf Studies degree can serve students well in any number of professional arenas as well as in academia where Deaf Studies graduates bring much needed perspective to study in a wide range of disciplines.

Student Demand

Student demand for programs in American Sign Language and Deaf Studies has grown steadily over the past thirty years and dramatically over the past decade and is now well established. In 1998, UVSC offered one section of three different ASL courses. Today, the ASL & Deaf Studies Program oversees 50 courses in ASL, Deaf Cultural History, ASL linguistics, Deaf literature, Deaf culture, and interpreting with 47 sections offered spring semester 2015. (This number does not include internships, integrated studies theses, independent study courses, or concurrent enrollment courses, which are offered at four Utah County high schools.)

The number of students in ASL & Deaf Studies Majors/Minors (Reported in 2015)

Major: ASL & Deaf Studies Education- 46 Students

Major: Deaf Studies in Emphasis General Deaf Studies- 40 Students

Major: Deaf Studies in Emphasis Interpreting- 166 Students

Integrated Studies in Emphasis Deaf Studies- 0 Students

Minor: Deaf Studies- 28 Students

Total Declared Majors/Minors- 280 students.

Faculty/Staff

The faculty or staff structures will not be impacted by the proposed change.

Consistency with Institutional Mission/Institutional Impact

Utah Valley University is committed to providing “programs leading to baccalaureate degrees in areas of high community demand and interest,” programs which also prepare students to take advantage of “diverse social, cultural, and international opportunities.” In this respect, the Deaf Studies major is a near-perfect fit. Interest in American Sign Language (ASL) and Deaf people is popular, and the demand for people with a Deaf Studies education is high in the state of Utah. Students majoring in Deaf Studies will work with a linguistic and cultural minority from within the country, a linguistic and cultural minority that is diverse, interesting, and dynamic. The major in Deaf Studies at UVU greatly enhances depth to the scope of the degrees offered at the University. In short, the proposed Deaf Studies major at UVU will allow the University to provide academically responsive programs to fulfill its mission more completely.

Finances

The proposed course and program changes will not create any additional costs to the department.

Section III: Curriculum

Program Curriculum: (not needed if only name change, transfer to a different department, suspension, or deletion)

List all courses, including new courses, to be offered in the proposed program by prefix, number, title, and credit hours (or credit equivalences). Indicate new courses with an X in the appropriate columns. The total number of credit hours should reflect the number of credits required to be awarded the degree. **For emphases changes, skip to emphases tables below.**

Course Number	New Course	Course Title	Credit Hours
General Education Courses			
ENGL 1010		Introduction to Writing	3
ENGL 2010		Intermediate Writing	3
MAT 1030 or 1035 or STAT 1040 or 1045 or MATH 1050 or 1055 or MATH 1090		Quantitative Reasoning or Quantitative Reasoning with Algebra or Introduction to Statistics or Introduction to Statistics with Algebra or College Algebra or College Algebra Preliminaries or College Algebra for Business	3
HIST 1700 or HIST 1740 or POLS 1000 or POLS 1100 or HIST 2700 and HIST 2710		American Civilization or US Economic History or American Heritage or American National Government or US History to 1877 and US History since 1877	3
PHIL 2050 or PHIL		Ethics and Values	3

205G			
HLTH 1100 or PES 1097		Personal Health and Wellness or Fitness for Life	2
Fine Arts Distribution			3
Humanities Distribution			3
Social/Behavioral Science Distribution			3
Biology Distribution			3
Physical Science Distribution			3
Biology or Physical Science			3
General Education Subtotal:			35
Required Courses			
ASL 2030		Advanced Fingerspelling	1
ASL 2040		ASL Numbers	1
ASL 3000		Technology for Deaf Studies	3
ASL 3050		Advanced American Sign Language	3
ASL 3310		Interpreting I	3
ASL 3530		Modern Deaf Culture	3
ASL 3610		ASL Literature I	3
ASL 385G		Audism/Linguicism/Oppression	3
ASL 4410		ASL Linguistics	3
ASL 4550		Multicultural Deaf Lives	3
ASL 4560		Deaf People and the Law	3
ASL 4800		Deaf Culture Studies	3
LANG 3000		Language and Culture	3
Required Course Credit Hour Sub Total:			35
Elective Courses			
Elective Credit Hour Subtotal:			0
Core Curriculum			35

Emphasis change to an existing Regent approved program			
Required Emphasis Courses	New Courses	Course Title	Credit Hours
ASL 3510		History of Deaf People to 1817	3
ASL 3520		History of Deaf People After 1817	3
ASL 3710		Deaf View/Image Art—De'VIA	3
ASL 3750		Deaf Cinema	3
ASL 4450		Deaf-World Discourse	3
ASL 4520		Deaf People and Disability Studies	3
ASL 453G		Deaf Peoples of the World	3
ASL 4610		ASL Literature II	3
ASL 4890		Deaf Studies Senior Capstone	3
Emphasis Core Credit Hour Subtotal:			27
Elective Emphasis Courses	New Courses	Course Title	Credit Hours
Any 3000- or 4000-level ASL and Deaf Studies courses that are not part of the core and are not emphasis requirements. LANG 481R, LANG 3010, AMST 2000, ANTH 101G, ANTH 3360, ANTH 3500, ANTH 3850, BESC 107G, PJST 3000, PJST 4300, SOC 1010, SOC 3000, SOC 320G, SOC 3700, SOC 4400			15
Complete 8 credits from any courses numbered 1000 or higher			8
Emphasis Elective Credit Hour Subtotal:			23
Emphasis Total Credit Hours:			50

Program Curriculum Narrative

Program Learning Outcomes:

1. Student will be able to negotiate meaning with individuals via speaking, writing, or reading at the Advanced Mid rating of the ACTFL proficiency levels.
2. Students will be able to interpret meaning in either oral or written forms with no recourse to active negotiation of meaning with the writer, speaker, or producer at the Advanced Mid rating of the ACTFL proficiency levels.
3. Students will be able to create messages that can be interpreted by members of the target language with no recourse to active negotiation of meaning with the writer, speaker, or producer at the Advanced Mid rating of the ACTFL proficiency levels.
4. Students will be able to use cultural knowledge to conform linguistically and behaviorally in many social and work-related interactions at the Advanced Level of the ACTFL proficiency levels.
5. Students will demonstrate a thorough knowledge of the Deaf-World; they will apply this knowledge to historical and current issues related to the Deaf-World. Students will inspire confidence they are prepared with the skills, knowledge, and values they need to participate in work related to deafness, work requiring a liberal arts degree but not specifically tied to the Deaf-World, or participate in graduate level studies, including ASL-based graduate studies.

Degree Map:

Degree maps pertain to undergraduate programs ONLY. Provide a degree map for proposed program. Degree Maps were approved by the State Board of Regents on July 17, 2014 as a degree completion measure. Degree maps or graduation plans are a suggested semester-by-semester class schedule that includes prefix, number, title, and semester hours. For more details see <http://higheredutah.org/pdf/agendas/201407/TAB%20A%202014-7-18.pdf> (Item #3).

Fall of First Year (Course Prefix and Number)	Course Title	Credit Hours
ENGL 1010	Introduction to Writing	3
HIST 1700 or HIST 1740 or POLS 1000 or POLS 1100 or HIST 2700 and HIST 2710	American Civilization or US Economic History or American Heritage or American National Government or US History to 1877 and US History since 1877	3
Humanities Distribution		3
HLTH 1100 or PES 1097	Personal Health and Wellness or Fitness for Life	2
ASL 3050	Advanced American Sign Language	3
ASL 2030	Advanced Fingerspelling	1
ASL 2040	ASL Numbers	1
Spring of First Year (Course Prefix and Number)	Course Title	Credit Hours
ENGL 2010	Intermediate Writing	3

MAT 1030 or 1035 or STAT 1040 or 1045 or MATH 1050 or 1055 or MATH 1090	Quantitative Reasoning or Quantitative Reasoning with Algebra or Introduction to Statistics or Introduction to Statistics with Algebra or College Algebra or College Algebra Preliminaries or College Algebra for Business	3
Biology Distribution		3
ASL 3000	Technology for Deaf Studies	3
ASL 3510	History of Deaf People to 1817	3

Fall of Second Year (Course Prefix and Number)	Course Title	Credit Hours
Fine Arts Distribution		3
Physical Science Distribution		3
Social/Behavioral Science Distribution		3
ASL 3520	Deaf Culture from 1817	3
ASL 3310	Interpreting I	3

Spring of Second Year (Course Prefix and Number)	Course Title	Credit Hours
PHIL 2050 or PHIL 205G	Ethics and Values	3
Biology or Physical Science		3
ASL 3530	Modern Deaf Culture	3
ASL 3610	ASL Literature I	3
ELEC 3000+		3

Fall of Third Year (Course Prefix and Number)	Course Title	Credit Hours
ELEC 1000+		3
ASL 4550	Multicultural Deaf Lives	3
ASL 4560	Deaf People and the Law	3
LANG 3000	Language and Culture	3
ASL 385G	Audism/Linguicism/Oppression	3

Spring of Third Year (Course Prefix and Number)	Course Title	Credit Hours
ASL 4610	ASL Literature II	3
ASL 3710	Deaf View/Image Art--De'VIA	3

ASL 3750	Deaf Cinema	3
ELEC 3000+		3

Fall of Fourth Year (Course Prefix and Number)	Course Title	Credit Hours
ASL 4800	Deaf Culture Studies	3
ASL 4450	Deaf-World Discourse	3
ASL 4410	ASL Linguistics	3
ELEC 3000+		3
ELEC 3000+		3

Spring of Fourth Year (Course Prefix and Number)	Course Title	Credit Hours
ASL 4520	Deaf People and Disability Studies	3
ASL 4890	Deaf Studies Senior Capstone	3
ASL 453G	Deaf Peoples of the World	3
ELEC 1000+		3
ELEC 3000+		3

**Utah System of Higher Education
Administrative Unit Change Proposal
Cover/Signature Page—Abbreviated Template**

Institution Submitting Request: Utah Valley University

Existing Unit Title: Noorda Regional Theatre Center for Children and Youth

Proposed Unit Title (if applicable): Theatre for Youth and Education Center

Sponsoring School, College, or Division: School of the Arts

Sponsoring Academic Department(s) or Unit(s): Theatre for Stage and Screen

Proposed Effective Date: July 1, 2017

Institutional Board of Trustees' Approval Date:

Program Type (check all that apply):

<input checked="checked" type="checkbox"/>	Name Change of Existing Unit
<input type="checkbox"/>	Administrative Unit Restructure (with or without Consolidation)
<input type="checkbox"/>	Administrative Unit Transfer
<input type="checkbox"/>	Administrative Unit Suspension
<input type="checkbox"/>	Administrative Unit Discontinuation
<input type="checkbox"/>	Reinstatement of Previously Suspended Administrative Unit
<input type="checkbox"/>	Reinstatement of Previously Discontinued Administrative Unit

Chief Academic Officer (or Designee) Signature:

I, the Chief Academic Officer or Designee, certify that all required institutional approvals have been obtained prior to submitting this request to the Office of the Commissioner.

Name:

Date:

Unit Description—Abbreviated Template

Section I: The Request

The Department of Theatre for Stage and Screen in the School of the Arts at Utah Valley University requests approval to change the name of the Noorda Regional Theatre Center for Children and Youth to Theatre for Youth and Education Center effective July 1, 2017.

Section II: Program Proposal

Administrative Unit Description/Rationale

The Noorda Regional Theatre Center for Children and Youth (known as the Noorda Center) came as the result of a donation from the Ray and Tye Noorda Foundation in 2007. The donation also included funding for the building of the Noorda Theatre.

The Noorda Family Foundation has since provided the lead gift for the building of the performing arts center, which will be named the 'Noorda Center for the Performing Arts.'

To avoid confusion, both on and off campus, the Noorda Family requested the existing Noorda Center be changed to Theatre for Youth and Education Center (TYE Center) in recognition of the contribution of Tye Noorda.

Consistency with Institutional Mission/Institutional Impact

No changes in staff will be required. The mission of the TYE Center, as outlined and previously approved in the original gift documentation of the Noorda Regional Theatre Center for Children and Youth, remains unchanged.

Finances

There is no budgetary impact. New signage will be provided as part of the overall construction budget of the new Noorda Center for the Performing Arts.



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 22, 2017
TITLE:	Real Estate Transactions
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Val Peterson, VP for Finance and Administration
SUBJECT:	Real Estate Transactions
BACKGROUND:	<p>The Trustees are being asked to consider three real estate related matters. These items are as follows:</p> <ul style="list-style-type: none">a. .6 acre sale of property north of West Campus for \$280,119.51b. UTA Bus Stop Leasec. Five-Year Capital Facilities Pland. Palos Verdes Easements
ALTERNATIVES:	<ul style="list-style-type: none">• Approve as presented, “I move to approve the sale of .6 acres of property near West Campus for \$280,119.51; the UTA Bus Stop Lease; the Five-Year Capital Facilities Plan; and the Palos Verdes Easements.”• Amend and approve, “I move to approve, as amended...”• No action, “I move that we go to the next agenda item...”
FINANCIAL IMPACT:	Please see the attached exhibits
EXHIBITS:	<ul style="list-style-type: none">a. .6 Acre Property Recommendation & Appraisalb. UTA Bus Stop Lease Recommendationc. Capital Development Plan



UTAH VALLEY UNIVERSITY

VICE PRESIDENT FOR FINANCE & ADMINISTRATION

MEMO

TO: Board of Trustees
Utah Valley University

FROM: Val Peterson
Vice President – Finance & Administration

DATE: 6/15/17

RE: Land sale

Issue:

The University is selling .6 acre (28,294.9 sqft) of real property on the West campus for the development of a student apartment complex.

Background:

UDOT has purchased right-of-way to develop a roadway which will link into the campus from 800 South. This configuration creates an orphan triangle of property that is unusable by the University. A developer has purchased the property and is selling UDOT the needed property for the roadway. The developer is planning on constructing apartments on either side of the proposed roadway. The .6 acre is needed for the planned construction of the apartment development.

The appraisal for the odd shaped triangle property was \$5.50 a sqft discounted from \$9.90 for the shape. The University usually does not sell property and so we requested full market value to which the buyer agreed.

Recommendation:

The Board of Trustees approve the sale of .6 acres (28,294.9 sq. ft.) for \$9.90 or a sum of \$280,119.51.

Invoice #: 11994
Invoice Date: 1/15/2017
Fee: 1,000.00
Due Date: 06/10/2016

Borrower:
1.85 Acres located at
987 S Geneva Rd
Orem, UT 84058

Cost

\$ 1,000.00

\$
\$
\$
\$
\$
\$
\$
\$
\$
\$

1,000.00

Total Amount Due: \$ 1,000.00

Please remit payment to:

Susan Denbow, SRA
Denbow Appraising
257 W 400 S
Orem, UT 84058
801-224-3177 orders@denbowappraising.com

APPRAISAL REPORT OF

Value on Trianglular 1.85 Acre +/-

987 S Geneva Rd

Orem, UT 84058

AS OF

12/20/2016

PREPARED FOR

Jeana Miner

Utah Valley University

800 West University Parkway

Orem, UT 84058

PREPARED BY

Susan Denbow, SRA

Denbow Appraising

257 W 400 S

Orem, UT 84058



Denbow Appraising

257 W 400 S

Orem, UT 84058

801-224-3177 .denbowappraising.com

1/13/2017

Utah Valley University
800 West University Parkway
Orem, UT 84058

RE: 1.85 Acres located at
987 S Geneva Rd
Orem, UT 84058
File No. 897 S Geneva Rd
Case No. 11994

Dear **Utah Valley University:**

In accordance with your request, I have personally inspected and prepared an appraisal report of the real property located at:

987 S Geneva Rd, Orem, UT 84058

The purpose of this appraisal is to estimate the market value of the property described in the body of this appraisal report.

Enclosed, please find the appraisal report which describes certain data gathered during our investigation of the property. The methods of approach and reasoning in the valuation of the various physical and economic factors of the subject property are contained in this report.

An inspection of the property and a study of pertinent factors, including valuation trends and an analysis of neighborhood data, led the appraiser to the conclusion that the market value, as of **12/20/2016** is:

\$ 443,000

The opinion of value expressed in this report is contingent upon the limiting conditions attached to this report.

It has been a pleasure to assist you. If I may be of further service to you in the future, please let me know.

Respectfully submitted,

Signature: _____



Susan Denbow, SRA
Ut Certified General Appraiser 5450524-CG00 exp 12/31/2017

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Client File #: 11994

Appraisal File #: 897 S Geneva Rd

Appraisal
Institute®AI Reports™ Form
AI-300.02*

Summary Appraisal Report • Land

Appraisal Company: DENBOW APPRAISING

Address: 257 W 400 S, Orem, UT 84058

Phone: 801-224-3177 Fax: 801-224-2217 Web: www.denbowappraising.com

Appraiser: Susan Denbow, SRA

AI Membership: ☒ SRA ☐ MAI ☐ SRPA ☐ Associate Member ☐ None

Other Professional Affiliation: WCR, UCBR, WCBR, UAA

E-mail: orders@denbowappraising.com

Co-Appraiser:

AI Membership: ☐ SRA ☐ MAI ☐ SRPA ☐ Associate Member ☐ None

Other Professional Affiliation:

E-mail:

Client: Utah Valley University

Contact: Jeana Miner

Address: 800 West University Parkway, Orem, UT 84058

Phone: Fax: E-mail:

REAL ESTATE IDENTIFICATION

Address: 987 S Geneva Rd

City: Orem

County: Utah

State: UT Zip: 84058

Legal Description: Not recorded or surveyed. See included maps.

Tax Parcel #: NW corner of 18-027-0193

RE Taxes: NA

Tax Year:

SUBJECT PROPERTY HISTORY

Owner of Record: Wadman Corporation (Abstracts part of this report)

Description and analysis of sales within 3 years (minimum) prior to effective date of value: . No subject ownership transfers located in the past three years, Subject county abstracts are part of this report.

Description and analysis of agreements of sale (contracts), listings, and options: None known.

Total of the subject parcel: 1.85 Acres +/-

The purpose of this report is to value the above parcel which is approximately 1.85 acres or 80,695 SF of land that is the Northwest corner of parcel co tax#18-027-0193.

RECONCILIATIONS AND CONCLUSIONS

Indication of Value by Sales Comparison Approach \$ 443,000

Indication of Value by Cost Approach \$ NA

Indication of Value by Income Approach \$ NA

Final Reconciliation of the Methods and Approaches to Value:

The subject land is one triangular shaped parcel that totals 1.85 +/- acres. The land is located on the northwest corner, just north of the Utah Valley University site. It is east of Geneva Rd in Orem in Utah County, Utah. The current zoning is PD which is a Orem City Planned Development zone which allows a minimum of three acres for development. The PD zone map and description is part of this report. Highest and Best Use under the current county zoning would be development into various uses.

The site has not been surveyed but the

Total of the the subject parcel: 1.85 Acres Parcel is 80,695 SF x \$5.50 ' = \$443,000 (ROUNDED).

Opinion of Value as of: 12/20/2016

\$ 443,000

Subject to any hypothetical conditions or extraordinary assumptions stated in the Assignment Parameters section.

* NOTICE: The Appraisal Institute publishes this form for use by appraisers where the appraiser deems use of the form appropriate. Depending on the assignment, the appraiser may need to provide additional data, analysis and work product not called for in this form. The Appraisal Institute plays no role in completing the form and disclaims any responsibility for the data analysis or any other work product provided by the individual appraiser(s).

DENBOW APPRAISING

Client:	Utah Valley University	Client File #:	11994
Subject Property:	987 S Geneva Rd	Appraisal File #:	897 S Geneva Rd

ASSIGNMENT PARAMETERS

Intended User(s):

Intended Use: To estimate current value as of 12/20/2016 (date of inspection)

This report is not intended by the appraiser for any other use or by any other user.

Type of Value: Market Value Effective Date of Value: 12/20/2016

Interest Appraised: ☒ Fee Simple ☐ Leasehold ☐ Other:

Hypothetical Conditions: (A hypothetical condition is that which is contrary to what exists, but is asserted by the appraiser for the purpose of analysis. Any hypothetical condition may affect the assignment results.) None

Extraordinary Assumptions: (An extraordinary assumption is directly related to a specific assignment and presumes uncertain information to be factual. If found to be false this assumption could alter the appraiser's opinions or conclusions. Any extraordinary assumption may affect the assignment results.)

When completing this report, the appraiser depends on the accuracy of the city, county and multiple listing service data that were used in completing this report. Since a site survey was not supplied, the size of the subject parcel is estimated at 80,695 SF or 1.85 Acres.

In accordance with Standard Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice (USPAP), this is a summary appraisal report.

SCOPE OF WORK

Definition: The scope of work is the type and extent of research and analysis in an assignment. Scope of work includes: the extent to which the property is identified; the extent to which tangible property is inspected; the type and extent of data researched; and the type and extent of analysis applied to arrive at opinions or conclusions. The specific scope of work for this assignment is identified below and throughout this report.

Inspection of Subject:

Appraiser:

☐ None ☐ Interior ☒ Exterior
☒ Date of Inspection 12/2/2016

Co-Appraiser:

☒ None ☐ Interior ☐ Exterior
☐ Date of Inspection

Living Area Measured:

☐ Yes ☐ No
☐ Other: NA

Data Sources Used:

☒ MLS
☒ Public Records
☒ Office Files
☐ Owner
☐ Plans & Specifications
☐ Purchase Agreement
☐ Other:

Approaches to Value Developed:

Cost Approach:

☐ Is necessary and developed in this analysis
☐ Is applicable but not necessary and omitted in this analysis
☒ Is not applicable or necessary and omitted in this analysis

Sales Comparison Approach:

☒ Is necessary and developed in this analysis
☐ Is applicable but not necessary and omitted in this analysis
☐ Is not applicable or necessary and omitted in this analysis

Income Approach:

☐ Is necessary and developed in this analysis
☐ Is applicable but not necessary and omitted in this analysis
☒ Is not applicable or necessary and omitted in this analysis

Additional Scope of Work Comments: The following steps were followed in an effort to arrive at the final value estimate:

1. After receipt of assignment, a preliminary search of all available resources was performed - to determine market trends, influences, and other significant factors pertinent to the subject property.
2. A physical inspection of the property was conducted.
3. A second review of data was then performed with the most relevant factors extracted and analyzed. Sales were examined they were verified with parties involved in the transactions.
4. All three approaches to value were considered with only the Sales Comparison Analysis applicable to the assignment. The indicates subject sales price is reconciled with the research into the relevant market and an indicated value is determined.

Significant Real Property Appraisal Assistance: ☒ None ☐ Disclose Name(s) and contribution:

Client:	Utah Valley University	Client File #	11994
Subject Property:	987 S Geneva Rd, Orem, UT 84058	Appraisal File #	897 S Geneva Rd

SITE EVALUATION**Site Valuation Methodology**

- ☒ **Sales Comparison Approach:** A set of procedures in which a value indication is derived by comparing the property being appraised to similar properties that have been sold recently, then applying appropriate units of comparison and making adjustments to the sale prices of the comparables based on the elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant; it is the most common and preferred method of land valuation when an adequate supply of comparable sales are available.
- ☐ **Market Extraction:** A method of estimating land value in which the depreciated cost of the improvements on the improved property is estimated and deducted from the total sale price to arrive at an estimated sale price for the land; most effective when the improvements contribute little to the total sale price of the property.
- ☐ **Alternative Method:** (Describe methodology and rationale)

Site Valuation

ITEM	SUBJECT	COMPARISON 1		COMPARISON 2		COMPARISON 3	
Address	987 S Geneva Rd Orem, UT 84058	870 W 150 N Lindon, UT 84042		1895 N 800 W Orem, UT 84057		278 W 150 S Lindon, UT 84042	
Proximity to Subject		4.25 miles N		3.70 miles N		3.82 miles N	
Data Source/ Verification		MLS#1177922 Co#14-064-0047/Agent		MLS#1282501 Co#17-017-0005/Agent		MLS#1312758 Co#45-458-0012/Agent	
Sales Price	\$		\$ 290,000		\$ 242,500		\$ 225,000
Price/ Acre	\$ 0.00		\$ 96,667		\$ 242,500		\$ 204,545
Sale Date		3/24/2015	15,183	3/24/2016	5,401	6/11/2016	3,551
Location	SW Orem	W Lindon	25,000	NW Orem	5,000	SW Lindon	5000
Site Size	1.85 Acres	3.0 Acres	-150,282	1.0 Acre	111,078	1.10 Acre	98,010
Site View	Mtns, UVU, I-15, Res	Mtns, I-15, Ind	50,000	Mtns, Res	0	Mtns, Res	0
Site Improvements	Paved St	Paved St		Paved St		Paved St	
Culinary Water	nearby	in road		in road		Stubbed in	-5,000
Grade	Level	Level		Level		Level	
Utilities Available	Near, in street	Near, in street		Near, in street		Near, in street	
Zoning	PD	Ind	100,000	Res	0	Res	0
Net Adjustment		<input type="checkbox"/> + <input type="checkbox"/> -	\$ 39,901	<input type="checkbox"/> + <input type="checkbox"/> -	\$ 121,479	<input type="checkbox"/> + <input type="checkbox"/> -	\$ 101,561
Indicated Value		Net Adj. 14%		Net Adj. 50%		Net Adj. 45%	
		Gross Adj. 117%	\$ 329,901	Gross Adj. 50%	\$ 363,979	Gross Adj. 50%	\$ 326,561
Prior Transfer History	Above	None in past year other than above		None in past year other than above		None in past year other than above	

Site Valuation Comments: All comparable closed sales were considered in determining the subject's 6/20/2016 estimate of value.

Time adjustment was made at 0.25% per month when the comparable sale date is more than three months past.

The site size adjustment was made at \$5.00 per sf..

The Industrial zoning was valued at \$10,000 per acre less than the PD zone. Residential zoning felt comparable to the PD zone.

Location adjustments based on past sales in the different neighborhoods.

Unadjusted comparable P{prices per Acre were: 1) \$290,000, 2) 242,500, 3) \$225,000 4) \$290,700, 5)\$290,405 6) \$328,070.

Site Valuation Reconciliation: The six comparables adjusted to: Sale #1 adjusted to \$329,901 or \$2.79/SF, Comp #2 adjusted to \$363,979 or \$8.36/SF. .Sale #3 adjusted to \$326,561 or \$6.82/SF.Sale #4 adjusted to \$535,533r \$3.51/SF, Comp #5 adjusted to \$319,955 or \$9.90/SF#6 adjusted to \$499,320 or \$4.02SF. The six comparables adjusted values are based on adjustments per SF x subject 80,586 SF x 5.55/SF which totals \$443,223 ounded to \$443,000.

. A value of \$443,000 or \$5.50/SF is estimated for the subject parcel. Since the subject parcel has not been surveyed, the vaoue or \$5.50 can be used to determin a different total size of the parcel.

Opinion of Site Value**\$ 443,000**

* NOTICE: The Appraisal Institute publishes this form for use by appraisers where the appraiser deems use of the form appropriate. Depending on the assignment, the appraiser may need to provide additional data, analysis and work product not called for in this form. The Appraisal Institute plays no role in completing the form and disclaims any responsibility for the data, analysis or any other work product provided by the individual appraiser(s) in the specific contents of the AI Reports[®]. AI Reports[®] AI-120.04 Summary Appraisal Report -Land © Appraisal Institute 2013, All Rights Reserved

January 2013

Page 3 of 21

Client:	Utah Valley University	Client File #	11994
Subject Property:	987 S Geneva Rd, Orem, UT 84058	Appraisal File #	897 S Geneva Rd

SITE EVALUATION

Site Valuation Methodology

- ☒ **Sales Comparison Approach:** A set of procedures in which a value indication is derived by comparing the property being appraised to similar properties that have been sold recently, then applying appropriate units of comparison and making adjustments to the sale prices of the comparable based on the elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant; it is the most common and preferred method of land valuation when an adequate supply of comparable sales are available.
- ☐ **Market Extraction:** A method of estimating land value in which the depreciated cost of the improvements on the improved property is estimated and deducted from the total sale price to arrive at an estimated sale price for the land; most effective when the improvements contribute little to the total sale price of the property.
- ☐ **Alternative Method:** (Describe methodology and rationale)

Site Valuation

ITEM	SUBJECT	COMPARISON 4		COMPARISON 5		COMPARISON 6	
Address	987 S Geneva Rd Orem, UT 84058	400 S 2050 W Pleasant Grove, UT 84062		230 East 700 South Pleasant Grove, UT 84062		1900 W 200 S Lindon, UT 84042	
Proximity to Subject		5.13 miles N		5.26 miles N		4.06 miles N	
Data Source/ Verification		MLS#1147774/Agent Co #14:021:0097		WFRMLS #1262159/Agent Co #52:720:0003		WFRMLS #1354011/Agent Co #14:061:0097	
Sales Price	\$		\$ 720,000		\$ 214,900		\$ 650,000
Price/ Acre	\$ 0.00		\$ 205,714		\$ 290,405		\$ 228,070
Sale Date		09/07/2016	6,155	Und.Ctr 11/29/16	0	11/22/2016	0
Location	SW Orem	SW Pleas Grove		SE PLeasant Gr		W Llindon	
Site Size	1.85 Acres	3.5 Acre	-215,622	.74 Acre	145,055	2.85 Acre	-130,680
Site View	Mtns, UVU, I-15, Res	Avg,mtns,l15		Avg/mtns	-10,000	Avg/mtns,l-15	
Site Improvements	Paved St	Paved St		Paved St		Paved St	
Culinary Water	nearby	nearby		Stubbed	-10,000	nearby	
Grade	Level	Level		Level		Level	
Utilities Available	Near, in street	Near, in street		Stubbed	-20,000	Stubbed	-20,000
Zoning	PD	Res	25,000	Comm	0	Comm	
				Stubbed in street		Stubbed in street	
Net Adjustment		<input type="checkbox"/> + <input checked="" type="checkbox"/> -	\$ -184,467	<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 105,055	<input type="checkbox"/> + <input checked="" type="checkbox"/> -	\$ -150,680
Indicated Value		Net Adj. -26%		Net Adj. 49%		Net Adj. -23%	
		Gross Adj. 34%	\$ 535,533	Gross Adj. 86%	\$ 319,955	Gross Adj. 23%	\$ 499,320
Prior Transfer History							

Site Valuation Comments: Sale #4 adjusted to \$535,533r \$3.51/SF, Comp #5 adjusted to \$319,955 or \$9.90/SF. Sale#6 adjusted to \$49,320 or \$4.02SF.

Site Valuation Reconciliation: See earlier reconciliation

DENBOW APPRAISING
Subject Photos

File No. 897 S Geneva Rd
Invoice# 11994

Borrower 1.85 Acres located at							
Property Address 987 S Geneva Rd							
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University			Address	800 West University Parkway, Orem, UT 84058		



View from parcel to south



View from Geneva Rd



View from south



Street View - subject on left



Parcel view



view from Geneva Rd to Northeast

Borrower	1.85 Acres located at						
Property Address	987 S Geneva Rd						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University			Address	800 West University Parkway, Orem, UT 84058		

18-027-0193 Subject
County Valuation History

Grantor ..Grantee Comments	Entry No Book Page Kind of Inst	Inst Date Rec Date Rec Time	Consideration Satisfaction Tie Entry No
SHUV LLC BY (ET AL) ..UTAH VALLEY UNIVERSITY	<u>105462-2016</u> 0 BLA	10/18/2016 10/20/2016 04:44 pm	\$0
To: <u>18.027.0222</u> (more)			
UTAH COUNTY ..WHOM OF INTEREST	<u>84542-2014</u> 0 RESOL	10/28/2014 11/24/2014 08:43 am	\$0 <u>0.0</u>
NORTH POINTE SOLID WASTE SERVICE DISTRICT WITHDRAW ..UTAH COUNTY	<u>84541-2014</u> B PLAT	10/28/2014 11/24/2014 08:35 am	\$0 <u>0.0</u>
STATE OF UTAH ..WHOM OF INTEREST	<u>84540-2014</u> 0 CT	11/19/2014 11/24/2014 08:34 am	\$0 <u>0.0</u>
UTAH COUNTY ..WHOM OF INTEREST	<u>84539-2014</u> 0 N	10/28/2014 11/24/2014 08:34 am	\$0 <u>0.0</u>
UTAH VALLEY UNIVERSITY ..UTAH TRANSIT AUTHORITY	<u>97307-2013</u> 0 SP WD	03/26/2013 10/17/2013 08:39 am	\$10 -
Remainder From: <u>18.027.0191</u>			

Past 5 year tax history
Property was tax exempt



PROPERTY INFORMATION

Parcel 180270193 Tax Year: 2017

Address:

Owner: UTAH VALLEY UNIVERSITY

Account Type: EXEMPT

Primary Use: EXEMPT

Land Size: 19.008075

Land Size Sq Ft. 827,992

Subject Area
on north end of UVU site



Client:	Utah Valley University	Client File #	11994
Subject Property:	987 S Geneva Rd	Appraisal File #	897 S Geneva Rd

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal is subject to the following assumptions and limiting conditions:

- This report is prepared using forms developed and copyrighted by the Appraisal Institute. However, the content, analyses, and opinions set forth in this report are the sole product of the appraiser. The Appraisal Institute is not liable for any of the content, analyses, or opinions set forth herein.
- No responsibility is assumed for matters legal in character or nature. No opinion is rendered as to title, which is assumed to be good and marketable. All existing liens, encumbrances, and assessments have been disregarded, unless otherwise noted, and the property is appraised as though free and clear, having responsible ownership and competent management.
- I have examined the property described herein exclusively for the purpose of identification and description of the real property. The objective of our data collection is to develop an opinion of the highest and best use of the subject property and make meaningful comparisons in the valuation of the property. The appraiser's observations and reporting of the subject improvements are for the appraisal process and valuation purposes only and should not be considered as a warranty of any component of the property. This appraisal assumes (unless otherwise specifically stated) that the subject is structurally sound and all components are in working condition.
- I will not be required to give testimony or appear in court because of having made an appraisal of the property in question, unless specific arrangements to do so have been made in advance, or as otherwise required by law.
- I have noted in this appraisal report any significant adverse conditions (such as needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) discovered during the data collection process in performing the appraisal. Unless otherwise stated in this appraisal report, I have no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and have assumed that there are no such conditions and make no guarantees or warranties, express or implied. I will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because I am not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable public and/or private sources that I believe to be true and correct.
- I will not disclose the contents of this appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and/or applicable federal, state or local laws.
- The Client is the party or parties who engage an appraiser (by employment contract) in a specific assignment. A party receiving a copy of this report from the client does not, as a consequence, become a party to the appraiser-client relationship. Any person who receives a copy of this appraisal report as a consequence of disclosure requirements that apply to an appraiser's client, does not become an intended user of this report unless the client specifically identified them at the time of the assignment. The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public through advertising, public relations, news, sales, and other media.
- A true and complete copy of this report contains 21 pages including exhibits which are considered an integral part of the report. The appraisal report may not be properly understood without access to the entire report.
- If this valuation conclusion is subject to satisfactory completion, repairs, or alterations, it is assumed that the improvements will be completed competently and without significant deviation.

VALUE DEFINITION

☒ Market Value Definition (below) ☐ Alternative Value Definition (attached)

MARKET VALUE is defined as the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of the title from the seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised and acting in what they consider their own best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Source: *The Dictionary of Real Estate Appraisal, 4th ed., Appraisal Institute*

*NOTICE: The Appraisal Institute publishes this form for use by appraisers where the appraiser deems use of the form appropriate. Depending on the assignment, the appraiser may need to provide additional data, analysis and work product not called for in this form. The Appraisal Institute plays no role in completing the form and disclaims any responsibility for data, analysis or any other work product provided by the individual appraiser(s).

Client:	Utah Valley University	Client File #	11994
Subject Property:	987 S Geneva Rd	Appraisal File #	897 S Geneva Rd

APPRAISER'S CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analysis, opinions, and conclusions are limited only by the report assumptions and limiting conditions, and are my personal, unbiased professional analysis, opinions, and conclusions.
- I have no present (unless specified below) or prospective interest in the property that is the subject of this report, and I have no (unless specified below) personal interest with respect to the parties involved.
- I have no bias with respect to any property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- Individuals who have provided significant real property appraisal assistance are named below. The specific tasks performed by those named are outlined in the Scope of Work section of this report.
☒ None ☐ Name(s)

As previously identified in the Scope of Work section of this report, the signer(s) of this report certify to the inspection of the property that is the subject of this report as follows:

Property Inspected by Appraiser ☒ Yes ☐ No

Property Inspected by Co-Appraiser ☐ Yes ☐ No

ADDITIONAL CERTIFICATION FOR APPRAISAL INSTITUTE MEMBERS

Appraisal Institute Member Certify:

- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

Designated Appraisal Institute Member Certify:

As of the date of this report, I ☒ have / ☐ have not completed the continuing education program of the Appraisal Institute.

Designated Appraisal Institute Member Certify:

As of the date of this report, I ☐ have / ☐ have not completed the continuing education program of the Appraisal Institute.

APPRAISERS SIGNATURES

APPRAISER:

Signature



Name Susan Denbow, SRA

Report Date 12/20/2016

Trainee NA

License # 5450524-CG00 State UT

Expiration Date 12/31/2017

CO-APPRAISER:

Signature

Name

Report Date

Trainee

License # State

Expiration Date

*NOTICE: The Appraisal Institute publishes this form for the use by appraisers where the appraiser deems use of the form appropriate. Depending on the assignment, the appraiser may need to provide additional data, analysis and work product not called for in this form. The Appraisal Institute plays no role in completing the form and disclaims any responsibility for the data, analysis or any other work product provided by the individual appraiser(s).

Borrower	1.85 Acres located at						
Property Address	987 S Geneva Rd						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University			Address	800 West University Parkway, Orem, UT 84058		

22-11-1. Purpose and Applicability.

1. The purpose of Planned Development (PD) zones is to provide flexibility in the City's zoning scheme in order to allow for unique, innovative and well-planned developments that would not be possible under one of the City's existing zoning classifications. PD zones are not

intended for use in situations where a proposed development is reasonably feasible under one of the City's existing zoning classifications.

2. PD zones are intended for use primarily where no existing zoning classification is both sufficiently permissive to allow uses that would be suitable on the property and sufficiently restrictive to protect the character and quality of neighboring properties. Examples of this type of situation may include, but are not limited to, the following:

include, but are not limited to, the following.

- a. Mixed-use developments;
- b. Townhouse or other high-density residential developments;
- c. Where a few uses in an existing zone (such as the C2 zone) would be appropriate on a particular parcel of property, but the remainder of the uses in that zone would not be appropriate;
- d. Where the setbacks, building height limits or other standards of an existing zone are not necessary for the protection of

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of the City because of the proximity of a parcel of property to a particular landscape feature such as a cliff or a hillside where there would be no negative impact from a relaxation of such standards; and

e. Where additional setbacks or other buffers are needed to protect neighboring properties from uses to be employed on a parcel of property.

22-11-5. Minimum Area Requirement.

A PD zone may only be applied to a parcel or a combination of parcels totaling at least three acres.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001; Ord. No. O-05-0001, Amended, 01/11/2005)

A concept plan shall be submitted with every application to create a new PD zone. The Planning Commission shall review the concept plan in conjunction with its review of the proposed PD zone and shall provide its recommendation to the City Council. The City Council shall be the final approving authority for the concept plan. The concept plan shall at a minimum include the following:

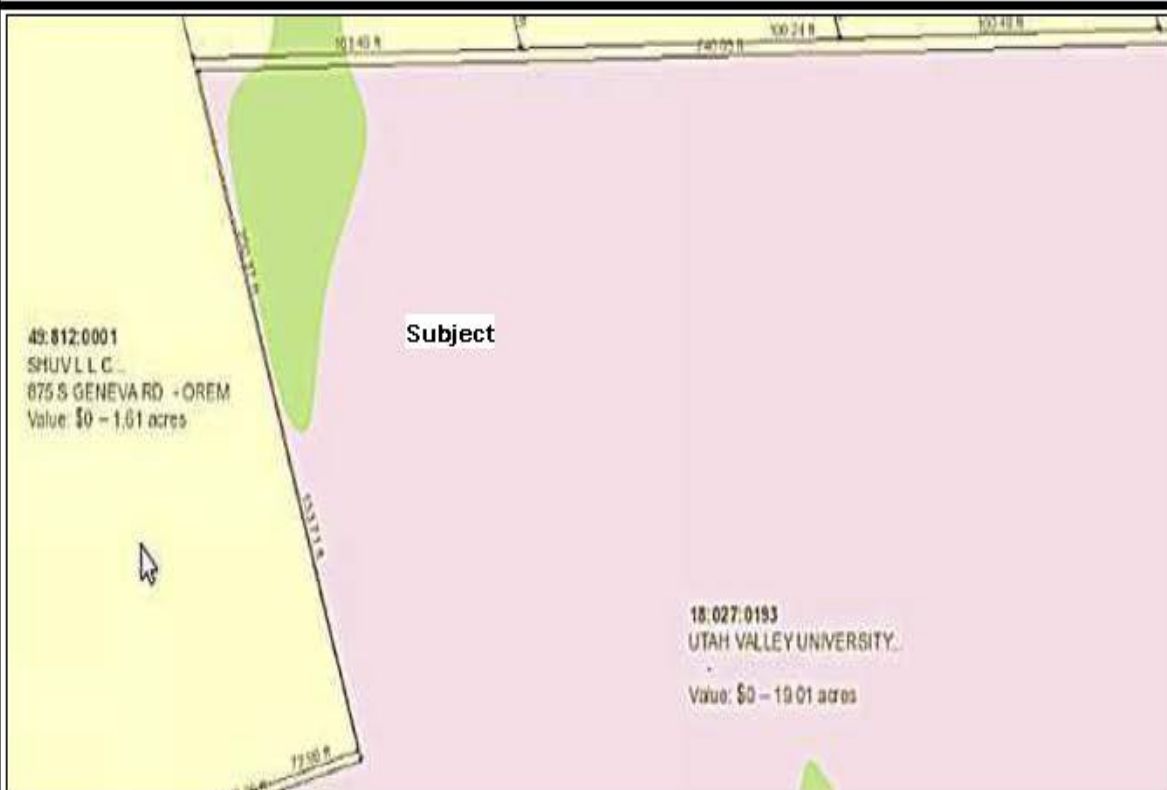
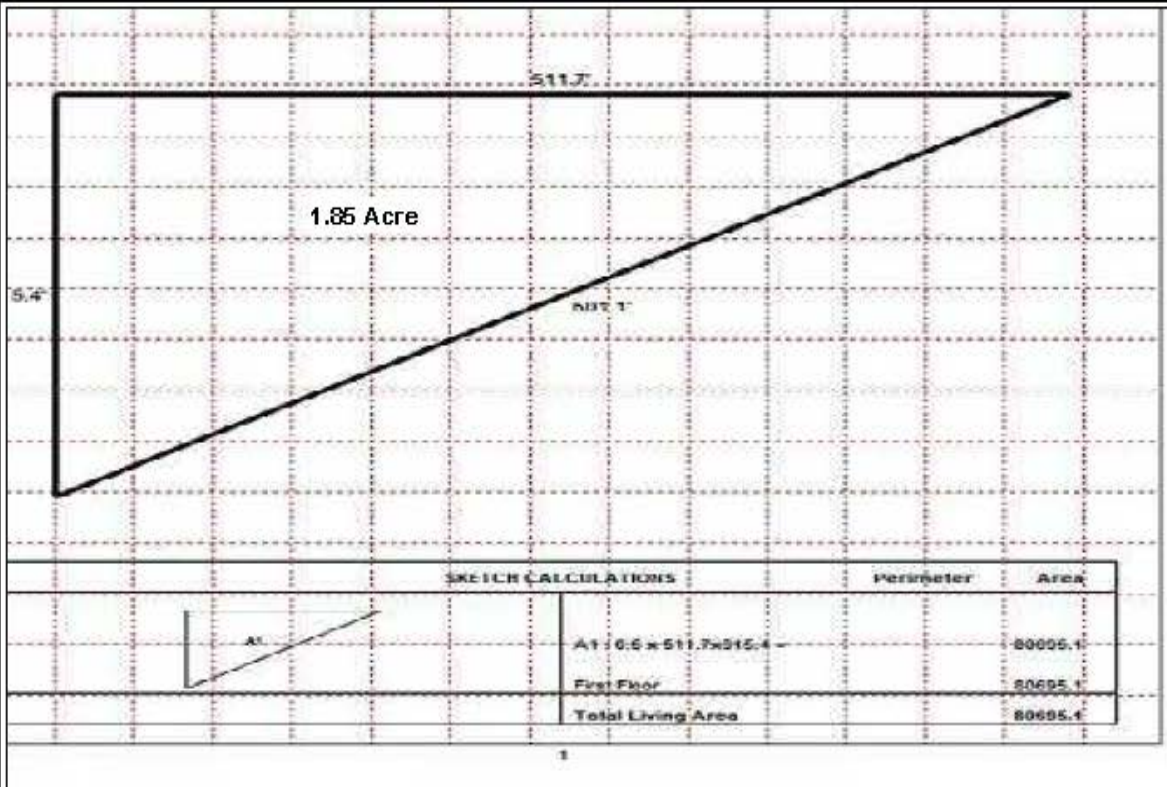
1. A list of all existing uses on the property.

Borrower 1.85 Acres located at

Property Address 987 S Geneva Rd

City Orem County Utah State UT Zip Code 84058

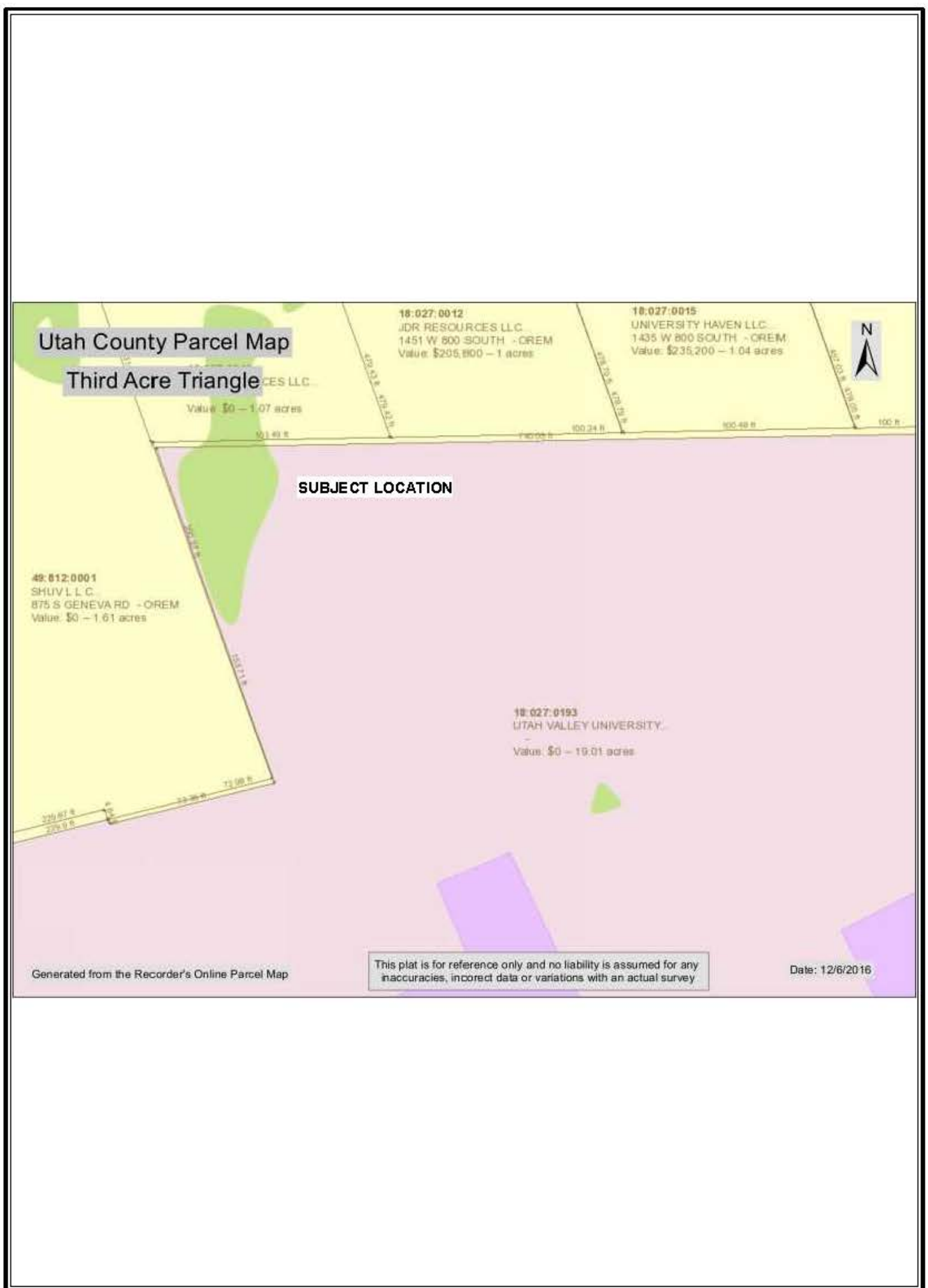
Lender/Client Utah Valley University Address 800 West University Parkway, Orem, UT 84058

Subject Estimated SF
1.85 Ac, 80,695 SF

DENBOW APPRAISING
PLAT MAP

File No. 897 S Geneva Rd
Invoice# 11994

Borrower	1.85 Acres located at						
Property Address	987 S Geneva Rd						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University			Address	800 West University Parkway, Orem, UT 84058		



Aerial View of subject site neighborhood

File No. 897 S Geneva Rd
Invoice# 11994

Borrower 1.85 Acres located at

Property Address 987 S Geneva Rd

City Orem

County

Utah

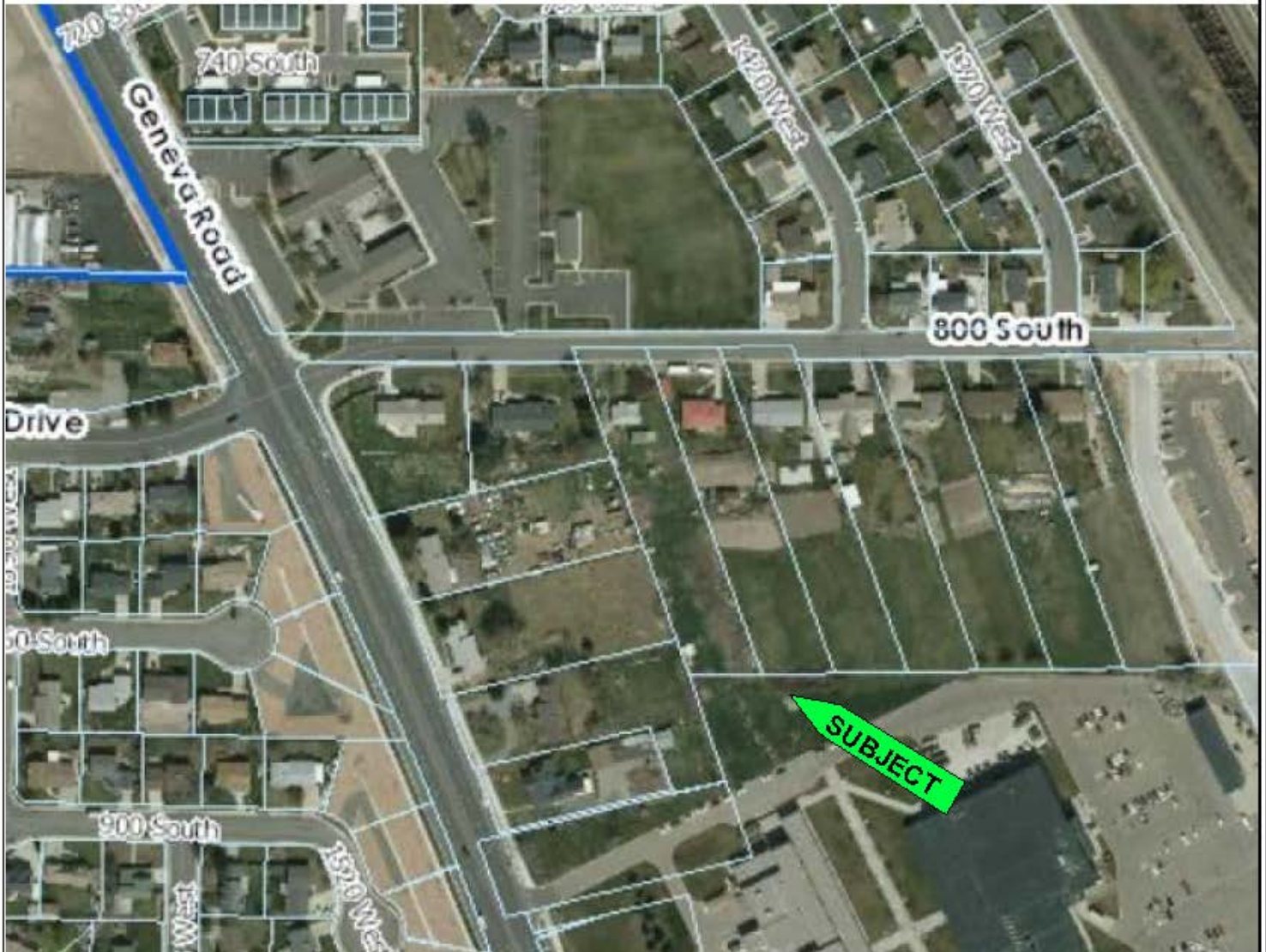
State UT

Zip Code

84058

Lender/Client Utah Valley University

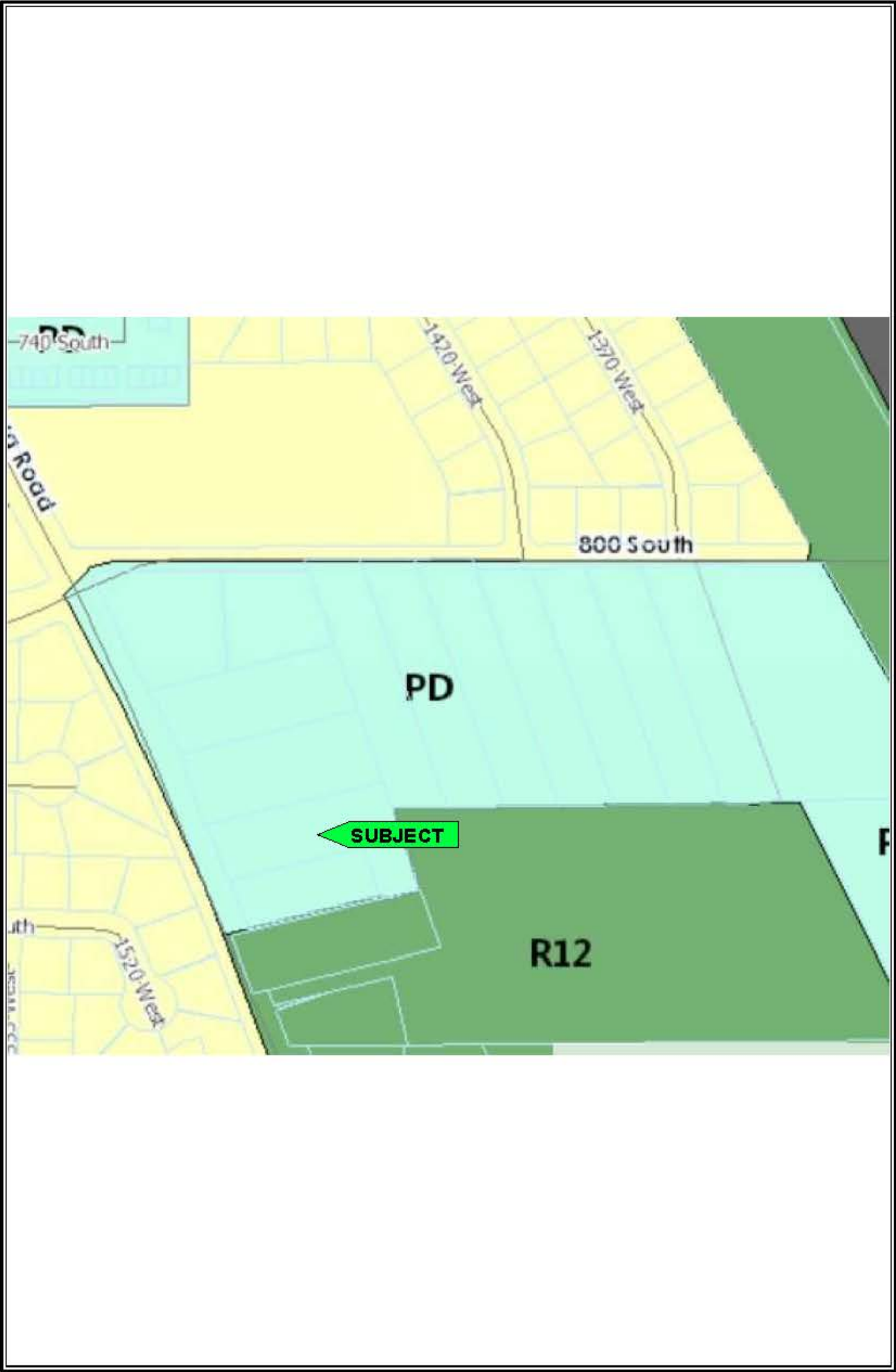
Address 800 West University Parkway, Orem, UT 84058



DENBOW APPRAISING
ZONING LOCATION MAP

File No. 897 S Geneva Rd
Invoice# 11994

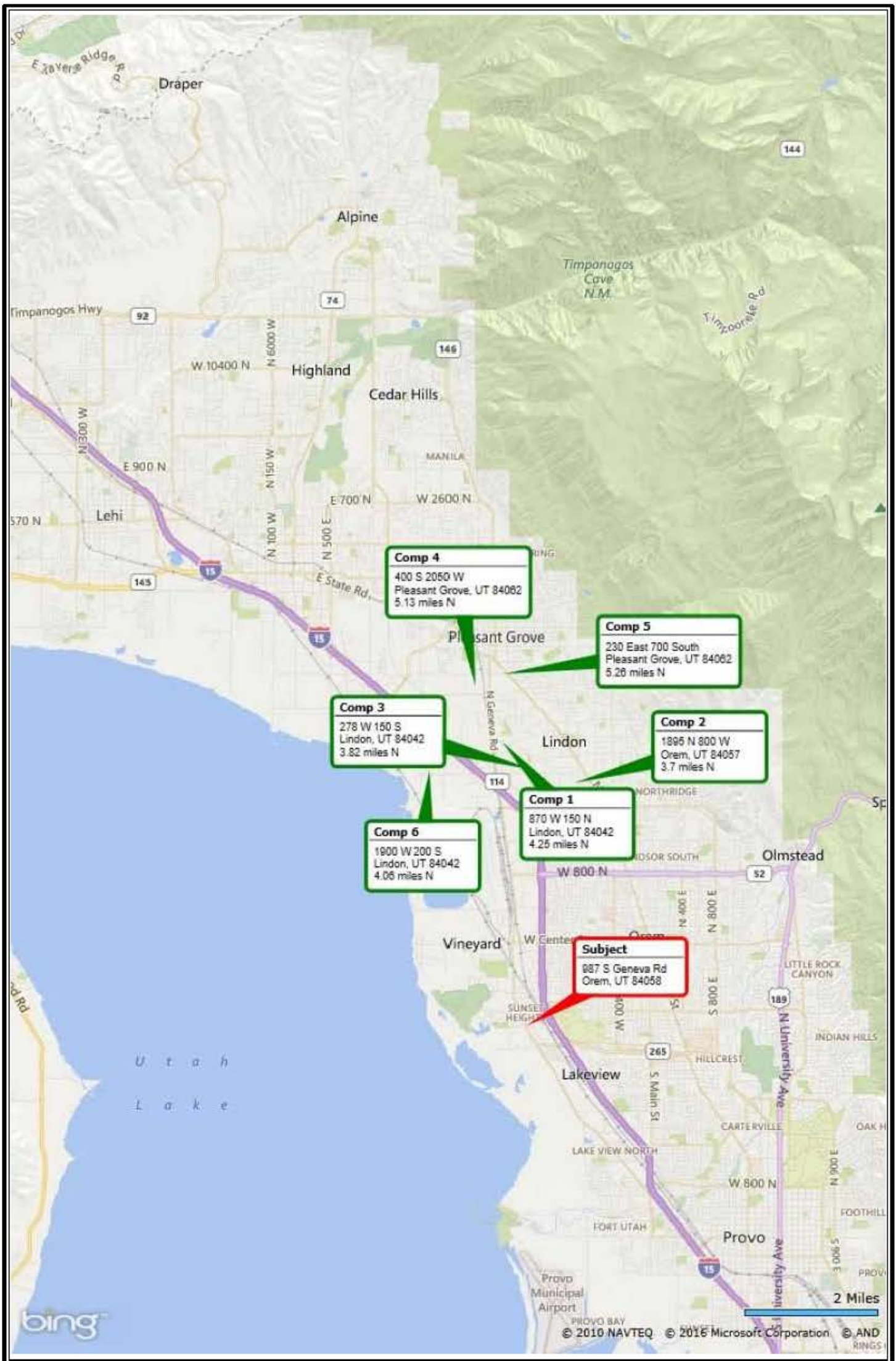
Borrower 1.85 Acres located at							
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City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client Utah Valley University		Address 800 West University Parkway, Orem, UT 84058					



DENBOW APPRAISING
LOCATION MAP ADDENDUM

File No. 897 S Geneva Rd
Invoice# 11994

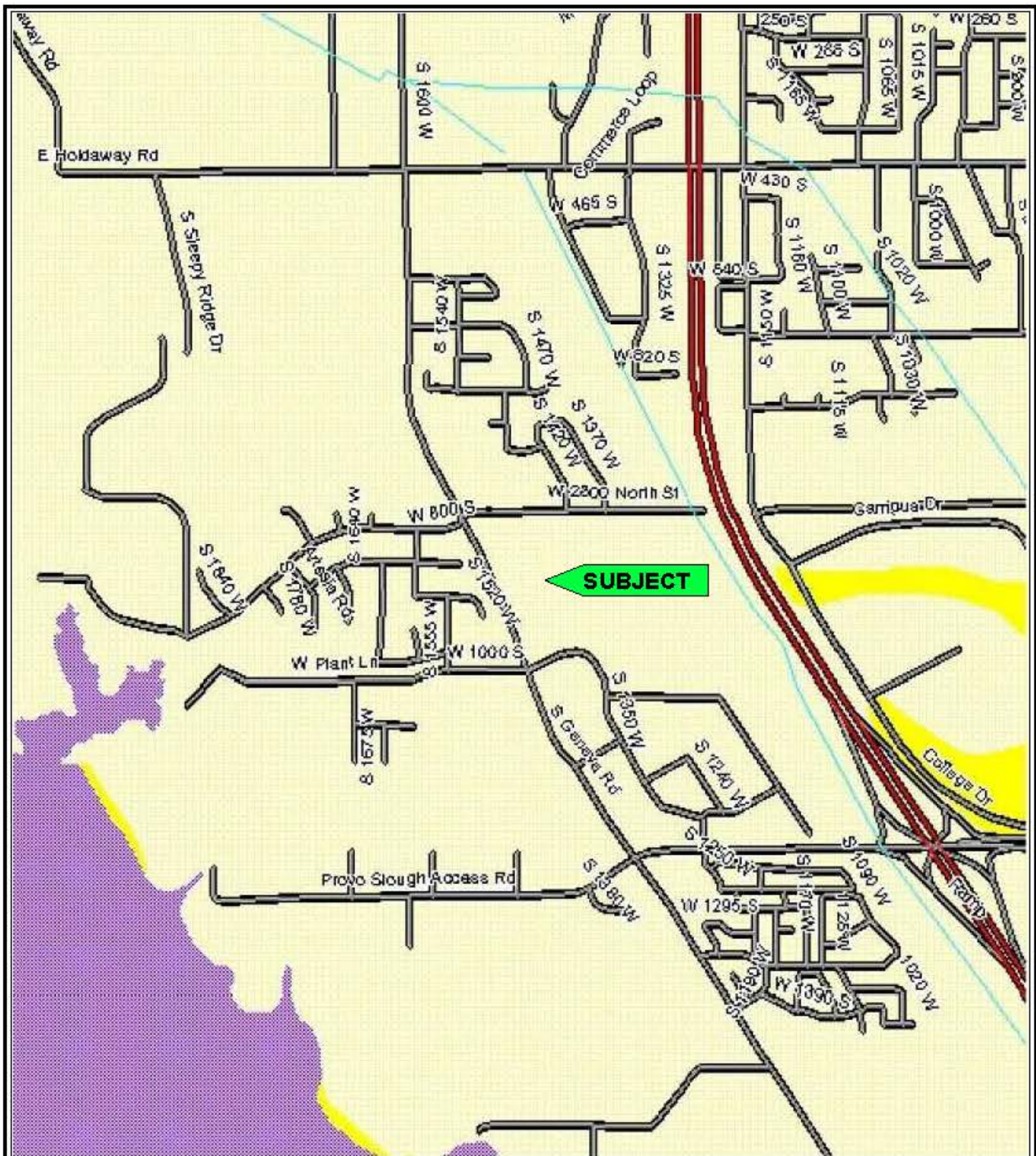
Borrower	1.85 Acres located at				
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				Zip Code	84058
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DENBOW APPRAISING
FLOOD MAP ADDENDUM

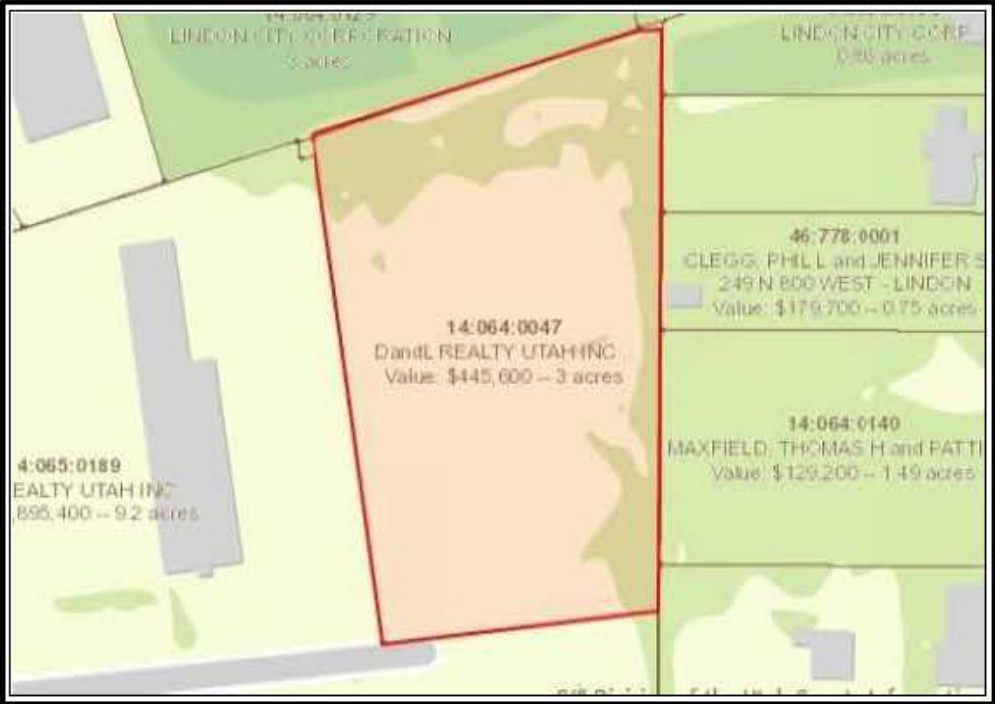
File No. 897 S Geneva Rd
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Borrower	1.85 Acres located at						
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Flood Map Legends		Flood Zone Determination	
Flood Zones		SFHA (Flood Zone): Out	
	Areas inundated by 500-year flooding	Within 250 ft. of multiple flood zones? No	
	Areas outside of the 100 and 500 year flood plains	Community: 490216	
	Areas inundated by 100-year flooding	Community Name: OREM, CITY OF	
	Areas inundated by 100-year flooding with velocity hazard	Zone: C Panel: 490216 0005A Panel Date: 09/24/1984	
	Floodway areas	FIPS Code: 49049 Census Tract: 0022.01	
	Floodway areas with velocity hazard	<p>This Report is for the sole benefit of the Customer that ordered and paid for the Report and is based on the property information provided by that Customer. That Customer's use of this Report is subject to the terms agreed to by that Customer when accessing this product. No third party is authorized to use or rely on this Report for any purpose. THE SELLER OF THIS REPORT MAKES NO REPRESENTATIONS OR WARRANTIES TO ANY PARTY CONCERNING THE CONTENT, ACCURACY OR COMPLETENESS OF THIS REPORT INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. The seller of this Report shall not have any liability to any third party for any use or misuse of this Report.</p>	
	Areas of undetermined but possible flood hazard		
	Areas not mapped on any published FIRM		

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COMPARABLE SALE # 1
870 W 150 N
Lindon, UT 84042



COMPARABLE SALE # 2
1895 N 800 W
Orem, UT 84057



COMPARABLE SALE # 3
278 W 150 S
Lindon, UT 84042

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COMPARABLE SALE # 4
400 S 2050 W
Pleasant Grove, UT 84062



COMPARABLE SALE # 5
230 East 700 South
Pleasant Grove, UT 84062



COMPARABLE SALE # 6
1900 W 200 S
Lindon, UT 84042

DENBOW APPRAISING
COMMENT ADDENDUM

File No. 897 S Geneva Rd
Invoice# 11994

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Property Address 987 S Geneva Rd						
City Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client Utah Valley University		Address 800 West University Parkway, Orem, UT 84058				

SCOPE OF APPRAISAL: The following steps were followed in an effort to arrive at the final value estimate:

1. After receipt of assignment, a preliminary search of all available resources was performed - to determine market trends, influences, and other significant factors pertinent to the subject property.
2. A physical inspection of the property was conducted. The subject is located in an area of similar aged homes which are on larger sized sites. Although due diligence was exercised while at the property, the appraiser is NOT an expert in such matters as pest control, structural engineering, hazardous waste, roofing, electrical, plumbing, etc. No warranty is given as to adverse conditions relating to these elements. Inspections by professionals within these fields of expertise might be recommended as needed. Such inspections are the responsibility of the homeowner or "buyer." Such inspections may be recommended based on visual deficiencies. The final value estimate would be subject to the finds of any such inspections.
3. A second review of data was then performed with the most relevant factors extracted and analyzed. Sales were examined and were verified with one of the parties involved in the transactions.
4. All three approaches to value were considered: Cost Approach - attempts to estimate the depreciated replacement cost of subject property added to the site value estimate. The replacement cost estimates are derived from Marshall & Swift Residential Cost Service, and local builders' cost figures. Site value is estimated as though the site were vacant and ready for development to its highest and best use. Site value is determined by comparison of recently sold sites within the area. Typically, older established neighborhoods do not have vacant lots for comparison. In such cases, the extraction method is used whereby the depreciated values of improved property sales are extracted out to determine land value.

The most widely used and best understood approach to value is the Sales Comparison Analysis. Sales from past two years were used for comparison. Sales of properties similar to the subject property, in the area, are analyzed and mpared to the subject property, as they compete in the current market. Adjustments are made to the sales prices of the comparables as features differ. Adjustments are determined by paired sales, depreciated cost, judgment, and experience of the market. The final result is an estimate of the most probable sales price for the subject property. Validity for this approach is that an informed buyer would not pay more for the subject property than the cost of a similar property available in the market.

USER OF THIS APPRAISAL REPORT: The intended use of this appraisal report is to assist the lender in evaluating the subject property for lending purposes. This report is prepared for the client, and intended for use only by the client. Information regarding this report will be released only to the client, regardless of who has paid for this appraisal report.

PURPOSE OF APPRAISAL: The purpose of this appraisal is to estimate market value, as defined in the Statement of Limiting Conditions included with this report. The function of this report is to assist the lender in evaluating the subject property for mortgage lending purposes. This is a federally related transaction.

CONFORMITY OF REGULATIONS: This appraisal report has been completed in accordance with the standards dictated by the APPRAISAL FOUNDATION and lending guidelines. The intent of the report is to comply with the Uniform Standards of Professional Appraisal Practice as adopted by the Appraisal Standards board of the Appraisal Foundation as of August 9, 1990. To the best of my knowledge and belief, this report was prepared in conformity with the requirements of the code of professional ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

COMPETENCY OF THE APPRAISER: The appraiser has the appropriate knowledge and experience to complete this assignment. The appraiser, as of the date of this appraisal, is currently certified under the continuing education program, and the Appraiser State Certification.

PROHIBITED INFLUENCES: The appraisal assignment was not based upon a requested minimum valuation, specific valuation, or approval of a loan.

REPORT IDENTIFICATION: This is a complete appraisal/summary report, which is intended to comply with reporting requirements set forth under standards rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice. As such, it presents only summary discussions of the data, reasoning, and analysis that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation is retained in the appraiser's file. Appraiser is not responsible for any unauthorized use of this report.

PERSONAL PROPERTY: Any personal property involved in the transaction has been excluded from value.

USPAP 2012
"I have performed no other services, as an appraiser or in any other capacity, regarding the property that is the subject of the work under review within the three-year period immediately preceding acceptance of this assignment.

I estimate the exposure time for the subject property to be 6 -12 months.

EXPOSURE TIME: estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal

Borrower 1.85 Acres located at
 Property Address 987 S Geneva Rd
 City Orem County Utah State UT Zip Code 84058
 Lender/Client Utah Valley University Address 800 West University Parkway, Orem, UT 84058

SUSAN DENBOW, SRA, UTAH CERTIFIED GENERAL APPRAISER

LICENSE #5450524 CG00

257 West 400 South · Orem, Utah 84058 · Telephone: (801) 224-3177 Fax: (801) 224-2217

Email: sue@denbowappraising.com • Web site www.denbowappraising.com

APPRAISAL EDUCATION:

Arizona Western College:

Associate Degree 1970

University of Colorado: 1978-1980

AIREA COURSES: 8, 1-A, 1.B

SREA COURSES: 201 & 202

Marshall & Swift Cost Seminars

Fair Housing Seminar, 1994

Limited Appraisal Seminar, 1994

USPAP, 1991 - 2015

H.U.D. Annual Seminar, 1995, 1994

Residential Review Seminar, 1995

H.U.D. Seminar, 1997, 2002, 2005

Custom Home Seminar, 1998, 2004

Appraisal Review - AI, 2002, 2006

Highest and Best Use Seminar, 2001

Various AI Seminars, 2002-2013

ERC Approval Training - 2005

Appraising for FHA - 2008

St. George Symposiums 2000-2013

Business Practices & Ethics 2013

APPRAISAL INSTITUTE

COURSES:

Expert Witness Seminar, 1991

FNMA Guidelines 1991, 1993

Standards of Professional Practice

FNMA Appraisal Review Sem. (110)

Highest and Best Use Seminar

Basic Capitalization(310)

Appraisal Res. Overview 2013

EXPERIENCE:

Agent: C-21 Courtesy Real Estate, 1978-1982

Owner /Chief Appraiser: Denbow Appraising, 1978 - Present

Independent Fee Appraiser: 1978 - Present

1978 - 1982: Real Estate Agent, Century 21 Courtesy Realty

1978 - 1998: Charter Member of W.C.R. (Womens Counsel of Realtors)

1982 - 1995: FHA Panel Appraiser #2228, on FHA Roster(1994-98)

1984 - 1988: Taught RM Candidate Class for AIREA

1991 - 1998: State Director (Appraisal Institute Utah **Chapter**)**1998 VicePres.**

1993 - 1996: Regional Representative (Appraisal Institute)

1995 - 1998: Technical Advisor (Utah Appraiser Regis. & Cert. Board)

1995 - 1998: Trustee - U A A (Utah Assoc. Of Appraisers)

1998 - 1999: **President** - UAA

1998 - 1999: **Vice President** - State Chapter of the Appraisal Institute

1999 - 2000: **President** - State Chapter of the Appraisal Institute

2001 - 2003: Member of UCBR MLS Committee

1982 - 2012: FHA Approved Appraiser, UT5450524

Presently certified with the Appraisal Institute through December 2017..

Served as expert witness in District Court and local jurisdictions

MEMBERSHIPS:

SRA: Senior Residential Member in the Appraisal Institute.

Received RM/SRA Designation November 1, 1981.

Member: Utah County Board of Realtors and Multiple Listing Service.

Member: Charter Member of WCR - Women's Council of Realtors

Member: Orem/Provo Chamber of Commerce - Received 2000 Watkins Award

SRA - Senior Residential Appraiser - is a designation earned by those specialists who have demonstrated competence in the appraisal of residential properties, and acceptable appraisal practice in general.

The Appraisal Institute - Members of the Institute have been leaders in the field of real estate appraising. The SRA (Senior Residential Appraiser) and MAI (Member, Appraisal Institute) designations are the best known and most widely respected designations in the professional appraisal field.

CERTIFICATIONS:

Certified General Appraiser for the State of Utah

License Number: CG#005450524

Expiration Date: 12/31/17

Federal Tax ID #87-0454223

Ownership type: Sole Proprietor

**STATE OF UTAH
DEPARTMENT OF COMMERCE
DIVISION OF REAL ESTATE**

ACTIVE LICENSE

DATE ISSUED: 12/11/2015

EXPIRATION DATE: 12/31/2017

LICENSE NUMBER: 5450524-CG00

LICENSE TYPE: Certified General Appraiser

ISSUED TO: SUSAN DENBOW
257 W 400 S
OREM UT 84058




SIGNATURE OF HOLDER


REAL ESTATE DIVISION DIRECTOR



MEMBERSHIP CERTIFICATE

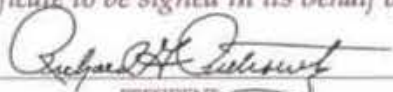
This Certifies That
Susan Denbow

*was admitted to membership in the American Institute
of Real Estate Appraisers as an RM Member (1606)
on the 16th day of October, 1981 and by virtue
of the unification of the American Institute of Real Estate Appraisers
and the Society of Real Estate Appraisers has become an
SRA Member*

*in the Appraisal Institute and is entitled to all the rights and
privileges of membership subject only to the limiting
conditions set forth from time to time in the Bylaws and
Regulations of the Appraisal Institute.*

*In Witness Whereof, the Board of Directors of the Appraisal Institute has
authorized this certificate to be signed in its behalf by the President.*




PRESIDENT

THIS CERTIFICATE IS THE PROPERTY OF THE APPRAISAL INSTITUTE AND MUST BE RETURNED TO THE SECRETARY UPON TERMINATION OF MEMBERSHIP.

UTA Bus Rapid Transit Station Platform

Background:

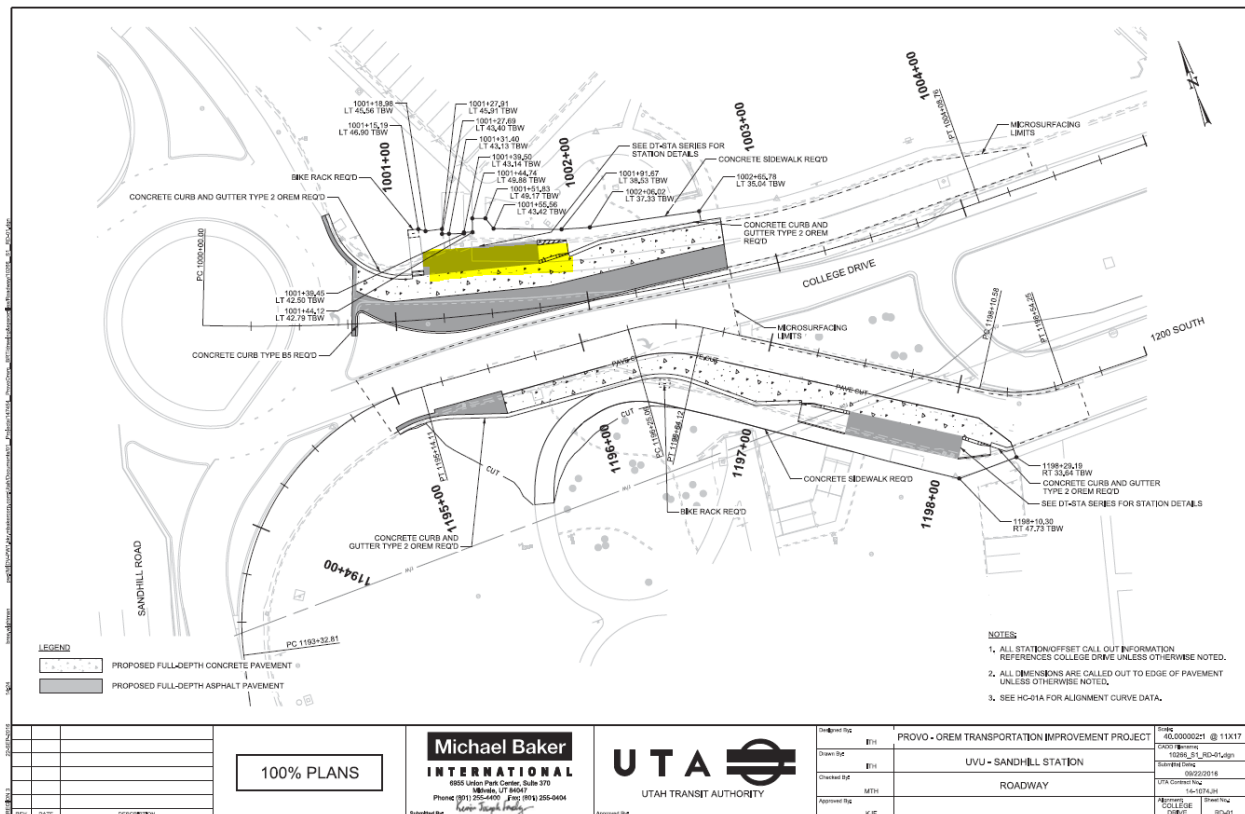
UVU enjoys a long and successful relationship with UTA. UVU is largest trip generator for UTA in Utah County. Bus Rapid Transit (BRT) will provide a link from the Orem Intermodal Center to the Provo Intermodal Center along the University Parkway, 900 East, and University Avenue corridors. The busses will have special lanes and priority at intersections. To speed loading, there are no steps inside the bus, passengers enter from a platform.

Issue:

To accommodate the new BRT platform stations, construction is required on UVU property. UTA initially offered to purchase the land needed to construct the station on the north side of Campus Drive (See highlighted area in drawing below). As UVU and UTA are partners in promoting mass transit and increased ridership, a long term - no consideration lease to UTA is preferable to a land sale. The stations may be relocated in the future.

Recommendation:

Motion to approve the lease of a portion of land under the north BRT station on Campus Drive.



FY 19 Capital Development Order:

1. Business Building
2. STEM Building
3. Education Building
4. Nursing Building
5. Vineyard Building One

FY 2019 Capital Development Project Request & Feasibility Statement

Type of Request: ☒ State Funded ☐ Non-State Funded
 ☐ Non-State Funded with O&M Request ☐ Land Bank

Agency/Institution: Utah Valley University
Project Name: New Business School Building

Agency/Institution Priority: 1

Project Scope:

Total Project Space (Gross Square Feet) **180,000 GSF**

New Space Requirement (Gross Square Feet)	175,000
Remodeled Space (GSF)	5,000
Space to be Demolished (GSF)	0

Types of Space - Auditoriums, Classrooms, Innovation Labs, and Offices

Capital Funding:

Preliminary Cost Estimate: **\$ 70,000,000**

USU Huntsman School of Business Building: 117,000 SF, \$42M (2016)
UofU Eccles School of Business Building: 189,000 SF, \$72M (2012)
University of Nebraska Business Building: 240,000 SF, \$84M (2017)

DFCM has not completed a CBE for this facility.

Previous State Funding **\$ 0.00**

Other Sources of Funding **\$ 2,400,000**

FY 2019 Requested Funding **\$ 69,600,000**

Ongoing Operating Budget Funding

Increase in State Funded O&M: \$ 1,466,913 9.2 % of total
O&M

- This educational facility requires ongoing O&M and Improvement Funds.
- We are keeping the facility on our campus heating and cooling loop. This groundwater-geothermal system is very economical in providing the comfort needed in our buildings. LED lighting will also be required. Day light harvesting will also be used to provide access to natural light.

New Program Costs: \$ 430,000 _____

Program Costs will be funded through the Universities in-house budgeting process through a combination of hard and soft funded sources. Lab managers, equipment, materials, and other needed staff members will be paid from these funds. Grants will be sought-out for additional funding for specialized programs.

New FTEs Required for O&M and Programs O&M 5 Programs 3

Five FTE will be hired to maintain the building. This number includes Custodial Staff, HVAC Staff, and other support staff members. New programs will require an addition 3 FTE to provide student support in labs, and specialty areas.

Existing Facility:

The Woodbury School of Business is currently housed in the Woodbury Building (WB), one of the original four campus buildings erected in 1979 for the UTC. The old 78,000 SF building can no longer house the students enrolled in the various programs offered in Business. The WB is a masonry building with a post-tensioned cable floor system. This building type has made renovations for programmatic needs difficult. The floors cannot be penetrated to run cables or other infrastructure needed for new programs. The building has a shortage of classroom, lab and office spaces for the needs of the students.

The WB is well suited for general academic classroom spaces and will be used to support other academic classroom and office space. Recent refurbishment of the HVAC systems have made it a building that can be serviceable for many more years.

Existing Space (square feet) Currently Occupied: 78,000 SF

Project Executive Summary:

Business programs are some of the fastest growing courses at Utah Valley University. To accommodate this growth and regional need for trained business professionals a new building is needed. The new Business Building at UVU will provide the spaces needed to train these future business leaders. The building will include the following specialty spaces: Money Management Resource Center where students will learn how to be wise stewards of their financial resources. Innovation Center, Smart Lab, Digital Buzz

Lab, Bloomberg Lab, Graduate Program Spaces. Space to learn Social Impacts, Sales, and Tax. Space for Corporate Training and Executive Education.

Classroom and office spaces will also be in the building.

This building will benefit the Students of the State of Utah and the citizens of Utah County by providing learning, teaching, and practice spaces for those learning business skills. Labs and teaching spaces to explain financial topics such as budgeting, taxation, investments, and saving will help students and citizens understand this sometimes complicated and important piece of a successful life. The skill shared and learned in these spaces will help individuals, families, and communities for decades.

Utah Valley University is a teaching institution which provides opportunity, promotes student success, and meets regional educational needs. UVU builds on a foundation of substantive scholarly and creative work to foster engaged learning. The university prepares professionally competent people of integrity who, as lifelong learners and leaders, serve as stewards of a globally interdependent community. The New Business Building will provide a venue where students will be prepared as competent people.

Growth and advancements in the teaching environment have created a space dilemma for the leaders of the business school. Space remodels and adjacent reassignments have not provided the amount of space needed to teach the growing population of business students. UVU students and faculty have been gaining national recognition from efforts in sales, entrepreneurship, and financial ability. The old building cannot provide the spaces needed for team work, tutoring, community mentoring, tax labs, and offices to provide the educational opportunities needed. Additions to the old building are not possible due to the seismic fragile nature of the existing building. A new building is needed to house the programs.

The building is urgently needed.

Feasibility/Planning:

- UVU's teaching mission is to provide regional based training to the students of our service area. Business training in all of its various specialties from International Business to Entrepreneurship is an important piece of the educational need voiced from our local business leaders. This building will provide venues for students to interact with each other and the public as they hone their skills in business and financial studies.
- UVU's mission is to provide training needed in our service area. Growth in the business school has driven the planning and need for this new building. Areas such as taxation, financial literacy and planning, accounting, entrepreneurship are all needed skills for our service area. The economic benefit of this building will be substantial. The skills learned and opportunities that are created by the graduates of our programs will be great.

Businesses created will provide employment. Citizens with better understanding of financial matters can make wise purchasing decisions that create better communities.

- The building will be located at the campus main UTA stop. Bus Rapid Transit will be located near the building, linking the building to the intermodal centers on the UTA system. A drop off for self-driving cars is also planned. Parking is located to the east of the building with easy walk-in from an upper level of the building.
- The building site has been on our master plan for many years. The public and Orem have no concerns with the location of this building.
 - The building will be sited to the south of the Woodbury Building. The land is now surface parking for visitors. The visitors will be directed to the Parking Garage for parking needs. UTA has their main campus stops along Campus Drive in the area of the new building. The proximity of the mass transit to the building may encourage more students and faculty to ride UTA. The site has been identified on the Master Plan for many years as the location for this new building.
 - We do not expect to find any unusual soil conditions at the site. The native soils are expected to provide the bearing capacity needed to hold the building in place.
 - Utilities to the building will be provided through general campus infrastructure. UVU operates an electric sub-station powered by Rocky Mountain Power. Distribution to the building will be from the sub-station, through the mid voltage system, landing at the new buildings main electrical room. Water is provided to the campus by Orem City. The new building will receive its water from a connection to the campus water loop. Heating and cooling will come from the campus hot and cold water supply system. Sewer is provide by Orem City through existing piping in the vicinity of the new structure. IT and phone will be connected through new fiber to the campus infrastructure.

State System of Higher Education, Additional Statutory Required Information:

As require in Title 63A-5-104 (2) (b)(iii) that an institution described in Section [53B-1-102](#) that submits a request for a capital development project address whether and how, as a result of the project, the institution will:

(A) offer courses or other resources that will help meet demand for jobs, training, and employment in the current market and the projected market for the next five years;

- Accounting, Business Management, Finance and Economics, Legal Studies, Marketing, Hospitality Management, Entrepreneurship, and MBA programs will provide the graduates that local businesses need to move their companies forward.

These business skills are always in demand. Sales programs, entrepreneurship programs, financial literacy and taxation provide jobs and opportunity for companies to grow and create new business that help propel the state and local economy. UVU has great relationships with local business leaders, as new skills are needed the business school will provide the needed courses to teach our students.

(B) respond to individual skilled and technical job demand over the next 3, 5, and 10 years;

- Nearly one-third of all Americans works in Marketing related job. Marketing, Public Relations and Sales force workers will always be needed to move industry forward. As the economy shifts and demands skills in these areas our faculty and Business School leaders will develop courses that provide the training wanted by employers and employees.

(C) respond to industry demands for trained workers;

- Our Business School leaders work with local business owners and leaders to stay in touch with employee forecasting and skill needs. We are able to respond to needs by adjusting course offerings and teaching.

(D) help meet commitments made by the Governor's Office of Economic Development, including relating to training and incentives;

- Our programs train the people that make the economic engine of Utah run. Entrepreneurship creates new business opportunities. Business Management provides the leaders for companies. As the State makes commitments we do our best to respond with the training needed to make these programs successful.

(E) respond to changing needs in the economy; and

- UVU responds well to changing needs in the economy. On-line, off-site, and hosted training is available. As the economy changes students come for retraining opportunities that we provide.

(F) based on demographics, respond to demands for on-line or in-class instruction;

- Many course offerings are available on-line for our students. In-class offerings are still the preferred method of receiving instruction at UVU.

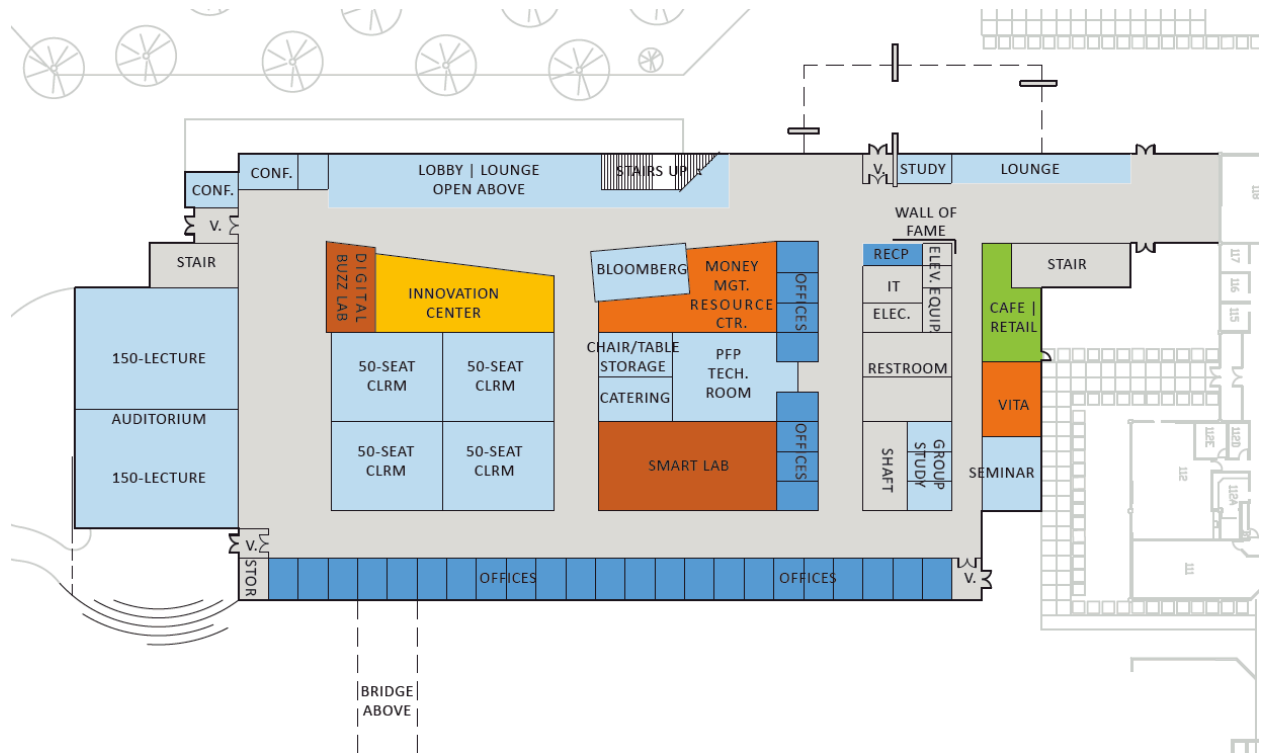
Photographs and Maps:



Rendering of Business building massing



Master Plan location of building (3)



Concept Floor plan of new building

Scoring Analysis for Building Board Request Evaluation Guide:

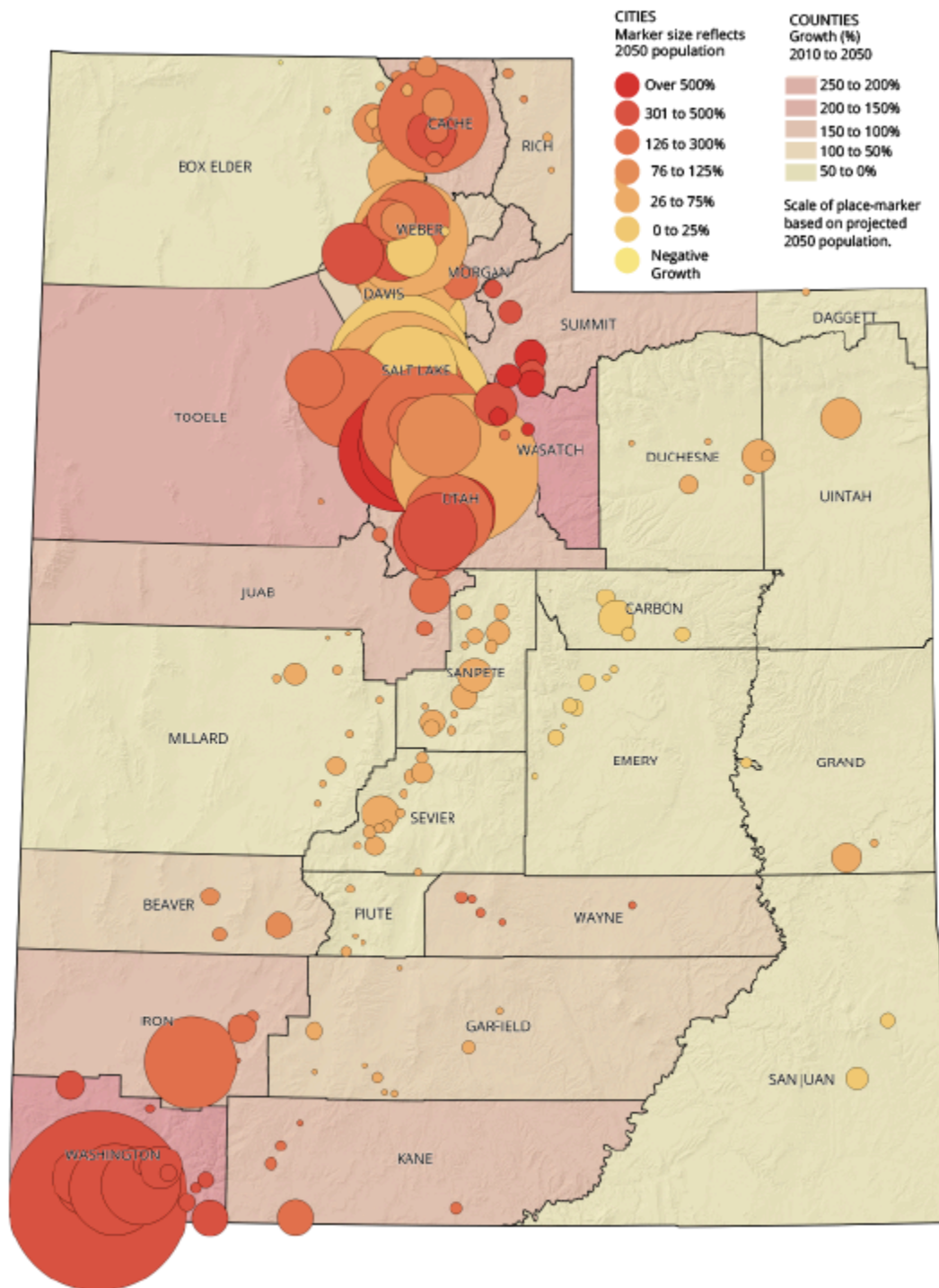
1. Existing Building Deficiencies and Life Safety Concerns

The existing Woodbury Building is too small for the growing programs of Business. The building has deficiencies and structural issues that prevent and limit the reuse of the building. The brick and post-tensioned slab of the building make it impossible to add stories. A new taller building is needed to house the programs of our business school.

2. Essential Program Growth

According to the Utah Foundation population in the state will grow by 1.5 million people by the year 2050. Utah county and the service area of UVU will be at the heart of much of this growth. The chart below show city growth rates. Utah County is difficult to see due to the large growth rates our cities.

Figure 5: Heat Map of Population Growth Through 2050



Source: Utah AGRC, GOMB, Utah Foundation analysis.

UVU predicts that our student population will reach 41,000 by the year 2020 (4 years from now).

3. Cost Effectiveness

We plan to use the standard approach for cost, we will work with the designers to make sure we are using cost effective measures in building systems.

4. Project Need: Improved Program Effectiveness and Support of Critical Programs/Initiatives

This new building will allow UVU to provide increased opportunities in business related fields to the growing number of students entering the University. New programs and opportunities for additional students to participate in demand programs that are capped by current space restrictions will allow us to send more prepared students to the job force with the training they need for creating and participating in well-paying careers.

5. Alternative Funding Sources

UVU has 2.4 million dollars in hand to participate in the cost of this building. Our goal is to raise a total of 30 million dollars toward the construction of the building. We look forward to announcing major donations through 2017-2018 as we achieve our campaign goals.

5-Year Plan

Project #1: New Business Building, Orem Campus

Project #2: STEM Building, Orem Campus

Project #3: Education Building, Orem Campus

Project #4: Health Professions Building 2/ Nursing, UVU West Campus

Project #5: Academic Building, Vineyard Campus

Issue:

Approve the following easements for the Palos Verdes apartment complex: water, sewer, storm drainage, and access easement. Also, BOT approves for the restrictive covenant and development agreement.

Background:

Palos Verdes Apartments has purchased the Palos Verdes neighborhood and is preparing to construct an apartment complex on the site. This property is contiguous to the University and requires the coordination and cooperation of the University with the site plan.

The University has been coordinating the following easements and agreements:

- Water Easement – Is an 8 inch water main which runs around the development. This water main will run along Campus Drive, 960 South, and M29 parking lot.
- Sewer – Connecting to the Performing Arts sewer line with an 84 gal per minute flow rate. The developer is paying for the costs to connect to the PAC sewer line.
- Storm Drainage Easement – the project will have a deep retention and percolating system on the 960 South and Campus Drive. This system will recharge the aquifer.
- Access Easement – two entrances on 960 South and one entrance through parking lot M29 and connecting to Wolverine Way.
- Restrictive Covenant – which creates a 11 foot buffer zone on Campus Drive and 960 South which allows a fire access.
- Development Agreement – which allows the construction of a pedestrian underpass on campus drive creating a pathway to parking lot M23, creates the framework and financing of a light at 960 South and 400 West, and extends the turn lane 122 feet to the west on 960 South.

Recommendation:

Approve the easements, restrictive covenant and development agreement for Palos Verde Apartments.

When Recorded, Return To:
Palos Verdes Drive, LLC
c/o Woodbury Corporation
2733 East Parleys Way, Suite 300
Salt Lake City, UT 84109

Space above for Recorder's Use Only

DEVELOPMENT AGREEMENT

This DEVELOPMENT AGREEMENT (this “**Agreement**”) is made as of the _____ day of _____ 2017, by and between PALOS VERDES DRIVE, LLC, a Utah limited liability company (“**Palos Verdes**”), and UTAH VALLEY UNIVERSITY, a body politic and corporate of the State of Utah (“**UVU**”), each individually, a “**Party**”, and collectively, the “**Parties**”.

RECITALS

A. UVU is the owner of that certain real property located in Orem, Utah, legally described in Exhibit “A” attached hereto (the “**UVU Property**”).

B. Palos Verdes is the owner of that certain real property located in Orem, Utah, legally described in Exhibit “B” attached hereto and incorporated herein (the “**Palos Verdes Property**”);

C. Palos Verdes is developing a student housing apartment complex on the Palos Verdes Property, which is proposed to contain multiple buildings and parking with a Phase I consisting of 3 buildings and additional buildings built in a Phase II (the “**Apartment Complex**”).

D. Included in the requirements for development and as consideration of proposed waterline, sewer, drainage, access easements and restrictive covenant granted by UVU to Palos Verdes, is the Palos Verdes construction of the following improvements on the UVU Property: pedestrian tunnel under Campus Drive as shown on Exhibit “C” attached hereto, and ramps and stairs on both sides of the tunnel; sidewalks and planters along Campus Drive; driveways and sidewalks for Access Point “A”, Access Point “B”, and Access Point “C” as shown on the Exhibit “C”; sidewalks on 960 South Street; the widening of 960 South Street between 400 W and Access Point “B”; replacement parking stalls which will be removed by drive lanes in the parking lot south of the Palos Verdes property due to construction of Access Point “C” as shown on the attached Exhibit “C” (collectively, the “**Improvements**”).

E. Palos Verdes and UVU also desire to establish in this Agreement which of the Improvement(s) will be maintained and repaired by which of the Parties.

TERMS AND CONDITIONS

NOW THEREFORE, in consideration of the mutual promises herein contained, and intending to be legally bound hereby, the parties hereto agree as follows:

1. Construction of Improvements. In accordance with Orem City standards, Palos Verdes shall be responsible to design and construct at its expense the Improvements (as defined in the Recitals), including, but not limited to, the following: construction, grading and paving of asphalt street; construction of curb, gutter and sidewalks; and installation of such fire hydrants, street lights and signage, if any, as may be required by Orem City ordinances. All costs, including administrative and staff costs, involved in designing and constructing the Improvements shall be paid in full by Palos Verdes.

2. Grant of the Construction Access Rights. UVU hereby grants to Palos Verdes, its agents, licensees, employees and permittees, temporary construction and access rights over, across, and under those certain portions of the UVU Property reasonably necessary for Palos Verdes to design and construct the Improvements in accordance with Section 1 of this Agreement.

3. Palos Verdes Maintenance of Improvements. Palos Verdes, or its successor, shall maintain and repair the following Improvements:

- a) sidewalks and other improvements on Campus Drive that are part of the Improvements constructed by Palos Verdes in accordance with Section 1 of this Agreement; and
- b) driveways and sidewalks that are constructed by Palos Verdes in the Access Point "A" and the Access Point "B" as shown on Exhibit "C".

4. UVU Maintenance of Improvements. UVU, or its successor, shall maintain and repair the following Improvements:

- a) pedestrian tunnel, ramps and stairs on both sides of tunnel as shown on Exhibit "C";
- b) sidewalks on 960 South Street; and
- c) the driveway on the UVU Property, adjacent to the south sides of the Palos Verdes Property, leading to the Access Point "C" as shown on the Exhibit "C".

5. Compliance with Laws. All improvements, installation and work to be constructed or performed by any Party pursuant to this Agreement, shall be constructed and/or performed in compliance with all applicable laws, ordinances, orders, rules, regulations, codes (including building and safety codes), permits, and requirements of any governmental entity. Each Party agrees to cooperate with the other Party's efforts to obtain any and all necessary or required municipal and/or governmental applications, submittals, approvals and permits associated with the Improvements.

6. No Encumbrance by Palos Verdes. Palos Verdes shall not create, place or permit to be created or placed, or through any act or failure to act, acquiesce in the placing of, or allow to remain, any mortgage, pledge, lien, security interest, encumbrance or charge on, or conditional sale or other title retention agreement, with respect to the Improvements.

7. No Joint Venture; Construction; No Third Party Rights; Survival. The provisions of this Agreement are not intended to create, nor shall they be in any way interpreted or construed to create, a joint venture, partnership or any similar relationship between or among the parties

8. Assignment. No party to this Agreement shall assign its rights or obligations hereunder without the prior written consent of the other Party. Subject to this restriction, however, the rights and obligations of the Parties under this Agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

9. Entire Agreement. This Agreement embodies the entire agreement and understanding among the parties relating to the subject matter hereof and supersedes all prior agreements and understandings related to such subject matter, and it is agreed that there are no terms, understandings, representations or warranties, express or implied, relating to such subject matter other than those set forth herein.

10. Captions. The descriptive headings of the sections of this Agreement are inserted for convenience only. They are not intended to and shall not be construed to limit, enlarge or affect the scope or intent of this Agreement or the meaning of any provision hereof.

11. Notices. All notices, consents, waivers, directions, requests or communications shall be in writing, signed by the party giving the same and shall be deemed properly given only if hand delivered or sent by reputable overnight courier, or by registered or certified U.S. mail, return receipt requested, postage prepaid, addressed as follows:

To UVU: UTAH VALLEY UNIVERSITY
800 West University Parkway
Orem, UT 84058
Attn: Vice President of Finance and Operations

To Palos Verdes: PALOS VERDES DRIVE, L.L.C.
c/o Woodbury Corporation
2733 East Parleys Way, Suite 300
Salt Lake City, UT 84109
Attn: Office of the General Counsel

With a copy to: PALOS VERDES DRIVE, L.L.C.
c/o Cameron Gunter
180 North University Avenue, Suite 200
Provo, UT 84601

Or to such other address as a party may from time to time designate in writing to the other party as provided above. Notices shall be deemed given upon receipt or refusal of delivery.

12. Time is of the Essence. Time is of the essence in all aspects of the performance of the obligations hereunder.

13. Incorporation of the Recitals. The Recitals to this Agreement are hereby incorporated and made a part of the agreement.

14. Waiver. No failure by any Party to insist on the strict performance of any obligation, covenant, agreement, term or condition of this Agreement, or to exercise any right or remedy available upon a breach of this Agreement, will constitute a waiver, and no breach will be waived, altered or modified, except by written instrument.

15. Governing Law. This Agreement and the rights and obligations of the parties hereto shall be governed by and construed and enforced in accordance with the laws of the State of Utah.

16. Attorneys' Fees. In the event of a breach by either party, the non-breaching party shall have all remedies available at law or in equity, including but not limited to, injunctive or other equitable relief. In any suit, action, or appeal therefrom to enforce or interpret this Agreement, the substantially prevailing Party shall be entitled to recover its costs incurred, therein, including reasonable attorney's fees and costs (and including reasonable attorney's fees and costs during any appeal or bankruptcy proceeding), but such fees and costs shall not exceed \$100,000.

17. Counterparts. This Agreement may be executed in multiple counterparts, each of which is an original and all of which together constitute one and the same document.

18. Conditions Precedent. Each Party's obligation to perform under this agreement is subject to execution of the Palos Verdes Drive Subdivision Plat by Orem City.

Orem City has the option to expand the District to include other adjoining land and to extend Improvements thereon.

(Signatures follow on the next page)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

UVU:

**UTAH VALLEY UNIVERSITY, a body politic
and corporation**

By: _____
Its: _____

Palos Verdes:

**PALOS VERDES DRIVE, LLC, a Utah limited
liability company**

By: WOODBURY CORPORATION, a Utah
corporation, Its Manager

By: _____
O Randall Woodbury, President

By: _____
_____, _____

By: _____
Cameron Gunter, Its Manager

ACKNOWLEDGEMENTS

STATE OF UTAH)
 : ss.

COUNTY OF _____)

On this _____ day of _____ 2017, personally appeared before me,
_____, the _____ of UTAH VALLEY
UNIVERSITY, a body politic and corporate, who duly acknowledged to me that he executed the
above document.

Notary Public

STATE OF UTAH)
 : ss.

COUNTY OF SALT LAKE)

On the _____ day of _____ 2017, before me personally appeared O.
RANDALL WOODBURY and _____, to me personally
known, who being by me duly sworn did say that they are the President and
_____ of WOODBURY CORPORATION, known to be the
Manager of PALOS VERDES DRIVE, LLC, a Utah limited liability company, the company that
executed the within instrument, known to me to be the persons who executed the within
instrument on behalf of said company therein named, and acknowledged to me that such
company executed the within instrument pursuant to its Operating Agreement.

Notary Public

STATE OF UTAH)
 : ss.

COUNTY OF SALT LAKE)

On the _____ day of _____ 2017, before me personally appeared
CAMERON GUNTER, to me personally known, who being by me duly sworn did say that he is
the Manager of PALOS VERDES DRIVE, LLC, a Utah limited liability company, the company
that executed the within instrument, known to me to be the persons who executed the within
instrument on behalf of said company therein named, and acknowledged to me that such
company executed the within instrument pursuant to its Operating Agreement.

Notary Public

Exhibit “A”

Legal Description of the UVU Property

Parcel is identified as Tax Parcel No. 18:030:0045, and located in Orem, Utah County, State of Utah.

Exhibit “B”

Legal Description of the Palos Verdes Property

All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, and 22, portions of the dedicated public roads, all within and of Plat “A”, PALOS VERDES ESTATES SUBDIVISION, Orem Utah, according to the official plat thereof on file and recorded November 30, 1977 as Entry No 40485 as Map Filing No. 1930 in the Office of the Utah County Recorder, State of Utah;

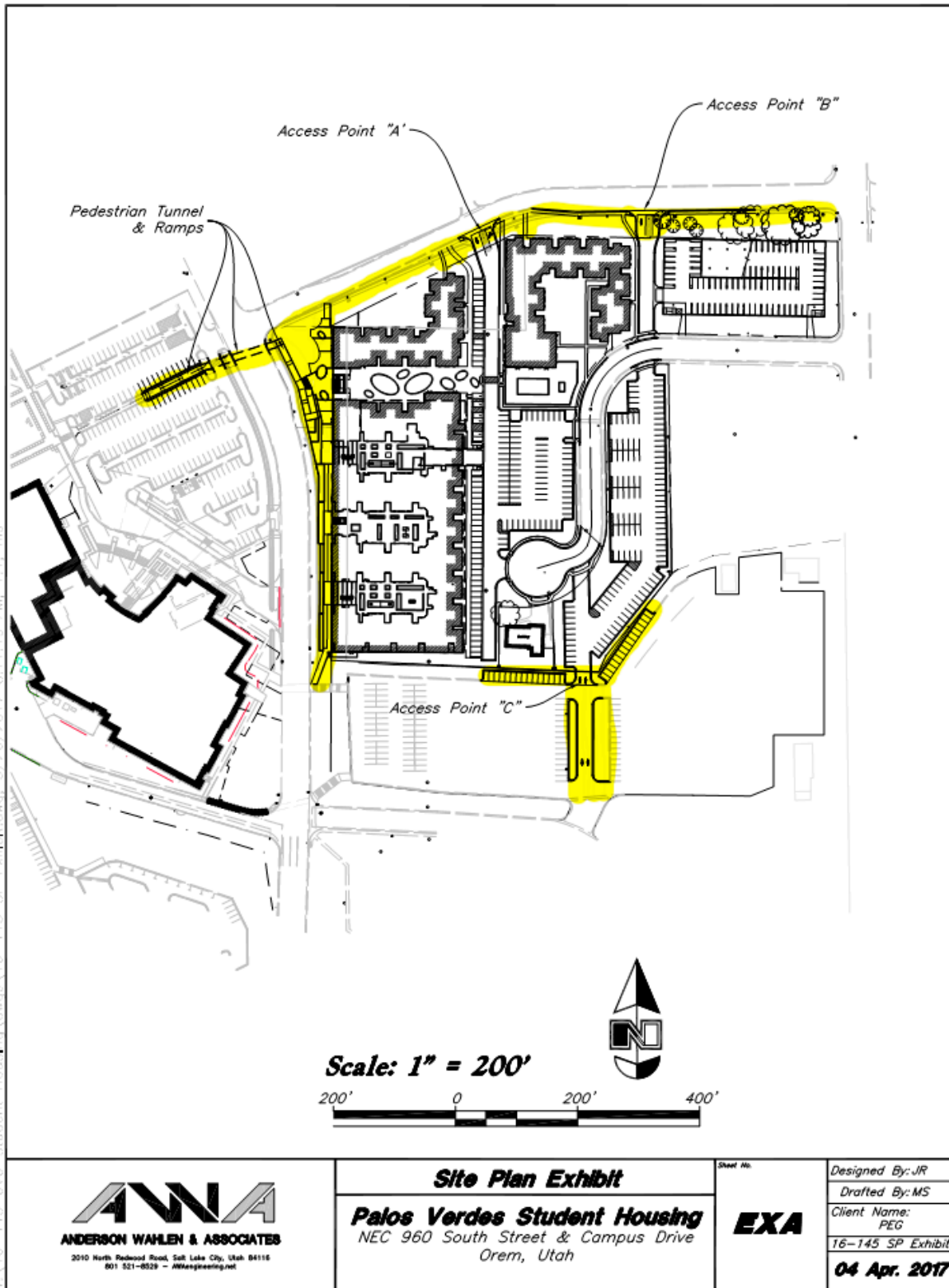
and

Certain adjacent strips of land to the North (gap area) and the West (Part of Tax Parcel No. 18:030:0045) and other portions adjacent to the North in Tax Parcel No.’s 18:030:0045, 18:031:0129 and 18:031:0130;

and

Lot 1, Plat “C”, PALOS VERDES ESTATES SUBDIVISION, Orem Utah, according to the official plat thereof on file and recorded November 5, 1993 as Entry No. 79559 as Map Filing No. 5250 in the Office of the Utah County Recorder, State of Utah. (For informational purposes: said Parcel is identified as Tax Parcel No. 49:214:0001 and the address of 442 West 1000 South, Orem, UT 84058)

Exhibit "C"



When Recorded, Return To:
Palos Verdes Drive, LLC
c/o Woodbury Corporation
2733 East Parleys Way, Suite 300
Salt Lake City, UT 84109

Space above for Recorder's Use Only

WATERLINE UTILITY EASEMENT

This WATERLINE UTILITY EASEMENT (this “**Agreement**”) is made this ____ day of _____ 2017 (the “**Effective Date**”), by and between UTAH VALLEY UNIVERSITY, a body politic and corporate of the State of Utah (“**UVU**”), and PALOS VERDES DRIVE, LLC, a Utah limited liability company (“**Palos Verdes**”). Together, UVU and Palos Verdes may be referred to herein as “**Parties**”, and separately as “**Party**”.

RECITALS

WHEREAS, UVU is the owner of that certain real property located in Orem, Utah, legally described in **Exhibit “A”** attached hereto and incorporated herein (the “**UVU Property**”);

WHEREAS, Palos Verdes is the owner of that certain real property located in Orem, Utah, legally described in **Exhibit “B”** attached hereto and incorporated herein (the “**Palos Verdes Property**”);

WHEREAS, Palos Verdes intends to construct multi-family housing on the Palos Verdes Property; and

WHEREAS, subject to the provisions contained herein, UVU desires to grant unto Palos Verdes, and Palos Verdes desires to accept, an easement to construct a waterline on or under the UVU property, [and to connect such waterline to the already existing waterline on or under the UVU Property]?????.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Grant of Easement. ~~Together with and subject to any and all easement, rights-of-way and restrictions appearing of record or enforceable in law or equity,~~ UVU hereby grants to Palos Verdes, its agents, licensees, employees and permittees, for the benefit of the Palos Verdes Property, a ~~temporary~~ **perpetual**, non-exclusive easement over, across, and under those certain portions of the UVU Property legally described in **Exhibit “C”** attached hereto and depicted on **Exhibit “D”** attached hereto (the “**Easement Area**”) for the purpose of constructing and installing a waterline utility to serve the Palos Verdes Property (the “**Waterline Utility**”), ~~and connecting such Waterline Utility to the already existing waterline utility within the UVU Property~~ **???**, together with a

reasonable right of ingress and egress over the UVU Property to the Easement Area to perform the aforementioned **construction and installation**. ~~(collectively, the “Easement”).~~ Upon completion of the Waterline Utility construction, Palos Verdes ~~shall intend to~~ dedicate the Waterline Utility to the City of Orem, and UVU shall in good faith cooperate with Palos Verdes and the City to dedicate such utilities to the City, including, but not limited to, granting the City of Orem a **waterline public utility** easement for the purpose of operating, maintaining, repairing, and replacing the Waterline Utility. **Once the waterline utility is dedicated to the City of Orem, the grant of this easement to Palos Verdes shall terminate.**

2. **Restoration and Non-exclusive Use.** The easement acquired herein does not convey any right except as stated herein, nor does it prevent UVU from the use of the real property within the Easement Area so long as such use does not interfere with the purposes for which the easement is being acquired. This easement does not convey the right to use the easement in a manner that would deny any right UVU may possess of reasonable access to property outside of the easement.. Palos Verdes shall restore, at its own cost, the UVU Property damaged by the construction of the Waterline Utility to a better or substantially similar condition existing prior to such construction.

3. **Consideration [To be discussed]**

4. **Miscellaneous.**

(a) **Incorporation of the Recitals.** The Recitals are by this reference incorporated into and deemed a part of this Agreement.

(b) **Notices.** Any notice or demand required by or pursuant to this Agreement shall be in writing and personally delivered, or mailed by First Class U.S. Mail (postage pre-paid), to the appropriate party’s address (below), or to such other address as a party shall have last designated by notice, in writing, to the other party, as provided herein.

To UVU: UTAH VALLEY UNIVERSITY.
800 West University Parkway
Orem, UT 84058
Attn: Vice President of Finance and Operations

To Palos Verdes: PALOS VERDES DRIVE, L.L.C.
c/o Woodbury Corporation
2733 East Parleys Way, Suite 300
Salt Lake City, UT 84109
Attn: Office of the General Counsel

With a copy to: PALOS VERDES DRIVE, L.L.C.
c/o Cameron Gunter
180 North University Avenue, Suite 200
Provo, UT 84601

~~(c) **Indemnity.** Each Party shall indemnify, defend and hold the other Party, its successors, assigns, and agents harmless from any and all claims, liability, losses, costs, charges, or expenses which may be incurred as a result of any act or omission of the~~

~~indemnifying party relating to the rights and obligations under this Agreement unless caused by the indemnified party's willful misconduct or gross negligence. If any action, claim or demand is made against the indemnified party for any act or omission of the indemnifying party, the indemnifying party agrees to assume the expense and shall pay all costs, charges, attorney fees, settlements, judgment or other expenses incurred by or obtained against the indemnified party.~~

(d) No Waiver; Severability. The failure of any party to insist upon strict performance of any of the terms, covenants, conditions or easements contained herein shall not be deemed a waiver of any rights or remedies that such party may have, and shall not be deemed a waiver of any subsequent breach or default in any of the terms, covenants, conditions or easements contained herein. Invalidation of any one of the covenants or restrictions set forth in this Agreement by judgment or court order shall in no way affect all other provisions, which shall remain in full force and effect.

(e) Authority. Each party hereto represents and warrants that it has the right, power, legal capacity, authority, and means to enter into and perform this Agreement, that the undersigned signatory has been duly authorized to execute and deliver this Agreement, and that, to the best of each party's knowledge, the same will not contravene or result in the violation of any agreement, law, rule, or regulation to which any such party may be subject.

(f) Entire Easement. This Agreement contains the entire agreement of the Parties with respect to the subject matter hereof and shall not be amended, except by written agreement signed by both Parties, or their successors or assigns. This Agreement supersedes all prior oral and written agreements or understandings of the parties with respect to the subject matter hereof.

(g) Easement Construction. Both Parties to this Agreement have been represented by legal counsel, or have had the opportunity to consult legal counsel, in the course of negotiating and preparing this Agreement. Accordingly, in all cases, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against either party, regardless of which party caused its preparation.

(h) Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the violating provision shall be excised or stricken, and all remaining provisions shall remain valid, binding, and enforceable.

~~(i) Waiver of Jury Trial. Each Party irrevocably waives any and all rights it may have to demand that any action, proceeding or counterclaim arising out of or in any way related to this easement or the relationships of the parties hereto be tried by jury. This waiver extends to any and all rights to demand a trial by jury arising under common law or any applicable statute, law, rule or regulation. Further, each party hereto acknowledges that it is knowingly and voluntarily waiving its right to demand trial by jury.~~

(j) Remedies; Attorney's Fees. In the event of a breach by either party, the non-breaching party shall have all remedies available at law or in equity, including but not limited to, injunctive or other equitable relief. ~~In any suit, action, or appeal therefrom to enforce or interpret this Agreement, the prevailing Party shall be entitled to recover its costs incurred,~~

~~therein, including reasonable attorney's fees and costs (and including reasonable attorney's fees and costs during any appeal or bankruptcy proceeding).~~

(k) No Joint Venture; Construction; No Third Party Rights; Survival. The provisions of this Agreement are not intended to create, nor shall they be in any way interpreted or construed to create, a joint venture, partnership or any similar relationship between or among the parties. Except as expressly set forth herein, this Agreement does not otherwise create any rights in any third party. ~~The indemnifications and other provisions of this Agreement, which by their nature are intended to survive the termination of this Agreement, shall survive the termination of the Agreement.~~

(l) Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute but one and the same agreement. Delivery of an executed counterpart of a signature page to this Agreement via electronic transmission shall be as effective as delivery of an original signed copy.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed the day and year first above written.

UVU:

UTAH VALLEY UNIVERSITY, a body politic and corporation

By: _____
Its: _____

Palos Verdes:

PALOS VERDES DRIVE, LLC, a Utah limited liability company

By: WOODBURY CORPORATION, a Utah corporation, Its Manager

By: _____
O Randall Woodbury, President

By: _____
_____, _____

By: _____
Cameron Gunter, Its Manager

ACKNOWLEDGEMENTS

STATE OF UTAH)
 : ss.
COUNTY OF _____)

On this _____ day of _____ 2017, personally appeared before me,
_____, the _____ of Utah Valley University, a
body politic and corporate, who duly acknowledged to me that he executed the above document.

Notary Public

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the _____ day of _____ 2017, before me personally
appeared O. RANDALL WOODBURY and _____, to me personally
known, who being by me duly sworn did say that they are the President and
_____ of WOODBURY CORPORATION, known to be the Manager of
PALOS VERDES DRIVE, LLC, a Utah limited liability company, the company that executed the within
instrument, known to me to be the persons who executed the within instrument on behalf of said
company therein named, and acknowledged to me that such company executed the within
instrument pursuant to its Operating Agreement.

Notary Public

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the _____ day of _____ 2017, before me personally
appeared CAMERON GUNTER, to me personally known, who being by me duly sworn did say that he
is the Manager of PALOS VERDES DRIVE, LLC, a Utah limited liability company, the company that
executed the within instrument, known to me to be the persons who executed the within
instrument on behalf of said company therein named, and acknowledged to me that such company
executed the within instrument pursuant to its Operating Agreement.

Notary Public

Exhibit “A”

Legal Description of the UVU Property

Parcel is identified as Tax Parcel No. 18:030:0045, and located in Orem, Utah County, State of Utah.

Exhibit “B”

Legal Description of the Palos Verdes Property

All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, and 22, portions of the dedicated public roads, all within and of Plat “A”, PALOS VERDES ESTATES SUBDIVISION, Orem Utah, according to the official plat thereof on file and recorded November 30, 1977 as Entry No 40485 as Map Filing No. 1930 in the Office of the Utah County Recorder, State of Utah;

and

Certain adjacent strips of land to the North (gap area) and the West (Part of Tax Parcel No. 18:030:0045) and other portions adjacent to the North in Tax Parcel No.’s 18:030:0045, 18:031:0129 and 18:031:0130;

and

Lot 1, Plat “C”, PALOS VERDES ESTATES SUBDIVISION, Orem Utah, according to the official plat thereof on file and recorded November 5, 1993 as Entry No. 79559 as Map Filing No. 5250 in the Office of the Utah County Recorder, State of Utah. (For informational purposes: said Parcel is identified as Tax Parcel No. 49:214:0001 and the address of 442 West 1000 South, Orem, UT 84058)

Exhibit "C"

Legal Description of the Easement Area

A 10.0 foot wide easement for waterline facilities being 5.0 feet each side of the following described Centerlines:

A part of the Southwest Quarter of Section 22, Township 6 South, Range 2 East, Salt Lake Base and Meridian, U.S. Survey in Utah County, Utah:

Beginning at a point on Grantor's Property Line located 763.82 feet North $0^{\circ}46'44''$ West along the Quarter Section Line, and 451.49 feet North $87^{\circ}30'08''$ West from the South Quarter Corner of said Section 22; and running thence South $38^{\circ}52'43''$ West 6.21 feet; thence North $87^{\circ}30'08''$ West 426.39 feet; thence North $0^{\circ}20'26''$ West 4.10 feet to a point hereafter referenced as Point 'A'; thence continuing North $0^{\circ}20'26''$ West 352.16 feet to a point hereafter referenced as Point 'B'; thence continuing North $0^{\circ}20'26''$ West 211.64 feet; thence North $64^{\circ}14'56''$ East 123.53 feet to a point hereafter referenced as Point 'C'; thence continuing North $64^{\circ}14'56''$ East 179.19 feet to a point hereafter referenced as Point 'D'; thence continuing North $64^{\circ}14'56''$ East 77.62 feet; thence North $89^{\circ}10'40''$ East 128.36 feet to a point hereafter referenced as Point 'E'; thence continuing North $89^{\circ}10'40''$ East 61.39 feet; thence South $0^{\circ}11'28''$ West 39.72 feet to Grantor's Property Line and the endpoint of this Easement Centerline.

ALSO:

Beginning at previously described reference Point 'A'; and running thence South $89^{\circ}41'51''$ West 19.5 feet to the endpoint of this Easement Centerline.

ALSO:

Beginning at previously described reference Point 'B'; and running thence North $89^{\circ}56'39''$ West 30.0 feet to the endpoint of this Easement Centerline.

ALSO:

Beginning at previously described reference Point 'C'; and running thence North $25^{\circ}45'45''$ West 13.0 feet to the endpoint of this Easement Centerline.

ALSO:

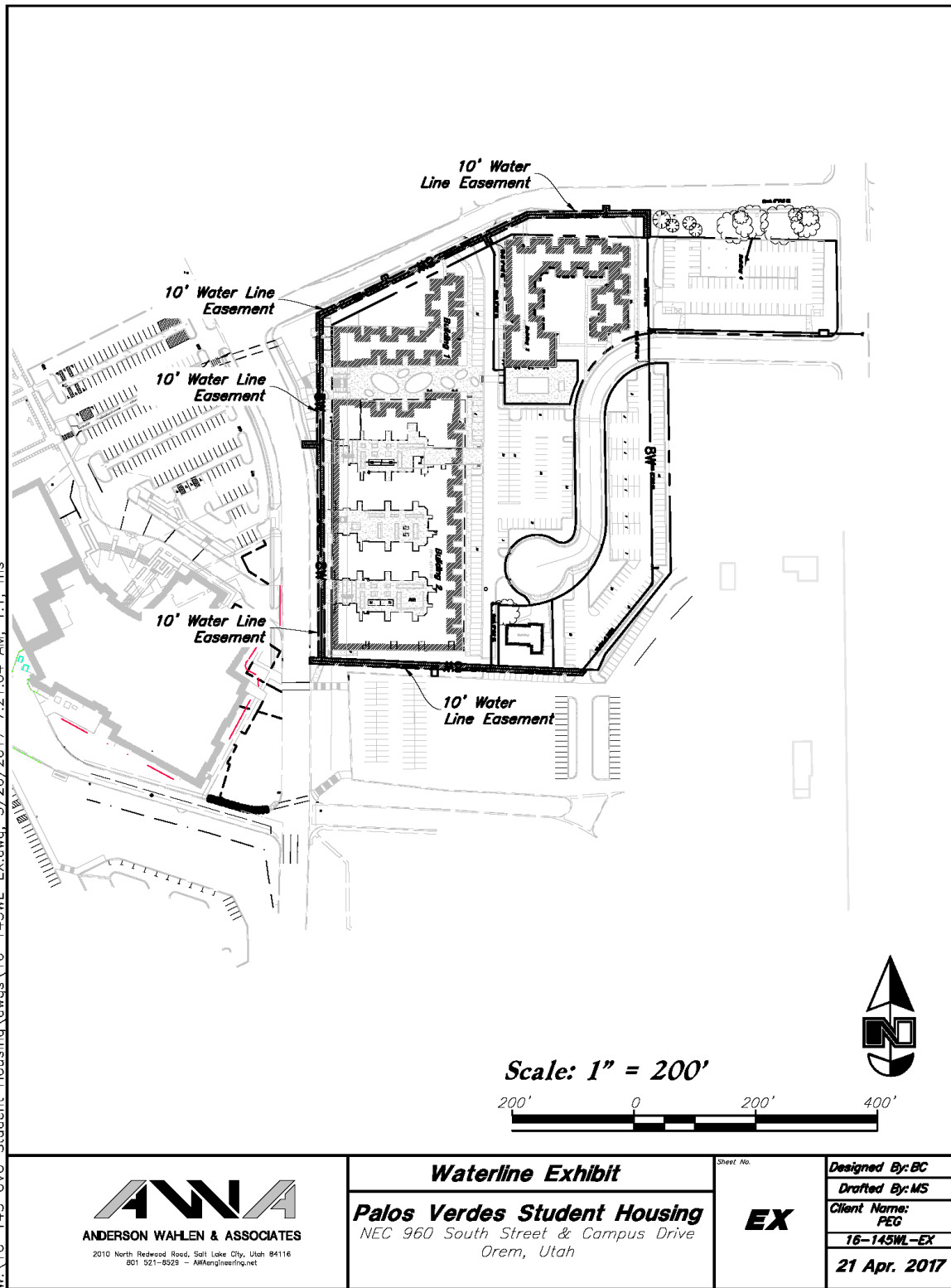
Beginning at previously described reference Point 'D'; and running thence South $25^{\circ}51'24''$ East 18.01 feet to Grantor's Property Line and to the endpoint of this Easement Centerline.

ALSO:

Beginning at previously described reference Point 'E'; and running thence North $0^{\circ}51'27''$ West 13.5 feet to the endpoint of this Easement Centerline.

Exhibit "D"

Depiction of the Easement Area



When Recorded, Return To:
Palos Verdes Drive, LLC
c/o Woodbury Corporation
2733 East Parleys Way, Suite 300
Salt Lake City, UT 84109

Space above for Recorder's Use Only

SANITARY SEWER AGREEMENT

This SANITARY SEWER AGREEMENT (this "**Agreement**") is made this ____ day of _____ 2017 (the "**Effective Date**"), by and between UTAH VALLEY UNIVERSITY, a body politic and corporate of the State of Utah ("**UVU**"), and PALOS VERDES DRIVE, LLC, a Utah limited liability company ("**Palos Verdes**"). Together, UVU and Palos Verdes may be referred to herein as "**Parties**", and separately as "**Party**".

RECITALS

WHEREAS, UVU is the owner of that certain real property located in Orem, Utah, legally described in **Exhibit "A"** attached hereto and incorporated herein (the "**UVU Property**");

WHEREAS, Palos Verdes is the owner of that certain real property located in Orem, Utah, legally described in **Exhibit "B"** attached hereto and incorporated herein (the "**Palos Verdes Property**");

WHEREAS, Palos Verdes intends to construct multi-family housing on the Palos Verdes Property;

[?????WHEREAS, subject to a separate **Development Temporary Construction Agreement** between the Parties, **UVU Palos Verdes** intends to construct a sanitary sewer ~~on or under the UVU Property~~ to serve the Palos Verdes Property, and to connect such **which** sanitary sewer **is intended to be connected** to an existing sanitary sewer on the UVU Property;????? **Is this now correct?**] and

WHEREAS, subject to the provisions contained herein, UVU desires to grant unto Palos Verdes, and Palos Verdes desires to accept, an easement to discharge sewage from Palos Verdes property into and through the sewer utility newly built and existing on the UVU Property.

NOTE: These last two "whereas" clauses need to be confirmed by the parties. The construction of a sanitary sewer line should be addressed in the envisioned Development Agreement. The discharge of sewage into the UVU sewer line instead of the City sewer line needs to be confirmed.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Grant of Easement. Together with and subject to any and all easement, rights-of-way and restrictions appearing of record or enforceable in law or equity, UVU hereby grants to Palos Verdes, its agents, licensees, employees and permittees, for the benefit of the Palos Verdes Property, a perpetual, non-exclusive easement [to be further discussed – See comments _____] to discharge sewage into and through the sanitary sewage system constructed on or under the UVU Property, and UVU shall ensure that a sanitary sewer system shall remain in place on the UVU Property for the benefit of the forgoing grant. The easement acquired herein does not convey any right except as stated herein, nor does it prevent UVU from the use of its own sewer lines or from the use of its own real property. This easement does not convey the right to use the easement in a manner that would deny any right UVU may possess of reasonable access to property outside of the easement. Palos Verdes shall restore, at its own costs, the UVU Property damaged by the construction of the sanitary sewer line to a better or substantially similar condition existing prior to such construction.

2. Consideration (To be added)

3. Miscellaneous.

(a) Incorporation of the Recitals. The Recitals are by this reference incorporated into and deemed a part of this Agreement.

(b) Notices. Any notice or demand required by or pursuant to this Agreement shall be in writing and personally delivered, or mailed by First Class U.S. Mail (postage pre-paid), to the appropriate party's address (below), or to such other address as a party shall have last designated by notice, in writing, to the other party, as provided herein.

To UVU: UTAH VALLEY UNIVERSITY.
800 West University Parkway
Orem, UT 84058
Attn: Vice President of Finance and Administration

To Palos Verdes: PALOS VERDES DRIVE, L.L.C.
c/o Woodbury Corporation
2733 East Parleys Way, Suite 300
Salt Lake City, UT 84109
Attn: Office of the General Counsel

With a copy to: PALOS VERDES DRIVE, L.L.C.
c/o Cameron Gunter
180 North University Avenue, Suite 200
Provo, UT 84601

(c) Indemnity. Each Party shall indemnify, defend and hold the other Party, its successors, assigns, and agents harmless from any and all claims, liability, losses, costs, charges, or expenses which may be incurred as a result of any act or omission of the indemnifying party relating to the rights and obligations under this Agreement unless caused by the indemnified party's willful misconduct or gross negligence. If any action, claim or

~~demand is made against the indemnified party for any act or omission of the indemnifying party, the indemnifying party agrees to assume the expense and shall pay all costs, charges, attorney fees, settlements, judgment or other expenses incurred by or obtained against the indemnified party.~~

(d) No Waiver; Severability. The failure of any party to insist upon strict performance of any of the terms, covenants, conditions or easements contained herein shall not be deemed a waiver of any rights or remedies that such party may have, and shall not be deemed a waiver of any subsequent breach or default in any of the terms, covenants, conditions or easements contained herein. Invalidation of any one of the covenants or restrictions set forth in this Agreement by judgment or court order shall in no way affect all other provisions, which shall remain in full force and effect.

(e) Authority. Each party hereto represents and warrants that it has the right, power, legal capacity, authority, and means to enter into and perform this Agreement, that the undersigned signatory has been duly authorized to execute and deliver this Agreement, and that, to the best of each party's knowledge, the same will not contravene or result in the violation of any agreement, law, rule, or regulation to which any such party may be subject.

(f) Entire Easement. This Agreement contains the entire agreement of the Parties with respect to the subject matter hereof and shall not be amended, except by written agreement signed by both Parties, or their successors or assigns. This Agreement supersedes all prior oral and written agreements or understandings of the parties with respect to the subject matter hereof.

(g) Easement Construction. Both Parties to this Agreement have been represented by legal counsel, or have had the opportunity to consult legal counsel, in the course of negotiating and preparing this Agreement. Accordingly, in all cases, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against either party, regardless of which party caused its preparation.

(h) Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the violating provision shall be excised or stricken, and all remaining provisions shall remain valid, binding, and enforceable.

~~(i) Waiver of Jury Trial. Each Party irrevocably waives any and all rights it may have to demand that any action, proceeding or counterclaim arising out of or in any way related to this easement or the relationships of the parties hereto be tried by jury. This waiver extends to any and all rights to demand a trial by jury arising under common law or any applicable statute, law, rule or regulation. Further, each party hereto acknowledges that it is knowingly and voluntarily waiving its right to demand trial by jury.~~

~~(j) Remedies; Attorney's Fees. In the event of a breach by either party, the non-breaching party shall have all remedies available at law or in equity, including but not limited to, injunctive or other equitable relief. In any suit, action, or appeal therefrom to enforce or interpret this Agreement, the prevailing Party shall be entitled to recover its costs incurred, therein, including reasonable attorney's fees and costs (and including reasonable attorney's fees and costs during any appeal or bankruptcy proceeding).~~

(k) No Joint Venture; Construction; No Third Party Rights; Survival. The provisions of this Agreement are not intended to create, nor shall they be in any way interpreted or construed to create, a joint venture, partnership or any similar relationship between or among the parties. ~~Except as expressly set forth herein, this Agreement does not otherwise create any rights in any third party. The indemnifications and other provisions of this Agreement, which by their nature are intended to survive the termination of this Agreement, shall survive the termination of the Agreement.~~

(l) Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute but one and the same agreement. Delivery of an executed counterpart of a signature page to this Agreement via electronic transmission shall be as effective as delivery of an original signed copy.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed the day and year first above written.

UVU:

UTAH VALLEY UNIVERSITY, a body politic and corporation

By: _____
Its: _____

Palos Verdes:

PALOS VERDES DRIVE, LLC, a Utah limited liability company

By: WOODBURY CORPORATION, a Utah corporation, Its Manager

By: _____
O Randall Woodbury, President

By: _____
_____, _____

By: _____
Cameron Gunter, Its Manager

ACKNOWLEDGEMENTS

STATE OF UTAH)
 : ss.
COUNTY OF _____)

On this _____ day of _____ 2017, personally appeared before me,
_____, the _____ of Utah Valley University, a
body politic and corporate, who duly acknowledged to me that he executed the above document.

Notary Public

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the _____ day of _____ 2017, before me personally
appeared O. RANDALL WOODBURY and _____, to me personally
known, who being by me duly sworn did say that they are the President and
_____ of WOODBURY CORPORATION, known to be the Manager of
PALOS VERDES DRIVE, LLC, a Utah limited liability company, the company that executed the within
instrument, known to me to be the persons who executed the within instrument on behalf of said
company therein named, and acknowledged to me that such company executed the within
instrument pursuant to its Operating Agreement.

Notary Public

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the _____ day of _____ 2017, before me personally
appeared CAMERON GUNTER, to me personally known, who being by me duly sworn did say that he
is the Manager of PALOS VERDES DRIVE, LLC, a Utah limited liability company, the company that
executed the within instrument, known to me to be the persons who executed the within
instrument on behalf of said company therein named, and acknowledged to me that such company
executed the within instrument pursuant to its Operating Agreement.

Notary Public

Exhibit “A”

Legal Description of the UVU Property

Parcel is identified as Tax Parcel No. 18:030:0045, and located in Orem, Utah County, State of Utah.

Exhibit “B”

Legal Description of the Palos Verdes Property

All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, and 22, portions of the dedicated public roads, all within and of Plat “A”, PALOS VERDES ESTATES SUBDIVISION, Orem Utah, according to the official plat thereof on file and recorded November 30, 1977 as Entry No 40485 as Map Filing No. 1930 in the Office of the Utah County Recorder, State of Utah;

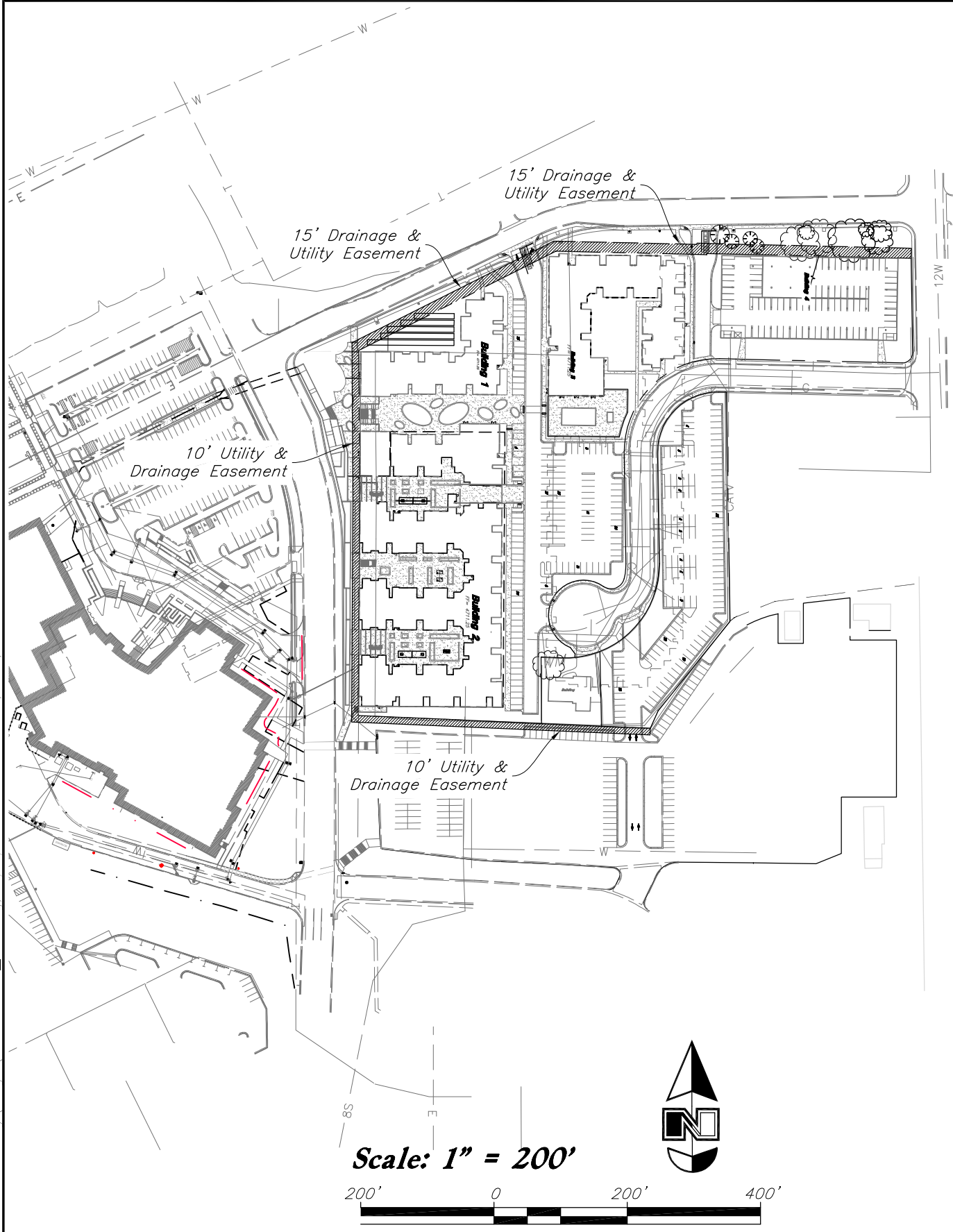
and

Certain adjacent strips of land to the North (gap area) and the West (Part of Tax Parcel No. 18:030:0045) and other portions adjacent to the North in Tax Parcel No.’s 18:030:0045, 18:031:0129 and 18:031:0130;

and

Lot 1, Plat “C”, PALOS VERDES ESTATES SUBDIVISION, Orem Utah, according to the official plat thereof on file and recorded November 5, 1993 as Entry No. 79559 as Map Filing No. 5250 in the Office of the Utah County Recorder, State of Utah. (For informational purposes: said Parcel is identified as Tax Parcel No. 49:214:0001 and the address of 442 West 1000 South, Orem, UT 84058)

W:\16-145 UVU Student Housing\dwgs\16-145DR_EX.dwg, 6/2/2017 9:43:24 AM, 1:1, ms



AWA
ANDERSON WAHLEN & ASSOCIATES
2010 North Redwood Road, Salt Lake City, Utah 84116
801 521-8529 - AWAengineering.net

Drainage & Utility Exhibit

Palos Verdes Student Housing
NEC 960 South Street & Campus Drive
Orem, Utah

EX	Sheet No.
	<i>Designed By: BC</i>
	<i>Drafted By: MS</i>
	<i>Client Name:</i> PEG
	<i>16-145DR_EX</i>
21 Apr. 2017	

Scale 1" = 30'



General Utility Notes

1. All sewer facilities shall be constructed per Palos Verdes Sewer Outfall specifications.
2. Verify depth and location of all existing utilities prior to constructing any new utility lines. Notify Civil Engineer of any discrepancies or conflicts prior to any construction being made.
3. Contractor shall install a 12" concrete collar around all manholes located within the asphalt.
4. Contractor shall install trenching per the Performing Arts geotechnical report recommendations.
5. Contractor shall repair and/or replace of surface improvements to their original conditions.

Utility Piping Materials

All piping materials shall be per local agency standards or the specifications below of a minimum. All utility piping shall be installed per manufacturer's recommendations. Refer to project specifications for more detailed information regarding materials, installation, etc.

Sanitary Sewer Lines

1. All sewer piping to be Polyvinyl Chloride (PVC) sewer pipe, ASTM D3034, Type PSR, SDR 35.

Caution

Sewer design elevations are based upon design's design plans for the Performing Arts building. Contractor is to verify elevations to ensure they don't conflict with final design of the project.

CAUTION:

The locations and/or elevations of existing utilities are shown on these plans are based on records of the various utility companies and, where possible, measurements taken in the field. The information is not to be relied on as being exact or complete.



ANDERSON WHITTEN & ASSOCIATES
2010 North Redwood Road, Salt Lake City, Utah 84116
801.521.5529 - awhittens.com

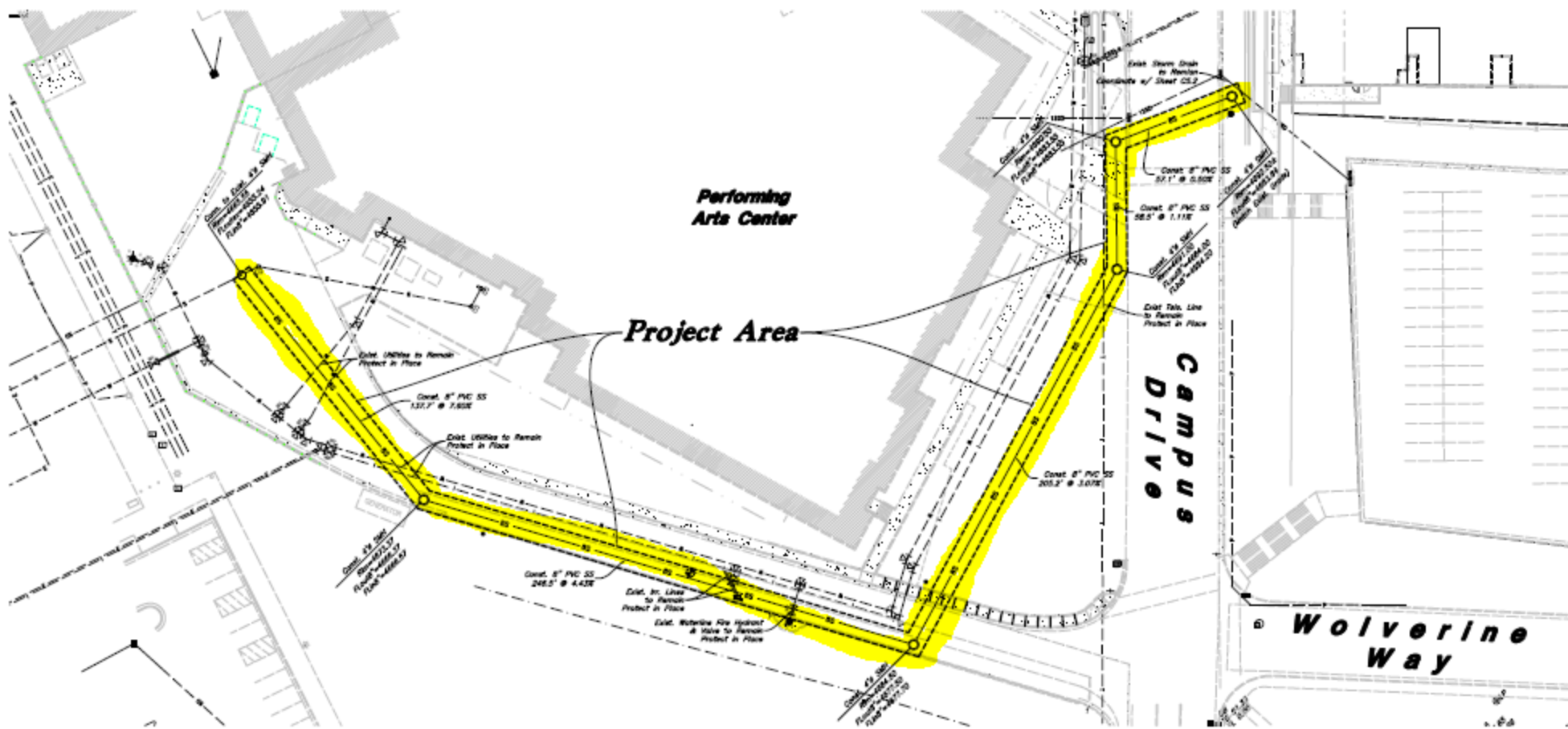
Palos Verdes Student Housing
NEC 960 South Street & Campus Drive
Orem, Utah



12 May 2017

SHEET NO.

C3.1





UVU BOARD OF TRUSTEES Agenda Item Coversheet

DATE:	June 15, 2017
TITLE:	Budgets
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Linda Makin, Vice President, Planning, Budget and Human Resources
SUBJECT:	2017-18 Budgets
BACKGROUND:	<p>In accordance with Board of Regents' policies, the Board of Trustees annually reviews and approves UVU's Institutional Discretionary, Auxiliary Services, and Institutional Residences operating budgets. Historically, UVU's Board has also approved the appropriated operating budget and other significant non-appropriated program budgets.</p> <p>Over the past several months, the Board has been involved in the budget process through review of legislative process and UVU's planning efforts and through Board action including approval of tuition rates, approval of general student fee rates, and approval of 2017-18 compensation plan. The expenditure budgets implement the resource allocations determined through legislative intent, the tuition and general student fee increase process, and UVU's Planning, Budget & Assessment process as presented in President Holland's campus-wide forum on April 19, 2017.</p>
ALTERNATIVES:	<ul style="list-style-type: none">• Approve as presented, "I move to approve, as presented, the 2017-18 Education & General Appropriated Revenue & Expenditure budget, the 2017-18 Educational Disadvantaged Appropriated Revenue & Expenditure budget, the 2017-18 Institutional Discretionary Revenue and Expenditure budget, the 2017-18 Auxiliary Services Revenue and Expenditures budget, and the 2017-18 Institutional Residence budget."

	<ul style="list-style-type: none"> • Amend and approve, “I move to approve, as amended the 2017-18 Education & General Appropriated Revenue & Expenditure budget, the 2017-18 Educational Disadvantaged Appropriated Revenue & Expenditure budget, the 2017-18 Institutional Discretionary Revenue and Expenditure budget, the 2017-18 Auxiliary Services Revenue and Expenditures budget, and the 2017-18 Institutional Residence budget.” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	These budget approvals implement previous Board actions impacting revenue and expenditures
EXHIBITS:	<ul style="list-style-type: none"> a. Utah Valley University 2017-18 Operating Budget (includes Education & General, Educational Disadvantaged, Institutional Discretionary, and Auxiliary Services) b. 2017-18 Institutional Residence budget



Utah Valley University

2017-18 Operating Budget

**Prepared for Board of Trustees
June 22, 2017**

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Utah Valley University Budget Staff

Linda Makin

Vice President for Planning, Budget, and Human Resources

Ellen Sweat

Director of Budgets

Susan Palmer

Budget Analyst

Amber Reid

Budget Technician

Introduction

In accordance with Utah State Board of Regents' policies, the Board of Trustees (Board) annually reviews and approves Utah Valley University's Institutional Discretionary and Auxiliary Services operating budgets. Historically, UVU's Board has also approved the appropriated operating budget.

Presented for review and approval at the June 22, 2017, board meeting are UVU's 2017-18 appropriated operating revenue and expenditure budget, Institutional Discretionary revenue and expenditure budget, Auxiliary Services operating revenue and expenditure budget, and other key program/services budgets.

Original Budget Summary and History

	2014-15	2015-16	2016-17	2017-18	Change 2016-17 to 2017-18	% Change 2016-17 to 2017-18
Appropriated						
Education & General	\$192,606,000	\$204,102,500	\$220,012,600	\$235,193,300	\$15,180,700	6.90%
Ed Disadvantaged	\$163,000	\$166,500	\$170,400	\$174,900	\$4,500	2.64%
TOTAL Appropriated	\$192,769,000	\$204,269,000	\$220,183,000	\$235,368,200	\$15,185,200	6.90%
Auxiliaries						
Bookstore	\$8,826,188	\$9,046,410	\$9,071,370	\$8,974,526	-\$96,844	-1.07%
Dining Services	\$3,890,250	\$4,174,721	\$4,443,977	\$3,431,000	-\$1,012,977	-22.79%
Student Center	\$1,850,000	\$1,812,500	\$1,976,409	\$2,064,880	\$88,471	4.48%
Student Life & Wellness Center	\$2,260,800	\$2,100,000	\$2,841,854	\$2,986,600	\$144,746	5.09%
Other Programs						
Athletics	\$5,308,000	\$5,457,372	\$6,206,562	\$6,496,200	\$289,638	4.67%
Professional & Continuing Ed.	\$673,300	\$731,975	\$810,896	\$789,648	-\$21,248	-2.62%
Student Health Services	\$502,995	\$517,000	\$483,181	\$574,040	\$90,859	18.80%
Student Programs	\$2,600,000	\$2,842,000	\$3,336,325	\$2,770,880	-\$565,445	-16.95%
TOTAL Auxiliaries/Other Programs	\$25,911,533	\$26,681,978	\$29,170,574	\$28,087,774	-\$1,082,800	-3.71%
Institutional Discretionary						
Institutional Investment Income	\$920,007	\$1,040,000	\$1,341,000	\$2,223,021	\$882,021	65.77%
Unrestricted Gifts	\$114,720	\$103,784	\$117,907	\$124,204	\$6,297	5.34%
TOTAL Institutional Discretionary	\$1,034,727	\$1,143,784	\$1,458,907	\$2,347,225	\$888,318	60.89%

Table 1

Appropriated Operating Budget

Utah Valley University has two line items appropriated by the Legislature—Education and General (primary operating budget) and Educationally Disadvantaged. Revenue and expenditure budgets are presented for each of these line items.

Education and General

Revenue consists of two primary sources:

- Tax Funds—general fund and education fund
- Dedicated Credits—tuition, specific fees (for example, admissions, graduation), and other income as outlined in Regents' policy

Budgeted tax fund revenues match the base budget appropriation bills for FY18 and reflect an ongoing base increase of 5.9—\$5,972,800. Dedicated credits revenue is based on FY17 projected revenues adjusted for tuition increase, enrollment change, scholarship (tuition waivers) changes, etc., resulting in a base increase of 9.6 percent—\$11,420,600.

Enrollment Change

Fall 2016 headcount of nearly 35,000 students established UVU as the largest USHE institution in terms of student headcount.

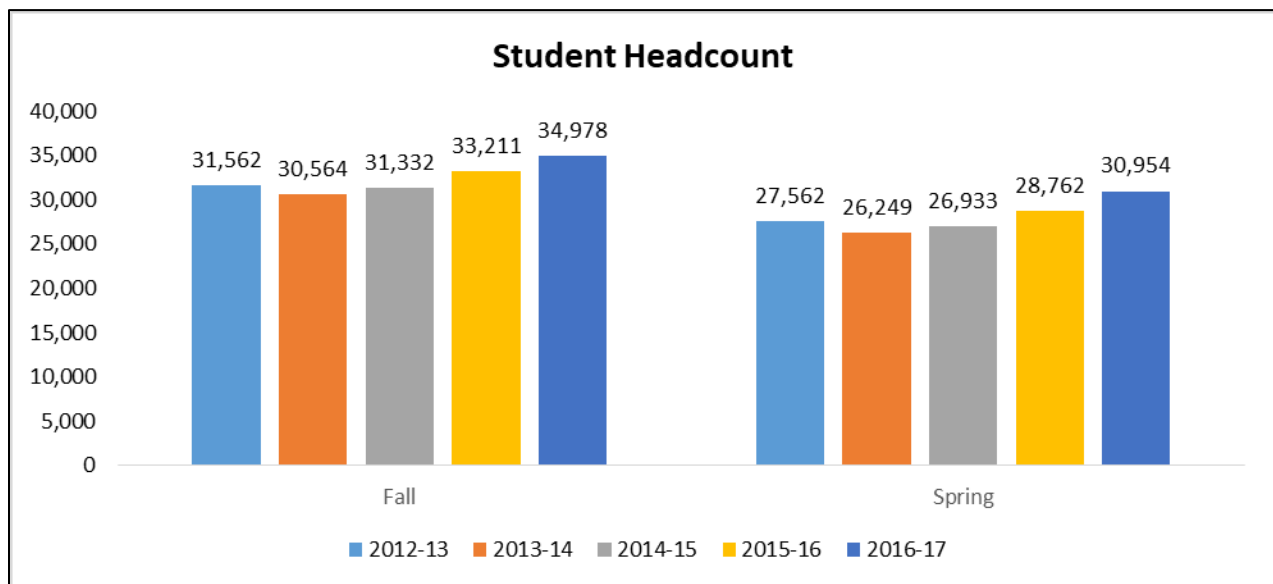


Figure 1

2016-17 TO 2017-18 Revenue Changes

Education and General	2016-17 Initial Budget	Changes for 2017-18 Budget	2017-18 Initial Budget
Tax Funds	\$100,891,200	\$5,972,800	\$106,864,000
Salary/Wage Adjustment (House Bill 8)		\$2,262,700	
Medical Rate Increase (House Bill 8)		\$1,438,500	
Enrollment Growth (Senate Bill 2)		\$1,253,300	
Student Athlete Graduation Improvement (Senate Bill 2)		\$1,000,000	
Internal Service Funds (Senate Bill 8)		\$18,300	
Dedicated Credits	\$119,121,400	\$11,420,600	\$128,329,300
2017-18 First Tier Tuition Increase (2.5%)		\$2,919,560	
2016-17 Enrollment Based Tuition Revenue Increase		\$4,012,658	
2017-18 New Tuition Waivers		\$100,000	
2017-18 Tuition from Enrollment in New/Expanding Programs		\$1,981,282	
Fees (admissions, graduate, late payment)		\$157,400	
Other (write-offs/collections, rental, etc.)		\$37,000	
TOTAL	\$220,012,600	\$17,393,400	\$235,193,300
		7.9%	

Table 2

The overall revenue increase for 2017-18 of **\$15,180,700** represents a **6.9%** change. Tax funds comprise **45.44%** of total revenue compared to **45.86%** percent for 2016-17.

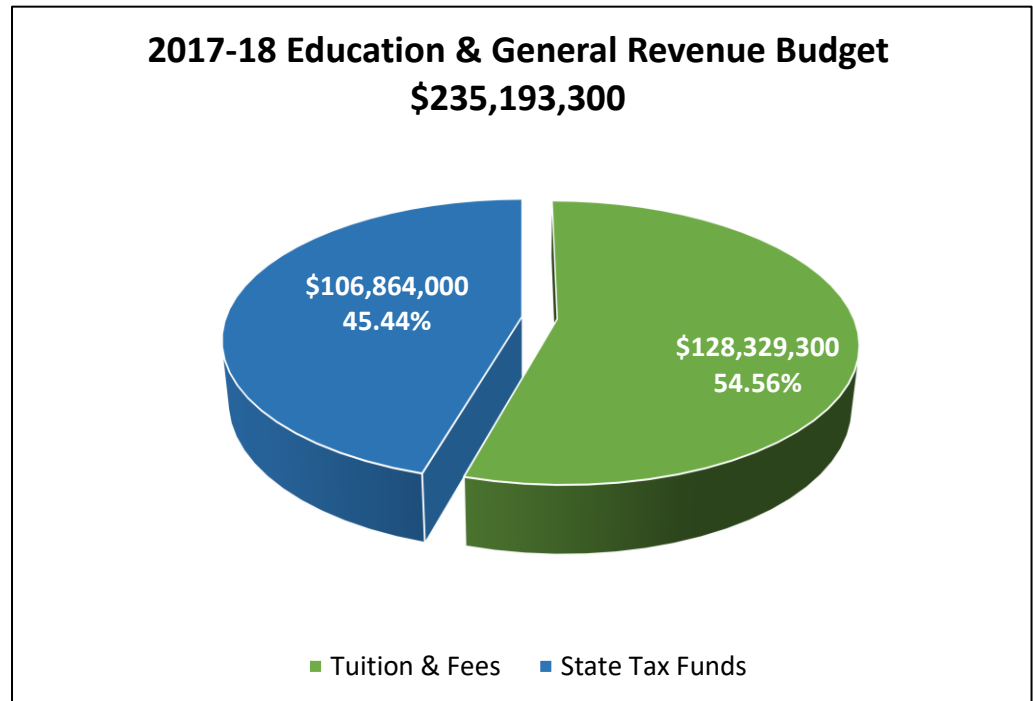


Figure 2

2017-18 Education & General Revenue Budget				
Revenue Source	Initial Budget			
	2016-17	2017-18	\$ Change	% Change
State Tax Funds				
General Fund	\$57,893,800	\$57,893,800	\$0	0.00%
Education Fund	\$42,997,400	\$48,970,200	\$5,972,800	13.89%
Dedicated Credits				
Tuition and Fees	\$118,970,400	\$128,141,300	\$9,170,900	7.71%
Other Income	\$151,000	\$188,000	\$37,000	24.50%
TOTAL Education and General	\$220,012,600	\$235,193,300	\$15,180,700	6.90%

Table 3

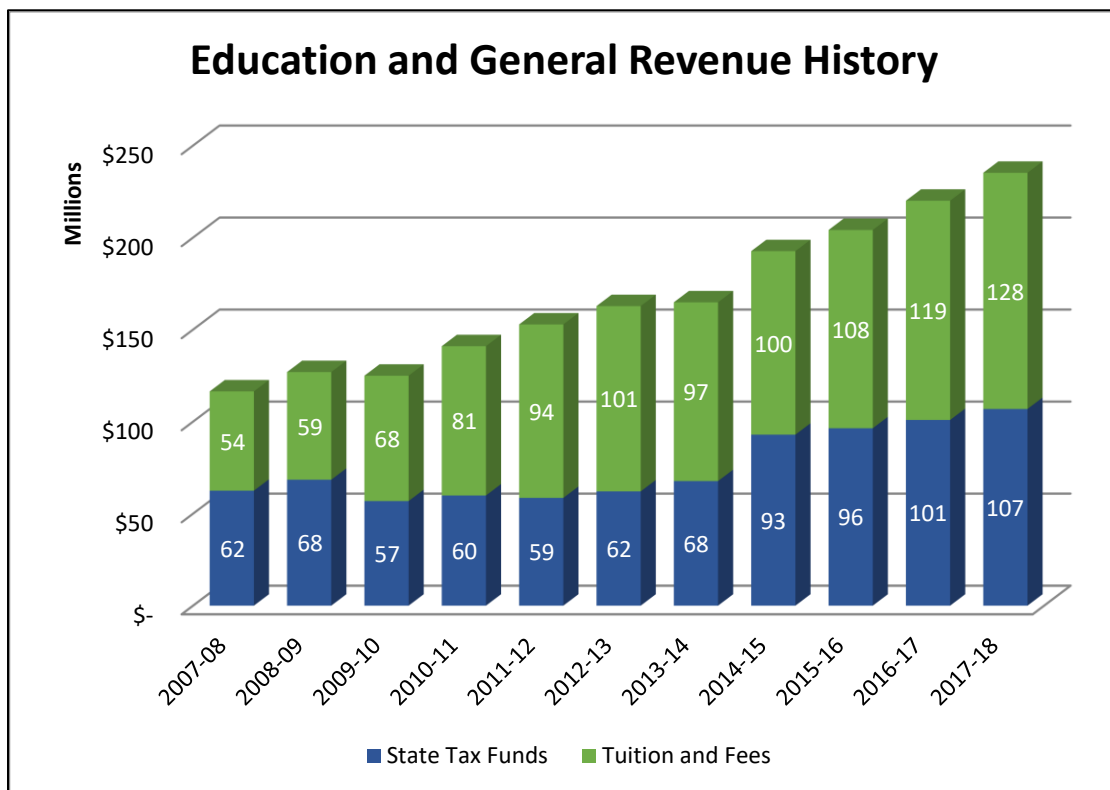


Figure 3

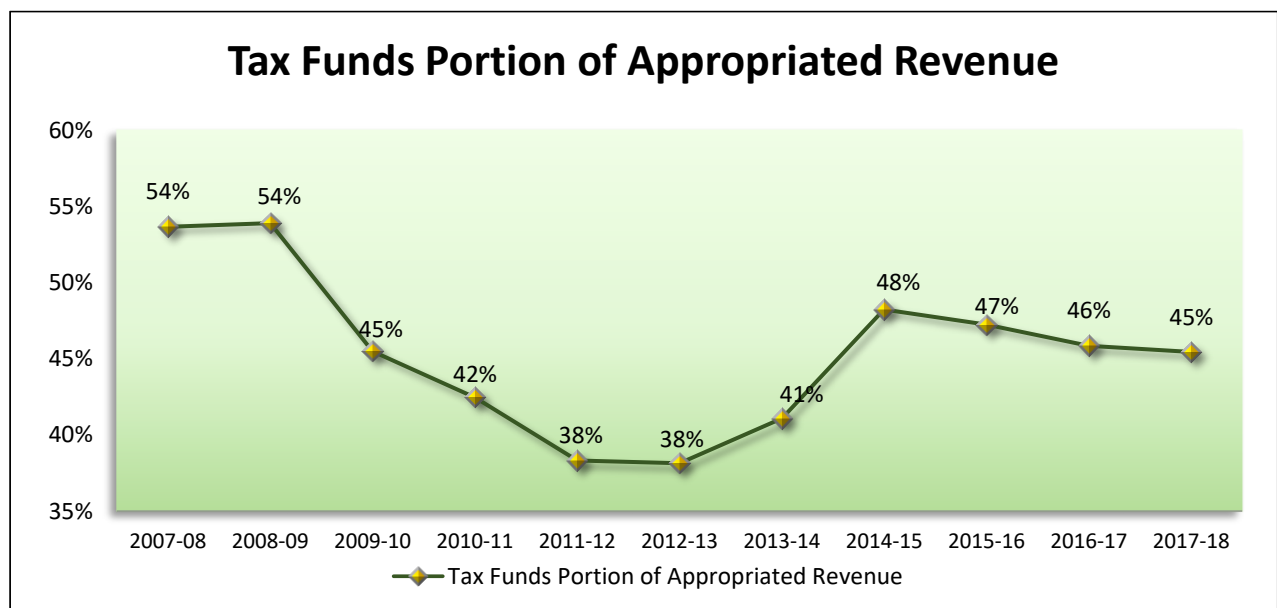
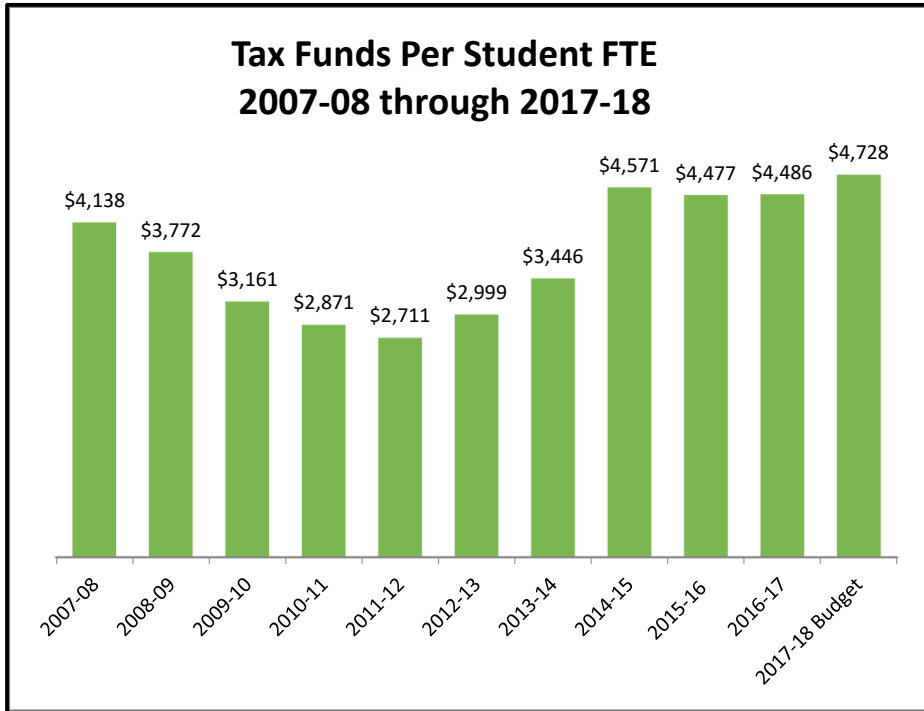


Figure 4



Tax Funds per Student

The 2014-15 \$21.1 million Acute Equity allocation, together with additional tax fund support each year since, has stabilized tax funds per student FTE.

Figure 5

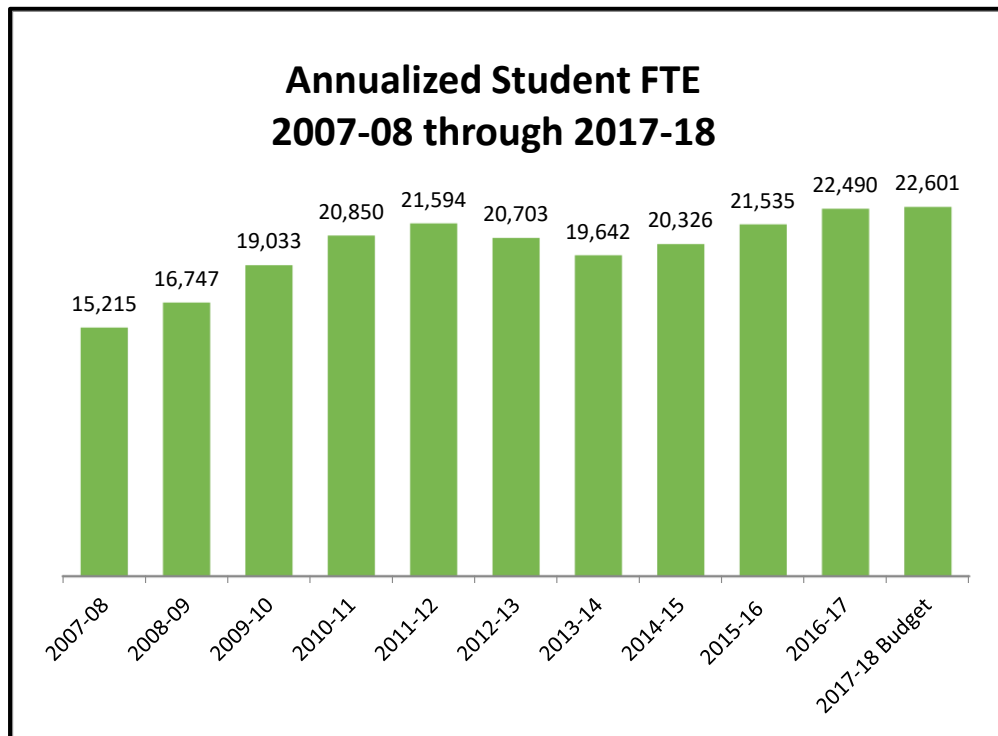


Figure 6

Enrollment

Since 2007-08 (the institution's last year as UVSC), Fall headcount enrollment has increased by **11,138 (46.7 percent.)**

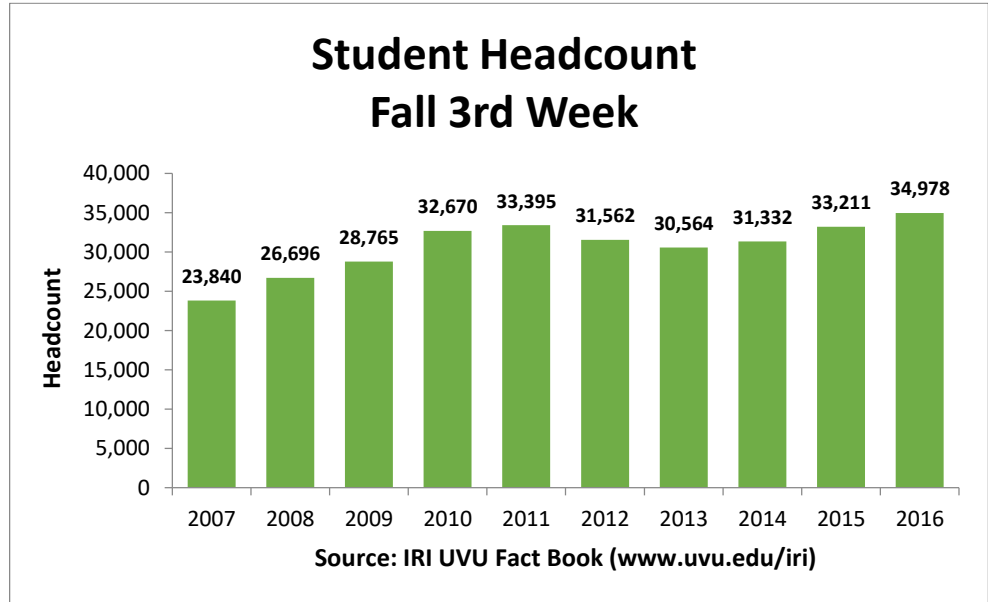
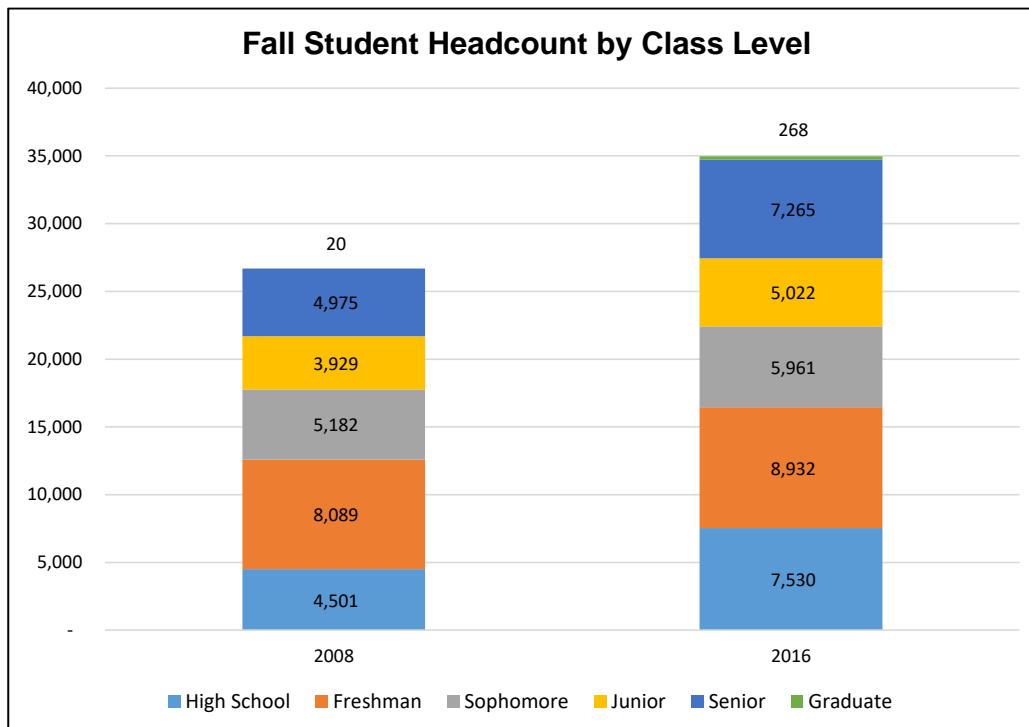


Figure 7



Class Level

Each class level has experienced growth with the most growth occurring in high school concurrent enrollment and the senior class.

Figure 8

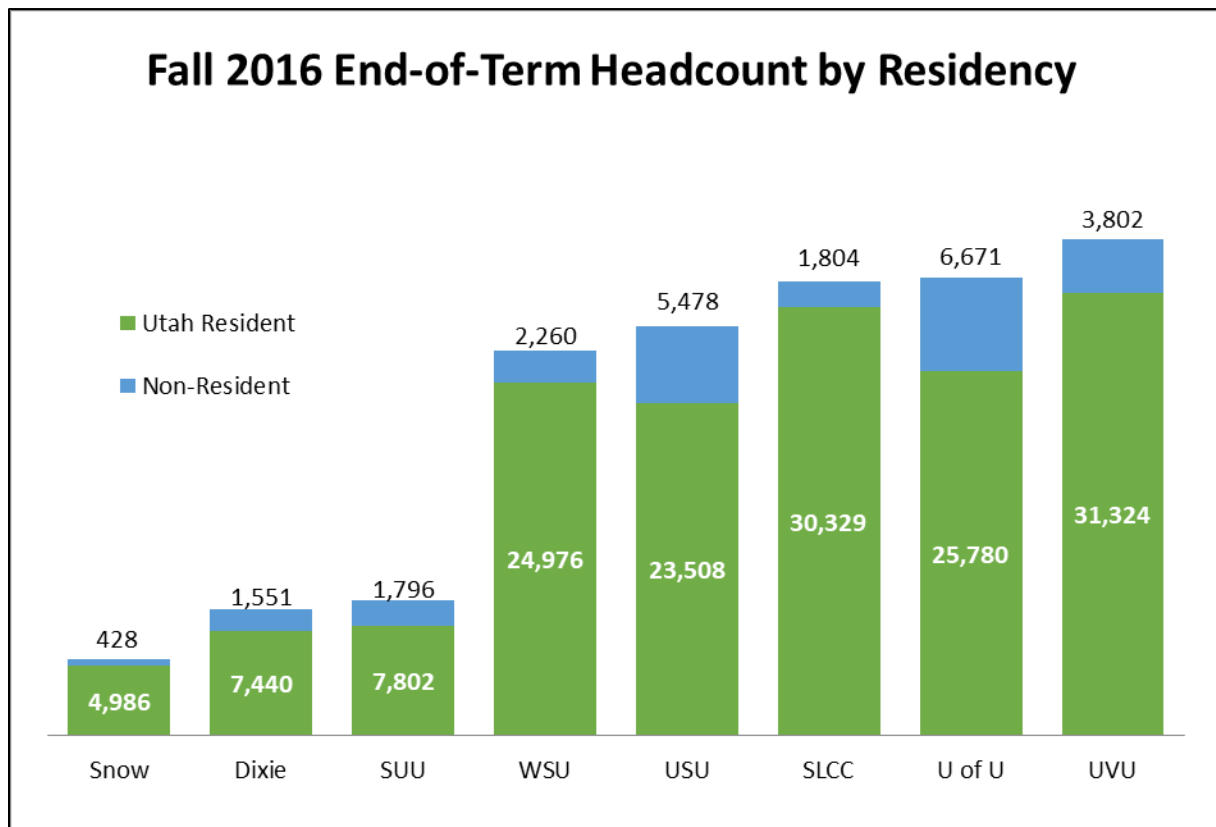
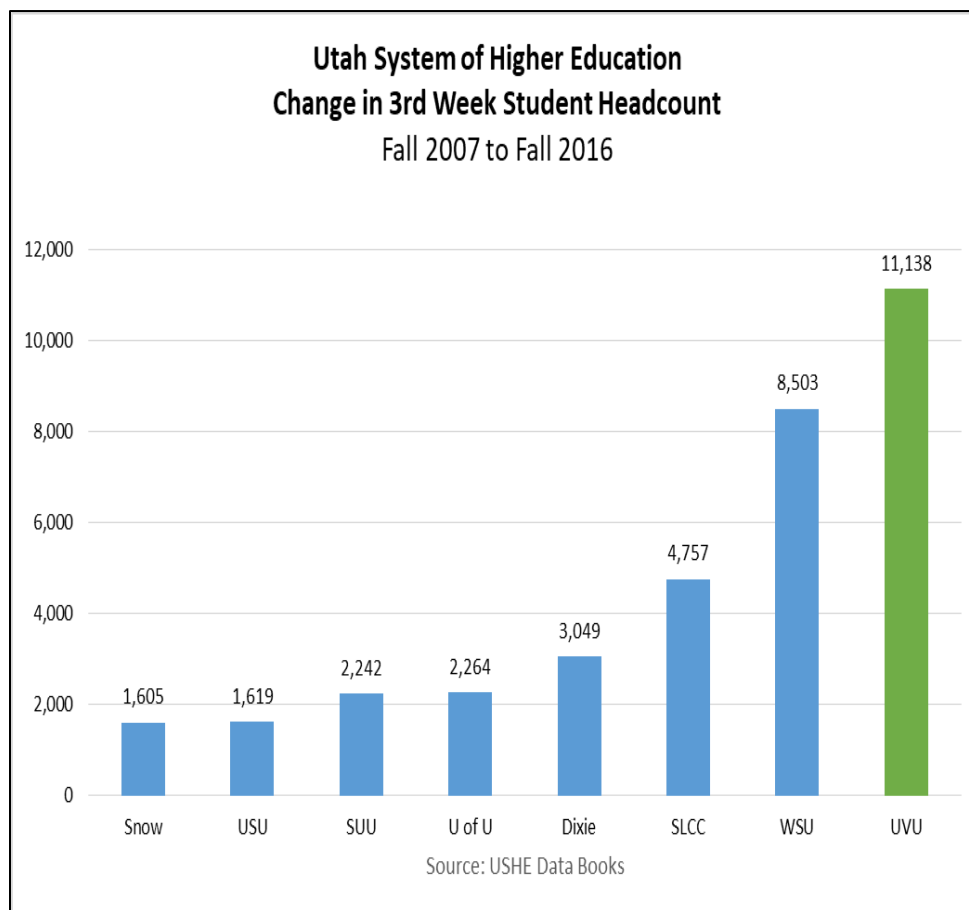


Figure 9

Resident Enrollment
 In Fall 2016, UVU enrolled both the largest number of total students and Utah residents in the Utah System of Higher Education.



Student Headcount

Since 2007, UVU has experienced the largest growth and the second largest percentage change (46.7%) in student headcount in the Utah System of Higher Education.

Figure 10

3rd Week Headcount												
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Growth	Growth %
UVU	23,840	26,696	28,765	32,670	33,395	31,556	30,564	31,332	33,211	34,978	11,138	46.7%
WSU	18,306	21,674	23,331	24,126	25,483	26,680	25,301	26,266	25,955	26,809	8,503	46.4%
SLCC	25,144	29,867	33,776	33,983	33,167	30,112	31,137	29,537	28,814	29,901	4,757	18.9%
Dixie	5,944	6,443	7,911	8,755	9,086	8,863	8,350	8,570	8,503	8,993	3,049	51.3%
U of U	29,797	30,228	31,407	32,671	31,673	32,398	32,080	31,515	31,673	32,061	2,264	7.6%
SUU	7,057	7,516	8,066	8,024	7,750	8,297	7,745	7,656	8,881	9,299	2,242	31.8%
USU	26,499	26,007	27,238	28,401	28,994	28,786	27,812	27,662	28,622	28,118	1,619	6.1%
Snow	3,745	3,798	4,368	4,387	4,465	4,599	4,605	4,779	5,111	5,350	1,605	42.9%

Table 4

UVU Tuition & Fees History

Resident Undergraduates Two Semesters

Academic Period	Tuition	Tuition & Fees
2007-08	\$3,000	\$3,528
2008-09	\$3,188	\$3,752
2009-10	\$3,464	\$4,048
2010-11	\$3,672	\$4,288
2011-12	\$3,944	\$4,584
2012-13	\$4,122	\$4,786
2013-14	\$4,368	\$5,086
2014-15	\$4,542	\$5,270
2015-16	\$4,678	\$5,386
2016-17	\$4,840	\$5,530
2017-18	\$4,962	\$5,652

2017-18 Tuition & Fees

The Board of Regents approved a 2.5% tuition increase and no general fee change for an overall tuition and fee increase of 2.21% (the second lowest percentage increase in the past two decades).

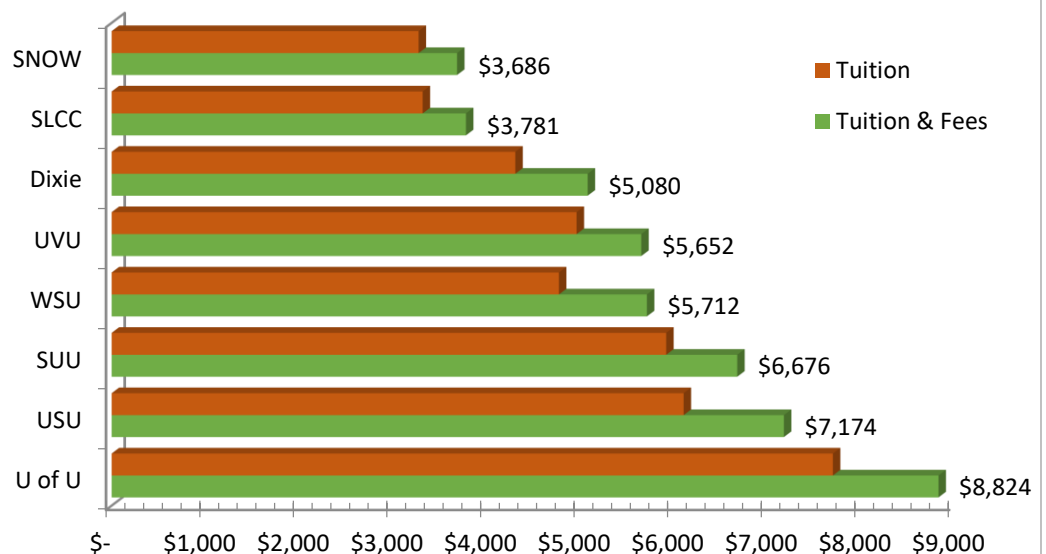
(Appendix A)

Table 5

Affordability

UVU is one of the most affordable universities in the state with tuition and fees slightly lower than WSU and \$1,000 less than SUU.

2017-18 Tuition & Fees Academic Year, Resident Undergraduate



Source: State Board of Regents (www.higheredutah.org)

Figure 11

Tuition and Fee Increase

In the Utah System of Higher Education since 2013-14, UVU's cumulative tuition and fee percentage increase has been the lowest with the third lowest total dollar change.

USHE Tuition & Fees

Academic Year, Resident Undergraduate Students
2013-14 to 2017-18

Institution	2013-14	2014-15	2015-16	2016-17	2017-18	Change from 2013-14 to 2017-18	% Change from 2013-14 to 2017-18
Dixie	\$4,285	\$4,456	\$4,620	\$4,840	\$5,080	\$795	18.6%
U of U	\$7,457	\$7,895	\$8,197	\$8,518	\$8,824	\$1,367	18.3%
USU	\$6,185	\$6,497	\$6,663	\$6,866	\$7,174	\$989	16.0%
Snow	\$3,220	\$3,389	\$3,484	\$3,592	\$3,686	\$466	14.5%
WSU	\$4,990	\$5,184	\$5,339	\$5,524	\$5,712	\$722	14.5%
SLCC	\$3,342	\$3,469	\$3,569	\$3,690	\$3,781	\$439	13.1%
SUU	\$5,924	\$6,138	\$6,300	\$6,530	\$6,676	\$752	12.7%
UVU	\$5,086	\$5,270	\$5,386	\$5,530	\$5,652	\$566	11.1%
Undergraduate Average	\$5,061	\$5,287	\$5,445	\$5,636	\$5,823	\$762	15.1%

Table 6

Expenditures

The expenditure budget implements the resource allocations determined through legislative intent, the tuition increase process, and UVU's PBA process as outlined in President Holland's campus-wide forum (*Hoagies with Holland*) on April 19, 2017. The Board's involvement in the budget process has included approval of tuition, approval of 2017-18 compensation plan, approval of new graduate programs, and review of legislative outcomes.

UVU utilizes a Planning, Budgeting, and Assessment (PBA) process which guides UVU in its strategic planning, resource allocations, and assessment.

2016-17 Planning, Budget & Assessment (PBA) Cycle

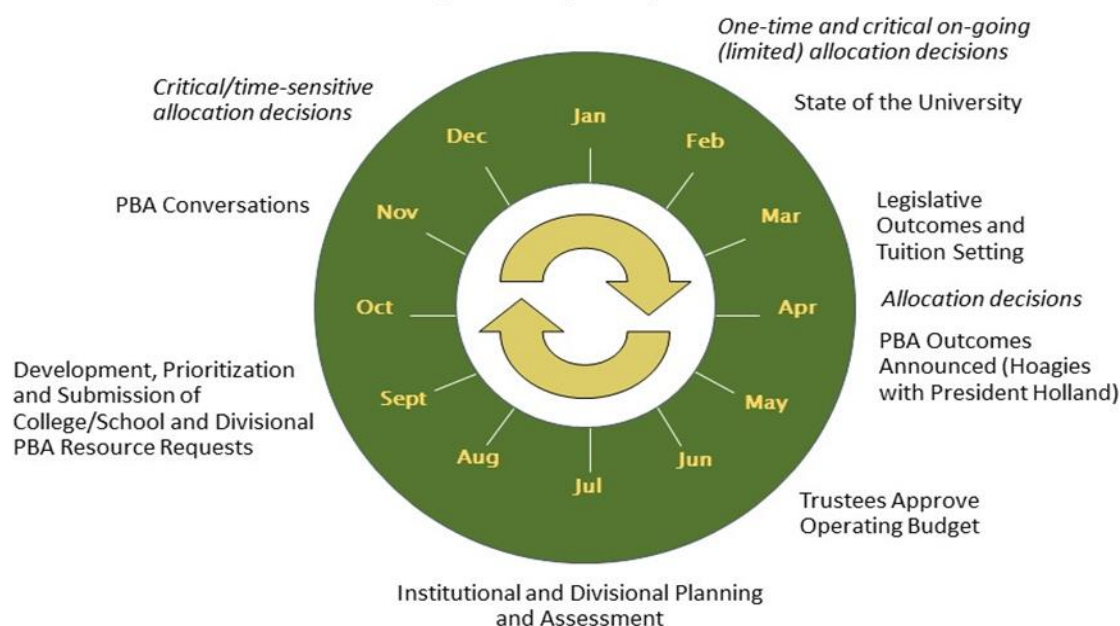


Figure 12

New Allocations and Reallocations

New revenue allocations and resource reallocations support UVU's Mission, Core Themes—Student Success, Engaged, Serious, and Inclusive—and Administrative Imperatives—Manage Growth, Operate Ethically & Effectively, and Secure Resources (Appendix B). The allocation detail, presented at the *Hoagies with Holland* forum, identifies initiatives funded in support of the Core Themes and Administrative Imperatives (Appendix C).

Highlights of changes from these new resource allocations and existing resource reallocations include:

❖ COMPENSATION (Appendix E)

- All salaried employees--\$250 base increase
- Targeted market equity and merit/retention increases for faculty, staff, and executives
- Adjunct faculty 3.04 % increase
- Hourly staff 3.0% increase
- Medical and LTD premium increases

❖ STUDENT SUCCESS

- Area of Focus 1--Improve Student Retention and Completion
 - Reduce student-to-advisor ratio
 - Manager Advising, 2 academic advisors
 - Improve onboarding-through-graduation student support programs/services
 - Student success platform software, scheduling consultant, Orientation support
 - Improve access to full-time faculty
 - 9 tenure track and 8 lecturer faculty
 - Enhance student and academic support services
 - 3 Full-time staff, Library hourly support
 - Expand mental health resources for students
 - 1 Full-time and 3 hourly mental health specialists
 - Improve student athlete graduation
 - Cost of attendance, Summer Bridge, Waivers
 - 3 full-time specialists, 2 academic advisors
- UVU provides a meaningful and well-rounded university experience
 - 2 Assistant Soccer Coaches, Clubs coordinator

❖ INCLUSIVE

- Area of Focus 2—Expand and enhance the array of courses, programs and delivery methods to meet student's goals and the region's educational needs
 - Implement new programs
 - Respiratory Therapy
 - Expand delivery methods and locations
 - Thanksgiving Point lease and hourly staff
 - 2 Lecturers
- UVU provides an inviting, safe, and supportive environment for people from diverse backgrounds and perspectives
 - Staff and programmatic support for Pacific Islander, LGBT, Latino, Women in Education, Closed Captioning, Accessibilities and ADA support
- UVU provides opportunities to improve intercultural competence in an increasingly complex, diverse, and globalized society.
 - Teacher prep for inclusion through intercultural Engagement and
 - Reflection Center program support

- ❖ ENGAGED
 - UVU serves as a portal of civic engagement and an engine of regional economic and business development
 - Roots of Knowledge launch and support staff
- ❖ SERIOUS
 - UVU champions learning through outstanding teaching in an academically rigorous environment
 - Faculty, staff, and operating funds to support five new graduate programs-- Master Computer Science (MCS), Master Cybersecurity, Master Public Service (MPS), Master Social Work (MSW), and Master of Accountancy (MACC)
- ❖ OPERATE EFFECTIVELY
 - Area of Focus 3 - Strategically allocate/reallocate divisional/departmental resources to achieve institutional objectives
 - Reorganization of academic health department to College of Health and Public Services
 - Strengthen culture of compliance/reduce risk
 - Operating funds and staff support for Emergency Response Team, Assistant General Counsel, Compliance Services, Behavioral Assessment Team
 - Provide staffing and operating funds to support existing programs and services
 - 10 full-time and hourly staff funds for academic and administrative support departments
 - Facilities enhancements, remodel and repair
 - Large to small facilities projects including pedestrian bridge, sidewalks, stairs, fencing, signage, paving, Extended Ed/West Campus remodel, new warehouse O&M/furniture, sand volleyball operations, baseball scoreboard, parking lot for Aviation
 - Support and sustain technology solutions, systems and infrastructure
 - Classroom Media, Library, software, IT R&R, Development & Digitization
- ❖ SECURE RESOURCES
 - UVU strategically pursues and acquires private and public resources beyond state appropriations
 - Programmatic support for fund raising and Major Gifts
- ❖ MANAGE GROWTH
 - UVU adapts to meet student and community needs consistent with its educational mission
 - MBA Cohort Expansion
 - Thanksgiving Point International Experience and 2nd Cohort
 - Full-time cohort support including 3 faculty and operating funds
 - Increase sections and support services to meet enrollment growth
 - Net add sections Summer/Fall/Spring

**Expenditure
Summary**

UVU reports expenditures in compliance with NACUBO functional and natural classifications.

FUNCTIONAL CLASSIFICATION	MAJOR ACTIVITIES
Instruction	Instructional Faculty and Departmental Costs
Public Service	Small Business Development Center
Academic Support	Deans, Academic Administration, and School Level Costs
Library	Professional Librarians, Library Reference Materials
Student Services	Registrar, Admissions, Financial Aid Administration, Advisement, and Career Services
Athletics	Athletic Administration
Institutional Support	Executive Management, Technology Services, Purchasing, Financial Services, and Human Resources
Operations & Maintenance Plant	Building Maintenance, Plant Personnel, Utilities, and etc.
Scholarships/Needs-Based Aid	Financial Aid, Scholarships, and Work Study

Table 7

Education & General Base Operating Budget by Functional Classification Comparison for 2016-17 and 2017-18				
	2016-17	2017-18	\$ Change	%Change
Instruction	\$108,702,466	\$115,139,591	\$6,437,125	5.92%
Public Service	\$245,917	\$208,464	-\$37,453	-15.23%
Academic Support				
Library	\$3,854,410	\$4,070,605	\$216,195	5.61%
Other Academic Support	\$22,524,361	\$25,763,469	\$3,239,108	14.38%
Student Services				
Athletics	\$3,274,012	\$3,788,095	\$514,083	15.70%
Other Student Services	\$17,874,646	\$18,534,614	\$659,968	3.69%
Institutional Support	\$41,497,332	\$44,848,707	\$3,351,375	8.08%
Scholarship/Need-based Aid	\$2,104,051	\$2,504,273	\$400,222	19.02%
O&M Plant	\$19,935,405	\$20,335,482	\$400,077	2.01%
Total Expenditures	\$220,012,600	\$235,193,300	\$15,180,700	6.90%

Table 8

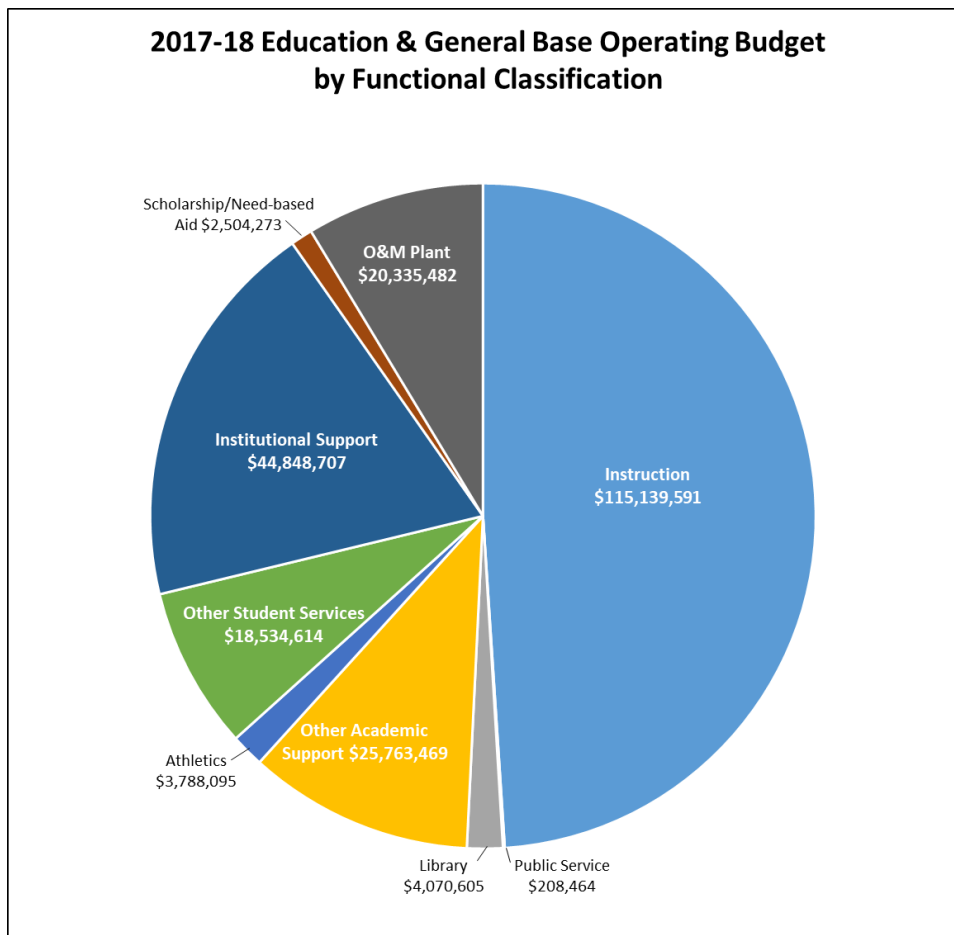


Figure 13

Percent of Budget by Functional Classification					
	2013-14	2014-15	2015-16	2016-17	2017-18
Instruction	50.90%	50.00%	48.90%	49.40%	48.96%
Public Service	0.10%	0.10%	0.10%	0.10%	0.09%
Academic Support	8.90%	9.30%	10.40%	10.20%	10.95%
Library	1.90%	1.70%	1.80%	1.80%	1.73%
Student Services	8.60%	9.00%	7.90%	8.10%	7.88%
Athletics	1.60%	1.50%	1.50%	1.50%	1.61%
Institutional Support	17.70%	18.50%	19.20%	18.90%	19.07%
O&M Plant	9.80%	9.30%	9.40%	9.10%	8.65%
Scholarships	0.50%	0.60%	0.90%	1.00%	1.06%
TOTAL	100.00%	100.00%	100.00%	100.00%	100.00%

Table 9

Appropriated Base Operating Budget				
by Natural Classification				
Comparison for 2016-17 and 2017-18				
EDUCATION AND GENERAL				
	2016-17	2017-18	\$ Change	% Change
Faculty Salaries	\$47,986,996	\$50,992,217	\$3,005,221	6.26%
Faculty Hourly	\$15,070,521	\$16,046,530	\$976,009	6.48%
Executive Salaries	\$4,409,469	\$4,593,235	\$183,766	4.17%
Staff Salaries	\$51,371,147	\$54,936,758	\$3,565,611	6.94%
Staff Hourly	\$9,047,559	\$9,260,846	\$213,287	2.36%
Total Salaries & Wages	\$127,885,692	\$135,829,586	\$7,943,894	6.21%
Employee Benefits	\$54,541,307	\$59,954,123	\$5,412,816	9.92%
Total Personnel Services	\$182,426,999	\$195,783,709	\$13,356,710	7.32%
Current Expense	\$30,362,064	\$31,428,497	\$1,066,433	3.51%
Travel	\$1,123,445	\$1,210,083	\$86,638	7.71%
Capital Equipment	\$550,683	\$550,083	-\$600	-0.11%
Fuel & Power	\$3,599,909	\$3,620,542	\$20,633	0.57%
Scholarships	\$1,949,500	\$2,600,386	\$650,886	33.39%
Total Expenditures	\$220,012,600	\$235,193,300	\$15,180,700	6.90%

Table 10

2017-18 Education & General Base Operating Budget by Natural Classification

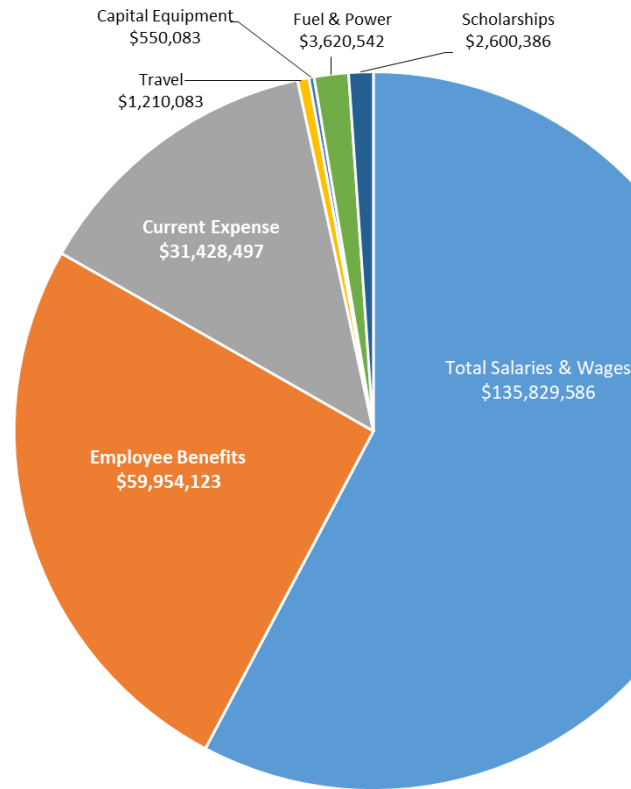


Figure 14

Percent of Budget by Natural Classification					
	2013-14	2014-15	2015-16	2016-17	2017-18
Salaries & Wages	59.6%	55.4%	58.00%	58.1%	57.8%
Employee Benefits	25.7%	23.2%	24.9%	24.8%	25.5%
Current Expense	11.3%	18.3%	13.8%	13.8%	13.4%
Travel	0.4%	0.4%	0.5%	0.5%	0.5%
Capital Equipment	0.4%	0.3%	0.3%	0.3%	0.2%
Fuel & Power	2.0%	1.8%	1.8%	1.6%	1.5%
Scholarship	0.7%	0.6%	0.9%	0.9%	1.1%
TOTAL	100.0%	100.0%	100.0%	100.0%	100.0%

Table 11

Educationally Disadvantaged

Revenue

Revenue consists solely of tax funds: general fund and education fund. Budgeted tax fund revenues match the base budget appropriation bills for FY18 and reflect an ongoing base increase of 2.6 percent.

2016-17 TO 2017-18 Revenue Changes			
Educationally Disadvantaged	2016-17 Initial Budget	Changes for 2017-18 Budget	2017-18 Initial Budget
Tax Funds	\$170,400	\$4,500	\$174,900
Salary/Wage Adjustment (House Bill 8)		\$2,800	
Medical Rate Increase (House Bill 8)		\$1,700	
TOTAL	\$170,400	\$4,500	\$174,900
		2.6%	

Table 12

2017-18 OPERATING BUDGET REVENUE	
Educationally Disadvantaged	
Revenue Source	Initial Budget (Base Operating Budget)
State Tax Fund	
General Fund	\$138,900
Education Fund	\$36,000
TOTAL EDUCATIONALLY DISADVANTAGED	\$174,900

Table 13

Appropriated Base Operating Budget by Functional Classification Comparison for 2016-17 and 2017-18		
Educationally Disadvantaged		
	2016-17	2017-18
Student Services		
Other Student Services	\$170,400	\$174,900
Total Expenditure	\$170,400	\$174,900

Table 14

Educationally Disadvantaged Appropriated Base Operating Budget by Functional Classification Comparison for 2016-17 and 2017-18				
	2016-17	2017-18	\$ Change	% Change
Staff Salaries	\$101,772	\$103,608	\$1,836	1.80%
Staff Hourly	\$20,434	\$20,756	\$322	1.58%
Total Salaries & Wages	\$122,206	\$124,364	\$2,158	1.77%
Employee Benefits	\$48,194	\$50,536	\$2,342	4.86%
Total Personal Services	\$170,400	\$174,900	\$4,500	2.64%
Current Expense	\$0	\$0	\$0	0.00%
Total Expenditure	\$170,400	\$174,900	\$4,500	2.64%

Table 15

Auxiliaries Operating Budget

Utah Valley University has four Auxiliaries (as defined by the Board of Regents)—Bookstore, Dining Services, Student Center Services, and Student Life & Wellness Center. Revenue and expenditure budgets are presented for each of these Auxiliaries.

Revenue

Revenue consists of three sources:

- General Student Fees
- Sales and Services
- Other income including rental income

Revenue beyond expenditures is committed to support the debt service on bonds.

Expenditures

Auxiliaries participate in UVU's PBA process and are subject to the same compensation changes as appropriated budgets.

Bookstore Operating Budget Comparison for Fiscal Years 2016-17 and 2017-18				
	2016-17	2017-18	\$ Change	% Change
REVENUE				
Sales & Services	\$9,071,370	\$8,974,526	-\$96,844	-1.07%
Student Fees	\$0	\$0	\$0	0.00%
Other Income	\$0	\$0	\$0	0.00%
TOTAL REVENUE	\$9,071,370	\$8,974,526	-\$96,844	-1.07%
EXPENDITURE/TRANSFERS				
Expenditures				
Salaried Staff	\$665,227	\$652,625	-\$12,602	-1.89%
Hourly Staff	\$488,000	\$488,000	\$0	0.00%
Benefits	\$479,310	\$466,177	-\$13,133	-2.74%
Current Expense	\$500,000	\$508,000	\$8,000	1.60%
Cost of Goods Sold	\$6,894,241	\$6,820,639	-\$73,602	-1.07%
Travel	\$11,500	\$11,500	\$0	0.00%
Capital	\$0	\$0	\$0	0.00%
Subtotal Expenditures	\$9,038,278	\$8,946,941	-\$91,337	-1.01%
Transfers				
Transfer to Bond Payment	\$33,092	\$27,585	-\$5,507	-16.64%
Other Transfers	\$0	\$0	\$0	0.00%
Subtotal Transfers	\$33,092	\$27,585	-\$5,507	-16.64%
TOTAL EXPENDITURE/TRANSFERS	\$9,071,370	\$8,974,526	-\$96,844	-1.07%

Table 16

Dining Services Operating Budget Comparison for Fiscal Years 2016-17 and 2017-18				
	2016-17	2017-18	\$ Change	% Change
REVENUE				
Sales & Services	\$4,443,977	\$3,195,000	-\$1,248,977	-28.10%
Student Fees	\$0	\$0	\$0	0.00%
Other Income	\$0	\$236,000	\$236,000	N/A
TOTAL REVENUE	\$4,443,977	\$3,431,000	-\$1,012,977	-22.79%
EXPENDITURE/TRANSFERS				
Expenditures				
Salaried Staff	\$535,351	\$486,226	-\$49,125	-9.18%
Hourly Staff	\$953,547	\$910,000	-\$43,547	-4.57%
Benefits	\$408,074	\$349,072	-\$59,002	-14.46%
Current Expense	\$479,816	\$475,000	-\$4,816	-1.00%
Cost of Goods Sold	\$1,829,688	\$1,192,150	-\$637,538	-34.84%
Travel	\$4,500	\$2,000	-\$2,500	-55.56%
Capital	\$8,000	\$5,000	-\$3,000	-37.50%
Subtotal Expenditures	\$4,218,976	\$3,419,448	-\$799,528	-18.95%
Transfers				
Transfer to Bond Payment	\$225,000	\$11,552	-\$213,448	-94.87%
Other Transfers	\$0	\$0	\$0	0.00%
Subtotal Transfers	\$225,000	\$11,552	-\$213,448	-94.87%
TOTAL EXPENDITURE/TRANSFERS	\$4,443,976	\$3,431,000	-\$1,012,976	-22.79%

Table 17

Student Center Operating Budget Comparison for Fiscal Years 2016-17 and 2017-18				
	2016-17	2017-18	\$ Change	% Change
REVENUE				
Sales & Services	\$340,000	\$375,000	\$35,000	10.29%
Student Fees	\$1,454,409	\$1,504,880	\$50,471	3.47%
Other Income	\$182,000	\$185,000	\$3,000	1.65%
TOTAL REVENUE	\$1,976,409	\$2,064,880	\$88,471	4.48%
EXPENDITURE/TRANSFERS				
Expenditures				
Salaried Staff	\$487,505	\$639,136	\$151,631	31.10%
Hourly Staff	\$122,000	\$180,000	\$58,000	47.54%
Benefits	\$297,608	\$451,304	\$153,696	51.64%
Current Expense	\$850,000	\$745,000	-\$105,000	-12.35%
Travel	\$10,000	\$15,000	\$5,000	50.00%
Capital	\$75,000	\$30,000	-\$45,000	-60.00%
Subtotal Expenditures	\$1,842,113	\$2,060,440	\$218,327	11.85%
Transfers				
Transfer to Bond Payment	\$134,296	\$4,440	-\$129,856	-96.69%
Other Transfers	\$0	\$0	\$0	0.00%
Subtotal Transfers	\$134,296	\$4,440	-\$129,856	-96.69%
TOTAL EXPENDITURE/TRANSFERS	\$1,976,409	\$2,064,880	\$88,471	4.48%

Table 18

Student Life & Wellness Center Operating Budget Comparison for Fiscal Years 2016-17 and 2017-18

	2016-17	2017-18	\$ Change	% Change
REVENUE				
Sales & Services	\$482,335	\$508,800	\$26,465	5.49%
Student Fees	\$2,359,519	\$2,477,800	\$118,281	5.01%
Other Income	\$0	\$0	\$0	0.00%
TOTAL REVENUE	\$2,841,854	\$2,986,600	\$144,746	5.09%
EXPENDITURE/TRANSFERS				
Expenditures				
Salaried Staff	\$592,309	\$562,220	-\$30,089	-5.08%
Hourly Staff	\$574,810	\$629,886	\$55,076	9.58%
Benefits	\$525,415	\$521,844	-\$3,571	-0.68%
Current Expense	\$360,000	\$837,331	\$477,331	132.59%
Cost of Goods Sold	\$24,046	\$16,480	-\$7,566	-31.46%
Travel	\$0	\$24,500	\$24,500	N/A
Capital	\$75,000	\$75,000	\$0	0.00%
Subtotal Expenditures	\$2,151,580	\$2,667,261	\$515,681	23.97%
Transfers				
Transfer to Bond Payment	\$690,274	\$319,339	-\$370,935	-53.74%
Other Transfers	\$0	\$0	\$0	0.00%
Subtotal Transfers	\$690,274	\$319,339	-\$370,935	-53.74%
TOTAL EXPENDITURE/TRANSFERS	\$2,841,854	\$2,986,600	\$144,746	5.09%

Table 19

Athletics Operating Budget

Comparison for Fiscal Years 2016-17 and 2017-18

	2016-17	2017-18	\$ Change	% Change
REVENUE				
Sales & Services	\$675,000	\$600,000	-\$75,000	-11.11%
Student Fees	\$5,000,000	\$5,426,200	\$426,200	8.52%
Donations	\$275,000	\$340,000	\$65,000	23.64%
Other Income	\$56,000	\$130,000	\$74,000	132.14%
TOTAL REVENUE	\$6,006,000	\$6,496,200	\$490,200	8.16%
EXPENDITURES				
Salaried Staff	\$887,736	\$936,463	\$48,727	5.49%
Hourly Staff	\$285,000	\$275,000	-\$10,000	-3.51%
Benefits	\$562,610	\$624,896	\$62,286	11.07%
Current Expense	\$2,000,000	\$2,000,000	\$0	0.00%
Student Aid	\$850,000	\$850,000	\$0	0.00%
Travel	\$1,500,000	\$1,600,000	\$100,000	6.67%
Capital	\$0	\$0	\$0	0.00%
TOTAL EXPENDITURES	\$6,085,346	\$6,286,359	\$201,013	3.30%
PROJECTED NET REVENUE	\$121,216	\$209,841	\$289,187	238.57%

Table 20

Professional & Continuing Education Operating Comparison for Fiscal Years 2016-17 and 2017-18				
	2016-17	2017-18	\$ Change	% Change
CARRY-FORWARD FUNDS				
Fund Balance Beginning of Year	\$108,443	\$88,800	-\$19,643	-18.11%
REVENUE				
Program Registration Fees (non-credit)	\$702,453	\$700,848	-\$1,605	-0.23%
Other Income	\$0	\$0	\$0	0.00%
Subtotal Revenue	\$702,453	\$700,848	-\$1,605	-0.23%
TOTAL AVAILABLE FUNDS	\$810,896	\$789,648	-\$21,248	-2.62%
EXPENDITURES				
Salaried Staff	\$194,330	\$148,277	-\$46,053	-23.70%
Hourly Staff	\$64,742	\$82,075	\$17,333	26.77%
Benefits	\$126,375	\$97,683	-\$28,692	-22.70%
Current Expense	\$336,649	\$322,709	-\$13,940	-4.14%
TOTAL EXPENDITURES	\$722,096	\$650,744	-\$71,352	-9.88%
Net Change	\$88,800	\$50,104	-\$38,696	-43.58%
ENDING OPERATING BALANCE	\$88,800	\$138,904	\$50,104	56.42%

Table 21

Student Health Services Comparison for Fiscal Years 2016-17 and 2017-18				
	2016-17	2017-18	\$ Change	% Change
REVENUE				
Sales & Services	\$55,000	\$92,000	\$37,000	67.27%
Student Fees	\$428,181	\$482,040	\$53,859	12.58%
TOTAL REVENUE	\$483,181	\$574,040	\$90,859	18.80%
EXPENDITURES				
Expenditures				
Salaried Staff	\$304,121	\$309,729	\$5,608	1.84%
Hourly Staff	\$29,610	\$56,265	\$26,655	90.02%
Benefits	\$149,450	\$176,344	\$26,894	18.00%
Current	\$0	\$19,202	\$19,202	N/A
Travel	\$0	\$4,500	\$4,500	0.00%
Capital	\$0	\$8,000	\$8,000	0.00%
TOTAL EXPENDITURES	\$483,181	\$574,040	\$90,859	18.80%
NET OPERATING REVENUE	\$0	\$0	\$0	0%

Table 22

Student Programs Operating Budget Comparison for Fiscal Years 2016-17 and 2017-18				
	2016-17	2017-18	\$ Change	% Change
REVENUE				
Sales & Services	\$155,000	\$155,000	\$0	0.00%
Student Fees	\$2,321,325	\$2,401,880	\$80,555	3.47%
Other Income (Reserves)	\$860,000	\$214,000	-\$646,000	-75.12%
TOTAL REVENUE	\$3,336,325	\$2,770,880	-\$565,445	-16.95%
EXPENDITURES				
Salaried Staff	\$763,859	\$772,735	\$8,876	1.16%
Hourly Staff	\$200,000	\$200,000	\$0	0.00%
Benefits	\$440,941	\$460,208	\$19,267	4.37%
Current Expense	\$1,310,634	\$1,200,000	-\$110,634	-8.44%
Travel	\$100,000	\$100,000	\$0	0.00%
Capital	\$0	\$0	\$0	0.00%
Subtotal Expenditures	\$2,815,434	\$2,732,943	-\$82,491	-2.93%
NET OPERATING REVENUE	\$520,891	\$37,937	-\$482,954	-92.72%

Table 23

Institutional Discretionary Budget

Revenue

Revenue generally consists of two sources--interest earnings and unrestricted gifts no longer held by the UVU Foundation.

Institutional Investment Income revenue is based on projected interest earnings during 2016-17 and estimated year-end balances from 2016-17. Revenue has returned to pre-recession levels. Adjustments for both actual earnings and unexpended year-end balances will be presented to the Board in the fall.

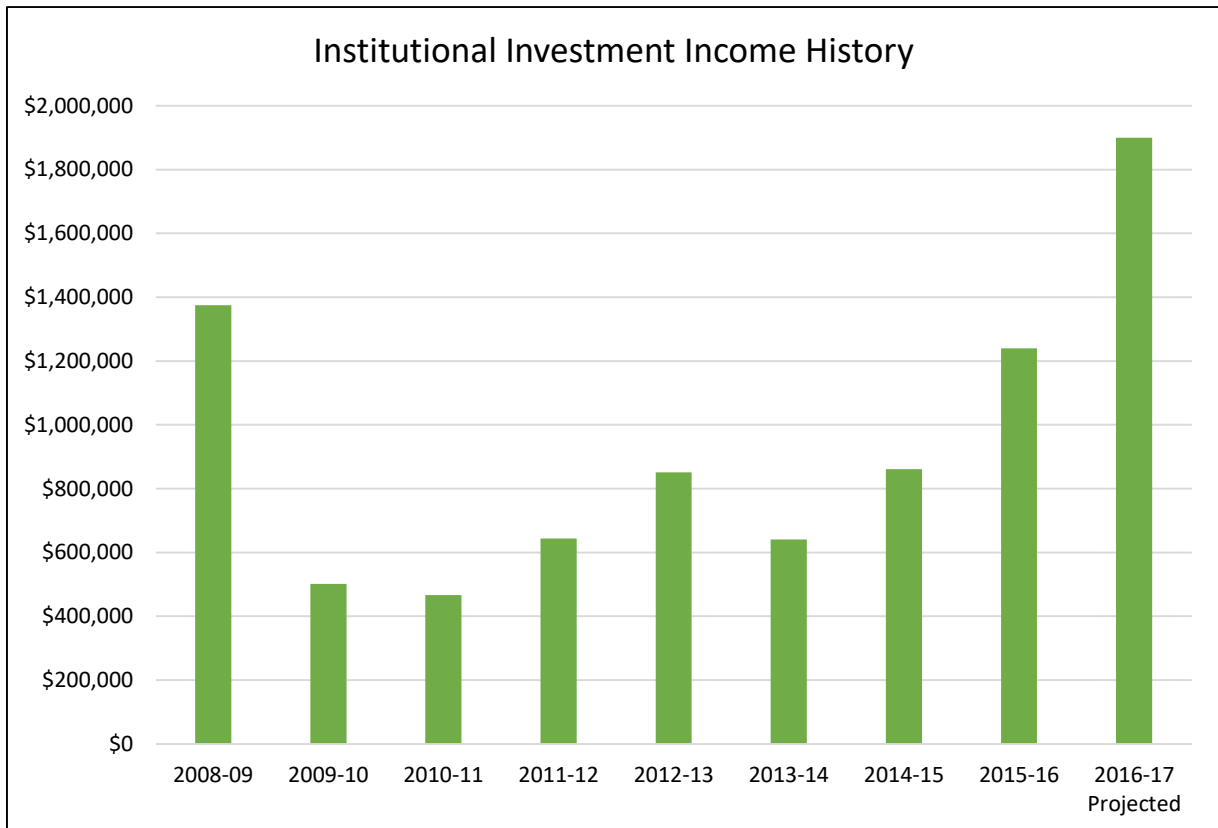


Figure 15

Expenditures

The expenditure budget implements the resource allocations determined through UVU's PBA process as outlined in President Holland's campus-wide forum (*Hoagies with Holland*) of April 19, 2017. Very few changes have been made for 2017-18.



Institutional Discretionary Funds
2017-18 Initial Budget

Institutional Investment Income

	2016-17			2017-18
	Original	Change	Revised Revenue Budget	Original
Revenue				
Investment Revenue From Prior Year	\$1,200,000	\$39,744	\$1,239,744	\$1,900,000
Carry forward from Prior Year	\$141,000	\$81,143	\$222,143	\$323,021
Available Revenue	\$1,341,000	\$120,887	\$1,461,887	\$2,223,021

	2016-17			2017-18
	Original Budget	Revisions	Revised Budget	Original Budget
Expenditure Category/Project				
Scholarships, Fellowships and Student Aid				
International Student Scholarships	\$142,006		\$142,006	\$145,556
Scholarship (President/Land)	\$15,000		\$15,000	\$15,000
CAL Lead Housing	\$215,400	\$3,000	\$218,400	\$214,380
Honors Housing	\$258,960	\$6,000	\$264,960	\$301,000
International Studies Student Aid	\$20,000		\$20,000	\$20,000
Internships	\$12,000		\$12,000	\$12,000
Government Internships	\$30,000		\$30,000	\$30,000
Fund Raising and Institutional Development				
Federal Funding Development	\$45,000		\$45,000	\$45,000
Other Education and General Operating Support				
Student Marketing (Recruitment)	\$80,000	\$65,000	\$145,000	\$80,000
Student Marketing (Targeted)	\$0		\$0	\$0
University Campaign	\$0	\$200,000	\$200,000	\$0
Out Of State Recruiting	\$30,000		\$30,000	\$30,000
International Fair	\$16,500		\$16,500	\$16,500
Contingency	\$476,134	-\$153,113	\$323,021	\$1,313,585
TOTAL	\$1,341,000	\$120,887	\$1,461,887	\$2,223,021

Unrestricted Gifts

	2016-17			2017-18
	Original Budget	Revisions	Revised Budget	Original Budget
Revenue				
Carry forward from Prior Year	\$92,784	\$8,577	\$101,361	\$113,204
Projected new revenue	\$11,000	\$5,177	\$16,177	\$11,000
Available Revenue	\$103,784	\$13,754	\$117,538	\$124,204

	2016-17			2017-18
	Original Budget	Revisions	Revised Budget	Original Budget
Expenditure Category				
Fund Raising and Institutional Development				
Presidential Impact	\$89,685	-\$757	\$88,928	\$84,627
Community Outreach	\$14,099	\$14,511	\$28,610	\$39,577
Total Expenditures	\$103,784	\$13,754	\$117,538	\$124,204

Appendixes

Appendix A: Tuition and Fees

UTAH VALLEY UNIVERSITY 2017-18 Tuition Increase Approved by Board of Trustees March 29, 2017

Tuition and Fee Rates

Per Semester	Tuition				Tuition & Fees			
	2016-17	2017-18	Change		2016-17	2017-18	Change	
			Amount Difference	Percent Difference			Amount Difference	Percent Difference
Undergraduate (15 credit hrs)								
Resident	\$2,420	\$2,481	\$61	2.5%	\$2,765	\$2,826	\$61	2.2%
Non-resident	\$7,500	\$7,688	\$188	2.5%	\$7,845	\$8,033	\$188	2.4%
Graduate Base, MEd, MSN (10 credit hrs)								
Resident	\$2,720	\$2,790	\$70	2.6%	\$3,070	\$3,140	\$70	2.3%
Non-resident	\$8,300	\$8,500	\$200	2.4%	\$8,650	\$8,850	\$200	2.3%
MBA (10 credit hrs)								
Resident	\$5,930	\$6,050	\$120	2.0%	\$6,280	\$6,400	\$120	1.9%
Non-resident	\$12,810	\$13,100	\$290	2.3%	\$13,160	\$13,450	\$290	2.2%
MAcc (10 credit hrs)								
Resident		\$4,940	\$4,940			\$5,290	\$5,290	
Non-resident		\$11,990	\$11,990			\$12,340	\$12,340	
Social Work (10 credit hrs)								
Resident		\$3,500	\$3,500			\$3,850	\$3,850	
Non-resident		\$9,210	\$9,210			\$9,560	\$9,560	
Computer Science (10 credit hrs)								
Resident		\$3,750	\$3,750			\$4,100	\$4,100	
Non-resident		\$9,460	\$9,460			\$9,810	\$9,810	
Cybersecurity, MPS (10 credit hrs)								
Resident		\$4,000	\$4,000			\$4,350	\$4,350	
Non-resident		\$9,710	\$9,710			\$10,060	\$10,060	

First Tier Tuition Increase

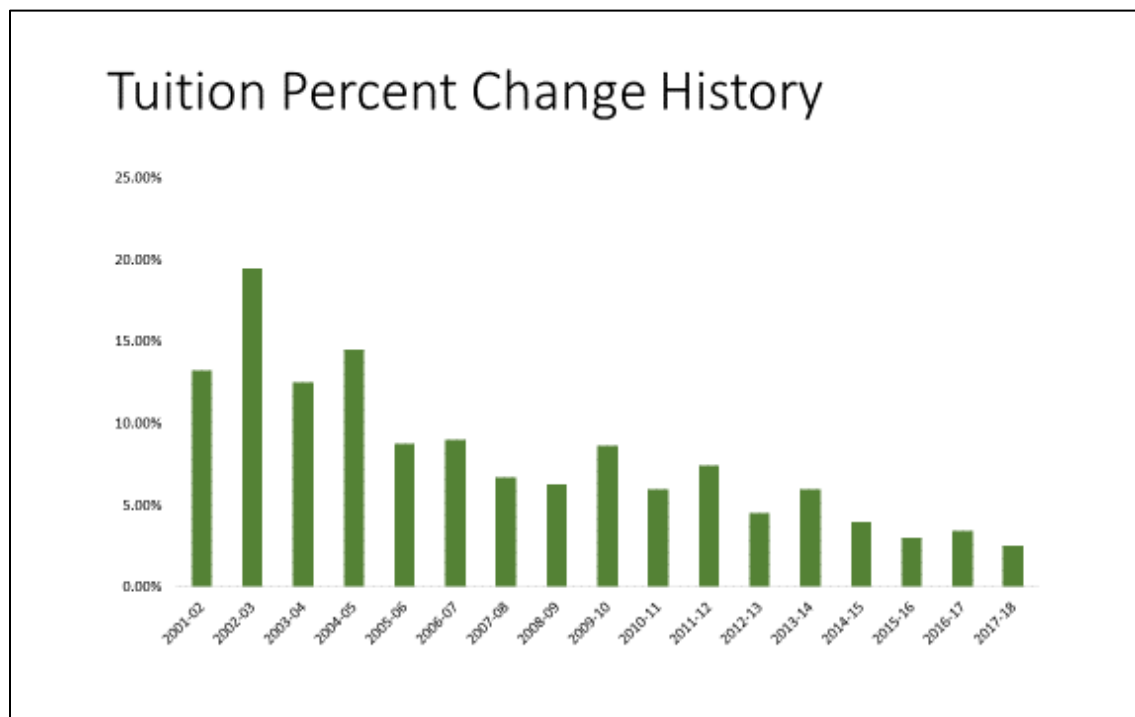
UVU anticipates the Board of Regents will consider a 2.5 percent first-tier tuition increase for all resident and non-resident, undergraduate and graduate students in USHE. The revenue from this increase will aid institutions in responding to employee compensation, health care cost increases, and other institutional priorities.

Second Tier Tuition Increase

Consistent with UVU's access mission and commitment to keeping tuition and fees as low as possible, no second tier tuition increase is proposed.

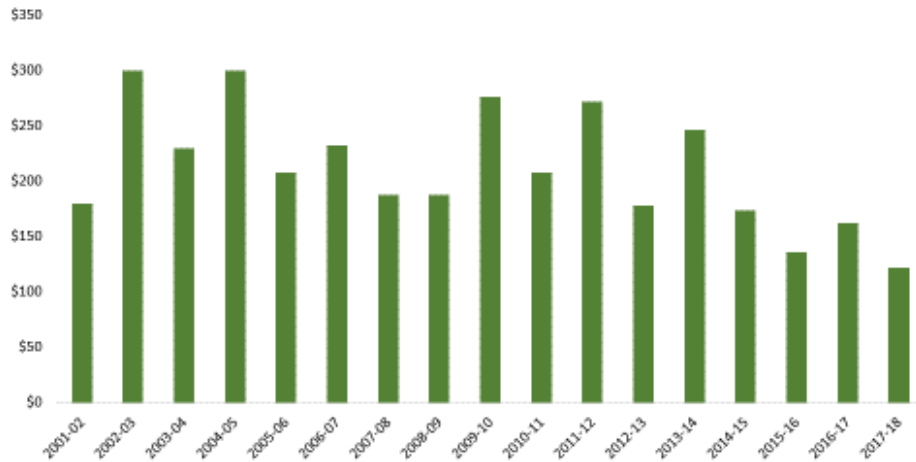
Combined Undergraduate Tuition Increase

The proposed tuition increase of 2.5 percent is the lowest percentage increase since 1996-97. The annual change (two semesters, resident at 15 credits) of \$122 is the lowest dollar amount increase since 2001-02.



Tuition Change History

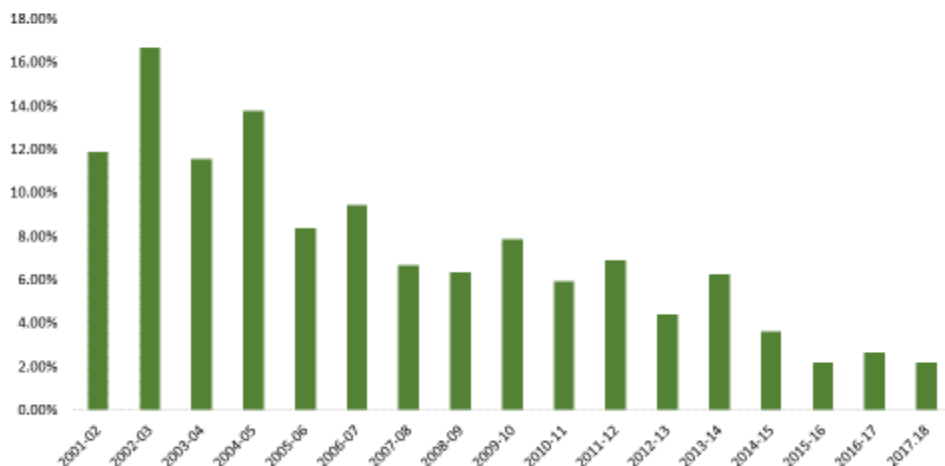
(2 academic semesters, undergraduate, resident)

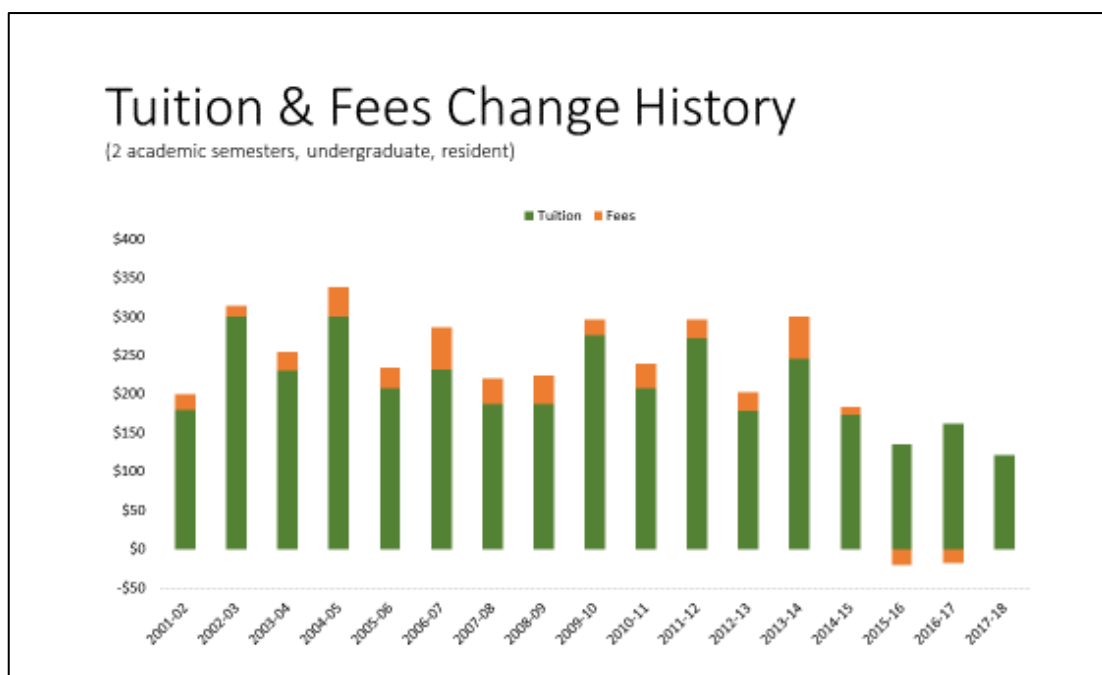


Following two consecutive years of reduction to general student fees, UVU is holding 2017-18 general student fees at the same level as 2016-17. 2017-18 will be the third year since 1997-98 of no increase to general student fees.

UVU's total tuition and fee increase of 2.21 percent is the second lowest percentage increase since 1996-97. The annual tuition and fee change (two semesters, resident at 15 credits) of \$122 is the second lowest dollar amount increase since 2001-02.

Tuition & Fees Percent Change History





Graduate Differential Tuition Scales

During their July 2016 Board meeting, the Board of Regents approved five new Master's degrees for Utah Valley University to begin Fall 2017. The finance sections for each of the new program requests included revenue based on differential graduate tuition rates. Revenue generated through these tuition differential rates will directly support these new graduate programs. Projected tuition differential tuition rates have been communicated to prospective students; thus, no negative impact on student access or retention is anticipated.

Currently, UVU has two graduate tuition scales: 1) base graduate tuition scale used by the Master of Education and Master of Nursing programs and 2) MBA graduate tuition scale. UVU is proposing the addition of four new differential graduate tuition scales based on comparability with other graduate programs at UVU and across USHE as well as potential graduate career opportunities and earnings.

- A. Master of Accountancy—The MBA tuition rate is comprised of the base graduate tuition rate, a Woodbury School of Business graduate program differential, and an international immersion experience differential. UVU proposes a MAcc tuition rate comprised of the base graduate tuition and the Woodbury School of Business graduate program differential.

Graduate Program	Base Graduate Tuition Rate	WSB Differential	International Immersion Experience Differential	Total Resident Rate Per Credit Hour
MBA	\$279	\$215	\$111	\$605
MAcc	\$279	\$215	\$0	\$494

- B. Master of Computer Science—Graduates of this program will be in high demand, have strong earning potential, and expect increased opportunities for advancement in careers which are in high demand locally and throughout the state. During 2016-17, graduate computer science tuition rates per credit at other USHE institutions were University of Utah \$398, Utah State University \$340, and Weber State University \$359. UVU proposes a Master of Computer Science tuition rate comprised of the base graduate tuition of \$279 (residents) plus a tuition differential of \$96 for a combined tuition rate of \$375 per credit.
- C. Master of Social Work—Graduates of this program will be prepared to become Licensed Clinical Social Workers and have significantly increased earning potential and career opportunities. During 2016-17, MSW tuition rates per credit at other USHE institutions were University of Utah \$446 and Utah State University \$420. UVU proposes a Master of Social Work tuition rate comprised of the base graduate tuition of \$279 (residents) plus a tuition differential of \$71 for a combined tuition rate of \$350 per credit.
- D. Master of Public Services/Master of Cybersecurity—This proposed scale will be used by two graduate programs. UVU proposes this graduate tuition rate comprised of the base graduate tuition of \$279 (residents) plus a tuition differential of \$121 for a combined tuition rate of \$400 per credit.
- Master of Public Services—Graduates of this program will be in high demand, have increased annual earning potential of \$13,000 to \$17,000, and experience increased opportunities for advancement. During 2016-17, MPA (similar program) tuition rates per credit hour at other USHE institutions were University of Utah \$433 and Southern Utah University \$385.
 - Master of Cybersecurity—Graduates of this program will be in high demand and expect annual salaries of \$90,000+. During 2016-17, SUU's graduate level Cybersecurity program tuition rate per credit was \$443.

Graduate Program	Base Graduate Tuition Rate	Differential	Total Resident Rate Per Credit Hour
Master of Computer Science	\$279	\$96	\$375
Master of Social Work	\$279	\$71	\$350
Master of Public Services and Master of Cybersecurity	\$279	\$121	\$400

Non-resident tuition rates will be the base graduate non-resident rate of \$850 plus the amount of the tuition differential for each specific program.



2017-2018 Proposed Student Fees

FEE NAME	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	Increase/Decrease
Student Programs	\$ 58.04	\$ 49.90	\$ 51.19	\$ 46.19	\$ 46.19	\$ -
Campus Recreation	\$ -	\$ 16.66	\$ 16.45	\$ 21.97	\$ 22.67	\$ 0.70
Building Bonds	\$ 113.34	\$ 107.34	\$ 99.55	\$ 96.09	\$ 94.09	\$ (2.00)
Student Center O&M	\$ 31.24	\$ 28.24	\$ 27.94	\$ 28.94	\$ 28.94	\$ -
SLWC O&M	\$ 15.98	\$ 30.32	\$ 29.00	\$ 24.98	\$ 24.98	\$ -
P.E. Issue Room	\$ 1.82	\$ 1.82	\$ -	\$ -	\$ -	\$ -
Athletics	\$ 92.79	\$ 92.79	\$ 99.05	\$ 98.82	\$ 98.82	\$ -
Conference Aff. Fund	\$ 13.97	\$ 13.97	\$ 7.72	\$ 5.53	\$ 5.53	\$ -
Health Services	\$ 10.60	\$ 8.66	\$ 8.52	\$ 8.52	\$ 9.27	\$ 0.75
Student Computing	\$ 14.34	\$ 7.42	\$ 7.75	\$ 7.42	\$ 7.97	\$ 0.55
UTA	\$ 6.88	\$ 6.88	\$ 6.83	\$ 6.54	\$ 6.54	\$ -
Total	\$ 359.00	\$ 364.00	\$ 354.00	\$ 345.00	\$ 345.00	\$ 0.00

Explanation for Proposed Changes

- **Campus Recreation:** Growing numbers of club sports has resulted in an internal audit in search for ways to increase productivity. As a result, club sports will be moved from UVUSA Clubs to Intramurals housed under Campus Recreation. The \$0.70 awarded will take effect on July 1, 2017 and be used as their Fiscal Year budget.
- **Building Bonds:** After consultation with Vice President Linda Makin it was found the with the current amount already in the account and the increases in student enrollment it is feasible to decrease the fee by \$2.00 as the Building Bonds are a fixed cost in contrast to other fees that are impacted by the additional programming that come with increased enrollment.
- **Health Services:** The \$0.75 increase will allow for a part-time medical assistant to be moved into a full-time position allowing for further utilization in assisting the nurse practitioners in attending to students.
- **Student Computing:** An total increase of \$0.55 was awarded to Student Computing. \$0.35 will be utilized to assist with the rising costs of computers and labor in addition to the life-cycle replacement of computers. The remaining \$0.20 will be used towards the implementation of Sunday hours for UVU's library for tech support to be used in for computer labs within the library.

Student Fee Information

At the beginning of spring semester every year, the UVUSA Student Council holds Student Fee Hearings. Any department or organization on campus who currently receives funding from student fees or would like to receive funding from student fees must come present to the Student Council. The presentations are reports on how the money has been spent; requests for continued funding or increases, as needed; and, most importantly, how these expenditures benefit the student body. These meetings are open to the public, and Student Council encourages student participation.

After the conclusion of the Student Fee Hearings, the UVUSA Executive Council (Student Body President and the Vice Presidents) prepare a Student Fee Proposal. The proposal is presented to, reviewed and voted on by Student Council, and then sent to UVU's President's Council. Once passed by both of these entities, it is sent to the UVU Board of Trustees, and finally to the Utah Board of Regents for approval.

Appendix B: Core Themes and Administrative Imperatives

Utah Valley University Mission Statement

Utah Valley University is a teaching institution which provides opportunity, promotes student success, and meets regional educational needs. UVU builds on a foundation of substantive scholarly and creative work to foster engaged learning. The university prepares professionally competent people of integrity who, as lifelong learners and leaders, serve as stewards of a globally interdependent community.

Core Themes

"Collectively, the core themes represent the institution's interpretation of its mission and translation of that interpretation into practice."

-Northwest Commission on Colleges and Universities

Student Success

UVU supports students in achieving their educational, professional and personal goals.

- UVU supports students' preparation and achievement of academic success at the University.
- UVU provides a meaningful and well-rounded university experience.
- UVU prepares students for success in their subsequent academic, professional and lifelong learning pursuits including serving as leaders, people of integrity and stewards of their communities.

Inclusive

UVU provides opportunity for individuals from a wide variety of backgrounds and perspectives and meets regional educational needs.

- UVU provides accessible and equitable educational opportunities and resources for all students.
- UVU provides opportunities to improve intercultural competence in an increasingly complex, diverse, and globalized society.
- UVU provides an inviting, safe, and supportive environment for people from diverse backgrounds and perspectives.
- UVU offers an array of courses, programs, and delivery methods designed to reflect students' goals and the region's educational needs.

Engaged

UVU engages its communities in mutually beneficial collaboration and emphasizes engaged learning.

- UVU faculty and staff engage students using real-world contexts within the curriculum and activities outside the classroom to increase professional competence and confidence.
- UVU fosters partnerships and outreach opportunities that enhance regional, national and global communities.
- UVU serves as a portal of civic engagement and an engine of regional economic and business development.

Serious

UVU fosters a culture of academic rigor and professional excellence.

- UVU champions learning through outstanding teaching in an academically rigorous environment.
- UVU supports a culture of scholarship and creative work and promotes accomplishment in cultural, academic and co-curricular/extramural endeavors.
- UVU attracts, develops, and retains high achieving students and highly qualified faculty, staff, and administrators.
- UVU is recognized for high quality, efficient, and effective programs and services.

Administrative Imperatives

UVU's Administrative Imperatives - Operate Ethically and Effectively, Manage Growth and Secure Resources - are key practices and principles critical for sustained fulfillment of the University's mission and core themes.

Operate Ethically and Effectively

UVU operates responsibly through ethical conduct and best practices in planning, decision making, and resource management.

- UVU upholds an environment of ethical behavior and expects honesty, integrity, legal compliance, financial stewardship, and accountability in the performance of employees' UVU-related responsibilities.
- UVU fosters a culture of strategic planning, assessment, continuous improvement, and accountability.
- UVU strategically allocates resources to achieve institutional objectives.
- UVU utilizes transparent and collaborative decision-making processes.

Manage Growth

UVU anticipates and appropriately responds to the region's higher education needs.

- UVU anticipates and plans for future regional educational needs.
- UVU adapts to meet student and community needs consistent with its educational mission.

Secure Resources

UVU seeks and obtains public and private resources to fulfill its mission.

- UVU communicates its resource requirements and secures appropriate state tax fund support to fulfill its role within the Utah System of Higher Education.
- UVU establishes tuition and fees consistent with the economic environment and its mission.
- UVU strategically pursues and acquires private and public resources beyond state appropriations.

2016-17 Areas of Focus

Based on institutional assessment processes and discussions in President's Executive Leadership Council and other divisional meetings and in light of other recent progress, the following have been identified as university-wide areas of focus for continuous improvement efforts and resource allocations during 2016-17. PBA resource requests that directly support the areas of focus, especially if tied to the division's four-year strategic plan, are not the only requests that will be funded; but such requests will receive priority funding consideration.

1. Improve Student Retention and Completion.
(Student Success Objective 1—UVU supports students' preparation and achievement of academic success at the university.)
2. Expand and enhance the array of courses, programs, and delivery methods to meet students' goals and the region's educational needs.
(Inclusive Objective 4—UVU offers an array of courses programs, and delivery methods designed to reflect students' goals and the region's educational needs.)
3. Strategically allocate divisional/departamental resources to achieve institutional objectives.
(Operate Effectively Objective 2—UVU strategically allocates resources to achieve institutional objectives.)

These areas of focus are driven by a number of considerations, including the results of the bi-annual University Planning Advisory Committee SWOT analysis and self-evaluation of UVU's mission fulfillment, accreditation pressures, legislative accountability and performance-based funding requirements, funding needs related to expected growth, and UVU's student profile.

Appendix C: PBA Allocation Detail

UTAH VALLEY UNIVERSITY ALLOCATION DETAIL Hoagies with Holland - April 19, 2017

Core Theme/Administrative Imperative and Area of Focus	Division	School/ College/ Unit	Request #	Allocation	Appropriated		Non-Appropriated	
					2016-17 One-time	2017-18 Base	2016-17 One-time	2017-18 Base
Student Success								
UVU Support students preparation and achievement of academic success at the University.								
Area of Focus 1--Improve Student Retention and Completion								
Reduce student-to-advisor ratio								
Academic Advisor 1, Behavioral Science	Academic Affairs	CHSS	304	April		\$71,198		
Academic Advisor 1, Exercise Science	Academic Affairs	CSH	73	April		\$71,198		
Manager Advising in Technology & Computing	Academic Affairs	CTC		Sept	\$78,343	\$78,343		
Manager Advising upgrades	Academic Affairs/Student Affairs	AP/SSR		Sept	\$73,313	\$73,313		
Improve onboarding-through-graduation student support programs/services								
Student Success Platform Software	Academic Affairs/Student Affairs	AP/SSR		Sept/April	\$272,000	\$419,129		
Student Success software one-time setup	Academic Affairs/Student Affairs	AP/SSR		Sept	\$109,000			
Business Analyst for Student Success software	Academic Affairs/Student Affairs	AP/SSR		Sept	\$90,000	\$90,000		
Student Success/scheduling contingency/consultant	Academic Affairs/Student Affairs	AP/SSR		Sept	\$96,337			
Orientation support	Student Affairs	SSR	95	April	\$30,000			
Freshman Reading Program	Student Affairs	SSR	94	April	\$35,000			
Retention Mentors Student Success implementation	Academic Affairs/Student Affairs	AP/SSR		Sept		\$83,000	\$83,000	
Returning Wolverine Grants	Student Affairs	SSR	93	April		\$75,000		
Wolverine Completion Grants	Student Affairs	SSR	236	April		\$175,000		
Improve access to full-time faculty								
Art Foundations Faculty (HE)	Academic Affairs	SOA	230	April		\$64,022		
Behavioral Science FAMS Faculty (HE)	Academic Affairs	CHSS	143	April		\$66,964		
Behavioral Science PSY Faculty (HE)	Academic Affairs	CHSS	183	April		\$70,519		
Biology Faculty (HE)	Academic Affairs	CSH	105	April		\$78,734		
Chemistry Faculty	Academic Affairs	CSH		April		\$104,260		
Computer Science Lecturer	Academic Affairs	CTC	16	April		\$96,904		
Computer Science Lecturer	Academic Affairs	CTC	16	April		\$96,904		
Earth Science Faculty (HE)	Academic Affairs	CSH	81	April		\$73,217		
Languages Pedagogy Faculty	Academic Affairs	CHSS	91	April		\$93,839		
Management Lecturer (HE)	Academic Affairs	WSB	71	April		\$65,248		
Marketing Lecturer	Academic Affairs	WSB	114	April		\$92,000		
Mathematics Lecturer (HE)	Academic Affairs	CSH	109	April		\$60,344		
Music Theory Faculty (HE)	Academic Affairs	SOA	187	April		\$62,796		
Personal Financial Planning Faculty	Academic Affairs	WSB	64	April		\$150,787		
Technology Management Lecturer (HE)	Academic Affairs	CTC	26	April		\$58,505		
Critical Need Lecturer	Academic Affairs	AA	144	April		\$79,918		
Critical Need Lecturer	Academic Affairs	AA	144	April		\$79,918		
Enhance student and academic success support services								
Career Services Events Coordinator (PT to FT)	Student Affairs	SSR	100	April		\$33,451		
Math Lab Coordinator (PT to FT)	Academic Affairs	UC	149	April		\$57,377		
Writing Center/WID/WAC extensions	Academic Affairs	UC	200	April		\$80,000		
Medical Assistant (PT to FT)	Student Affairs	SL	473	April				\$43,471
Library Weekend Hourly Pilot	Academic Affairs	Admin	208	Jan/April	\$18,319		\$20,000	
Library Hourly Student	Academic Affairs	Admin	193	April		\$33,384		

Core Theme/Administrative Imperative and Area of Focus	Division	School/College/ Unit	Request #	All location	Appropriated		Non-Appropriated	
					2016-17 One-time	2017-18 Base	2016-17 One-time	2017-18 Base
Expand mental health resources for students	Student Affairs	SL	334	April		\$32,100		
	Student Affairs	SL	333	April		\$16,050		
	Student Affairs	SL	335	April		\$32,100		
	Student Affairs	SL	337	Dec/Jan	\$12,470	\$50,381		
	Finance & Administration	Athletics	489	April		\$287,500		
	Finance & Administration	Athletics	378	April		\$320,586		
	Finance & Administration	Athletics	394	April		\$100,000		
	Finance & Administration	Athletics	489	April		\$81,838		
	Finance & Administration	Athletics	490	April		\$95,897		
	Finance & Administration	Athletics	491	April		\$62,813		
	Finance & Administration	Athletics		April		\$72,826		
	Finance & Administration	Athletics		April		\$72,826		
	Finance & Administration	Athletics		April		\$40,000		
	Student Affairs	SL	500	April				\$42,872
	Finance & Administration	Athletics	463	April				\$57,850
	Finance & Administration	Athletics	488	April				\$58,850
UUVU provides a meaningful and well-rounded university experience. Assistant Coordinator Clubs (PT to FT) Athletics - Men's Assistant Soccer Coach Athletics - Women's Assistant Soccer Coach	Student Affairs	SL	500	April				\$42,872
	Finance & Administration	Athletics	463	April				\$57,850
	Finance & Administration	Athletics	488	April				\$58,850
UUVU offers an array of courses, programs, and delivery methods designed to reflect student goals and the region's educational needs. Area of Focus 2 - Expand and enhance the array of courses, programs and delivery methods to meet student's goals and the region's educational needs. Implement new programs	Academic Affairs	CAPS	273	Dec/Jan		\$115,294		
	Academic Affairs	CAPS	276	April		\$115,294		
	Academic Affairs	CAPS	274	April		\$18,390		
	Academic Affairs	CAPS	275	April		\$35,308		
	Academic Affairs	CAPS	275	April		\$8,025		
	Academic Affairs	CAPS	275	April		\$15,000		
	Academic Affairs	CAPS	275	April		\$2,000		
	Academic Affairs	CHSS	144	April		\$51,762		
	Academic Affairs	CHSS	144	April		\$51,762		
	Finance & Administration	Finance/GRAMA	476	April		\$350,000		
	Academic Affairs	AO	485	April		\$45,000		
	Academic Affairs	CAPS	263	April	\$50,000			
	Academic Affairs	CTC	19	April	\$200,000			
	Academic Affairs	CAPS	254	April	\$150,000			
	Student Affairs	SSR	123	April		\$40,000		
UUVU provides an inviting, safe, and supportive environment for people from diverse backgrounds and perspectives. Pacific Islander Programmatic Support LGBT Student Services Program Director (PT to FT) Latino Initiative Programmatic Support Women in Education Programmatic Support Closed Captioning IT Accessibility Specialist ADA door hardware	Student Affairs	SSR	130	April		\$49,824		
	Student Affairs	SSR	126	April		\$15,000		
	Student Affairs	SSR	192	April			\$45,000	
	Academic Affairs	Admin	472	April	\$72,000			
	Finance & Administration	IT	475	April		\$87,954		
	Finance & Administration	Facilities	370	April	\$35,000			

Core Theme/Administrative Imperative and Area of Focus	Division	School/ College/ Unit	Request #	Allocation	Appropriated		Non-Appropriated	
					2016-17 One-time	2017-18 Base	2016-17 One-time	2017-18 Base
UUV provides opportunities to improve intercultural competence in an increasingly complex, diverse, and globalized society.	Academic Affairs	SOE	478	April		\$355,000		
Teacher Preparation Inclusion through Intercultural Engagement	Student Affairs	SL	240	April				\$34,000
Reflection Center Programmatic Support								
Engaged								
UUV faculty and staff engage students using real-world contexts within the curriculum and activities outside the classroom to increase professional competence and confidence.								
Admin III for Global Engagement	Academic Affairs	EL	178	April		\$58,451		
Facilities Intern	Finance & Administration	Facilities	310	April		\$10,000		
GEL Matching funds for Academic Service Learning	Academic Affairs	EL	181	April		\$25,000		
Title II Grants Year 4 institutional share	Academic Affairs	AA	172	April		\$36,079		
UUV serves as a portal of civic engagement and an engine of regional economic and business development.								
Roots of Knowledge Launch	Academic Affairs	Admin		Dec/Jan	\$150,000			
Roots of Knowledge Launch	University Relations	UR		Dec/Jan	\$150,000			
Librarian for Roots of Knowledge	Academic Affairs	Admin	211	Dec/Jan	\$69,639			
Roots of Knowledge Coordinator (PT)	Academic Affairs	Admin	467	Dec/Jan	\$20,000			
Serious								
UUV champions learning through outstanding teaching in an academically rigorous environment.								
New Master's Degrees								
Graduate Admissions Coordinator	Student Affairs	EM		Dec/Jan	\$15,406	\$59,331		
Master Computer Science (MCS) Faculty	Academic Affairs	CTC		Dec/Jan	\$126,022			
Master Computer Science (MCS) Director	Academic Affairs	CTC		Dec/Jan	\$14,712	\$14,712		
Master Computer Science (MCS) Hourly Staff	Academic Affairs	CTC		Dec/Jan	\$13,375	\$26,750		
Master Computer Science (MCS) Operating Funds	Academic Affairs	CTC		Dec/Jan	\$2,000	\$45,000		
Master Computer Science (MCS) Marketing	Academic Affairs	CTC		Dec/Jan	\$150,848			
Master Cybersecurity Faculty	Academic Affairs	CTC		Dec/Jan	\$2,000			
Master Cybersecurity Marketing	Academic Affairs	CTC		Dec/Jan	\$15,000			
Master Cybersecurity Operating Funds/Library	Academic Affairs	CTC		Dec/Jan	\$2,000			
Master Public Service (MPS) Marketing	Academic Affairs	CAPS		Dec/Jan	\$28,000			
Master Public Service (MPS) Operating Funds/Library	Academic Affairs	CAPS		Dec/Jan	\$95,372			
Master Social Work (MSW) Faculty	Academic Affairs	CHSS		Dec/Jan	\$21,222			
Master Social Work (MSW) Hourly Faculty	Academic Affairs	CHSS		Dec/Jan	\$82,088			
Master Social Work (MSW) Staff	Academic Affairs	CHSS		Dec/Jan	\$29,709			
Master Social Work (MSW) Marketing	Academic Affairs	CHSS		Dec/Jan	\$2,000			
Master Social Work (MSW) Operating Funds	Academic Affairs	CHSS		Dec/Jan	\$25,000			
Master of Accountancy (MACC) Faculty	Academic Affairs	WSB		Dec/Jan	\$181,498			
Master of Accountancy (MACC) Director	Academic Affairs	WSB		Dec/Jan	\$17,164	\$17,164		
Master of Accountancy (MACC) Graduate Assistants	Academic Affairs	WSB	56	Dec/Jan	\$32,100			
Master of Accountancy (MACC) Staff	Academic Affairs	WSB		Dec/Jan	\$17,767	\$65,423		
Master of Accountancy (MACC) Marketing	Academic Affairs	WSB		Dec/Jan	\$17,000			
Master of Accountancy (MACC) Operating Funds	Academic Affairs	WSB	54	Dec/Jan	\$30,000			

Core Theme/Administrative Imperative and Area of Focus	Division	School/ College/ Unit	Request #	Allocation	Appropriated		Non-Appropriated	
					2016-17 One-time	2017-18 Base	2016-17 One-time	2017-18 Base
UVU attracts, develops, and retains high-achieving students and highly qualified faculty, staff, and administrators.								
Compensation								
\$250 Base Increase to All Full-Time Employees						\$532,991		
Full-Time Faculty Rank/Tenure, Market Equity, Targeted Retention				April		\$1,676,490		
Full-Time Staff Merit, Market Equity, Targeted Retention				April		\$1,478,453		
Executive Merit, Market Equity, Targeted Retention				April		\$151,909		
Adjunct Faculty 3.04% Increase				April		\$505,874		
Hourly Staff 3% Increase				April		\$290,427		
Medical Premium Increase 8%				April		\$1,983,480		
LTD Premium Increase				April		\$21,044		
FLSA Final Rule Implementation Commitments				April	\$47,188	\$80,893		
Develop and recognize faculty, staff, and administrators	Planning/Budget/HR	GC	430	Dec/Jan				
75th Anniversary employee recognition	General	GC		Dec/Jan	\$132,973		\$189,276	
Faculty Excellence Awards	Academic Affairs	SENATE	154	April		\$51,000		
PACE Staff Pride	PBHR	PACE	46	April		\$15,000		
Oral Proficiency Interview Training	Academic Affairs	CHSS	499	April	\$54,000			
Support High-achieving students								
Honors Housing to 12-month	Academic Affairs	AA	479	April				\$30,000
Honors Hourly	Academic Affairs	AA	160	April		\$18,939		
Honors Thesis/Project funding	Academic Affairs	AA	480	April		\$20,000		
UVU is recognized for high-quality, efficient, and effective programs and services.								
Communications Specialist	University Relations	M&C	357	April		\$81,838		
University Relations Licensing Operating Funds	University Relations	M	373	April		\$15,000		
Studios/Broadcast Data Manager	University Relations	M&C	359	April		\$81,838		
Social Media Command Center Operations	University Relations	M	344	April	\$30,000			
Endowed Chair SOT Transition	Academic Affairs	SOE	481	April			\$107,893	
Accreditation Visit	Planning/Budget/HR	PBHR	338	April			\$35,700	
Operate Effectively								
UVU strategically allocates resources to achieve institutional objectives.								
Area of Focus 3 - Strategically allocate/reallocate divisional/departments resources to achieve institutional objectives.								
Reorganization of Health								
CAPS Assistant Dean	Academic Affairs	CAPS	266	Dec/Jan	\$52,035	\$127,695		
CAPS Administrative Assistant	Academic Affairs	CAPS	253	Dec/Jan	\$14,984	\$58,451		
Warehouse Clerk	Finance & Administration	Finance/GPAMA	448	April		\$56,435		
CRM Database Exploration	Development & Alumni Relations							
Strengthen culture of compliance/reduce risk								
Emergency Response Team (ERT) Operating and Hourly	Finance & Administration	D&A	493	April	\$20,000			
Emergency Response Team	Finance & Administration	RM	312	Dec/Jan	\$21,000	\$21,000		
Title IX/EO Investigator	Planning/Budget/HR	RM	293	April		\$16,692		
Assistant General Counsel & Operating Budget	Finance & Administration	FFO/AA	477	April		\$87,954		
Office General Counsel Hourly	Finance & Administration	GC	406	April		\$132,828		
Office General Counsel Copy Machine/Reception	Finance & Administration	GC	409	April		\$101,700		
Compliance Services Operating Funds	Finance & Administration	GC	412	April	\$16,700			
Liability Insurance for Internships	Finance & Administration	GC	416	April		\$10,000		
Internal Service Funds: Risk	Academic Affairs	EL	186	April		\$8,000		
International Admissions Coordinator Hourly	Institution			April		\$43,800		
Behavioral Assessment Team (BAT) Operating Funds	Student Affairs	IM	225	April		\$30,000		
	Student Affairs	SL	238	April				\$20,000

Core Theme/Administrative Imperative and Area of Focus	Division	School/ College/ Unit	Request #	Allocation	Appropriated		Non-Appropriated	
					2017-18 One-time	2017-18 Base	2016-17 One-time	2017-18 Base
Provide staffing and operating funds to support existing programs and services	CTE Director	AO	305	Dec/Jan	\$47,261	\$95,522		
	Police Corporal Position	FACILITIES		Dec/Jan	\$25,887	\$71,610		
	Commencement	M&C	441	April		\$35,000		
	IRI Analyst Hourly	IRI	355	April		\$35,438		
	Technical Lead Desktop Support	IT	376	April		\$87,954		
	Finance Project Manager	Finance/GRAMA	492	April		\$95,897		
	Assistant Editor Policy Office (PT to FT)	POLICY	237	April		\$38,917		
	One Stop Call Center staff (PT to FT)	EM	205	April		\$29,524		
	Scheduling Manager	Facilities	321	April		\$60,358		
	Scheduling Office Hourly	EM	241	April		\$26,750		
	Recruitment PURLS	M&C	377	April	\$25,000			
	Human Resources Hourly	HR	349 & 350	April		\$45,000		
	Long Distance Charge Reduction	IT	330	April		\$40,000		
	Printing Press	Finance/GRAMA	452	Dec/Jan		\$482,000		
	Internal Service Funds: Fleet	Institution		April		\$5,800		
	Summer Budget Reduction	AA		April		\$200,000		\$62,813
	Cashier Technician	Finance/GRAMA	449	April				
	Finance Software Engineer	Finance/GRAMA	446	April		\$106,006		\$94,671
	Sr. Accountant Help Desk	Finance/GRAMA	447	April				
	Facilities enhancements, remodel and maintenance							
	Perimeter Campus Road	FAC	465	Dec/Jan	\$1,000,000			
	New Warehouse Remodel	FAC	413	Dec/Jan	\$1,200,000			
	Furniture for Warehouse	Facilities	451	April	\$75,000			
	O&M for Warehouse	Facilities	341	April		\$111,800		
Support and sustain technology solutions, systems, and infrastructure	Campus Image	M&C	374	April		\$25,000		
	Campus Image Committee	M&C	374	April	\$30,000			
	Police Remodel	Facilities	362	April	\$65,000			
	Extended Ed Remodel, Sound Stage, and West Campus Remodel	AO	267/483	April	\$1,500,000			
	FC Remodel	Facilities	361	April	\$75,000			
	FF&E for Noorda Center	SOA	234	April	\$700,000			
	Pedestrian Bridge	Facilities	343	April		\$1,000,000		
	Sand Volleyball Operations	Student Affairs	67	April		\$1,000		
	Baseball Scoreboard	Facilities	431	April	\$350,000			
	Facilities Equipment	Facilities	360	April	\$192,000			
	Sidewalks and Stairs	Facilities	364	April	\$65,000			
	Signage Update	Facilities	365	April	\$75,000			
	Tree Replacement	Facilities	363	April	\$108,000			
	Warehouse Equipment	Facilities	450	April	\$65,000			
	Parking lot for Aviation	Facilities		April				
	University Events Furniture/Fence/Paving	D&A	494	April	\$52,800			
	Support and sustain technology solutions, systems, and infrastructure							
	Classroom Media Refurbishment	AA	268	Dec/Jan	\$200,000			
	Library Database Inflation	Admin	194	April		\$35,000		
	Software Inflation and Growth	IT	309	April		\$360,400		
	Software Continuation during Student Success Implementation	AP/SSR		Sept/April		\$34,500		
	IT R&R	IT	329	April	\$350,000			
	Development Digitization Project	D&A	402	April	\$20,000			
	Financial Aid Software	EM	458	April				125,000
								\$500,000

Core Theme/Administrative Imperative and Area of Focus	Division	School/ College/ Unit	Request #	Allocation	Appropriated		Non-Appropriated	
					2016-17 One-time	2017-18 Base	2016-17 One-time	2017-18 Base
Secure Resources								
UVU strategically pursues and acquires private and public resources beyond state appropriations.								
Business Building Fundraising Support	Development & Alumni Relations	D&A	139	Dec/Jan	\$50,000			
WSB Building Fundraising	Academic Affairs	WSB	138	April	\$25,000			
Assistant Director of Major Gifts- Library/Education	Development & Alumni Relations	D&A	434	Dec/Jan	\$27,367	\$83,351		
Major Gift staff Professional Development	Development & Alumni Relations	D&A	381	April		\$20,000		
Admin III for Development	Development & Alumni Relations	D&A	404	April		\$58,451		
Alumni Engagement	Development & Alumni Relations	D&A	404	April		\$15,000		
Assistant Director, Alumni Outreach	Development & Alumni Relations	D&A	410	April		\$73,674		
Manage Growth								
UVU adapts to meet student and community needs consistent with its educational mission.								
Adapt/expand to meet student demand/enrollment growth								
MBA Cohort Expansion								
Thanksgiving Point International Experience	Academic Affairs	WSB	133	Dec/Jan		\$65,268		
Full-time 2nd Cohort International Experience	Academic Affairs	WSB	133	Dec/Jan		\$22,900		
Strategic Management Faculty	Academic Affairs	WSB	70	Dec/Jan		\$136,365		
Finance Faculty	Academic Affairs	WSB	63	Dec/Jan		\$142,266		
Marketing Faculty	Academic Affairs	WSB	113	Dec/Jan		\$175,368		
Graduate Assistants (12)	Academic Affairs	WSB	134	Dec/Jan		\$156,978		
Summer (17) Instruction (12 credits)	Academic Affairs	WSB	135	Dec/Jan		\$128,400		
Operating Funds	Academic Affairs	WSB	112	Dec/Jan		\$38,290		
MBA Pilot Program Expansion (est.)	Academic Affairs	WSB		Dec/Jan	\$454,615	\$35,000		
Increase sections and support services to meet enrollment growth								
Net add sections Summer/Fall/Spring CHSS	Academic Affairs	CHSS		Dec/Jan	\$180,811	\$186,308		
Net add sections Summer/Fall/Spring CSH	Academic Affairs	CSH		Dec/Jan	\$315,927	\$325,531		
Net add sections Summer/Fall/Spring CTC	Academic Affairs	CTC		Dec/Jan	\$240,951	\$248,276		
Net add sections Summer/Fall/Spring WSB	Academic Affairs	WSB		Dec/Jan	\$253,938	\$261,657		
TOTALS					\$9,903,352	\$16,376,223	\$671,276	\$569,527
								\$500,000

Appendix E: Compensation Changes



Proposed 2017-2018 Compensation Plan

(Prepared for Board of Trustees, March 29, 2017)

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The 2017 Legislature appropriated new funding for a 2.0 percent labor market adjustment and 8 percent medical benefits premium increase for higher education employees. This appropriation is comprised 75 percent by new tax funds with 25 percent funded through a first-tier tuition increase. Beyond this legislative appropriation, UVU is allocating revenue from first-tier tuition increase toward an additional 1 percent salary and wage adjustment. The distribution of these new compensation funds for 2017-18 is described below.

Benefits

UVU's Benefits Committee (with representation from Faculty Senate, PACE and administration) reviewed UVU's benefits plan based on plan performance, forecasted costs/claims experience, plan design, and strategic objectives. Based on the forecasted medical and prescription costs/claims experience and plan design changes, the premiums for UVU's base medical plan (Traditional-Choice Plus) will increase by 8 percent for 2017-18. Premiums for UVU's Long-term Disability plan will increase by 9 percent.

Medical Plan Premiums—UVU will continue to pay 90 percent of the medical premium for employees enrolled in UVU's base medical plan (Traditional-Choice Plus) and 100 percent of the medical premium for employees enrolled in UVU's High Deductible Choice Plus plan. For 2017-18, UVU will continue to contribute to Health Savings Accounts (HSA) for employees enrolled in UVU's HDHP. Employee premium share in UVU's Traditional Options plans will increase from 13.08 percent to approximately 15.24 percent. Employee premium share in UVU's High Deductible Options plan will increase from 3.29 percent to approximately 4.60 percent.

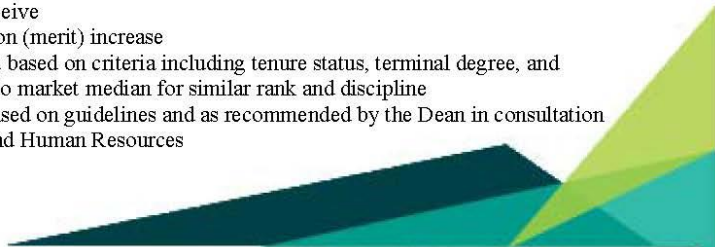
Medical Plan Coverage—Some plan changes are being made to the Traditional Choice and Options plans. These changes include increases to out-of-pocket maximums for medical and pharmacy, increase to emergency room copay and coinsurance, and increase to pharmacy deductible. For 2017-18, UVU will continue to offer employee incentives for participation in the UVUFit Employee Wellness Program.

Salaries/Wages

Full-time, Benefit Eligible Employees

The *average* base salary increase for full-time employees in each employment category (faculty, staff, executive) for 2017-18 will be 3 percent. In alignment with UVU's Compensation Philosophy, these funds will be applied to base salaries as follows:

- A. Effective July 1, 2017, all full-time benefits eligible employees will receive a \$250 increase to annual base salary.
- B. Faculty may be eligible to receive
 - a. Rank and tenure promotion (merit) increase
 - b. Market equity adjustment based on criteria including tenure status, terminal degree, and proximity of base salary to market median for similar rank and discipline
 - c. Targeted key retention based on guidelines and as recommended by the Dean in consultation with Academic Affairs and Human Resources





- C. Staff in good standing may be eligible to receive
 - a. Market equity/range penetration adjustments as recommended by the appropriate Vice President in consultation with Human Resources based on market median movement, years in position, and proximity of base salary to market median
 - b. Merit increase determined by applying the University's established Staff Merit Pay Program criteria—2016 performance evaluation scores and proximity of base salary to market median (compa-ratio). To be eligible for a merit increase, the employee must have been employed in a full-time staff position no later than July 1, 2016, and the 2016 Performance Evaluation must be submitted to Human Resources no later than March 31, 2017.
 - c. Targeted key retention based on guidelines and as recommended by the appropriate Vice President in consultation with Human Resources
- D. Executives (excluding the President whose salary is determined by the Board of Regents) may be eligible to receive
 - a. Market equity adjustment as determined by the President in consultation with Human Resources based on proximity of base salary to market median
 - b. Merit increase
 - c. Targeted key retention

Adjunct Faculty

In an effort to bring adjunct faculty pay rates more comparable with regional universities, adjunct pay rates will increase by 3.04 percent. Appropriated hourly faculty budgets will be increased by 3 percent to fund this increase. Based on assessment by Human Resources and Academic Affairs, the structure of the adjunct scale is being modified.

Part-time, Hourly Staff and Student Employees

All hourly staff will receive a 3 percent increase to their hourly pay rate effective July 1, 2017, and the Student Hourly Rate Scale will be increased by 3 percent. Appropriated hourly budgets will be increased by 3 percent to accommodate this increase.



UTAH VALLEY UNIVERSITY

Institutional Residence Budget 2017-18

June 22, 2017

Category	2016-17 Budget		2017-18 Budget		
	Appropriated	Total	Appropriated	DCFM Funding	Total
Utilities	\$9,300	\$9,300	\$8,800		\$8,800
Routine Care	\$2,500	\$2,500	\$2,500		\$2,500
Remodeling, Major Repairs	\$0	\$0	\$0		\$0
Repairs, Maintenance of Structure	\$0	\$0	\$0	\$75,000	\$75,000
Repairs, Maintenance, and Replacement of Furniture, Furnishings and Equipment	\$23,700	\$23,700	\$23,700		\$23,700
Miscellaneous Repairs, Maintenance, and Replacement of Furniture, Furnishings and Equipment		\$0	\$0		\$0
New Furniture, Furnishings, and Equipment		\$0	\$0		\$0
Remodel and Addition		\$0			\$0
Custodial and Domestic Assistance	\$6,000	\$6,000	\$6,500		\$6,500
Contingency		\$0	\$0		\$0
TOTAL	\$41,500	\$41,500	\$41,500	\$75,000	\$116,500



UVU BOARD OF TRUSTEES
Agenda Item Coversheet

DATE:	June 22, 2017
TITLE:	Consent Calendar
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Cabinet Members as Assigned
SUBJECT:	Consent Calendar
BACKGROUND:	<p>The Trustees are being asked to approve as a single item those individual items which are routine (meeting minutes) or reflect minor changes to items already approved (e.g. fiscal year budget revisions).</p> <p>Items in need of approval are as follows:</p> <ol style="list-style-type: none">1. Minutes of March 29, 20172. 2016-17 Education & General Appropriated Revenue Revision II3. 2016-17 Institutional Discretionary Budget Revision II4. 2017-18 Education & General Appropriated Revenue Revision 15. Investment Reports (Feb., Mar., Apr. 2017)6. Associate General Counsel Position
ALTERNATIVES:	<ul style="list-style-type: none">• Approve as presented, “I move to approve the Consent Calendar.”• Amend and approve, “I move to approve, as amended...”• No action, “I move that we go to the next agenda item...”
FINANCIAL IMPACT:	Available upon Request
EXHIBITS:	a. Minutes of March 29, 2017

	<ul style="list-style-type: none">b. 2016-17 Education & General Appropriated Revenue Revision IIc. 2016-17 Institutional Discretionary Budget Revision IId. 2017-18 Education & General Appropriated Revenue Revision 1e. Investment Reportsf. Associate General Counsel Position
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UVU BOARD OF TRUSTEES

March 29, 2017

8 a.m. – SC 213c, Utah Valley University

Board of Trustee Members Present

Karen L. Acerson
Taran Chun
James Clarke
Birch Eve
John Gappmayer
Anne-Marie W. Lampropoulos (phone)
Jack Sunderlage
Jill Taylor
R. Duff Thompson

Guests

Kat Brown
Boston Gubler
Rob Smith
Craig Thulin

UVU Regular Attendees

President Matthew S. Holland
Mark Bracken, Faculty Senate President
Karen Clemes, General Counsel
Scott Cooksey, Vice President Development and Alumni
Linda Makin, Vice President Planning, Budget and HR
Jeffery Olson, Senior Vice President Academic Affairs
Val Peterson, Vice President Finance and Administration
Kyle Reyes, Special Assistant to the President for Inclusion
Michelle Taylor, Vice President Student Affairs
Katie Zabriskie, Assistant Associate

First Vice Chair Thompson began the meeting by welcoming the Trustees and guests in the room. He provided those present with an article from the *Daily Herald* on student Jolene Begay. He also spoke about the leadership book *Radical Candor* by Kim Malone and encouraged each to read the copy he will be providing those interested.

I. ACTION

1. Resolutions of Appreciation

Two members of the Board were at the end of their terms of service: Trustee Taran Chun and Trustee Birch Eve. Trustee Sunderlage read for each a resolution of appreciation and gifted each with a clock. Those present expressed their gratitude to Trustees Chun and Eve for their engagement and commitment to the Board and wished them much success.

2. Tuition Rates

It was noted that individual USHE undergraduate/graduate tuition is established through complimentary decisions by both the Board of Regents and institutional Boards of Trustees. The Regents have recommended that a 2.5% first-tier tuition increase be applied across all USHE institutions. UVU is making the recommendation that there be no second-tier increase applicable to its students. UVU entered the legislative session with confidence that a 2% first-tier increase would be sufficient for its needs so the additional .5% is extra that will be put to good use when combined with the tax funds UVU received from the legislature. However, UVU is proposing the addition of four new differential graduate tuition rates based on comparability with other graduate programs at UVU and across USHE as well as potential graduate career opportunities and earnings. The graduate tuition rate scales will apply respectively to the Masters of Accountancy, Computer Science, Social Work, and Public Services/Cybersecurity. The Trustees engaged in discussion about the different proposed tuition rates. It was noted that the scales were designed around the principle that funds not be diverted away from undergraduate programs. Trustee Clarke motioned to approve the four new graduate differential tuition rates for 2017-2018 as presented. Trustee Acerson seconded. The motion carried without opposition.

3. Compensation Plan 2017-2018

It was explained that after review and approval by the President's Council, the Trustees were being presented with a proposed 8% premium increase for the medical plan and an average increase of 3% for salaries and wages. It was noted that during the legislative session the 75/25 funding split was at risk but it was restored in the final days, allowing UVU to comfortably honor the 3% average salary and wage increase despite the legislature only funding a 2% compensation increase. The medical plan is healthy but the recommended changes to the plan will help address

increased medical cost and prescription coverages, as well as forecasted claims. Changes to the plans were discussed with a note that the pharmacy program will be rebid in the coming months to address coverage inadequacies. To help offset the premium increases, every full-time benefits-eligible employee will receive a \$250 increase to his/her annual base salary. Full-time eligible employees have the opportunity to earn a salary increase of 3% based on performance, market equity, and merit. Compensation for faculty, executives, and part-time employees was discussed and it was noted that changes to the faculty compensation plan include mandatory performance reviews. Trustee Acerson indicated that she would be abstaining from the vote because her husband is an adjunct professor; this did not affect the quorum. Trustee Sunderlage motioned to approve the 2017-2018 Compensation Plan as presented. Trustee Taylor seconded. The motion carried without opposition.

4. Academic Programs

Integrated Studies Emphasis in Digital Media – Deletion: It was noted that Digital Media is no longer part of the integrated studies program, which allows students to integrate programs into a given specialty not otherwise offered.

Minor Business Education and Marketing – Name Change: It was explained that a name change was being requested by the College of T&C for the Minor Business Education – Marketing program so that for fall 2017 it would be Minor Business Education: Business and Marketing Education. This will reflect the state’s endorsement for teachers and clarify qualifications.

CP in Leadership for Personal and Social Impact – Addition: It was indicated that the new certificate in leadership grew out of conversations with economic leaders who wanted to see new employees with “soft skills” – leadership, critical thinking, gap analysis, empathy. The courses in this certificate program will give clear indication to employers that these skills were developed. The Trustees engaged in conversation about the courses offered, the diversity training provided, and the multi-cultural experiences that satisfy global-intercultural criteria.

Trustee Chun motioned to approve the deletion of the Integrated Studies Emphasis in Digital Media, the name change for the Minor Business Education: Marketing program, and the addition of the Certificate of Proficiency in Leadership for Personal and Social Impact. Trustee Gappmayer seconded. The motion carried without opposition.

5. Requisition

The Trustees were presented with a request to approve the expenditure of \$506,901 in support of the MBA program’s domestic and international travel opportunities. It was explained that every student is given international business experience to enhance their education. The funds help to cover logistics of travel for students, faculty, and staff. The university pre-pays for all expenses and non-UVU students and employees reimburse the university in full. Trustee Taylor motioned to approve the requisition in the amount \$506,901 for the MBA program domestic and international travel. Trustee Acerson seconded. The motion carried without opposition.

II. INFORMATION

To prevent Faculty Senate President Mark Bracken from a prolonged meeting experience, First Vice Chair Thompson asked Dr. Bracken to provide his Faculty Senate update prior to the planned Executive Session. Dr. Bracken explained that through the passing of Policy 103, several functional changes to Faculty Senate were implemented, including modification of the terms of service, the addition of a Faculty Senate Vice President, and a greater role in staffing university committees. The Senate itself saw its committees restructured and consolidated. Dr. Bracken reviewed changes to terms of leadership service, the Faculty Senate membership, and the operational changes that impacted meeting agenda setting, policy approvals, and meeting expectations. President Holland and SVP Olson both recognized Dr. Bracken’s leadership in Faculty Senate over the past two years.

III. EXECUTIVE SESSION

Trustee Eve motioned to enter Executive Session to discuss issues related to the character of individuals. Trustee Acerson seconded. The motion carried without opposition.

I. ACTION (CONT)

6. Rank and Advancement Requests

Trustee Acerson motioned to approve the advancement of the following individuals to the rank of Professor: Michael Bohne, Danna Fairbanks, Cheryl Hanewicz, Neil Harrison, Olga Kopp, Ruhul Kuddus, Michael Stevens, Craig Thulin, and Curtis Welborn. Trustee Sunderlage seconded. The motion carried without opposition.

7. Naming Opportunities

Trustee Taylor motioned to approve the naming of the Ryan Toolson Court, Travis Hansen Strength & Conditioning Center, and Roger Fields Family Basketball Office Suite in the NUVI Basketball Practice Facility. Trustee Chun seconded. The motion carried without opposition.

IV. CONSENT CALENDAR

Trustee Acerson motioned to approve the items contained in the Consent Calendar which included the minutes of the February 23, 2017, Trustee meeting, the 2016-2017 Education & General Appropriated Revenue revision, and the January 2017 investment report. Trustee Chun seconded. The motion carried without opposition.

V. INFORMATION

1. President's Report

President Holland expressed gratitude for the expanded Trustee scholarship allowing two students to receive support for their engaged learning projects. The President reviewed highlights since the February 23 Trustee meeting. These included a Presidential Lecture from Hanna Rosin, the author of the End of Men, the subject of which has implications for UVU's male recruitment efforts; the featuring of the Roots of Knowledge on the Atlas Obscura website, the SheTech conference hosted at the UCCU Center; the partnership between the School of Education and Carnegie Mellon to support a CREATE Lab in Utah; the ribbon cutting at the Thanksgiving Point facility; and the Center for Constitutional Studies Religious Liberty Symposium. President Holland then noted individual student success, including an award to the Construction Management program, a PR Week award to UVU alumna McKenzie Haggard, the success of two UVU wrestlers in the NCAA wrestling finals, and the men's basketball team's runs in the WAC conference championships and CBI tournament. The President showed an off-the-record video of ESPN's Jeff Van Gundy talking favorably about Coach Pope. President Holland then provided a legislative update. He noted that USHE was given a 2% compensation and 8% healthcare increase funded through the 75/25 split. He relayed that in total USHE received \$3.5 million for enrollment growth, of which UVU got \$1.25 million. This is significant because growth money had not been given in 15 years. Market demand did not receive any legislative funding. Performance funding received \$6.5 million with an ongoing funding stream, of which UVU got \$1 million. The Regents scholarship remains sustainable. Turning to legislative bills, President Holland noted that the Academic Freedom bill that had significant ramifications did not pass. In terms of infrastructure, the President reported that the Woodbury School of Business proposal did not receive meaningful support; instead the legislature funded three new USHE buildings in a multi-year phased approach. UVU did receive support for a pedestrian bridge over I-15 which will be funded through UDOT, UTA, and UVU's combined resources. The Trustees engaged in conversations about legislative funding, Utah's tax base and laws, and higher education funding.

The Trustees were reminded of several events including the Inclusion Awards luncheon which would immediately follow the meeting, Commencement on May 4th, and the June 22 Trustee meeting.

Trustee Sunderlage motioned to adjourn. The motion carried without opposition.



2016-17 OPERATING REVENUE

Revision Two, June 22, 2017

EDUCATION AND GENERAL

Revenue Source	Initial Budget (Base Operating Budget)	Revision One	Change	Revision Two
State Tax Funds				
General Fund	\$57,893,800	\$57,893,800		\$57,893,800
Education Fund	\$42,997,400	\$42,997,400		\$42,997,400
Dedicated Credits				
Tuition & Fees	\$118,970,400	\$124,770,400	\$400,000	\$125,170,400
Other income	\$151,000	\$151,000	\$50,000	\$201,000
Subtotal	\$220,012,600	\$225,812,600	\$450,000	\$226,262,600
Transfers from USHE				
Hearing Impaired		\$143,500	\$131,300	\$274,800
Library Consortium		\$26,966		\$26,966
Performance Based		\$718,993		\$718,993
Affordable Participation Grant		\$75,000		\$75,000
Step Up Program		\$37,484		\$37,484
Math Competency			\$60,000	\$60,000
Concurrent Enrollment		\$552,495		\$552,495
Subtotal	\$0	\$1,554,438	\$191,300	\$1,745,738
TOTAL Education and General	\$220,012,600	\$227,367,038	\$641,300	\$228,008,338

This proposed revision reflects additional dedicated credit revenue beyond budget projection and transfers from USHE



Institutional Discretionary Funds

2016-17 Revision Two

June 22, 2017

Institutional Investment Income

	2016-17		
	Original	Change	Revised Revenue Budget
Revenue			
Investment Revenue From Prior Year	\$1,200,000	\$39,744	\$1,239,744
Carry forward from Prior Year	\$141,000	\$81,143	\$222,143
Available Revenue	\$1,341,000	\$120,887	\$1,461,887

	2016-17				
	Original Budget	Revision One	Revision One Budget	Revision Two	Revision Two Budget
Expenditure Category/Project					
Scholarships, Fellowships and Student Aid					
International Student Scholarships	\$142,006		\$142,006		\$142,006
Scholarship (President/Land)	\$15,000		\$15,000		\$15,000
CAL Lead Housing	\$215,400		\$215,400	\$3,000	\$218,400
Honors Housing	\$258,960		\$258,960	\$6,000	\$264,960
International Studies Student Aid	\$20,000		\$20,000		\$20,000
Internships	\$12,000		\$12,000		\$12,000
Government Internships	\$30,000		\$30,000		\$30,000
Fund Raising and Institutional Development					
Federal Funding Development	\$45,000		\$45,000		\$45,000
Other Education and General Operating Support					
Student Marketing (Recruitment)	\$80,000	\$65,000	\$145,000		\$145,000
Student Marketing (Targeted)	\$0		\$0		\$0
University Campaign				\$200,000	\$200,000
Out Of State Recruiting	\$30,000		\$30,000		\$30,000
International Fair	\$16,500		\$16,500		\$16,500
Contingency	\$476,134	\$55,887	\$532,021	-\$209,000	\$323,021
TOTAL	\$1,341,000	\$120,887	\$1,461,887	\$0	\$1,461,887

Unrestricted Gifts

	2016-17				
	Original Budget	Revision One	Revision One Budget	Revision Two	Revision Two Budget
Revenue					
Carry forward from Prior Year	\$92,784	\$8,577	\$101,361		\$101,361
Projected new revenue	\$11,000	\$0	\$11,000	\$5,177	\$16,177
Available Revenue	\$103,784	\$8,577	\$112,361	\$5,177	\$117,538

	2016-17				
	Original Budget	Revision One	Revision One Budget	Revision Two	Revision Two Budget
Expenditure Category					
Fund Raising and Institutional Development					
Presidential Impact	\$89,685	-\$5,934	\$83,751	\$5,177	\$88,928
Community Outreach	\$14,099	\$14,511	\$28,610		\$28,610
Total Expenditures	\$103,784	\$8,577	\$112,361	\$5,177	\$117,538



2017-18 OPERATING REVENUE

Revision One, June 22, 2017

EDUCATION AND GENERAL

Revenue Source	Initial Budget (Base Operating Budget)	Change	Revision One
State Tax Funds			
General Fund	\$57,893,800		\$57,893,800
Education Fund	\$48,970,200		\$48,970,200
Dedicated Credits			
Tuition & Fees	\$128,141,300		\$128,141,300
Other income	\$188,000		\$188,000
Subtotal	\$235,193,300	\$0	\$235,193,300
Transfers from USHE			
Performance Based Funding (ongoing)		\$974,337	\$974,337
Performance Based Funding (one-time)		\$26,563	\$26,563
Subtotal	\$0	\$1,000,900	\$1,000,900
TOTAL Education and General	\$235,193,300	\$1,000,900	\$236,194,200

This proposed revision reflects transfers from USHE for UVU's portion of 2017-18 Performance Based Funding.



**CASH AND INVESTMENT
REPORT
February 2017**

Monthly Composite Performance Review

UTAH VALLEY UNIVERSITY

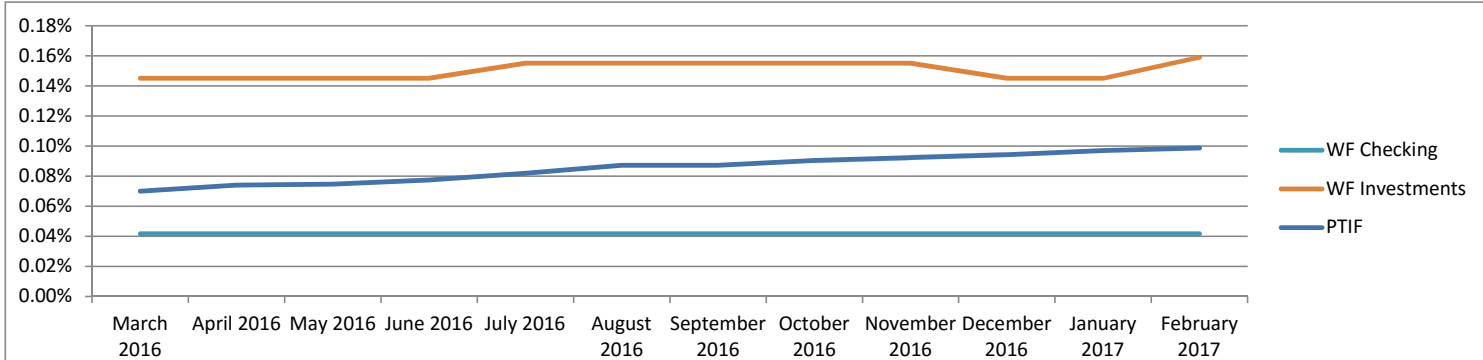
February 2017



Account Activity	Checking/Sweep	Investments	PTIF	Total University Cash and Investments	Past Twelve Months of Activity
Beginning Balance	\$ 17,727,103	\$ 55,865,391	\$ 108,228,805	\$ 181,821,299	\$ 162,661,809
Interest/Earnings Credit	6,498	127,973	102,460	236,931	1,996,936
Acquisitions/Credits	-	3,007,140	5,175,182	8,182,322	427,327,487
Dispositions/Debits	(8,705,617)	(5,500,000)	-	(14,205,617)	(405,693,175)
Unrecognized Gain/Loss	-	55,324	-	55,324	442,026
Fees	(6,498)	-	-	(6,498)	(82,397)
Transfers *	-	(127,973)	(1,357,219)	(1,485,192)	(12,054,117)
Ending Balance	\$ 9,021,486	\$ 53,427,855	\$ 112,149,228	\$ 174,598,569	\$ 174,598,569

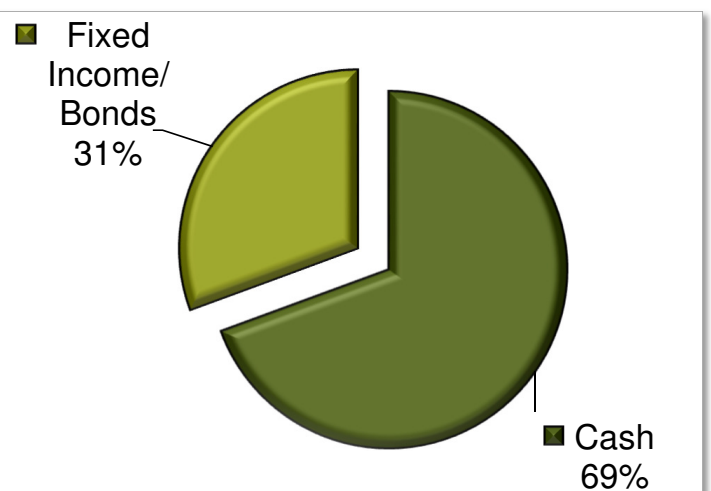
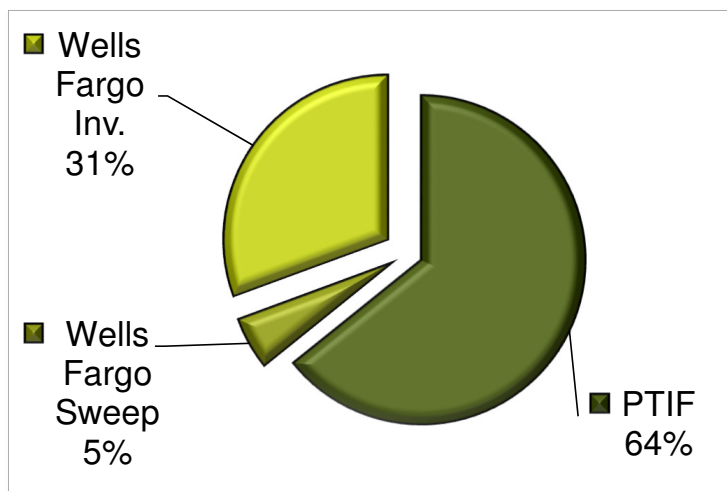
* Transfers consist of activity between the UVU and the Foundation and interest transferred to UVU.

Performance Returns	Wells Fargo Checking/Sweep	Wells Fargo Investments	PTIF
March 2016	0.04%	0.15%	0.07%
April 2016	0.04%	0.15%	0.07%
May 2016	0.04%	0.15%	0.07%
June 2016	0.04%	0.15%	0.08%
July 2016	0.04%	0.16%	0.08%
August 2016	0.04%	0.16%	0.09%
September 2016	0.04%	0.16%	0.09%
October 2016	0.04%	0.16%	0.09%
November 2016	0.04%	0.16%	0.09%
December 2016	0.04%	0.15%	0.09%
January 2017	0.04%	0.15%	0.10%
February 2017	0.04%	0.16%	0.10%
Monthly Average	0.04%	0.15%	0.09%
12 Month Return	0.50%	1.80%	1.02%



UVU Cash and Investments
as a Percent of Total

UVU Cash and Investments
Investments by Type



Monthly Composite Performance Review

UVU Foundation

February 2017



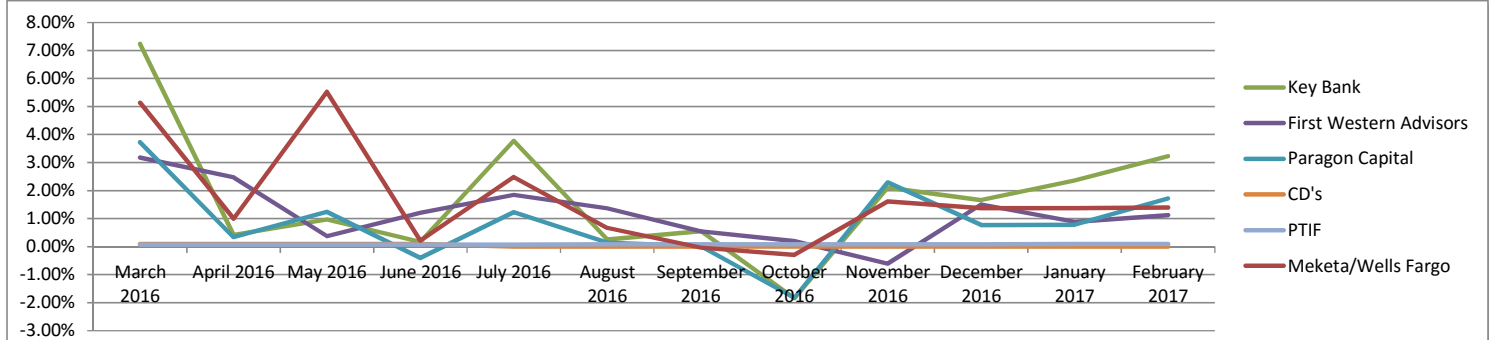
Account Activity

	Unrestricted	Temporarily Restricted	Permanently Restricted - Endowments	Total Foundation Investments	Past Twelve Months of Activity	Notes Due From University FY16
Beginning Market Value	\$ 8,102,878	\$ 38,932,309	\$ 22,316,586	\$ 69,351,774	\$ 53,107,685	Beginning Balance \$ 9,593,205
Interest	6,439	25,001	3,268	34,708	577,486	Additional Notes -
Acquisitions	6,040	3,739,308	6,530,858	10,276,206	36,286,403	Principal Received (280,869)
Dispositions	(21)	(3,344,069)	(6,932,146)	(10,276,236)	(36,131,455)	Ending Balance \$ 9,312,336
Gain/Loss Rec & Unrec	28,833	207,789	433,809	670,431	6,524,160	Interest Received \$ 307,927
Fees	(5,035)	-	(8,925)	(13,960)	(88,446)	Rate 5.6%
Transfers *	(57,529)	1,353,065	61,683	1,357,219	11,124,309	
Ending Market Value	\$ 8,081,605	\$ 40,913,403	\$ 22,405,133	\$ 71,400,142	\$ 71,400,142	

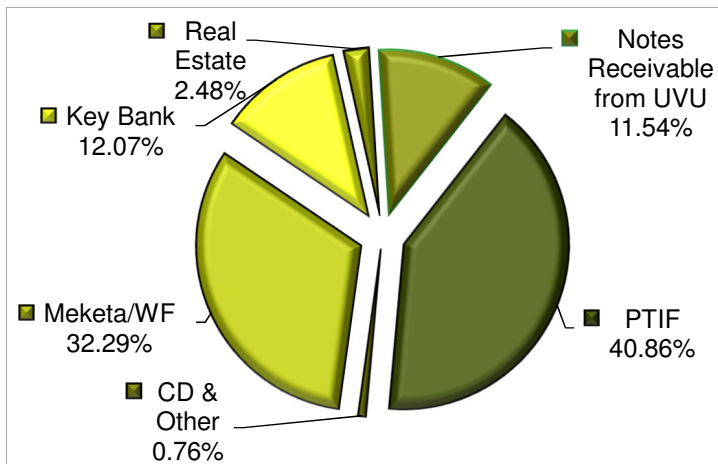
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Performance Returns

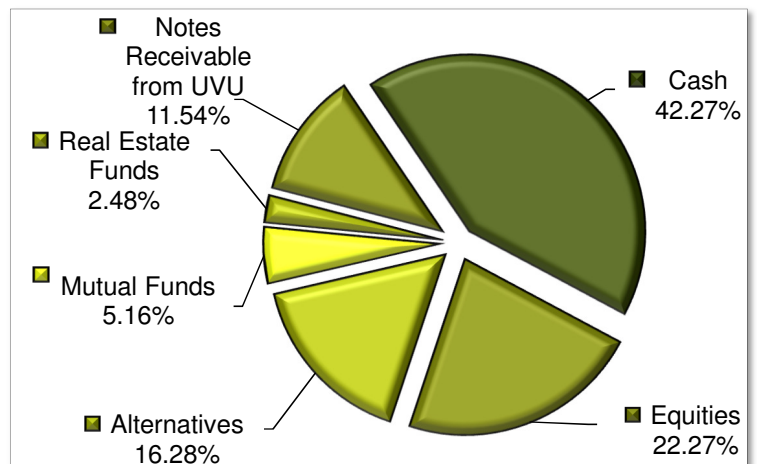
	Key Bank	First Western Advisors	Paragon Capital	Meketa/ Wells Fargo	CD's	PTIF
March 2016	7.24%	3.18%	3.73%	5.14%	0.10%	0.07%
April 2016	0.41%	2.47%	0.34%	1.00%	0.10%	0.07%
May 2016	0.97%	0.38%	1.24%	5.53%	0.10%	0.07%
June 2016	0.17%	1.21%	-0.41%	0.22%	0.10%	0.08%
July 2016	3.77%	1.84%	1.23%	2.48%	0.00%	0.08%
August 2016	0.26%	1.37%	0.15%	0.67%	0.00%	0.09%
September 2016	0.56%	0.55%	0.02%	-0.04%	0.00%	0.09%
October 2016	-1.84%	0.20%	-1.82%	-0.29%	0.00%	0.09%
November 2016	2.11%	-0.60%	2.30%	1.61%	0.00%	0.09%
December 2016	1.67%	1.50%	0.77%	1.38%	0.00%	0.09%
January 2017	2.36%	0.89%	0.79%	1.38%	0.00%	0.10%
February 2017	3.23%	1.13%	1.72%	1.40%	0.00%	0.10%
Monthly Average	1.74%	1.18%	0.84%	1.71%	0.03%	0.09%
12 Month Return	19.33%	14.13%	10.05%	20.23%	0.40%	1.02%



UVU Foundation Investments as a Percent of Total



UVU Foundation Investments by Type





**CASH AND INVESTMENT
REPORT
March 2017**

Monthly Composite Performance Review

UTAH VALLEY UNIVERSITY

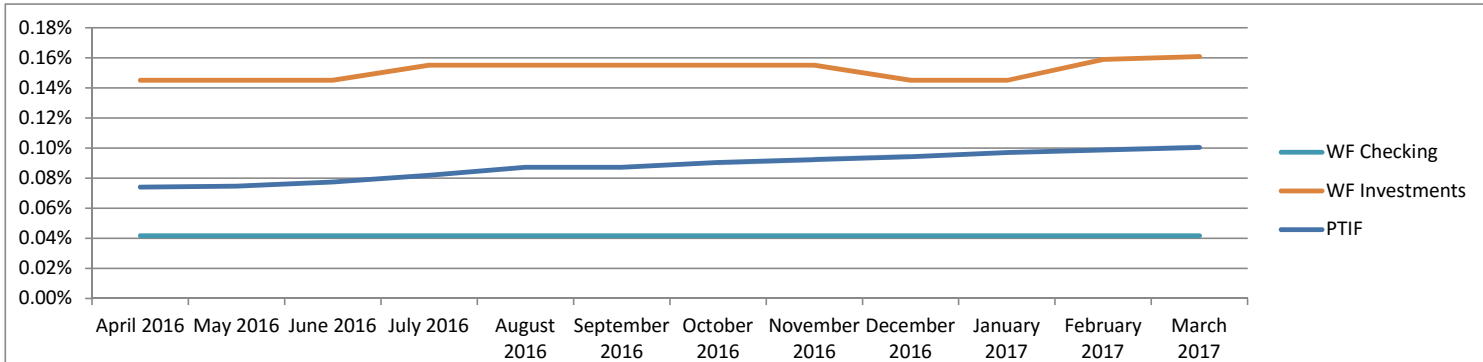
March 2017



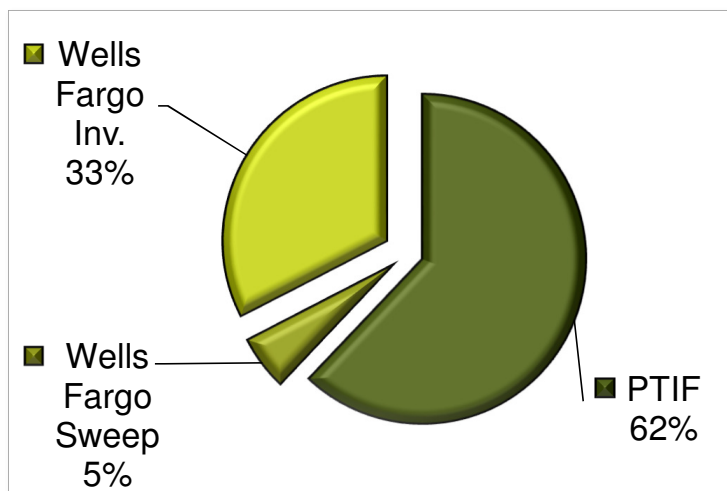
Account Activity	Checking/Sweep	Investments	PTIF	Total University Cash and Investments	Past Twelve Months of Activity
Beginning Balance	\$ 9,021,486	\$ 53,427,855	\$ 112,149,228	\$ 174,598,569	\$ 153,573,566
Interest/Earnings Credit	5,817	117,135	111,872	234,824	2,066,197
Acquisitions/Credits	-	-	5,171,893	5,171,893	395,677,869
Dispositions/Debits	(212,997)	-	(16,000,000)	(16,212,997)	(374,709,947)
Unrecognized Gain/Loss	-	(16,772)	-	(16,772)	320,067
Fees	(5,817)	-	-	(5,817)	(81,881)
Transfers *	-	(117,135)	351,563	234,428	(12,841,743)
Ending Balance	\$ 8,808,489	\$ 53,411,083	\$ 101,784,556	\$ 164,004,128	\$ 164,004,128

* Transfers consist of activity between the UVU and the Foundation and interest transferred to UVU.

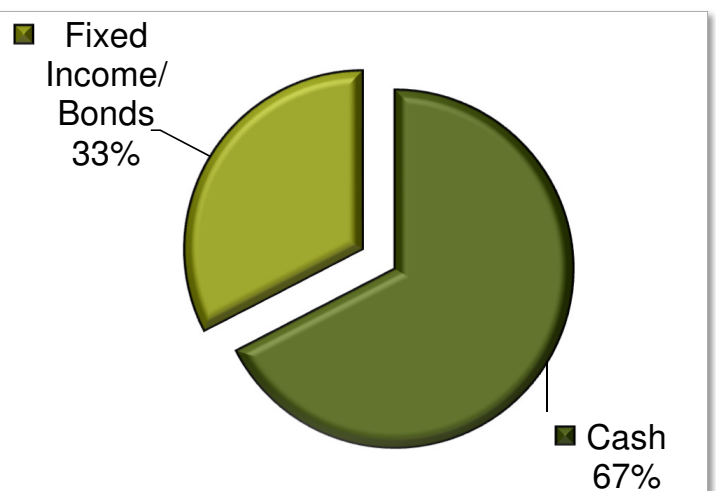
Performance Returns	Wells Fargo Checking/Sweep	Wells Fargo Investments	PTIF
April 2016	0.04%	0.15%	0.07%
May 2016	0.04%	0.15%	0.07%
June 2016	0.04%	0.15%	0.08%
July 2016	0.04%	0.16%	0.08%
August 2016	0.04%	0.16%	0.09%
September 2016	0.04%	0.16%	0.09%
October 2016	0.04%	0.16%	0.09%
November 2016	0.04%	0.16%	0.09%
December 2016	0.04%	0.15%	0.09%
January 2017	0.04%	0.15%	0.10%
February 2017	0.04%	0.16%	0.10%
March 2017	0.04%	0.16%	0.10%
Monthly Average	0.04%	0.15%	0.09%
12 Month Return	0.50%	1.82%	1.06%



UVU Cash and Investments as a Percent of Total



UVU Cash and Investments Investments by Type



Monthly Composite Performance Review

UVU Foundation

March 2017



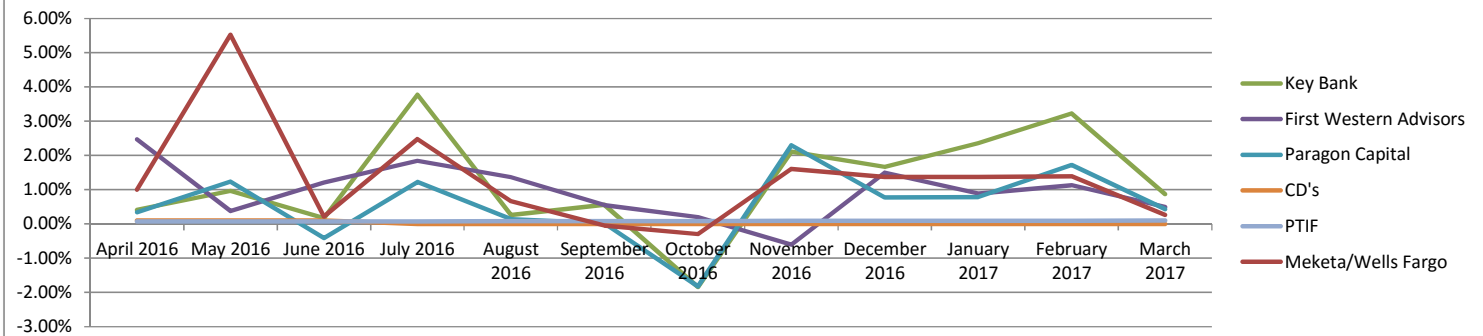
Account Activity

	Unrestricted	Temporarily Restricted	Permanently Restricted - Endowments	Total Foundation Investments	Past Twelve Months of Activity	Notes Due From University FY16
Beginning Market Value	\$ 8,081,606	\$ 40,913,403	\$ 22,405,133	\$ 71,400,142	\$ 53,858,225	Beginning Balance \$ 9,593,205
Interest	9,962	27,780	9,782	47,524	540,409	Additional Notes -
Acquisitions	611,716	106,861	1,560,878	2,279,455	32,597,577	Principal Received (280,869)
Dispositions	(599,779)	(114,556)	(1,607,512)	(2,321,847)	(32,509,887)	Ending Balance \$ 9,312,336
Gain/Loss Rec & Unrec	1,078	18,843	81,739	101,660	4,875,815	Interest Received \$ 307,927
Fees	(11)	(832)	(1,006)	(1,849)	(90,164)	Rate 5.6%
Transfers *	(97,888)	(780,469)	526,794	(351,563)	11,881,547	
Ending Market Value	\$ 8,006,684	\$ 40,171,030	\$ 22,975,808	\$ 71,153,522	\$ 71,153,522	

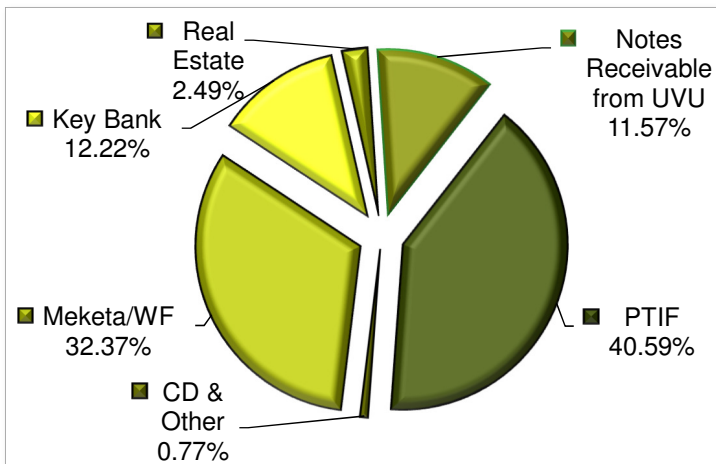
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Performance Returns

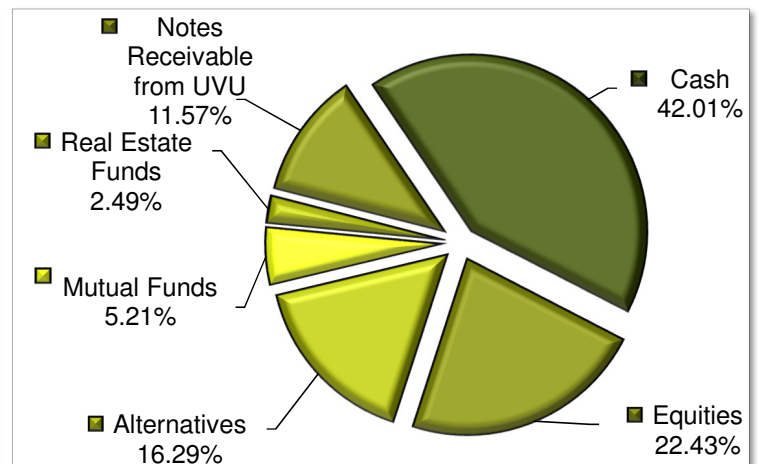
	Key Bank	First Western Advisors	Paragon Capital	Meketa/ Wells Fargo	CD's	PTIF
April 2016	0.41%	2.47%	0.34%	1.00%	0.10%	0.07%
May 2016	0.97%	0.38%	1.24%	5.53%	0.10%	0.07%
June 2016	0.17%	1.21%	-0.41%	0.22%	0.10%	0.08%
July 2016	3.77%	1.84%	1.23%	2.48%	0.00%	0.08%
August 2016	0.26%	1.37%	0.15%	0.67%	0.00%	0.09%
September 2016	0.56%	0.55%	0.02%	-0.04%	0.00%	0.09%
October 2016	-1.84%	0.20%	-1.82%	-0.29%	0.00%	0.09%
November 2016	2.11%	-0.60%	2.30%	1.61%	0.00%	0.09%
December 2016	1.67%	1.50%	0.77%	1.38%	0.00%	0.09%
January 2017	2.36%	0.89%	0.79%	1.38%	0.00%	0.10%
February 2017	3.23%	1.13%	1.72%	1.40%	0.00%	0.10%
March 2017	0.87%	0.50%	0.43%	0.27%	0.00%	0.10%
Monthly Average	1.21%	0.95%	0.56%	1.30%	0.03%	0.09%
12 Month Return	13.45%	11.00%	6.76%	16.12%	0.30%	1.06%



UVU Foundation Investments as a Percent of Total



UVU Foundation Investments by Type





**CASH AND INVESTMENT
REPORT
April 2017**

Monthly Composite Performance Review

UTAH VALLEY UNIVERSITY

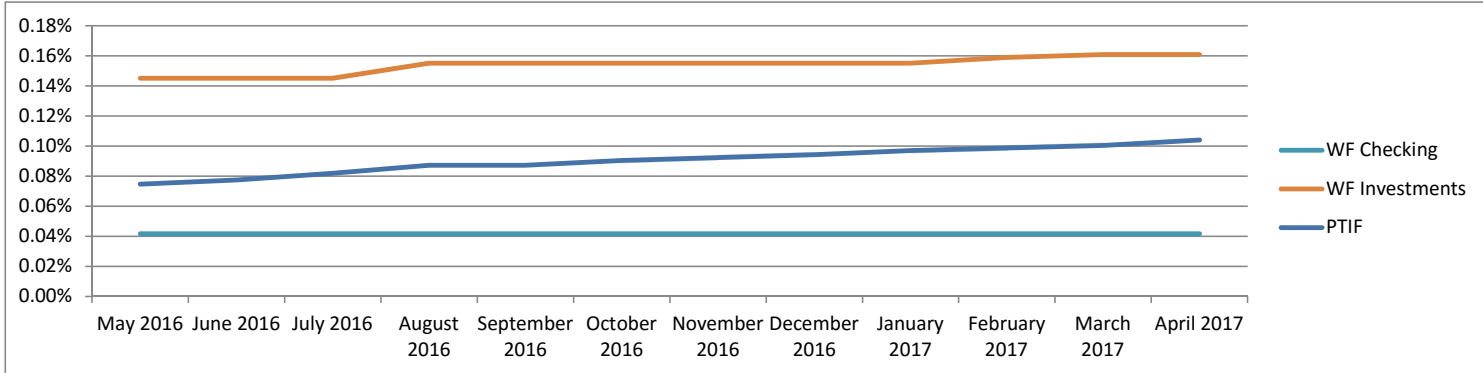
April 2017



Account Activity	Checking/Sweep	Investments	PTIF	Total University Cash and Investments	Past Twelve Months of Activity
Beginning Balance	\$ 8,808,489	\$ 53,411,083	\$ 101,784,556	\$ 164,004,128	\$ 142,497,305
Interest/Earnings Credit	5,057	38,178	102,773	146,008	2,078,657
Acquisitions/Credits	-	4,000,000	6,363,106	10,363,106	361,060,147
Dispositions/Debits	3,768,328	-	(20,000,000)	(16,231,672)	(336,006,817)
Unrecognized Gain/Loss	-	(14,336)	-	(14,336)	277,855
Fees	(5,057)	-	-	(5,057)	(82,040)
Transfers *	-	(38,178)	(2,438,485)	(2,476,663)	(14,039,593)
Ending Balance	\$ 12,576,817	\$ 57,396,747	\$ 85,811,950	\$ 155,785,514	\$ 155,785,514

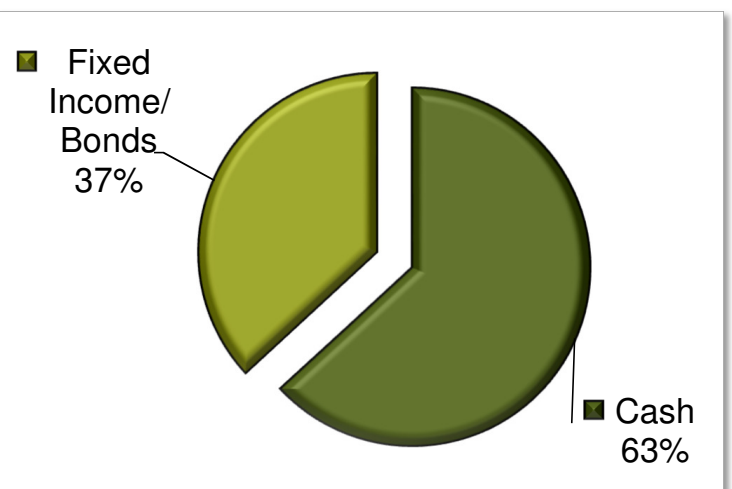
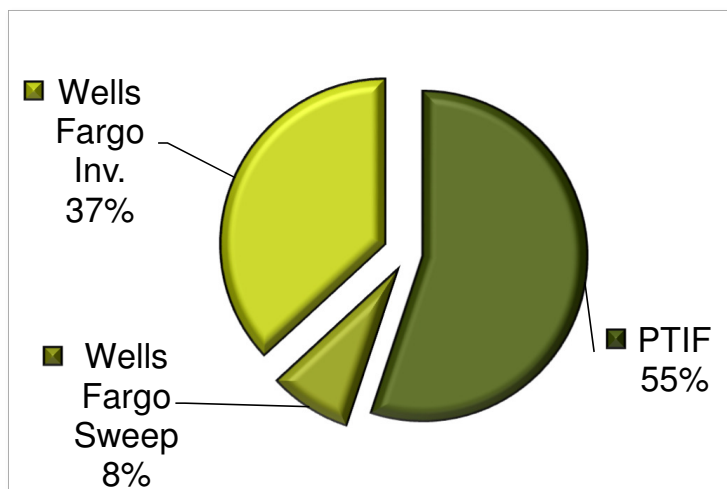
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Performance Returns	Wells Fargo Checking/Sweep	Wells Fargo Investments	PTIF
May 2016	0.04%	0.15%	0.07%
June 2016	0.04%	0.15%	0.08%
July 2016	0.04%	0.15%	0.08%
August 2016	0.04%	0.16%	0.09%
September 2016	0.04%	0.16%	0.09%
October 2016	0.04%	0.16%	0.09%
November 2016	0.04%	0.16%	0.09%
December 2016	0.04%	0.16%	0.09%
January 2017	0.04%	0.16%	0.10%
February 2017	0.04%	0.16%	0.10%
March 2017	0.04%	0.16%	0.10%
April 2017	0.04%	0.16%	0.10%
Monthly Average	0.04%	0.15%	0.09%
12 Month Return	0.50%	1.85%	1.09%



UVU Cash and Investments as a Percent of Total

UVU Cash and Investments Investments by Type



Monthly Composite Performance Review

UVU Foundation

April 2017



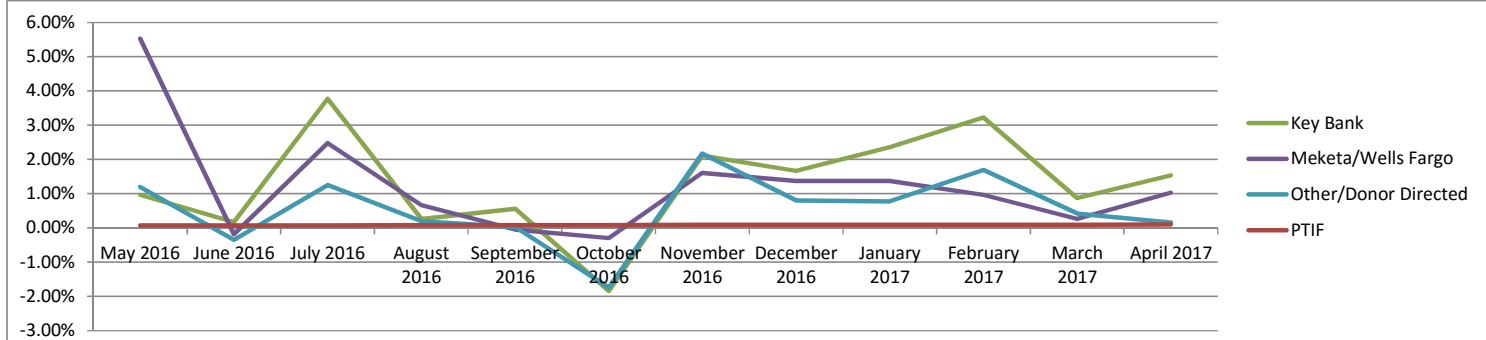
Account Activity

	Unrestricted	Temporarily Restricted	Permanently Restricted - Endowments	Total Foundation Investments	Past Twelve Months of Activity	Notes Due From University FY16
Beginning Market Value	\$ 8,006,683	\$ 40,171,030	\$ 22,975,809	\$ 71,153,521	\$ 55,350,185	Beginning Balance \$ 9,593,205
Interest	7,040	31,018	8,864	46,922	563,199	Additional Notes -
Acquisitions	-	2,145,332	4,478,313	6,623,645	38,916,092	Principal Received (334,339)
Dispositions	-	(2,109,468)	(4,504,017)	(6,613,485)	(38,818,242)	Ending Balance \$ 9,258,866
Gain/Loss Rec & Unrec	11,067	138,755	263,556	413,378	5,033,915	Interest Received \$ 384,244
Fees	(1,008)	(1,632)	(6,442)	(9,082)	(93,572)	Rate 5.6%
Transfers *	74,507	1,937,788	426,190	2,438,485	13,101,808	
Ending Market Value	\$ 8,098,289	\$ 42,312,823	\$ 23,642,273	\$ 74,053,384	\$ 74,053,385	

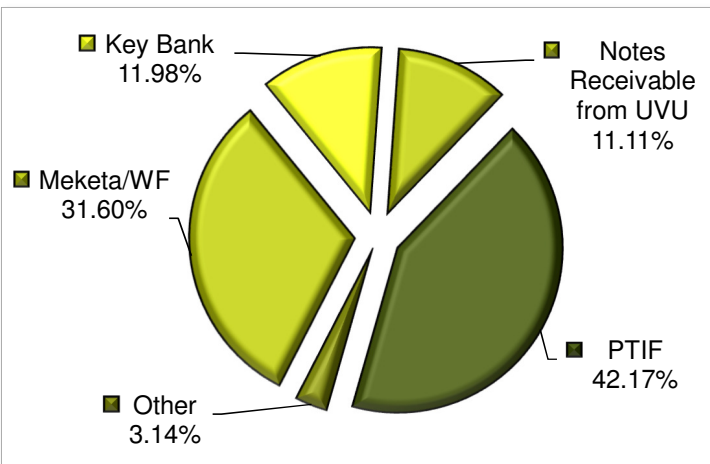
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Performance Returns

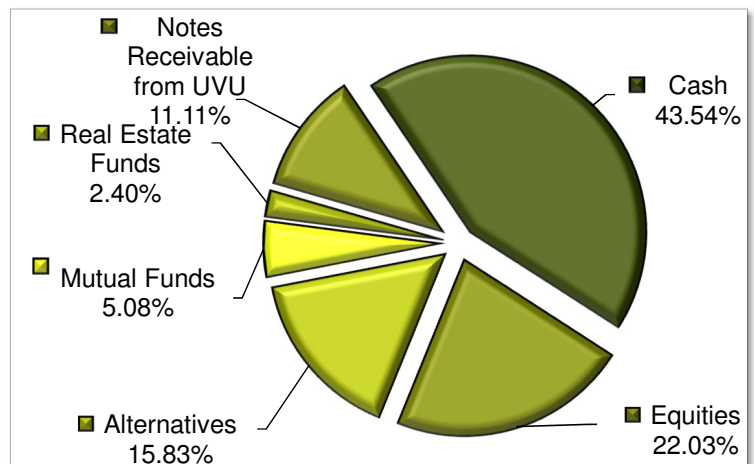
	Key Bank	Meketa/ Wells Fargo	Other - Donor Directed	PTIF
May 2016	0.97%	5.53%	1.20%	0.07%
June 2016	0.17%	-0.18%	-0.34%	0.08%
July 2016	3.77%	2.48%	1.26%	0.08%
August 2016	0.26%	0.67%	0.20%	0.09%
September 2016	0.56%	-0.04%	0.04%	0.09%
October 2016	-1.84%	-0.29%	-1.74%	0.09%
November 2016	2.11%	1.61%	2.17%	0.09%
December 2016	1.67%	1.38%	0.81%	0.09%
January 2017	2.36%	1.38%	0.78%	0.10%
February 2017	3.23%	0.97%	1.69%	0.10%
March 2017	0.87%	0.27%	0.42%	0.10%
April 2017	1.54%	1.03%	0.17%	0.10%
Monthly Average	1.31%	1.23%	0.55%	0.09%
12 Month Return	14.49%	14.97%	6.64%	1.09%



UVU Foundation Investments as a Percent of Total



UVU Foundation Investments by Type



Memorandum

To: UVU Board of Trustees
From: Karen Clemes, General Counsel
RE: Hiring of Associate General Counsel
Date: June 22, 2017

At the request of the Office of the Attorney General, the UVU Board of Trustees is being asked to retroactively approve the creation of an Associate General Counsel position to support the efforts of the Office of the General Counsel. This position was endorsed by UVU's Board of Trustees Audit Committee, and funding was approved through the PBA process.

The reasons for the new position include the following:

- UVU is now the largest USHE institution with ever-increasing legal and transactional needs.
- UVU presently has only one in-house lawyer on staff who, despite best efforts, is tasked with addressing a far greater number of issues over all practice areas, divisions, and colleges than she has the capacity or resources to so do.
- The Associate General Counsel position will afford assistance in the timely management of
 - contracts;
 - issues related to IP, tax, financial aid, IT, data privacy, and other transactional matters;
 - investigations and hearings, per USHE active counsel policy requirement;
 - policy drafting and review; and
 - issues related to the UVU Foundation and Development.

In summary, a full-time Associate General Counsel with specific transactional expertise will help the Office of General Counsel provide effective and timely legal services to UVU.

Please note: The request by the Attorney General for Trustee approval of this position was unusual, unprecedented, and not required by Regents Policy R135-3.1 (which requires Board Regents and Board of Trustee approval only for the creation of an office of legal counsel). Similar hires have been made at other USHE institutions, most recently at Dixie State, without Board of Regents or Board of Trustee oversight. As such, UVU conducted a search and hired Clark Collings to fill the new Associate General Counsel position without seeking full Board of Trustees approval. Clark currently serves as the Associate General Counsel at InsideSales.com and possesses strong transactional, including contracts and IP, background. He is scheduled to begin work for UVU on June 23, 2017.