

Utah Valley University Board of Trustees Meeting
June 18, 2019
4:30pm SC 213c

Tab	Agenda	Notes
	<p><u>I. Information</u></p> <p>1. Resolutions of Appreciation</p> <ul style="list-style-type: none"> a. Jack Sunderlage, 2nd Vice Chair b. John Gappmayer, Alumni Board Chair c. Marc Reynolds, UVUSA Student Body President <p>2. Oath of Office</p> <ul style="list-style-type: none"> a. Dru Huffaker, Alumni Board Chair b. Taylor Bell, UVUSA Student Body President 	
<u>A</u>	<p>3. Trustee Engaged Learning Award</p> <ul style="list-style-type: none"> a. 2018-19 Final Reports b. 2019-20 Finalist Presentations 	
	<p><u>II. Action</u></p> <p>1. Board of Trustee Leadership Vote, <i>Justin Jones, Chief of Staff</i></p>	
<u>B</u>	<p>2. Executive Committee Vote Ratification</p> <ul style="list-style-type: none"> a. Property Purchase 	
<u>C</u>	<p>3. Academic Program Approval, <i>Jeff Olson, Senior VP Academic Affairs</i></p> <p>Additions:</p> <ul style="list-style-type: none"> a. AAS Surveying Technology b. Minor Risk Management <p>3-Year Follow-Up:</p> <ul style="list-style-type: none"> a. BA Art History b. BS Information Management 	
<u>D</u>	<p>4. Budgets, <i>Linda Makin, VP Planning, Budgets, & HR</i></p> <ul style="list-style-type: none"> a. 2019-20 Education & General Operating Revenue & Expenditure Budget b. 2019-20 Educational Disadvantaged Operating Revenue & Expenditure Budget c. 2019-20 Institutional Discretionary Operating Revenue & Expenditure Budget d. 2019-20 Auxiliary Services Operating Revenue & Expenditure Budget 	
<u>E</u>	<p>5. Policies</p> <ul style="list-style-type: none"> a. Policy 152 Accommodations for Individuals with Disabilities, <i>Linda Makin, VP Planning, Budgets, & HR</i> b. Policy 153 Americans with Disabilities Act Grievance Process, <i>Linda Makin, VP Planning, Budgets, & HR</i> c. Policy 160 Animals on Campus, <i>Linda Makin, VP Planning, Budgets, & HR</i> d. Policy 162 Sexual Misconduct, <i>Linda Makin, VP Planning, Budgets, & HR</i> e. Policy 165 Discrimination, Harassment, and Affirmative Action, <i>Linda Makin, VP Planning, Budgets, & HR</i> 	



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 18, 2019
TITLE:	Academic Program Approvals
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Jeff Olson, Sr. VP for Academic Affairs
SUBJECT:	Academic Program Approvals
BACKGROUND:	<p>The Board of Trustees is being asked to approve the following academic program additions and 3-year follow-ups as recommended by the Academic Affairs Committee of the Board of Trustees:</p> <p>Additions:</p> <ul style="list-style-type: none"> a. AAS Surveying Technology b. Minor Risk Management <p>3-Year Follow-Up:</p> <ul style="list-style-type: none"> a. BA Art History b. BS Information Management
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve the following academic program additions: Additions: a. AAS Surveying Technology b. Minor Risk Management 3-Year Follow-Up: a. BA Art History b. BS Information Management” • 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:	<p>Additions:</p> <ul style="list-style-type: none"> a. AAS Surveying Technology b. Minor Risk Management

	<p>3-Year Follow-Up:</p>
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a. BA Art History

b. BS Information Management

BoTs Helping Hands Final Report

When we first presented the Helping Hands project to the UVU Board of Trustees one year ago, we had a rough non-functional sketch and a vision of creating a 3D printed prosthetic finger that would:

- 1) significantly improve the hand function of amputee victims
- 2) cost under \$25.00 per unit (to manufacture) for universal affordability
- 3) be easily adaptable for a variety of different finger amputations

At the conclusion of this project, we are proud to report to the board that we have made significant progress towards each of these objectives.

The finger portion of the prosthetic is driven by two artificial tendons. The first tendon is made from high strength fishing line which we routed from the tip of the finger to the rear of the mounting harness. The line is then connected to a ring on a guide finger which controls the prosthetic's contraction. The second tendon is made from an elastic material which pulls the finger back to its original extended position. These movements are made possible by artificial joints that constrain the finger's physical motion to match that of a human finger. We have engineered these joints to minimize the friction and sticking points that plague many 3D printed hinge designs. Each component was designed so that the total length of each piece can be adjusted with a single dimension change in the design file for adaptability for different circumstances.

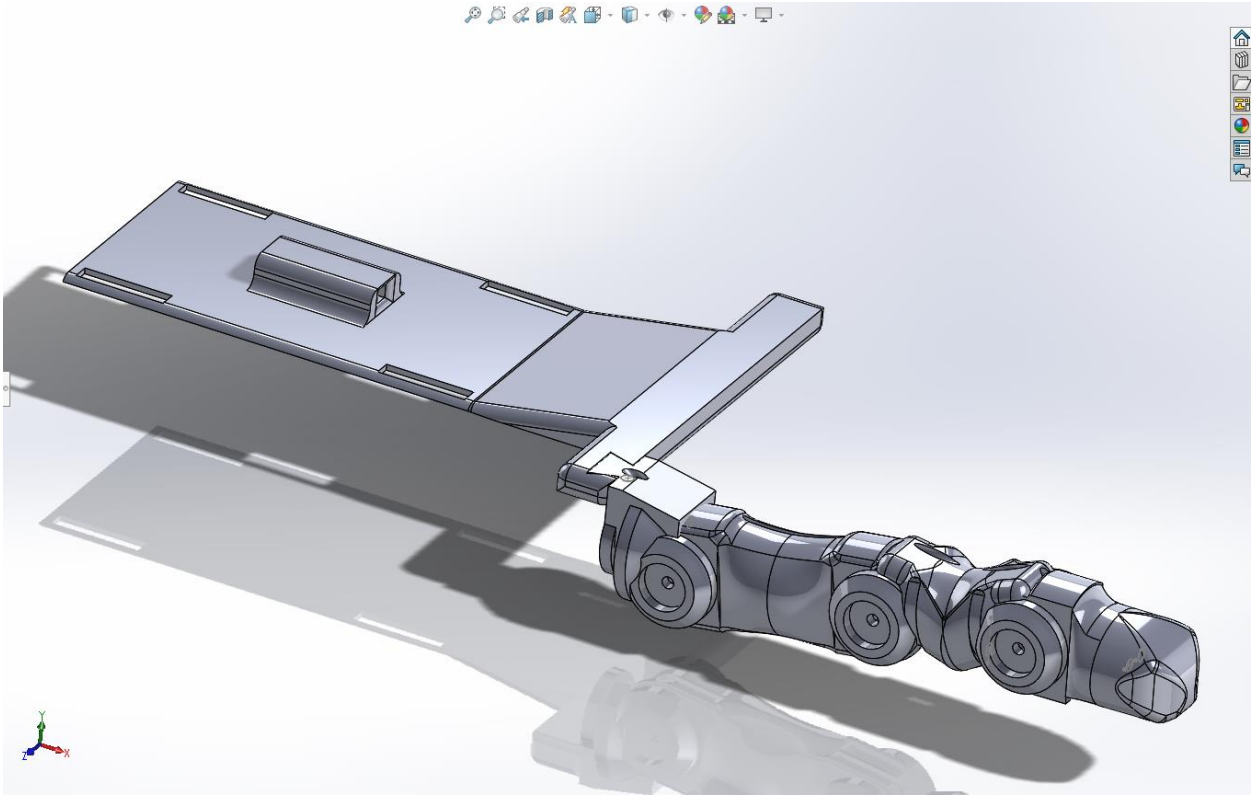
Each component of the prosthetic has been designed so that a minimal amount of cleanup is required after each print. Many of our previous designs would have been suitable for our project objectives, however their geometry resulted in various printing complications. Through repeated testing and revisions, we were able to produce a final product that can be reliably printed. The tendon guide holes and hinge pin holes in the final version are designed so that the finger can be easily assembled in 30-40 minutes. A small amount of sanding of the raw joints is all that is required to obtain a smooth joint motion. The total cost of the printing filament used in the final prototype is about one dollar; the tendon and pin materials necessary for approximately 100 prosthetics can be easily purchased at Walmart or Amazon for under ten dollars total. Any future revisions utilizing these same materials would continue to meet our objective of universal affordability.

We feel that the prosthetic itself is mechanically sound. Before we are able to meet our final objective of significantly improving the hand function of amputee victims, more development is necessary in the method of attaching the finger to the rest of the hand. We are continuing to develop a harness system that is flexible enough to comfortably fit the contours of any hand while still providing the support necessary to constrain the finger to its natural position. We have found that our current design is comfortable for the user, however it does not satisfy the restraint requirements for everyday use. We are experimenting with a supplementary ring that anchors the harness to another finger and are hoping that this can provide the extra support that we are seeking.

In conclusion we would like to thank Utah Valley University's Board of Trustees and our project mentor, Dr. Masood Amin, for your support and guidance. This project has been a powerful learning experience and has helped us to develop skills and knowledge that will be invaluable in our future educational and professional pursuits.

- Nick Williams and Taylor Cook

BoTs Helping Hands Final Report



Board of Trustees Engaged Learning Scholarship Deadline, 5:00 pm, March 29, 2019

READ ALL INSTRUCTIONS BEFORE PROCEEDING

4 STEP APPLICATION PROCESS

FILL OUT BUDGET SHEET AND DISCUSS WITH FINANCIAL MANAGER.
INITIATE DOCUSIGN AND OBTAIN ALL SIGNATURES
UPLOAD COMPLETED DOCUSIGN TO YOUR ORGSYNC APPLICATION
FULLY COMPLETE YOUR ORGSYNC APPLICATION AND SUBMIT.

This form should be used to apply for the Board of Trustees Scholarship. The BoTS is an honor intended to support a student's engaged learning project. The award will be based on the applicant's involvement in the engaged learning project. A compelling engaged learning project will appraise higher than the applicant's academic performance.

Link to Budget Sheet: <http://orgsync.com/88951/files/921044/show> (make sure to meet with your Financial Manager to approve your budget).

Link to DocuSign (Mentor Support, Financial Manager, and Department's Chair signatures): <http://webstaging.uvu.edu/edocs/devoelgrant2018.html>

For questions, please contact Shelly Andrus at landrus@uvu.edu ext. 8337

Status: Pending

Submitted By

Lance A Buck
lance.buck@uvu.edu
Mar 28, 2019, 10:46PM MDT

Demographics

Name: Last, First, MI. [Required] Buck, Lance, A

UVU ID # [Required] 10669070

Home Address: [Required] 755 East Lakepoint Drive

Phone Number [Required] 385-539-8810

Email Address [Required] mr.lancebuck@gmail.com

Add Additional Authors information here. N/A

Upload your completed DocuSign which contains your Mentor letter here: [Required]

Submitted File: [Lance Buck - BoTs Signed Paperwork.pdf](#)

Abstract

Title of Project: [Required] Differentiating Cancer Cells using Raman Spectroscopy

Proposals should:

Please complete proposal in approximately one page below.

Describe your project [Required]

Review and funding of undergraduate scholarly projects take into account the following criteria:

1. Project has clearly stated background, objectives, methodology, and outcomes.
2. The project includes a product that significantly contributes to the benefit of some "community" entity. (Is transformative for the community)
3. The proposal is well written and organized, offering background and context outlining the importance of the project.
4. The project is primarily a product of the individual student investment, and will be completed primarily by the student.
5. This project is a transformative experience for the student.
6. The abstract has the approval and full support of a faculty mentor, with the written endorsement of the department.

I initially wanted to do research with Dr. Dustin Shipp because I knew he had done cancer research in the past. I felt doing research in an interdisciplinary research project which combined the medical field with the field of physics would be a perfect fit for me since I am majoring in physics and intend to go on to medical school to become a physician. I became truly interested and invested after I had spoken with Dr. Shipp about the capabilities of Raman spectroscopy and searched through literature on how Raman spectroscopy has previously been used to conduct research in the medical field.

While reading literature about the uses of Raman spectroscopy in the medical field, I realized Raman spectroscopy has been widely used to distinguish cancerous tumors from healthy tissue but has not been used as a method to differentiate between tumor cell types. I then developed this project idea based on my previous search and feedback from Dr. Shipp. The objective is to program a machine learning algorithm to differentiate between different cancer cell types and then map the area(s) identified as cancerous on a Raman hyperspectral image.

Every cell type has a unique characteristic which allows the differentiation between cell types. Raman spectroscopy is sensitive enough to find these differences. Spectra will be taken of four different cancer cell types, and the data will be analyzed to find the differences displayed by Raman spectroscopy. A computer learning algorithm will then be programmed to recognize those differences and classify the cell type based on the spectra obtained. The final step will be to program the algorithm to map the cancerous area(s) on an image.

The purpose is to reduce the amount of time it takes for histopathologists to diagnose the presence and type of cancer. Currently it takes days to weeks for histopathologists to completely examine specimens. If the cancer has metastasized from another location, the amount of time it currently takes gives the cancer a chance to spread elsewhere. Using Raman spectroscopy with a computer interpreting the results would reduce this timeframe to a couple of hours. Areas of interest would be highlighted for the histopathologist to examine, along with informing the histopathologist of which cancer type to expect to see. This would allow histopathologists to spend less time looking for cancer cells and more quickly diagnose the type of cancer present. If the cancer has metastasized from another area, doctors will know the same day. Doctors can then search for other possible metastases and in the location the original metastasis came from if cancer hasn't already been found there, eliminating the time in which the cancer could have spread more.

Although I will be collaborating with other students in Dr. Shipp's Raman spectroscopy research group and with others conducting cancer cell research, I will be the primary student researching how to differentiate cancer cells using Raman spectroscopy.

As I have learned about how Raman spectroscopy has been intertwined with the medical field, my interest has been piqued because it combines the two fields. A transformative process began occurring as I used my background knowledge to find a new area of research which I felt was valuable and could have an impact in physics, medicine, and peoples' lives. This research project will help me have a greater understanding and appreciation of how cancer research, and other research in general, is conducted in the medical field. I can then use that understanding and appreciation in my career as a physician while working with researchers who are developing their own techniques to better the field of medicine. I am excited to see what the culmination of this transformative process is at the end of this research project and look forward to how it will help me and others in the future.

The attached proposal contains additional information to the criteria.

File Upload Submitted File: [Lance Buck - BoTs Essays.docx](#)

please upload any supporting documents.

Budget/Signature Page

File Upload [Required] Submitted File: [Lance Buck - BoTs Budget Request Form.xlsx](#)

Please upload your XCEL budget sheet by clicking on "Upload" and then attaching your form.

Application Evaluation

Committee members: To review this application, please go to https://uvu.qualtrics.com/jfe/form/SV_8qppNQEKEwXJ6dL

Differentiating Cancer Cells using Raman Spectroscopy

Abstract:

Currently it takes days to weeks for histopathologists to completely examine and diagnose specimens which are possibly cancerous. This timeframe would be shortened to a couple hours through the use of Raman spectroscopy with a computer interpreting the results. The proposed research will progress the field of Raman spectroscopy into differentiating and diagnosing different types of cancer cells. A machine learning algorithm will be programmed to recognize those differences and classify the cell type based on the spectra obtained through Raman spectroscopy. After the algorithm can differentiate between cancer cell types with an accuracy greater than 90% the algorithm will then be programmed to map the sections of cancer cell types on a Raman hyperspectral image obtained from the microscope. Mixtures of known amounts of the different cell types will then be introduced, and the algorithm will be trained to map the different cancer types contained within a sample. This would reduce the workload of histopathologists by allowing the computer to examine specimens and direct the histopathologists to examine areas of importance to confirm the results rather than the histopathologists themselves scour the specimen to try to identify cancer cells.

Purpose/Hypothesis:

The final goal of this experiment is to be able to not only determine the types of cancer present in a mixture of cells, but to also map the different types of cancer on an image produced by the microscope. The purpose is to reduce the workload of histopathologists by allowing the computer to examine specimens and direct the histopathologists to examine areas of importance to confirm the results rather than the histopathologists themselves scour the specimen to try to identify cancer cells. Since Raman spectroscopy is extremely sensitive to different amounts and types of chemical compositions, it is projected to obtain greater than 90% accuracy with the results.

Currently the goal is to obtain spectral data from four different cancer cell types using a microscope which has been modified to incorporate Raman spectroscopy and analyze the spectral data to identify unique qualities in the spectra of each cell type as a reliable basis for differentiation. During the time that the TEELS grant covers, the goal is to take those unique qualities identified in the spectra of the cancer cell types and incorporate them into the programming of a machine learning algorithm. Once the algorithm is programmed, it will be trained to differentiate between the four cancer cell types used initially for the spectral data.

Background:

Previously Raman spectroscopy has been used to assess tumor margins in breast cancer^[1], differentiate between cell lines of prostatic adenocarcinomas^[2], detect and track tissue adaptations as the cancer transitions from premetastatic to metastatic^[3], and diagnose early lung cancer using fluorescence spectroscopy^[4]. All these examples are either comparing cancer cells/tissue with healthy cells/tissue, or with the same cancer type and observing the adaptations. The proposed research will progress the field of Raman spectroscopy into differentiating and diagnosing different types of cancer cells.

Methodology:

The methodology leading up to the time covered by the TEELS grant precedes as follows: to begin, four different cancer cell types will be obtained. Dr. Vern Hart is currently conducting research using different types of cancer cells and has already agreed to provide the cell cultures. The four types of cancer cells which will be used are WEHI-3 - blood leukemia, DAOY - medulloblastoma (brain), PANC-1 - pancreatic epithelioid carcinoma, HCC - mammary lymphoblast (breast). Each of the four cancer cell types will be separated into ten samples. Once the samples have been prepared, spectra will be taken using Raman spectroscopy. The spectra will then be analyzed to determine the different amounts and types of chemical compounds found in the cells. Raman spectroscopy will be able to easily identify between cell types since every cell type has some unique quality that makes it different from any other. One method of analyzing Raman spectra is principal component analysis (PCA) which involves calculating principal components which describe the greatest variance of the spectral data from its mean.^[2] These differences appear as intensity differences in the spectra.

The methodology during the time covered by the TEELS grant is projected as follows: after the unique differences in the spectra have been identified, a machine learning algorithm will be programmed to recognize those differences and classify the cell type based on the spectra obtained through Raman spectroscopy. When the algorithm can differentiate between samples from this training set, new samples of the same four cancer cell types will be introduced to compare how well the computer can identify the new samples. After the algorithm can differentiate between cancer cell types with an accuracy greater than 90% the algorithm will then be programmed to map the sections of cancer cell types on a Raman hyperspectral image obtained from the microscope. Mixtures of known amounts of the different cell types will then be introduced, and the algorithm will be trained to map the different cancer types contained within a sample and calculate the percentages of the types of cancer cells present within the sample. This allows the accuracy of the differentiating and mapping of the different cancer cell types to be reliably evaluated and improved.

Dissemination:

The results will be disseminated through scientific journals and conferences such as the Journal of Raman Spectroscopy, APS Four Corners, and Utah Conference on Undergraduate Research (UCUR). All forms of dissemination will explain how Raman spectroscopy is used, the different peaks in the spectra which were used to identify the cancer cell type, and the accuracy of the classification system. The emphasis will be on the methods used and results obtained, as well as include details of the research process.

Meaningfulness:

Currently it takes days to weeks for histopathologists to completely examine and diagnose specimens which are possibly cancerous. This timeframe would be shortened to a couple hours through the use of Raman spectroscopy with a computer interpreting the results. When a spectrum which matches with cancer is found, the computer will be able to highlight the location of interest on an image produced from the microscope. This will help direct histopathologists to those locations so that the histopathologists can spend less time scouring specimens and more time diagnosing the type(s) of cancer present. This also expands the field of Raman spectroscopy by comparing cancer cell types in a way that hasn't previously been researched.

Citations:

1. *Dustin W. Shipp, et al.* Intra-operative spectroscopic assessment of surgical margins during breast conserving surgery
2. *P. Crow, B. Barrass, C. Kendall, M. Hart-Prieto, M. Wright, R. Persad, & N. Stone.* The use of Raman spectroscopy to differentiate between different prostatic adenocarcinoma cell lines
3. *Santosh Kumar Paidi, Asif Rizwan, Chao Zheng, Menglin Cheng, Kristine Glunde, and Ishan Barman.* Label-Free Raman Spectroscopy Detects Stromal Adaptations in Premetastatic Lungs Primed by Breast Cancer
4. *Zhiwei Huang, Annette McWilliams, Harvey Lui, David I. McLean, Stephen Lam, Haishan Zeng.* Near-infrared Raman spectroscopy for optical diagnosis of lung cancer

Student Grants Signature Page (URSCA, BoTs and TEELS)

Grant Requirements and Responsibilities

All required parties must sign the form below to indicate they have read and understand UVU's policies and procedures. The grantee must receive proper approval from the IRB if the project involves research concerning human subjects and will abide by all General Terms and Conditions of Grants*. Identifying any special terms and conditions at the outset is critical to assure appropriate post-award management of the grant. Acceptance of grant funds implies acceptance of these terms and conditions. Failure to comply will result in appropriate action relative to university policies and procedures. (e.g. if unauthorized funds are spent, those funds must be repaid through the grantee's department or school). **It is the PI and Mentor's responsibility to be aware of the funding timeline guidelines, requirements and restrictions, and that all funds not spent or encumbered by the June 30 deadline in accordance with grant policy will be forfeited and jeopardize future funding.**

*General Terms and Conditions of Grants

Acceptance of a grant to conduct an approved project obligates the receiver to use the funds as specified in the approved grant application and within university policy, state and/or federal regulations. Any change in the scope or direction of an approved project must be reported to the Office of Engaged Learning prior to implementing the change.

It is important that the grantee put in place a sound plan for maintaining appropriate documentation of expenses and expenditures at the outset of a project. A plan for reporting project outcomes should be completed as early as possible in the project.

All grant funds are to be used by June 30 of the year the grant is awarded unless otherwise specified in the grant request. If funds are needed to span two academic years to facilitate summer activities this must be clearly stated, to include amount and timing of needed funds, ex; \$500 in the current academic year and \$500 in the following academic year to be used in the summer months. This applies to all funds including travel. Travel **MUST** be completed by June 30 and no later, to include all paperwork, authorizations etc. If it will not be completed or paperwork, concur, authorizations etc. will not be completed it will not be funded in the current year and needs to have funds requested for the summer months in the next academic year. Any activities the go beyond summer will require a new application to be considered for funding.

Project

Project Title: Differentiating Cancer Cells using Raman Spectroscopy

Project Leader: Lance Buck

Faculty Mentor: Dustin Shipp Date: 3/26/2019

College college of science

Select Grant (Select One): BoTs

Performance Period: 7/1/2019 - 5/1/2020

Attach Budget



Attach Abstract



Principal Investigator

I have read and understand all requirements of the grant and accept responsibility.

Printed Name Lance Buck

Phone: 385-539-8810

Signature Lance Buck

Email: mr.lancebuck@gmail.com

Financial Manager

I understand the scope of this project and fully support it.

Printed Name Kerri Howlett

Phone: 8980

COMMENTS:

Email: khowlett@uvu.edu

I have met with Lance to review his budget request for this proposal. He feels he will have no problem working the number of hours requested.

Signature Kerri Howlett

Date: 3/28/2019

Faculty Mentor

NOTE to MENTORS: In your letter of support, please address the extent to which you believe the candidate can complete the project as described in the abstract. Please address the five criteria listed in the URSCA application: objectives clarity, project contribution to scholarship or creative work within its discipline, proposal organization, rigorous efforts required at undergraduate level. In addition, **as a mentor, you are insuring that you are providing significant oversight and mentorship on the project and that it will be completed and funds will be expended as proposed.**

- Comment on the student's role in the proposal preparation in conceiving the proposed project and in preparing the proposal.

Lance and I have discussed the research capabilities of the Raman spectroscopy system he is currently building in the lab as well as materials available for study. Based on this knowledge, Lance has developed this research plan that will fit in with his career goals of becoming a medical doctor. He wrote the proposal in its entirety with my feedback.

- Comment on the thoroughness of the student's research (did they employ sufficient literature sources, sufficiently incorporate earlier results from related work, etc.)

Lance has searched through literature on Raman spectroscopic classification of tumor cells to determine what has and hasn't been done. Based on this search, he has identified classification between tumor cell types as a niche where our group could contribute valuable tools to the community.

- Comment on the expected effort on the part of the student (i.e. estimated total hours of

work by the student, level of student's autonomy vs. required supervision, etc.)
Lance is a dedicated and very hard worker. He keeps his commitments and is a consistent contributor to the work in the lab. Lance is great at working independently and coming up with his own ways to overcome problems in the lab. I look forward to the summer when he will be free from classes and have even more time to dedicate to this research.

- Comment on the student's level of preparation, creativity, enthusiasm, and motivation for conducting the proposed work.

As Lance has developed this project idea to fit into his long-term career plans, he is very invested in seeing it to completion. Lance is a talented physicist with a unique perspective to be able to combine concepts from physics, chemistry, and biology. This will be a tremendous advantage in this interdisciplinary research project. Lance is a skilled experimentalist who has already devised creative solutions to problems in the lab. He has also shown the confidence and willingness to take appropriate risks.

- How long have you known the student(s) and in what capacity?

Lance has been working in my research group for about four months building a microscope-spectrometer system for this and other studies. He has been a vital contributor to this construction and has contributed several valuable ideas to the system design. Prior to this, Lance was in my experimental physics course, where he also showed his excellent research and communication skills.

- In light of the student's career plans, what impact will the proposed project have on the student's learning and development? (e.g. problem-solving, development skills, etc.)

This research experience will be a great step in Lance's career. It provides him the opportunity to deepen his knowledge of physics phenomena, especially those relating to optics. At the same time, he will be able to directly work with biological and medical concepts that will be the focus of his graduate work and future career.

- Please describe the impact of the project on the discipline and other initiatives within the department.

As Lance was able to identify, while Raman spectroscopy has demonstrated its ability to discriminate cancerous and healthy cells many times, very little work has been done differentiate different types of tumor cells. This would be a valuable tool for clinicians to quickly identify metastases from primary tumors, increasing the speed and quality of diagnosis.

- Other information you feel relevant to the committee when reviewing the application.

Lance will be working with other students in my group and with students working with Vern Hart, contributing to a critical mass of students studying these cancer cells. These multi-modal and interdisciplinary studies promise to attach important problems from many angles and push the individual techniques forward as well.

I understand the scope of this project and fully support it.

Printed Name Dustin Shipp

Phone: 801-563-5410

COMMENTS:

Email: Dustin.Shipp@uvu.edu

No additional comments.

Signature: 

Date: 3/28/2019

Department's Chair

I understand the scope of this project and fully support it.

Printed Name Phil Matheson

Phone: 7161

COMMENTS:
Approved.

Email: Phil.Matheson@uvu.edu

Signature *Phil Matheson*

Date: 3/28/2019



Undergraduate Research and Creative Works Grant Budget Request Form

Project Title: Differentiating Cancer Cells using Raman Spectroscopy

Project Leader: Lance Buck

Project Mentor (if applicable): Dustin Shipp

Date: **3/26/2019**

Total Budget request*: \$ 5,987.00

Grant (Select One):

Faculty Grants Seed Short-Term (10K) Community Quick PFFS
 Students' Grants URSCA BoTS TEELS

BUDGET & JUSTIFICATION					
ITEM DESCRIPTION	Detailed Description of the expense (i.e. Budget Justification)	Expected Date of expenditure*	COST	QUANTITY	TOTAL
Students Salaries** (\$/hr, total hours)	Hourly Wage	Until May 1, 2020	\$15.00	373.00	\$ 5,595.00
Students' Benefits (7%)		7/1/2019	\$392.00	1.00	\$ 392.00
Faculty Salary (Adjunct Rate)	N/A in students' Grants		\$0.00	0.00	\$ -
Faculty Benefits (22% adjunct Rate)			\$0.00	0.00	\$ -
Materials and Supplies			\$0.00	0.00	\$ -
Equipment			\$0.00	0.00	\$ -
Students' Travel					
Domestic			\$0.00	0.00	\$ -
International			\$0.00	0.00	\$ -
Lodging			\$0.00	0.00	\$ -
Transportation			\$0.00	0.00	\$ -
Faculty Travel	N/A in students' Grants				
Domestic			\$0.00	0.00	\$ -
International			\$0.00	0.00	\$ -
Lodging			\$0.00	0.00	\$ -
Transportation			\$0.00	0.00	\$ -
Consultant Services			\$0.00	0.00	\$ -
Computer Services			\$0.00	0.00	\$ -
Other***			\$0.00	0.00	\$ -
Total			\$407.00	\$374.00	\$ 5,987.00

* All expenses MUST be spent before 30th June.

**Insert under cost the \$/hr, and under quantity, insert the total number of hours)

***Explain other

Equipment, materials, and supplies have all been funded through other grants. Currently the last portion which requires funding is student wages. I am planning on conducting research for 10hrs per week until graduation on May 1st, 2020. BoTs would cover most, but not all of the wages for the projected working hours (7hrs unfunded). And an additional 2 weeks has been accounted for in case extenuating circumstances require me to take a temporary break from conducting research.

FYI: Budget Checklist		
Clearly delineate project costs to be met by funding source	44 weeks to graduation	vacation:
Explain any calculations, and check for accuracy	6 weeks vacation	1 week winter break
Provide justification for expenses	38 weeks total	2 weeks in summer
Include credible and realistic costs	10hrs per week	1 week spring break
Describe matching funds, if applicable	380hrs total	2 weeks extra just in case (=20hrs)
Does your budget accurately reflect the project plan?	373hrs funded	
	7hrs unfunded	

TIMELINE*
TASKS
Award
Project Start
Milestone 1 - Program a machine learning algorithm to recognize differences in the spectra of four cancer cell types.
Milestone 2 - Use a training set to train the algorithm to differentiate between samples.
Milestone 3 - Introduce new samples of the same four cancer cell types to test the algorithm's capabilities.
Milestone 4 - Obtain greater than 90% accuracy differentiating new samples.
Milestone 5 - Program the algorithm to map sections of cancer cell types on a Raman hyperspectral image obtained from the microscope.
Milestone 6 - Introduce mixtures of cells with known amounts of each cell type to train the algorithm to map the different cancer cell types and to calculate the percentages of cancer cell types present.
Project End (i.e. End of Grant**)

**Please, add the important milestones, such travel (domestic or international), reassign time...etc.*

**** Any remaining funds after 30 June will be withdrawn from the awarded index.**

START	END	Location (this is important for travel activities)
May-18	May-18	
Jul-19		
Jul-19	Jul-19	
Aug-19	Aug-19	
Sep-19	Sep-19	
Sep-19	Sep-19	
Oct-19	Nov-19	
Dec-19	Apr-20	
	May-20	

APPENDIX (upload any supporting documents)		
FILE NAME	DESCRIPTION	LOCATION attachment / link

Provide a
Adopt a c
Provide fu
Have you

list of supporting documents

clear naming convention for files

functioning links, if applicable

attached all required documentation?



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 18, 2019
TITLE:	Executive Committee Vote Ratification
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Val Peterson, VP Finance and Administration
SUBJECT:	Real Estate Transaction
BACKGROUND:	<p>The Executive Committee of the Board of Trustees voted in May to approve the purchase of a house located at 691 West 925 South, Orem. The full Board is now being asked to ratify this vote.</p> <p>Homes for sale along the south side of 925 South present an opportunity to expand the campus footprint to the north in a logical manner. The Paul Theobald house was available for sale. A contract, pending approval of the Board of Trustees and Board of Regents, has been accepted by the Theobalds for the appraised value of \$900,000.</p> <p>The house has excellent access to the University from Campus Drive. The home is well built and could be used for hosting events or housing campus visitors. The house sits on 1.239 acres and has 7,486 SF.</p>
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to ratify the Executive Committee vote which approved the purchase of the property located at 691 West 925 South, Orem and recommendation to the Board of Regents for their approval.” • 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:	N/A

INVOICE

FROM:

Maxwell Appraising, Inc.
 1115 North 560 West
 Orem, Utah
 84057

Telephone Number: 801-369-3243

Fax Number:

TO:

Jeana Miner
 Utah Valley University
 800 West University Parkway
 Orem, Utah 84058

E-Mail: MINERJE@uvu.edu

Telephone Number: 801-362-1254

Fax Number:

Alternate Number:

INVOICE NUMBER

3991812gpar

DATES

Invoice Date: 12/12/2018

Due Date: 01/12/2019

REFERENCE

Internal Order #: 3991812gpar

Lender Case #: N/A

Client File #: N/A

FHA/VA Case #: N/A

Main File # on form: 3991812gpar

Other File # on form:

Federal Tax ID: 47-0851813

Employer ID:

DESCRIPTION

Lender: N/A Client: Utah Valley University
 Purchaser/Borrower: N/A
 Property Address: 691 W 925 S
 City: Orem
 County: Utah State: UT Zip: 84058
 Legal Description: Lot 2, Plat J, COLLEGE HEIGHTS

FEES

AMOUNT

Appraisal Fee	600.00
SUBTOTAL	600.00

PAYMENTS

AMOUNT

Check #:	Date:	Description:	
Check #:	Date:	Description:	
Check #:	Date:	Description:	
SUBTOTAL			

THANK YOU FOR YOUR BUSINESS

TOTAL DUE \$ 600.00

Maxwell Appraising Inc.
1115 North 560 West
Orem, Utah 84057
801-369-3243

12/12/2018

Utah Valley University
95 N. University Avenue, Provo, Utah 84601

RE: Theobald House

Re: Property: 691 W 925 S
Orem, UT 84058
Borrower: N/A
File No.: 3991812gpar

Opinion of Value: \$ 900,000
Effective Date: 12/07/2018

In accordance with your request, I have appraised the above referenced property. The report of that appraisal is attached.

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership.

This report is based on a physical analysis of the site and improvements, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Cordially,
 esign.alamode.com/verify Serial:D5FDE3C0



Thomas Maxwell
License or Certification #: 5473489-CR00
State: UT Expires: 04/30/2019
maxwell.appraising@gmail.com

RESIDENTIAL APPRAISAL REPORT

File No.: 3991812gpar

Property Address: 691 W 925 S	City: Orem	State: UT	Zip Code: 84058
County: Utah		Legal Description: Lot 2, Plat J, COLLEGE HEIGHTS	
Assessor's Parcel #: 36:443:0006			
Tax Year: 2018	R.E. Taxes: \$ 3,826.71	Special Assessments: \$ 0	Borrower (if applicable): N/A
Current Owner of Record: Paul H. Theobald		Occupant: <input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant <input type="checkbox"/> Vacant <input type="checkbox"/> Manufactured Housing
Project Type: <input type="checkbox"/> PUD <input type="checkbox"/> Condominium <input type="checkbox"/> Cooperative <input type="checkbox"/> Other (describe)		HOA: \$ <input type="checkbox"/> per year <input type="checkbox"/> per month	
Market Area Name: College Heights		Map Reference: 39340	Census Tract: 0011.03

The purpose of this appraisal is to develop an opinion of: <input checked="" type="checkbox"/> Market Value (as defined), or <input type="checkbox"/> other type of value (describe)			
This report reflects the following value (if not Current, see comments): <input checked="" type="checkbox"/> Current (the Inspection Date is the Effective Date)	<input type="checkbox"/> Retrospective	<input type="checkbox"/> Prospective	
Approaches developed for this appraisal: <input checked="" type="checkbox"/> Sales Comparison Approach <input type="checkbox"/> Cost Approach <input type="checkbox"/> Income Approach (See Reconciliation Comments and Scope of Work)			
Property Rights Appraised: <input checked="" type="checkbox"/> Fee Simple <input type="checkbox"/> Leasehold <input type="checkbox"/> Leased Fee <input type="checkbox"/> Other (describe)			
Intended Use: The purpose of this appraisal is to assist the client in determining the market value for assistance in making a purchase decision regarding the subject property.			
Intended User(s) (by name or type): Client only.			
Client: Utah Valley University		Address: 800 West University Parkway, Orem, UT 84058	
Appraiser: Thomas Maxwell		Address: 1115 North 560 West, Orem, Utah 84057	

Location: <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural	Built up: <input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%	Growth rate: <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow	Property values: <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining	Demand/supply: <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Over Supply	Marketing time: <input type="checkbox"/> Under 3 Mos. <input checked="" type="checkbox"/> 3-6 Mos. <input type="checkbox"/> Over 6 Mos.	Predominant Occupancy <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input checked="" type="checkbox"/> Vacant (0-5%) <input type="checkbox"/> Vacant (>5%)	One-Unit Housing PRICE AGE \$(000) (yrs) 150 Low New 2,000+ High 70 500 Pred 30	Present Land Use One-Unit 55 % 2-4 Unit 10 % Multi-Unit 10 % Comm'l 15 % Vacant 10 %	Change in Land Use <input checked="" type="checkbox"/> Not Likely <input type="checkbox"/> Likely * <input type="checkbox"/> In Process * * To:
--	---	--	--	--	---	--	---	--	---

Market Area Boundaries, Description, and Market Conditions (including support for the above characteristics and trends): See attached addenda.

Dimensions: Irregular (see attached Plat Map page)	Site Area: 53,891 Sq.Ft. (1.24 Acres)
Zoning Classification: R12	Description: Single Family Residential (minimum lot size is 12,000 sq.ft.)
Zoning Compliance: <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Legal nonconforming (grandfathered) <input type="checkbox"/> Illegal <input type="checkbox"/> No zoning	
Are CC&Rs applicable? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown	Have the documents been reviewed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ground Rent (if applicable) \$ /	
Highest & Best Use as improved: <input checked="" type="checkbox"/> Present use, or <input type="checkbox"/> Other use (explain)	
Actual Use as of Effective Date: Residential Use as appraised in this report: Residential	
Summary of Highest & Best Use: The current use as residential is the highest and best use of the property.	

Utilities	Public	Other	Provider/Description	Off-site Improvements	Type	Public	Private	Topography	Slopes down from the street
Electricity	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Street	Asphalt Paved	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Size	Large for the area
Gas	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Curb/Gutter	Concrete	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shape	Near Rectangular
Water	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Sidewalk	Concrete	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Drainage	Appears Adequate
Sanitary Sewer	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Street Lights	Yes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	View	Good/Mountain & Valley
Storm Sewer	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Alley	None	<input type="checkbox"/>	<input type="checkbox"/>		

Other site elements: Inside Lot Corner Lot Cul de Sac Underground Utilities Other (describe)

FEMA Spec'l Flood Hazard Area Yes No FEMA Flood Zone C FEMA Map # 4902160005A FEMA Map Date 9/24/1984

Site Comments: The subject site is a 1.24 acre lot which is somewhat large for this area, but not excessive and the larger lot size is a favorable factor. The rear half of the lot slopes significantly down from the street, but the lot has been terraced to maximize the use of the property. The slope is not adverse and it provides for a favorable view amenity and walkout basement. The shape is near rectangular. The site is well suited for the subject house. The overall appeal is rated as good.

General Description # of Units 1 <input type="checkbox"/> Acc. Unit # of Stories 1 Type <input checked="" type="checkbox"/> Det. <input type="checkbox"/> Att. <input type="checkbox"/> Design (Style) Rambler <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Und.Cons. Actual Age (Yrs.) 38 Effective Age (Yrs.) 20	Exterior Description Foundation Concrete Exterior Walls Brick Roof Surface Asphalt Shingle Gutters & Dwnspts. Metal Window Type Wood Frame Storm/Screens Yes	Foundation Slab No Crawl Space No Basement Full Sump Pump <input type="checkbox"/> Dampness <input type="checkbox"/> Settlement None Noted Infestation None Noted	Basement <input type="checkbox"/> None Area Sq. Ft. 4,028 % Finished 100 Ceiling Drywall Walls Drywall Floor Carpet, Tile Outside Entry Yes	Heating Type FWA Fuel Gas Cooling Central Yes Other
Interior Description Floors Carpet, Tile Walls Drywall Trim/Finish Custom Trim Bath Floor Tile & Linoleum Bath Wainscot Tile & Cult. Marble Doors Solid Core Wood	Appliances Refrigerator [P] Range/Oven [B] Dishwasher [B] Fan/Hood <input type="checkbox"/> Microwave [B] Washer/Dryer [P]	Attic <input type="checkbox"/> None Stairs <input type="checkbox"/> Drop Stair <input type="checkbox"/> Scuttle <input checked="" type="checkbox"/> Doorway <input type="checkbox"/> Floor <input type="checkbox"/> Heated <input type="checkbox"/> Finished <input type="checkbox"/>	Amenities Fireplace(s) # 1 Woodstove(s) # 2 Patio <input type="checkbox"/> Deck <input checked="" type="checkbox"/> Porch <input type="checkbox"/> Fence <input type="checkbox"/> Pool <input type="checkbox"/> Other Courts	Car Storage <input type="checkbox"/> None Garage # of cars (6 Tot.) Attach. 3 Detach. <input type="checkbox"/> Blt.-In <input type="checkbox"/> Carport <input type="checkbox"/> Driveway 3 Surface Concrete

Finished area above grade contains: 9 Rooms 2 Bedrooms 2.5 Bath(s) 3,735 Square Feet of Gross Living Area Above Grade

Additional features: See attached addenda.

Describe the condition of the property (including physical, functional and external obsolescence): There is no functional nor external depreciation applicable. Physical depreciation is typical for the "effective" age of the subject. The overall condition is rated as good. The subject has a mix of older and newer components and the interior is somewhat dated, but acceptable in it's "as-is" condition.

RESIDENTIAL APPRAISAL REPORT

File No.: 3991812gpar

My research did did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.

Data Source(s): Local MLS and county records

1st Prior Subject Sale/Transfer	Analysis of sale/transfer history and/or any current agreement of sale/listing: <u>There has been no sale, options, or listings of the subject property over the past 3 years. The only transactions for the comparables over the past year are those indicated on the market grid.</u>
Date:	
Price:	
Source(s):	
2nd Prior Subject Sale/Transfer	
Date:	
Price:	
Source(s):	

SALES COMPARISON APPROACH TO VALUE (if developed) The Sales Comparison Approach was not developed for this appraisal.

FEATURE	SUBJECT	COMPARABLE SALE # 1			COMPARABLE SALE # 2			COMPARABLE SALE # 3		
Address	691 W 925 S Orem, UT 84058	1037 E 590 S Orem, UT 84097			777 S Palisades Dr Orem, UT 84097			477 S 450 W Orem, UT 84057		
Proximity to Subject		2.29 miles E			2.11 miles E			0.67 miles NE		
Sale Price	\$	\$ 894,000			\$ 749,400			\$ 732,500		
Sale Price/GLA	\$ /sq.ft.	\$ 193.93 /sq.ft.			\$ 208.22 /sq.ft.			\$ 239.30 /sq.ft.		
Data Source(s)	Public Records	MLS #1522641			MLS #1544900			MLS #1516682		
Verification Source(s)	Inspection	Public Records			Public Records			Public Records		
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-) \$ Adjust.	DESCRIPTION	+(-) \$ Adjust.	DESCRIPTION	+(-) \$ Adjust.	DESCRIPTION	+(-) \$ Adjust.	
Sales or Financing Concessions		Conv. Loan \$5,000 Concess.	-2,500	Seller Financed No Concess.		Conv. Loan No Concess.				
Date of Sale/Time		06/18		09/18		07/18				
Rights Appraised	Fee Simple	Fee Simple		Fee Simple		Fee Simple		Fee Simple		
Location	Suburban/Good	Suburban/Good		Suburban/Good		Suburban/Good		Suburban/Good		
Site	1.24 Acres/Good	.56 Acre/Good	+68,000	.32 Acre/Good	+92,000	.39 Acre/Good	+85,000			
View	Good/Mtn&Valley	Good/Mtn&Valley		Good/Mtn&Valley		Average	+25,000			
Design (Style)	Rambler	2-Level/Good		Rambler		Rambler				
Quality of Construction	Very Good	Very Good		Very Good		Very Good				
Age	38A/20E	37A/20E		20A/15E	-25,000	16A/15E	-25,000			
Condition	Good	Good		Good		Good				
Above Grade	Total Bdrms Baths	Total Bdrms Baths		Total Bdrms Baths		Total Bdrms Baths		Total Bdrms Baths		
Room Count	9 2 2.5	10 5 5.5	-21,000	9 3 2.5		8 3 3	-3,000			
Gross Living Area	3,735 sq.ft.	4,610 sq.ft.	-52,500	3,599 sq.ft.	+8,000	3,061 sq.ft.	+40,500			
Basement & Finished Rooms Below Grade	3,735 Sq.Ft. 3,735 SF Fin.	1,680 Sq.Ft. 1,680 SF Fin.	+20,500 +51,500	2,794 Sq.Ft. 2,655 SF Fin.	+9,500 +27,000	3,061 Sq.Ft. 3,061 SF Fin.	+7,000 +17,000			
Functional Utility	Good	Good		Good		Good				
Heating/Cooling	GFWA/C-Air	GFWA/C-Air		GFWA/C-Air		GFWA/C-Air				
Energy Efficient Items	Good	Good		Good		Good				
Garage/Carport	3-Car Garage	5-Car Garage	-20,000	3-Car Garage		3-Car Garage				
Porch/Patio/Deck	Porch,Patio,Deck	Similar Value		Similar Value		Similar Value				
Other	Tennis&BBall Crts	Pool Areas	-55,000	None	+20,000	None	+20,000			
Landscape	Good Landscape	Good Landscape		Good Landscape		Good Landscape				
Other	Garden Garage	None	+15,000	None	+15,000	None	+15,000			
Net Adjustment (Total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 4,000	<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 146,500	<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 181,500			
Adjusted Sale Price of Comparables			\$ 898,000		\$ 895,900		\$ 914,000			

Summary of Sales Comparison Approach See attached addenda.

Indicated Value by Sales Comparison Approach \$ 900,000

RESIDENTIAL APPRAISAL REPORT

File No.: 3991812gpar

COST APPROACH TO VALUE (if developed) The Cost Approach was not developed for this appraisal.

Provide adequate information for replication of the following cost figures and calculations.

Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value): **The Cost Approach to Value is not applicable for houses the age of the subject; therefore, it has not been developed.**

ESTIMATED <input type="checkbox"/> REPRODUCTION OR <input type="checkbox"/> REPLACEMENT COST NEW		OPINION OF SITE VALUE ----- = \$	
Source of cost data:		DWELLING	Sq.Ft. @ \$ ----- = \$
Quality rating from cost service: Effective date of cost data:			Sq.Ft. @ \$ ----- = \$
Comments on Cost Approach (gross living area calculations, depreciation, etc.):			Sq.Ft. @ \$ ----- = \$
N/A			Sq.Ft. @ \$ ----- = \$
			Sq.Ft. @ \$ ----- = \$
			Sq.Ft. @ \$ ----- = \$
			Sq.Ft. @ \$ ----- = \$
			Sq.Ft. @ \$ ----- = \$
Garage/Carport			Sq.Ft. @ \$ ----- = \$
Total Estimate of Cost-New			----- = \$
Less	Physical	Functional	External
Depreciation ----- = \$()			
Depreciated Cost of Improvements ----- = \$			
"As-is" Value of Site Improvements ----- = \$			
----- = \$			
----- = \$			
Estimated Remaining Economic Life (if required): 50 Years		INDICATED VALUE BY COST APPROACH ----- = \$	

INCOME APPROACH TO VALUE (if developed) The Income Approach was not developed for this appraisal.

Estimated Monthly Market Rent \$ _____ X Gross Rent Multiplier _____ = \$ _____ Indicated Value by Income Approach

Summary of Income Approach (including support for market rent and GRM): **The income approach to value is not applicable for housing similar to the subject. Houses like the subject are generally not purchased as investment properties.**

PROJECT INFORMATION FOR PUDs (if applicable) The Subject is part of a Planned Unit Development.

Legal Name of Project:

Describe common elements and recreational facilities:

Indicated Value by Sales Comparison Approach \$ 900,000	Cost Approach (if developed) \$	Income Approach (if developed) \$
--	--	--

Final Reconciliation **All emphasis is placed on the Sales Comparison Approach since it is most similar to market conditions. The Cost Approach is not applicable for houses the age of the subject. The Income (GRM) Approach was not considered as houses like the subject are normally not purchased for investment purposes.**

This appraisal is made "as is", subject to completion per plans and specifications on the basis of a Hypothetical Condition that the improvements have been completed, subject to the following repairs or alterations on the basis of a Hypothetical Condition that the repairs or alterations have been completed, subject to the following required inspection based on the Extraordinary Assumption that the condition or deficiency does not require alteration or repair: **No conditions to value.**

This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.

Based on the degree of inspection of the subject property, as indicated below, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is: \$ 900,000, as of: 12/07/2018, which is the effective date of this appraisal. If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.

A true and complete copy of this report contains 28 pages, including exhibits which are considered an integral part of the report. This appraisal report may not be properly understood without reference to the information contained in the complete report.


Attached Exhibits:

<input checked="" type="checkbox"/> Scope of Work	<input checked="" type="checkbox"/> Limiting Cond./Certifications	<input checked="" type="checkbox"/> Narrative Addendum	<input checked="" type="checkbox"/> Photograph Addenda	<input checked="" type="checkbox"/> Sketch Addendum
<input checked="" type="checkbox"/> Map Addenda	<input checked="" type="checkbox"/> Additional Sales	<input type="checkbox"/> Cost Addendum	<input type="checkbox"/> Flood Addendum	<input type="checkbox"/> Manuf. House Addendum
<input type="checkbox"/> Hypothetical Conditions	<input type="checkbox"/> Extraordinary Assumptions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Client Contact: Jeana Miner Client Name: Utah Valley University

E-Mail: MINERJE@uvu.edu Address: 800 West University Parkway, Orem, UT 84058

APPRAISER esign.alamode.com/verify Serial: D5FDE3C0



Appraiser Name: Thomas Maxwell

Company: Maxwell Appraising Inc.

Phone: 801-369-3243 Fax: _____

E-Mail: maxwell.appraising@gmail.com

Date of Report (Signature): 12/13/2018

License or Certification #: 5473489-CR00 State: UT

Designation: _____

Expiration Date of License or Certification: 04/30/2019

Inspection of Subject: Interior & Exterior Exterior Only None

Date of Inspection: 12/07/2018

SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)

Supervisory or Co-Appraiser Name: _____

Company: _____

Phone: _____ Fax: _____

E-Mail: _____

Date of Report (Signature): _____

License or Certification #: _____ State: _____

Designation: _____

Expiration Date of License or Certification: _____

Inspection of Subject: Interior & Exterior Exterior Only None

Date of Inspection: _____

ADDITIONAL COMPARABLE SALES

File No.: 3991812gpar

FEATURE	SUBJECT	COMPARABLE SALE # 4			COMPARABLE SALE # 5			COMPARABLE SALE # 6		
Address	691 W 925 S Orem, UT 84058	621 S River Breeze Dr Orem, UT 84097			1196 E 1220 N Orem, UT 84097			1375 E 1160 N Orem, UT 84097		
Proximity to Subject		2.30 miles E			3.62 miles NE			3.76 miles NE		
Sale Price	\$	\$ 748,000			\$ 980,000			\$ 1,155,000		
Sale Price/GLA	\$/sq.ft.	\$ 196.12 /sq.ft.			\$ 224.87 /sq.ft.			\$ 203.52 /sq.ft.		
Data Source(s)	Public Records	MLS #1441612			MLS #1469024			MLS #1465049		
Verification Source(s)	Inspection	Public Records			Public Records			Public Records		
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION		+(-) \$ Adjust.	DESCRIPTION		+(-) \$ Adjust.	DESCRIPTION		+(-) \$ Adjust.
Sales or Financing Concessions		Cash No Concess.			Conv. Loan No Concess.			Cash No Concess.		
Date of Sale/Time		04/18			02/18			12/17		
Rights Appraised	Fee Simple	Fee Simple			Fee Simple			Fee Simple		
Location	Suburban/Good	Suburban/Good			Suburban/Good			Suburban/Good		
Site	1.24 Acres/Good	.48 Acres/Good +76,000			.79 Acre/Good +45,000			1 Acre/Good +24,000		
View	Good/Mtn&Valley	V.Good/River -25,000			Good/Mtn&Valley			V.Gd/Mtn&Valley -20,000		
Design (Style)	Rambler	1.5-Level			1.5-Level/Good			2-Level/Good		
Quality of Construction	Very Good	Very Good			Very Good			Very Good		
Age	38A/20E	37A/20E			21A/10E -50,000			11A/10E -50,000		
Condition	Good	Good			Very Good -10,000			Very Good -10,000		
Above Grade	Total Bdrms Baths	Total Bdrms Baths			Total Bdrms Baths			Total Bdrms Baths		
Room Count	9 2 2.5	8 2 2.5			10 4 3.5 -7,000			10 4 4.5 -14,000		
Gross Living Area	3,735 sq.ft.	3,814 sq.ft. -4,500			4,358 sq.ft. -37,500			5,675 sq.ft. -116,500		
Basement & Finished Rooms Below Grade	3,735 Sq.Ft. 3,735 SF Fin.	2,220 Sq.Ft. 2,220 SF Fin. +15,000 +38,000			4,375 Sq.Ft. 4,375 SF Fin. -6,500 -16,000			4,000 Sq.Ft. 3,800 SF Fin. -2,500 -1,500		
Functional Utility	Good	Good			Good			Good		
Heating/Cooling	GFWA/C-Air	GFWA/C-Air			GFWA/C-Air			GFWA/C-Air		
Energy Efficient Items	Good	Good			Good			Good		
Garage/Carport	3-Car Garage	3-Car Garage			3-Car Garage			3-Car Garage		
Porch/Patio/Deck	Porch,Patio,Deck	Similar Value			Similar Value			Similar Value		
Other	Tennis&BBall Crts	None +20,000			Similar Value			Pool Areas -55,000		
Landscape	Good Landscape	Good Landscape			Good Landscape			Good Landscape		
Other	Garden Garage	None +15,000			None +15,000			None +15,000		
Net Adjustment (Total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 134,500			<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ -67,000			<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ -230,500		
Adjusted Sale Price of Comparables		\$ 882,500			\$ 913,000			\$ 924,500		
Summary of Sales Comparison Approach										

SALES COMPARISON APPROACH

ADDITIONAL COMPARABLE SALES

File No.: 3991812gpar

FEATURE		SUBJECT		COMPARABLE SALE # 7			COMPARABLE SALE # 8			COMPARABLE SALE # 9			
Address 691 W 925 S Orem, UT 84058				1179 Moyle Dr Alpine, UT 84004									
Proximity to Subject				13.35 miles N									
Sale Price		\$		\$ 1,175,000			\$			\$			
Sale Price/GLA		\$/sq.ft.		\$ 303.15 /sq.ft.			\$/sq.ft.			\$/sq.ft.			
Data Source(s)		Public Records		MLS #1533112									
Verification Source(s)		Inspection		Public Records									
VALUE ADJUSTMENTS		DESCRIPTION		DESCRIPTION		+(-) \$ Adjust.	DESCRIPTION		+(-) \$ Adjust.	DESCRIPTION		+(-) \$ Adjust.	
Sales or Financing Concessions				Conv. Loan No Concess.									
Date of Sale/Time				09/18									
Rights Appraised		Fee Simple		Fee Simple									
Location		Suburban/Good		Suburban/V.Gd			-100,000						
Site		1.24 Acres/Good		2.17 Acre/Good			-93,000						
View		Good/Mtn&Valley		Good/Mtn&Valley									
Design (Style)		Rambler		2-Level/Good									
Quality of Construction		Very Good		Very Good									
Age		38A/20E		33A/20E									
Condition		Good		Good									
Above Grade		Total	Bdrms	Baths	Total	Bdrms	Baths	Total	Bdrms	Baths	Total	Bdrms	Baths
Room Count		9	2	2.5	9	4	3						
Gross Living Area		3,735 sq.ft.			3,876 sq.ft.			-8,500	sq.ft.		sq.ft.		
Basement & Finished Rooms Below Grade		3,735 Sq.Ft.		2,030 Sq.Ft.			+17,000						
		3,735 SF Fin.		1,825 SF Fin.			+48,000						
Functional Utility		Good		Good									
Heating/Cooling		GFWA/C-Air		GFWA/C-Air									
Energy Efficient Items		Good		Good									
Garage/Carport		3-Car Garage		5-Car Garage			-20,000						
Porch/Patio/Deck		Porch,Patio,Deck		Similar Value									
Other		Tennis&BBall Crts		Barn									
Landscape		Good Landscape		Good Landscape									
Other		Garden Garage		Garden Garage									
Net Adjustment (Total)				<input type="checkbox"/> + <input checked="" type="checkbox"/> -			\$ -159,500	<input type="checkbox"/> + <input type="checkbox"/> -		\$			
Adjusted Sale Price of Comparables							\$ 1,015,500			\$			

SALES COMPARISON APPROACH

Summary of Sales Comparison Approach Comparables 7 is located in a comparable, but somewhat superior location in Alpine. It has been appropriately adjusted for the location difference. It is included to bracket the size of the subject lot and since it is very comparable in age and condition. It is a very comparable house.

Supplemental Addendum

File No. 3991812gpar

Borrower	N/A						
Property Address	691 W 925 S						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University						

• **GP Residential: Neighborhood - Market Conditions**

Various financing options are available which are acceptable. In some cases, sellers enhance the marketability of their property by providing a finance concession; however, the concession amount is generally minimal in relation to the sale price. Demand and supply appear to be in balance. Selling periods generally don't exceed 6 months, but in the subject value range they can extend to a year. Values have been stable to increasing over the past year. Interest rates are up from previous record lows, but are still at favorable levels and are helping to drive the market.

• **GP Residential: Description of the Improvements - Additional Features**

The subject has typical interior and exterior features for this age and price range of house. The property is an estate type setting with a large lot and good quality house. The house is somewhat dated, but is functional and acceptable "as-is". Some features have been updating including interior lighting, newer roof surface, some updated plumbing features and newer kitchen appliances. The great room has a two-level high ceiling. Though dated, there is some significant high quality trim and moldings. Many built-in features including extensive cabinets and shelves in the den. Laundry cabinet and sink. There is a built-in hot tub in the basement. Full basement entertainment kitchen. Good quality mechanical equipment including 3 furnaces, 3 air condensers, 2 water heaters and a soft water system. There is extensive front and rear patio, porch and decks. Power generator available to service the entire house if needed. Solar panels that minimize the power bill. Full sized rear yard tennis court and an asphalt paved basketball court area and parking. 25' x 25' detached garden garage at the rear. This is just a sample of the additional features, see the attached interior and exterior photos that show many of the custom and high quality features.

• **GP Residential: Sales Comparison Analysis - Summary of Sales Comparison Approach**

There are a limited number of comparable sales currently available similar to the subject in size, quality, condition and extra features available within Orem. Although the sales are very spread out and some are located some distance from the subject no location adjustments are needed. Sale 7 is located in a comparable, but somewhat superior area of Alpine. Although spread out, the distance to the sales is not excessive for properties similar to the subject in this area. Most of the sales have smaller lots, but appropriately adjustments for the lot size differences has been made. The sales used herein are the most similar and are the closest in proximity that could be found. It is reasonable to believe that all of the sales would be considered by the same prospective Buyer if they were on the market at the same time. Adjustments are based on market-derived amounts and are rounded to the nearest \$500. Minor differences are not adjusted as they have no measurable consequence. All have sold within the past year and are still considered to be reliable value indicators as the market has been fairly stable to slightly increasing over the past year. The final value is reconciled to be \$900,000 which is within the range of the adjusted values of the sales and is well supported.

Assumptions, Limiting Conditions & Scope of Work

File No.: 3991812gpar

Property Address: 691 W 925 S City: Orem State: UT Zip Code: 84058

Client: Utah Valley University Address: 800 West University Parkway, Orem, UT 84058

Appraiser: Thomas Maxwell Address: 1115 North 560 West, Orem, Utah 84057

STATEMENT OF ASSUMPTIONS & LIMITING CONDITIONS

- The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- The appraiser may have provided a sketch in the appraisal report to show approximate dimensions of the improvements, and any such sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size. Unless otherwise indicated, a Land Survey was not performed.
- If so indicated, the appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- If the cost approach is included in this appraisal, the appraiser has estimated the value of the land in the cost approach at its highest and best use, and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used. Unless otherwise specifically indicated, the cost approach value is not an insurance value, and should not be used as such.
- The appraiser has noted in the appraisal report any adverse conditions (including, but not limited to, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property, or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property, or adverse environmental conditions (including, but not limited to, the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser 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 the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
- If this appraisal is indicated as subject to satisfactory completion, repairs, or alterations, the appraiser has based his or her appraisal report and valuation conclusion on the assumption that completion of the improvements will be performed in a workmanlike manner.
- An appraiser's client is the party (or parties) who engage an appraiser in a specific assignment. Any other party acquiring this report from the client does not become a party to the appraiser-client relationship. Any persons receiving this appraisal report because of disclosure requirements applicable to the appraiser's client do not become intended users of this report unless specifically identified by the client 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, or by means of any other media, or by its inclusion in a private or public database.
- An appraisal of real property is not a 'home inspection' and should not be construed as such. As part of the valuation process, the appraiser performs a non-invasive visual inventory that is not intended to reveal defects or detrimental conditions that are not readily apparent. The presence of such conditions or defects could adversely affect the appraiser's opinion of value. Clients with concerns about such potential negative factors are encouraged to engage the appropriate type of expert to investigate.

The Scope of Work is the type and extent of research and analyses performed in an appraisal assignment that is required to produce credible assignment results, given the nature of the appraisal problem, the specific requirements of the intended user(s) and the intended use of the appraisal report. Reliance upon this report, regardless of how acquired, by any party or for any use, other than those specified in this report by the Appraiser, is prohibited. The Opinion of Value that is the conclusion of this report is credible only within the context of the Scope of Work, Effective Date, the Date of Report, the Intended User(s), the Intended Use, the stated Assumptions and Limiting Conditions, any Hypothetical Conditions and/or Extraordinary Assumptions, and the Type of Value, as defined herein. The appraiser, appraisal firm, and related parties assume no obligation, liability, or accountability, and will not be responsible for any unauthorized use of this report or its conclusions.

Additional Comments (Scope of Work, Extraordinary Assumptions, Hypothetical Conditions, etc.):

Certifications

File No.: 3991812gpar

Property Address: 691 W 925 S	City: Orem	State: UT	Zip Code: 84058
Client: Utah Valley University	Address: 800 West University Parkway, Orem, UT 84058		
Appraiser: Thomas Maxwell	Address: 1115 North 560 West, Orem, Utah 84057		

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 credibility of this report, for the stated use by the stated user(s), of the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the 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 analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- I did not base, either partially or completely, my analysis and/or the opinion of value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property, or of the present owners or occupants of the properties in the vicinity of the subject property.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification.

Additional Certifications:

I have performed no services as an appraiser regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.


DEFINITION OF MARKET VALUE *:

Market value means 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 title from 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.

* This definition is from regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 between July 5, 1990, and August 24, 1990, by the Federal Reserve System (FRS), National Credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the Office of Comptroller of the Currency (OCC). This definition is also referenced in regulations jointly published by the OCC, OTS, FRS, and FDIC on June 7, 1994, and in the Interagency Appraisal and Evaluation Guidelines, dated October 27, 1994.

Client Contact: Jeana Miner	Client Name: Utah Valley University
E-Mail: MINERJE@uvu.edu	Address: 800 West University Parkway, Orem, UT 84058

<p>APPRAISER esign.alamode.com/verify Serial:D5FDE3C0</p>  <p>Appraiser Name: Thomas Maxwell Company: Maxwell Appraising Inc. Phone: 801-369-3243 Fax: _____ E-Mail: maxwell.appraising@gmail.com Date Report Signed: 12/13/2018 License or Certification #: 5473489-CR00 State: UT Designation: _____ Expiration Date of License or Certification: 04/30/2019 Inspection of Subject: <input checked="" type="checkbox"/> Interior & Exterior <input type="checkbox"/> Exterior Only <input type="checkbox"/> None Date of Inspection: 12/07/2018</p>	<p>SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)</p> <p>Supervisory or Co-Appraiser Name: _____ Company: _____ Phone: _____ Fax: _____ E-Mail: _____ Date Report Signed: _____ License or Certification #: _____ State: _____ Designation: _____ Expiration Date of License or Certification: _____ Inspection of Subject: <input type="checkbox"/> Interior & Exterior <input type="checkbox"/> Exterior Only <input type="checkbox"/> None Date of Inspection: _____</p>
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SUBJECT PHOTOS

Borrower	N/A						
Property Address	691 W 925 S						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University						



FRONT VIEW



FRONT VIEW



FRONT VIEW



EAST SIDE OF HOUSE



EAST SIDE OF HOUSE AND PATIO AREAS



REAR VIEW

SUBJECT PHOTOS

Borrower	N/A						
Property Address	691 W 925 S						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University						



REAR VIEW WITH DECKS AND PATIO AREAS



REAR VIEW



REAR OF THE HOUSE FROM THE TENNIS COURT



REAR AND WEST SIDE OF THE HOUSE



ATTACHED 3-CAR GARAGE



DETACHED GARDEN GARAGE

SUBJECT PHOTOS

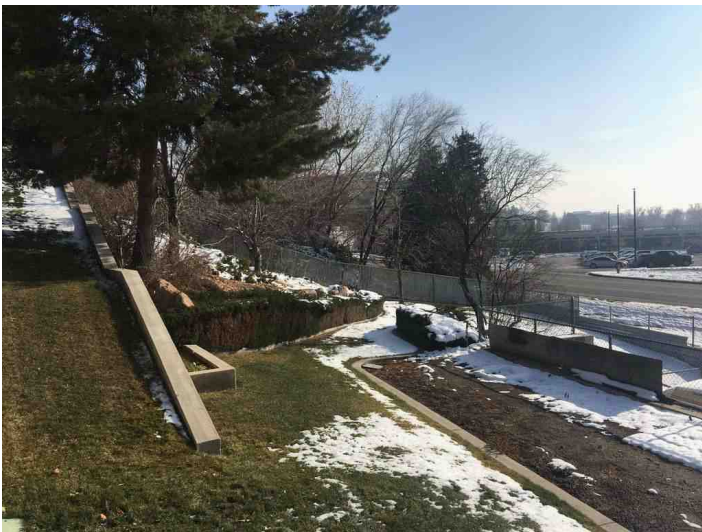
Borrower	N/A						
Property Address	691 W 925 S						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University						



FULL SIZE TENNIS COURT



ASPHALT PAVED BASKETBALL COURT AREA AND PARKING AREA



TERRACED REAR YARD WITH RETAINING WALLS



GATED ENTRY THAT LEADS TO REAR YARD PARKING AREA AND COURTS



VIEW OF VALLEY BELOW AND OVERLOOKING UTAH VALLEY UNIVERSITY



STREET VIEW LOOKING EAST

SUBJECT PHOTOS

Borrower	N/A						
Property Address	691 W 925 S						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University						



FRONT ENTRY



MAIN HALLWAY



LIVING ROOM



LIVING ROOM SHOWING HARDWOOD ARCHES



MUSIC AREA



GREAT ROOM

SUBJECT PHOTOS

Borrower	N/A						
Property Address	691 W 925 S						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University						



KITCHEN



KITCHEN



DINING NOOK



FAMILY ROOM



MASTER BEDROOM



MASTER BATH

SUBJECT PHOTOS

Borrower	N/A						
Property Address	691 W 925 S						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University						



MASTER BATH SHOWER



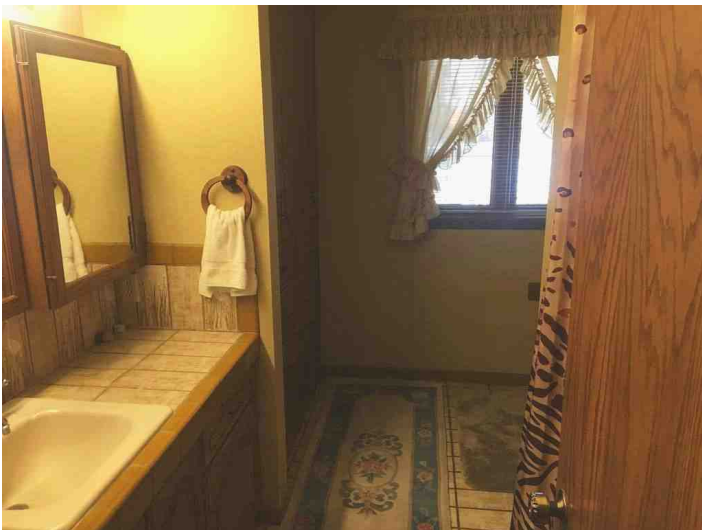
MASTER WALK-IN CLOSET



**DEN
(BEING USED AS A BEDROOM)**



BEDROOM



BATH



LAUNDRY

SUBJECT PHOTOS

Borrower	N/A						
Property Address	691 W 925 S						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University						



MUD AREA



HALF BATH



KITCHEN PANTRY



BASEMENT RECREATION ROOM



BASEMENT KITCHEN



BASEMENT BEDROOM

SUBJECT PHOTOS

Borrower	N/A						
Property Address	691 W 925 S						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University						



BUILT-IN BASEMENT HOT TUB



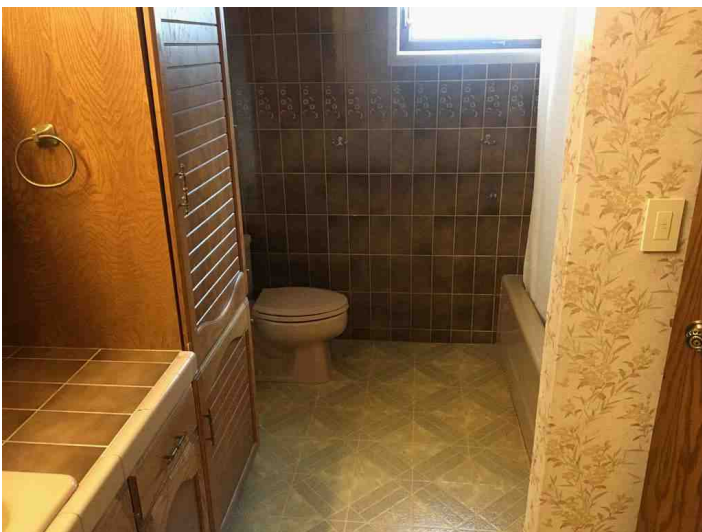
BASEMENT LAUNDRY AND HOT-TUB ROOM



BASEMENT BATH



BASEMENT BEDROOM



BASEMENT BATH



BASEMENT BEDROOM

SUBJECT PHOTOS

Borrower	N/A						
Property Address	691 W 925 S						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University						



**BASEMENT FINISHED COLD STORAGE
BELOW GARAGE**



BASEMENT STORAGE



**STORAGE AND GENERATOR ROOM
BELOW THE GARAGE**



BASEMENT MECHANICAL ROOM



BASEMENT MECHANICAL ROOM



INTERIOR OF THE DETACHED GARDEN GARAGE

Comparable Photo Page

Borrower	N/A						
Property Address	691 W 925 S						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University						



Comparable 1

1037 E 590 S
 Prox. to Subject 2.29 miles E
 Sale Price 894,000
 Gross Living Area 4,610
 Total Rooms 10
 Total Bedrooms 5
 Total Bathrooms 5.5
 Location Suburban/Good
 View Good/Mtn&Valley
 Site .56 Acre/Good
 Quality Very Good
 Age 37A/20E



Comparable 2

777 S Palisades Dr
 Prox. to Subject 2.11 miles E
 Sale Price 749,400
 Gross Living Area 3,599
 Total Rooms 9
 Total Bedrooms 3
 Total Bathrooms 2.5
 Location Suburban/Good
 View Good/Mtn&Valley
 Site .32 Acre/Good
 Quality Very Good
 Age 20A/15E



Comparable 3

477 S 450 W
 Prox. to Subject 0.67 miles NE
 Sale Price 732,500
 Gross Living Area 3,061
 Total Rooms 8
 Total Bedrooms 3
 Total Bathrooms 3
 Location Suburban/Good
 View Average
 Site .39 Acre/Good
 Quality Very Good
 Age 16A/15E

Comparable Photo Page

Borrower	N/A						
Property Address	691 W 925 S						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University						



Comparable 4

621 S River Breeze Dr
 Prox. to Subject 2.30 miles E
 Sale Price 748,000
 Gross Living Area 3,814
 Total Rooms 8
 Total Bedrooms 2
 Total Bathrooms 2.5
 Location Suburban/Good
 View V.Good/River
 Site .48 Acres/Good
 Quality Very Good
 Age 37A/20E



Comparable 5

1196 E 1220 N
 Prox. to Subject 3.62 miles NE
 Sale Price 980,000
 Gross Living Area 4,358
 Total Rooms 10
 Total Bedrooms 4
 Total Bathrooms 3.5
 Location Suburban/Good
 View Good/Mtn&Valley
 Site .79 Acre/Good
 Quality Very Good
 Age 21A/10E



Comparable 6

1375 E 1160 N
 Prox. to Subject 3.76 miles NE
 Sale Price 1,155,000
 Gross Living Area 5,675
 Total Rooms 10
 Total Bedrooms 4
 Total Bathrooms 4.5
 Location Suburban/Good
 View V.Gd/Mtn&Valley
 Site 1 Acre/Good
 Quality Very Good
 Age 11A/10E

Comparable Photo Page

Borrower	N/A						
Property Address	691 W 925 S						
City	Orem	County	Utah	State	UT	Zip Code	84058
Lender/Client	Utah Valley University						



Comparable 7

1179 Moyle Dr
 Prox. to Subject 13.35 miles N
 Sale Price 1,175,000
 Gross Living Area 3,876
 Total Rooms 9
 Total Bedrooms 4
 Total Bathrooms 3
 Location Suburban/V.Gd
 View Good/Mtn&Valley
 Site 2.17 Acre/Good
 Quality Very Good
 Age 33A/20E

Comparable 8

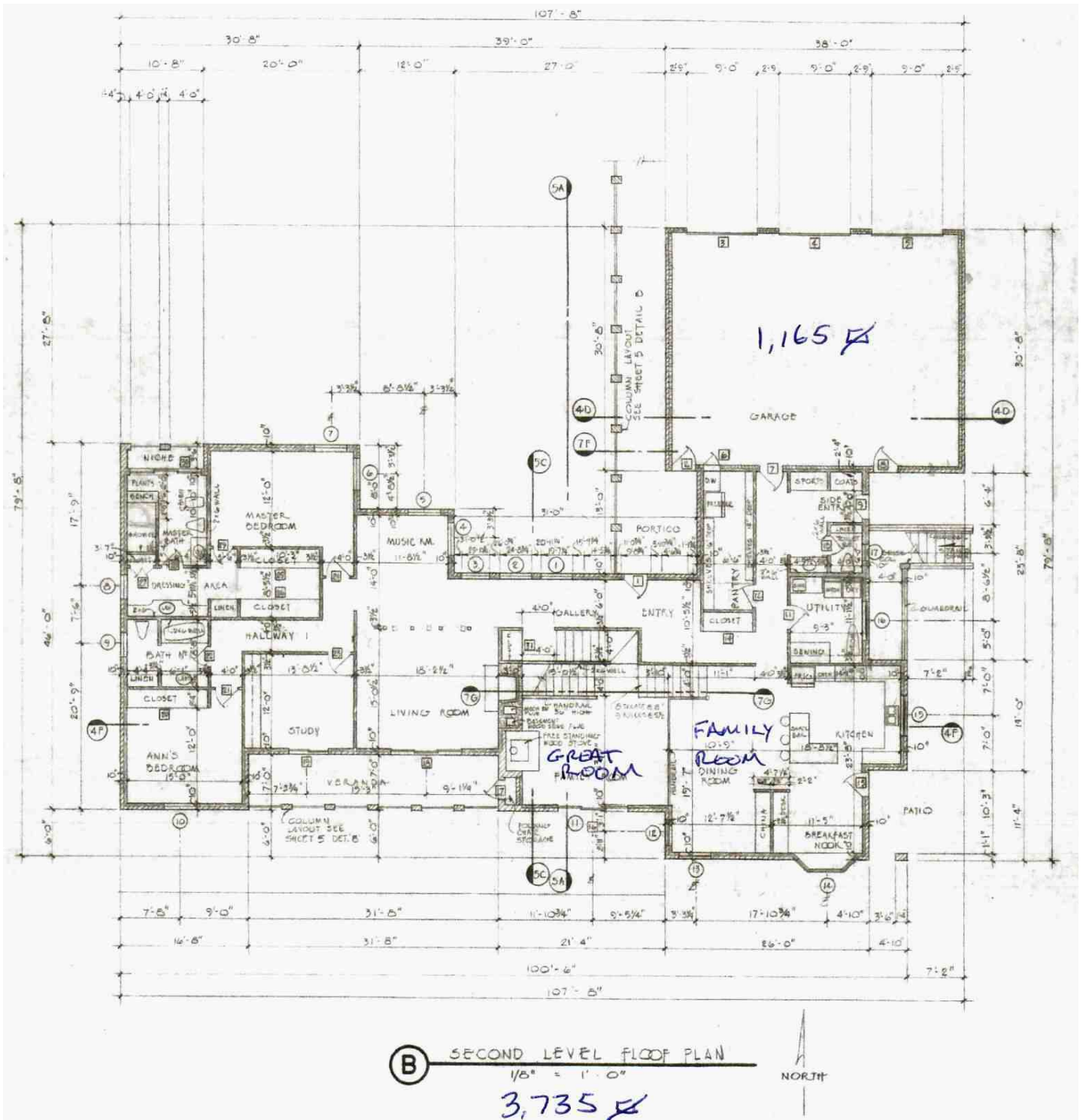
Prox. to Subject
 Sale Price
 Gross Living Area
 Total Rooms
 Total Bedrooms
 Total Bathrooms
 Location
 View
 Site
 Quality
 Age

Comparable 9

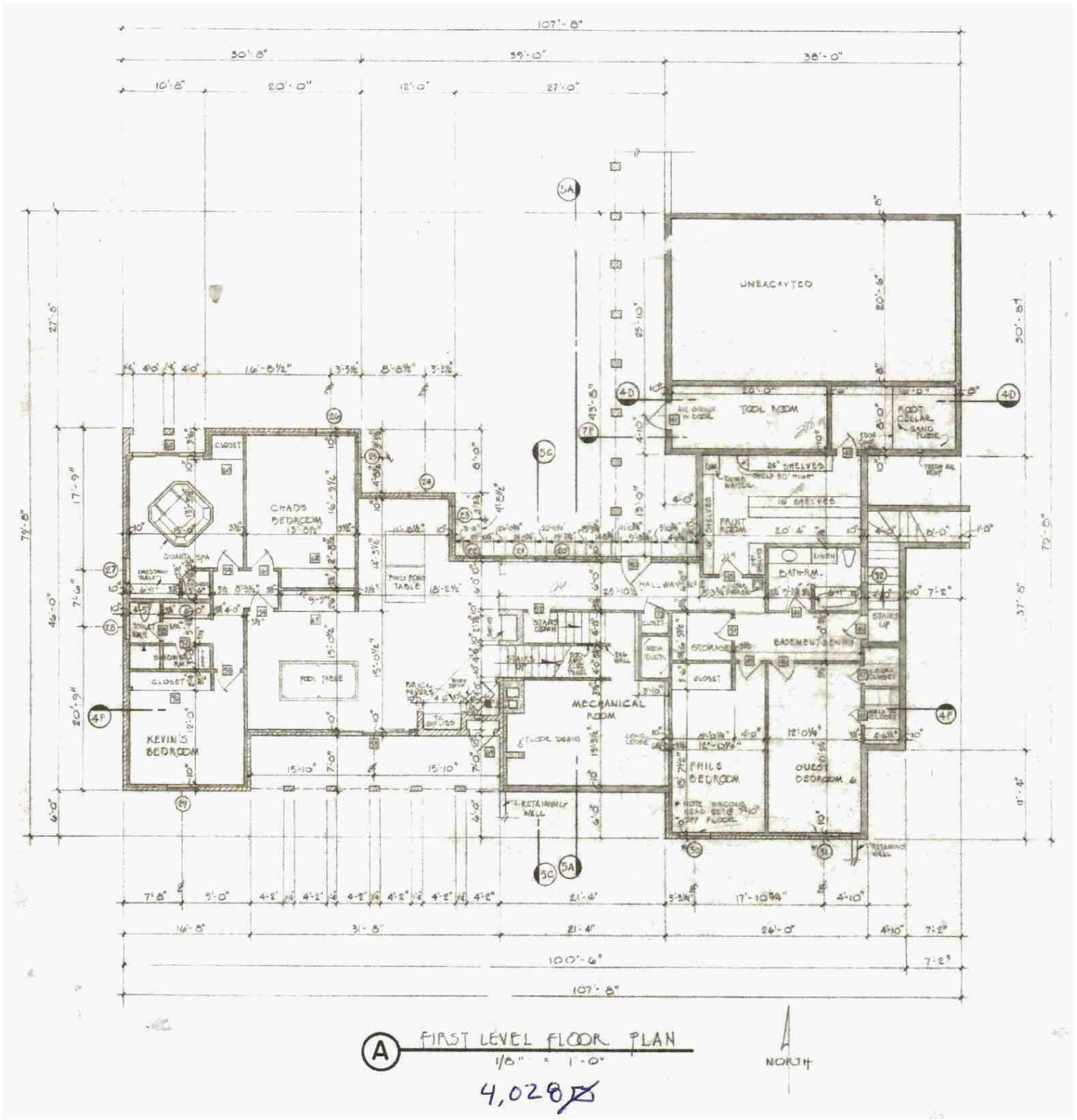
Prox. to Subject
 Sale Price
 Gross Living Area
 Total Rooms
 Total Bedrooms
 Total Bathrooms
 Location
 View
 Site
 Quality
 Age

MAIN LEVEL

Borrower	N/A			
Property Address	691 W 925 S			
City	Orem	County Utah	State UT	Zip Code 84058
Lender/Client	Utah Valley University			



BASEMENT LEVEL

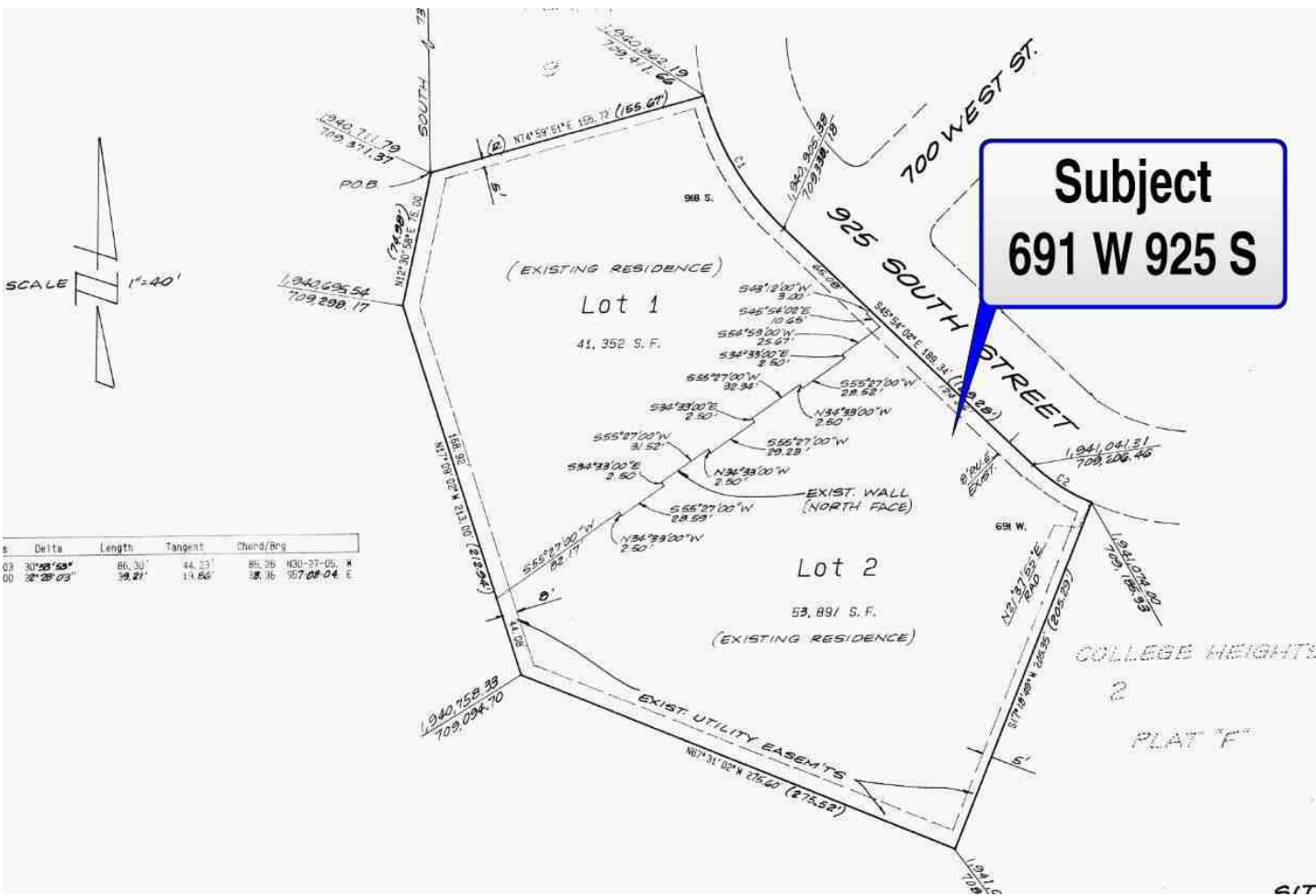


OVERHEAD VIEW OF THE SUBJECT PROPERTY



PLAT MAP

Borrower	N/A			
Property Address	691 W 925 S			
City	Orem	County Utah	State UT	Zip Code 84058
Lender/Client	Utah Valley University			



**Subject
691 W 925 S**

[Signature]

Location Map

Borrower	N/A			
Property Address	691 W 925 S			
City	Orem	County Utah	State UT	Zip Code 84058
Lender/Client	Utah Valley University			



CURRENT APPRAISER CERTIFICATION

**STATE OF UTAH
DEPARTMENT OF COMMERCE
DIVISION OF REAL ESTATE**

Active

DATE ISSUED: 04/13/2017

EXPIRATION DATE: 04/30/2019

LICENSE NUMBER: 5473489-CR00

LICENSE TYPE: Certified Residential Appraiser

ISSUED TO: THOMAS P MAXWELL




SIGNATURE OF HOLDER


REAL ESTATE DIVISION DIRECTOR



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 18, 2019
TITLE:	Academic Program Approvals
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Jeff Olson, Sr. VP for Academic Affairs
SUBJECT:	Academic Program Approvals
BACKGROUND:	<p>The Board of Trustees is being asked to approve the following academic program additions and 3-year follow-ups as recommended by the Academic Affairs Committee of the Board of Trustees:</p> <p>Additions:</p> <ul style="list-style-type: none"> a. AAS Surveying Technology b. Minor Risk Management <p>3-Year Follow-Up:</p> <ul style="list-style-type: none"> a. BA Art History b. BS Information Management
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve the following academic program additions: Additions: a. AAS Surveying Technology b. Minor Risk Management 3-Year Follow-Up: a. BA Art History b. BS Information Management” • 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:	<p>Additions:</p> <ul style="list-style-type: none"> a. AAS Surveying Technology b. Minor Risk Management

	<p>3-Year Follow-Up:</p>
--	--------------------------

a. BA Art History

b. BS Information Management

**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 Applied Science in Surveying Technology

Are There New Emphases: Yes No

Names of New Emphases (Separated by Commas):

Sponsoring School, College, or Division: College of Engineering and Technology

Sponsoring Academic Department(s) or Unit(s): College of Engineering and Technology

Classification of Instructional Program Code¹ : 15.1102

Min/Max Credit Hours Required of Full Program: 64 / Max Cr Hr

Proposed Beginning Term²: Fall 2020

Institutional Board of Trustees' Approval Date: 02/21/2019

Program Type (check all that apply):

<input checked="" type="checkbox"/> (AAS)	Associate of Applied Science Degree
<input type="checkbox"/> (AA)	Associate of Arts Degree
<input type="checkbox"/> (AS)	Associate of Science Degree
<input type="checkbox"/>	Specialized Associate Degree (specify award type ³ :)
<input type="checkbox"/>	Other (specify award type ³ :)
<input type="checkbox"/> (BA)	Bachelor of Arts Degree
<input type="checkbox"/> (BS)	Bachelor of Science Degree
<input type="checkbox"/> (BAS)	Bachelor of Applied Science Degree
<input type="checkbox"/>	Specialized Bachelor Degree (specify award type ³ :)
<input type="checkbox"/>	Other (specify award type ³ :)
<input type="checkbox"/> (MA)	Master of Arts Degree
<input type="checkbox"/> (MS)	Master of Science Degree
<input type="checkbox"/>	Specialized Master Degree (specify award type ³ :)
<input type="checkbox"/>	Other (specify award type ³ :)
<input type="checkbox"/>	Doctoral Degree (specify award type ³ :)
<input type="checkbox"/>	K-12 School Personnel Program
<input type="checkbox"/>	Out of Service Area Delivery Program <input type="checkbox"/> Attached MOU
<input type="checkbox"/>	Out of Mission Program
<input type="checkbox"/>	NEW Professional School

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.

³ Please indicate award such as APE, BFA, MBA, MEd, EdD, JD

Changes to Existing Programs or Administrative Units Required (check all that apply, if any):

<input type="checkbox"/>	Program Restructure with or without Consolidation
<input type="checkbox"/>	Emphases transfer from another program or academic unit
<input type="checkbox"/>	Name Change of Existing Program or Academic Unit
<input type="checkbox"/>	Program transfer to a different academic unit
<input type="checkbox"/>	Suspension or discontinuation of a unit or program
<input type="checkbox"/>	Reinstatement of a previously suspended/discontinued program or administrative unit
<input type="checkbox"/>	Other

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.

Jeffery Olson, Senior Vice President, Academic Affairs Date: March 21, 2019

I understand that checking this box constitutes my legal signature.

Utah System of Higher Education Program Description - Full Template

Section I: The Request

Utah Valley University requests approval to offer the following Associate's degree(s): Associate of Applied Science in Surveying Technology effective Fall 2020. This program was approved by the institutional Board of Trustees on 02/21/2019.

Section II: Program Proposal

Program Description

Present a complete, formal program description.

The AAS in Surveying Technology meets the educational component for licensure as a Professional Land Surveyor (PLS) in the State of Utah according to the State of Utah Office of Administrative Rules 156-22-302(c)(1). This degree prepares students for immediate employment beyond entry level work in surveying or civil engineering firms. Students will be prepared to perform many of the various field and office tasks related to surveying including site and topographic surveys, boundary investigation and research, map-making, various survey adjustment calculations, writing of legal property descriptions, and other survey technician duties and responsibilities.

Consistency with Institutional Mission

Explain how the program is consistent with the institution's Regents-approved mission, roles, and goals (see mission and roles at higheredutah.org/policies/policyr312) or, for "out of mission" program requests, the rationale for the request.

The mission statement of Utah Valley University reads: "Utah Valley University is a teaching institution which provides opportunity, promotes student success, and meets regional educational needs. In addition, UVU is to provide access to higher education and offer a broad range of opportunities from developmental education through honors programs. The proposed AAS in Surveying Technology fits within UVU's mission to serve the educational and economic development needs of the Mountainland Region in harmony with institutional policy and the Regents R312 policy. This degree specifically serves the needs of local, state, and federal governments and agencies as well as the engineering design and land development communities in the local area and beyond. It also strengthens the dual mission of UVU by providing students a complete educational pathway from certificates and associate degrees to a baccalaureate degree in surveying and mapping. While the AAS is a terminal degree many, not all, of the courses are stackable to the BS degree in Surveying and Mapping.

Section III: Needs Assessment

Program Rationale

Describe the institutional procedures used to arrive at a decision to offer the program. Briefly indicate why such a program should be initiated. State how the institution and the USHE benefit by offering the proposed program.

UVU is committed to providing a steady supply of skilled employees for technology related companies. Utah County is one of the fastest growing regions in the state. Along with the need for skilled workers in the engineering technology fields, companies have increased the need for trained technology support services. Coupled with the rapid growth of Science, Technology, Engineering, and Mathematics (STEM) fields and particularly the infusion of new technology in local industry, there is an ever-increasing demand for higher levels of expertise within the labor force. A stackable sequence with a Certificate of Proficiency in Surveying Technology leading to a BS in Surveying and Mapping will educate students beyond current levels and allow for greater technical expertise in these areas. Graduates will significantly add to their skillset and remain highly competitive in the job market. This sequence will not only provide new skill

seeking students a pathway to follow to a career in demand, but it will also give students with related skills and degrees a pathway to licensure in surveying.

UVU and the state will benefit from students completing this degree by providing industry with greater technical expertise and reducing the current shortage of surveyors and survey technicians with advanced skills. UVU will also be providing a full educational pathway from certificates to a baccalaureate degree for traditional and non-traditional students.

Labor Market Demand

Provide local, state, and/or national labor market data that speak to the need for this program. Occupational demand, wage, and number of annual openings information may be found at sources such as Utah DWS Occupation Information Data Viewer (jobs.utah.gov/jsp/wi/utalmis/gotoOccinfo.do) and the Occupation Outlook Handbook (www.bls.gov/oco).

According to the Bureau of Labor Statistics, employment of surveyors is projected to grow 11% from 2016 to 2026, faster than the average for all occupations. Surveyors will continue to be needed to certify boundary lines, work on resource extraction projects, and review sites for construction. Nationally there are currently 44,800 job openings, and the median pay for surveyors is \$59,390, or an average of \$28.56 per hour. In Utah, the average median wage for surveyors is \$64,010. <https://www.bls.gov/ooh/architecture-and-engineering/surveyors.htm>

In Utah, job opportunities for those with surveying skills are expected to be good. Increased use of sophisticated technology and math has resulted in higher education requirements. As a result, those with the right combination of skills from an accredited school will have the best job opportunities.

Demand for traditional surveying services is closely tied to construction activity, therefore job opportunities will depend on local economic conditions. Utah Economic Data Viewer, Department of Workforce Services In Utah, construction related occupations are expected to experience much faster than average employment growth with a high volume of annual job openings. Business expansion, as opposed to the need for replacements, will provide the majority of job openings in the coming decade. Construction laborers who are able to perform a wide range of tasks should have the best job opportunities. Employment of construction laborers and helpers is especially sensitive to the fluctuations of the economy. <https://jobs.utah.gov/jsp/utalmis/#/occupation/47-2061.00/report>

The number of manufacturing and engineering firms is expected to grow significantly during the next five years. The latest Burning Glass report (September 30, 2017) indicates that in the Provo-Orem area employment will remain strong due to the expansion happening in the Mountainland Region in addition to the replacement jobs that will become available. BurningGlass report provided by the UVU IR department.

Student Demand

Provide evidence of student interest and demand that supports potential program enrollment. Use Appendix D to project five years' enrollments and graduates. Note: If the proposed program is an expansion of an existing program, present several years enrollment trends by headcount and/or by student credit hours that justify expansion.

According to the Economic Development and Employer Planning System (EDPS) for SOC 15.1102 Surveying Technology and Surveying (Utah) there were the following program completers 2011-12 6; 2012-13 12; 2013-14 15; 2014-15 10; 2015-16 20. Combined, this an undersupply for statewide demand indicated by the BLS and an undersupply based on the BurningGlass report detailed.

Student enrollment in fields related to engineering and design technology have been increasing over the

last few years. The AS and bachelor degree levels of the geomatics major at UVU has experienced an average headcount of about 34 majors annually over the past six years. Enrolled annual headcount of majors: 32 in 2011-12; 34 in 2012-13; 31 in 2013-14; 37 in 2014-15; 33 in 2015-16 and 35 in 2016-2017.

With the addition of the three new engineering degrees recently approved for UVU it is expected that the number of students interested in the proposed AAS in Surveying Technology may increase the demand for the degree. Many students begin an engineering program and discover they do not have the aptitude or the interest in pursuing the required curriculum associated with an engineering baccalaureate degree and often opt for an alternative and yet related career pathway. The Engineering Design Technology Department recently conducted a survey of incoming, declared majors to determine the interest in additional degree and certificate offerings within the department. Interest was high in having additional offerings at UVU such as this proposed degree. The departments research and information feasibility report are available within the department.

Similar Programs

Are similar programs offered elsewhere in the USHE, the state, or Intermountain Region? If yes, identify the existing program(s) and cite justifications for why the Regents should approve another program of this type. How does the proposed program differ from or compliment similar program(s)?

Currently there are three surveying or GIS certificate or associate level programs at higher education institutions in Utah (including University of Utah, Utah State University, Salt Lake Community College and Southern Utah University. In 2013-14 there were 29 total certificates or associate degrees awarded in Utah (16 certificates and 13 associate). Combined, this is an undersupply for statewide demand indicated by the BLS and an undersupply based on the Burning Glass report cited above. The addition of the proposed programs at UVU should not have an impact on the other programs in USHE.

Collaboration with and Impact on Other USHE Institutions

Indicate if the program will be delivered outside of designated service area; provide justification. Service areas are defined in higher.utah.gov/policies/policy315/. Assess the impact the new program will have on other USHE institutions. Describe any discussions with other institutions pertaining to this program. Include any collaborative efforts that may have been proposed.

The proposed AAS degree will be delivered in and is specifically designed for the Mountainland Region. There should be no impact on other USHE related programs, since the growth in the Mountainland Region in the construction related industry should be adequate to absorb the number of graduates. The only formal discussions on this topic have been made with Salt Lake Community College, Earth Science Department who assured the department that by UVU offering such a degree as being proposed herein would not compete with them due to the different geographical service regions. Otherwise no formal discussions have been held with any other institutions, however the department has researched similar programs to make sure the offerings are in harmony with other programs and the requirements of accreditation and licensure agencies.

External Review and Accreditation

Indicate whether external consultants or, for a career and technical education program, program advisory committee were involved in the development of the proposed program. List the members of the external consultants or advisory committee and briefly describe their activities. If the program will seek special professional accreditation, project anticipated costs and a date for accreditation review.

The Department of Engineering Design Technology will be seeking ABET-Applied and Natural Science Accreditation Commission approval within the next five years. There is a specific program criterion for

surveying and geomatics programs within this accreditation and as such, professional and academic credibility of the program will increase.

The Department of Engineering Design Technology has an advisory board from industry and education with expertise in architectural design, civil design, electrical design, mechanical design, structural design, and surveying. Input from the board has not only informed the shape of the proposed programs but has also advocated their creation.

This Industry Advisory Board consists of:

Glen Barton (AMS Foster Wheeler),
Matt Brown (MW Brown Engineering Inc.),
Brant Tuttle (Northern Engineering),
Von Hill (Hill Argyle Surveying)
Kevin Bishop (Oak Hills Surveying)
Gary Christensen (GDA Engineering)
Alan Bedingfield (Steel Encounters),
Steve Holdaway (Tectonix Steel),
Rob Schoen (Axis Steel Detailing),
Doug Nordin (GE Wind),
Ken Zabriski (IM Flash),
Jeff Adams (Jeff Adams Design),
Curtis Miner (Curtis Miner Architecture),
Tyson Munford (Kyune Engineering),
Alan Shurtliff (Pontis Architectural Group),
Nathan Sweat (Royal Engineering),
Ryan Moss (Acute Engineering),
Kevin Armatage (L-3 Communications),
Shawn Herring (Prosoft)

Section IV: Program Details

Graduation Standards and Number of Credits

Provide graduation standards. Provide justification if number of credit or clock hours exceeds credit limit for this program type described in R401-3.11, which can be found at higheredutah.org/policies/R401.

Graduation standards will remain the same as for the current BS and AS degrees as follows:

- Completion of a minimum of 64 semester credits required for an AAS degree
- Overall grade point average 2.5 or above with a minimum of 3.0 GPA in all surveying and mapping courses.
- Residency hours-- minimum of 20 credit hours through course attendance at UVU.

Admission Requirements

List admission requirements specific to the proposed program.

There are no admissions or matriculation requirements in addition to those currently required by the

University.

Curriculum and Degree Map

Use the tables in Appendix A to provide a list of courses and Appendix B to provide a program Degree Map, also referred to as a graduation plan.

Section V: Institution, Faculty, and Staff Support

Institutional Readiness

How do existing administrative structures support the proposed program? Identify new organizational structures that may be needed to deliver the program. Will the proposed program impact the delivery of undergraduate and/or lower-division education? If yes, how?

There are three new courses required for this degree. UVU and the Engineering Design Technology department have been teaching all the courses except these three and they are not yet operating at full capacity. The additional enrollment generated by interest in this degree is not expected to exceed the current class capacity. The new courses will be taught by adjunct faculty.

Faculty

Describe faculty development activities that will support this program. Will existing faculty/instructors, including teaching/graduate assistants, be sufficient to instruct the program or will additional faculty be recruited? If needed, provide plans and resources to secure qualified faculty. Use Appendix C to provide detail on faculty profiles and new hires.

There are no new faculty required for this new degree except three adjunct faculty. All existing courses in the program have not yet reached full enrollment capacity. Therefore, there is no reason to add additional sections of any of the courses so the current full-time faculty will be able to meet the teaching demands required by the new degree.

Staff

Describe the staff development activities that will support this program. Will existing staff such as administrative, secretarial/clerical, laboratory aides, advisors, be sufficient to support the program or will additional staff need to be hired? Provide plans and resources to secure qualified staff, as needed.

There are no new staff required for this new degree because the addition of three adjunct faculty will have little impact on staffing demands since most of this coordination is done by the existing program coordinator. Additionally, the existing courses in the program have not yet reached full enrollment capacity. This new degree has no deleterious impact on current department staffing.

Student Advisement

Describe how students in the proposed program will be advised.

No significant impact expected

Library and Information Resources

Describe library resources required to offer the proposed program if any. List new library resources to be acquired.

The Utah Valley University Fulton Library cultivates a dynamically changing collection of eBooks, streamed videos, journals and books that relate to Engineering. Surveying Technology themed holdings

are interspersed throughout. As the influence of the program continues to expand, UVU Fulton Library's Engineering and Surveying Technology collection development will match its content and direction.

Collections are housed primarily in the TA501- 625 (Surveying) using the Library of Congress classification system to the specific subject area (see also: TA1-2040 Engineering [General] and TA174-710 Civil Engineering). Additional call numbers may apply as this subject is given attention by numerous minor subject areas. The library specialist assigned to Engineering- Surveying 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 surveying 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 including a search of the library catalog's books, journals, 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 O'Reilly Safari Tech Books, EBSCO eBooks and ProQuest EBook Central. An over reaching list of approximately **180,000** academic titles.

□

Databases

Currently, the UVU Fulton Library provides access to over 275 periodical databases. Those deemed useful for surveying technology include:

1) ScienceDirect Journals:

ScienceDirect offers full text access to more than 1,600 peer-reviewed journals in, technology, law, and more. Full text coverage ranges from 1995 to the present. This database can also be used to search the entire collection of over 9,000 titles from their first issues to the present. Some full-text content is available.

2) Applied Science and Technology:

This database indexes nearly 800 journals and magazines in science, engineering, mechanics and technology and includes articles on computer science and security, robotics, earth sciences, waste management, space science, oceanography and more. Peer-reviewed articles are available. Coverage spans 1983 to the present. Some full text content available.

3) Academic Search Ultimate:

This multidisciplinary database contains nearly 3,900 peer-reviewed journals in addition to more than 8,500 journals, magazines, and newspapers. Use this database to search for articles in all subjects including politics, science and technology, health, music, popular culture, history, and many more. Coverage ranges from 1975 to the present. Some full text content available.

4) Web of Science:

Web of Science database provides researchers with quick, powerful access to the bibliographic and

citation information for journal articles to find research data, analyze trends, and more.

The following databases not yet carried by UVU Fulton Library that are highly recommended for a surveying technology program are: Scopus; the largest abstract and citation database of peer-reviewed literature: scientific journals, books and conference proceedings. (*UVU will soon gain access to SCOPUS through the Utah Academic Library Consortium.*)

Current library catalog holdings for Surveying Technology are estimated as follows:

Books – About 24 print books that relate to surveying and geomatics.

eBooks – About 13

Streamed Video – 5 videos that relate directly or indirectly to surveying or geomatics

Journals – 14 journals that relate directly or indirectly to surveying or geomatics.

□

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 in 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 Fulton Library patrons have access to check out items from partner libraries of higher education in the Utah area (BYU, U of Utah, Utah State, Weber State, etc.) by means of a Utah Academic Library Consortium (UALC) agreement.

Projected Enrollment and Finance

Use Appendix D to provide projected enrollment and information on related operating expenses and funding sources.

Section VI: Program Evaluation

Program Assessment

Identify program goals. Describe the system of assessment to be used to evaluate and develop the program.

Program Learning Outcomes (PLO's)

Integrate the principles, theories, and practices of the professional Land Surveyor, Mapper, and Civil Designer as applicable to each focus area.

Develop typical land surveys using professionally acceptable metrology and geodesy principles and practices.

Create maps and plans using professionally acceptable drafting, design, and cartographic principles and practices.

Analyze the surveyor's roles and responsibilities of protecting the property rights, title, and interest of the public.

Establish prudent ethical judgment and critical thinking skills in making professional decisions.

These outcomes will be assessed using assignments, exams, drawings, maps, plans, and surveying projects, as well as faculty observation of student exercises and discussions.

Student Standards of Performance

List the standards, competencies, and marketable skills students will have achieved at the time of graduation. How and why were these standards and competencies chosen? Include formative and summative assessment measures to be used to determine student learning outcomes.

The holder of this degree should be able to perform entry to next level surveying work including; operation of typical surveying equipment (total station, level, and GPS), perform basic field operations (level loops, traverse and radial surveys, construction staking) as well as basic post-processing of survey data (calculations for adjustments to surveys) and create professional grade surveying drawings and maps. The entry level and next level is expected to provide employment in the profession because many additional skills are intended to be learned on the job as an apprentice. The Surveying and Mapping program will be assessing the students ability to demonstrate these various skills and knowledge through assignments, exams, drawings, maps, plans, and surveying projects, as well as faculty observation of student exercises and discussions.

It is important to note that this degree is intended for the person who is seeking a license as a Professional Land Surveyor (PLS) and should provide the opportunity for immediate employment with a civil engineering, land surveying, or construction company performing entry and next level tasks and duties. Working under the direction of a licensed Professional Land Surveyor (PLS) this type of work could also help them gain the required 6 years practical apprenticeship experience towards their license.

Appendix A: 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. To explain variable credit in detail as well as any additional information, use the narrative box at the end of this appendix.

	Course Number	NEW Course	Course Title	Credit Hours
General Education Courses (list specific courses if recommended for this program on Degree Map)				
General Education Credit Hour Sub-Total				18
Required Courses				
+ -	MATH 1060 or		Trigonometry	3
+ -	EGDT 1600 and 1610		Technical Math I and II	
+ -	MKTG 2200		Written Business Communications	3
+ -	SURV 1020		Introduction to Surveying and Mapping	1
+ -	EGDT 1040		Fundamentals of Technical Engineering Drawing	3
+ -	EGDT 1400		Surveying Applications and Field Techniques I	3
+ -	EGDT 2400		Surveying Applications and Field Techniques II	3
+ -	GIS 2640		Fundamentals of Geographic Information Systems	3
+ -	SURV 1220		Remote Sensing and Photogrammetry	3
+ -	SURV 1030	∇	Fundamentals of Geodesy and Control Surveys	3
+ -	SURV 1340	∇	Fundamentals of Boundary Law	3
+ -	SURV 2010		Land and Survey History	3
+ -	SURV 2100	∇	Mapping Field to Finish	3
+ -	SURV 2310		Surveying US Public Lands	3
+ -	SURV 2320		Public Land Records and Property Descriptions	3
Add A Group of Courses				
Required Course Credit Hour Sub-Total				40
Elective Courses				
+ -	EGDT 1060		Microstation Infrastructure Design (3)	
+ -	SURV 2030		Geodesy (3)	
+ -	EGDT 2500		Civil Design and Modeling (3)	
+ -				
+ -				
+ -				
+ -				
+ -				
+ -				
Add A Group of Courses				
Elective Credit Hour Sub-Total				6
Core Curriculum Credit Hour Sub-Total				64

Add An Emphasis

Program Curriculum Narrative

Describe any variable credits. You may also include additional curriculum information.

* These courses are required for licensure in the State of Utah and in order to have the Utah Division of Occupational and Professional Licensing (DOPL) approval these courses must be part of the required curriculum for an Associate of Applied Science degree in Surveying Technology.

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).

Please cut-and-paste the degree map or manually enter the degree map in the table below.

Toggle Cut-and-Paste

Toggle Table

First Year Fall	Cr. Hr.	First Year Spring	Cr. Hr.
ENGL 1010/ENGL 1005	3	PHIL 2050	3
Any approved Biology or Physical Science Course	3	Any approved Behavioral Science, Social, or Poli	3
Complete one of the following:	3	MATH 1060 or EGDT 1610	3
STAT 1040		EGDT 1040	3
STAT 1045		SURV 1030	3
MAT 1030			
MAT 1035			
MATH 1050			
MATH 1055			
EGDT 1400	3		
GIS 2640	3		
SURV 1020	1		
Add Courses	Total	Total	15
Second Year Fall	Cr. Hr.	Second Year Spring	Cr. Hr.
SURV 2010	3	Any approved Physical Education, Health, Safety	3
SURV 2310	3	MKTG 2200	3
SURV 2320	3	SURV 1220	3
EGDT 2400	3	SURV 1340	3
SURV 2100	3	Electives	6
Add Courses	Total	Total	18
Third Year Fall	Cr. Hr.	Third Year Spring	Cr. Hr.
Add Courses	Total	Total	
Fourth Year Fall	Cr. Hr.	Fourth Year Spring	Cr. Hr.
Add Courses	Total	Total	

Appendix C: Current and New Faculty / Staff Information

Part I. Department Faculty / Staff

Identify # of department faculty / staff (headcount) for the year preceding implementation of proposed program.

	# Tenured	# Tenure -Track	# Non -Tenure Track
Faculty: Full Time with Doctorate	1		
Faculty: Part Time with Doctorate			1
Faculty: Full Time with Masters	4	2	
Faculty: Part Time with Masters			
Faculty: Full Time with Baccalaureate	2		
Faculty: Part Time with Baccalaureate			3
Teaching / Graduate Assistants	////	////	
Staff: Full Time			1
Staff: Part Time			2

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.	If "Other," describe
Full Time Faculty							
	Danial	Perry	T	MBA	University of Phoenix	10%	
	Darin	Taylor	T	MS	Utah State University	20%	
	Sowmya	Selvarajan	T	PhD	Florida State University	10%	
	General Ed. Faculty					27%	
Add Another Full Time							
Part Time Faculty							
	Adj. not hired yet			AAS	Salt Lake Community College	18%	
	Harold	Mitchell		JD	Brigham Young University	5%	
	Mike	Nadeau		BS	Utah Valley University	5%	
	Ross	Workman		AAS	Salt Lake Community College	5%	
Add Another Part Time							

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 Appendix D.

	# 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			2	Geodesy, GIS and GPS	100%
Teaching / Graduate Assistants	////	////	2	Microstation OpenRoads software and Control Surveys	100%
Staff: Full Time					

	# Tenured	# Tenure-Track	# Non-Tenure Track	Academic or Industry Credentials Needed	Est. % of time to be dedicated to proposed program.
Staff: Part Time					

Appendix D: Projected Program Participation 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 in Appendix C.

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		30	33	35	38	40
# of Majors in Proposed Program(s)		5	10	15	20	25
# of Graduates from Department		5	8	10	12	15
# Graduates in New Program(s)		0	3	7	10	15
Department Financial Data						
	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)		
<i>Project additional expenses associated with offering new program(s). Account for New Faculty as stated in Appendix C, "Faculty Projections."</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-time operating expenses only in the year expended.</i>						
Personnel (Faculty & Staff Salary & Benefits)	\$1,070,167	\$8,184	\$20,625	\$20,625		
Operating Expenses (equipment, travel, resources)	\$24,365	\$0	\$0	\$0		
Other:						
TOTAL PROGRAM EXPENSES		\$8,184	\$20,625	\$20,625		
TOTAL EXPENSES	\$1,094,532	\$1,102,716	\$1,115,157	\$1,115,157		
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		\$0	\$0	\$0		
Appropriation	\$1,094,532					
Special Legislative Appropriation						
Grants and Contracts						
Special Fees						
Tuition		\$15,108	\$37,770	\$37,770		
Differential Tuition (requires Regents approval)						
PROPOSED PROGRAM FUNDING		\$15,108	\$37,770	\$37,770		
TOTAL DEPARTMENT FUNDING	\$1,094,532	\$1,109,640	\$1,132,302	\$1,132,302		
Difference						
Funding - Expense	\$0	\$6,924	\$17,145	\$17,145		

Part II: Expense explanation

Expense Narrative

Describe expenses associated with the proposed program.

No significant impact expected

Part III: Describe funding sources

Revenue Narrative 1

Describe what internal reallocations, if applicable, are available and any impact to existing programs or services.

Three new courses and an additional section of two existing courses will need to be added to support this AAS program. These courses will be taught by adjunct faculty. The additional revenue generated by these courses will be sufficient to cover the cost of adjunct faculty. No other resources are required.

Revenue Narrative 2

Describe new funding sources and plans to acquire the funds.

May 1, 2019

Elaine Dalton, Board of Trustees Chair
c/o Justin Jones, Board of Trustees' Secretary
Utah Valley University
President's Office – MS 186
800 W University Parkway
Orem, UT 84058

Dear Chair Dalton,

Pursuant to Utah Code Annotated 53B-16-102(5)(b)(ii), attached is the Peer Review Report for the following program, which the Utah Valley University Board of Trustees is to consider in reviewing this program for approval:

- **Associate of Applied Science in Surveying Technology**

Please let me know if you have any questions regarding this report. If your Board approves the program, the institution's Chief Academic Officer will notify our office of your action so we can keep an accurate record of the programs available in the Utah System of Higher Education.

Thank you for giving this your attention.

Sincerely,



David L. Buhler
Commissioner of Higher Education

CC: Astrid S. Tuminez, President – Utah Valley University
Jeff Olson, Senior Vice President for Academic Affairs

Peer Review Report

Institution	Utah Valley University
Name of Proposal	Associate of Applied Science in Surveying Technology
Date of Peer Review Report	April 30, 2019

Utah Valley University's proposal for a new Associate of Applied Science in Surveying Technology received comments through an on-line discussion by members of the academic community within the Utah System of Higher Education. Comments were received from Utah State University, Weber State University, Southern Utah University, Salt Lake Community College, and the Commissioner's office. Comments from institutions demonstrated support for the program.

The Commissioner's office recommended that clarification be made regarding math requirements and the impact math courses have on total credit hours. Additionally, the commissioner's office noted that faculty, staff, and student information in Appendices C and D was missing. Utah Valley University clarified the math requirements and submitted a revised proposal that included faculty, staff, and student information.

Attachment: Transcript of Comments



APRIL IP VIDEO - Utah Valley University - AAS in Surveying Technology

4 5

[Trina Weller](#)[All Sections](#)

Please use this page for comments

[AAS_Surveying_Technology](#) ▾

1. Does the proposed curriculum meet the standards of the degree area as assessed by your relevant faculty- specify specific concerns based on your accepted curriculum or national standards, and/or accreditation standards?
2. Do the resources exist to adequately offer a quality program of study and are future resource needs adequately specified? Provide examples of how the resources available in your program look so as to give context on where and why you feel deficiencies exist.
3. Are there any structural or programmatic concerns with the degree? Will students be able to transfer without difficulty (3000 and 4000 level curriculum in the first 2 years, etc.), etc., etc.- Be specific in your examples
4. Are there any other concerns not addressed above?

<https://uen.instructure.com/courses/44955/users/555886>[Blair Carruth](#)<https://uen.instructure.com/courses/44955/users/555886>

Tuesday



The Commissioner's office has reviewed UVU's proposal for a new AAS degree in Surveying Technology and offers the following comments/suggestions:

1. EGDT 1600 and 1610 are listed as required courses yet they are not counted in the total credits required for the program. If these courses are required, it appears that the total credit hours required to complete the program is 70, a number that surpasses the total credit hours allowed for AAS programs as specified in R401. Please clarify how EGDT 1600 and 1610 fit within the program and also clarify the total required hours for the program.

2. Appendix C showing faculty and staff information was not completed. This appendix should be completed and submitted with the proposal.

3. The student data section of Appendix D was not completed. This information should be completed and submitted with the proposal. In addition to providing information to justify program need, it provides information that will be helpful when the third year report is completed.

Edited by [Blair Carruth \(https://uen.instructure.com/courses/44955/users/555886\)](https://uen.instructure.com/courses/44955/users/555886) on Apr 9 at 6:24pm

← [Reply](#)



<https://uen.instructure.com/courses/44955/users/1696424>

ed.reeve@usu.edu

<https://uen.instructure.com/courses/44955/users/1696424>

Wednesday

Our GIS faculty reviewed the proposal and commented favorably: "The program looks really solid. Excellent breadth with GIS, mapping field to finish, geodesy, boundary law...." We have no concerns here at USU. Good Job.

← [Reply](#)



<https://uen.instructure.com/courses/44955/users/719>

[Eric Amsel](mailto:Eric.Amsel@weber.edu)

<https://uen.instructure.com/courses/44955/users/719>

Thursday

The proposal was reviewed by Steve Peterson of the Building Design & Construction program at Weber State who offered strong support for the proposal. He noted that the AAS degree is designed to meet the license requirements for Utah R156-22, which is the appropriate standard and level to meet the needs of the market.

← [Reply](#)



<https://uen.instructure.com/courses/44955/users/1867199>

[Johnny MacLean](mailto:Johnny.MacLean@suu.edu)

<https://uen.instructure.com/courses/44955/users/1867199>

Yesterday

Colleagues at SUU reviewed Utah Valley University's proposal to create a new Associate of Applied Science in Surveying Technology. My colleagues here at SUU did not raise any significant

questions or concerns. We wish Utah Valley University the very best as they implement this new program.

← [Reply](#)

○



[Rachel Lewis](#)

<https://uen.instructure.com/courses/44955/users/697075>

9:03am



This proposal was reviewed by faculty in SLCC's Geosciences Division who returned the following comments:

I approve of this new AAS program in Surveying Technology. We have had a strong partnership/alliance with UVU's 4-year program for several years now. Their PAC is similar in make-up and even the individuals on it. If either you or UVU has any questions, comments, or concerns, please have them contact me.

Thanks! Adam Dastrup, Associate Professor Geoscience

← [Reply](#)



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 18, 2018
TITLE:	Budgets
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Linda Makin, VP PBHR
SUBJECT:	2019-20 Budgets
BACKGROUND:	<p>The Board of Trustees is being asked to approve four budgets for the institution. These budgets are as follows:</p> <ul style="list-style-type: none"> a. 2019-20 Education & General Operating Revenue & Expenditure Budget b. 2019-20 Educational Disadvantaged Operating Revenue & Expenditure Budget c. 2019-20 Institutional Discretionary Operating Revenue & Expenditure Budget d. 2019-20 Auxiliary Services Operating Revenue & Expenditure Budget
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve the following budgets: <ul style="list-style-type: none"> a. 2019-20 Education & General Operating Revenue & Expenditure Budget b. 2019-20 Educational Disadvantaged Operating Revenue & Expenditure Budget c. 2019-20 Institutional Discretionary Operating Revenue & Expenditure Budget d. 2019-20 Auxiliary Services Operating Revenue & Expenditure Budget.” • Amend and approve, “I move to approve, as amended...” • No action, “I move that we go to the next agenda item...”
FINANCIAL IMPACT:	See attached

EXHIBITS:	a. 2019-20 Education & General Operating Revenue & Expenditure Budget b. 2019-20 Educational Disadvantaged Operating Revenue & Expenditure Budget c. 2019-20 Institutional Discretionary Operating Revenue & Expenditure Budget d. 2019-20 Auxiliary Services Operating Revenue & Expenditure Budget



Utah Valley University

2019-2020 Operating Budget

**Prepared for Board of Trustees
June 18, 2019**

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Utah Valley University Budget Staff

Linda Makin

Vice President of Planning, Budget and Human Resources

Ellen Sweat

Director of Budgets

Becky Zabriskie

Budget Analyst

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 18, 2019 board meeting are UVU’s 2019-2020 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.

Initial Budget Summary and History

	2017-18	2018-19	2019-20	Change 2018-19 to 2019-20	% Change 2018-19 to 2019-20
Appropriated					
Education & General	\$235,193,300	\$253,618,400	\$268,909,300	\$15,290,900	6.03%
Ed Disadvantaged	\$174,900	\$179,300	\$188,500	\$9,200	5.13%
TOTAL Appropriated	\$235,368,200	\$253,797,700	\$269,097,800	\$15,300,100	6.03%
Auxiliaries					
Bookstore	\$8,974,526	\$9,619,083	\$9,700,000	\$80,917	0.84%
Dining Services	\$3,431,000	\$4,123,840	\$3,825,000	-\$298,840	-7.25%
Student Center	\$2,064,880	\$2,196,000	\$2,364,000	\$168,000	7.65%
Student Life & Wellness Center	\$2,986,600	\$3,078,335	\$3,296,741	\$218,406	7.09%
Other Programs					
Athletics	\$6,496,200	\$6,825,000	\$7,589,500	\$764,500	11.20%
Community Outreach & Economic Development	\$789,648	\$1,052,903	\$1,100,202	\$47,299	4.49%
Student Health Services	\$574,040	\$565,014	\$718,421	\$153,407	27.15%
Student Programs	\$2,770,880	\$2,789,641	\$2,967,689	\$178,048	6.38%
TOTAL Auxiliaries/Other Programs	\$28,087,774	\$30,249,816	\$31,561,553	\$1,311,737	4.34%
Institutional Discretionary					
Institutional Investment Income	\$2,223,021	\$2,735,006	\$4,469,182	\$1,734,176	63.41%
Unrestricted Gifts	\$124,204	\$126,266	\$129,002	\$2,736	2.17%
TOTAL Institutional Discretionary	\$2,347,225	\$2,861,272	\$4,598,184	\$1,736,912	60.70%

Table 1

Appropriated Operating Budget

Utah Valley University has two line items appropriated by the Legislature—Education & General (primary operating budget) and Educationally Disadvantaged. Revenue and expenditure budgets are presented for each of these line items. This budget presents a financial plan within constrained resources that:

- Reflects UVU’s priorities in implementing and furthering its mission and action commitments
- Strengthens foundations for success under current and future funding models (such as performance funding)
- Builds capacity in response to and in preparation for enrollment growth
- Applies the effects of decisions made through planning processes and commitments made during the legislative and tuition setting processes
- Demonstrates fiscal responsibility and sustainability
- Provides sufficient flexibility to respond to unanticipated circumstances

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 FY20 and reflect an ongoing base tax fund increase of 6.1 percent—\$7,094,800. Dedicated credits revenue is based on FY19 projected revenues adjusted for tuition increase, enrollment change, scholarship/tuition waivers changes, etc., resulting in a base dedicated credits increase of 6.0 percent—\$8,196,100. In total, UVU’s Education and General revenue increased \$15,290,900 or 6.03 percent.

Enrollment Change

UVU experienced significant enrollment growth during 2018-19.

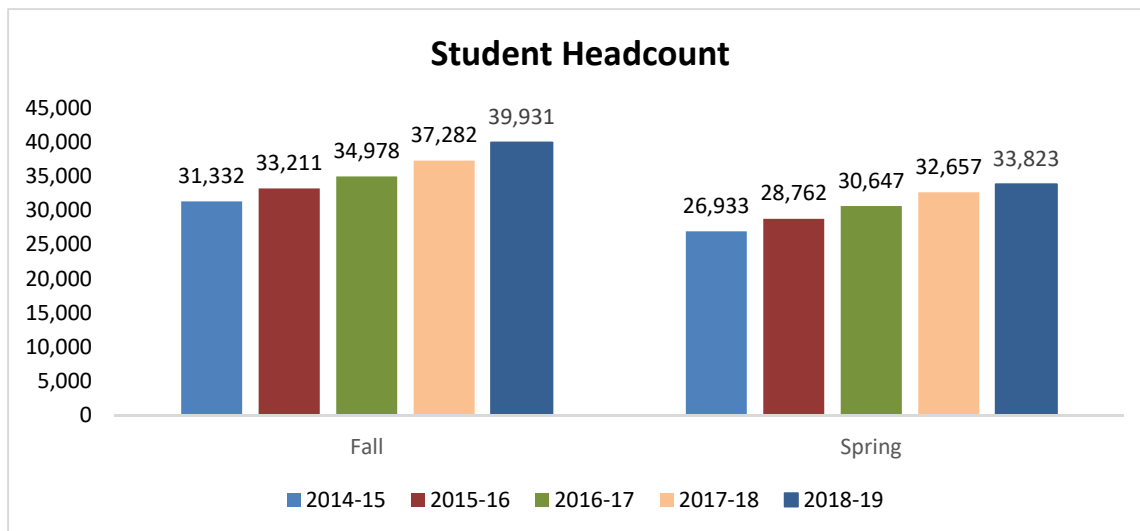
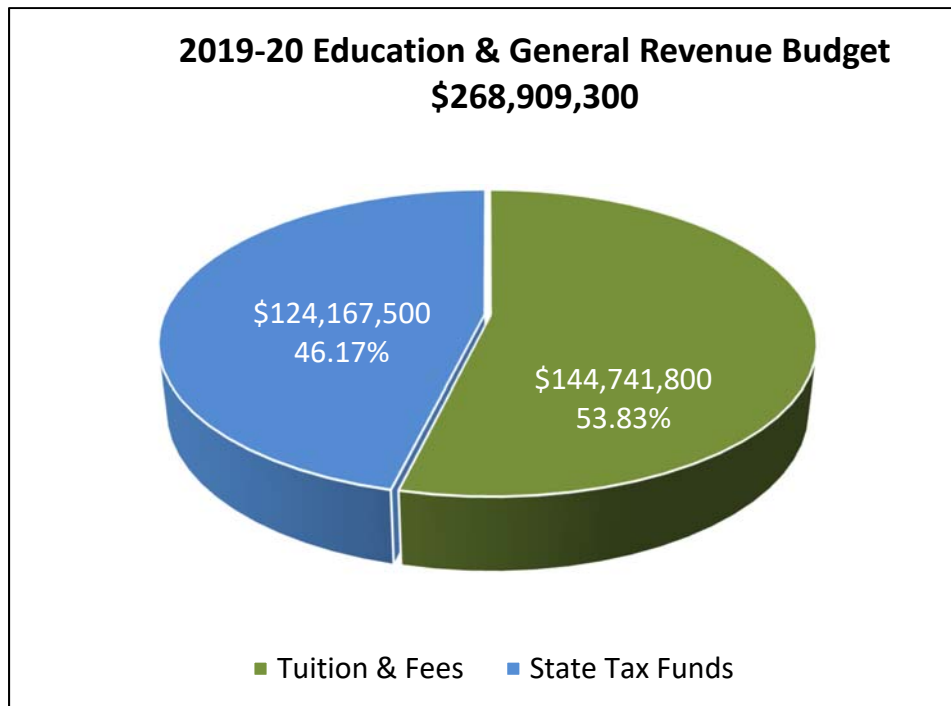


Figure 1

2018-19 TO 2019-20 Revenue Changes

Education and General	2018-19 Initial Budget	Changes for 2019-20 Budget	2019-20 Initial Budget
Tax Funds	\$117,072,700	\$7,094,800	\$124,167,500
Noorda Performing Arts Center Operations & Maintenance (House Bill 1)		\$486,400	
Performance Based Funding (Senate Bill 8)		\$314,300	
Student Growth and Capacity (House Bill 2)		\$1,696,900	
Salary Increase (Senate Bill 8)		\$3,277,300	
Medical/Dental Premiums (Senate Bill 8)		\$996,700	
Internal Service Funds (Senate Bill 8)		\$136,200	
Attorney General (Senate Bill 8)		\$187,000	
Dedicated Credits	\$136,545,700	\$8,196,100	\$144,741,800
2019-20 Tuition Increase		\$2,279,564	
2018-19 Enrollment Based Tuition Revenue		\$6,632,857	
2018-19 New Tuition Waivers		-\$3,000,100	
2018-19 Tuition from Enrollment in New/Expanding Programs		\$1,638,279	
Other Revenue Changes (fees, write-offs/collections, rental, etc.)		\$645,500	
TOTAL	\$253,618,400	\$15,290,900	\$268,909,300
		6.0%	

Table 2



The overall revenue increase for 2019-20 of **\$15,290,900** represents a 6.03% change. Tax funds comprise **46.17%** of total revenue similar to 2018-19.

Figure 2

2019-20 Education & General Revenue Budget				
Revenue Source	Initial Budget			
	2018-19	2019-20	\$ Change	% Change
State Tax Funds				
General Fund	\$59,301,600	\$518,700	(\$58,782,900)	-99.13%
Education Fund	\$57,771,100	\$122,333,600	\$64,562,500	111.76%
Education Fund Restricted	\$0	\$1,315,200	\$1,315,200	NA
Dedicated Credits				
Tuition and Fees	\$136,396,300	\$144,606,800	\$8,210,500	6.02%
Other Income	\$149,400	\$135,000	(\$14,400)	-9.64%
TOTAL Education and General	\$253,618,400	\$268,909,300	\$15,290,900	6.03%

Table 3

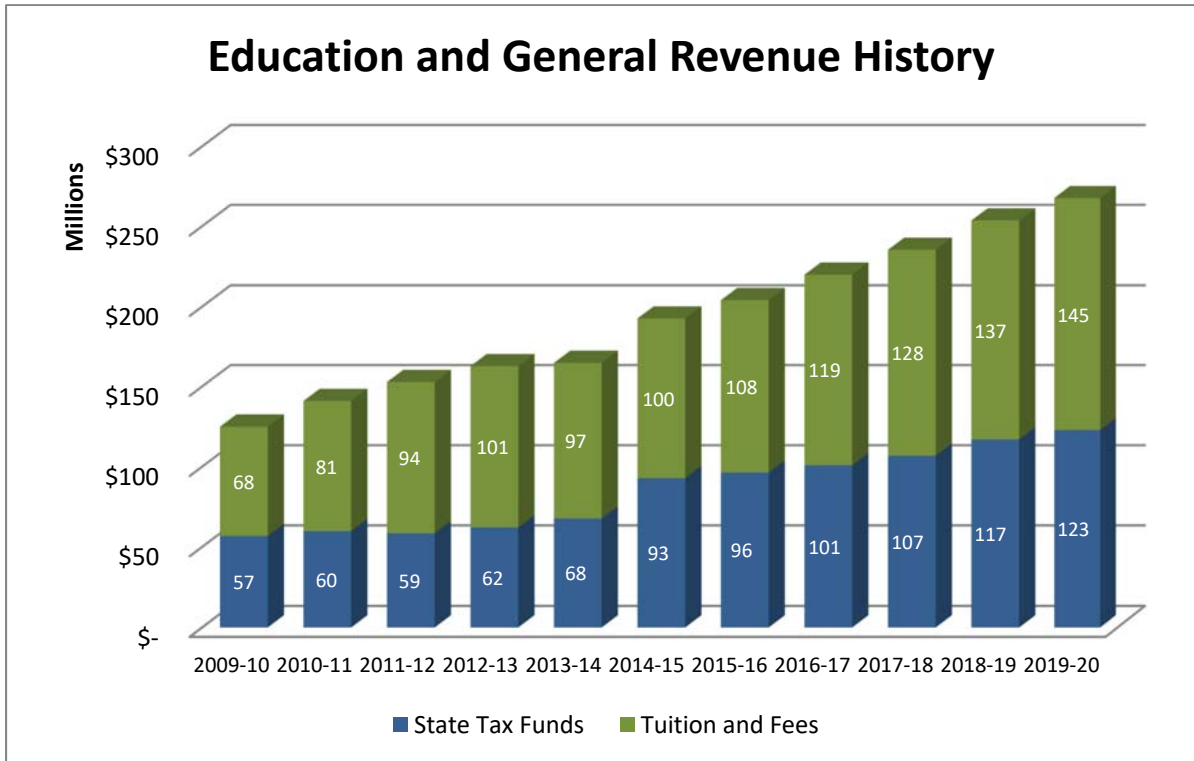


Figure 3

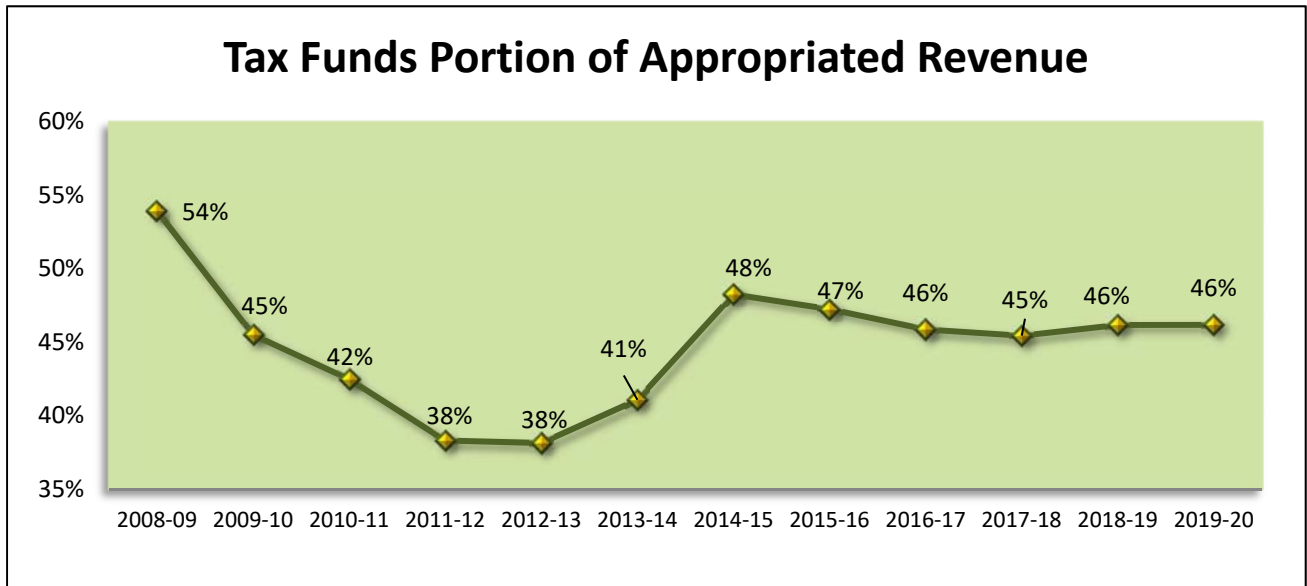
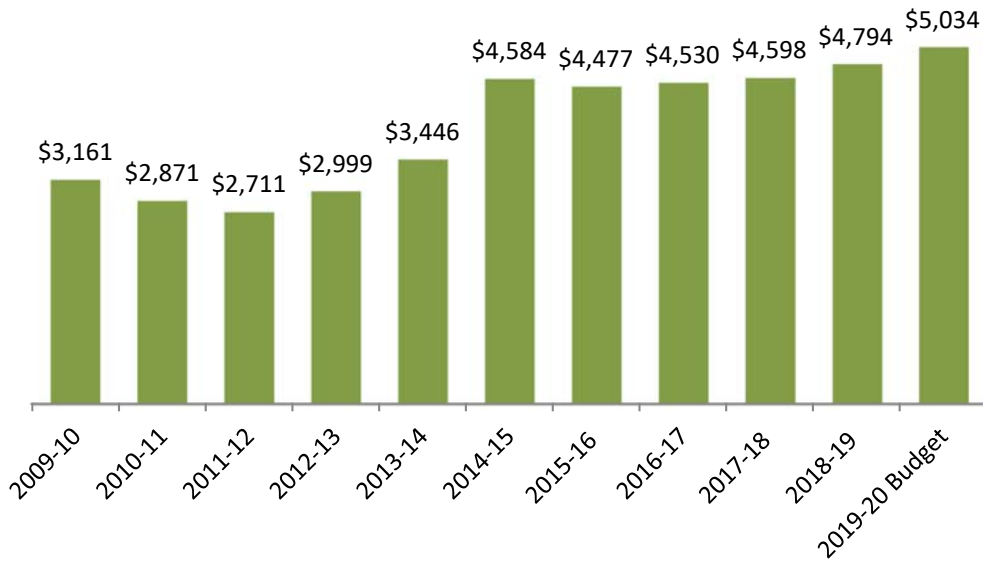


Figure 4

Tax Funds Per Student FTE 2009-10 through 2019-20



Tax Funds per Student
The 2014-15 \$21.1 million Acute Equity allocation, together with the significant tax fund investment since, indicates a more stable and adequate tax fund base (in contrast to the preceding five years), which is particularly important for ensuring academic quality while meeting enrollment demands.

Figure 5

Annualized Student FTE 2009-10 through 2019-20

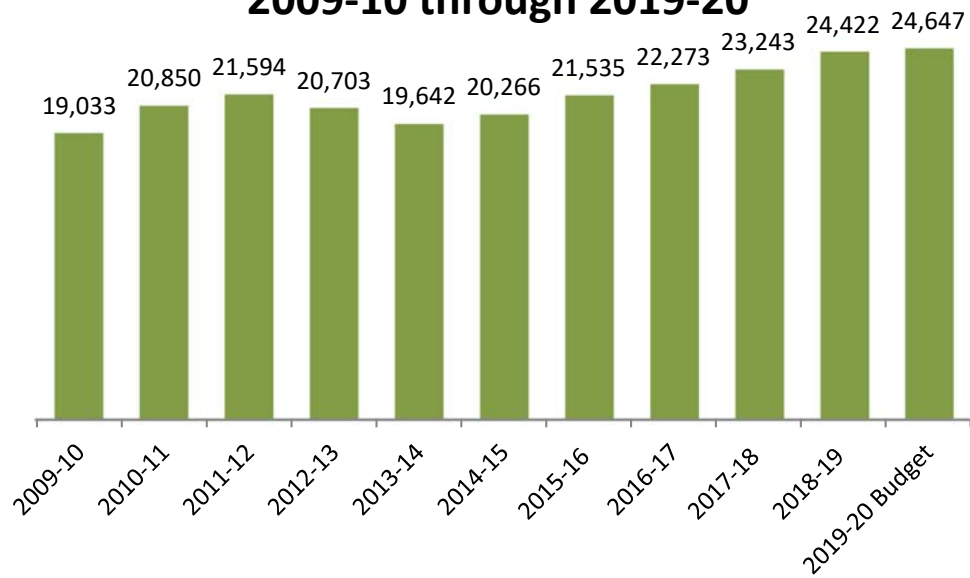


Figure 6

Student Headcount

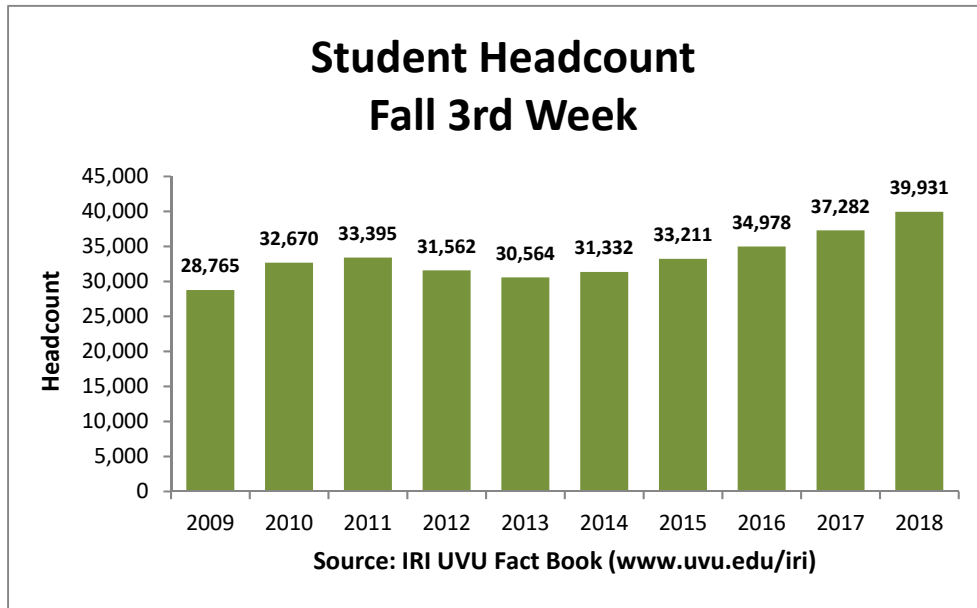


Figure 7

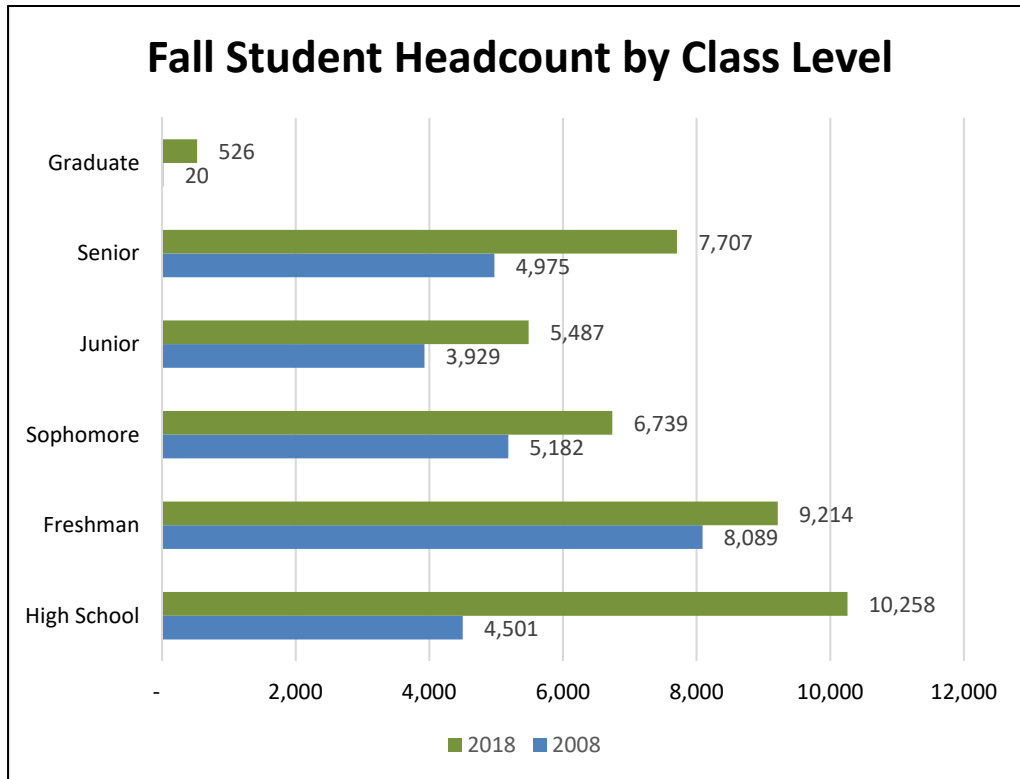


Figure 8

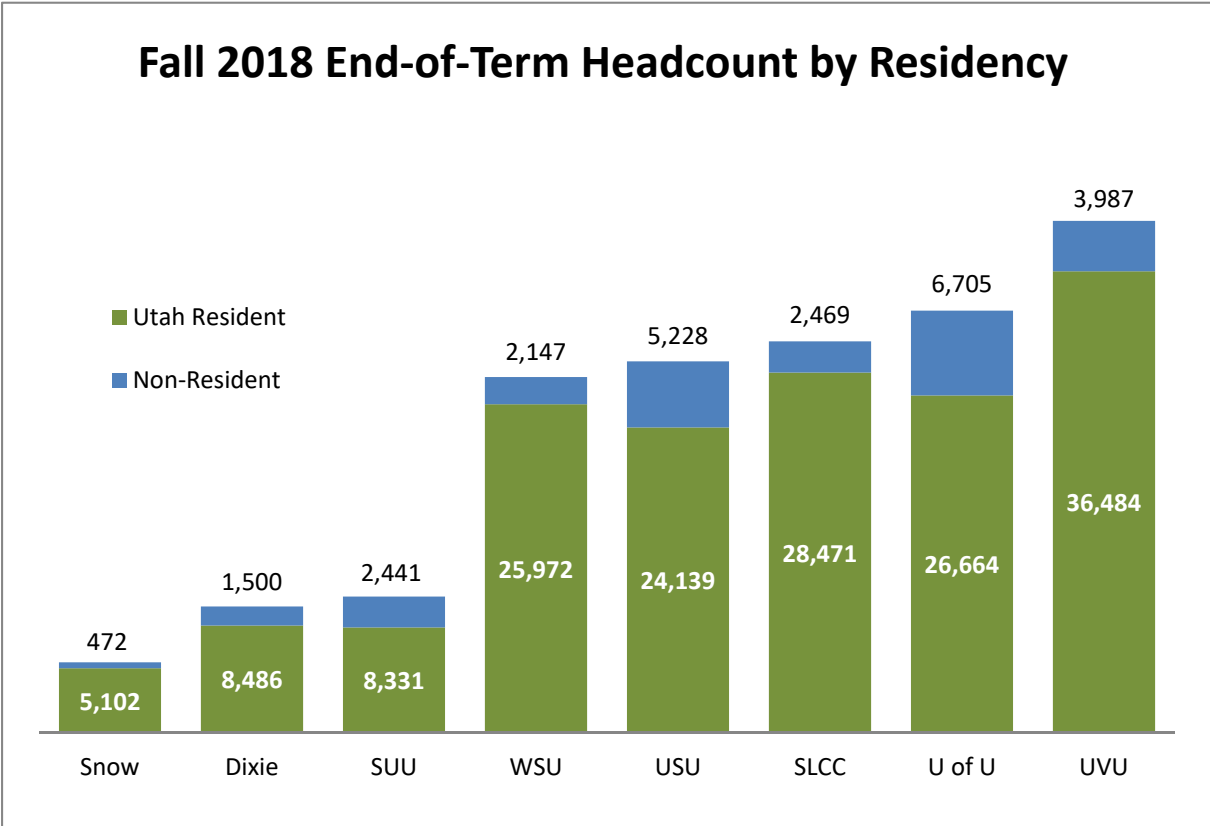


Figure 9

Resident Enrollment

In Fall 2018, UVU enrolled both the largest number of total students and Utah residents in the Utah System of Higher Education. One of every five residents enrolled in USHE is enrolled at UVU.

**Utah System of Higher Education
Change in 3rd Week Student Headcount
Fall 2009 to Fall 2019**

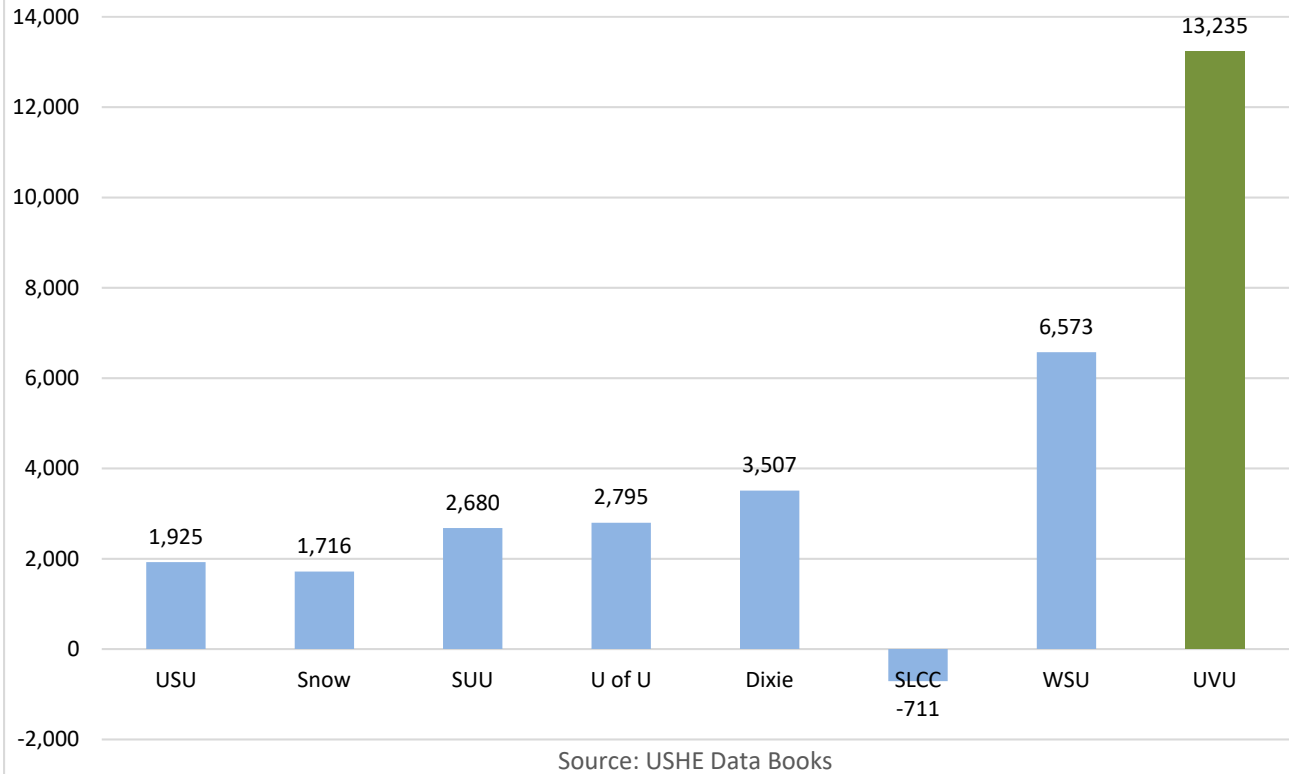


Figure 10

Student Headcount
 Since 2008, UVU has experienced the largest growth in student headcount in the Utah System of Higher Education.

Tuition & Fees

UVU Tuition & Fees History Resident Undergraduate Academic Year		
Academic Year	Tuition	Tuition & Fees
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
2018-19	\$5,036	\$5,726
2019-20	\$5,122	\$5,820

Table 4

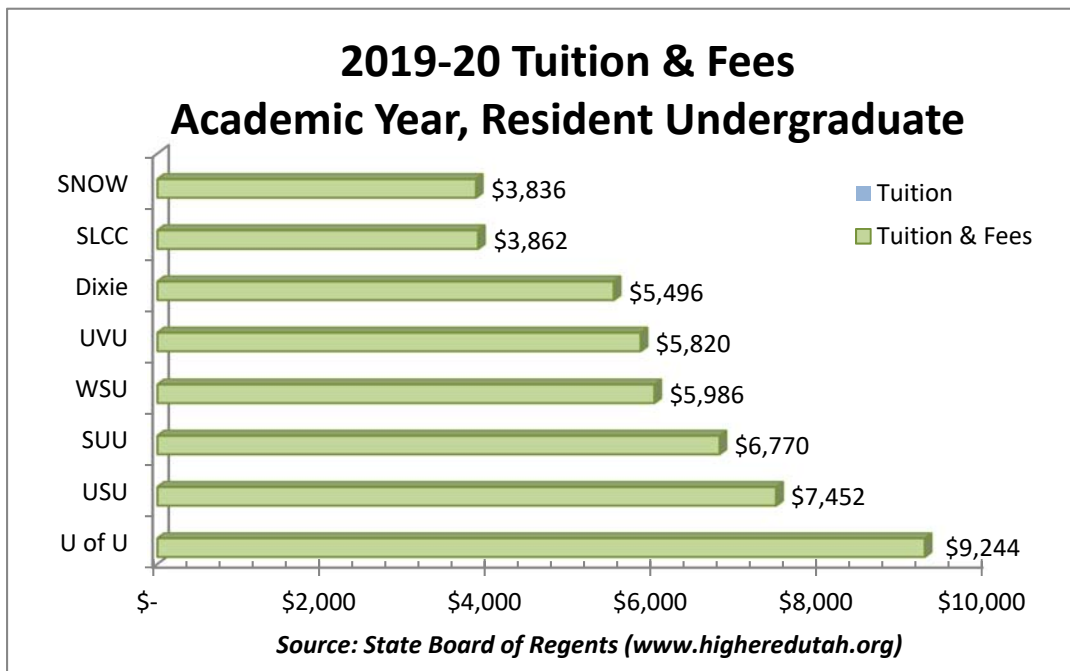


Figure 11

USHE Tuition & Fees

Academic Year, Resident Undergraduate Students 2015-16 to 2019-20

Institution	2015-16	2016-17	2017-18	2018-19	2019-20	Change from 2015-16 to 2019-20	% Change from 2015-16 to 2019-20
Dixie	\$4,620	\$4,840	\$5,080	\$5,253	\$5,496	\$876	19.0%
U of U	\$8,197	\$8,518	\$8,824	\$9,222	\$9,244	\$1,047	12.8%
WSU	\$5,339	\$5,524	\$5,712	\$5,859	\$5,986	\$647	12.1%
USU	\$6,663	\$6,866	\$7,174	\$7,425	\$7,452	\$789	11.8%
Snow	\$3,484	\$3,592	\$3,686	\$3,742	\$3,836	\$352	10.1%
SLCC	\$3,569	\$3,690	\$3,781	\$3,843	\$3,862	\$293	8.2%
UVU	\$5,386	\$5,530	\$5,652	\$5,726	\$5,820	\$434	8.1%
SUU	\$6,300	\$6,530	\$6,676	\$6,770	\$6,770	\$470	7.5%
USHE Average	\$5,445	\$5,636	\$5,823	\$5,980	\$6,058	\$614	11.3%

Table 5

Expenditures

The expenditure budget implements the resource allocations determined through legislative intent, the tuition increase process, and UVU’s PBA process as outlined in Talk with Tuminez campus-wide forum on April 22, 2019. Governing bodies involvement has included approval of tuition and general student fees; approval of 2019-20 compensation plans; approval of new degree programs including graduate degrees; and developing, reviewing, and support UVU’s/USHE’s annual budget request.

UVU utilizes a Planning, Budgeting, and Assessment (PBA) process which guides UVU in its strategic planning, resource allocations, and assessment. The PBA process fosters a culture of strategic planning, assessment, continuous improvement, and accountability and utilizes transparent and collaborative decision-making processes. Many individuals across campus have been involved in this process by serving on university committees; by participating in developing and refining their department’s four-year strategic plan and by attending PBA conversations within their department, school/college, and division and/or the university PBA conversations.

2018-19 Planning, Budget & Assessment (PBA) Cycle

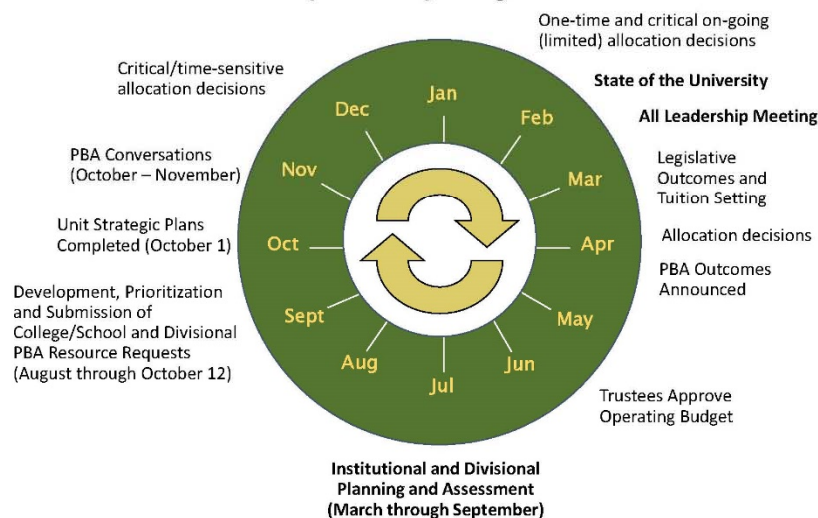


Figure 12

New Allocations and Reallocations

The PBA process facilitates the alignment and prioritization (at multiple organizational levels) of initiatives across the university that support UVU’s mission, values, and Action Commitments (Appendix B). The allocation detail (reviewed and affirmed by President’s Council) identifies initiatives funded in support of UVU’s Action Commitments (Appendix C).

2019-20 highlights of changes from new resource allocations and existing resource reallocations:

INCLUDE

UVU integrates educational opportunities appropriate to both community colleges and universities

- Enhance and expand career & technical education and two-year degree programs
 - 1 tenure track faculty in automotive
- Enhance and expand STEM programs
 - 7 tenure track faculty in engineering, math, biology, computer science
 - 1 lecturer faculty in information systems
- Enhance and expand undergraduate health professions programs
 - 3 tenure track faculty in nursing and biology
 - Dental Hygiene chairs
- Enhance and expand new undergraduate programs
 - 1 tenure track faculty in family science
- Expand graduate programs
 - 7 tenure track faculty in education, physician assistant, financial planning and analytics, and marriage and family therapy
 - 1 professional-in-residence faculty in financial planning and analytics
 - 5 staff in physician assistant, financial planning and analytics, and marriage and family therapy
- Enhance graduate programs
 - Hourly faculty and staff, summer faculty, and current expense in computer science, cybersecurity, and public services

UVU provides accessible, equitable and culturally diverse learning experiences and resources for students of all backgrounds, including those historically underrepresented in higher education

- Area of Focus 3—Strengthen outreach and internal academic and student support efforts for students from historically underrepresented cultural backgrounds and those who are first-generation and low-income
 - Programmatic support for UVU Prep, African student initiative, Governor’s Native American Summit, multicultural center, inclusion plan, and Women’s Success Center

UVU fosters an inviting, safe, and supportive environment in which students, faculty, and staff can succeed

- Expand mental health resources for students
 - 3 mental health therapists
 - SafeUT app
 - Hourly psychiatric nurse practitioner

- Enhance inviting, safe, and supportive campus environment
 - 2 Police staff--officer and dispatcher
 - Mamava lactation suites
 - Reflection Center hourly

ENGAGE

UVU faculty, staff, and students practice excellent, engaged teaching and learning activities as a community of scholars, creators, and practitioners

- Enhance instructional and academic support services
 - 1 librarian and integrated library system
 - Assistant Dean for SOA
 - Programmatic support for IRB, research, and scholarly activities
 - Proctorio exam proctoring in Canvas
 - Seed funding for tech commercialization

UVU develops relationships and outreach opportunities with students, alumni, and community stakeholders

- Enhance support for communication materials, programs, and events
 - SOA marketing staff
 - Web developer for University Relations/SOA
 - Director of Photography
 - Programmatic support for events and Marketing & Communications
- Strengthen UVU's community engagement and academic outreach
 - Programmatic support for University Relations and Community Outreach and Economic Development
- Enhance, expand and operate facilities that support community engagement
 - O&M for Lakemount Manor and Noorda Center for the Performing Arts
 - Thanksgiving Point signage, remodel, and maintenance
 - Lockhart Arena improvements

UVU employees demonstrate a commitment to student success, professionalism, ethics, and accountability

- Compensation
 - Salary, wage, and benefits increases to reward performance, respond to external labor market changes, and promote internal equity
- Improve employee recognition
 - Increase value and number of faculty and staff excellence awards
- Expand employee engagement, training, and development
 - Increase Staff Education Funds
 - Expand training for faculty, staff, and adjunct faculty
- Strengthen culture of responsibility, ethics, and risk management
 - 6 staff including fixed asset tracking, compliance, sustainability, and environmental health
 - Risk Management rate increases and support for Attorney General's Office

ACHIEVE

UVU supports students in completing their educational goals

- Area of Focus 1—Improve student retention, persistence, learning, and completion
 - Improve access to full-time faculty, particularly in high demand programs
 - 14 tenure track faculty in digital media, digital marketing, aviation science, social work, communications, psychology, physics, accounting, organizational leadership, statistics, strategic management and operations
 - 7 lecturer faculty for critical needs, social work, and communications
 - Improve student retention
 - Implementation of First-Year Advising Center including Director and 7 new academic advisors
 - Retention mentors
 - Improve and support onboarding-through-graduation student support programs/services
 - 5 student affairs staff in graduation, international admissions, completion, and campus connections
 - Programmatic support for admissions and graduation
- Increase sections and support services to meet enrollment growth
 - Additional course sections in seven schools/colleges
- Support instructional, academic support, and student services programs and equipment
 - Mathematics course manager
 - Pianos and sound equipment for SOA
 - Classroom equipment

UVU students master the learning outcomes of the university and their programs

- Programmatic support for supplemental instruction, including 1 staff
- ALEKS

UVU prepares students for success in their subsequent learning, professional, and civic pursuits

- Area of Focus 2—Pursue excellence in engaged learning that promotes success in undergraduate scholarship, post-graduation career pursuits, and civic responsibility
 - Programmatic support for SOE internships, Presidential interns, and honors

OPERATE EFFECTIVELY

UVU strategically allocates resources to achieve institutional objectives

- Implement and sustain innovative practices and technology systems
 - Digital Transformation VP and operating funds
- Support and sustain technology solutions, systems, and infrastructure
 - 2 staff
 - IT security including next gen firewall/software, advanced endpoint protection
 - Computer pods
 - Wireless controller replacement
- Provide staffing, operating funds, and equipment to support programs and services
 - 3 athletic staff; 4 Finance & Administration staff; 1 HR staff; 1 University Relations executive; 1 Institutional Advancement staff

- Campus image committee and student branding support
- Enhance and remodel facilities
 - Art & Design remodeling
 - Office space for PA program
 - Financial Aid remodel
 - Losee 4th floor buildout
 - Live interactive classrooms
 - Additional office space/remodels

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
Scholarships/Needs-Based Aid	Financial Aid, Scholarships, and Work Study
Operations & Maintenance Plant	Building Maintenance, Plant Personnel, Utilities, and etc.

Table 7

Education & General Base Operating Budget				
by Functional Classification				
Comparison for 2018-19 and 2019-20				
	2018-19	2019-20	\$ Change	% Change
Instruction	\$124,225,097	\$132,768,421	\$8,543,324	6.88%
Public Service	\$203,295	\$154,730	-\$48,565	-23.89%
Library	\$4,246,891	\$4,474,819	\$227,928	5.37%
Academic Support	\$29,196,435	\$30,433,843	\$1,237,408	4.24%
Athletics	\$4,004,673	\$4,255,807	\$251,134	6.27%
Student Services	\$19,072,492	\$19,558,661	\$486,169	2.55%
Institutional Support	\$48,979,681	\$52,661,417	\$3,681,736	7.52%
Scholarships	\$2,815,077	\$2,817,547	\$2,470	0.09%
O&M	\$20,874,759	\$21,784,055	\$909,296	4.36%
Total Expenditures	\$253,618,400	\$268,909,300	\$15,290,900	6.03%

Table 8

2019-20 Educational & General Base Operating Budget by Functional Classification

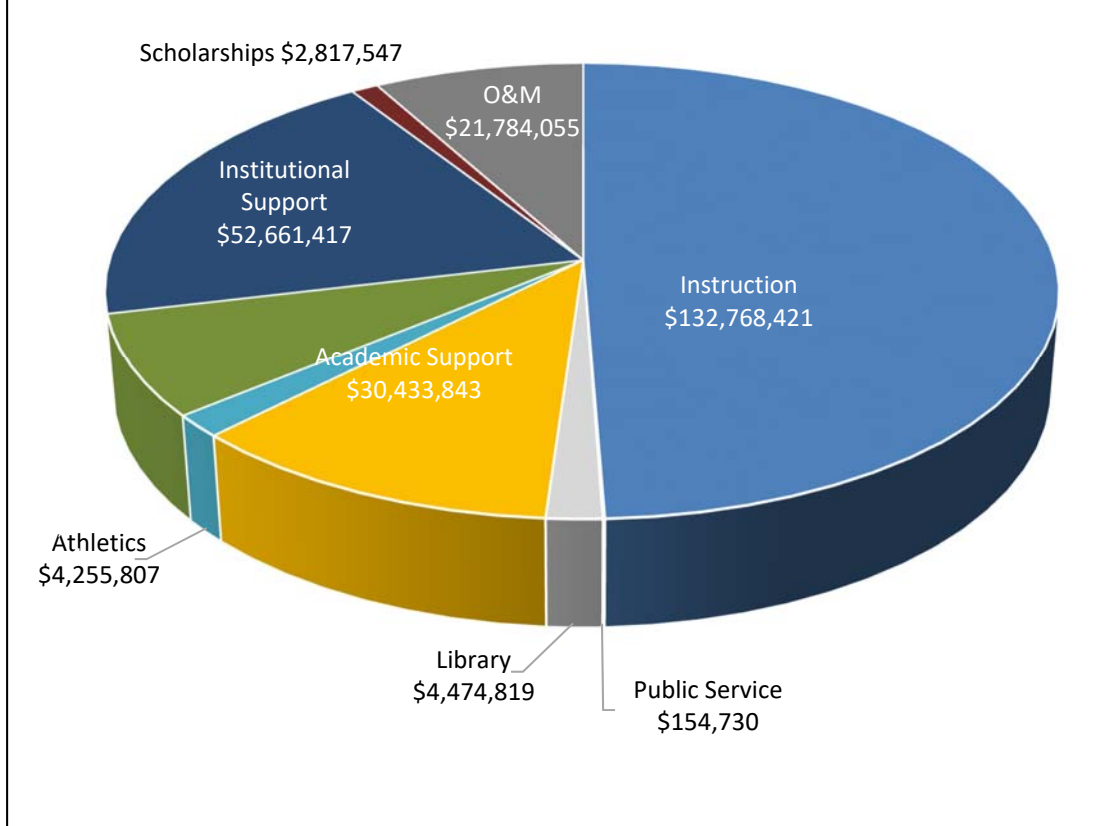


Figure 13

Percent of Budget

by Functional Classification

	2015-16	2016-17	2017-18	2018-19	2019-20
Instruction	48.90%	49.40%	48.96%	48.98%	49.37%
Public Service	0.10%	0.10%	0.09%	0.08%	0.06%
Academic Support	10.40%	10.20%	10.95%	11.51%	11.32%
Library	1.80%	1.80%	1.73%	1.67%	1.66%
Student Services	7.90%	8.10%	7.88%	7.52%	7.27%
Athletics	1.50%	1.50%	1.61%	1.58%	1.58%
Institutional Support	19.20%	18.90%	19.07%	19.31%	19.58%
O&M	9.40%	9.10%	8.65%	8.23%	8.10%
Scholarships	0.90%	1.00%	1.06%	1.11%	1.05%
TOTAL	100.00%	100.00%	100.00%	100.00%	100.00%

Table 9

Appropriated Base Operating Budget

by Natural Classification Comparison for 2014-15 and 2015-16

EDUCATION AND GENERAL

	2017-18	2018-19	2019-20	\$ Change	% Change
Faculty Salaries	\$50,992,217	\$55,680,397	\$60,776,028	\$5,095,631	9.15%
Faculty Hourly	\$16,046,530	\$17,231,874	\$18,156,059	\$924,185	5.36%
Executive Salaries	\$4,593,235	\$4,726,510	\$5,389,122	\$662,612	14.02%
Staff Salaries	\$54,936,758	\$59,188,754	\$63,792,815	\$4,604,061	7.78%
Staff Hourly	\$9,260,846	\$10,327,018	\$11,881,216	\$1,554,198	15.05%
Total Salaries & Wages	\$135,829,586	\$147,154,553	\$159,995,240	\$12,840,687	8.73%
Employee Benefits	\$59,954,123	\$64,033,841	\$67,226,499	\$3,192,658	4.99%
Total Personnel Services	\$195,783,709	\$211,188,394	\$227,221,739	\$16,033,345	7.59%
Current Expense	\$31,428,497	\$34,107,039	\$33,164,815	-\$942,224	-2.76%
Travel	\$1,210,083	\$1,362,524	\$1,416,424	\$53,900	3.96%
Capital Equipment	\$550,083	\$546,135	\$556,690	\$10,555	1.93%
Fuel & Power	\$3,620,542	\$3,763,922	\$3,899,246	\$135,324	3.60%
Scholarships	\$2,600,386	\$2,650,386	\$2,650,386	\$0	0.00%
Total Expenditures	\$235,193,300	\$253,618,400	\$268,909,300	\$15,290,900	6.03%

Table 10

2019-20 Education & General Base Operating Budget by Natural Classification

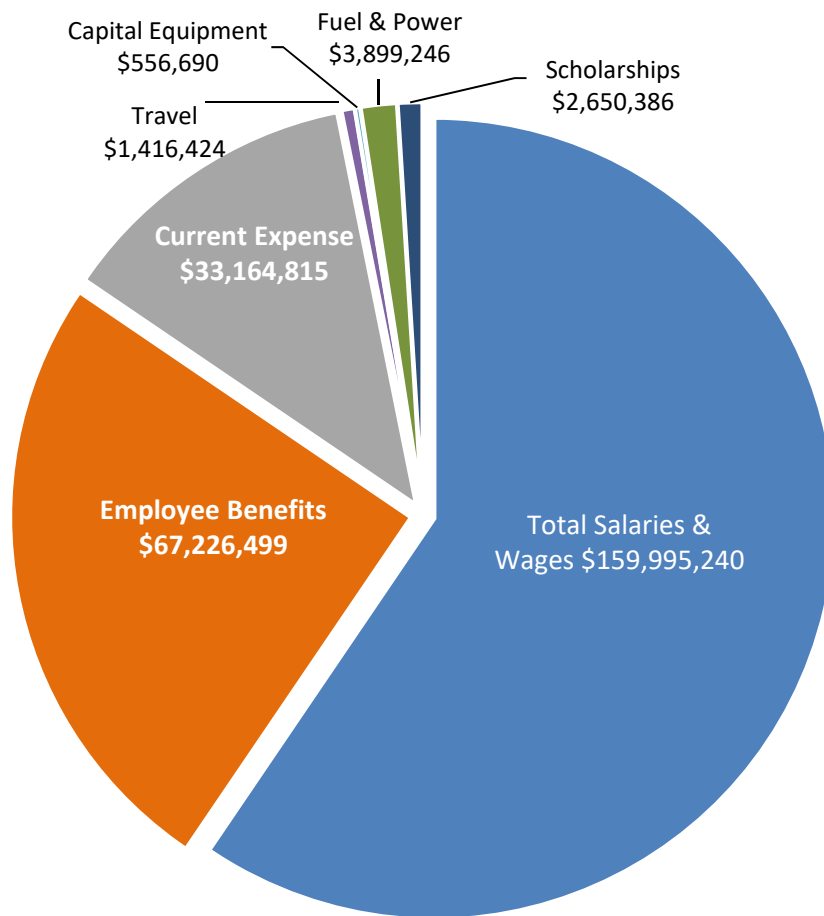


Figure 14

Percent of Budget					
by Natural Classification					
	2015-16	2016-17	2017-18	2018-19	2019-20
Salaries & Wages	58.0%	58.10%	57.8%	58.0%	59.5%
Employee Benefits	24.9%	24.8%	25.5%	25.3%	25.0%
Current Expense	13.8%	13.8%	13.4%	13.5%	12.3%
Travel	0.5%	0.5%	0.5%	0.5%	0.53%
Capital Equipment	0.3%	0.3%	0.2%	0.2%	0.21%
Fuel & Power	1.8%	1.6%	1.5%	1.5%	1.45%
Scholarship	0.9%	0.9%	1.1%	1.1%	0.99%
TOTAL	100.2%	100.0%	100.0%	100.2%	100.0%

Table 11

Educationally Disadvantaged

2018-19 TO 2019-20 Revenue Changes			
Educationally Disadvantaged	2018-19 Initial Budget	Changes for 2019-20 Budget	2019-20 Initial Budget
Tax Funds	\$179,300	\$4,800	\$184,100
Salary/Wage Adjustment (Senate Bill 8)		\$3,500	
Medical Premiums (Senate Bill 8)		\$1,300	
TOTAL	\$174,900	\$4,800	\$184,100
		2.7%	

Table 12

Revenue:
 Revenue consists solely of tax funds:
 general fund and education fund.
 Budgeted tax fund revenues match the
 base budget appropriation bills for FY19
 and reflect an ongoing base
 increase of 2.7 percent.

2019-20 OPERATING BUDGET REVENUE	
Educationally Disadvantaged	
Revenue Source	Initial Budget (Base Operating Budget)
State Tax Fund	
General Fund	\$138,900
Education Fund	\$45,200
TOTAL EDUCATIONALLY DISADVANTAGED	\$184,100

Table 13

Appropriated Base Operating Budget		
by Functional Classification		
Comparison for 2018-19 and 2019-20		
Educationally Disadvantaged		
	2018-19	2019-20
Student Services		
Other Student Services	\$174,900	\$184,100
Total Expenditure	\$174,900	\$184,100

Table 14

Educationally Disadvantaged				
Appropriated Base Operating Budget				
by Functional Classification				
Comparison for 2018-19 and 2019-20				
	2018-19	2019-20	\$ Change	% Change
Staff Salaries	\$105,463	\$115,921	\$10,458	9.92%
Staff Hourly	\$16,288	\$16,573	\$285	1.75%
Total Salaries & Wages	\$121,751	\$132,494	\$10,743	8.82%
Employee Benefits	\$57,549	\$51,606	-\$5,943	-10.33%
Total Personal Services	\$179,300	\$184,100	\$4,800	2.68%
Total Expenditure	\$179,300	\$184,100	\$4,800	2.68%

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 2018-19 and 2019-20				
	2018-19	2019-20	\$ Change	% Change
REVENUE				
Sales & Services	\$9,619,083	\$9,700,000	\$80,917	0.84%
Student Fees	\$0	\$0	\$0	0.00%
Other Income	\$0	\$0	\$0	0.00%
TOTAL REVENUE	\$9,619,083	\$9,700,000	\$80,917	0.84%
BUDGETED EXPENDITURE/TRANSFERS				
Expenditures				
Salaried Staff	\$636,024	\$582,376	-\$53,648	-8.43%
Hourly Staff	\$489,000	\$489,000	\$0	0.00%
Benefits	\$406,150	\$395,071	-\$11,079	-2.73%
Current Expense	\$544,000	\$544,000	\$0	0.00%
Cost of Goods Sold	\$7,502,885	\$7,566,000	\$63,115	0.84%
Travel	\$11,500	\$11,500	\$0	0.00%
Capital	\$0	\$0	\$0	\$0
Subtotal Budgeted Expenditures	\$9,589,559	\$9,587,947	-\$1,612	-0.02%
Transfers				
Transfer to Bond Payment	\$29,524	\$112,053	\$82,529	279.53%
Other Transfers	\$0	\$0	\$0	0.00%
Subtotal Transfers	\$29,524	\$112,053	\$82,529	279.53%
TOTAL BUDGETED EXPENDITURE/TRANSFERS	\$9,619,083	\$9,700,000	\$82,529	0.84%

Table 16

Dining Services Operating Budget Comparison for Fiscal Years 2018-19 and 2019-20

	2018-19	2019-20	\$ Change	% Change
REVENUE				
Sales & Services	\$3,887,840	\$3,675,000	-\$212,840	-5.47%
Student Fees	\$0	\$0	\$0	0.00%
Other Income	\$236,000	\$150,000	-\$86,000	-36.44%
TOTAL REVENUE	\$4,123,840	\$3,825,000	-\$298,840	-7.25%
BUDGETED EXPENDITURE/TRANSFERS				
Expenditures				
Salaried Staff	\$528,043	\$401,263	-\$126,780	-24.01%
Hourly Staff	\$930,382	\$879,750	-\$50,632	-5.44%
Benefits	\$426,634	\$275,616	-\$151,018	-35.40%
Current Expense	\$490,000	\$420,000	-\$70,000	-14.29%
Cost of Goods Sold	\$1,535,136	\$1,491,750	-\$43,386	-2.83%
Travel	\$3,000	\$3,000	\$0	0.00%
Capital	\$5,000	\$5,000	\$0	0.00%
Subtotal Budgeted Expenditures	\$3,918,195	\$3,476,379	-\$441,816	-11.28%
Transfers				
Transfer to Bond Payment	\$205,645	\$348,621	\$142,976	69.53%
Other Transfers	\$0	\$0	\$0	0.00%
Subtotal Transfers	\$205,645	\$348,621	\$142,976	69.53%
TOTAL BUDGETED EXPENDITURE/TRANSFERS	\$4,123,840	\$3,825,000	-\$298,840	-7.25%

Table 17

Student Center Operating Budget Comparison for Fiscal Years 2018-19 and 2019-20

	2018-19	2019-20	\$ Change	% Change
REVENUE				
Sales & Services	\$436,000	\$427,000	-\$9,000	-2.06%
Student Fees	\$1,570,000	\$1,747,000	\$177,000	11.27%
Other Income	\$190,000	\$190,000	\$0	0.00%
TOTAL REVENUE	\$2,196,000	\$2,364,000	\$168,000	7.65%
BUDGETED EXPENDITURE/TRANSFERS				
Expenditures				
Salaried Staff	\$689,207	\$714,658	\$25,451	3.69%
Hourly Staff	\$280,000	\$312,000	\$32,000	11.43%
Benefits	\$440,945	\$459,685	\$18,740	4.25%
Current Expense	\$750,000	\$842,657	\$92,657	12.35%
Travel	\$15,000	\$15,000	\$0	0.00%
Capital	\$15,000	\$15,000	\$0	0.00%
Subtotal Budgeted Expenditures	\$2,190,152	\$2,359,000	\$168,848	7.71%
Transfers				
Transfer to Bond Payment	\$5,848	\$5,000	-\$848	-14.50%
Other Transfers	\$0		\$0	0.00%
Subtotal Transfers	\$5,848	\$5,000	-\$848	-14.50%
TOTAL BUDGETED EXPENDITURE/TRANSFERS	\$2,196,000	\$2,364,000	\$168,000	7.65%

Table 18

Student Life & Wellness Center Operating Budget

Comparison for Fiscal Years 2018-19 and 2019-20

	2018-19	2019-20	\$ Change	% Change
REVENUE				
Sales & Services	\$510,000	\$530,000	\$20,000	3.92%
Student Fees	\$2,568,335	\$2,766,741	\$198,406	7.73%
Other Income	\$0	\$0	\$0	0.00%
TOTAL REVENUE	\$3,078,335	\$3,296,741	\$218,406	7.09%
EXPENDITURE/TRANSFERS				
Expenditures				
Salaried Staff	\$571,107	\$718,416	\$147,309	25.79%
Hourly Staff	\$629,886	\$443,857	\$186,029	-29.53%
Benefits	\$406,765	\$465,937	\$59,172	14.55%
Current Expense	\$853,520	\$1,305,000	\$451,480	52.90%
Cost of Goods Sold	\$16,480	\$16,480	\$0	0.00%
Travel	\$35,000	\$40,000	\$5,000	14.29%
Capital	\$75,000	\$75,000	\$0	0.00%
Subtotal Expenditures	\$2,587,758	\$3,064,690	\$476,932	18.43%
Transfers				
Transfer to Bond Payment	\$490,577	\$232,051	\$258,526	-52.70%
Other Transfers	\$0	\$0	\$0	0.00%
Subtotal Transfers	\$490,577	\$232,051	\$258,526	-52.70%
TOTAL EXPENDITURE/TRANSFERS	\$3,078,335	\$3,296,741	\$218,406	7.09%

Table 19

Athletics Operating Budget Comparison for Fiscal Years 2018-19 and 2019-20

	2018-19	2019-20	\$ Change	% Change
BEGINNING OPERATING BALANCE				
Fund Balance Beginning of Fiscal Year	\$331,057	\$0	-\$331,057	-100.00%
REVENUE				
Sales & Services	\$800,000	\$900,000	\$100,000	12.50%
Student Fees	\$5,600,000	\$5,900,000	\$300,000	5.36%
Donations	\$350,000	\$412,500	\$62,500	17.86%
Other Income	\$75,000	\$377,000	\$302,000	402.67%
TOTAL REVENUE	\$6,825,000	\$7,589,500	\$764,500	11.20%
BUDGETED EXPENDITURES				
Salaried Staff	\$935,270	\$1,325,628	\$390,358	41.74%
Hourly Staff	\$560,000	\$560,000	\$0	0.00%
Benefits	\$496,452	\$703,627	\$207,175	41.73%
Current Expense	\$2,200,000	\$2,200,000	\$0	0.00%
Student Aid	\$860,000	\$900,000	\$40,000	4.65%
Travel	\$1,800,000	\$1,800,000	\$0	0.00%
Capital	\$0	\$0	\$0	\$0
TOTAL BUDGETED EXPENDITURES	\$6,851,722	\$7,489,255	\$637,533	9.30%
ENDING OPERATING BALANCE	\$304,335	\$100,245	-\$204,090	-67.06%

Table 20

Community Outreach & Economic Development (COED)

Comparison for Fiscal Years 2018-19 and 2019-20

	2018-19	2019-20	\$ Change	% Change
CARRY-FORWARD FUNDS				
Fund Balance Beginning of Year	\$138,904	\$172,373	\$33,469	24.10%
REVENUE				
Program Registration Fees (non-credit)	\$913,999	\$927,829	\$13,830	1.51%
Other Income	\$0	\$0	\$0	0.00%
Sub-total Revenue	\$913,999	\$927,829	\$13,830	1.51%
TOTAL AVAILABLE FUNDS	\$1,052,903	\$1,100,202	\$47,299	4.49%
BUDGETED EXPENDITURES				
Expenditures				
Salaried Staff	\$203,015	\$211,261	\$8,246	4.06%
Hourly Faculty Staff	\$163,407	\$183,333	\$19,926	12.19%
Benefits	\$130,360	\$129,647	-\$713	-0.55%
Current Expense	\$383,748	\$391,165	\$7,417	1.93%
TOTAL BUDGETED EXPENDITURES	\$880,530	\$915,406	\$34,876	3.96%
Net Change	\$33,469	\$12,423	\$21,046	62.88%
ENDING OPERATING BALANCE	\$172,373	\$184,796	\$12,423	7.21%

Table 21

Student Health Services

Comparison for Fiscal Years 2018-19 and 2019-20

	2018-19	2019-20	\$ Change	% Change
REVENUE				
Sales & Services	\$60,500	\$72,000	\$11,500	19.01%
Student Fees	\$505,014	\$646,421	\$141,407	28.00%
TOTAL REVENUE	\$565,514	\$718,421	\$152,907	27.04%
BUDGETED EXPENDITURES				
Expenditures				
Salaried Staff	\$343,518	\$421,751	\$78,233	22.77%
Hourly Staff	\$24,000	\$47,702	\$23,702	98.76%
Benefits	\$183,542	\$222,736	\$39,194	21.35%
Cost of Goods Sold	\$0	\$0	\$0	0.00%
Travel	\$4,500	\$4,500	\$0	0.00%
Current	\$9,954	\$21,732	\$11,778	118.32%
TOTAL BUDGETED EXPENDITURES	\$565,514	\$718,421	\$152,907	27.04%

Table 22

Student Programs Operating Budget Comparison for Fiscal Years 2018-19 and 2019-20

	2018-19	2019-20	\$ Change	% Change
REVENUE				
Sales & Services	\$200,000	\$200,000	\$0	0.00%
Student Fees	\$2,489,641	\$2,617,689	\$128,048	5.14%
Other Income	\$100,000	\$150,000	\$50,000	50.00%
TOTAL REVENUE	\$2,789,641	\$2,967,689	\$178,048	6.38%
BUDGETED EXPENDITURES				
Salaried Staff	\$793,288	\$831,947	\$38,659	4.87%
Hourly Staff	\$200,000	\$250,000	\$50,000	25.00%
Benefits	\$458,747	\$483,389	\$24,642	5.37%
Current Expense	\$1,200,000	\$1,300,000	\$100,000	8.33%
Travel	\$100,000	\$100,000	\$0	0.00%
Capital	\$10,000	\$0	-\$10,000	0.00%
Subtotal Budgeted Expenditures	\$2,762,035	\$2,965,336	\$203,301	7.36%
NET OPERATING REVENUE	\$27,606	\$2,353	-\$25,253	-91.48%

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 2018-19 and estimated year-end balances from 2018-19. Adjustments for both actual earnings and unexpended year-end balances will be presented to the Board in the fall.

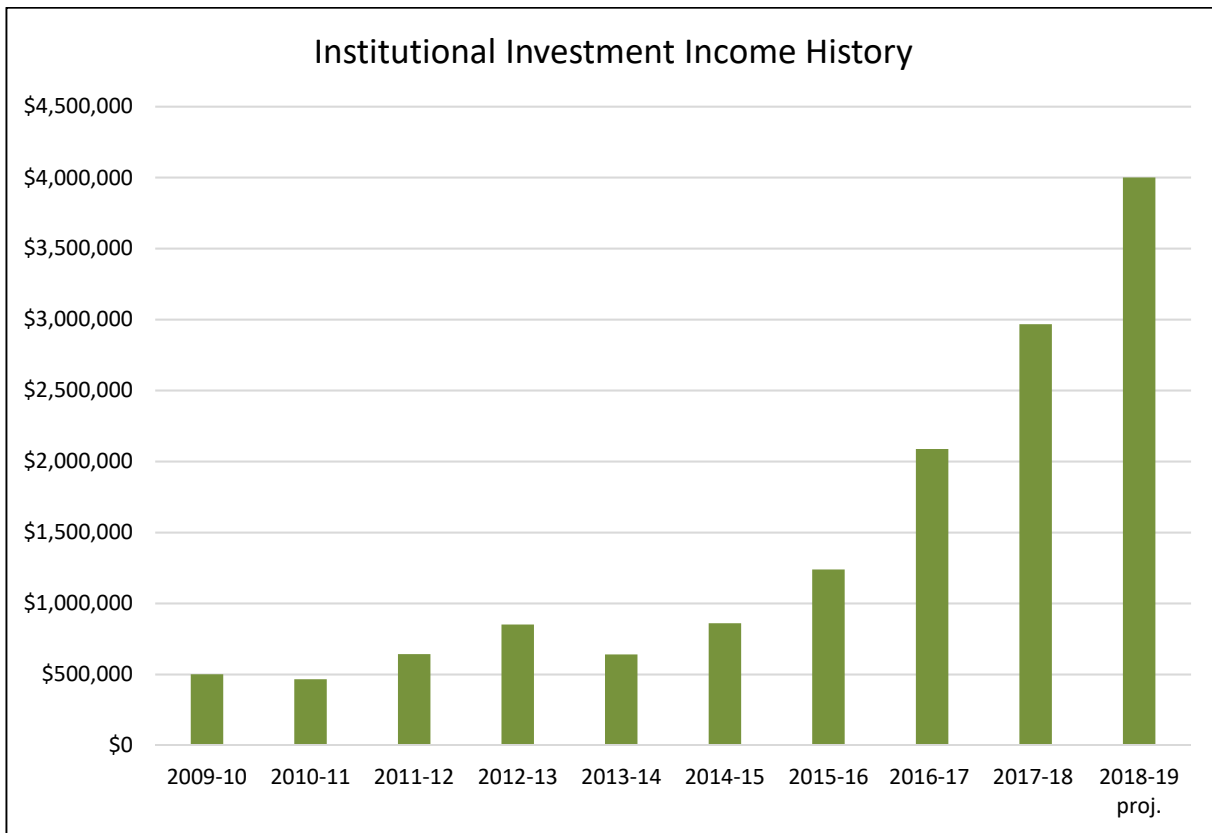


Figure 15

Expenditures

The expenditure budget implements the resource allocations determined through UVU’s PBA process as outlined in President Tuminez campus-wide forum (*Talk with Tuminez Allocations*) on April 22, 2019, and through action of the Board of Trustees. Very few changes have been made for 2019-20.



Institutional Discretionary Funds
2019-20 Initial Budget

Institutional Investment Income

	2018-19			2019-20
	Initial Budget	Revision 1	Revised Budget	Initial Budget
Revenue				
Investment Revenue From Prior Year	\$2,600,000	\$366,932	\$2,966,932	\$4,000,000
Carry forward from Prior Year	\$135,006	\$1,367,244	\$1,502,250	\$544,282
Available Revenue	\$2,735,006	\$1,734,176	\$4,469,182	\$4,544,282

Expenditure Category/Project	2018-19			2019-20
	Original Budget	Revision	Revised Budget	Initial Budget
Scholarships, Fellowships and Student Aid				
International Student Scholarships	\$147,739		\$147,739	\$150,251
Scholarship (President/Land)	\$15,000		\$15,000	\$15,000
Wolverine Ambassador Scholarship				\$26,000
CAL Lead Housing	\$215,400		\$215,400	\$215,400
Honors Housing	\$293,760		\$293,760	\$352,275
International Studies Student Aid	\$20,000		\$20,000	\$20,000
Internships	\$12,000	\$30,000	\$42,000	\$42,000
Government Internships	\$30,000	-\$30,000	\$0	
Fund Raising and Institutional Development				
Federal Funding Development	\$45,000		\$45,000	\$45,000
Development Support	\$142,251		\$142,251	\$142,251
Development Events	\$130,000		\$130,000	\$130,000
Enrichment of Institutional Cultural Programs				
Cultural Envoy Summer Bridge	\$15,000		\$15,000	\$0
Campus Development/Capital Facilities			\$0	
Geneva Property	\$1,300,000	\$1,300,000	\$2,600,000	\$1,300,000
Other Education and General Operating Support			\$0	
Student Marketing (Recruitment)	\$80,000	\$250	\$80,250	\$80,000
Out Of State Recruiting	\$30,000		\$30,000	\$30,000
International Fair	\$16,500		\$16,500	\$16,500
University Campaign	\$99,000	\$33,000	\$132,000	\$0
Contingency	\$143,356	\$400,926	\$544,282	\$1,979,605
TOTAL	\$2,735,006	\$1,734,176	\$4,469,182	\$4,544,282

Unrestricted Gifts

Revenue	2018-19			2019-20
	Original Budget	Revision	Revised	Initial Budget
Carry forward from Prior Year	\$115,266	\$2,736	\$118,002	\$97,781
Projected new revenue	\$11,000	\$0	\$11,000	\$11,000
Available Revenue	\$126,266	\$2,736	\$129,002	\$108,781

Expenditure Category	2018-19			2019-20
	Original Budget	Revision	Budget	Initial Budget
Fund Raising and Institutional Development				
Presidential Impact	\$78,539		\$78,539	\$62,852
Community Outreach	\$47,727	\$2,736	\$50,463	\$45,929
Total Expenditures	\$126,266	\$2,736	\$129,002	\$108,781

Appendixes

Appendix A: Tuition and Fees

TO: Utah State Board of Regents

FROM: Elaine S. Dalton, Chair, Utah Valley University Board of Trustees

DATE: March 14, 2019

SUBJECT: UVU's Proposed 2019-20 Tuition Increase

As outlined in Regents Policy R510, *Tuition*, UVU administration has consulted with UVU's Board of Trustees during the development and finalization of UVU's proposed 2019-20 tuition increase. The proposal below was reviewed by the Trustees Finance and Facilities Committee and approved by the Trustees Executive Committee, both on March 14, 2019. On March 27, the Trustees Executive Committee will present their action to the full Board for ratification.

Proposed Increase

After careful consideration, the Board of Trustees Executive Committee voted in support of UVU's recommended 2019-20 undergraduate tuition increase of 1.7 percent and graduate tuition rate increases between 1.5 and 1.8 percent (varies slightly by program) as shown below.

This proposed increase is consistent with UVU's access mission and commitment to keeping tuition and fees low and recognizes the new state tax fund support provided by the 2019 legislature. In recommending tuition and fee changes, the Board of Trustees is guided by the Board of Regents objective of affordable participation and by UVU's commitment to affordable access in support of our dual mission of community college and university. The proposed increase of 1.7 percent is the second lowest percentage and dollar amount increase in the past decade.

Proposed Use of Revenue

The proposed tuition increase will generate \$2,279,564. These funds will be utilized as follows:

2.5% labor market increase for salary/wages	\$1,114,593
4.35% medical premium increase	\$338,954
Risk Management rate increase	\$156,100
Faculty Rank/Tenure/Promotion/Merit	\$442,538
Student Mental Health Services	\$227,379
<hr/> Total	<hr/> \$2,279,564

Tuition Comparison

Per Semester	Tuition				Tuition & Fees			
	2018-19	Proposed 2019-20	Change		2018-19	Proposed 2019-20	Change	
			Amount	Percent			Amount	Percent
Undergraduate (15 credits)								
Resident	\$2,518	\$2,561	\$43	1.7%	\$2,863	\$2,910	\$47	1.6%
Non-resident	\$7,803	\$7,936	\$133	1.7%	\$8,148	\$8,285	\$137	1.7%
Graduate Base, MEd, MSN (10 credits)								
Resident	\$2,830	\$2,880	\$50	1.8%	\$3,180	\$3,230	\$50	1.6%
Non-resident	\$8,620	\$8,770	\$150	1.7%	\$8,970	\$9,120	\$150	1.7%
MBA (10 credits)								
Resident	\$6,120	\$6,210	\$90	1.5%	\$6,470	\$6,560	\$90	1.4%
Non-resident	\$13,280	\$13,490	\$210	1.6%	\$13,630	\$13,840	\$210	1.5%
Macc, MPFA (10 credits)								
Resident	\$5,010	\$5,100	\$90	1.8%	\$5,360	\$5,450	\$90	1.7%
Non-resident	\$12,170	\$12,380	\$210	1.7%	\$12,520	\$12,730	\$210	1.7%
MSW, MaMFT (10 credits)								
Resident	\$3,550	\$3,610	\$60	1.7%	\$3,900	\$3,960	\$60	1.5%
Non-resident	\$9,350	\$9,510	\$160	1.7%	\$9,700	\$9,860	\$160	1.6%
Computer Science (10 credits)								
Resident	\$3,800	\$3,870	\$70	1.8%	\$4,150	\$4,220	\$70	1.7%
Non-resident	\$9,600	\$9,760	\$160	1.7%	\$9,950	\$10,110	\$160	1.6%
Cybersecurity, MPS (10 credits)								
Resident	\$4,060	\$4,130	\$70	1.7%	\$4,410	\$4,480	\$70	1.6%
Non-resident	\$9,860	\$10,030	\$170	1.7%	\$10,210	\$10,380	\$170	1.7%

2019-2020 Student Fee Proposal

FEE NAME	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	Proposed 2019-2020	Increase/Decrease
Student Programs	\$49.90	\$51.19	\$46.19	\$46.19	\$46.19	\$46.54	\$0.35
Campus Recreation	\$16.66	\$16.45	\$21.97	\$22.67	\$22.67	\$25.21	\$2.54
Building Bonds	\$107.34	\$99.55	\$96.09	\$94.09	\$93.19	\$91.50	-\$1.69
Student Center O&M	\$28.24	\$27.94	\$28.94	\$28.94	\$28.94	\$30.94	\$2.00
SLWC O&M	\$30.32	\$29.00	\$24.98	\$24.98	\$24.98	\$23.98	-\$1.00
P.E. Issue Room	\$1.82	-	-	-	-	-	-
Athletics	\$92.79	\$99.05	\$98.82	\$104.35	\$104.85	\$104.85	\$0.00
Conference Aff. Fund	\$13.97	\$7.72	\$5.53	-	-	-	-
Student Health Services	\$8.66	\$8.52	\$8.52	\$9.27	\$9.67	\$11.47	\$1.80
Student Computing	\$7.42	\$7.75	\$7.42	\$7.97	\$7.97	\$7.97	\$0.00
UTA	\$6.88	\$6.83	\$6.54	\$6.54	\$6.54	\$6.54	\$0.00
Total	\$364.00	\$354.00	\$345.00	\$345.00	\$345.00	\$349.00	\$4.00

Explanation for Changes:

Student Programs	A \$0.35 increase was requested and approved to be put towards the operating budget of the Service Council housed within the Center of Social Impact. Funds will be used to expand programming focused on civic engagement and volunteerism.
Campus Recreation	A \$2.54 increase was requested and approved to create and maintain a Nutritionist as part of the Wellness Programs available to the general student body, \$0.18 to provide an operating budget for the Athletic Trainer, and \$1.02 to maintain the Rodeo program that was transferred from the Dean of Students office into Campus Recreation.
Building Bonds	With the current bond for the Sorenson Student Center (SC) coming close to be being paid, a \$1.69 decrease will allow for sufficient funds to make bond payments in addition to preparing funds for an expansion/remodel of the SC.
Student Center O&M	A \$2.00 increase was requested and approved to provide necessary funds for maintenance and needs for the aging Sorenson Student Center (SC).
SLWC O&M	A \$1.00 decrease will provide sufficient funds for building maintenance without yielding to an unnecessary surplus of funds.
Student Health Services	A \$0.13 increase was requested to cover the costs associated with increasing the availability of a part time medical assistant for Fridays. An additional increase of \$1.67 (totaling \$1.80) was proposed and approved by the Student Council. With the growing concerns and needs surrounding mental health, the Student Council made the determination that an additional \$1.67 was needed to establish a mental health therapist position. This increase should not be interpreted as an ongoing practice where an increase of student fees is made to provide the mental health support students need, but rather a contribution to the cause. Student council is hopeful that UVU administration and the state legislature will support the need by allocating additional funds to create additional positions to reach the therapist to student ratio of 1:1500.

Appendix B: Core Themes and Administrative Imperatives



Utah Valley University Mission

*Mission Statement, Values,
Action Commitments, and Objectives*

*Approved by
Utah Valley University Board of Trustees, April 16, 2019
Utah State Board of Regents, May 17, 2019*

MISSION STATEMENT

Utah Valley University is an integrated university and community college that educates every student for success in work and life through excellence in engaged teaching, services, and scholarship.

VALUES

UVU’s culture supports our mission of student success. Student success encompasses both terminal degrees and the holistic education of students, and we believe that we can fulfill this mission best in an environment that allows all individuals to thrive personally and professionally. To this end, UVU operates in accordance with three core values: exceptional care, exceptional accountability, and exceptional results.

Exceptional Care

We invite people to “come as you are” and let them know that “UVU has a place for you.” Care means that we strive always to “see” the person in front of us—their strengths and weaknesses, struggles and triumphs, past and potential, and inherent dignity and worth. This does not mean that we set low expectations or make excuses for poor efforts. Instead, our commitment to exceptional care means that

we set the bar high and provide challenging, honest conversations and feedback because we are deeply invested in seeing every member of our community succeed.

Exceptional Accountability

We are strongly committed to working ethically and effectively. We approach each situation from a position of integrity, knowing that everything we do can help or hinder a positive student experience. We honor the resources and mandates we have been entrusted with and strive always to do our best with what is under our control. We respect each member of our community, seek to understand and fulfill our responsibilities, and recognize both individual and collective successes.

Exceptional Results

We are committed to creating opportunity systematically for as many people as possible. Our engaged curricula, programs, and partnerships address the intellectual and practical needs of our service area and the larger community. We seek to prepare our students to thrive in a rapidly changing economy and an interdependent, complex world. We aspire to greatness in all that we do, while also measuring progress against rigorous metrics that show our students are becoming competent and ethical professionals, lifelong learners, and engaged citizens.

ACTION COMMITMENTS AND OBJECTIVES

Student Success is the essence of UVU's mission and the focus of the mission statement. Action commitments identify thematic areas of activity that lead toward fulfillment of the mission. Objectives are specific actions that UVU will take to achieve its mission. They are not themselves specific, actionable goals for the university, but will be implemented in operational and organizational plans. Success is defined by metrics that assess achievement of the objectives. This structure is identical to UVU's current framework and complies with the requirements of the Northwest Commission on Colleges and Universities (NWCCU), UVU's institutional accreditor.

Include

Objective 1: UVU integrates educational opportunities appropriate to both community colleges and universities.

Objective 2: UVU provides accessible, equitable, and culturally diverse learning experiences and resources for students of all backgrounds, including those historically underrepresented in higher education.

Objective 3: UVU fosters an inviting, safe, and supportive environment in which students, faculty, and staff can succeed.

Engage

Objective 1: UVU faculty, staff, and students practice excellent, engaged teaching and learning activities as a community of scholars, creators, and practitioners.

Objective 2: UVU develops relationships and outreach opportunities with students, alumni, and community stakeholders.

Objective 3: UVU employees demonstrate a commitment to student success, professionalism, ethics, and accountability.

Achieve

Objective 1: UVU supports students in completing their educational goals.

Objective 2: UVU students master the learning outcomes of the university and their programs.

Objective 3: UVU prepares students for success in their subsequent learning, professional, and civic pursuits.

2018-19 Areas of Focus

UVU identified three university-wide areas of focus for continuous improvement efforts and resource allocations during 2018-19.

1. Improve student retention, persistence, learning, and completion. *(Achieve Objective 1—UVU supports students in completing their educational goals.)*
2. Pursue excellence in engaged learning that promotes success in undergraduate scholarship, post-graduation career pursuits, and civic responsibility. *(Achieve Objective 3— UVU prepares students for success in their subsequent learning, professional, and civic pursuits.)*
3. Strengthen outreach and internal academic and student support efforts for students from historically underrepresented cultural backgrounds and those who are first-generation and low-income. *(Include Objective 2—UVU provides accessible, equitable and culturally diverse learning experiences and resources for students of all backgrounds, including those historically underrepresented in higher education.)*

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. In particular, UPAC considered the 2017 NWCCU Self-Study and Evaluators Reports, the 2016 UPAC Mission Fulfillment Self-Evaluation, and the 2015 UPAC SWOT analysis.

UTAH VALLEY UNIVERSITY

ALLOCATION SUMMARY

Talk with Tuminez-April 22, 2019

Action Commitments	Division	School / College/ Unit	Request #	Allocation	Appropriated			Non-Appropriated		
					2018-19 One-time	2019-20 Base	2019-20 One-time	2018-19 One-time	2019-20 Base	2019-20 One-time
INCLUDE										
UVU integrates educational opportunities appropriate to both community colleges and universities										
Enhance and expand career & technical education and two-year degree programs										
Faculty, Automotive Power Sports	Academic Affairs	CET	278	Dec/Jan		\$99,427				
AS in Intelligence Studies hourly faculty, operating funds	Academic Affairs	CHPS		Dec/Jan		\$10,821				
Enhance and expand STEM programs										
Faculty, Civil Engineering	Academic Affairs	CET	97	Dec/Jan		\$143,671				
Faculty, Mechanical Engineering	Academic Affairs	CET	95	Dec/Jan		\$155,347				
Faculty, Mathematics (calculus)	Academic Affairs	COS	257	Dec/Jan		\$0				
Faculty, Information Technology	Academic Affairs	CET	71	April		\$138,480				
Faculty, Biology (Genomics/Bioinformatics/Computational)	Academic Affairs	COS	255	April		\$134,584				
Faculty, Computer Science Data Science	Academic Affairs	CET	73	April		\$137,219				
Faculty, Computer Science Data Science	Academic Affairs	CET	73	April		\$137,219				
Lecturer, Information Technology System -Strategic Workforce Initiative reallocation	Academic Affairs	CET		April		\$0				
Enhance and expand undergraduate health professions programs										
Respiratory Therapy Summer Faculty	Academic Affairs	CHPS		Dec/Jan		\$18,333				
Faculty, Nursing	Academic Affairs	CHPS	205	April		\$113,929				
Faculty, Nursing	Academic Affairs	CHPS	205	April		\$113,929				
Faculty, Biology (BIOL 1610)	Academic Affairs	COS	254	April		\$107,108				
Dental Hygiene chairs	Academic Affairs	CHPS	204	April	\$257,000					
Enhance and expand new undergraduate programs										
Faculty, BS Family Science (HE)	Academic Affairs	CHSS		Dec/Jan		\$71,079				
Family Science hourly staff, operating funds	Academic Affairs	CHSS		Dec/Jan		\$13,978				
BS Special Education hourly faculty	Academic Affairs	SOE		Dec/Jan		\$15,255				
Expand graduate programs										
Master Ed Leadership (M Ed) Summer ICHE (9)	Academic Affairs	SOE	91	Dec/Jan		\$24,799				
Faculty, Master Ed Leadership(MEd)	Academic Affairs	SOE	85	Dec/Jan		\$124,007				
Faculty, Physician Assistant Program (PA)	Academic Affairs	CHPS	209	Dec/Jan		\$160,877				
Faculty, Physician Assistant Program (PA)	Academic Affairs	CHPS	211	Dec/Jan		\$160,877				
Faculty, Physician Assistant Program (PA)	Academic Affairs	CHPS		April			\$160,877			
Hourly Faculty, Physician Assistant Program (PA)	Academic Affairs	CHPS	213	Dec/Jan		\$51,788				
Hourly Medical Director, Physician Assistant Program (PA)	Academic Affairs	CHPS	206	Dec/Jan		\$54,000				
Staff, Administrative Assistant, Clinical Director, Physician Assistant Program (PA)	Academic Affairs	CHPS	208	Dec/Jan		\$64,244				
Staff, Admissions Specialist, Physician Assistant Program (PA)	Academic Affairs	CHPS	207	Dec/Jan		\$71,347				
Faculty, Masters Financial Planning and Analytics (MFPA)	Academic Affairs	WSB	48	Dec/Jan		\$175,924				
Professional in Residence, Masters Financial Planning and Analytics (MFPA) Staff,	Academic Affairs	WSB	49	Dec/Jan		\$173,167				
Administrative Assistant, Masters Financial Planning and Analytics (MFPA) Staff,	Academic Affairs	WSB	65	Dec/Jan		\$64,244				
Program Manager, Masters Financial Planning and Analytics (MFPA) Director,	Academic Affairs	WSB		Dec/Jan		\$68,854				
Masters Financial Planning and Analytics (MFPA)	Academic Affairs	WSB		Dec/Jan		\$12,290				
Hourly Faculty, Masters Financial Planning and Analytics (MFPA)	Academic Affairs	WSB		Dec/Jan		\$54,000				
Graduate Assistants, Masters Financial Planning and Analytics (MFPA)	Academic Affairs	WSB		Dec/Jan		\$57,590				
Masters Financial Planning and Analytics (MFPA) operating funds	Academic Affairs	WSB		Dec/Jan		\$51,000				
Faculty, Masters in Marriage & Family Therapy (MFT)	Academic Affairs	CHSS	178	Dec/Jan		\$112,823				
Staff, Masters in Marriage & Family Therapy (MFT)	Academic Affairs	CHSS		Dec/Jan		\$85,559				
Masters in Marriage & Family Therapy (MFT) operating and travel funds	Academic Affairs	CHSS		Dec/Jan		\$6,500	\$13,745			
Faculty, Med Higher Ed Leadership (MEd)	Academic Affairs	SOE	420	April		\$108,604				
Med Higher Ed. Leadership (MEd) Summer hourly	Academic Affairs	SOE		April		\$3,662				
Med Higher Ed. Leadership (MEd) Summer ICHE (3)	Academic Affairs	SOE	421	April		\$8,266				
Enhance graduate programs										
Master Computer Science (MCS) hourly faculty	Academic Affairs	CET	107	Dec/Jan		\$9,603				
Master Cybersecurity Summer ICHE (3)	Academic Affairs	CET		Dec/Jan		\$8,185				
Master Public Services (MPS) Summer ICHE (12)	Academic Affairs	CHPS	220	Dec/Jan		\$33,065				
Master Public Services (MPS) Advisor/Administrative Assistant	Academic Affairs	CHPS	408	April		\$18,144				
Master Public Services (MPS) Director Stipend	Academic Affairs	CHPS	409	April		\$16,328				
Master Public Services (MPS) operating funds	Academic Affairs	CHPS	411	April		\$10,000				

	Division	School / College/ Unit	Request #	Allocation	2018-19 One-time	2019-20 Base	2019-20 One-time	2018-19 One-time	2019-20 Base	2019-20 One-time
Action Commitments										
UVU provides accessible, equitable, and culturally diverse learning experiences and resources for students of all backgrounds, including those historically underrepresented in higher education. Area of Focus 3--Strengthen outreach and internal academic and student support efforts for students from historically underrepresented cultural backgrounds and those who are first-generation and low-income.										
UVU Prep	Student Affairs	G&O	297	Dec/Jan	\$72,500					
African Student Initiative	Student Affairs	SSR	321	April			\$28,720			
Governor's Native American Summit	Student Affairs	SSR	322	April			\$10,000			
Multicultural Operating	Student Affairs	SSR	323	April			\$8,280			
Inclusion Plan Development Summer hourly faculty	President	CIDO		April	\$30,000					
Women Success Center Programming and Fundraising	Student Affairs	SSR	224	April		\$60,000				
Accessibility remediation of online courses	Academic Affairs	AA AP	94	April			\$32,400			
UVU fosters an inviting, safe, and supportive environment in which students, faculty, and staff can succeed.										
Expand mental health resources for students										
SafeUT App	Student Affairs	SL	308	Dec/Jan	\$37,126					
Staff, Mental Health Therapist	Student Affairs	SL	317	April					\$97,611	
Staff, Mental Health Therapist	Student Affairs	SL	316	April		\$97,611				
Staff, Mental Health Therapist	Student Affairs	SL	316	April		\$97,611				
Psychiatric Nurse Practitioner (PT)	Student Affairs	SL	217	April		\$70,761				
Enhance inviting, safe, and supportive campus environment										
Mamava Lactation Suites	Planning, Budget, Human Resources /Student Affairs	HR/SL	215	April	\$120,000					
Reflection Center	Student Affairs Finance and Administration	SL	419	April		\$16,040				
Staff, Police Dispatcher	Administration Finance and Administration	FAC	348	April		\$64,244				
Staff, Police Officer	Administration	FAC	347	April		\$76,745				
ENGAGE										
UVU faculty, staff, and students practice excellent, engaged teaching and learning activities as a community of scholars, creators, and practitioners										
Enhance instructional and academic support services										
Staff, Librarian Head of Reference & Instruction	Academic Affairs	AA AA	6	April		\$102,036				
Integrated Library System	Academic Affairs	AA AA	400	Dec/Jan	\$50,000					
IRB Management	Academic Affairs	AA EL	35	Dec/Jan	\$17,461	\$34,921				
Motivational Information Systems	Academic Affairs	WSB	58	Dec/Jan	\$85,000					
Proctorio--exam proctoring in Canvas	Academic Affairs	AA AA	77	Dec/Jan			\$156,000		\$156,000	
Research Officer	Academic Affairs	AA	80	April		\$58,223				
Staff, SOA Asst. Dean for Arts & Creative Engagement	Academic Affairs	SOA	426	April		\$175,190				
Utah Women & Leadership Project operating funds	Academic Affairs	WSB	1	April		\$45,000				
Seed Funding for Tech Commercialization	President	GC	395	April	\$100,000					
Internship 3x3	Academic Affairs	AA EL	31				\$100,000			
UVU develops relationships and outreach opportunities with students, alumni, and community stakeholders.										
Enhance support for communication materials, programs, and events										
SOA Marketing	Academic Affairs	SOA	272	Dec/Jan	\$75,000					
COED Marketing Equipment	Academic Affairs	COED	267	April	\$20,000					
Staff, SOA Web Developer (with existing funds and embedded in Web Dev.)	Academic Affairs	SOA	270	April		\$30,553				
Events support/inauguration	President	OP		Dec/Jan	\$100,325					
Libris	University Relations	MC	124	April	\$10,000					
Social Media Command Center Program	University Relations	MC	128	April			\$40,000			
Staff, Director of Photography	University Relations	MC	118	April		\$113,944				
UR Base Budget	University Relations	UR	127	April		\$75,000				
Strengthen UVU's community engagement and academic outreach										
Community Engagement	University Relations	UR AA	144, 126	Dec/Jan	\$35,000					
United Nations engagement	Academic Affairs	EL		April			\$55,000			
Homecoming marketing	Institutional Advancement	DEV	288	April		\$10,017				
COED PT project support	Academic Affairs	COED	237	April		\$60,000				
Community Engagement	Academic Affairs	COED	264	April		\$10,000				
Enhance, expand, and operate facilities that support community engagement										
Lakemount Manor O&M	Finance and Administration	FAC		Dec/Jan	\$150,000	\$95,365			\$250,000	
Staff, Grounds Specialist (Lakemount Manor O&M)	Finance and Administration	FAC		Dec/Jan		\$54,635				
Noorda O&M	Finance and Administration	FAC		Dec/Jan	\$19,200	\$486,400				
Remodel and Maintenance fund for Thanksgiving Point	Finance and Administration	FAC	424	April	\$450,000					
Sign for Thanksgiving Point	Finance and Administration	FAC		April	\$100,000					
Lockhart Arena Improvements	Finance and Administration	FG	37	April	\$240,000					

Action Commitments	Division	School / College/ Unit	Request #	Allocation	2018-19 One-time	2019-20 Base	2019-20 One-time	2018-19 One-time	2019-20 Base	2019-20 One-time
UVU employees demonstrate a commitment to student success, professionalism, ethics, and accountability.										
Compensation										
\$100 base increase for all full-time employees						\$237,526				
1% COLA for all full-time employees						\$1,434,011				
Full-time faculty rank/tenure advancements, merit pay, market equity						\$1,772,987				
Full-time staff merit pay, market equity						\$1,598,049				
Executive merit, market equity, retention						\$148,529				
Adjunct faculty rate increase of 3.55 percent						\$829,856				
Hourly staff rate and hourly staff budget increase of 1.5 percent; market equity						\$386,747				
Medical Premium increase 4.35 percent						\$1,355,815				
Improve employee recognition										
Faculty Excellence Awards for Lecturers	Academic Affairs	AA FS	52	Dec/Jan	\$14,748	\$14,748				
Faculty Senate Awards of Excellence	Academic Affairs	AA FS		April	\$37,500	\$37,500				
PACE Awards of Excellence	Planning, Budget, Human Resources	PACE		April	\$9,976	\$9,976				
Expand employee engagement, training and development										
PACE Events operating funds	Planning, Budget, Human Resources	PACE	123	April		\$17,000				
Staff Education Funds	Planning, Budget, Human Resources	PACE	120	April		\$40,000				
LinkedIn Learning	Planning, Budget, Human Resources	HR	81	April		\$32,200				
Employee Discrimination and Title IX training	Planning, Budget, Human Resources	EO/AA	200	April		\$30,500				
Adjunct Training OTL	Academic Affairs	AA AP	89	April		\$50,000	\$55,300			
Teaching Excellence Certification Pathways	Academic Affairs	AA AP	214	April			\$165,900			
Summer Stipend for Faculty Senate	Academic Affairs	AA	50	April		\$6,636				
Strengthen culture of responsibility, ethics, and risk management										
Attorney General (tax funds)	Institutional	Institutional		April		\$187,000				
Risk Management Rate Increases (tax funds/tuition)	Institutional Planning, Budget, Human Resources/Academic Affairs	Institutional				\$292,300				
Staff, Employee Relations Asst Director	Resources/Academic Affairs	AA	423	April		\$105,820				
Staff Attorney	President	GC	367	April		\$117,944				
Staff, Compliance Program Manager	President	GC	299	April		\$105,820				
Office of General Counsel operating funds	President	GC	300	April		\$15,000				
Computer Equipment and Training Materials	President	GC	300	April			\$12,000			
Staff, Sustainability Coordinator	Finance and Administration	FAC	338	Dec/Jan	\$38,281	\$77,375				
Staff, Fixed Asset Accountant	Finance and Administration	FG	155	April		\$98,424				
Staff, Environmental Health Coordinator (PT to FT)	Finance and Administration	ESS	148	April		\$60,095				
Hazardous Materials/Waste Database	Finance and Administration	ESS	147	April		\$20,000				
ACHIEVE										
UVU supports students in completing their educational goals										
Area of Focus 1—Improve student retention, persistence, learning, and completion										
Improve access to full-time faculty, particularly in high demand programs										
Lecturers, Critical Need (5)	Academic Affairs	AA	115	April		\$466,410				
Faculty, DGM Audio	Academic Affairs	CET	84	April		\$100,410				
Faculty, Digital Marketing	Academic Affairs	WSB	149	April		\$171,324				
Faculty, Aviation Science	Academic Affairs	CHPS		April		\$111,717				
Faculty, BSW Field Director	Academic Affairs	CHSS	180	April		\$104,220				
Lecturer, BSW Social Work	Academic Affairs	CHSS	179	April		\$97,584				
Lecturer, Communication Studies	Academic Affairs	CHSS	67	April		\$93,528				
Faculty, Communications, Public Relations	Academic Affairs	CHSS	69	April		\$104,343				
Faculty, Psychology, Developmental Psychologist	Academic Affairs	CHSS	177	April		\$105,818				
Faculty, Psychology, Developmental Psychologist	Academic Affairs	CHSS	177	April		\$105,818				
Faculty, Psychology Cognitive Neuroscientist	Academic Affairs	CHSS	181	April		\$105,818				
Faculty, Physics--Astronomy	Academic Affairs	COS	253	April		\$109,683				
Faculty, Accounting	Academic Affairs	WSB	152	April		\$191,602				
Faculty, Organizational Leadership	Academic Affairs	WSB	136	April		\$161,492				
Faculty, Organizational Leadership	Academic Affairs	WSB	136	April		\$161,492				
Faculty, Statistics	Academic Affairs	WSB	150	April		\$167,022				
Faculty, Strategic Management & Operations	Academic Affairs	WSB	150	April		\$167,022				
Improve student retention										
Staff, Director-First Year Advising Center and operating	Academic Affairs	AA AP	415, 416, 417	April		\$373,883				
Staff, Academic Advisors, First Year Advising Center (7)	Academic Affairs	AA AP		April		\$578,909				
Retention Mentors	Student Affairs	SSR	318	April		\$60,480				

Action Commitments	Division	School / College/ Unit	Request #	Allocation	2018-19 One-time	2019-20 Base	2019-20 One-time	2018-19 One-time	2019-20 Base	2019-20 One-time
Improve and support onboarding-through-graduation student support programs/services										
Staff, Degree Works Administrator	Student Affairs	EM	303	April		\$85,559				
Staff, Graduation Advisor (PT to FT)	Student Affairs	EM	302	April		\$34,089				
Staff, International Admissions Coordinator (PT to FT)	Student Affairs	SSR	306	April		\$52,374				
Staff, Project Manager Completion Initiatives	Student Affairs	SSR	210	April		\$98,424				
Staff, Assistant Manager Campus Connection	Student Affairs	SL	296						\$68,854	
Wolverine Ambassador Scholarship	Student Affairs	EM		April					\$26,000	
Graduation Supplies	Student Affairs	EM	304	April		\$30,000				
Admission Welcome Calls	Student Affairs	EM	307	April			\$30,000			
Freshman Reading Program	Student Affairs	SSR	320	April			\$35,000			
Peer Advising Pilot Expansion	Academic Affairs	AA AP	135	April			\$100,000			
Increase sections and support services to meet enrollment growth										
CHPS Net Adds	Academic Affairs	CHPS		April	\$75,859	\$78,552				
CHSS Net Adds	Academic Affairs	CHSS		April	\$242,258	\$250,858				
COS Net Adds	Academic Affairs	COS		April	\$162,803	\$168,583				
CET Net Adds	Academic Affairs	CET		April	\$169,191	\$175,198				
SOA Net Adds	Academic Affairs	SOA		April	\$69,787	\$72,265				
UC Net Adds	Academic Affairs	UC		April	\$30,648	\$31,736				
WSB Net Adds	Academic Affairs	WSB		April	\$229,163	\$237,298				
Support instructional, academic support, and student services programs and equipment										
Hourly staff, NSS/Forensic Science	Academic Affairs	CHPS	202	Dec/Jan	\$9,720	\$19,440				
Faculty/Staff, Mathematics Course Manager (reallocation)	Academic Affairs	COS	260	Dec/Jan		\$0				
Academic Affairs equipment, faculty training, and hourly staff, UN conference	Academic Affairs	AA	TBD	April	\$186,400					
Pianos and sound equipment in Noorda	Academic Affairs	SOA	273	April	\$1,000,000					
Classroom equipment	Academic Affairs	AA AA	27	April	\$350,000					
Canvas data	Academic Affairs	AA AA	427	April		\$20,000				
Library Database Inflation	Academic Affairs	AA AA	9	April		\$20,000				
Security Gates - Library	Academic Affairs	AA AA	12	April	\$75,000					
GE Logiq S7 Ultrasound	Academic Affairs	COS	242	April	\$60,000					
Laptop Computer Cart (Statistics)	Academic Affairs	COS	261	April	\$60,000					
CHPS R&R	Academic Affairs	CHPS	203	April	\$35,000					
Ethics in Public Life (Appomattox Project)	Academic Affairs	AA	271	April			\$20,000			
UVU students master the learning outcomes of the university and their programs										
Staff, Supplemental Instruction Coordinator	Academic Affairs	UC	161	April		\$79,975				
Supplemental instruction	Academic Affairs	UC	102	April		\$243,000				
ALEKS	Academic Affairs	AA AP	133	April		\$75,000				
UVU prepares students for success in their subsequent learning, professional, and civic pursuits										
Area of Focus 2--Pursue excellence in engaged learning that promotes success in undergraduate scholarship, post-graduation career pursuits, and civic responsibility										
Implement and sustain engaged learning opportunities										
SOE Summer ICHE for Internships (15)	Academic Affairs	SOE	129	April		\$41,331				
Honors Housing	Academic Affairs	AA AP	401	April					\$58,515	
Title III Administrative Assistant	Academic Affairs	AA EL	428	April		\$20,435				
Presidential Internship	President	OP	390	April		\$5,208				
OPERATE EFFECTIVELY										
UVU strategically allocates resources to achieve institutional objectives										
Implement and sustain innovative practices and technology systems										
Digital Transformation VP and operating funds	President	OP		April		\$300,000				
Digital Transformation Investment	Finance and Administration	IT	356, 374	April		\$50,000				
Support and sustain technology solutions, systems, and infrastructure										
Staff, Security Analyst	Finance and Administration	IT	387	April		\$113,944				
Next Gen Firewall/Software Expansion	Finance and Administration	IT	387	April		\$70,000				
Advanced Endpoint Protection	Finance and Administration	IT	387	April		\$95,000				
Wireless controller replacement	Finance and Administration	IT	364	April	\$375,000					
Software & Hardware maintenance	Finance and Administration	IT	361	April		\$268,000				
Staff, System Administrator III for Labs	Finance and Administration	IT	371	April		\$102,036				
Computer Pods	Student Affairs	SL	310	April	\$78,000					
IT Accessibility Initiative	Finance and Administration	IT	368	April			\$84,595			
IT Security Initiative-Firewall	Finance and Administration	IT	366	April	\$140,000					
CheckPoint and Computer Asset Management	Finance and Administration	IT	365	April			\$126,405			

Action Commitments	Division	School / College/ Unit	Request #	Allocation	2018-19 One-time	2019-20 Base	2019-20 One-time	2018-19 One-time	2019-20 Base	2019-20 One-time
Provide staffing, operating funds, and equipment to support programs and services										
Staff, Softball Assistant Coach	Finance and Administration	Athletics	333	April		\$70,265				
Staff, Track & Field Assistant Coach	Finance and Administration	Athletics	334	April		\$64,088				
Staff, Women's Basketball Operations	Finance and Administration	Athletics		April		\$74,893				
Project Management Platform	University Relations	MC	130	April			\$55,000			
Communications Headsets	Finance and Administration	Athletics	343	April	\$24,000					
Campus Image Committee & Student Branding	University Relations Finance	MC	141	April			\$240,000			
Alter G Rehab Machine	and Administration Finance	Athletics	340	April	\$70,000					
Inkjet T-shirt printer	and Administration Finance	FG	154	April	\$60,000					
Staff, Director of Departmental Accounting	and Administration Finance	FG	156	April		\$127,650				
Staff, UCCU Center Admin II	and Administration	FG	36	April		\$56,360				
Staff, AVP for University Relations	University Relations	UR	164	April		\$180,837				
Staff, Business System Analyst HRIS	Planning, Budget, Human Resources	HR	39	April		\$91,690				
Staff, Administrative Assistant, IT	Finance and Administration	IT	357	April		\$64,244				
Staff, Web content developer for IA	Institutional Advancement	ADV	76	April		\$88,553				
	Finance and Administration /Student Affairs Institutional	IT/SL	185	April		\$85,983				
Staff, Audio/Video Srvc Engineering Technician III	Advancement University	ADV	169	April		\$10,000				
FunDriver annual fee	Relations Institutional	UR	114	Dec/Jan	\$15,896	\$47,687	\$47,687			
Staff, Licensing/Trademark	Advancement Institutional	ADV	277	Dec/Jan	\$22,838	\$46,489			\$20,000	
Staff, Assistant Accounting	Advancement Institutional	DEV	330	April			\$150,000			
Preparation for comprehensive fundraising campaign	Advancement Institutional	ADV	194	April	\$20,000					
Document scanning project completion	Advancement Finance and	ADV	173	April	\$11,600					
Data hygiene	Administration Academic	FG	399	April		\$70,000				
Employee UTA passes UBIT	Affairs	COED	268	April	\$35,000					
COED Vehicle										
Enhance and remodel facilities										
Office space for PA Program	Finance and Administration	FAC	216	Dec/Jan	\$210,000					
Art & Design Remodeling	Finance and Administration	FAC	231	Dec/Jan	\$1,000,000					
Financial Aid Remodel	Finance and Administration	FAC	305	April	\$250,000					
Losee 4th Floor Northeast Build Out	Finance and Administration	FAC	324	April	\$450,000					
Facilities Equipment	Finance and Administration	FAC	351	April	\$560,000					
Additional office space and remodels	Academic Affairs	AA	TBD	April	\$1,000,000					
ITV Classrooms	Academic Affairs	COED	265	April	\$200,000					
Live Interactive Classrooms	Academic Affairs	AA AA	29	April	\$288,000					
Budget stabilization										
Restore Contingencies	Institutional	Institutional		Dec/Jan		\$314,300				
Endowed Chair Backfill (19-20 last year)	Academic Affairs	SOE		April			\$27,681			
Adobe soft to hard funding	Finance and Administration	IT	363	April		\$90,000				
TOTAL					\$9,635,280	\$21,976,199	\$1,598,590	\$156,000	\$676,980	\$0

19-20 Salary and Wage Increases

Within the boundaries of financial feasibility and sustainability, Utah Valley University implements compensation increases aligned with [UVU's Compensation Philosophy](#). UVU seeks to provide wages, salaries, and benefits that are competitive within appropriate labor markets, promote internal equity across diverse university functions, and ensure consistency in meeting compliance requirements while remaining flexible in responding to internal and external workforce changes. Salary and wage increases are established to reward performance, respond to external labor market changes, and promote internal equity.

Full-time Faculty

- A. Effective July 1, 2019, **all** full-time salaried faculty will receive
 - \$100 base salary increase to cover the employee increase for medical premiums
 - 1 percent base salary cost-of-living increase

- B. **All** full-time salaried faculty in good standing* are eligible to receive a market equity base salary increase. Market equity increases are determined based on the faculty member's compa-ratio compared to market equity targets established by Academic Affairs. UVU has allocated 1.71 percent of budgeted base faculty salaries to fund 2019-20 faculty market equity base salary increases.
 - A faculty member's compa-ratio is calculated by comparing the faculty member's base salary to market survey midpoint for the benchmarked position (based on rank and discipline).
 - The minimum faculty market equity increase will be \$250; the maximum faculty market equity increase will be \$5,000.

2019-20 Faculty Market Equity

Compa-ratio Ranges

	≤ 80%	> 80% but ≤ 90%	> 90% but ≤ 100%	> 100%
Tenured and Tenure Track	Greater of 2.2% or \$5,000	2.10%	1.80%	1.65%

Compa-ratio Range

	≤ 75%	> 75% but ≤ 100%	> 100% but ≤ 150%
Non-tenure track	Greater of 2.2% or \$5,000	1.80%	1.65%

- C. Full-time salaried faculty members approved for rank or tenure promotion will receive base salary increases as follows:

Advancement to Associate Professor: \$4,000

Advancement to Professor: \$6,000

- D. Tenured faculty members are eligible to receive a merit pay base salary increase in accordance with the Faculty Senate approved implementation plan for Policy 654.

- Year Two implementation
 - Qualified faculty tenured in a year ending in 4 or 9 receive \$960
 - All qualified tenured faculty receive \$334

- E. Summer ICHE rate will increase from \$2,166 to \$2,242 per credit hour beginning with Summer 2019.

- F. Stipends for department chairs and directors will increase by 3.5 percent beginning July 1, 2019.

Adjunct Faculty

Adjunct Faculty hourly and semester appointment pay rates will increase by 3.55 percent effective Summer 2019 (rate for a 3-credit hour course will increase from \$2,960 to \$3,065). Appropriated hourly faculty budgets will be increased by 3.55 percent.

Exempt and Non-Exempt Full-time Staff

- A. Effective July 1, 2019, **all** full-time exempt and non-exempt staff will receive
- \$100 base salary increase to cover the employee increase for medical premiums
 - 1 percent base salary cost-of-living increase
- B. Eligible staff will receive a merit pay increase, effective July 1, 2019, if
1. Employed in a full-time position by June 30, 2018, and
 2. 2018 performance evaluation was submitted by March 15, 2019, and
 3. In good standing* as of July 1, 2019

Staff merit pay increases are based on the staff member's compa-ratio and performance evaluation rating. Below is a sample merit matrix. The compa-ratio ranges and the merit ratings ranges (column and row headings) are the same across the university; the percentage increases (in gray) are for illustration purposes only and represent the 2019-20 staff merit matrix *if* UVU used only one comprehensive matrix. HR generates a unique merit matrix for each division, separating exempt from nonexempt, calculated to distribute that division's portion of merit funds based on the distribution of that division's performance evaluation ratings and compa-ratios. UVU has allocated 1.6 percent of budgeted base staff salaries to fund 2019-20 staff merit pay increases.

Illustration of 2019-20 Staff Merit Matrix

		Compa-ratio Ranges			
		< 90%	≥ 90% but < 105%	≥ 105% but < top of salary scale for the grade	> top of salary scale for the grade
		Difference between Compa-ratio Ranges = 0.25%			
Merit Ranges (Performance Review Composite Score)	≤ 2.4	0.00%	0.00%	0.00%	0.00%
	2.5 to 2.9	0.40%	0.15%	0.00%	0.00%
	3.0 to 3.4	0.90%	0.65%	0.40%	0.40%
	3.5 to 3.9	1.40%	1.15%	0.90%	0.90%
	4.0 to 4.4	1.90%	1.65%	1.40%	1.40%
	≥ 4.5	2.40%	2.15%	1.90%	1.90%
		Merit Base Salary Increase			1 time merit payment

- C. Some exempt and non-exempt staff may receive market equity pay increases, effective July 1, 2019, resulting from the following:
- A. The elimination of grades 5 and 6 from the staff salary scale
 - B. The movement of positions from grades 5 and 6 to grade 7 or higher
 - C. Adjustments to address compression directly created by moving positions from grades 5 and 6
 - D. Adjustment of the staff salary scales to increase all grade midpoints by 2 percent; staff with salaries falling below 80 percent of the adjusted grade midpoint will be increased to 80 percent
 - E. Adjustment of positions with an identified difference of 10 percent or greater between current grade midpoint and benchmarked market midpoint

Hourly Staff

- A. All hourly staff, including students, will receive a 1.5 percent pay rate increase effective July 1, 2019.
- B. Some hourly staff may receive market equity pay increases, effective July 1, 2019, resulting from the following:
1. The elimination of grades 5 and 6 from the staff salary scale
 2. The movement of positions from grades 5 and 6 to grade 7 or higher
 3. Adjustments to address compression directly created by moving positions from grades 5 and 6
 4. Adjustment of the staff salary scale to increase all grade midpoints by 2 percent; hour staff with pay rates falling below 80 percent of the adjusted grade midpoint will be increased to 80 percent
 5. Adjustment of positions with an identified difference of 10 percent or greater between current grade midpoint and benchmarked market midpoint
- C. Effective July 1, 2019, the minimum student hourly pay rate will be increased from \$7.91 per hour to \$9.00 per hour; the maximum student hourly pay rate will be increased from \$16.56 per hour to \$18.00 per hour. Student employees with an hourly pay rate on June 30, 2019, of less than \$8.67 per hour will be have their hourly pay rate increased to \$9.00 per hour effective July 1, 2019.

Executives (excluding the President whose salary is established by the Board of Regents)

- A. Effective July 1, 2019, **all** executives will receive
- \$100 base salary increase to cover the employee increase for medical premiums
 - 1 percent base salary cost-of-living increase
- B. Executives in good standing* are eligible to receive a merit/market equity pay increase as determined by the President, effective July 1, 2019, if a performance evaluation has been completed.



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	Policy 152 Accommodations for Individuals with Disabilities (TEMPORARY EMERGENCY)
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Kyle Reyes, VP of Student Affairs Linda Makin, VP of Planning, Budget, and HR
SUBJECT:	Policy 152 Accommodations for Individuals with Disabilities (TEMPORARY EMERGENCY)
BACKGROUND:	This policy has been updated to shore up compliance with the <i>American with Disabilities Act (ADA)</i> , <i>American with Disabilities Act Amendment Act</i> , and Section 503 of the <i>Rehabilitation Act</i> and to set forth more detailed procedures related to employee and student requests for accommodation.
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve <i>Policy 152 Accommodations for Individuals with Disabilities.</i>” • Amend and approve, “I move to approve, as amended, <i>Policy 152 Accommodations for Individuals with Disabilities.</i>” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	Policy 152 Draft 2019.04.12 Stage 2.Temporary Emergency_BOT.pdf



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Proposed Policy Number and Title: 152 Accommodations for Individuals with Disabilities (TEMPORARY EMERGENCY)		
Existing Policy Number and Title: 152 Accommodations for Individuals with Disabilities (Students)		
Approval Process*		
<input type="checkbox"/> Regular	<input checked="" 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 checked="" 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>Stage 2, April 12, 2019, Temporary Emergency, BOT</u>
President's Council Sponsor: <u>Kyle Reyes, Linda Makin</u> Ext. _____
Policy Steward: <u>Alexis Palmer, Irene Whittier</u> Ext. _____

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>6/25/2015</u></p> <p>University Entities Review Entrance Date: <u>Not applicable</u> Close Feedback: <u>Not applicable</u></p> <p>University Community Review Entrance Date: <u>Not applicable</u> Open Feedback: <u>Not applicable</u> Close Feedback: <u>Not applicable</u></p> <p>Board of Trustees Review Entrance Date: <u>April 11, 2019</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 <hr/> <p>Policy Office personnel who verified and posted this policy to the University Policy Manual</p> <p>Name: _____</p> <p>Date posted and verified: _____</p>



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POLICY TITLE	Accommodations for Individuals with Disabilities (TEMPORARY EMERGENCY)	Policy Number	152
Section	Governance, Organization, and General Information	Approval Date	
Subsection	Individual Rights	Effective Date	
Responsible Office	Office of the Vice President of Student Affairs		

1.0 PURPOSE

1.1 To ensure that all persons can access Utah Valley University’s services, the University is committed to providing reasonable accommodations to students, employees, and guests with disabilities in compliance with federal law. The Office of Accessibility Services (OAS) and Human Resources work to assist individuals with disabilities seeking equal access to all university programs, services, and activities, and to support faculty in the delivery of accommodations and materials needed for classroom and field experiences.

2.0 REFERENCES

2.1 *Americans with Disabilities Act of 1990*, 42 U.S.C. § 12101 (1990) (as amended by Pub. L. No. 101-336, 104 stat. 327)

2.2 *Family Educational Rights and Privacy Act (FERPA)*, 20 U.S.C. § 1232g (1974)

2.3 Section 504 of the *Rehabilitation Act of 1973*, 29 U.S.C. § 794 (1973)

2.4 *Nondiscrimination on the Basis of Disability in State and Local Government Services*, 28 C.F.R. § 35 (1991)

2.5 *Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance*, 34 C.F.R. § 104 (1980)

2.6 *Rights and Privileges of a Person with a Disability*, Utah Code Ann. § 62A-5b-101 (2007)

2.7 UVU Policy 160 *Animals on Campus*

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

2.9 UVU Policy 371 *Corrective Actions and Termination for Staff Employees*

2.10 UVU Policy 541 *Student Code of Conduct*



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2.11 UVU Policy 648 *Faculty Personnel Reduction*

3.0 DEFINITIONS

3.1 ADA Coordinators: University personnel responsible for supporting accommodation requests include the Director of the Office of Accessibility Services (student and visitor requests), the Employee Accommodations Coordinator in Human Resources (employee requests), and the Associate Vice President of Facilities (UVU facilities compliance with ADA regulations).

3.2 Direct threat: A significant risk to the health or safety of others as determined by an individualized assessment of the best available, objective evidence, including observation. The individualized assessment may include the nature, duration, and severity of the risk; the probability of harm or injury; and the availability of reasonable accommodations to minimize or eliminate the risk.

3.3 Disability: A physical or mental impairment that substantially limits one or more major life activities, or a record of such an impairment, or being regarded as having such an impairment.

3.4 Essential requirements: The learning outcomes or objectives, professional standards, conduct standards, performance expectations, and assignments, activities, or assessments that are essential to a degree, program, or course. For purposes of employment, essential requirements are the essential functions of a position with or without reasonable accommodation.

3.5 Fundamental alteration: Occurs when a proposed or recommended accommodation invalidates, negates, or impedes an essential requirement.

3.6 Interactive process: An informal back-and-forth dialogue through which a qualified individual with a disability and the University better understand the precise limitations created by the disability and which reasonable accommodations may enable a student or employee to perform essential requirements and otherwise access the programs, activities, and facilities available to other qualified students and employees.

3.7 Reasonable accommodation: Adjustments and/or auxiliary aids, which facilitate access to student- and employment-related activities and programs, including the provision of accessible and usable facilities for persons with disabilities; acquisition or modification of equipment or devices; appropriate adjustment of examinations or course materials; or provision of qualified readers or interpreters for persons with disabilities. A reasonable accommodation may include but is not limited to: (1) making existing facilities used by employees, students, and visitors readily accessible to and usable by individuals with disabilities; (2) job restructuring, part-time or modified work schedules, or reassignment to a vacant position; (3) acquisition or modification of equipment or devices; (4) appropriate adjustment or modifications of examinations, training



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materials, or policies; (5) the provision of qualified readers or interpreters; and/or other similar accommodations for individuals with disabilities.

3.8 Retaliation: For the purposes of this policy, 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 requests reasonable accommodation or otherwise asserts rights protected by Section 504, the ADA, or other applicable law. Any action designed to prevent or discourage someone from asserting such rights may also be retaliation.

4.0 POLICY

4.1 Scope of Policy

4.1.1 This policy applies to disability accommodations for all persons (including 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) who wish to access or participate in any university service, program, activity, facility, or communication.

4.2 Policy Statement

4.2.1 Utah Valley University is committed to complying with the *Americans with Disabilities Act of 1990*, *Amended Americans with Disabilities Act of 2008 (ADA)*, Section 504 of the *Rehabilitation Act of 1973* (Section 504), *Utah's Rights and Privileges of a Person with A Disability Act (Rights and Privileges Act)*, and other applicable federal and state laws protecting qualified individuals with known disabilities. With the goal of providing equal access to educational and employment opportunities, Utah Valley University will reasonably accommodate qualified individuals with known disabilities unless doing so would fundamentally alter an essential requirement, create a direct threat, or impose an undue hardship on the University.

4.2.2 To be eligible for an accommodation, a student, employee, or visitor must have a qualifying disability as defined by the *ADA* or Section 504, voluntarily disclose their disability to the ADA Coordinator, seek an accommodation, and otherwise comply with the procedures set forth in this policy. Through its designated ADA Coordinator, the University will engage in an interactive process with the individual requesting the accommodation to respond to the request.

4.2.3 Instructors and employee supervisors shall maintain confidentiality and shall not discuss any accommodation- or disability-related information with anyone other than The Office of Accessibility Services (OAS) and the student or the employee and the Employee Accommodations Coordinator in Human Resources. Communications with a student or employees regarding their disability shall be handled discreetly and privately.



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4.2.4 Utah Valley University prohibits retaliation against any student, employee, or visitor who makes a good faith effort to exercise their right to reasonable accommodations or other rights under the *ADA* or Section 504.

4.2.5 Staff, students, and faculty who violate this policy are subject to corrective or disciplinary action pursuant to UVU Policy 165 *Discrimination, Harassment, and Affirmative Action*, UVU Policy 371 *Corrective Actions and Termination for Staff Employees*, UVU Policy 541 *Student Code of Conduct*, or UVU Policy 648 *Faculty Personnel Reduction*, as appropriate.

5.0 PROCEDURES

5.1 Accommodation Requests

5.1.1 Students who wish to request an accommodation related to educational activities and services must voluntarily disclose their disability to the UVU Office of Accessibility Services (OAS) and provide adequate documentation as described in section 5.1.5.

5.1.2 Employees who wish to request an accommodation that will assist them in performing the essential functions of their jobs, and job applicants who wish to request accommodations that will assist them in completing applications must contact the Employee Accommodations Coordinator in Human Resources (HR). Employees and job applicants must voluntarily disclose their disability and provide adequate documentation as described in section 5.1.5.

5.1.3 Employee supervisors, administrators, or faculty who receive disability accommodation requests from university employees must promptly report such requests to the Employee Accommodations Coordinator in HR. Given the need to address the request lawfully and to keep medical documentation confidential, supervisors shall not review or inquire into an employee's disability documentation and must not grant or deny requests for accommodation. Instead, supervisors shall submit the request to HR and allow the Employee Accommodations Coordinator to respond to the request.

5.1.4 Visitors who wish to request an accommodation related to accessing UVU services, programs, activities, facilities, or communications shall contact OAS.

5.1.5 All accommodation requests must include, at minimum, documentation of the following items by a qualified, licensed professional acting within the scope of their professional specialty:

5.1.5.1 Specific physical diagnosis as defined by the most current edition of the *International Classification of Diseases (ICD)* or psychological diagnosis as defined by the most current edition of the *Diagnostic and Statistical Manual of Mental Disorders (DSM)*,

5.1.5.2 History of symptoms,



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5.1.5.3 Comprehensive documentation to support the diagnosis, including psycho-educational assessment if applicable,

5.1.5.4 Functional limitations the diagnosed condition creates relevant to the educational and/or employment setting,

5.1.5.5 Currently prescribed medications and the side effects or impact in the educational and/or employment setting, and

5.1.5.6 How the functional limitation relates to the request for accommodation.

5.1.6 Documentation must be current according to the standard expiration timeframes of the specific disability. Individuals requesting an accommodation who submit outdated documentation may be required to provide updated documentation. The following are the standard expiration timeframes for disability documentation:

Type of Disability	Documentation Expiration Timeframe
Visible, permanent disabilities	Documentation not required
Psychiatric and psychological disabilities	3 years
Learning disabilities	5 years
All other disabilities	3 years

5.1.7 Those seeking accommodations should submit their requests no later than eight weeks before the semester for students or within two weeks of employment, or return to employment following a leave, for employees, or within two weeks of their visit to campus for visitors. Requests submitted later than these timeframes will be evaluated as quickly as possible. The University is not responsible for delayed services due to late requests.

5.1.8 Individuals requesting an accommodation may sign a *Release of Information* authorizing the ADA Coordinator to inquire about the diagnosed disability and any elements of documentation that are unclear. Failing to sign and provide a *Release of Information* may delay accommodations and/or result in denial of accommodations.



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5.2 Review of Requests and Authorization

5.2.1 OAS reviews student and visitor accommodation requests. The Employee Accommodations Coordinator reviews employee accommodation requests. The University, through these designated ADA Coordinators, engages in an interactive process with the individual requesting the accommodation to address the request as needed. All requests are considered on a case-by-case basis. Accommodative needs may change over time or require adaptation due to changes in technology or the employment or learning environments. Prior history of accommodation, therefore, does not automatically warrant continuation of the same or similar accommodation.

5.2.2 As part of the review and interactive process, the ADA Coordinator will review the submitted documentation and determine whether additional documentation or information is needed from the individual requesting the accommodation. As needed, the ADA Coordinator will provide the individual requesting the accommodation the opportunity to modify the request or submit additional documentation.

5.2.3 The review considers the individual needs of the requestor, the reasonableness of the accommodation, and recommendations from a qualified health care provider (included in the submitted documentation). The recommendations must be supported by evidence that clearly demonstrates a substantial limitation in the requestor's ability to access or perform in the relevant service, program, activity, facility, or communication.

5.2.3.1 As part of the review process for employees, the Employee Accommodations Coordinator will consult with the appropriate supervisor(s) as needed for operational input on potential accommodations.

5.2.3.2 As part of the review process for visitors, OAS shall determine what university units should be consulted.

5.2.3.3 As part of the review process for students, OAS will consult with appropriate faculty as needed on potential academic adjustments.

5.2.4 The ADA Coordinator may deny or modify requested accommodations if

5.2.4.1 The documentation is deficient, outdated, or otherwise does not reasonably show a need for the requested accommodation;

5.2.4.2 The accommodation would pose a direct threat to the health or safety others;

5.2.4.3 The accommodation would create an undue financial or administrative hardship on the University;



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5.2.4.4 The accommodation would cause a fundamental alteration to the relevant university service, credential, program, course, or activity (in the case of students); or would eliminate or alter an essential function of the job (in the case of employees); and/or

5.2.4.5 The accommodation would disrupt UVU's educational programs or activities, including classroom instruction, or unduly disrupt other employees' ability to work.

5.2.5 In consultation with the relevant faculty or employee supervisor(s) and any others as needed to ensure a knowledgeable analysis, the ADA Coordinator will determine through reasoned deliberation whether the requested accommodation would cause a fundamental alteration of an essential requirement. This deliberation will include (1) identifying specific essential requirements; (2) identifying the unique qualities of the relevant course, program, or job in relation to its overall objectives; and (3) considering any reasonable alternatives to the essential requirements.

5.2.6 The Employee Accommodations Coordinator will consult with the University's Office of General Counsel as needed to ensure compliance with this policy and shall always consult with the Office of General Counsel and the Utah Division of Risk Management before denying an accommodation request.

5.2.7 The ADA Coordinator will notify the student, employee, or visitor of the outcome of the accommodation request through a written decision explaining the reasons for the ADA Coordinator's decision.

5.3 Implementing Accommodations

5.3.1 Once a student's accommodation request is approved, the student is responsible for (1) delivering the notice of accommodation to their instructors in a timely manner, and (2) meeting with an Accessibility Services counselor each semester to review accommodations and the appropriateness of their use in future courses.

5.3.2 Once an employee's accommodation request is approved, the Employee Accommodation Coordinator will contact the employee's supervisor(s) to inform them of the accommodation(s) that must be provided. Employees are responsible for meeting with the Employee Accommodation Coordinator at least annually to review accommodations and the appropriateness of their use in the future.

5.3.3 Supervisors and instructors shall implement the accommodation(s) as approved by the ADA Coordinator fully and without retaliation. Supervisors and instructors shall contact the relevant ADA Coordinator with any questions or concerns.



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5.4 Syllabi

5.4.1 All instructors must include the following language in their course syllabi: “Students who need accommodations because of a disability may contact the UVU Office of Accessibility Services (OAS), located on the Orem Campus in LC312. To schedule an appointment or to speak with a counselor, call the OAS office at 801-863-8747. Deaf/Hard of Hearing individuals may email accessibilityservices@uvu.edu or text 385-208-2677.”

5.5 Grievances

5.5.1 Reasonable effort should be made to resolve disputes before entering into the grievance process. Within 30 days of receiving notice of a denied request, the requesting student, employee, or visitor may request further review by the Accommodation Review Committee (Committee), which shall be comprised of the Director of Accessibility Services, the Employee Accommodations Coordinator, and the Director of Employee Relations (or their designees).

5.5.2 In consultation with the Office of General Counsel, the Committee shall review the ADA Coordinator’s written decision and all documentation provided to, or relied upon by, the ADA Coordinator in making that decision. At this time, the student, employee, or visitor may submit any new documentation and/or written explanation regarding information that became available only after the ADA Coordinator’s written decision.

5.5.3 Within 30 days of receiving the request for review, the Committee shall provide its decision in writing to the student, employee, or visitor, and the relevant ADA Coordinator. This decision shall be final, with no additional internal grievances or appeals available under this or any other UVU policy.

5.5.4 Instructors and employee supervisors may submit grievances to the Accommodation Review Committee, according to the same timeframes outlined in 5.3.1 above, to resolve any concerns or problems with the implementation of approved accommodations.

5.6 Disability Discrimination and Relation to Policy 165

5.6.1 Grievances and processes related specifically to disability accommodations are subject to this policy. Employees, students, and visitors who believe they have otherwise been discriminated against based on their disability should contact the University’s Office of Equal Opportunity/Affirmative Action, pursuant to UVU Policy 165 *Discrimination, Harassment, and Affirmative Action*.

POLICY HISTORY		
March 14, 1994	Policy approved.	UVU Board of Trustees
	Temporary Emergency policy approved.	UVU Board of Trustees



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POLICY TITLE	Accommodations for Individuals with Disabilities	Policy Number	152
Section	Governance, Organization, and General Information	Approval Date	March 14, 1994
Subsection	Individual Rights	Effective Date	March 14, 1994
Responsible Office	Office of the Vice President of Student Affairs		

1.0 PURPOSE

2.0 REFERENCES

2.1 *Americans with Disabilities Act of 1990 (ADA)*

3.0 DEFINITIONS

4.0 POLICY

4.1 The University is committed to the goals and ideals of the *Americans with Disabilities Act of 1990 (ADA)*. The University will take all steps necessary to ensure full implementation of these goals and ideals. It is the intent of the following to ensure compliance with this commitment.

4.1.1 Announcement of Accommodations

4.1.1.1 All university-sponsored activities, conferences, events, meetings, dinners, and staff parties or activities will include as part of their announcements, news releases, radio broadcasts, bulletins, or invitations, the following statement regarding accommodations available for people with disabilities:

"Accommodations are available upon request for persons with disabilities. Please contact Accessibility Services at least three working days in advance of the activity to make arrangements at (801) 863-8747. TTY users may call (801) 863-0908."

4.1.2 Dietary Adjustments

4.1.2.1 If food is being provided at the activity, the statement should read as follows:

"Accommodations and dietary alternatives are available upon request for persons with



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disabilities. Please contact the Accessibility Services t at least three (3) working days in advance of the activity to make arrangements at (801) 863-8747. TTY users may call (801) 863-0908."

~~4.1.2.2 If the cost of the accommodation is less than \$50, it will be the responsibility of the sponsoring department to pay for the accommodation. The sponsoring department should arrange and pay for all dietary adjustments necessary. Each department should arrange any reasonable accommodation request. Accessibility Services has been established to provide resources for providing accommodative services. Accommodations costs above \$50 will be the responsibility of the Accessibility Services.~~

4.1.3 Conclusion

~~4.1.3.1 Accommodative services should be individualized and the ADA Coordinator should be consulted if any questions or concerns arise from accommodation requests.~~

~~4.1.3.2 Special accommodations may also be arranged upon request and in consultation with the ADA Coordinator. Accommodations may not be denied to any person with a disability without written approval of the ADA Coordinator.~~

5.0 PROCEDURES

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	UVU Policy 153 <i>Americans with Disabilities Act (ADA) Grievance Process (Deletion)</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Kyle Reyes, VP of Student Affairs Linda Makin, VP of Planning, Budget, and Human Resources
SUBJECT:	UVU Policy 153 <i>Americans with Disabilities Act (ADA) Grievance Process (Deletion)</i>
BACKGROUND:	This policy will be deleted because UVU Policy 152 <i>Accommodations for Individuals with Disabilities</i> has been revised with a new section containing updated grievance procedures.
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve UVU Policy 153 <i>Americans with Disabilities Act (ADA) Grievance Process.</i>” • Amend and approve, “I move to approve, as amended, UVU Policy 153 <i>Americans with Disabilities Act (ADA) Grievance Process.</i>” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	a. Policy 153.Stage 2.Temp Emergency Suspension_BOT.pdf



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Proposed Policy Number and Title: <u>153 Americans with Disabilities Act (ADA) Grievance Process</u>		
Existing Policy Number and Title: <u>Not applicable</u>		
Approval Process*		
<input type="checkbox"/> Regular	<input checked="" 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 type="checkbox"/> Deletion	<input checked="" type="checkbox"/> Suspension	
	Anticipated Expiration Date:	
*See UVU Policy 101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: <u>Stage 2, Temporary Emergency, Suspension</u>
President's Council Sponsor: <u>Linda Makin/Kyle Reyes</u> Ext. _____
Policy Steward: <u>Alexis Palmer, Irene Whittier</u> Ext. _____

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>04/11/2019</u></p> <p>University Entities Review Entrance Date: <u>Not applicable</u> Close Feedback: <u>Not applicable</u></p> <p>University Community Review Entrance Date: <u>Not applicable</u> Open Feedback: <u>Not applicable</u> Close Feedback: <u>Not applicable</u></p> <p>Board of Trustees Review Entrance Date: <u>04/11/2019</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>



UTAH VALLEY UNIVERSITY

Policies and Procedures

POLICY TITLE	Americans with Disabilities Act (ADA) Grievance Process	Policy Number	153
Section	Governance, Organization, and General Information	Approval Date	March 14, 1994
Subsection	Individual Rights	Effective Date	March 14, 1994
Responsible Office	Office of the Vice President of Student Life		

1.0 PURPOSE

2.0 REFERENCES

2.1 *Americans with Disabilities Act of 1990*

2.2 *Rehabilitation Act of 1973, Section 504*

3.0 DEFINITIONS

4.0 POLICY

4.1 Policy

4.1.1 The President of the University or his or her designee will provide for expeditious and reasonable resolution of grievances related to the *Americans with Disabilities Act of 1990* (ADA), Section 504 of the *Rehabilitation Act of 1973*, or other disability related statutory rights.

4.1.2 At times, employees, students, or other qualified individuals with disabilities (as defined by P.L. 101-336 the *Americans with Disabilities Act of 1990*) may perceive that their individual rights have been violated with respect to policies or that they have been treated unfairly or in a prejudicial manner. It is the intent of the University to provide such persons with the opportunity to resolve their concerns both quickly and fairly, and with a minimum of disruption to the operation of the University. Whenever possible, it is the intent of the University that such concerns be resolved on an informal basis and solely between the parties concerned. Where such resolution is not possible, the University makes available the following procedure.

4.2 Procedure



UTAH VALLEY UNIVERSITY Policies and Procedures

~~**4.2.1 General Rule:** University employees, students, or other qualified individuals with disabilities should resolve their grievances related to the ADA or other disability related statutory rights in a reasonable, informal basis, between the parties directly concerned and in compliance with such laws. The University ADA Coordinator may be informally involved to provide consultation.~~

~~**4.2.2 Exception:** Where resolution under the general rule is not possible or suitable, the parties are encouraged to proceed as follows:~~

~~1) **Step 1:** Within 60 working days of an alleged incident or action, the aggrieved person will either:~~

~~a) Inform the supervisor of the University employee or department directly involved verbally or in writing of his or her complaint, or~~

~~b) Inform the ADA Coordinator of the incident in writing, with audio cassette tape, or some other comparable recorded means, and request assistance in resolving the complaint.~~

~~c) The individual is encouraged but not required to file the complaint with the supervisor of the employee or department directly involved, but may elect to file with the ADA Coordinator directly. The ADA Coordinator will be available for consultation in all grievance resolution meetings.~~

~~2) **Step 2:**~~

~~a) The supervisor who receives a complaint has 10 working days to evaluate the complaint and provide redress or reject the complaint either verbally or in writing, using the same manner as when the complaint was issued in Step 1, part "a" above. If the supervisor fails to respond to the complaint within the time limit, or if the response is negative, the grievant may apply to the ADA Coordinator as directed in Step 1, part "b" above.~~

~~b) The ADA Coordinator has 10 working days to investigate, discuss, negotiate, arbitrate, counsel, or recommend, using any avenues open to resolve the grievance.~~

~~c) The ADA Coordinator's decision will be forwarded in writing or by other appropriate means to the grievant, the department head, the administrator of the department, and the President (for his or her information). The decision of the ADA Coordinator will be binding unless recommended or appealed to a formal ADA Grievance Committee Hearing. The investigation, proceedings, and decisions will be recorded and become a confidential record kept in the possession of the ADA Coordinator for future reference. After the initial investigation, the ADA Coordinator has two options:~~



UTAH VALLEY UNIVERSITY Policies and Procedures

Option 1: Resolve the grievance, OR

Option 2: Recommend a formal ADA Grievance. (If the grievance is not determined to be an ADA issue, and if the grievant is a student or employee of the institution, the ADA Coordinator may refer the individual to the Student Equity Officer or the Employee Equity Officer for resolution, if appropriate.) Appropriate accommodations may be invoked by the ADA Coordinator if such accommodations are specifically requested by the grievant in his or her grievance, and if the accommodations do not exceed authorized budgets or means. When requests for accommodations exceed authorized budgets or means, then the accommodations will require Presidential review.

3) Step 3: ADA Grievance Committee Hearing

a) Members of the ADA Compliance Task Force will function as the ADA Grievance Committee with the ADA Coordinator as Chair of the committee, and will consist of representatives from the following: Administration, Facilities, Student Support Services, Human Resources, UVUSA, a community advocacy organization for people with disabilities, as well as a student or other individual from the community with a disability.

b) After a recommendation from the ADA Coordinator or an appeal from the grievant for a formal ADA Grievance Committee Hearing, the ADA Coordinator has 15 working days to organize the hearing proceedings. The grievant and the involved supervisor or administrator will be informed of the time and place of the hearing. The grievant will be advised of his or her right to have an advisor of his or her own choosing and own expense who may act as counsel.

c) At the ADA Grievance Committee Hearing, the committee will attempt to arbitrate the aggrieved issue(s). The hearing shall include an examination of the facts surrounding the issue(s), including testimony by witnesses for either side and other documentary evidence. Witnesses may be examined and cross examined. The proceedings will be recorded on tape to become a confidential record kept in the possession of the ADA Coordinator for future reference.

d) The committee will reach a 2/3 majority decision on the issue(s) presented. Should arbitration of the issue(s) fail, i.e., either or both parties are unwilling to resolve or compromise on the issue(s), the ADA Hearing Committee will meet in closed session and reach a majority decision on the issue(s) presented. Within five working days of the date of the hearing, the committee's decision will be forwarded in writing or by other appropriate means to the grievant, the administrator, and the President (for his or her information). The decision of the Hearing Committee will be binding unless appealed to the President by one of the parties.

4) Step 4: Presidential Review



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a) ~~If the grievant or the university department wishes to appeal the decision of the ADA Hearing Committee, or if a requested accommodation exceeds otherwise authorized budgets or means, within 10 working days of receipt of the decision, he or she may request that the President review the decision. The President shall have 15 working days to arrive at a final and binding decision and so inform the grievant, the administrator involved, and the ADA Coordinator. Only the President may determine that an accommodation would present an undue burden upon the institution and will provide written documentation of this decision to the Utah State Office of Risk Management for their disposition.~~

b) ~~No employee of the University shall in any way retaliate against any student, other employee, or any other individual who initiates a complaint or grievance under this procedure.~~

5.0 PROCEDURES

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	UVU Policy 160 <i>Animals on Campus</i> (Temporary Emergency)
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Kyle Reyes, VP of Student Affairs Linda Makin, VP of Planning, Budget, and Human Resources
SUBJECT:	UVU Policy 160 <i>Animals on Campus</i> (Temporary Emergency)
BACKGROUND:	This policy clarifies the differences between service and emotional support animals, what accommodations are allowed, and where service animals are allowed to be on campus.
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve UVU Policy 160 <i>Animals on Campus</i> (Temporary Emergency)” • Amend and approve, “I move to approve, as amended, UVU Policy 160 <i>Animals on Campus</i> (Temporary Emergency.” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	a. Policy 160.Stage 2 Draft.04092019.Temp Emergency.pdf



UTAH VALLEY UNIVERSITY
Policies and Procedures

Proposed Policy Number and Title: 160 Animals on Campus (TEMPORARY EMERGENCY)		
Existing Policy Number and Title: 160 Animals on Campus		
Approval Process*		
<input type="checkbox"/> Regular	<input checked="" 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 checked="" 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>April 9, 2019, Stage 2, Temporary Emergency</u>
President's Council Sponsor: <u>Linda Makin/Kyle Reyes</u> Ext. _____
Policy Steward: <u>Irene Whittier/Alexis Palmer</u> Ext. _____

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>8/31/2017</u></p> <p>University Entities Review Entrance Date: <u>Not applicable</u> Close Feedback: <u>Not applicable</u></p> <p>University Community Review Entrance Date: <u>Not applicable</u> Open Feedback: <u>Not applicable</u> Close Feedback: <u>Not applicable</u></p> <p>Board of Trustees Review Entrance Date: <u>04/11/2019</u> Approval Date: _____</p>	<p 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: _____</p> <p>Date posted and verified: _____</p>



UTAH VALLEY UNIVERSITY Policies and Procedures

POLICY TITLE	Animals On Campus (Temporary Emergency)	Policy Number	160
Section	Governance, Organization, and General Information	Approval Date	
Subsection	Individual Rights	Effective Date	
Responsible Office	Office of the Vice President of Finance and Administration		

1.0 PURPOSE

- 1 **1.1** To maintain campus safety, this policy sets forth health and security standards for animals on
2 campus, permits the important services they provide to students, faculty, and staff, and
3 distinguishes between those animals welcome on and those excluded from campus.

2.0 REFERENCES

- 4 **2.1** *Americans with Disabilities Act of 1990*, 42 U.S.C. § 12101 (1990) (as amended by Pub. L.
5 No. 101-336, 104 stat. 327)
- 6 **2.2** *Nondiscrimination on the Basis of Disability in State and Local Government Services*,
7 28 C.F.R. § 35 (1991)
- 8 **2.3** *Rights and Privileges of a Person with a Disability*, Utah Code Ann. § 62A-5b-102 (2011)
- 9 **2.4** *Cruelty to Animals*, Utah Code Ann. § 76-9-301 (2015)
- 10 **2.5** *Cruelty to Animals*, Utah County Code § 5-2-21 (2009)
- 11 **2.6** *Animal Control*, Orem City Code § 5-1-1 (2007)
- 12 **2.7** UVU Policy 152 *Accommodations for Individuals with Disabilities*
- 13 **2.8** UVU Policy 541 *Student Code of Conduct*
- 14 **2.9** UVU Policy 652 *Care and Use of Vertebrate Animals in Research and Instruction*

3.0 DEFINITIONS

- 15 **3.1 Direct threat:** A significant risk to the health or safety of others as determined by an
16 individualized assessment of the best available objective evidence, including observation. The
17 individualized assessment may include the nature, duration, and severity of the risk; the



UTAH VALLEY UNIVERSITY Policies and Procedures

18 probability of harm or injury; and the availability of reasonable accommodations to minimize or
19 eliminate the risk.

20 **3.2 Disability:** A physical or mental impairment that substantially limits one or more of an
21 individual's major life activities. This term holds the same meaning as that found in the
22 *Americans with Disabilities Act of 1990* as amended and its implementing regulations.

23 **3.3 Emotional support animals:** Any animal, other than a service animal, that alleviates one or
24 more identified symptoms or effects of a person's documented disability. An emotional support
25 animal is not a service animal and is not necessarily trained. Emotional support animals are
26 commonly identified by different names, including "assistance animals," "companion animals,"
27 "comfort animals," or "therapy animals."

28 **3.4 Pet:** An animal kept for pleasure, amusement, companionship, or curiosity.

29 **3.5 Service animal:** Any dog or miniature horse that is individually trained to do work or
30 perform tasks for the benefit of an individual in direct relation to the individual's physical,
31 sensory, psychiatric, intellectual, or other disability. This may include assisting an individual
32 who is blind or has low vision with navigation or other tasks; alerting an individual who is deaf
33 or hard of hearing to the presence of people or sounds; providing minimal non-violent protection
34 or rescue work; pulling a wheelchair; retrieving an item for the individual; assisting an individual
35 during a seizure; alerting an individual to the presence of allergens; providing physical support
36 and assistance with balance and stability; and helping an individual with a psychiatric or
37 neurological disability by preventing or interrupting impulsive or destructive behaviors. The
38 crime deterrent effects of an animal's presence and the provision of emotional support, well-
39 being, comfort, or companionship do not constitute work or tasks for the purposes of this
40 definition.

41 **3.6 University property:** Utah Valley University (UVU) property including but not limited to
42 administrative offices, academic buildings, outdoor campus spaces, and all satellite locations
43 whether owned, leased, operated, or maintained by UVU. This specifically excludes a university-
44 owned institutional residence of the university president.

4.0 POLICY

45 4.1 Scope

46 **4.1.1** This policy applies to the owners, custodians, and partners of any animal on university
47 property.

48 **4.1.2** Pets are not allowed on university property.



UTAH VALLEY UNIVERSITY Policies and Procedures

49 **4.1.3** Subject to the following qualifications, exceptions, and conditions, only the following
50 animals are allowed on university property: service animals, emotional support animals, and
51 those used in academic courses, laboratories, law enforcement, or rescue purposes.

52 **4.2 Service Animals**

53 **4.2.1** Service animals may accompany the service animal's partner at all times and everywhere
54 on university property so long as:

55 **4.2.1.1** The service animal has a current, valid license and current vaccinations according to all
56 the requirements for animals of the same species under local law, which may include wearing
57 owner identification tags, rabies tags, and dog license tags;

58 **4.2.1.2** The service animal is under appropriate restraint and control by its partner at all times,
59 which may include but is not limited to leash, electronic leash, signals, or voice commands;

60 **4.2.1.3** The service animal does not pose a direct threat to the health or safety of others or would
61 cause substantial damage to the property of others;

62 **4.2.1.4** The nature of the university program or activity taking place in a particular setting on
63 university property is not fundamentally changed by the presence of the service animal; and

64 **4.2.1.5** The service animal does not deposit bodily excretions or secretions on campus other than
65 at designated outdoor areas. Any excretions or secretions, even in designated outdoor areas, must
66 be promptly cleaned up in accordance with section 4.5.

67 **4.3 Emotional Support Animals**

68 **4.3.1** Emotional support animals are typically not allowed on university property unless no other
69 accommodation would provide individuals with disabilities equal access to university education
70 programs and activities. Additionally, emotional support animals may only be present on
71 university property if:

72 **4.3.1.1** The emotional support animal meets all the conditions of 4.2;

73 **4.3.1.2** The emotional support animal or its presence does not create an unmanageable
74 disturbance or interference with the university community; and

75 **4.3.1.3** The emotional support animal is authorized through the process set forth in UVU Policy
76 152 *Accommodations for Individuals with Disabilities*, including adequate documentation and
77 interactive exploration of accommodation options.

78



UTAH VALLEY UNIVERSITY Policies and Procedures

79 **4.4 Animals Used in Academic Courses, Laboratories, Law Enforcement, or Rescue**
80 **Purposes**

81 **4.4.1** Any animal used in an academic course, laboratory, law enforcement, or for rescue
82 purposes is allowed on university property, so long as:

83 **4.4.1.1** The animal meets all the conditions of 4.2; and

84 **4.4.1.2** The animal's partner has obtained all applicable reviews and approvals required by the
85 Institutional Animal Care and Use Committee, as provided by UVU Policy 652 *Care and Use of*
86 *Vertebrate Animals in Research and Instruction*.

87 **4.5 Care and Supervision**

88 **4.5.1** Care and supervision of an animal, as well as the costs of any damage caused by an animal,
89 are the sole responsibility of the animal's partner or owner.

90 **4.5.2** Individuals' care of animals on campus must comply with state and local law regarding
91 cruelty to animals. In particular, Utah Criminal Code § 76-9-301 and Utah County Code § 5-2-21
92 prohibit individuals from leaving any animal in a situation where they may be exposed to an
93 immediate, direct, and serious threat to life, safety, or health, which includes confinement in hot
94 vehicles.

95 **4.5.3** Every individual with custody of an animal that is allowed on university property must
96 immediately clean up after the animal, including the immediate removal of any waste.
97 Individuals with disabilities who physically cannot clean up after their own animal may not be
98 required to pick up and dispose of animal waste. However, these individuals should use marked
99 animal toileting areas where provided.

100 **4.6 Other Animals Allowed on Campus**

101 **4.7** Recognizing that the campus is part of the surrounding neighborhood and community,
102 animals other than service animals that are appropriately controlled on a leash and otherwise
103 meet the requirements of 4.2 are allowed on designated outdoor walkways on campus. These
104 animals may not enter buildings, covered walkways, or shelters on university property. Service
105 animals meeting the requirements of section 4.2 are welcome on all campus areas.

106 **4.8** Aquarium fish and snails, when displayed for academic or esthetic purposes, are allowed on
107 campus. Aquariums kept in public view must be kept clean and presentable. With the exception
108 of laboratory environments, aquariums must not exceed 30 gallons.

109 **4.9** A one-time exception to the terms of this policy may be granted for events or gatherings
110 involving animals. These exceptions must be requested and approved through the appropriate
111 ADA Coordinator.



UTAH VALLEY UNIVERSITY

Policies and Procedures

5.0 PROCEDURES

112 5.1 Enforcement

113 5.1.1 Any individual who brings an animal on to university property may be asked (1) if the
114 animal is required because of a disability, and (2) what work or task the animal has been trained
115 to perform. If the animal is untrained (i.e., not a “service animal”) the individual may be asked
116 whether the animal is authorized as a disability accommodation under section 4.3.

117 5.1.2 The partner of an unauthorized animal will be asked to remove the animal from university
118 property. If the partner does not respond to this request, University Police will be called to
119 respond to the situation and may remove the animal from campus.

120 5.1.3 Anyone may report noncompliance with this policy to the UVU Police, the Office of
121 Accessibility Services, or the Employee Accommodations Coordinator in Human Resources.

122 5.1.4 Employees who violate this policy are subject to proportionate corrective action, including
123 but not limited to warning, probation, suspension, or termination pursuant to applicable staff or
124 faculty disciplinary policies and procedures.

125 5.1.5 Students who violate this policy are subject to proportionate corrective action pursuant to
126 Policy 541 *Student Code of Conduct*.

127 5.1.6 The individual(s) responsible for any damage to university property caused by their animal
128 shall coordinate the repair or replacement of damaged property with Facilities and/or
129 Purchasing.

130 5.1.7 Under Utah Code § 62A-5b-106, it is a class B misdemeanor for any person to
131 intentionally, knowingly, and falsely represent an animal as a service animal for the purpose of
132 claiming the benefits of this policy.

POLICY HISTORY		
June 8, 2006	Policy approved for entrance to Policy Manual.	UVU Board of Trustees
	Policy approved as a temporary emergency.	UVU Board of Trustees



UTAH VALLEY UNIVERSITY

Policies and Procedures

1

POLICY TITLE	Animals On Campus	Policy Number	160
Section	Governance, Organization, and General Information	Approval Date	June 8, 2006
Subsection	Individual Rights	Effective Date	June 8, 2006
Responsible Office	Office of the Vice President of Finance and Administration		

2

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1.0 PURPOSE

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~~1.1 To maintain campus safety, health, and security standards for animals allowed on campus, and to permit the very important services that they provide to faculty, staff, students, the University, and the community, and to draw the very important distinction between those animals permitted on and those excluded from campus.~~

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2.0 REFERENCES

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3.0 DEFINITIONS

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~~3.1 Institutional property: Utah Valley University (UVU) property including, but not limited to, administrative offices, academic buildings, outdoor campus spaces, and all satellite locations whether owned, leased, operated, or maintained by UVU, but specifically excluding the institutional residence of the University president.~~

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~~3.2 Pet: An animal kept for pleasure, companionship, or curiosity.~~

~~3.3 Service animal: Any guide dog or signal dog or other service dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. Note: It is the presumption of UVU that all service animals are dogs. This presumption can be rebutted by any individual upon presentation of clear and convincing evidence to UVU's ADA Coordinator that a particular animal other than a dog is also individually trained to work or perform tasks for the benefit of an individual with a disability.~~

~~3.4 Therapy animal: An animal with good temperament and disposition, and who has reliable, predictable behavior, selected as a therapy tool to visit people with disabilities, to visit people~~



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35 who are experience the frailties of aging, or to visit people with reading or behavioral problems.
36 The therapy animal is incorporated as an integral part of a treatment process under the direction
37 of a health professional.
38

4.0 POLICY

39
40
41 ~~4.1 Pets, with the exception of aquarium organisms, are not allowed on university property.~~
42

43 ~~4.2 Subject to the following qualifications, exceptions, and conditions, only the following~~
44 ~~animals are allowed on university property:~~
45

46 ~~4.2.1 Service animals. Service animals are allowed to accompany the service animal's partner at~~
47 ~~all times, and everywhere, on institutional property, so long as:~~
48

49 ~~1) The service animal has a current, valid license and current vaccinations, according to all the~~
50 ~~requirements for all animals of the same species in the municipality or local area government~~
51 ~~where the service animal resides, which may include the wearing of owner identification tags,~~
52 ~~rabies tags, and dog license tags;~~
53

54 ~~2) The service animal is under appropriate restraint and under appropriate control by its partner~~
55 ~~at all times;~~
56

57 ~~3) The service animal does not cause immediate danger to the health or safety of other people on~~
58 ~~university property;~~
59

60 ~~4) The nature of the activity taking place in a particular setting on university property is not~~
61 ~~fundamentally changed by the presence of a service animal; and~~
62

63 ~~5) Care and supervision of the service animal, as well as the costs of any damage caused by the~~
64 ~~service animal, is the sole responsibility of the service animal's partner or owner.~~
65

66 ~~4.2.2 Therapy animals. Therapy animals are allowed to visit individuals on university property,~~
67 ~~subject to the definition included herein, and so long as:~~
68

69 ~~1) The therapy animal is used exclusively as part of a therapy treatment process;~~
70

71 ~~2) The therapy animal has a current, valid license and current vaccinations, according to the~~
72 ~~requirements for all animals of the same species in the municipality or local area government~~
73 ~~where the therapy animal resides, which may include the wearing of owner identification tags,~~
74 ~~rabies tags, and license tags;~~
75

76 ~~3) The therapy animal is under appropriate restraint and under appropriate control at all times;~~
77



UTAH VALLEY UNIVERSITY Policies and Procedures

78 4) The therapy animal does not cause immediate danger to the health or safety of other people on
79 university property;

80
81 5) The nature of the activity taking place in a particular setting on university property is not
82 fundamentally changed by the presence of a therapy animal;

83
84 6) The care and supervision of the therapy animal, as well as the costs of any damage caused by
85 the therapy animal, is the sole responsibility of the individual using the therapy animal for his or
86 her therapy; and

87
88 7) Certification must be provided to the institution that confirms that the therapy animal is in fact
89 providing therapy under the direction of a health professional 1) for the individual in whose
90 custody the animal is, or 2) for some other organizations such that the therapy animal's presence
91 on campus assists in that therapy activity.

92
93 **4.2.3** *Animals used in an academic course, in a laboratory, or as demonstration animal, or for*
94 *law enforcement or rescue purposes. Any animal used in an academic course, in a laboratory, or*
95 *as a demonstration animal, or for law enforcement or rescue purposes, is allowed on university*
96 *property, so long as:*

97
98 1) Such animal has a current, valid license and current vaccinations, according to the
99 requirements for all animals of the same species in the municipality or local area government
100 where such animal resides or is located, or in the event such animals are used for academic,
101 laboratory, or research purposes, the standards and practices associated with such academic,
102 laboratory, and research purposes must be complied with;

103
104 2) Such animal is under appropriate restraint and under appropriate control at all times;

105
106 3) Such animal does not cause immediate danger to the health or safety of other people on
107 university property.

108
109 **4.3** Recognizing that the campus is part of the surrounding neighborhood and community,
110 animals with valid licenses and current vaccinations, under proper restraint and with their owners
111 who are walking across campus and who do not enter buildings are allowed on university
112 property.

113
114 **4.4** Aquarium fish and snails, when displayed for academic or esthetic purposes are allowed on
115 campus. Aquaria kept in public view must be kept clean and presentable.

116
117 **4.5** A one-time exception to the terms of this policy may be granted for events involving animals.
118 These exceptions must be requested and approved through campus police.

119



UTAH VALLEY UNIVERSITY Policies and Procedures

120 ~~4.6 Every individual who is in control of an animal that is allowed to be on university property is~~
121 ~~responsible to immediately clean up after such animal, including the immediate removal of any~~
122 ~~waste. Individuals with disabilities who physically cannot clean up after their own service animal~~
123 ~~may not be required to pick up and dispose of animal waste. However, these individuals should~~
124 ~~use marked service animal toileting areas when such areas are provided.~~

125
126 ~~4.7 Animals may be left in vehicles so long as they do not pose any threat to passers-by and they~~
127 ~~are not in danger or distress. Unattended or unrestrained animals other than those left in vehicles,~~
128 ~~animals that pose a hazard or potential hazard to passers-by, or animals in danger or distress, will~~
129 ~~be removed from university property by a local animal control services. Policy complies with~~
130 ~~local codes.~~

5.0 PROCEDURES

5.1 Enforcement

134
135
136 ~~5.1.1 Individuals who bring unauthorized animals onto university property shall be asked to~~
137 ~~remove the animal immediately or secure it in a private vehicle.~~

138
139 ~~5.1.2 Anyone noting unauthorized animals on campus, or animals not appropriately restrained,~~
140 ~~should call Campus Police.~~

141
142 ~~5.1.3 UVU employees who are repeat violators will face disciplinary action including but not~~
143 ~~limited to letters of reprimand, or in extreme cases, potential loss of employment.~~

144
145 ~~5.1.4 Students who are repeat offenders may also face disciplinary action including reprimand, or~~
146 ~~in extreme cases, expulsion or banishment from university property.~~

147
148 ~~5.1.5 Costs of damage to property directly resulting from animals on university property shall be~~
149 ~~the sole responsibility of the owner.~~

150
151 ~~5.1.6 The individual(s) responsible for any damage to university property caused by their animal~~
152 ~~shall coordinate the repair or replacement of damaged property with the Facilities department~~
153 ~~and/or the Purchasing department.~~

154
155 ~~5.2 Contacts: Questions regarding this policy should be directed to Campus Police.~~
156

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity

157



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	Policy 162 <i>Sexual Misconduct</i> (Temporary Emergency)
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Linda Makin, VP of Planning, Budget, and HR
SUBJECT:	Policy 162 <i>Sexual Misconduct</i> (Temporary Emergency)
BACKGROUND:	Policy 162 has been updated to reflect changes permitted by OCR guidance, to clarify definitions, and to comply with recent changes to Utah state law (Utah Code § 53B-28-304 <i>Criminal Retaliation Against a Victim or a Witness</i> , Utah Code § 63G-7-301 <i>Waivers of Immunity-Exceptions</i> , and Utah Code § 76-5-404.1 <i>Sexual Abuse of a Child</i>).
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve Policy 162 <i>Sexual Misconduct</i> (Temporary Emergency).” • Amend and approve, “I move to approve, as amended, Policy 162 <i>Sexual Misconduct</i> (Temporary Emergency).” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	Policy 162.Temporary Emergency.Stage 2.05232019.BOT.pdf



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Proposed Policy Number and Title: 162 Sexual Misconduct (Temporary Emergency)		
Existing Policy Number and Title: 162 Sexual Misconduct		
Approval Process*		
<input type="checkbox"/> Regular	<input checked="" 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 checked="" 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 2, May 23, 2019, TEMPORARY EMERGENCY, Board of Trustees
President's Council Sponsor: Linda Makin Ext. _____
Policy Steward: Laura Carlson/Karen Clemes Ext. _____

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>05/23/2019</u></p> <p>University Entities Review Entrance Date: <u>Not applicable</u> Close Feedback: <u>Not applicable</u></p> <p>University Community Review Entrance Date: <u>Not applicable</u> Open Feedback: <u>Not applicable</u> Close Feedback: <u>Not applicable</u></p> <p>Board of Trustees Review Entrance Date: <u>05/23/2019</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	Sexual Misconduct (TEMPORARY EMERGENCY)	Policy Number	162
Section	Governance, Organization, and General Information	Approval Date	June 22, 2017
Subsection	Individual Rights	Effective Date	June 22, 2017
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 [\(including but not limited to sexual assault, sexual exploitation, stalking, dating or domestic violence, and sexual harassment\)](#); ~~(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 *Heath 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)*



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- 2.7 *Title IX of the Higher Education Amendments Act of 1972 (Title IX)*
- 2.8 *Utah Code § 53B-27-101 et seq. Campus Advocate Confidentiality Amendments*
- 2.9 [Utah Code § 53B-28-302 Code of Conduct Violation-Report of Sexual Violence](#)
- 2.10 [Utah Code § 53B-28-304 Criminal Retaliation Against a Victim or a Witness](#)
- 2.11 *Utah Code § 63G-2 Government Records Access and Management Act (GRAMA)*
- 2.12 [Utah Code § 63G-7-301 Waivers of Immunity-Exceptions](#)
- 2.13 [Utah Code § 76-5-404.1 Sexual Abuse of a Child](#)
- 2.14 *Utah Code § 77-36 Cohabitant Abuse Procedures Act*
- 2.15 *Utah Code § 77-38 Rights of Crime Victims Act*
- 2.16 *Utah State Board of Regents' Policy R256 Student Disciplinary Processes*
- 2.17 [Utah State Board of Regents' Policy R842 Restrictions on Faculty/Staff Relationships with Students](#)
- 2.18 *UVU Policy 704 Minors on Campus and at University-Sponsored Events*
- 2.19 *UVU Policy 154 Workplace Violence*
- 2.20 *UVU Policy 161 Freedom of Speech*
- 2.21 *UVU Policy 165 Discrimination, Harassment, and Affirmative Action*
- 2.22 *UVU Policy 541 Student Code of Conduct*
- 2.23 *UVU Policy 710 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.



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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 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~~ adverse action 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.



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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 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.



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3.16 Retaliation: An action, performed directly or through others, that is aimed to dissuade a reasonable person from engaging in a protected activity or is done in retribution for engaging in a protected activity. Action in response to a protected activity is not retaliatory unless (i) it has a materially adverse effect on the working, academic, or other University-related environment of an individual and (ii) it would not have occurred in the absence of (but for) the protected activity. Examples of protected activities include reporting (internally or externally) a complaint of sexual misconduct in good faith, assisting others in making such a report, or honestly participating as an investigator, witness, decision maker, or otherwise assisting, in an investigation or proceeding related to suspected sexual misconduct. 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: To be categorized as a sexual assault, an incident requires one of the following:

3.17.1 Sexual penetration without consent: Any penetration of the sex organs or anus of another person without consent (as defined in 3.5); any penetration of the mouth of another person with a sex organ without consent; or performing oral sex on another person without consent. This includes penetration or intrusion, however slight, of the sex organs or anus of another person by an object or any part of the body.

or

3.17.2 Sexual contact without consent: Intentionally touching or fondling a person's intimate parts (genitals, breasts, inner thigh, or buttocks), or intentionally touching a person with one's own intimate parts without consent. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes intentionally causing or inducing a person, without consent, to similarly touch or fondle oneself or someone else. 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 rape, statutory rape, or incest. Intercourse includes vaginal penetration by a penis, object, tongue, finger; anal penetration by a



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~~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 A committee~~ 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 or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's an individual's employment, education, ~~advancement,~~ academic standing, or participation in any a-university program and/or activity, or is used as the basis for university decisions affecting the individual (often referred to as "quid pro quo" harassment); or



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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~~

23) Such conduct is sufficiently severe or pervasive ~~and that~~ 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 (often referred to as "hostile environment" harassment).

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: ~~Intentionally or knowingly e~~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~~their 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.

3.23 University community members: 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, advisory board members, administrators, faculty, staff, students, independent contractors, volunteers, and guests or visitors to any university campus or any property owned or leased by the University.

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 ~~and its procedures takes precedence and govern and~~ controls.



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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 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.



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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 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. [Any retaliatory threat or act of violence against victims or witnesses of sexual violence, moreover, is a third-degree felony under Utah Code § 53B-28-304 and may be subject to criminal prosecution.](#)

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.



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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 Sexual Conduct with Subordinate Employees or Students

4.5.1 Employees shall not engage in sexual conduct with subordinate students or employees unless there has been proper disclosure and management under section 4.5.2, so that any subordinate relationship and potential for abuse of power has been removed. Subordinate students are UVU students or applicants whose educational opportunities could be adversely impacted by employees. The purpose of this restriction is to prohibit the abuse of power by employees and the exploitation of subordinate students or employees. Examples of prohibited such subordinate relationships include faculty with students who are currently enrolled in their classes or who are majoring in a program in the faculty member's department, whom they otherwise evaluate, or who are in clubs or other student organizations they advise; supervisors with their direct or indirect subordinate employees; or other employees in similar power relationships over students or employees.

4.5.1.1 For purposes of Section 4.5.1, sexual conduct is any sexual relationship or sharing any sexually explicit or lewd communication, image, or photograph. Sharing sexually explicit or lewd communication, image, or photograph does not include any communication, image, or



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[photograph that faculty shares with students as part of a legitimate academic exercise, such as pedagogical requirements for specific classes such as health, science, art, behavioral science, etc.](#)

[4.5.1.2 For purposes of Section 4.5.1, educational opportunities include admission, receipt of financial aid, assessment of academic performance, placement in academic opportunities such as internships, assistantships, and graduation.](#)

[4.5.2 All employees engaging or intending to engage in sexual conduct with a subordinate student or employee shall immediately disclose the relationship to their direct supervisors and/or the Title IX Coordinator, or be subject to disciplinary action, up to and including termination. Supervisors who receive such reports or who otherwise become aware of such relationships shall promptly report such relationships to the Title IX Coordinator, who shall work with the relevant parties to remove the subordinate relationship, if possible, consulting with the Office of General Counsel to ensure compliance with Utah Code § 63G-7-301 and this policy. If the subordinate relationship cannot be removed or otherwise appropriately managed, the employee shall be subject to discipline, up to and including termination.](#)

[4.54.6 Safeguards for Privacy](#)

[4.5.14.6.1](#) 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.

[4.5.24.6.2](#) 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.

[4.5.34.6.3](#) 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.

[4.64.7 Requests for Confidentiality](#)

[4.6.14.7.1](#) 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 ability to investigate or respond in a more targeted way, such as offering reasonably available interim protective measures or modifications to the complainant.

[4.6.24.7.2](#) 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



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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.

~~4.6.34.7.3~~ 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 to conduct further investigation, the matter may later be reopened at the discretion of the Title IX Coordinator or designee 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.

~~4.6.44.7.4~~ -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*.

4.74.8 Reporting an Incident of Sexual Misconduct

~~4.7.14.8.1~~ 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, item 8.

~~4.7.24.8.2~~ 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.

~~4.7.34.8.3~~ 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.

~~4.7.44.8.4~~ 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. UVU encourages reporting of sexual misconduct and seeks to remove any barriers to making a report. The University recognizes that an individual who has been consuming alcohol (including underage



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consumption) or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct. To encourage reporting, an individual who makes a good faith report of sexual misconduct that was directed at them or another person will not be subject to disciplinary action by the University for a conduct or policy violation that is related to and revealed in the sexual misconduct report or investigation. Amnesty does not preclude or prevent action by police or other legal authorities. This amnesty provision may also apply to student groups making a report of sexual misconduct.

4.7.54.8.5 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.

4.8.4.9 Investigations and Disciplinary Proceedings

4.8.14.9.1 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.

4.8.24.9.2 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, [the Dean of Students](#), 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.

4.8.34.9.3 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.

4.94.10 Training



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

4.9.24.10.2 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.

4.11 Title IX and VAWA Statement

4.11.1 It is the policy of UVU to comply with Title IX of the Education Amendments of 1972 (and all other applicable laws regarding unlawful discrimination and harassment), which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the University's educational programs and activities. It is also UVU's policy to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, as amended by the Violence Against Women Act (VAWA). Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence, and to publish policies and procedures related to the way these reports are handled. UVU has designated the Title IX Coordinator, with assistance of the deputy Title IX coordinators, to coordinate UVU's compliance with Title IX and VAWA and to respond to reports of violations. UVU has directed its Clery Committee to coordinate UVU's compliance with the Clery Act reporting related VAWA requirements. A person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling 1-800- 421-3481. Employees may also file a charge with the Equal Employment Opportunity Commission regarding an alleged violation of Title VII by calling 1-800-669-4000 or visiting <https://www.eeoc.gov/employees/howtofile.cfm>.

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,



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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~~they 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~~their teeth.

6) The victim should save the clothing that ~~he or she~~they were wearing in a brown paper bag.

7) If the incident took place in the victim's home, ~~he or she~~they should not rearrange and/or clean up anything.

8) The victim should be encouraged to seek support by talking with someone ~~he or she~~they 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.



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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~~[7999](tel:8018637999)
Student Conduct Office (801) 863-~~8665~~[8952](tel:8018638952)
University ~~Ombuds~~[Ombudsman](mailto:ombuds@uvu.edu) ———(801) 863-7237
[Employee Relations \(HR\) \(801\) 863-5360](tel:8018635360)

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, [visit the UVU Title IX website for a current list, or contact the university Title IX Office, the Title IX Coordinator or universityor 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-~~7999~~[590](tel:801863590); 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 <https://www.uvu.edu/equalopportunity/titleix/>



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5.3.3 Individuals may also submit reports, including anonymous reports, through [the university's designated reporting system\(s\), such as EthicsPoint or other designated reporting system available on the UVU website, 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

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.



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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~~[their](#) 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.

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 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~~[their](#) 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



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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~~ After receiving a report of sexual misconduct, the Title IX Coordinator or designated deputy coordinator shall conduct a preliminary review that may include 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) ~~Where appropriate, p~~Provide the complainant with information about applicable police and other 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) ~~Where appropriate, P~~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



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contact limitations [and directives](#) between the parties, offering [support for](#) 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 5.9.4413) 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~~[their](#) shall issue a written notice of dismissal to the complainant. [Such dismissals are final and not appealable internally within UVU.](#)

~~**5.7.3** If the Title IX Coordinator or designated deputy coordinator determines that (1) there is not sufficient evidence to give rise to a reasonable cause to believe that this policy was violated, and/or (2) that an investigation is not necessary, or (3) the complaint was made in bad faith, and if informal resolution of the matter is not warranted or is unsuccessful, he or she~~ [When appropriate the office shall report take appropriate steps that may include informal resolution such as education, dismissal with or without notice to the complainant \(such as with anonymous complaints\), and/or forward the complaint to the appropriate University administrator as listed below 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 Employee Relationsnt Services (Human Recourses)
Contractor/vendor	Vice President of Finance and Administration

5.7.45.7.3 At the recommendation of the Title IX Coordinator or designee, the responsible university administrator (as defined in section 5.9.4413) 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



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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 a reports of sexual misconduct is are appropriate for informal resolution, mediation, or requires s 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 promptly. 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~~After 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 Formal 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



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



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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)13) 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 and submitting 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 ~~during the investigation at the~~ complainant ~~elects not to cooperate or withdraws the complaint, 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 elected not to cooperate~~ 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, ~~and~~ 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



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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 ~~may 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.~~

5.9.105.9.9 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 1) 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 student 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~~ Student parties may choose to have a support person/advisor present, 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. Though the University strives to resolve all cases in a prompt and timely manner, the timeline varies based on the circumstances of each case. Additionally, the timeline for a case may be affected by breaks in the academic calendar, availability of the parties and witnesses (including due to leave of absence), scope of the investigation, need for interim actions, and unforeseen or exigent circumstances. The parties and administrators with a need to know will be periodically updated on the status of the case. In cases where there is a~~



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simultaneous law enforcement investigation, the University may need to delay its investigation temporarily while law enforcement gathers evidence. However, the University investigation will generally proceed with its investigation and resolution of a complaint during any law enforcement investigation.

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 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.

5.9.115.9.10 Upon conclusion of the investigation, the investigator(s) shall prepare a draft ~~written outline preliminary report or summary~~ that summarizes the complainant's allegations and respondent's responses, ~~synthesizes the areas of agreement and disagreement between the parties, and lists summarizes~~ the evidence relied on and the material witnesses supporting or opposing ~~each the~~ allegation(s) and relied on by the investigators, ~~and includes preliminary findings~~. Before the final findings are made and the report ~~or summary~~ is finalized, the complainant and the respondent will each be given the opportunity to review this draft ~~written outline preliminary report or summary~~ in the ~~Title IX Office or via a secure online portal. such as OneHub 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,~~ ~~or download~~ the draft ~~written outline preliminary report or summary~~, but they will be permitted to take notes and write questions to the investigator that will be left ~~with or can be emailed to 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 preliminary report or summary (unless the investigator provides a written extension)~~. 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. Complainants, respondents, and third parties may not directly or indirectly contact witnesses who are discovered through the draft report or summary or the investigation for further questioning and should instead work with the investigator(s) regarding any discrepancies.



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5.9.125.9.11 The investigator(s) shall prepare a final investigation summary report or summary that contains a written summary of the findings (including a statement of the allegations, ~~and~~ issues, the positions/responses of the parties, a summary of evidence and material witnesses the investigator(s) relied on, the ~~and~~ findings, and a determination on whether this policy has been violated). Unless there is a conflict, or an outside investigator was engaged, theThe Title IX Coordinator, or designee, and an attorney assigned by the Office of the General Counsel shall review each final investigation summary report or summary before it is finalized to ensure compliance with this policy.

5.9.135.9.12 The complainant and respondent shall receive an investigation final findings letter. 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.

5.9.145.9.13 The final investigation summary report or 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 shall consult with the EO/AA Director, the Office of General Counsel, and with Human Resources. When the respondent is a student, the responsible university administrator shall consult with the EO/AA Director and the Office of General Counsel. The final investigation report or 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)



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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

5.9.155.9.14 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 report or summary~~, 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 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;



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- 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 Code of Conduct*, 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, 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~~their written permission to disclose the discipline; or



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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.
- 3) The sanction imposed is substantially disproportionate to the severity of the violation (i.e., too severe or not severe enough). This basis for review is not available if the investigation does not substantiate any findings.

~~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~~their 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 panel shall uphold the responsible university administrator’s original decision. ~~shall be upheld.~~



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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 5 business days. The Title IX Coordinator or investigator may also provide a written response to the written request for review.

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

5.11.8.15.11.8.2 Faculty members shall be selected for a term of service on the review panel pool by the ~~Senior Vice President of Academic Affairs~~ Provost/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.

5.11.8.25.11.8.3 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.

5.11.9 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, ~~the panel members~~ 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



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Coordinator or designee shall provide to the review panel, the complainant, and respondent copies of the final investigation [summary report or summary](#) and the written review request and opposition statements submitted by the parties. [The Title IX Coordinator or designee may also submit a clarification statement or response.](#) 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 report or 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~~ [business](#) 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~~ [10 business 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~~ [five business 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). [An attorney from the Office of General Counsel who represents the University during the hearing may also submit a document to the panel and parties addressing the bases for review, relevant evidence, and relevant witnesses, and other issues relevant to the hearing at least 7 calendar five business days before the hearing.](#) Only witnesses and other evidence that ~~are~~ [is](#) relevant to the section 5.11.2 ~~bas~~ [ies](#) 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:



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- 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.
- 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 [report or](#) 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 [and the Office of General Counsel attorney representing the University](#) 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. [The attorney from the Office of General Counsel representing the University may also question the same persons.](#) 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).



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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. [An attorney from the Office of General Counsel may also participate in hearings on behalf of the University.](#)

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).



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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

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	Provost/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 or Provost	Provost or v Vice president of the department division in which the respondent is employed (or the vice president’s designee)
Executive employee or direct report of a vice president or Provost	University President
Provost, 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



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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~~their 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.

5.12.4 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. ~~This~~ 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.~~



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5.12.65.12.5 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 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.

5.12.75.12.6 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.

5.12.85.12.7 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		
March 2018	Non-substantive changes: <ul style="list-style-type: none"> • Policy 115 renumbered to 704 • Policy 407 renumbered to 710 	UVU Board of Trustees
June 22, 2017	Limited Scope changes approved.	UVU Board of Trustees
March 2018	Non-substantive changes: <ul style="list-style-type: none"> • Policy 115 renumbered to 704 • Policy 407 renumbered to 710 	UVU Board of Trustees
November 29, 2018	Non-substantive changes: In sections 2.0 and 5.10.2, updated Policy 541 from <i>Student Rights and Responsibilities</i> to <i>Student Code of Conduct</i> .	UVU Policy Office
	Temporary Emergency	UVU Board of Trustees



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	<i>Policy 165 Discrimination, Harassment, and Affirmative Action (Temporary Emergency)</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Linda Makin, VP of Planning, Budget, and HR
SUBJECT:	<i>Policy 165 Discrimination, Harassment, and Affirmative Action (Temporary Emergency)</i>
BACKGROUND:	Policy 165 has been updated to align with some of the updates to Policy 162 and to create more efficient procedures.
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve Policy 165 <i>Discrimination, Harassment, and Affirmative Action</i> (Temporary Emergency).” • Amend and approve, “I move to approve, as amended, Policy 165 <i>Discrimination, Harassment, and Affirmative Action</i> (Temporary Emergency).” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	UVU Policy 165.Temporary Emergency.Stage 2.05232019.BOT.pdf



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Proposed Policy Number and Title: 165 Discrimination, Harassment, and Affirmative Action (Temporary Emergency)		
Existing Policy Number and Title: 165 Discrimination, Harassment, and Affirmative Action		
Approval Process*		
<input type="checkbox"/> Regular	<input checked="" 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 checked="" 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>Stage 2, May 23, 2019, Board of Trustees</u>
President's Council Sponsor: <u>Linda Makin</u> Ext. _____
Policy Steward: <u>Laura Carlson, Karen Clemes</u> Ext. _____

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>05/23/2019</u></p> <p>University Entities Review Entrance Date: <u>Not applicable</u> Close Feedback: <u>Not applicable</u></p> <p>University Community Review Entrance Date: <u>Not applicable</u> Open Feedback: <u>Not applicable</u> Close Feedback: <u>Not applicable</u></p> <p>Board of Trustees Review Entrance Date: <u>05/23/2019</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</p> <p>Name: _____</p> <p>Date posted and verified: _____</p>



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POLICY TITLE	Discrimination, Harassment, and Affirmative Action (Temporary Emergency)	Policy Number	165
Section	Governance, Organization, and General Information	Approval Date	June 22, 2017
Subsection	Individual Rights	Effective Date	June 22, 2017
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*



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2.8 UVU Policy 161 *Freedom of Speech*

2.9 UVU Policy 162 *Sexual Misconduct*

2.10 UVU Policy 361 *Leave of Absence*

2.11 UVU Policy 541 *Student Code of Conduct*

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~~ [adverse action](#) 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.



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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: An action, performed directly or through others, that is aimed to dissuade a reasonable person from engaging in a protected activity or is done in retribution for engaging in a protected activity. Action in response to a protected activity is not retaliatory unless (1) it has a materially adverse effect on the working, academic, or other University-related environment of an individual and (2) it would not have occurred in the absence of (but for) the protected activity. Examples of protected activities include reporting (internally or externally) a complaint of protected class discrimination or harassment in good faith, assisting others in making such a report, or honestly participating as an investigator, witness, decision maker, or otherwise assisting, in an investigation or proceeding related to suspected protected class discrimination or harassment. 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*.)



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[3.12 University community members: 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, advisory board members, administrators, faculty, staff, students, independent contractors, volunteers, and guests or visitors to any university campus or any property owned or leased by the University.](#)

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 and its procedures takes precedence govern and controls. Policy 162 *Sexual Misconduct* separately and exclusively addresses sexual misconduct, as defined in Policy 162 and section 3.11 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 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-



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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*.

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



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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.

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 Scope and Applicability of These 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.



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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 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



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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.

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)863-7999590. Reports may be filed in person, through email, or via the equal opportunity website at <https://www.uvu.edu/equalopportunity/titleix/>.

<https://www.uvu.edu/equalopportunity/>

5.4.2 Individuals may also submit reports, including anonymous reports, through [the university's designated reporting system\(s\), such as EthicsPoint -\(877\)228-5401 or https://secure.ethicspoint.com/domain/media/en/gui/23421/index.html](#).

~~**5.4.2** 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>~~

5.4.3 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.



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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 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, ~~they~~ he or she shall issue a written notice of dismissal to the complainant. Such dismissals are final and not appealable internally within UVU.

~~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~~ **5.6.4** 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,



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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.

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 Formal 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.



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- 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.
- 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)~~12) 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



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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.~~

5.8.4 By requesting an investigation ~~on the and submitting a~~ 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 ~~during the investigation at the~~ complainant ~~refuses to sign the summary~~ ~~elects not to cooperate or withdraws the complaint~~, 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~~ ~~elects not to cooperate~~ 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 ~~and;~~ 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 may 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).



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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.
- 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. Though the University strives to resolve all cases in a prompt and timely manner, the timeline varies based on the circumstances of each case. Additionally, the timeline for a case may be affected by breaks in the academic calendar, availability of the parties and witnesses (including due to leave of absence), scope of the investigation, need for interim actions, and unforeseen or exigent circumstances. The parties and administrators with a need to know will be periodically updated on the status of the



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~~case. 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. Complainants, respondents, and third parties may not directly or indirectly contact witnesses who are discovered through the investigation for further questioning and should instead work with the investigator(s) regarding any concerns or discrepancies.

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.

5.8.10 The investigator(s) shall prepare a final investigation report or 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, or designee, and an attorney assigned by General Counsel shall review each final investigation report or 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 report or 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~~ shall consult with the EO/AA Director, the Office of General Counsel, and with Human Resources. ~~When the respondent is a student, the responsible university~~



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administrator shall consult with the [EO/AA Director and the Office of General Counsel](#). The final investigation [report or 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
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 divisiondepartment 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 report or summary](#), 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:



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- 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:

- 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 Code of Conduct*, 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:



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- 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.

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). This basis for review is not available if the investigation does not substantiate any findings.

~~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 ~~they~~ 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



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5.10.2 has been met and that modification(s) to the decision should be recommended, the [panel shall uphold 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.~~ [The Title IX Coordinator or investigator may also provide a written response to the written request for review.](#)

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 [Provost/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.



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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, the [panel members](#) 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 [report or](#) summary and the written review request and opposition statements submitted by the parties. [The EO Director or designee may also submit a clarification statement or response.](#) 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 [report or](#) 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-business](#) days before the hearing, and the EO/AA Director or designee shall make the appropriate arrangements.



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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~~ business 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~~ five business 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). An attorney from the Office of General Counsel who represents the University during the hearing may also submit a document to the panel and parties addressing the bases for review, relevant evidence, and relevant witnesses, and other issues relevant to the hearing at least five business days before the hearing. Only witnesses and other evidence that ~~are~~ 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.
- 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 report or 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.



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- 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 [and the Office of General Counsel attorney representing the University](#) 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. [The attorney from the Office of General Counsel representing the University may also question the same persons.](#) 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.
- 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. [An attorney from the Office of General Counsel may also participate in hearings on behalf of the University.](#)



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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~~ five business 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 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



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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 Provost /Vice President of Academic Affairs
Administration or staff member who is not an executive employee and does not report directly to a vice president	Provost or v Vice president of the division 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.

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.



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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		
June 22, 2017	Revision (Regular policy replaced temporary emergency policy)	UVU Board of Trustees
November 29, 2018	Non-substantive changes: Sections 2.11 and 5.9.2, Policy 541 title updated from Student Rights and Responsibilities to Student Code of Conduct.	UVU Policy Office
	Temporary Emergency policy approved.	UVU Board of Trustees



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	UVU Policy 207 <i>Internal Audit</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Val Peterson, VP of Finance/Administration
SUBJECT:	UVU Policy 207 <i>Internal Audit</i>
BACKGROUND:	Policy 207 has been updated to reflect current practices that are in compliance with the <i>Utah Internal Audit Act (UIAA)</i> , Regent’s policies R565 and R567, and the UVU Audit Committee Charter.
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve UVU Policy 207 <i>Internal Audit</i>.” • Amend and approve, “I move to approve, as amended, UVU Policy 207 <i>Internal Audit</i>.” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	a. UVU Policy 207 Internal Audit.Stage 4 Draft.04252019.pdf



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Proposed Policy Number and Title: 207 Internal Audit		
Existing Policy Number and Title: 207 Internal Audit Department		
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: <u>04/25/2019, Stage 4 Draft</u>
President's Council Sponsor: <u>Val Peterson</u> Ext. _____
Policy Steward: <u>Christian Farr and Peter VanderHeide</u> Ext. _____

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>7/27/2017</u></p> <p>University Entities Review Entrance Date: <u>12/20/2018</u> Close Feedback: <u>03/07/2019</u></p> <p>University Community Review Entrance Date: <u>03/14/2019</u> Open Feedback: <u>03/14/2019</u> Close Feedback: <u>04/11/2019</u></p> <p>Board of Trustees Review Entrance Date: <u>4/25/2019</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>



UTAH VALLEY UNIVERSITY Policies and Procedures

POLICY TITLE	Internal Audit	Policy Number	207
Section	Financial Affairs and Development	Approval Date	
Subsection	General Financial Policies	Effective Date	
Responsible Office	Office of the Vice President of Finance and Administration		

1.0 PURPOSE

1.1 This policy establishes the authority of Utah Valley University Internal Audit to implement and execute a comprehensive program of internal audits, under the direction of the Audit Committee of the Board of Trustees, conducted in compliance with professional standards and as authorized by Utah statute and Utah State Board of Regents policy.

2.0 REFERENCES

- 2.1** Utah Code 631-5 *Utah Internal Audit Act*
- 2.2** Utah State Board of Regents' Policy R565 *Audit Committees*
- 2.3** Utah State Board of Regents' Policy R567 *Internal Audit Program*

3.0 DEFINITIONS

- 3.1 Audit committee:** A committee of the University's Board of Trustees, established by the Board of Trustees, that provides functional oversight of internal audit activities.
- 3.2 Internal audit:** An independent, objective assurance and consulting activity designed to add value and improve an organization's operations. Internal Audit helps the University accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.
- 3.3 Internal audit charter:** The internal audit charter defines the purpose, authority, responsibility, and position within the University of the internal audit activity.



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4.0 POLICY

4.1 Policy Statement

4.1.1 As a public institution of higher education, Utah Valley University is accountable for its use of resources as it fulfills its educational mission. UVU upholds an environment of ethical behavior and financial stewardship and requires compliance with all applicable laws, regulations, policies, guidelines, and contracts. Internal Audit provides independent assurance to help the University accomplish these objectives.

4.2 Establishment of Internal Audit

4.2.1 The University shall maintain an internal audit activity.

4.2.2 The internal audit activity shall operate in accordance with an internal audit charter established by the Audit Committee.

4.3 Role of Internal Audit

4.3.1 Internal Audit completes audits, including but not limited to all departments, systems, functions, administrative units, or any other operating entity associated with the University. Internal Audit bases these audits on a risk assessment, required by Utah State Board of Regents' policy, requested by administrators and others, or any other assurance or consulting services.

4.3.1.1 Internal Audit is independent and objective. Internal Audit's involvement in no way relieves administrators of their operating and fiduciary responsibilities. All employees must fully cooperate with auditors.

4.3.2 Internal Audit communicates the results of completed internal audit activities to the President and the Audit Committee.

4.3.3 If required corrective actions are not addressed in a timely manner, the appropriate vice president shall investigate the reasons for noncompliance and submit a letter of explanation and resolution to the President and Internal Audit.

4.3.4 Any employee can submit a request for Internal Audit services through the appropriate department chair, dean, and vice president; with Internal Audit personnel; and/or through the anonymous reporting helpline and web-based system.

POLICY HISTORY		
August 12, 1999	Policy approved for entrance to Policy Manual.	UVU Board of Trustees



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	Revised policy approved for entrance to Policy Manual.	UVU Board of Trustees



POLICY TITLE	Internal Audit Department	Policy Number	207
Section	Financial Affairs and Development	Approval Date	August 12, 1999
Subsection	General Financial Policies	Effective Date	August 12, 1999
Responsible Office	Office of the Vice President of Finance and Administration		

1.0 PURPOSE

1.1 The Internal Audit Department is to establish policies, procedures, objectives, and authority for effective internal auditing. Responsibilities of the Internal Audit Department include, but are not limited to, the following:

1) Preparing and maintaining immediate and long range audit schedules based on an ongoing evaluation of risk, administration emphasis, and exposure to the University. The long range schedules will cover all major areas and provide for timely audits/reviews of these areas.

2) Planning, conducting, and reporting performance and financial audits or reviews in accordance with audit schedules and the standards established by the University and the professional practice of internal auditing.

3) Maintaining open communication with audited department supervisors and administrators before, during, and after fieldwork as to objectives, findings, issues, and recommendations.

4) Preparing a formal report of findings, conclusions, and recommendations upon completion of an audit or review.

5) Planning, conducting, and reporting compliance reviews of the department audited to ensure the issues are properly resolved.

6) Planning, conducting, and reporting special investigations as requested by the University administration in areas of particular concern.

7) Coordinating and providing support as appropriate with external auditors in an effort to eliminate duplication of efforts or reduce outside audit scope and costs.



8) Coordinating and maintaining appropriate interface with the Board of Regents' Auditors, complying with State Board of Regents policy and procedures, and completing system-wide audits/reviews as directed by the Board.

9) Maintaining the independent and professional proficiency of the audit staff to assure objectivity and due professional care in conducting the audits and reviews.

2.0 REFERENCES

3.0 DEFINITIONS

3.1 Financial audit: A systematic process of objectively obtaining and evaluating evidence regarding assertions about economic actions and events to ascertain the degree of correspondence between those assertions and established criteria and to communicate the result to interested users.

3.2 Performance audit: A systematic process of 1) examining the faithfulness of administrative adherence to constitutions, statutes, institutional policies and procedures, and other requirements; 2) determining the degree of efficiency of an auditee by measuring the extent to which the resources (i.e. people, facilities, equipment, supplies, funds) have been efficiently planned, allocated, controlled, and employed to generate output; and 3) determining the extent to which an auditee accomplishes its objectives and ultimately its goals.

3.3 Review: A systematic process of inquiries and analytical procedures which are designed to detect material weaknesses and/or nonconformance to generally accepted auditing principles. A review is not an audit since a review would not include the study and evaluation of internal control and other prescribed audit procedures. Consequently, a review may disclose certain important matters, but not necessarily all matters that would be disclosed by an audit.

3.4 Internal controls: The plan of organization and all of the coordinate methods and measures adopted within an organization to safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies.

4.0 POLICY

4.1 Utah Valley University will maintain an Internal Audit Department to oversee a comprehensive program of reviews and audits under the direction of the University President and within the policies established by the Board of Regents.



4.2 Objective

~~4.2.1 The Internal Audit Department is an independent appraisal activity within the University's organization for the audit or review of operations as a service to management. Internal auditing is a managerial control which functions by measuring and evaluating the effectiveness of other controls and assessing the efficiency and effectiveness of operations.~~

~~4.2.2 The objective of internal auditing is to assist all members of management in the efficient and effective discharge of their responsibilities by furnishing them with independent analysis, appraisals, recommendations, and pertinent comments concerning the manager's area of responsibility.~~

4.3 Authority

~~4.3.1 The Internal Audit Department derives its authority directly from the University President and Board of Regents and is authorized to conduct such audit/reviews of any university department, system, function, or administrative unit as are necessary to accomplish its objectives. The Internal Audit Department is also authorized to have free and unrestricted access to all university records, personnel, and physical properties relevant to the performance of the audit/review—providing the access is gained within federal, state, and local law. The auditor will protect the confidentiality of all sensitive information and will not disclose any sensitive information except for purposes of the audit.~~

~~4.3.2 Although the Internal Audit Department is charged with the responsibility to audit/review the fiscal, operational, and administrative systems of the University, the services of Internal Audit are staff in nature; and its audit staff have neither authority over, nor responsibility for, any of the activities audited or reviewed. Likewise, Internal Audit's involvement in no way relieves department supervisors of operating responsibility assigned to them.~~

5.0 PROCEDURES

5.1 Audit Requests

~~5.1.1 Any employee of the University can request an audit by submitting a written request to the Internal Audit Department. In order to determine the relative importance of a particular request in comparison with audits already scheduled, routine requests should generally be routed through the department chairperson, dean, and vice president. In special situations, where an employee may feel intimidated by routing a request through established chain of command, an employee's written concern or request can be discussed in confidence with audit department personnel. Appropriate action will be based upon these discussions.~~

5.2 Opening Conference



~~5.2.1 Internal Audit will ordinarily provide advance notice of the audit to the department head and other responsible administrators. An opening conference will be arranged where specific audit objectives, plans, and procedures will be discussed. Audits may also be undertaken without advance notice if appropriate under the circumstances, as requested by the President, Board of Regents, or by written request of the appropriate supervisor.~~

5.3 Fieldwork

~~5.3.1 Audit fieldwork consists of interviews with responsible employees, observation of procedures, examination of documentation, compliance and substantive testing, and other audit or analytical procedures considered necessary under the circumstances. Audit observations and tentative findings and recommendations will normally be discussed with responsible employees of the audited department throughout the course of fieldwork.~~

5.4 Draft Report

~~5.4.1 Upon completion of the fieldwork, a draft audit report is prepared. The draft report shall include an introduction and scope paragraph, as well as a statement of condition, criteria, effect, cause, and recommendation for each issue discussed.~~

5.5 Closing Conference

~~5.5.1 At some specified date, normally within ten days of delivery of the draft audit report to the department, a closing conference will be held. Attendance normally includes the auditors working on the engagement and representatives from the audited department. At the conference, the draft audit report will be reviewed. Differences of fact or interpretation will be discussed and appropriate corrections or revisions in the report will be made.~~

5.6 Final Draft Report

~~5.6.1 After due consideration of discussions held during the closing conference, Internal Audit will issue a final draft report. This draft will be sent to the representative of the audited department responsible to prepare the initial responses to the issues identified in the report (normally the department head). A memorandum and a copy of the final draft report will also be forwarded to the supervising member of the President's staff.~~

5.7 Response to the Final Draft Report



~~5.7.1 Within 10 working days after receipt of the final draft report, the audited department shall deliver a written response to the supervising member of the President's staff, with a copy of forwarded to Internal Audit. This response will indicate:~~

- ~~1) Department's agreement or disagreement with each of the recommendations.~~
- ~~2) If agreement, the plans for implementing the recommendations including steps to be followed, individuals responsible, and a target date or timetable for implementation.~~
- ~~3) If disagreement, identification of the specific provisions to which exception is taken, the reasons for such exception, and if appropriate, departmental plans to resolve the issue which led to the auditor's recommendation.~~
- ~~4) Within a reasonable period following receipt of the department's response to the final draft report, ordinarily not to exceed 21 calendar days after the draft issuance, the supervising member of the President's staff will:~~
 - ~~a) Review the response, draft and resolve any conflicts through contact with the audited department and Internal Audit.~~
 - ~~b) Coordinate the response with the other members of the President's staff if necessary to ensure a university-wide perspective.~~
 - ~~c) Edit the response as necessary and forward it to Internal Audit.~~
 - ~~d) Upon receiving the response to the final draft, Internal Audit will incorporate the responses into the body of the report verbatim in a response paragraph following each issue.~~

5.8 Final Draft Approval

~~5.8.1 After considering the responses of the audited department head and the supervising member of the President's staff, and after making any changes which may be appropriate, the President, supervising member of the President's staff, and the Internal Auditor will meet to approve the final draft copy.~~

5.9 Final Audit Report

~~5.9.1 The final audit report shall be submitted to the President, with copies to the chairperson of the Board of Trustees, the chairperson of the Board of Regents, Regents' Audit Review Subcommittee members, Regents' Director of Internal Audits, supervising member of the President's staff, head of the audited department, and the Commissioner of Higher Education.~~



5.10 Compliance Review

~~5.10.1 Within a reasonable time following the release of the audit report, ordinarily six months, Internal Audit will conduct a review of actions taken in response to the audit report. At the completion of the review, a compliance report will be distributed to those who received the original audit report. The compliance report will state if appropriate steps have been initiated by the audited department, and will identify any items where further action is considered necessary. If the report indicates substantial noncompliance, the supervising member of the President's Staff shall investigate the reasons for noncompliance, and submit a letter of explanation and resolution to the President, with a copy of Internal Audit who will submit the letter to the Regents' Audit Review Subcommittee.~~

5.11 Report Retention

~~5.11.1 Reports shall be filed and retained in perpetuity.~~

~~5.11.2 Letters and memorandums shall be filed and retained for a minimum of seven years.~~

~~5.11.3 Work papers shall be filed and retained for a minimum of two years.~~

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	<i>UVU Policy 231 Fundraising Authority, Responsibility, and Coordination</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Scott Cooksey, VP of Institutional Advancement
SUBJECT:	<i>UVU Policy 231 Fundraising Authority, Responsibility, and Coordination</i>
BACKGROUND:	This policy has been updated to clarify the individuals and positions with and without authority to conduct charitable fundraising on behalf of the University.
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve <i>UVU Policy 231 Fundraising Authority, Responsibility, and Coordination.</i>” • Amend and approve, “I move to approve, as amended, <i>UVU Policy 231 Fundraising Authority, Responsibility, and Coordination.</i>” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	a. Policy 231 Fundraising.Stage 4.04252019.BOT.pdf



UTAH VALLEY UNIVERSITY Policies and Procedures

Proposed Policy Number and Title: 231 Fundraising Authority, Responsibility, and Coordination		
Existing Policy Number and Title: 231 Fund-Raising Coordination		
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"/> Revision—Limited Scope	<input type="checkbox"/> Revision—Limited Scope	
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date: XX/XX/XXXX	
*See UVU Policy 101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: Stage 4, April 25, 2019 Draft		
President’s Council Sponsor: Scott Cooksey	Ext.	XXXX
Policy Steward: Melanie Lefranca	Ext.	XXXX

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>1/11/2018</u></p> <p>University Entities Review Entrance Date: <u>12/20/2018</u> Close Feedback: <u>03/07/2019</u></p> <p>University Community Review Entrance Date: <u>03/21/2019</u> Open Feedback: <u>03/21/2019</u> Close Feedback: <u>04/18/2019</u></p> <p>Board of Trustees Review Entrance Date: <u>04/25/2019</u> Approval Date: <u>XX/XX/XXXX</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>Click here to enter text.</u></p> <p>Date posted and verified: <u>XX/XX/XXXX</u></p>



UTAH VALLEY UNIVERSITY
Policies and Procedures

POLICY TITLE	Fundraising Authority, Responsibility, and Coordination	Policy Number	231
Section	Financial Affairs and Development	Approval Date	XX/XX/XXXX
Subsection	Development	Effective Date	XX/XX/XXXX
Responsible Office	Office of the Vice President of Institutional Advancement		

1.0 PURPOSE

1.1 Charitable giving is critical to the mission and growth of Utah Valley University. This policy recognizes Institutional Advancement as the sole university entity with authority to procure charitable gifts to the University. As such, Institutional Advancement directs how and when UVU employees, students, and volunteers may engage in activities intended to secure charitable gifts. This coordination of efforts increases efficiency, ensures efforts are aligned with university mission and priorities, optimizes contact with donors, and ensures all relevant laws and regulations are followed.

2.0 REFERENCES

- 2.1** 26 U.S.C. § 501 *Internal Revenue Code*
- 2.2** CASE *Reporting Standards and Management Guidelines*
- 2.3** Utah Code 16-6a *Utah Revised Nonprofit Corporation Act*
- 2.4** Utah Code 53B-20-105 *Institutional right to receive and convert grants, gifts, devises, or bequests*
- 2.5** Utah Board of Regents' Policy R530 *Acceptance of Conditional Gifts*
- 2.6** UVU Policy 234 *Coordination of Sponsorship and Advertising*

3.0 DEFINITIONS

3.1 Charitable gift/contribution: A voluntary and irrevocable transfer of property (for example, real property, personal property, cash, or securities) by a donor to the Utah Valley University Foundation (or in some cases the University), for a charitable purpose designated by the donor without any compensation or substantial benefit transferred to the donor in return for the property (other than appropriate recognition or the property being directed toward certain



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activities within the University). Hereafter, charitable gifts/contributions will be referred to as gifts.

3.1.1 Some private organizations may use the term “grant” in reference to a charitable gift. Provided there is no requirement of quid pro quo, donor ownership, or donor control beyond reasonable designations and criteria placed on the use of the property, any such contribution will be deemed a charitable gift.

3.1.2 Property transferred from local, state, and federal governmental entities is not considered a gift.

3.2 Donor: Any individual, corporation, foundation, or other entity making a charitable gift.

3.3 Fundraising activities: All activities related to procuring private, philanthropic support for the University, including but not limited to gift solicitation, gift proposals, prospective donor and donor relationship management, donor events, receiving and processing gifts, gift receipting, development of promotional materials, and public announcements of gifts.

3.3.1 Gift solicitation: Any oral or written request for a charitable gift.

3.3.2 Receipting: Documentation confirming the receipt, description, and donor of a charitable gift.

3.4 Other university representative: Non-university employees representing the University in some official capacity including but not limited to: volunteers, board members, search committee members.

3.5 Sponsorships: See UVU Policy 234 *Coordination of Sponsorship and Advertising*.

3.6 Supervising executive: The vice president, associate vice president, or dean who most closely oversees a university department or organization.

3.7 Utah Valley University Foundation (“Foundation”): Is the duly established Utah non-profit corporation organized to be a charitable, tax-exempt 501(c)(3) entity that operates exclusively for the benefit of the University. The Foundation accepts and manages any and all charitable gifts to the University. The Foundation is directed by a board comprising volunteers and university employees. For the purposes of this policy, references to Institutional Advancement shall be presumed to include the Foundation and its board unless otherwise indicated.

4.0 POLICY

4.1 Institutional Advancement shall direct all fundraising activities for, or on behalf of, the University. No university offices, employees, students, or other university representatives may



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engage intentionally in fundraising activities without the prior approval of the Vice President of Institutional Advancement or their designee.

4.2 All university offices, employees, students, and other university representatives are responsible for directing any received charitable gifts to Institutional Advancement for processing, receipting, and reporting purposes.

4.3 The Foundation shall be the repository for all charitable gifts made to the University unless otherwise directed and approved by the Vice President of Institutional Advancement.

4.4 All fundraising activities shall comply with university policies and procedures and Institutional Advancement operating guidelines, as well as federal and state law.

4.5 Institutional Advancement employees shall abide by the highest standards of ethical conduct in fundraising, and shall be trained and educated in ethical fundraising best practices. Employees shall be provided with resources to remain familiar with professional standards, including but not limited to university policies and procedures, the Council for Advancement and Support of Education (CASE) *Statement of Ethics*, and the CASE *Donor Bill of Rights*.

4.5.1 No party in connection with a charitable gift to the University or the Foundation will receive a commission or a finder's fee of any kind.

5.0 PROCEDURES

5.1 Approval Process

5.1.1 Prior to engaging in any fundraising activities, all university employees or organizations must secure approval from their supervising executive.

5.1.2 Upon securing approval from their supervising executive, university employees must then secure approval from the Vice President of Institutional Advancement or their designee.

5.1.3 Prior to engaging in any fundraising activities, student groups shall secure approval from Institutional Advancement for the fundraising purpose and the amount and individual or organization to be solicited.

5.2 All university offices, employees, students, or other university representatives shall promptly notify Institutional Advancement if they receive inquiries, offers, or information regarding a possible gift to the Institution.

5.3 Any communication to a donor or prospective donor concerning tax deductibility of gifts must be made by Institutional Advancement.



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5.3.1 If a gift or sponsorship results in the donor receiving material benefit, the value of the benefit must be determined by Institutional Advancement and accounted for in the gift receipt.

POLICY HISTORY		
June 8, 2006	Approved for Policy Manual	UVU Board of Trustees
	Revised policy approved for Policy Manual	UVU Board of Trustees



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POLICY TITLE	Fund-Raising Coordination	Policy Number	231
Section	Financial Affairs and Development	Approval Date	June 8, 2006
Subsection	Development	Effective Date	June 8, 2006
Responsible Office	Office the Vice President of Development and Alumni Relations		

1.0 PURPOSE

2.0 REFERENCES

3.0 DEFINITIONS

~~**3.1 Fund-raising:** Any and all activities designed or intended to result in charitable donations to the University, regardless of sponsor.~~

~~**3.2 Fund-raising activities:** Include but are not limited to cultivation activities, name clearance, alumni activities, introduction of new programs, solicitation, processing of gifts, preparation of promotional materials, and public announcements of gifts.~~

4.0 POLICY

~~**4.1** The Utah Valley University Foundation, Inc., and the Division of Development and Alumni of Utah Valley University will be the only official agencies empowered to cultivate, solicit, receive, and process charitable gifts for the University. The Foundation and the Division of Development and Alumni are the only agencies responsible to authorize and coordinate charitable fund raising in behalf of the university unless otherwise authorized. No university personnel or students are authorized to conduct charitable fund-raising activities on behalf of the University without the full knowledge and prior approval of the Division of Development and Alumni.~~

5.0 PROCEDURES

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	<i>UVU Policy 232 Honorary and Gift-Based Namings</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Scott Cooksey, VP of Institutional Advancement
SUBJECT:	<i>UVU Policy 232 Honorary and Gift-Based Namings</i>
BACKGROUND:	The current policy requires all namings be approved by the Board of Trustees upon recommendation of the University President. As the University places more emphasis on private fundraising, the number and type of naming opportunities are increasing to a point that Trustee approval of every naming is impractical. Minor policy revision is needed to disperse naming approval responsibility among a few senior university leaders.
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve for UVU Policy 232 <i>Honorary and Gift-Based Namings</i>.” • Amend and approve, “I move to approve, as amended, UVU Policy 232 <i>Honorary and Gift-Based Namings</i>.” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	a. UVU Policy 232 Names.Stage 4.04252019.BOT.pdf



UTAH VALLEY UNIVERSITY Policies and Procedures

Proposed Policy Number and Title: 232 Honorary and Gift-Based Namings		
Existing Policy Number and Title: 232 Honorary Names and Named Gifts		
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"/> Revision—Limited Scope	<input type="checkbox"/> Revision—Limited Scope	
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date: XX/XX/XXXX	
*See UVU Policy 101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: Stage 4, April 25, 2019, Draft		
President’s Council Sponsor: Scott Cooksey	Ext.	XXXX
Policy Steward: Melanie Lefranca	Ext.	XXXX

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>1/11/2018</u></p> <p>University Entities Review Entrance Date: <u>12/20/2018</u> Close Feedback: <u>03/07/2019</u></p> <p>University Community Review Entrance Date: <u>03/21/2019</u> Open Feedback: <u>03/21/2019</u> Close Feedback: <u>04/18/2019</u></p> <p>Board of Trustees Review Entrance Date: <u>04/25/2019</u> Approval Date: <u>XX/XX/XXXX</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>Click here to enter text.</u></p> <p>Date posted and verified: <u>XX/XX/XXXX</u></p>



UTAH VALLEY UNIVERSITY Policies and Procedures

POLICY TITLE	Honorary and Gift-Based Namings	Policy Number	232
Section	Financial Affairs and Development	Approval Date	XX/XX/XXXX
Subsection	Development	Effective Date	XX/XX/XXXX
Responsible Office	Office of the Vice President of Institutional Advancement		

1.0 PURPOSE

1.1 The University seeks to acknowledge, recognize, and honor individuals, families, and organizations that have made a contribution, financial or otherwise, to the growth, development, and enrichment of the University.

2.0 REFERENCES

2.1 Utah Board of Regents' Policy R220 *Delegation of Responsibilities to the President and Board of Trustees*

2.2 Utah Board of Regents' Policy R401 *Approval of New Programs, Program Changes, Discontinued Programs, and Program Reports*

2.3 UVU Policy 231 *Fundraising Authority, Responsibility, and Coordination*

3.0 DEFINITIONS

3.1 Facility: Any building, structure, large room, plaza, open space, landscaped area, athletic space, or other physical improvement or natural feature (real property) under the ownership or administrative control of the University.

3.2 Gift agreement: A document, signed by a donor and an officer of the University and/or the Utah Valley University Foundation, confirming the mutual promises, commitments, undertakings, restrictions, and agreements of the involved parties pertaining to the use of a gift to the University or the Utah Valley University Foundation.

3.3 Gift-based name: A naming that recognizes individuals, families, or organizations for charitable giving to the institution. These naming opportunities include but are not limited to scholarships, chairs, professorships, facilities, colleges, schools, centers, divisions, departments, institutes, clubs, partnerships, or initiatives.



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3.4 Honorary name: A naming that acknowledges an individual or entity who is distinguished through unique service to the University (for example, Wilson W. Sorensen Student Center). Generally, an honorary name is not bestowed in recognition of a charitable gift.

3.5 Program: Any organization or activity under the administrative control of the University. Programs include but are not limited to clubs, partnerships, or initiatives.

3.6 Small interior space: Any small interior room or area (for example, an office, study area/nook, or similar).

3.7 Utah Valley University Foundation (“Foundation”): Is the duly established Utah non-profit corporation organized to be a charitable, tax-exempt 501(c)(3) entity that operates exclusively for the benefit of the University. The foundation accepts and manages any and all charitable gifts to the University. The foundation is directed by a board comprising volunteers and university employees. For the purposes of this policy, references to the Division of Institutional Advancement shall be presumed to include The Foundation and its board unless otherwise indicated.

4.0 POLICY

4.1 The University and the Foundation will accept gift-based names and establish honorary names for facilities and programs as a means to show appreciation to individuals and organizations that have made a notable contribution, financial or otherwise, to the University. Gift-based and honorary names for facilities and programs shall be approved as follows:

Naming Type	Final Approval Authority
Honorary names	Board of Trustees
Gift-based names for facilities, colleges, schools, divisions, departments, institutes and centers	
Gift-based names for small interior spaces, clubs, and partnerships	President
Gift-based names for scholarships, chairs, and professorships, and program initiatives	Vice President of Institutional Advancement

4.2 Actions resulting from the approval of a naming shall comply with the *UVU Donor Signage Guidelines* maintained by the Division of University Relations and the Division of Finance and Administration. The Vice Presidents of University Relations, Institutional Advancement, and Finance and Administration shall determine and approve collectively on a case-by-case basis if it is appropriate to allow term-limited namings for athletic facilities to display a corporate logo.



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4.3 Honorary names for facilities and small interior spaces are permanent, or for the useful life of the facility/space. When a term is stated in the gift agreement, gift-based names for facilities and small interior spaces shall remain only for the period of that term.

4.4 The University, in accordance with the terms of a gift agreement (for gift-based names), reserves the right to determine the content, location, and frequency of any announcement associated with a named facility or program.

4.5 In order to protect the reputation of the University, in unusual and unforeseen circumstances the University, with Board of Trustees approval, reserves the right to remove a name from any facility, college, school, center, institute, program, or other University element.

5.0 PROCEDURES

5.1 Gift-Based Namings

5.1.1 Gift-based naming proposals shall first be reviewed and approved by the vice president who oversees the facility or program to be named, followed by the Vice President of Institutional Advancement, and then by the appropriate approving authority, as required by Section 4.1.

5.1.2 If the Board of Trustees is the final approving authority, the Vice President of Institutional Advancement shall present the proposal to the President for review before presenting the proposal to the Board of Trustees for approval.

5.1.3 Gift-based names shall be considered based on the monetary amount of the gift and its value to the University.

5.1.4 The gift-based naming of a facility will take into account the condition, use, and age of the building, visibility and use of the room, size of room, market for potential donors, and other relevant considerations. This is determined jointly by the President, Vice President of Institutional Advancement, and the vice president over the area in which the facility or program resides.

5.1.5 Appropriate due diligence regarding the naming is the responsibility of the vice presidents involved in the approval process and the President.

5.1.6 All terms and conditions of a gift-based naming shall be documented in the gift agreement.

5.1.7 If a gift-based named university facility or program should cease to exist, the Vice President of Institutional Advancement will consult with the donor, the donor's descendants, the donating corporation, or the donating foundation to ensure that appropriate recognition is sustained.



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5.2 Honorary Namings

5.2.1 Proposals for honorary namings are to be submitted to the Vice President of University Relations and should include (1) a biographical summary of the proposed honoree (individual, family, corporation, or foundation), (2) a description of the facility or program and its proposed name, and (3) a description of the honoree’s contribution to the University.

5.2.2 Honorees, or families of honorees, shall be consulted regarding the details of the honorary naming, including the planned length of time a facility or program will be named on behalf of the honoree.

5.2.3 Upon approval from the Vice President of University Relations, the proposal shall be reviewed and approved by the Vice President of Institutional Advancement and the vice president over the area where the facility or program resides, followed by the President. Upon these approvals, the Vice President of University Relations shall present the proposed naming to the Board of Trustees for approval.

5.2.4 Appropriate due diligence regarding the naming is the responsibility of the Vice Presidents involved in the approval process and the President.

5.3 Removal of Honorary and Gift-Based Namings

5.3.1 If unusual and unforeseen circumstance arise in which an honorary or gift-based naming could harm the reputation of the University, President’s Council will review the circumstances to determine if removing the name might be appropriate.

5.3.2 If President’s Council determines removal is appropriate, the appropriate vice president will proceed as follows:

5.3.2.1 For gift-based namings, the Vice President of Institutional Advancement will present findings of the President’s Council to the Board of Trustees;

5.3.2.2 For honorary namings, the Vice President of University Relations will present the findings of the President’s Council to the Board of Trustees.

5.3.2 After deliberation, the Board of Trustees shall vote on removal of the name in question.

POLICY HISTORY		
April 10, 2008	Approved	UVU Board of Trustees
	Revised policy approved	UVU Board of Trustees



POLICY TITLE	Honorary Names and Named Gifts	Policy Number	232
Section	Financial Affairs and Development	Approval Date	April 10, 2008
Subsection	Development	Effective Date	April 10, 2008
Responsible Office	Vice President of Development and Alumni Relations	Effective Date	April 10, 2008

1.0 PURPOSE

1.1 The University desires to acknowledge, recognize and honor individuals, families, and organizations that have made a contribution to the growth, development, and enrichment of the University.

2.0 REFERENCES

2.1 Utah Board of Regents' Policy R220 *Delegation of Responsibilities to the President and Board of Trustees*

3.0 DEFINITIONS

3.1 Facility and facilities: Any building, structure, room, plaza, open space, landscaped area, or other physical improvement or natural feature of the University's campus or of other property under the administrative control of the University.

3.2 Gift agreement: A legal document, signed by a donor and an officer of the University, confirming the mutual promises, commitments, undertakings, restrictions, and agreements of the involved parties pertaining to the naming of a gift to the University.

3.3 Honorary name: An honorary name acknowledges an individual or entity who is distinguished through unique service to the University (e.g., Wilson W. Sorensen Student Center).

3.4 Named gift: A named gift honors individuals, families, or organizations that are distinguished through financial support to the institution (e.g., the Gunther Trades building). These naming opportunities include scholarships, chairs, professorships, rooms, and other interior space, athletic fields, buildings, schools, colleges, institutes, and programs.

3.5 Program or programs: Include, but are not limited to, any college, department, division, center, or institute under the administrative control of the University.



4.0 POLICY

~~4.1 The University will accept named gifts and honorary names for facilities and programs as a means to pay tribute to people and organizations that have made a notable contribution to the University.~~

~~4.2 The Board of Trustees shall approve/disapprove all honorary names and named gifts upon recommendation of the President.~~

~~4.3 Honorary names and named gifts shall be approved/disapproved based on the monetary amount or the value to the University, or on distinguished service, teaching, or support to the University.~~

5.0 PROCEDURES

~~5.1 The following procedures pertain to both honorary names and named gifts:~~

~~5.1.1 The naming of a facility will take into account the condition, use, and age of the building, visibility and use of the room, size of room, market for potential donors, and other relevant considerations.~~

~~5.1.2 The appropriate vice president will present the proposed honorary name or named gift to the President for consideration and approval.~~

~~5.1.3 Names given to facilities and programs will remain for a period of time as agreed upon by the donor and the University, after which time, the donor may be given an opportunity to renew the name or another donor may be sought.~~

~~5.1.4 The University reserves the right to determine the content, location, and frequency of any announcement associated with a named facility or program.~~

~~5.1.5 If the naming recommendation is approved by the Board of Trustees, actions necessary to establish the newly designated name will be carried out by the Vice President of University Advancement in collaboration with the Vice President of Administration.~~

~~5.2 The following procedures pertain to honorary names:~~

~~5.2.1 Proposals should be presented to the President, or the appropriate vice president, in writing and should include (a) a biographical summary of the person proposed to be recognized, (b) a description of the facility or program and the proposed name, and (c) reasons the contribution to the institution by the individual, family, corporation, or foundation satisfy the standards set out in this policy. No naming opportunity will be considered for a current staff member, faculty member, or trustee.~~



~~5.2.2~~ Honorees, or families of honorees, will be consulted regarding the particulars of the honorary naming, including the planned length of time a facility or program will be named on behalf of the honoree.

~~5.3~~ The following procedures pertain to named gifts:

~~5.3.1~~ A vice president receiving a proposal for a named gift shall advise the Vice President of University Advancement, who shall discuss with the President the proposed gift. If a proposal is approved by the President, the Vice President of Institutional Advancement shall place the proposal on the agenda of the Board of Trustees.

~~5.3.2~~ The President and Board of Trustees will approve named gifts for any facility or program. The President may delegate responsibility for naming interior portions of a facility or selected outdoor facility to deans or directors.

~~5.3.3~~ The University may require a background check or verification on any donor for any naming opportunity.

~~5.3.4~~ All donations related to naming opportunities must be clearly identified and made irrevocable in writing.

~~5.3.5~~ The University reserves the right to withdraw the name of a facility or program in the event that maintaining the name becomes inconsistent with the mission and reputation of the University.

~~5.3.6~~ Any obligation imposed on the University in connection with naming opportunities and their attendant donations must be approved by the President.

~~5.3.7~~ For all named gifts funded over multiple years, the gift will not be named or publicly announced until the first gift installment is received or converted to cash and a gift agreement is signed by the donor. The University may withdraw use of the name if the named gift is not fully funded within the terms of the gift agreement.

~~5.6.8~~ For named facilities resulting from a named gift, the donor(s) will receive appropriate recognition that may include a plaque, exterior signage, or acknowledgement in brochures and other literature regarding the facility.

~~5.6.9~~ A list of named gift opportunities and suggested donation guidelines will be maintained by the Office of University Advancement and approved by the President, with input from other parties who have a vested interest in the facility or program being named (e.g., deans or others who represent the units housed in colleges or buildings).



~~5.6.10 If a University facility or program, that has received a named gift, should cease to exist, the Vice President of University Advancement will consult with the donor, the donor's descendants, the corporation or the foundation so that appropriate recognition is sustained.~~

POLICY HISTORY		
April 10, 2008	Approved	UVU Board of Trustees
	Revised policy approved	UVU Board of Trustees



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	<i>UVU Policy 233 Fund-Raising, Solicitation Clearance, and Cultivation (Deletion)</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Scott Cooksey, VP of Institutional Advancement
SUBJECT:	<i>UVU Policy 233 Fund-Raising, Solicitation Clearance, and Cultivation (Deletion)</i>
BACKGROUND:	Portions of Policy 233 have been updated and placed into Policy 231; therefore, Policy 233 will be deleted.
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve UVU Policy 233 <i>Fund-Raising, Solicitation Clearance, and Cultivation.</i>” • Amend and approve, “I move to approve, as amended, UVU Policy 233 <i>Fund-Raising, Solicitation Clearance, and Cultivation.</i>” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	a. UVU Policy 233 Deletion.Stage 4.04252019.BOT.pdf



Proposed Policy Number and Title: <i>233 Fund-Raising, Solicitation Clearance, and Cultivation (DELETION)</i>		
Existing Policy Number and Title: <i>233 Fund-Raising, Solicitation Clearance, and Cultivation</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 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: <u>Stage 4</u>
President's Council Sponsor: <u>Scott Cooksey</u> Ext. _____
Policy Steward: <u>Melanie Lefranca</u> Ext. _____

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>1/11/2018</u></p> <p>University Entities Review Entrance Date: <u>12/20/2018</u> Close Feedback: <u>03/07/2019</u></p> <p>University Community Review Entrance Date: <u>03/21/2019</u> Open Feedback: <u>03/21/2010</u> Close Feedback: <u>04/18/2019</u></p> <p>Board of Trustees Review Entrance Date: <u>04/25/2019</u> Approval Date: _____</p>	<p 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 <hr/> <p>Policy Office personnel who verified and posted this policy to the University Policy Manual</p> <p>Name: _____</p> <p>Date posted and verified: _____</p>



POLICY TITLE	Fund-Raising, Solicitation Clearance, and Cultivation	Policy Number	233
Section	Financial Affairs and Development	Approval Date	June 8, 2006
Subsection	Development	Effective Date	June 8, 2006
Responsible Office	Office of the Vice President of University Advancement		

1.0 PURPOSE

~~1.1 UVU employees need to coordinate fund-raising efforts with prospective donors, protect individuals from excessive contact, and make the University's work with the community efficient and effective. The University needs to install a process for the clearance and cultivation of donors and prospective donors. Key fund-raising opportunities can be sabotaged and lost when this process is ignored or violated.~~

2.0 REFERENCES

3.0 DEFINITIONS

~~3.1 **Manager:** An individual who has been given approval to cultivate and solicit a donation from a prospective donor.~~

~~3.2 **Advertising organizations:** An organization that advertises in sequel, athletic programs, and the event center.~~

~~3.3 **Advisory councils or boards:** Group of volunteers that render service and resources to a particular program or school.~~

~~3.4 **Blackbaud:** The alumni, donor, and prospective donor database, maintained by the Division of Development and Alumni.~~

~~3.5 **Charitable contributions:** Cash, stocks, pledges, planned gifts, real estate, and gifts in kind given to the University with Foundation guidelines.~~

~~3.6 **Committee:** University Development Solicitors Meeting. The Committee includes the Vice President for Development and Alumni, the Associate Vice President, the Executive Director of the UVU Foundation, the Senior Director of Donor Relations, and all directors of development. The committee meets twice a month to clear names.~~



3.7 Development officers: Employees of UVU assigned responsibilities of fund-raising for entities they represent.

3.8 Fund-raising events: Activities within and outside the state of Utah that include golf tournaments, auctions, open houses for parents of prospective or current students, potential donors, alumni, and friends of the University.

3.9 Division of Development and Alumni: The division includes Major Gifts, Planned Giving, Alumni Relations, Donor Relations, Donor Database Management, and Annual Giving.

3.10 Sponsorships: An individual or organization that contributes to UVU, consistent with foundation standards for supporting fund-raising and other campus events.

4.0 POLICY

4.1 UVU employees need to coordinate fund-raising efforts with prospective donors, protect individuals from excessive contact, and make the University's work with the community efficient and effective. The University needs to install a process for the clearance and cultivation of donors and prospective donors. Key fund-raising opportunities can be sabotaged and lost when this process is ignored or violated accepted.

5.0 PROCEDURES

5.1 Clearance to cultivate and solicit will be given for a particular program or project at a specific size range of gift through the Committee. If it is later determined that another program or university entity would more closely match the donor's interest, the committee will reassign the name to a new representative of another university entity.

5.2 Clearance to cultivate and solicit is typically given for a six-month period. If progress toward receipt of a gift is made during this time, the clearance period may be extended. If a solicitation is unsuccessful, the committee shall be notified so other entities wishing to approach the prospect may be granted clearance. Development officers shall submit a six-month report on the progress of each donor to the committee and respective supervisor.

5.3 The manager and the prospective or current donor is a primary relationship. All matters that relate to cultivation and solicitation of the donor for gift-giving purposes are the responsibility of the manager.

5.4 Steps to Clear a Name: Before making contact for the purposes of cultivation or solicitation, a UVU employee shall:



~~5.4.1 Consult the donor database called "Blackbaud," to determine if the target person or organization is listed, or contact the Division of Development and Alumni.~~

~~5.4.2 If the person or organization is in Blackbaud, check to see if a manager has been assigned.~~

~~5.4.3 If a manager is assigned, do not make any approach without first consulting with the manager, who may respond in one of the following ways:~~

~~1) Agree to the contact being made and leave all the details to the person requesting the contact.~~

~~2) Agree to the contact, but request to be involved. The degree of involvement may vary with each case.~~

~~3) Agree to the contact, but the manager will personally make the request.~~

~~4) Ask that no contact be made for the proposed purpose.~~

~~5.4.4 If differences of opinion occur between the account manager and the person requesting to contact the donor, the matter shall be referred to the Vice President of Development and Alumni. Preference on name clearance will be given on the basis of personal connection, donor preference, demonstrated project or program interest, and university priorities.~~

~~5.4.5 If an individual or organization is not in Blackbaud or if no account manager is assigned, the name clearance form (which can be obtained from the Division of Development and Alumni Relations web site) shall be used for all cases where the anticipated individual solicitation is \$500 or more. All name clearance in this category shall be reviewed and approved by the committee. Factors considered in granting approval for the requested solicitation:~~

~~1) The nature and amount of solicitation;~~

~~2) Prior cultivation and giving history;~~

~~3) Information about the donor prospect or organization prospect relating to the specific anticipated solicitation;~~

~~4) The extent to which the solicitation fits into the overall cultivation and development plans of the University.~~

~~5.4.6 If an individual or organization is not in Blackbaud or if no account manager is assigned and the anticipated solicitation for a prospective donor or organization is less than \$500, a donor clearance form shall be used to list all prospective donors and organizations to be contacted. This form shall to be submitted to the Division of Development and Alumni. The names shall be cleared or denied within one business day.~~



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~~5.4.7 All forms turned in shall be used to give accurate information, eliminate excessive contact, and guard the name of the University.~~

~~5.4.8 Spontaneous inquires about or offers of donations should be politely acknowledged and reported to the Division of Development and Alumni at the first opportunity for advice and potential clearance for continued discussions of donations.~~

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	UVU Policy 335 <i>Staff Grievance</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Linda Makin, VP of Planning, Budget, and Human Resources
SUBJECT:	UVU Policy 335 <i>Staff Grievance</i>
BACKGROUND:	This policy replaces the temporary emergency policy. This revision establishes procedures for employees to grieve adverse employment actions and for university administrators to consider and review the grievances.
ALTERNATIVES:	<ul style="list-style-type: none">• Approve as presented, “I move to approve UVU Policy 335 <i>Staff Grievance</i>.”• Amend and approve, “I move to approve, as amended, UVU Policy 335 <i>Staff Grievance</i>.”• No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	a. Policy 335 Staff Grievance. Stage 4.Regular.05212019.BOT.pdf

Proposed Policy Number and Title: 335 Staff Grievance		
Existing Policy Number and Title: n/a (replaces previously deleted Policy 156)		
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>Stage 4 Draft, 05/05/23/2019, Regular, Board of Trustees</u>
President's Council Sponsor: <u>Linda Makin</u> Ext. _____
Policy Steward: <u>Marilyn Meyer, Karen Clemes</u> Ext. _____

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>4/20/2017</u></p> <p>University Entities Review Entrance Date: <u>9/27/2018</u> Close Feedback: <u>11/28/2018</u></p> <p>University Community Review Entrance Date: <u>4/11/2019</u> Open Feedback: <u>4/11/2019</u> Close Feedback: <u>5/14/2019</u></p> <p>Board of Trustees Review Entrance Date: <u>05/23/2019</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</p> <p>Name: _____</p> <p>Date posted and verified: _____</p>

POLICY TITLE	Staff Grievance	Policy Number	335
Section	Human Resources	Approval Date	
Subsection	Conditions of Employment	Effective Date	
Responsible Office	Office of the Vice President of Budget, Planning, and Human Resources		

1.0 PURPOSE

1.1 The purpose of this policy is to provide a fair and equitable process for eligible full-time staff employees to grieve qualifying adverse employment actions, including setting forth distinct procedures for the resolution of staff grievances regarding (a) employment actions other than termination and (b) termination of employment.

2.0 REFERENCES

2.1 *Government Records Access and Management Act (GRAMA)*, Utah Code Ann. § 63G-2-101 (2008)

2.2 *Utah Protection of Public Employees Act*, Utah Code Ann. § 67-21-3.7 (1985)

2.3 UVU Policy 162 *Sexual Misconduct*

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

2.5 UVU Policy 331 *Performance Evaluation for Staff Employees*

2.6 UVU Policy 371 *Corrective Actions and Termination for Staff Employees*

3.0 DEFINITIONS

3.1 Adverse employment action: A formal corrective action or materially adverse change in the terms, conditions, or privileges of employment.

3.2 Arbitrary and capricious: Arbitrary and capricious review focuses on the decision-making process, rather than the “quantum and quality” of information upon which a decision is based. A decision is arbitrary and capricious if the decision maker relied on improper or irrelevant factors, entirely failed to consider an important aspect of the problem, offered an explanation for their decision that runs counter to the evidence, or is so implausible that it could not be ascribed to a difference in view or a product of the decision maker’s expertise.

3.3 Associate Vice President for Human Resources (AVPHR): The administrator responsible for coordinating staff grievances under this policy.

3.4 Clear and convincing evidence: Clear and convincing evidence is an intermediate standard that requires more than a preponderance of evidence but does not require proof beyond a reasonable doubt. It requires existence of facts that make a conclusion very highly probable.

3.5 Confirmation of termination: Document that confirms a staff member's employment with the University is or will be terminated. This document is sent or provided to the staff member after the staff member has responded in a timely manner to a notice of termination document or the time period for response in a notice of termination document has lapsed.

3.6 Formal corrective action: An action imposed on an employee pursuant to UVU Policy 371 *Corrective Actions and Termination for Staff Employees*. Formal corrective actions include written warning; transfer, demotion, suspension, or reduction in pay for disciplinary reasons; and involuntary termination.

3.7 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.

3.8 Grievance: The act of appealing an adverse employment action.

3.9 PACE President: The president of UVU's Professional Association of Campus Employees (PACE).

3.10 Probationary period: The period of initial employment (typically between 6 months and 1 year) that provides the employee and the University the opportunity to assess the employee's ability to perform the duties and fulfill the responsibilities of the position. Employment during the probationary period is at will, which means either the employee or UVU may terminate the employee's employment with or without cause and with or without notice and that the employee has no grievance rights under this policy.

3.11 Substantial evidence: The substantial evidence standard is used to review a factfinder's decision rather than in fact-finding itself. A decision is supported by substantial evidence if there is a quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion. The party challenging the decision maker must marshal all of the evidence supporting the findings and show that despite the supporting facts, and in light of the conflicting or contradictory evidence, the findings are not supported by substantial evidence.

4.0 POLICY

4.1 Scope of Policy

4.1.1 This policy applies only to full-time staff employees in the scope of their staff work who have completed their probationary periods. This policy does not apply to any part-time employee or to part-time or full-time faculty (tenured, tenure-track, not on tenure track, adjunct) or executives.

4.1.2 This policy applies to grievances/appeals of adverse employment action, including formal corrective action under UVU Policy 371 *Corrective Actions and Termination for Staff Employees*.

4.1.3 This policy does not apply if any other policy applying to staff contains its own grievance or appeal procedures. In those cases, the other policy's grievance/appeal procedures apply. For example, this policy does not apply to any complaints, grievances, or appeals alleging or related to protected class discrimination, sexual misconduct, equal opportunity, or any other issues addressed by UVU Policy 162 *Sexual Misconduct* or UVU Policy 165 *Discrimination, Harassment, and Affirmative Action*, because these claims may be grieved or appealed only under UVU Policy 162 or UVU Policy 165. Moreover, this policy does not apply to appeals of performance evaluations addressed by UVU Policy 331 *Performance Evaluation for Staff Employees*.

4.1.4 Some adverse employment actions or other workplace issues may not be grieved under this policy, including but not limited to corrective action or termination during the probationary period, wages and salaries, classification actions, reassignment of job duties and responsibilities, verbal warnings, and day-to-day directives and assignments to staff. A reduction in force or reorganization is not grievable unless it is alleged that appropriate UVU procedures have been violated.

4.2 Policy Statement

4.2.1 The University is committed to fair and equitable treatment of eligible employees who wish to grieve qualifying adverse employment actions. Full-time staff employees who have completed their probationary periods may grieve two aspects of an adverse employment action under this policy. First, staff members may grieve the decision of a supervisor to take adverse employment action on the grounds that the decision was based on incorrect conclusions of fact. Second, if the action is a formal corrective action, then the staff member may also grieve the severity of the corrective action taken.

4.2.2 The staff member must show by clear and convincing evidence that the factual basis for adverse employment action was materially untrue or that the corrective action decision was arbitrary and capricious or unsupported by substantial evidence. A presumption of validity attaches to the decision maker's action and the burden of proof rests with the staff member grieving the action.

4.2.3 At any stage of the grievance process, either party may request mediation to resolve a potential grievance. Mediation will only occur if both parties willingly agree to participate. Mediation is a free service offered to all staff. If resolution is not reached through mediation, the grievant may withdraw the grievance or engage in the grievance process as outlined in this policy.

4.2.4 UVU's Associate Vice President of Human Resources (AVPHR) is responsible for coordinating staff grievances in accordance with this policy. If the AVPHR has a conflict or is otherwise not available, a designee of the AVPHR may serve in this role.

4.2.5 If a staff member receives a decision at any step of the grievance process and does not ask for further review of the grievance within the specified time limit, that particular grievance will be closed with no additional internal grievance or appeal options.

4.2.6 A proposed resolution of a grievance that involves an exception to a university policy requires review by the Office of General Counsel and approval of the AVPHR and the supervising vice president (or the President if the grievance is based on an action by a vice president).

4.2.7 Information disclosed by a staff member during a grievance process shall be treated as confidential as long as it does not interfere with the University's legal obligations, including any obligation to investigate allegations of misconduct and to take corrective action.

4.2.8 No member of the university community may retaliate against any staff member for initiating the grievance process in good faith or for honestly participating in the grievance process as a witness, termination grievance panel member, or otherwise.

4.2.9 All documents, records, recordings, and information associated with the staff grievance process are designated as protected in accordance with the *Utah Government Records and Management Act (GRAMA)*.

5.0 PROCEDURES

5.1 Grievances Other Than Termination

5.1.1 Grievances of adverse employment actions other than termination proceed according to the following two-step process.

5.1.2 Step 1–Discussion between Staff Member and Supervisor

5.1.2.1 Staff who wish to pursue a grievance shall initially attempt to informally resolve the grievance with their immediate supervisor or the immediate decision maker. To initiate this process, the grievant should present a written grievance explaining their concerns to their immediate supervisor within 10 working days of the notification of the adverse employment action.

5.1.2.2 The supervisor shall respond to the grievance in writing within 10 working days of receiving the written grievance.

5.1.2.3 If the grievant believes the matter cannot be prudently discussed or resolved with the immediate supervisor at Step 1, the grievant shall, within five working days after the notification of the adverse employment action, inform the AVPHR or designee that they wish to proceed to Step 2.

5.1.3 Step 2–Review by Appropriate Vice President

5.1.3.1 A grievant may appeal the Step 1 decision in writing to the vice president who oversees the grievant by submitting a copy of the written appeal to the AVPHR within 10 working days of:

- a) Notification of the adverse employment action; or
- b) Receipt of the Step 1 decision; or
- c) Failure of the immediate supervisor to respond to Step 1 of the grievance process within 10 working days.

5.1.3.2 The vice president who oversees the grievant may meet with the grievant as part of the vice president’s review of the appeal. The vice president will reach a decision on the appeal in accordance with the standards in sections 4.2.1 and 4.2.2 and issue a written decision to the grievant within 10 working days of receiving the appeal. If the grievant reports directly to the vice president, or if the vice president has a conflict of interest as determined by the AVPHR in consultation with the Office of General Counsel, then the President will decide the appeal.

5.1.3.3 The decision of the vice president (or, as outlined in 5.1.3.2, the President) shall be final and binding; the grievance is considered closed.

5.2 Grievance of Termination

5.2.1 Within five working days after a *Confirmation of Termination* document from the grievant’s supervisor is sent or provided to the grievant, the grievant may request a termination grievance hearing before a termination grievance panel in writing to the AVPHR. The written request for a grievance hearing must state the grounds for the request (based on one or more of the scopes of grievance set forth in section 4.2.1) and provide the reasons supporting the ground(s).

5.2.2 Selection and Training of Termination Grievance Panel

5.2.2.1 If a staff member requests a termination grievance hearing, then the AVPHR shall promptly convene a three-member termination grievance panel either from the Policy 162/165 review panel pool or by choosing staff members and seeking approval to utilize such staff members on the grievance panel from the PACE President.

5.2.2.2 Each termination grievance panel member must be in good standing with the University; must not be employed in the same vice president's reporting structure as the grievant; must not be a supervisor of the grievant; and must not have any conflicts of interest relating to the grievant or any allegation in the grievance.

5.2.2.3 The AVPHR will inform the parties (the grievant and the responding manager/decision maker) of the chosen panel members and give each party the option to provide any objections to the panel members based on bias or conflict of interest within 3 working days. Consulting with the Office of General Counsel, the AVPHR will review and decide on any conflict of interest or bias objections raised by the parties.

5.2.2.4 The AVPHR shall arrange for the selected termination grievance panel members to attend a training on these procedures provided by the Office of General Counsel.

5.2.3 Hearing Officer

5.2.3.1 The Office of General Counsel will appoint an impartial attorney from outside the Office of General Counsel to preside over the grievance hearing as hearing officer. This attorney must have no prior involvement in either advocacy or investigatory matters related to the grievance. The hearing officer will ensure order, fairness, due process, efficiency, and civility at the hearing, and ensure a relevant and sufficient evidentiary record for the panel's consideration. To advance this aim, the hearing officer may set time limits proportionate to the complexity of the case; exclude irrelevant and unduly repetitious exhibits, witnesses, questions, statements, or other information; and exclude material deemed privileged under the law. Formal rules of evidence do not apply.

5.2.3.2 Parties must appear in person at the hearing. Witnesses must appear in person or remotely via two-way videoconferencing. Written witness statements in lieu of appearance in person or via videoconferencing are inadmissible.

5.2.3.3 The hearing officer may conduct a pre-hearing conference to formulate or simplify the issues; obtain admissions of fact and documents that will avoid unnecessary proof; arrange for the exchange of proposed exhibits; outline expectations for the hearing; or agree to other matters that may expedite the orderly conduct of the hearing.

5.2.4 Preparing for Hearing

5.2.4.1 The AVPHR will schedule a hearing within 20 working days of confirming the panel and hearing officer, unless the schedules of the parties, panel members, or hearing officer require that the hearing be scheduled on a later date. The AVPHR may recommend a panel chair to the panel, based on prior panel experience and/or prior experience with UVU's policies and processes, and the panel members elect a chair. The selected panel members shall promptly meet or communicate with one another electronically and choose a termination grievance panel chair. The name of the selected termination grievance panel chair shall be communicated by the panel members to the AVPHR, the hearing officer, and the parties.

5.2.4.2 The termination grievance panel shall consult with the hearing officer during the grievance process regarding legal, procedural, policy, and other questions as needed. The hearing

officer, in consultation with the panel, will review and respond to any pre-hearing questions or objections from the parties related to hearing matters.

5.2.4.3 The AVPHR will provide to the parties, panel members, and hearing officer (1) the written request for hearing by the grievant, (2) the manager or decision maker(s)' written responses (if any), and (3) material documents related to the decision(s) being grieved. If the materially relevant documents include confidential information, the documents may be provided via a secure cloud-based storage system where documents may be viewed but not printed. The AVPHR may ask parties and participants in the grievance process to sign a confidentiality agreement before giving them access to the documents.

5.2.4.4 The hearing is an opportunity for the parties to address the termination grievance panel in person about the issues being grieved. Each party will have the opportunity to be heard and to respond to any questions from the panel as the panel applies sections 4.2.1 and 4.2.2 to the grievance.

5.2.4.5 At least 7 working days before the hearing date, the grievant and the manager/decision maker shall provide the other party, termination grievance panel chair, and hearing officer the following materials:

- 1) A *Statement Document* of no more than five pages that addresses the grievant's issues, concerns, and proposed solutions framed in terms of the scope of the grievance in section 4.2.1 and the standard of proof in section 4.2.2. The *Statement Document(s)* shall be provided in electronic format.
- 2) A complete list of all proposed witnesses that each party will call to testify (in person or via two-way video communication) at the hearing and a brief description of the testimony and/or information such witnesses may provide. The witness list shall be provided in an electronic format.
- 3) Copies of all documents, exhibits, reports, and any other information (collectively referred to hereinafter as "exhibits") in support of the parties' respective positions on the issues and proposed solution. All exhibits shall be provided in an electronic format to the extent possible; the parties may also submit the documents in hard copy form in binders.
- 4) Notice of whether the party will bring a support person to the hearing, the email address and phone number of the support person, and whether the support person is an attorney. UVU employees that have a conflict of interest may not serve as support persons.

5.2.5 Conducting the Hearing

5.2.5.1 If grievant fails to appear at the hearing at the specified time and place without good cause, the grievance will be deemed abandoned and therefore closed. In the event the manager or decision maker fails to appear at the hearing at the specified time and place without good cause, the grievance will still be heard by the grievance panel.

5.2.5.2 The hearing officer is charged with conducting the termination grievance in a thorough, fair, equitable, and impartial manner; the panel is charged with addressing and deciding the matter in this manner as well.

5.2.5.3 While the hearing is a closed proceeding, the hearing (except for deliberations) will be recorded by the AVPHR or the AVPHR's designee. The proceedings of the hearing may be transcribed by the University.

5.2.5.4 The hearing officer will conduct the hearing and will regulate the introduction of evidence for the panel's consideration in accordance with section 5.2.3.1.

5.2.5.5 The hearing officer will open the hearing by naming the parties and shall state, in a neutral manner, the nature of the actions taken thus far in the grievance process. The hearing officer may also remind the panel and parties of this policy and procedures. All participants at the hearing should be identified at the beginning of the hearing.

5.2.5.6 Each party has up to 120 minutes to present their portion of the case (testimony of the party and that party's witnesses and questioning of the other party's witnesses). The opening and closing statements and questioning by the hearing officer or panel are not included in this 120-minute time limit. The hearing officer or designee will keep track of the amount of time each party takes to present their portion of the case. The hearing officer may extend the amount of time equitably to each of the parties if the grievant shows the need for such an extension.

5.2.5.7 If a party has brought a support person, either the party or the support person should present the opening statement, testimony, and closing statement. For example, the party could present the opening statement, while the support person questions the witnesses and presents the closing statement, but the witnesses may not be questioned by both the party and that party's support person. After issuing a warning, the hearing officer has authority to exclude from the hearing any party, support person, or other participant whose behavior the panel finds unduly disruptive.

5.2.5.8 The order of the hearing shall be as follows:

- 1) Opening statement by grievant
- 2) Opening statement by responding manager/decision maker
- 3) Testimony of the grievant, including presentation of exhibits
- 4) Testimony of grievant's witnesses, including any exhibits
- 5) Testimony of the manager/decision maker, including presentation of exhibits
- 6) Testimony of the manager/decision maker's witnesses, including any exhibits
- 7) Closing statement by grievant
- 8) Closing statement by manager/decision maker

5.2.5.9 The grievant's opening statement should briefly summarize the nature of the grievance and requested remedy. The manager/decision maker's opening statement should briefly summarize their response to the grievant's concerns and requested remedy. There should be no cross examination during the opening statements. In most cases, a five-minute opening statement will suffice, though the hearing officer may adjust as appropriate.

5.2.5.10 Each party may testify and offer relevant evidence (i.e., exhibits) to all parties and panel members in support of their positions. At any time, the termination grievance panel members may ask questions of either party. At the end of a party's testimony, the other party shall have the opportunity to ask any questions regarding the testimony and exhibits, limited to the scope of testimony provided by the party.

5.2.5.11 In addition to their own testimony and submission of exhibits, each party may call witnesses, who shall not be allowed in the hearing room until called to testify. Each witness shall provide their own information and testimony to the panel and may be questioned and cross-examined by the panel at any time. At the end of each witness's testimony, the other party and panel members shall have the opportunity to ask any questions of the witness regarding the witness's testimony, limited to the scope of testimony provided by the witness.

5.2.5.12 At the conclusion of a party's presentation, the hearing officer will call for any final questions from the other party or panel member regarding the presentation.

5.2.5.13 The closing statements of both parties should summarize their positions and set forth proposed remedies. In most cases, a 15-minute closing statement will suffice, though the hearing officer may adjust as appropriate.

5.2.6 Panel Deliberations and Decision

5.2.6.1 The termination grievance panel members are prohibited from discussing any matter related to the hearing with the parties, witnesses, and/or others (except the hearing officer) before or after the hearing. Violation of confidentiality may result in dismissal from the panel and/or other corrective or disciplinary action. Parties, panel members, hearing officers, support persons, and others who attend the hearing will be required to sign confidentiality acknowledgments before participating in the hearing process.

5.2.6.2 Termination grievance panel deliberations and voting shall occur in closed sessions from which all other persons (except the hearing officer) are excluded. Votes shall be cast by secret ballot. A majority vote by the members of the termination grievance panel who attended the hearing shall be required for recommendations. The hearing officer shall be present during the deliberations but shall have no vote. The AVPHR shall not participate in the panel's deliberations.

5.2.7 The termination grievance panel shall determine whether the grievant has shown by clear and convincing evidence the basis for the grievance stated in section 4.2.1. The panel will make findings and recommendation(s) regarding whether and how to uphold or modify the termination decision and regarding any other relevant issues to remedy a substantiated grievance.

5.2.8 The panel chair will report the panel's findings and recommendation(s) in writing to the AVPHR and appropriate vice president (or, if the manager/decision maker is a vice president, to the President), with copies also emailed to the grievant and the manager/decision maker, within five working days after conclusion of the hearing.

5.2.9 Within five working days of the panel chair emailing the recommendation letter, the grievant and the manager/decision maker may each email a letter no more than five pages to the appropriate vice president (or the President) (with copies to the AVPHR and the other party) responding to the panel recommendations addressing any of the following:

5.2.9.1 The standards in Sections 4.2.1 and 4.2.2 of this policy as applied to the present grievance, and the remedy that the party is requesting.

5.2.9.2 Alleged procedural errors during the grievance process that substantially altered the panel's recommendation, and the remedy that the party is requesting (such as a new grievance hearing). Deviation from the timelines in this policy or other arguments of delay in the process do not meet this standard.

5.2.9.3 New relevant evidence that did not become available until after the grievance hearing that would have substantially altered the panel's recommendation, and the remedy that the party is requesting (such as a new grievance hearing).

5.2.10 Within 15 working days of receiving the panel's written report, the appropriate vice president (or the President) will review the documents that were submitted to the panel, the panel's recommendation letter, and the written submissions under section 5.2.9 of this policy. The vice president (or the President) will issue a written decision to the grievant, manager/decision maker, the grievant's and manager/decision maker's respective counsel, and the AVPHR.

5.2.10.1 The written decision will (1) affirm, reverse, or modify the termination being grieved; (2) direct the panel to re-consider its recommendation in light of issues specified by the vice president (or the President), or (3) direct a new grievance hearing with the same or a different panel. In the cases of (2) or (3), the new grievance process will repeat the procedures set forth in this policy, ultimately providing a new recommendation letter to the vice president (or the President).

5.2.10.2 If a vice president is the grievant or has a conflict of interest, the President will receive the panel's written report and render the written decision.

5.2.10.3 In cases where both the vice president and the President have a conflict of interest, the written decision will be made by an appropriate person designated by the AVPHR in consultation with the Office of General Counsel.

5.2.10.4 The Office of General Counsel shall assign an attorney who did not serve as the hearing officer or previously advise the manager/decision maker on the grievance to provide legal counsel to the vice president (or the President).

5.2.11 The final decision of the vice president, President, or other designated person (as outlined in 5.2.10) shall be final and binding; the grievance is considered closed with no additional internal appeals available to the grievant.

POLICY HISTORY		
Date of Last Action	Approved for entrance into the Policy Manual	UVU Board of Trustees.
October 25, 2018	Temporary Emergency policy approved.	UVU Board of Trustees
	Regular policy approved.	UVU Board of Trustees



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	<i>UVU Policy 354 In-classification Salary Increases for Non-Faculty Employees (Deletion)</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Linda Makin, VP of Planning, Budget, and Human Resources
SUBJECT:	<i>UVU Policy 354 In-classification Salary Increases for Non-Faculty Employees (Deletion)</i>
BACKGROUND:	This policy is being deleted because it contains outdated information and procedures the institution no longer follows. The topic will be addressed in Policy 352, which is under revision.
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve for UVU Policy 354 <i>In-classification Salary Increases for Non-Faculty Employees.</i>” • Amend and approve, “I move to approve, as amended, UVU Policy 354 <i>In-classification Salary Increases for Non-Faculty Employees.</i>” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	<p>a. UVU Policy 354 In-classification salary increases for non-faculty employees DELETION.pdf</p>



UTAH VALLEY UNIVERSITY Policies and Procedures

Proposed Policy Number and Title: 354 In-classification Salary Increases for Non-Faculty Employees		
Existing Policy Number and Title: 354 In-classification Salary Increases for Non-Faculty Employees Existing Policy 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 type="checkbox"/> Revision—Limited Scope	<input type="checkbox"/> Revision—Limited Scope	
<input checked="" type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date: XX/XX/XXXX	
*See UVU Policy 101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: <u>Stage 4, March 14, 2019</u>
President’s Council Sponsor: <u>Linda Makin</u> Ext. <u>XXXX</u>
Policy Steward: <u>Marilyn Meyer</u> Ext. <u>XXXX</u>

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>04/20/2017</u></p> <p>University Entities Review Entrance Date: <u>09/27/2018</u> Close Feedback: <u>11/28/2018</u></p> <p>University Community Review Entrance Date: <u>02/14/2019</u> Open Feedback: <u>02/14/2019</u> Close Feedback: <u>03/01/2019</u></p> <p>Board of Trustees Review Entrance Date: <u>03/14/2019</u> Approval Date: <u>XX/XX/XXXX</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>Click here to enter text.</u></p> <p>Date posted and verified: <u>XX/XX/XXXX</u></p>



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POLICY TITLE	In-classification Salary Increases for Non-Faculty Employees	Policy Number	354
Section	Human Resources	Approval Date	March 10, 2005
Subsection	Human Resources	Effective Date	March 10, 2005
Responsible Office	Office of the Vice President of Planning, Budget, and Human Resources		

1.0 PURPOSE

1.1-

2.0 REFERENCES

2.1-

3.0 DEFINITIONS

3.1-

4.0 POLICY

~~4.1 The University endeavors through its operating units to recognize the career progression and development of non-exempt and exempt staff who by virtue of their motivation, initiative, abilities, and excellence in performance are regularly assigned and held accountable for the most complex and significant projects, assignments, and responsibilities in their classification.~~

~~4.2 A request for an in-classification career salary increase is initiated by the supervisor, reviewed by the dean, director, department head or designee, and approved by the appropriate vice president in consultation with the Director of Human Resources/Equity Officer.~~

5.0 PROCEDURES

~~5.1 Implementation of the in-classification career salary increase request shall be based on all of the following criteria being met:~~

~~5.1.1 The more complex and significant projects, assignments, and responsibilities of the job classification are assigned on a regular basis to the employee.~~



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~~5.1.2 The employee has demonstrated the attainment of a significantly higher level of knowledge and skills which are specific to the job classification and functional area.~~

~~5.1.3 The employee's most recent performance appraisal, within the last twelve months, and within the current job classification, reflects job requirements being exceeded or better.~~

~~5.1.4 Confirmation that funds have been identified and authorized by the appropriate administrator to support the salary increase.~~

~~5.1.5 The amount of the proposed increase should be justified and equitable when compared to others in the department.~~

~~5.1.6 Twelve or more months have elapsed since the employee's last in-classification career salary increase.~~

~~5.2 An administrator may request that a regular non-exempt or exempt staff employee who meets all of the defined criteria above be granted an in-classification career salary increase subject to the following standard:~~

~~5.2.1 An amount that will increase the employee's rate of pay up to the midpoint of the salary range, or~~

~~5.2.2 An amount no greater than 10 percent of the employee's current salary, not to exceed the maximum.~~

~~5.3 The Director of Human Resources/Equity Officer may approve a salary in exception to these standards if the appropriate administrator submits a written request which specifies the reason(s) and appropriate justification for an exception.~~

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	<i>Policy 452 Electronic Information and Technology Accessibility</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Val Peterson, VP of Finance and Administration
SUBJECT:	<i>Policy 452 Electronic Information and Technology Accessibility</i>
BACKGROUND:	As educational technologies evolve, from websites to distance education, UVU seeks to provide equal access to all university programs, services, and activities provided through electronic information and technology. This policy will support this goal by establishing processes, process owners, and decision makers for accessibility of all electronic and information technology and by defining accessibility standards for all electronic and information technology produced, maintained, distributed, and purchased by the University for use by students, staff, faculty, and/or visitors.
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve Policy 452 <i>Electronic Information and Technology Accessibility</i>.” • Amend and approve, “I move to approve, as amended, Policy 452 <i>Electronic Information and Technology Accessibility</i>.” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	a. UVU Policy 452 Electronic Information and Technology.Stage 4.04112019.BOT.pdf



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Proposed Policy Number and Title: <u>452: Electronic and Information Technology Accessibility</u>		
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: <u>April 11, 2019, Stage 4 Draft, Board of Trustees</u>
President's Council Sponsor: <u>Val Peterson</u> Ext. _____
Policy Steward: <u>Laura Loree, Ray Walker</u> Ext. _____

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>1/25/2018</u></p> <p>University Entities Review Entrance Date: <u>11/29/2018</u> Close Feedback: <u>2/14/2019</u></p> <p>University Community Review Entrance Date: <u>03/14/2019</u> Open Feedback: <u>03/14/2019</u> Close Feedback: <u>04/11/2019</u></p> <p>Board of Trustees Review Entrance Date: <u>04/11/2019</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</p> <p>Name: _____</p> <p>Date posted and verified: _____</p>



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POLICY TITLE	Electronic and Information Technology Accessibility	Policy Number	452
Section	Facilities, Operations, and Information Technology	Approval Date	
Subsection	Information Technology	Effective Date	
Responsible Office	Office of the Vice President of Finance and Administration		

1.0 PURPOSE

1.1 Utah Valley University is committed to providing access to higher education through a variety of modalities, including the use of technology. To advance student success and inclusion, the University provides this access to all enrolled students, faculty, staff, and visitors, including individuals with disabilities. This policy establishes accessibility requirements for all electronic and information technology at Utah Valley University, in accordance with federal statute.

2.0 REFERENCES

2.1 *Section 504 of the Rehabilitation Act of 1973*, 29 U.S.C. § 794.

2.2 *Americans with Disabilities Act of 1990*, 42 U.S.C. Chapter 126 (amended 2008)

2.3 *Policy 152 Accommodations for Individuals with Disabilities*

2.4 *Policy 165 Discrimination, Harassment, and Affirmative Action*

3.0 DEFINITIONS

3.1 Accessible: Individuals with disabilities are able to independently acquire the same information, engage in the same interactions, and enjoy the same services within the same timeframe as individuals without disabilities, with substantially equivalent ease of use.

3.2 Electronic and Information Technology (EIT): Information technology and any equipment or interconnected subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term electronic and information technology includes, but is not limited to, internet and intranet websites; content delivered in digital form; electronic books and electronic book reading systems; search engines and databases; learning management systems, classroom technology and multimedia; personal response systems ("clickers"); and office equipment such as classroom podiums, copiers, and fax machines. It also includes telecommunications products (such as telephones); information kiosks; transaction machines;



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computers; ancillary equipment; software; firmware and similar procedures; services (including support services); equipment maintained and services operated by third-party vendors; and related resources.

3.3 Equally effective alternative access: An alternative format, medium, or other aid in electronic and information technology that communicates the same content as the original format or medium. The alternative format must be accurate, created in a timely manner, and communicate the content in a way that is appropriate to an individual's disability.

3.4 Fundamental alteration: A change to a service, program, or activity that fundamentally alters the nature of the service, program, or activity, including academic courses or technology.

3.5 Undue burden: A proposed accommodation that causes significant financial or administrative burden.

4.0 POLICY

4.1 Scope of Policy

4.1.1 This policy applies to all university employees involved in electronic and information technology produced, maintained, distributed, purchased, and/or licensed by employees on behalf of Utah Valley University for use by students, staff, faculty, and visitors. University employees will adhere to the University's accessible technology standards and procedures that reflect legal obligations imposed by federal and state law and recognized best practices. These standards and procedures can be found on the University's Accessible Tech website.

4.2 Policy Statement

4.2.1 To provide equally effective alternative access, the University shall provide appropriate auxiliary aids and services as necessary to afford individuals with disabilities an equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement, in the most integrated setting appropriate to the individual's needs. This does not require the University to ensure that qualified individuals with disabilities achieve the identical result or level of achievement as individuals without disabilities. Nor does equally effective alternative access require the University to take any action that results in (1) a fundamental alteration in the nature of a service, program, course, or activity or (2) undue financial and administrative burden.

4.2.2 Determination of a fundamental alteration shall be made only by the Office of Accessibility Services for students or the ADA Coordinator for employees in consultation with a relevant subject matter expert.



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4.2.3 A determination of undue burden must consider all available resources and should be carefully weighed and documented. Therefore, a final determination of undue burden should be made only by the appropriate vice president in consultation with the Office of General Counsel.

4.2.4 All members of the UVU community shall follow the accessible technology standards and procedures when creating, selecting, recommending, procuring and/or licensing, developing, implementing, and maintaining electronic and information technologies. If a technology that is necessary to meet university needs does not meet accessibility standards, university employees should consider available accessible alternatives. If an accessible alternative is not available, university employees may request an exception in accordance with this policy (see section 5.1).

4.2.5 When an individual with a disability makes a request for reasonable accommodation, staff, faculty, colleges, schools, departments, programs, and units must follow Policy 152 *Accommodations for Individuals with Disabilities* and EIT accessibility standards (found on the Accessible Tech website).

4.3 Responsibility and Authority of University Personnel and Entities

4.3.1 The Electronic and Information Technology (EIT) Accessibility Coordinator is responsible for developing, revising, and publishing campus EIT accessibility standards, best practices, and resources, including training, in collaboration with the Office of General Counsel and other appropriate review boards and campus officials. The EIT Accessibility Coordinator shall also establish, implement, monitor, and document assessment of new technologies for compliance with accessibility requirements and implement a corrective action plan.

4.3.2 IT, Marketing, and any other university department authorized to select and provide IT resources for business or academic purposes will follow the accessible technology standards and procedures when creating, selecting, recommending, procuring and/or licensing, developing, implementing, and maintaining software, systems, and equipment. University technology systems include, but are not limited to, content management systems, learning management systems, online conferencing systems, software and applications, hardware, audio/video equipment, and other IT resources. If it is not feasible to make EIT accessible, these university entities must obtain an approved exception to this policy (see section 5.1).

4.3.3 Colleges, schools, departments, programs, and units shall follow the accessible technology standards and procedures when creating, selecting, recommending, procuring and/or licensing, developing, implementing, and maintaining software, systems and equipment. These activities may include, but are not limited to, purchasing and producing accessible EIT and updating existing media, content, systems, and departmentally owned/managed classrooms and labs. If it is not feasible to make EIT accessible, these university entities must obtain an approved exception to this policy (see section 5.1).



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4.3.4 Employees and university entities authorized to procure and/or license EIT shall ensure these purchasing decisions comply with Accessible Technology Standards and Procedures. They should also ensure when feasible that contract language regarding accessibility and remediation, provided by the EIT Accessibility Coordinator, is included in purchasing and/or licensing agreements. If it is not feasible to make EIT purchases accessible, the requesting department must obtain an approved exception to this policy (see section 5.1).

4.3.5 Faculty must follow the accessible technology standards and procedures found on the University's Accessible Tech website when creating, selecting, recommending, procuring and/or licensing, developing, implementing, and maintaining software, systems and equipment. This includes, but is not limited to, activities such as selecting textbooks (including digital textbooks and supplemental materials), and creating, distributing, and presenting instructional materials such as closed captioned videos, transcribed audio, and accessible documents, tables, charts, and images. If it is not feasible to make specific EIT accessible, faculty must obtain an approved exception to this policy (see section 5.1).

4.3.6 Staff must follow the accessible technology standards and procedures found on the University's Accessible Tech website, when creating, selecting, recommending, procuring and/or licensing, developing, implementing, and maintaining software, systems and equipment. If it is not feasible to make specific EIT accessible, staff must obtain an approved exception to this policy (see section 5.1).

4.4 EIT Accessibility Board

4.4.1 Designated members of the University Accessibility Committee will serve as the EIT Accessibility Review Board. This review board will review and approve EIT accessibility standards proposed by the EIT Accessibility Coordinator, review requests for exception to this policy, and approve or deny standards and exception requests, as appropriate. When reviewing requests for exception to EIT accessibility policy and/or standards, the review committee will include the department head or designee from the relevant department or unit.

5.0 PROCEDURES

5.1 Exceptions

5.1.1 University departments, faculty, and staff should submit a request for an exception to this policy to the EIT Accessibility Review Board if attempting to conform EIT to accessibility standards (see Accessible Tech website)

5.1.1.1 Fundamentally alters a course, program, service, or activity;

5.1.1.2 Creates an undue financial or administrative burden, as determined by the appropriate vice president in consultation with The Office of General Counsel; or



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5.1.1.3 Is not technically feasible.

5.1.2 When reviewing requests for exception to accessibility standards, the EIT Accessibility Review Board will seek to verify that the party requesting the exception:

5.1.2.1 Ensured that the appropriate entity made a determination of fundamental alteration, undue burden, or technical infeasibility;

5.1.2.2 Explored all accessible alternatives and accurately determined they are unavailable;

5.1.2.3 Assessed and determined whether there is a valid, well-supported argument that the technology in question is critical to business operations or course purpose; and

5.1.2.4 Developed an equally effective alternative access plan (EEAAP).

5.1.2.5 When an exception is granted, identify equally effective alternative access that communicates the same information in as timely a manner as the original format.

5.2 Grievances

5.2.1 Users who find existing EIT inaccessible may report the issue to the Office of Accessibility Services, the ADA Coordinator, the EIT Accessibility Coordinator, or submit a report through the *Accessibility Barrier Report Form*, which can be accessed from the footer of the UVU web page.

5.2.2 Individuals who believe they have been denied appropriate accommodations, including appropriate auxiliary aids and services or access to campus technology, may file a grievance in accordance with Policy 152 *Accommodations for Individuals with Disabilities*. This policy supports Policy 165 *Discrimination, Harassment, and Affirmative Action*, and assists employees with providing equal and nondiscriminatory educational opportunities. Noncompliance with this policy, therefore, may lead to noncompliance with Policy 165 and disciplinary action under Policy 165, up to and including termination.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	<i>Policy 512 Administration of Scholarships and Other Payments to Students</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Kyle Reyes, VP of Student Affairs
SUBJECT:	<i>Policy 512 Administration of Scholarships and Other Payments to Students</i>
BACKGROUND:	The University leverages awards to attract students with exceptional academic abilities and/or talents and those students who will contribute to the diversity of the student populations. The University also uses these awards to enable qualified students who need financial assistance to be able to attend. The purpose of this policy is to enhance the overall coordination of scholarships between individual academic colleges and departments, service departments, and all personnel involved in the scholarship awarding process.
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve Policy 512 <i>Administration of Scholarships and Other Payments to Student.</i>” • Amend and approve, “I move to approve, as amended, Policy 512 <i>Administration of Scholarships and Other Payments to Students.</i>” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	a. Policy 512 Administration of Scholarships and Other Payments to Students.Stage 4.06132019.pdf



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Proposed Policy Number and Title: <u>512 Administration of Scholarships and Other Payments to Students</u>		
Existing Policy Number and Title: <u>Not applicable</u>		
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>Stage 4, June 13, 2019, Board of Trustees</u>
President's Council Sponsor: <u>Kyle Reyes</u> Ext. _____
Policy Steward: <u>John Curl</u> Ext. _____

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>11/16/2017</u></p> <p>University Entities Review Entrance Date: <u>01/31/2019</u> Close Feedback: <u>3/29/2019</u></p> <p>University Community Review Entrance Date: <u>05/23/2019</u> Open Feedback: <u>05/23/2019</u> Close Feedback: <u>06/06/2019</u></p> <p>Board of Trustees Review Entrance Date: <u>6/13/2019</u> Approval Date: _____</p>	<p 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: _____</p> <p>Date posted and verified: _____</p>



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POLICY TITLE	Administration of Scholarships and Other Payments to Students	Policy Number	512
Section	Student Affairs	Approval Date	
Subsection	Admissions, Enrollment, Tuition, and Commencement	Effective Date	
Responsible Office	Office of the Vice President of Student Affairs		

1.0 PURPOSE

1.1 The University leverages university and privately funded financial aid awards to increase student recruitment, retention, and completion, which are key components to the success of the University’s mission and strategic goals. Public confidence in the University’s stewardship of these resources is achieved when internal controls operate effectively and when the highest ethical standards of impartiality and fairness are maintained throughout all stages of award administration.

1.2 This policy establishes standards and authority that will enhance the overall administrative process for scholarships and other payments to students between individual academic colleges and departments, service departments, and any other personnel involved.

2.0 REFERENCES

2.1 Title IV of *the Higher Education Act of 1965 (HEA)*

2.2 Utah Code 53B-8-101 *Waiver of Tuition*

2.3 Utah State Board of Regents’ Policy R513 *Tuition Waivers and Reductions*

2.4 UVU Policy 114 *Individual Conflicts of Interest and Commitment*

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

2.6 UVU Policy 204 *Appropriateness of Expenditures*

2.7 UVU Policy 231 *Fundraising Authority, Responsibility, and Coordination*

2.8 UVU Policy 251 *Traveling on University Business*

2.9 UVU Policy 325 *FLSA Compliance: Exempt/Nonexempt Classifications, Wages, and Work Hours*



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3.0 DEFINITIONS

3.1 Aid: For the purposes of this policy, financial aid includes all funds disbursed to a student by the University from external funding sources and/or with authorized university funds.

3.2 Assistantship: A non-exempt (see UVU Policy 325 *FLSA Compliance: Exempt/Nonexempt Classifications, Wages, and Work Hours*), compensated position paid by the University to a student for services rendered, including the following: (1) research for a faculty member, whether or not equivalent research is a requirement of all candidates for the degree in the student's particular program (e.g., graduate research assistant, graduate research fellow, undergraduate research, and scholarly activity); (2) teaching student classes under the direction of a faculty member (e.g., graduate teaching assistant); (3) federally sponsored designated for work experience in research; and (4) any other service provided by the student to the University or to a third party (e.g., graduate assistant).

3.3 Award criteria: The minimum standards or requirements a student must meet to be considered for an award ("initial award criteria") or to qualify to retain the award for subsequent terms ("continuing eligibility criteria").

3.4 Compensation: For the purposes of this policy, includes any form of payment made to a student, as an employee, that is intended as reimbursement for the student's services to the University. Transactions to a student made on the basis of the student's employment status are not considered scholarships.

3.5 Cost of attendance (COA): The aggregate cost to a student to enroll in a degree program, including tuition, books, fees, and other related educational expenses, as well as the cost of off-campus room and board. These components are determined by the *Higher Education Act of 1965*, section 472, and are designed to cover the education-related expenses of a student.

3.6 Prize: An item or monetary award given to an individual in recognition of success in an organized competition, contest, or drawing that is open to the public. Prizes provided from an open competition are not treated as a scholarship. Awards provided to students from a closed competition (i.e., UVU students only) are treated as a scholarship (see 3.7 below).

3.7 Scholarship: Any form of award, payment, reimbursement, or other transaction to a student (regardless of funding source) that is made because of the student's post-secondary enrollment or for the purpose of the student's study, training, or research (including but not limited to payments toward tuition, fees, books, living expenses, travel expenses, etc.). Scholarships are not a loan nor compensation for services rendered: there is no expectation of repayment, and no past, present, or future services can be required as a condition of receiving such amount. An item or monetary amount awarded to a student for their performance in a closed competition or contest (participation or entry limited to only UVU students) is treated as a scholarship. Other specific types of scholarships include but are not limited to the following:



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3.7.1 Privately funded scholarship: A form of scholarship funded by donations to the UVU Foundation that are administered by the University in accordance with criteria established by the donor and this policy.

3.7.2 Tuition waiver: An institutional scholarship award authorized by statute and Regents policy that allows for a portion of a student's tuition not to be paid (represents a reduction of revenue to the University). The student is responsible for payment of the remaining tuition not covered by the tuition waiver.

3.7.3 Upfront or reimbursable expense award: Funds provided to a student to defray the cost of travel to or participation in an academic conference or other related activity. Funds provided to or on behalf of students attending a conference or other related activity for the benefit of the student will be considered a scholarship. Funds provided to or on behalf of students who are presenting as an authorized representative of the University are not considered scholarships (see UVU Policy 251 *Traveling on University Business*).

3.8 Scholarship academic term: Term in which the award funds are received (e.g., a payment received during the Fall term will be applied to Fall expenses).

3.9 Student: An individual at the undergraduate, graduate, or professional level who is enrolled in classes and/or is registered for research or thesis requirements at the University.

3.10 University Scholarship Committee (USC): Entity that provides guidance to the University departments, colleges/schools, and President's Council regarding administration, compliance, and governance of awards/scholarships for UVU students. The University Scholarship Committee is chaired by the Associate Vice President of Enrollment Management, with representatives from Academic Affairs, Student Government, Budget Office, Student Affairs, Student Success and Retention, Bursar, Institutional Advancement, and Financial Aid and Scholarships.

4.0 POLICY

4.1 Scope of this Policy

4.1.1 Utah Valley University complies with federal and state laws and regulations governing the awarding, disbursing, and reporting of scholarships and other student financial aid awards and payments.

4.1.2 Utah Valley University affirmatively endeavors to maintain an educational environment free from prohibited discrimination, in accordance with federal and state law, in the administration and disbursement of scholarships and other student financial aid awards and payments (see UVU Policy 165 *Discrimination, Harassment, and Affirmative Action*).



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4.1.3 Funding provided by federal and state governments for student financial aid purposes (grants, loans, and work study) is disbursed by UVU in accordance with eligibility criteria and requirements established by Title IV of *the Higher Education Act of 1965 (HEA)* and other applicable law.

4.1.4 The University may provide degree-seeking graduate and undergraduate students awards funded to the UVU Foundation by private donors, the federal and state government, and the University. This policy applies to the administration and disbursement of university and private funds awarded to students in the form of scholarships, assistantships, prizes, and other payments to students.

4.1.5 This policy applies to all offices and personnel of the University involved in the solicitation, management, and awarding of payments to students, including University trustees, officers, administrators, faculty, staff, other employees, and students. In addition, all schools and colleges, through their administrators, staff, and faculty, are responsible for complying with this policy.

5.0 PROCEDURES

5.1 Approval and Administration of Scholarships

5.1.1 President's Council reviews and approves new requests for scholarship programs funded with authorized university funds. UVU Foundation approves awards funded by private donors.

5.1.2 The University Scholarship Committee (USC) provides guidance to the University departments, colleges/schools, and President's Council regarding administration, compliance, and governance of awards/scholarships for UVU students.

5.1.3 The Financial Aid Office is responsible for administering scholarships and establishing award procedures. Departments and programs authorized to select award recipients must follow these published procedures.

5.2 Establishing Initial Award and Continuing Eligibility Criteria

5.2.1 Initial award and continuing eligibility criteria for University-funded awards (excluding awards from private donors) are established and approved according to the following procedures.

5.2.1.1 Initial award and continuing eligibility criteria recommended by the USC for undergraduate students (new freshman and new transfer) are approved by President's Council. Award criteria shall be published in printed material and on the University's website by the Financial Aid and Scholarships Office.



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5.2.1.2 President's Council approves initial award and continuing criteria for graduate students (new entering student). Award criteria shall be published by each graduate academic program.

5.2.1.3 Changes to undergraduate and graduate award criteria must be recommended by the USC and approved by President's Council.

5.2.1.4 Continuing eligibility criteria shall be communicated to the recipient upon award and annually thereafter.

5.2.2 The Financial Aid and Scholarships Office will be responsible for the determination of eligibility for all need-based scholarships and merit scholarships that have a need-based requirement.

5.2.3 When established by President's Council, emergency scholarship funds shall have published eligibility and award criteria and shall be open to all students who meet such criteria. A committee of at least two individuals must select the candidates for the potential award.

5.2.4 Donors of privately funded awards disbursed through the University may participate in developing the criteria for the award; however, no donor shall participate directly in the selection of any award recipient or in the determination of a recipient's continuing eligibility.

5.3 Establishing Application Procedures and Deadlines

5.3.1 The Financial Aid and Scholarships Office publishes deadlines for scholarship applications and associated processes. Deadlines for scholarship applications and processes must be followed to ensure equitable treatment for students.

5.3.2 Deadlines for scholarship applications are recommended by the USC and approved by President's Council.

5.3.3 Departments may establish priority deadlines, but must have a regular/final deadline. If a department sets a priority deadline that occurs before the standard scholarship deadline, they must continue to consider applicants from the priority deadline when reviewing applicants from the later pool. Candidates who applied at the standard deadline cannot receive awards over equally qualified candidates who applied by the priority deadline.

5.3.4 Awards shall be made in accordance with award eligibility criteria, regardless of the application deadline by which candidates apply.

5.4 Selection of Award Recipients

5.4.1 Only students who are admitted to the University may be considered for a scholarship. Additionally, only students admitted in the appropriate program may be considered for certain program-specific awards.



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5.4.2 Departments shall use the university scholarship software system to collect applications and select candidates for scholarship offers. The Financial Aid and Scholarship Office and the USC must provide prior approval for any exception.

5.4.3 Departments may make the selections of the awards that are in their stewardship. However, the Financial Aid and Scholarships Office shall process and communicate scholarship offers and acceptances through the university software system. Athletic awards, in accordance to NCAA regulations, are an exception to this process. The USC must approve any other exceptions to this process.

5.4.4 All scholarship selection committees must have at least two members to review and to select potential award recipients. These committees shall comply with university policies to avoid nepotism and conflict of interest issues (see Policy 114 *Individual Conflicts of Interest and Commitment*). A donor, a relative of a donor, or an employee of a donor may not be involved in the selection of award recipients for privately funded scholarships.

5.4.5 All documentation of eligibility for all award recipients must be retained for the required number of years following the fiscal year in which the award is made. Where compliance with eligibility is already on file in the central university database, such as GPA, the electronic record is sufficient.

5.5 Processing and Disbursement of Awards

5.5.1 To remain compliant with *HEA* Financial Aid regulations, the University has coordinated a standardized process for the disbursement of all scholarships, grants, awards, and prize payments through the Financial Aid and Scholarships Office.

5.5.2 The Financial Aid and Scholarships Office shall review all scholarships over which the University has discretion in advance, before they are awarded, to ensure that they comply with applicable federal student aid regulations.

5.5.3 A student's total aid package should not exceed the student's cost of attendance (COA), and, in the case of need-based scholarships, cannot exceed the proposed recipient's unmet need.

5.5.4 Award funds may only be applied to the designated academic term. No funds may be awarded retroactively to a student without the prior written approval of the Financial Aid and Scholarships Office.

5.5.5 National Research Service Awards (e.g., NRSA fellows) paid to students will be processed through Human Resources and Payroll. NRSA scholarships to registered students will be processed through the Financial Aid and Scholarships Office.

5.5.6 All private awards established through Institutional Advancement shall be awarded according to the terms established by the gift agreement.



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5.5.7 Athletic financial aid and scholarship awards are processed separately by Athletics in collaboration with the Financial Aid and Scholarships Office in accordance with NCAA regulations.

5.5.8 Because funds are disbursed centrally, ceremonial presentations of checks are not possible. If needed, colleges and departments are encouraged to identify other appropriate means of conveying the award during banquets and other ceremonies.

5.6 Upfront or Reimbursable Expense Award

5.6.1 Upfront or reimbursable expense awards are treated as scholarships for *HEA* purposes, and as such, shall be awarded based on an academic experience for the student and not for the benefit of the University. Students traveling as an employee and/or authorized representative of the University for the benefit of the University shall be governed under the requirements and procedures outlined in Policy 231 *Traveling on University Business*.

5.6.2 If paying for qualifying expenses upfront, the department shall follow applicable university policy for the purchase of such (e.g., paying fees through the appropriate mechanism to issue a check to the vendor, or booking travel).

5.6.3 To qualify as an upfront or reimbursable expense award, the student recipient must give receipts for all qualifying expenses to the department providing the funds. Such expenses must equal or exceed the amount of the award.

5.6.4 If the expenses are payable to a vendor/outside the University, the department shall make payment via a check request according to procedures established by UVU Accounts Payable. The Financial Aid and Scholarships Office shall review the check request to ensure an over-award of federal financial aid does not occur.

5.6.5 If the expenses are paid to UVU, the funds shall be sent through the Financial Aid and Scholarships Office.

5.6.6 If the award exceeds the student's COA, the student may have to submit an appeal to the Financial Aid and Scholarships Office, which shall handle the appeal in accordance with *HEA* and federal financial aid guidelines and university policy.

5.7 Assistantships

5.7.1 Programs may request funding for paid graduate assistantships through the PBA process.

5.7.2 Graduate assistants are employees of UVU and will receive payment for services based on an hourly rate established by the graduate program in consultation with Human Resources.



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5.7.3 A graduate assistant would be expected to work between the first week of classes through finals week during the duration of the award, including summer semester. The number of hours worked by a graduate assistant would be determined by the graduate program department and be tracked, reported, and compliant with UVU HR policies including UVU Policy 325 *FLSA Compliance: Exempt/Nonexempt Classifications, Wages, and Work Hours*.

5.7.4 Graduate assistantships shall be awarded only to applicants who are lawfully present and eligible to work in the United States.

5.8 Refunds and Reductions in Aid

5.8.1 If a student's total aid package, applied in accordance with the rules governing the award of financial aid, institutional policy, and the terms of the particular awards, exceeds the student's billed tuition charges (including applicable fees), a student may be entitled to a refund.

5.8.1.1 The amount available to be refunded to the student will be determined by the sources of the total aid package. Loan funds are always refundable. Scholarships may be refundable depending upon the terms of the scholarship. The University will not issue refunds for tuition waivers.

5.8.1.2 The Financial Aid and Scholarships Office, in accordance with *HEA* and federal financial aid guidelines, is responsible for determining whether a particular award is refundable and, if so, the amount of any refund. The decision of the Financial Aid and Scholarships Office about refunds shall be final.

5.8.2 If a student receives additional aid after the calculation of the total aid package, certain forms of need-based aid (e.g., grants and loans) may be subject to reduction. Loans will be reduced before any other aid sources, except if the terms of a particular award require that it be reduced before aid from any other source is reduced.

5.9 Tax Liability

5.9.1 Potential tax liability for transactions is determined by United States and Utah State taxing authority requirements and guidelines. The University shall withhold any applicable taxes in accordance with these guidelines.

5.9.2 If an award meets the definition of a prize, the University shall conduct appropriate reporting of the payment in compliance with taxing authority guidelines.

5.9.3 Payments made to a student as compensation for services rendered to the University are taxable. Prizes, assistantships, and other forms of payments to students that do not meet the criteria for scholarships (under applicable taxing authority guidelines) are taxable.



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5.9.4 All aid awarded or refunded to a student (including scholarships) that exceeds the cost of the student's qualified expenses is taxable and the responsibility of the student recipient.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	Policy 543 <i>Use of Student Social Security Numbers as Student IDs</i> (DELETION)
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Kyle Reyes, VP of Student Affairs
SUBJECT:	Policy 543 <i>Use of Student Social Security Numbers as Student IDs</i> (DELETION)
BACKGROUND:	The University no longer uses student social security numbers for student ID purposes—it has implemented unique student identification numbers. Therefore, this policy will be deleted.
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve Policy 543 <i>Use of Student Social Security Numbers as Student IDs</i>.” • Amend and approve, “I move to approve, as amended, Policy 543 <i>Use of Student Social Security Numbers as Student IDs</i>.” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	a. Policy 543.Stage 4.Regular BOT.03122019.pdf

Proposed Policy Number and Title: 543 Use of Student Social Security Numbers as Student IDs		
Existing Policy Number and Title: 543 Use of Student Social Security Numbers as Student IDs		
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	
Bundled with Policy 542	Anticipated Expiration Date:	
*See UVU Policy 101 <i>Policy Governing Policies</i> for process details.		

Draft Number and Date: 03/12/2019, Stage 4, Deletion
President's Council Sponsor: Kyle Reyes Ext. _____
Policy Steward: Alex Marshal and Mindy Swenson Ext. _____

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: 10/26/2017</p> <p>University Entities Review Entrance Date: 8/23/2018 Close Feedback: 10/23/2018</p> <p>University Community Review Entrance Date: 12/20/2018 Open Feedback: 12/21/2018 Close Feedback: 02/07/2019</p> <p>Board of Trustees Review Entrance Date: 03/14/2019 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>

POLICY TITLE	Use of Student Social Security Numbers as Student IDs	Policy Number	543
Section	Student Affairs	Approval Date	November 12, 1998
Subsection	Student Rights	Effective Date	November 12, 1998
Responsible Office	Office of the Vice President of Student Affairs		

1.0 PURPOSE

2.0 REFERENCES

2.1 Privacy Act of 1974

2.2 UVU Policy 542 Student Records Access (Student Privacy/FERPA)

3.0 DEFINITIONS

4.0 POLICY

~~4.1 In accordance with the *Privacy Act of 1974*, applicants for admission and enrolled students are advised that the requested disclosure of their Social Security numbers to Admissions/Registration is voluntary. All students are assigned a UVU ID.~~

~~4.2 The nine digit number shall be used as follows:~~

- ~~1) To identify student records such as applications for admission, registration and course enrollment documents, grade reports, transcript requests, certification requests, and permanent academic records; and~~
- ~~2) To determine eligibility, certify school attendance, and report student status.~~

~~Note, however, that only the Social Security number may be used as an identifier for grants, loans, and other financial aid programs according to federal regulations.~~

~~4.3 No student's Social Security number shall be disclosed to individuals or agencies outside the University except in accordance with UVU Policy 542 *Student Records Access (Student Privacy/FERPA)*.~~

5.0 PROCEDURES

POLICY HISTORY

Date of Last Action	Action Taken	Authorizing Entity



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	<i>Policy 652 Care and Use of Vertebrate Animals in Research and Instruction</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Jeff Olson, Senior Vice President of Academic Affairs
SUBJECT:	<i>Policy 652 Care and Use of Vertebrate Animals in Research and Instruction</i>
BACKGROUND:	To enable the University to offer animal research experiences in compliance with federal regulations, it needs to establish an Institutional Animal Care and Use Committee (IACUC) and implement an Animal Care and Use Program (ACUP). These will be done through this new policy. The Animal Welfare Act (AWA) mandates that most institutions (with the exception of primary and secondary schools) have an approved ACUP in order to use most vertebrate animals for teaching, testing, or research (fish, amphibians, birds, and laboratory rodent mammals are exempted).
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve <i>Policy 652 Care and Use of Vertebrate Animals in Research and Instruction.</i>” • Amend and approve, “I move to approve, as amended, <i>Policy 652 Care and Use of Vertebrate Animals in Research and Instruction.</i>” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	a. Policy 652 Research Animals.REGULAR.Stage 4 DRAFT.06072019.pdf



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*Proposed Policy Number and Title:		Policy 652 Care and Use of Vertebrate Animals in Research and Instruction
Existing Policy Number and Title:		Policy 652 Care and Use of Vertebrate Animals in Research and Instruction (Temporary Emergency)
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>Stage 4, June 7, 2019, Regular</u>		
President's Council Sponsor: <u>Jeff Olson</u>	Ext. _____	
Policy Steward: <u>Eric Domyan, Dan Fairbanks</u>	Ext. <u>5422</u>	

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision</p> <p>Entrance Date: <u>2/22/2018</u></p> <p>University Entities Review</p> <p>Entrance Date: <u>10/11/2018</u> Close Feedback: <u>11/29/2018</u></p> <p>University Community Review</p> <p>Entrance Date: <u>05/09/2019</u> Open Feedback: <u>05/09/2019</u> Close Feedback: <u>06/07/2019</u></p> <p>Board of Trustees Review</p> <p>Entrance Date: <u>6/13/2019</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</p> <p>Name: _____</p> <p>Date posted and verified: _____</p>



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POLICY TITLE	Care and Use of Vertebrate Animals in Research and Instruction	Policy Number	652
Section	Academics	Approval Date	
Subsection	Faculty	Effective Date	
Responsible Office	The Office of the Senior Vice President of Academic Affairs		

1.0 PURPOSE

1.1 This policy affirms Utah Valley University’s commitment to the humane and ethical treatment of animals. The University adheres to all applicable laws, regulations, policies, principles, and standards regarding the use of vertebrate animals in teaching, testing, and research. This policy establishes the University’s animal care and use program to ensure compliance and support the University’s ethical commitments.

2.0 REFERENCES

- 2.1** 7 U.S.C. Chapter 7 *Animal Welfare Act*
- 2.2** 9 CFR Chapter I, Subchapter A *Animal Welfare*
- 2.3** Public Law 99–158 *Animals in Research*
- 2.4** Public Health Service *Policy on Humane Care and Use of Laboratory Animals*
- 2.5** *Guide for the Care and Use of Laboratory Animals*, 8th edition. National Academies Press, 2011.

3.0 DEFINITIONS

- 3.1 Activity:** Elements of research, testing, or teaching that involve the care and use of animals. (9 CFR 1.1)
- 3.2 Animal:** Any live, nonhuman vertebrate animal used or intended for use in teaching, research, research training, experimentation, biological testing, and/or related purposes.
- 3.3 Animal Care and Use Program (or “Program”):** All activities conducted at UVU and/or with the involvement of UVU-affiliated personnel that have a direct impact on the well-being of animals, including animal and veterinary care, policies and procedures, personnel, and program



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management and oversight, occupational health and safety, IACUC functions, and animal facility design and management.

3.4 Assurance: A formal written, binding commitment that an institution submits to a federal agency, in which an institution promises to comply with applicable regulations governing research with animal subjects and stipulates the procedures through which the institution will achieve compliance.

3.5 Attending veterinarian: A person who is licensed by the American Medical Veterinary Association and has direct or delegated authority for activities involving animals at UVU.

3.6 Faculty-sponsored student: A student using animals under the supervision of a UVU faculty mentor.

3.7 Humane: The proper care and treatment of animals in accordance with all applicable federal and state laws, rules, and guidance.

3.8 Institutional Animal Care and Use Committee (IACUC): The university committee responsible for assessment and oversight of the University's program components and facilities.

3.9 Institutional official: The Institutional Official bearing ultimate responsibility for the University's Animal Care and Use Program. The Institutional Official has the authority to allocate the resources needed to ensure the Program's overall effectiveness.

3.10 Principal investigator: A principal investigator is the person(s) designated as the individual(s) responsible for the administrative and programmatic aspects of the proposed project. The principal investigator must have the technical competence and substantive capabilities (scientific, administrative, and otherwise) to carry out a sponsored project. A faculty, staff, or faculty-sponsored student may be a principal investigator.

4.0 POLICY

4.1 Scope of Policy

4.1.1 This policy applies to all individuals affiliated with the University engaged in the use of animals for research, testing, or teaching.

4.2 The University complies with all applicable federal and state laws, rules, and guidance applying to the use of animals in research and instruction. University employees and students or UVU-affiliated researchers must perform all such research and instruction in compliance with the highest standards of ethics, practice, and conduct of each of the fields or disciplines involved in each specific research project or instructional activity.



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4.3 To ensure compliance with regulations regarding the humane care and use of animals in research and instruction, the University President will appoint an Institutional Animal Care and Use Committee (IACUC) that meets requirements and is responsible for ensuring the humane care and use of animals at the University.

5.0 PROCEDURES

5.1 Institutional Official

5.1.1 As the Chief Executive Officer, the University President is the Institutional Official responsible for developing and maintaining an animal care and use program to ensure the humane care and use of animals in research, testing, and teaching at the University and/or by individuals affiliated with the University. The University President may delegate this responsibility to another official, who is to serve as the institutional official. This person, such as a vice president, college dean, or research officer, has direct supervisory authority over activities involving animals.

5.1.2 As required by federal law, the Institutional Official will file an assurance with the Public Health Services (PHS) and/or the United States Department of Agriculture (USDA).

5.2 Institutional Animal Care and Use Committee

5.2.1 The IACUC shall consist of not less than five members, and in accordance with PHS policy and USDA regulations, must include at least:

5.2.1.1 One doctor of veterinary medicine, with training or experience in laboratory animal science and medicine, who has direct or delegated program responsibility for activities involving animals at the institution.

5.2.1.2 One practicing scientist experienced in research involving animals;

5.2.1.3 One member whose primary concerns are in a nonscientific area (for example, ethicist, lawyer, member of the clergy);

5.2.1.4 One individual who is not affiliated with the institution in any way other than as a member of the IACUC, and is not a member of the immediate family of a person who is affiliated with the institution.

5.2.1.5 The Institutional Official appoints the Chair and other members of the IACUC.

5.2.2 The duties of the IACUC are as follows:



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5.2.2.1 Review the institution's program for humane care and use of animals at least once every six months, using the *NIH Guide for the Care and Use of Laboratory Animals* and the *Animal Welfare Act Regulations* as a basis for evaluation.

5.2.2.2 Inspect all of the institution's animal facilities at least once every six months, using the *NIH Guide for the Care and Use of Laboratory Animals* and the *Animal Welfare Act Regulations* as a basis for evaluation.

5.2.2.3 Prepare reports of the IACUC evaluations conducted as required by PHS policy and USDA regulations, and submit the reports to the Institutional Official.

5.2.2.4 Investigate and review concerns involving the care and use of animals at the institution.

5.2.2.5 Make recommendations to the Institutional Official regarding all aspects of the institution's animal program, facilities, or training.

5.2.2.6 Review and approve, require modifications in, or withhold approval of those components of research, testing, or teaching activities related to the care and use of animals as applicable.

5.2.2.7 Review and approve, require modifications in, or withhold approval of proposed significant changes regarding the use of animals in ongoing activities as applicable.

5.2.2.8 Suspend an activity involving animals for noncompliance, in accordance with the specification of PHS policy, USDA regulations, and other applicable laws, rules, and guidance.

5.2.3 The IACUC reports to the Institutional Official.

5.2.4 Review Process

5.2.4.1 Prior to the acquisition, use, or study of any animal in research, testing, or teaching, the principal investigator shall submit an *Animal Use Application* to the Chair of the IACUC. Research teams cannot acquire animals and cannot begin any research until they receive written approval from the IACUC.

5.2.4.2 Applications and proposed significant changes (amendments) received by the tenth of each month will be reviewed by the IACUC that month. The IACUC will convey their decision (approve, require modifications, or withhold approval) to the principal investigator by end of the month.

5.2.4.3 No IACUC member may participate in the IACUC's review of any project in which the member has a conflict of interest, except to provide information requested by the IACUC.

5.2.4.4 Questions regarding animal care and use compliance shall be addressed to the Chair, who will review and address them with the other IACUC members as needed. Their response will be



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documented and reported to the Institutional Official and University Compliance in accordance with the specification of PHS policy, USDA regulations, and other applicable laws, rules, and guidance.

5.3 Attending Veterinarian

5.3.1 The attending veterinarian is responsible for the health and well-being of all animals used at UVU, and will provide appropriate veterinary care.

5.3.2 The attending veterinarian will have sufficient authority, including unrestricted access to all animals, and resources to manage the program of veterinary care.

5.3.3 The attending veterinarian may be employed by the University on either a full-time, part-time, or consultant basis.

5.4 Record-Keeping Requirements

5.4.1 The IACUC will maintain the following records:

5.4.1.1 Minutes of IACUC meetings, including records of attendance, activities of the committee, and committee deliberations;

5.4.1.2 Records of applications and amendments in the care and use of animals, whether IACUC approval was given or withheld; and

5.4.1.3 Records of semi-annual IACUC reports and recommendations (including minority views) as forwarded to the Institutional Official.

5.4.2 The IACUC shall maintain all records for at least three years; records that relate directly to applications, proposals, and proposed significant changes in ongoing activities reviewed and approved by the IACUC should be maintained for the duration of the activity and for an additional three years after completion of the activity.

5.4.3 The IACUC shall provide all records for inspection and copying by authorized Office of Laboratory Animal Welfare (OLAW) or other PHS representative and the USDA at reasonable times.

POLICY HISTORY		
October 25,2018	Temporary Emergency policy approved.	UVU Board of Trustees
	Regular policy approved.	UVU Board of Trustees



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 15, 2019
TITLE:	Policy 710 <i>Clery Act Compliance</i>
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Val Peterson, VP Finance and Administration
SUBJECT:	Policy 710 <i>Clery Act Compliance</i>
BACKGROUND:	The federal <i>Clery Act</i> requires universities to publish certain safety-related statistics, policies, and procedures by October 1 of each year. Special obligations apply to institutions with “on-campus student housing”—namely fire statistics, fire training protocols, a fire record log, fire-safety system disclosures for housing, a missing-persons contact option for students, and a missing-persons notification protocol. Updates were made to this policy to address these requirements.
ALTERNATIVES:	<ul style="list-style-type: none"> • Approve as presented, “I move to approve Policy 710 <i>Clery Act Compliance</i>.” • Amend and approve, “I move to approve, as amended, Policy 710 <i>Clery Act Compliance</i>.” • No action, “I move that we go to the next agenda item.”
FINANCIAL IMPACT:	
EXHIBITS:	a. UVU Policy 710 Clery Act Compliance.Regular.Stage 4 Draft.06072019.pdf



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Proposed Policy Number and Title: Clery Act Compliance		
Existing Policy Number and Title: Clery Act Compliance (Temporary Emergency)		
Approval Process*		
<input type="checkbox"/> Regular	<input checked="" 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 checked="" 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>May 9, 2019, Stage 4 Board of Trustees</u>		
President's Council Sponsor: <u>Val Peterson</u>	Ext. _____	
Policy Steward: <u>Matthew Pedersen</u>	Ext. <u>8156</u>	

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>06/28/2018</u></p> <p>University Entities Review Entrance Date: <u>06/28/2018</u> Close Feedback: <u>10/19/2018</u></p> <p>University Community Review Entrance Date: <u>05/09/2019</u> Open Feedback: <u>05/09/2019</u> Close Feedback: <u>06/07/2019</u></p> <p>Board of Trustees Review Entrance Date: <u>06/13/2019</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</p> <p>Name: _____</p> <p>Date posted and verified: _____</p>



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POLICY TITLE	Clery Act Compliance	Policy Number	710
Section	Facilities, Operations, and Information Technology	Approval Date	June 17, 2016
Subsection	Safety, Security, and Vehicles	Effective Date	June 17, 2016
Responsible Office	Office of the Vice President of Finance and Administration		

1.0 PURPOSE

1.1 In compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998* (the “Clery Act”), the purpose of this policy is to assist in creating a safe and secure environment for students, faculty, staff, and campus visitors and to provide guidance to all members of the University community regarding Clery Act requirements.

2.0 REFERENCES

2.1 *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998* (the “Clery Act”) (20 USC § 1092(f))

2.2 *Crime Definitions in Accordance with the Federal Bureau of Investigations Crime Reporting Program* (34 CFR § 668)

2.3 Utah Code Ann. § 76-5-406

2.4 Utah Code Ann. § 78B-7-402

2.5 Utah Code Ann. § 77-36-1

2.6 Utah Code Ann. § 76-9-702.1

2.7 Utah Code Ann. § 76-5-106

2.8 UVU Policy 154 *Workplace Violence*

2.9 UVU Policy 162 *Sexual Misconduct*

2.10 UVU Policy 324 *Drug-free Workplace*

2.11 UVU Policy 704 *Minors on Campus and at University-Sponsored Events*



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3.0 DEFINITIONS

3.1 Alcohol law violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

3.2 Annual Security Report (ASR): The annual report of crime statistics and other campus information that must be prepared and distributed in accordance with the *Clery Act*.

3.3 Campus Security Authority (CSA): Individuals serving in positions identified by the Vice President of Finance and Administration that have significant responsibility for student and campus activities. These individuals may not always be university employees. CSAs include but are not limited to:

3.3.1 Members of UVU Police;

3.3.2 Any individual responsible for security who is not a member of UVU Police (for example, individuals responsible for monitoring entrances to buildings or specified areas are responsible for security even on a temporary basis); and

3.3.3 Any university official who has significant responsibility for student and campus activities, including but not limited to administrators, student resident leaders and assistant leaders, student and employee discipline and campus judicial proceedings, athletics administration and coaches and coaching staff, faculty or staff who lead or supervise travel groups, and academic advisors and advisors to recognized student organizations.

3.4 Clery Act crimes: Information about any incident that may constitute any of the following crimes must be reported by CSAs to UVU Police, and the University is required to maintain statistics of these crimes for its ASR:

3.4.1 Murder/non-negligent manslaughter, negligent manslaughter, sexual assault offenses (forcible and non-forcible), domestic violence, dating violence, stalking, robbery, aggravated assault, burglary, motor vehicle theft, and arson;

3.4.2 Hate crimes: Any of the above mentioned offenses, and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias based on race, ethnicity, national origin, religion, sex/gender, sexual orientation, gender identity, or disability; and

3.4.3 Arrests and referrals for disciplinary action for weapons (carrying, possessing, etc.), drug abuse violations, and alcohol law violations.



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3.5 Clery geography: Any location on which the University is required to report crime statistics for purposes of the Clery Act, including:

3.5.1 Campus property: Any building or property owned or controlled by the University within the same reasonably contiguous geographic area of the University and used by the University in direct support of, or in a manner related to, the University's educational purposes, including any building or property within the same reasonably contiguous geographic area of the University that is owned by the University but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor);

3.5.2 Non-campus building or property: Any building or property owned or controlled by an officially sponsored student organization recognized by the University and any building or property (other than a branch campus) owned or controlled by the University that is frequently used in direct support of, or in relation to, the University's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the University; ~~and~~

3.5.23.5.3 On-campus student housing: Any campus property, as defined above, intended and in fact used as student housing; or

3.5.33.5.4 Public property within or immediately adjacent to the campus: The term "public property" means all public property that is within the same reasonably contiguous geographic area of the University, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the University if the facility is used by the University in direct support of, or in a manner related to, the University's educational purposes.

3.6 Daily crime log: A daily record maintained by UVU Police that records all reported alleged criminal activity in accordance with the *Clery Act*.

3.7 Dating violence:

3.7.1 As defined in the *Clery Act*, dating violence means violence committed by a person who is or has been in a relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on the reporting party's statement and with consideration of the length of the relationship, type of relationship, and frequency of interaction between the parties. It includes, but is not limited~~7~~₂ to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence. Any incident meeting this dating violence definition is considered a crime for purposes of *Clery Act* reporting, though criminal prosecution of crimes must meet the definition of Utah law.

3.7.2 ~~Under~~ Utah law~~7~~₂, describes dating violence as any criminal offense involving violence or physical harm, or threat of violence or physical harm, when committed by a person against his or her dating partner; or any attempt, conspiracy, or solicitation by a person to commit a criminal



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offense involving violence or physical harm against his or her dating partner. "Dating partner" means a person who: (a) is an emancipated person as defined by Utah statute; or (b) is 18 years of age or older; and is, or has been, in a dating relationship with the other party. "Dating partner" does not include an intimate partner, as defined in federal law (18 U.S.C. § 921). "Dating relationship" means a social relationship of a romantic or intimate nature, or a relationship that has romance or intimacy as a goal by one or both parties, regardless of whether the relationship involves sexual intimacy. "Dating relationship" does not mean casual fraternization in a business, educational, or social context. In determining, based on a totality of the circumstances, whether a dating relationship exists, all relevant factors shall be considered, including: (1) whether the parties developed interpersonal bonding above a mere casual fraternization; (2) the length of the parties' relationship; (3) the nature and the frequency of the parties' interactions, including communications indicating that the parties intended to begin a dating relationship; (4) the ongoing expectations of the parties, individual or jointly, with respect to the relationship; (5) whether, by statement or conduct, the parties demonstrated an affirmation of their relationship to others; and (6) whether other reasons exist that support or detract from a finding that a dating relationship exists. It is not necessary that all, or a particular number, of the factors described herein are found to support the existence of a dating relationship. (Utah Code Ann. § 78B-7-402.)

3.8 Domestic violence:

3.8.1 As defined in the *Clery Act*, domestic violence means felony or misdemeanor crimes of violence committed (a) by a current or former spouse or intimate partner of the victim; (b) by a person with whom the victim shares a child in common; (c) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (e) by 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 in which the crime of violence occurred. Any incident meeting this definition is considered a crime for purposes of *Clery Act* reporting, though criminal prosecution of crimes must meet the definition of Utah law.

3.8.2 Under Utah law, [describes domestic violence as](#) any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic violence" also means commission or attempt to commit, any of the following offenses by one cohabitant against another: aggravated assault, assault, criminal homicide, harassment, electronic communication harassment, kidnapping, child kidnapping, or aggravated kidnapping, mayhem, sexual offenses, stalking, unlawful detention, violation of protective order, any offense against property, possession of a deadly weapon with intent to assault, discharge of a firearm. (Utah Code Ann. § 77-36-1(4).)



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3.9 Drug abuse violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance is also a drug abuse violation. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs are also violations.

[3.10 Fire: any instance of open flame or other burning \(1\) in a place not intended to contain the burning or \(2\) in an uncontrolled manner.](#)

[3.103.11 Sexual assault:](#)

[3.10.13.11.1](#) As defined in the *Clery Act*, sexual assault is an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting systems of the Federal Bureau of Investigation, including forcible or non-forcible sex offense or actual or attempted sexual contact with 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 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, or 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. Any incident meeting this definition is considered a crime for purposes of *Clery Act* reporting, though criminal prosecution of crimes must meet the definition of Utah law.

[3.10.23.11.2](#) Under Utah law, a person is guilty of rape if that person has sexual intercourse with the victim without the victim's consent. (Utah Code Ann. § 76-5-402.) A person is guilty of object rape if the actor, without the victim's consent, causes the penetration, however slight, of the genital or anal opening of another person who is 14 years of age or older, by any foreign object, substance, instrument, or device, including a part of the human body other than the mouth or genitals, with intent to cause substantial emotional or bodily pain to the victim or with the intent to arouse or gratify the sexual desire of any person. (Utah Code Ann. § 76-5-40276-5-402.2.) A person is guilty of sexual battery if the person, under circumstances not amounting to rape, sodomy, forcible sex abuse, or aggravated sexual abuse, intentionally touches, whether or not through the clothing, the anus, buttocks, or any part of the genitals of another person, or the breast of a female person, and the person's conduct is under circumstances the person knows or should know will likely cause affront or alarm to the person touched. (Utah Code Ann. § 76-9-702.1.)

[3.113.12 Stalking:](#)



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3.11.13.12.1 As defined in the *Clery Act*, stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition, course of conduct means two or more acts that the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Any incident meeting this definition is considered a crime for purposes of *Clery Act* reporting, though criminal prosecution of crimes must meet the definition of Utah law.

3.11.23.12.2 Under Utah law, a person is guilty of stalking who intentionally or knowingly engages in a course of conduct directed at a specific person and knows or should know that the course of conduct would cause a reasonable person to fear for the person's own safety or the safety of a third person, or to suffer other emotional distress. A person is guilty of stalking who intentionally or knowingly violates a stalking injunction issued pursuant to Utah Code Ann. § 77-3a, or a permanent criminal stalking injunction issued pursuant to Utah Code Ann. § 76-5-106.

4.0 POLICY

4.1 Policy Statement

4.1.1 Utah Valley University is committed to providing a safe and secure environment for all members of the university community, [including students, faculty, staff](#), and visitors. The University adopts this policy to facilitate compliance with *Clery Act* disclosure, reporting, and crime statistic requirements.

4.2 Scope of this Policy

4.2.1 This policy applies to all members of the university community and also provides information to [prospective members of our community](#) ~~university visitors, prospective students, and prospective employees.~~

4.2.2 The obligation to meet *Clery Act* reporting requirements applies to all UVU community members who are responsible for campus security and those with a significant responsibility for student and campus activities. The *Clery Act* identifies these responsible persons as CSAs.

4.2.3 UVU Police, which is fully accredited by the State of Utah, is charged with protecting lives and property on campus. UVU Police officers have the same police powers and responsibilities as officers in other Utah law enforcement agencies.

4.3 Reporting of Crimes and Other Emergencies



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4.3.1 The University encourages all members of the University community who become aware of criminal actions or other emergencies or suspicious or criminal activity to report such actions or activity to UVU Police as soon as possible. Crimes may be reported to UVU Police by calling (801) 863-5555. In the event of a crime in progress or at any time there is a risk of harm to persons or property, call 911 or (801) 863-5555 on campus.

4.3.2 Incidents reported to UVU Police will be investigated for the purpose of reducing crime, improving safety, making disciplinary referrals, and imposing criminal sanctions as appropriate. Additionally, incidents reported to UVU Police will be included in the statistical report contained in the ASR.

4.3.3 Criminal actions may also be reported to CSAs, who have a legal obligation to file a report of suspected criminal activity with UVU Police to ensure statistical inclusion of all crimes specified by the Clery Act in the University's ASR when those crimes occur in the area defined as "Clery geography," including on or near University Property, including on-campus property, property immediately adjacent to the campus, [on-campus student housing](#), and off-campus property owned or controlled by the University. Reports made to these persons or offices, and not also made to UVU Police, will be included in the statistical report in the ASR but generally will not be investigated by the police. Training regarding reporting responsibilities will be provided to all persons designated as CSAs.

4.3.4 Although the University strongly encourages all members of the University community to report crime to law enforcement, it is the victim's choice whether or not to make such a report, and the victim has the right to decline involvement with the police, [subject to section 4.7.2](#). The University will assist victims with notifying the police if they so desire.

4.3.5 Individuals who intentionally and knowingly make false accusations of criminal activity or provide false information to UVU Police or university officials in connection with an accusation and/or investigation of criminal activity are subject to discipline under university policy as well as criminal and/or civil penalties under applicable law.

4.4 Missing Student Notification

4.4.1 [This section applies only to students residing in on-campus student housing.](#)

4.4.2 [Reporting a Missing Student. When a student has been missing for 24 hours, students, employees, and other individuals should make a report to the UVU Police Department \(801-863-5555\). Any campus security authority to whom a missing student report is made shall immediately refer the matter to the UVU Police.](#)

4.4.3 [Emergency & Missing Persons Contact\(s\). Students who reside in on-campus student housing facilities have the option of identifying a contact person or persons whom the University](#)



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will notify within 24 hours of a determination that the student is missing, if the student has been determined missing by UVU Police. Students residing in on-campus student housing may register this information on their student profile in the university's student information system, and may update this information any time. To learn more about registering a missing person contact, or to determine whether their housing is an on-campus student housing facility for purposes of this policy, students should call the UVU Office of Housing and Residence Life at 801-863-8682. Emergency and missing persons contact information will be registered confidentially and will be accessible only to authorized university officials. The information may not be disclosed outside the University except to law enforcement personnel in furtherance of a missing person investigation.

4.4.4 Students Under 18. If a student is under 18 years of age and is not emancipated as determined by a court of competent jurisdiction in the student's state of legal residence, the University is required by law to notify a custodial parent or guardian in addition to any student-designated contact within 24 hours of the determination that the student is missing.

4.4.5 Notifying Local Law Enforcement Agency. The University will notify the surrounding law enforcement agencies when any student who lives in on-campus student housing has been determined to be missing for 24 hours.

4.5 Fire Safety

4.5.1 This section applies only to students residing in on-campus student housing. Students shall abide by restrictions and guidance contained in their applicable handbooks and/or lease agreements concerning electrical appliances, smoking, and open flames.

4.5.2 When a fire alarm sounds at any on-campus student housing facility, all residents, guests and staff should evacuate to a safe location. Many housing facilities have staff resident leaders on site, who will take roll to account for student residents' safety. Residents, guests, and staff should follow the direction of responding emergency crews.

4.5.3 Each year the University provides resident leaders and property managers with training in fire prevention and emergency preparedness. After this training, resident leaders discuss with residents the need to evacuate when they hear a fire alarm.

4.5.4 Students and employees who become aware of fire incidents at any on-campus student housing facility should report such incident to the university fire marshal at 801-863-8021. The UVU Fire Marshal will record the incident in the university's fire log.

4.44.6 Clery Act Compliance

4.4.14.6.1 To promote safety and security at the University and in compliance with the Clery Act, the University does all of the following:



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4.4.1.14.6.1.1 Submits crime and fire statistics to the United States Department of Education. Each year, the University submits (1) crime statistics for Clery Act crimes by type, location, and year and (2) fire statistics by location, cause, number of fire-related injuries and deaths, and value of property damage to the U.S. Department of Education.

4.6.1.2 Maintains a daily crime log of reported alleged criminal incidents that is open to public inspection.

4.4.1.24.6.1.3 Maintains a daily fire log of reported fires in on-campus student housing that is open to the public.

4.4.1.34.6.1.4 Issues timely warnings and campus alerts. UVU issues a timely warning to the University community in accordance with section 5.2 when there is information it confirms that a Clery Act crime has occurred that represents a serious or ongoing threat to campus safety. Specifically, if a situation arises on campus or in an area surrounding campus that, in the judgment of the Chief of Police or designee, constitutes a serious or continuing threat to students, employees, or the UVU community, the Chief of Police shall initiate a timely warning using the University's emergency communications systems. Anyone with information warranting a timely warning should report the circumstances to UVU Police.

4.4.1.44.6.1.5 Issues emergency notifications. The University issues an emergency notification upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The University tests the emergency notification procedure biannually.

4.4.1.54.6.1.6 Publishes and maintains an Annual Security and Fire Report (ASR). UVU Police prepares the ASR, which contains safety- and security- related policy statements and statistics of Clery Act crimes occurring on Clery geography. To prepare the ASR, the University collects, classifies, and counts Clery Act crime reports and statistics. The University maintains contact with local police departments to collect crime statistics for off-campus locations.

4.4.24.6.2 The full text of this report can be found on the UVU Police website at <https://www.uvu.edu/police/docs/clery.pdf>. Each year, notification about the ASR is sent by email or other means to all enrolled students, staff, and faculty. In addition, paper copies of the report may be obtained from UVU Police at 800 W. University Parkway MS 195, Orem, Utah, Gunther Technology ades Building Room 331, or by calling (801) 863-5555. Prospective students and employees may also obtain copies from the UVU website or UVU Police.

4.54.7 Requests for Anonymity/Referrals to Other UVU Departments

4.5.14.7.1 Individuals who witness or are the victim of crime, but who wish to remain anonymous, may report the crime to UVU Police on a confidential basis. To do so, individuals should specifically request that they remain anonymous. The report ensures that the occurrence



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of the crime will be included in the University's annual report; assists the police in determining if there is a pattern of crime with regard to a particular location, method, or suspect; and enables the police, in appropriate circumstances, to alert the campus community to potential dangers. Filing an anonymous report may limit the ability of UVU Police to provide specific assistance or to investigate or solve a crime.

4.5.24.7.2 If a victim requests anonymity from the Title IX Coordinator or designee, the identity of the victim shall remain confidential except in instances when the victim is a minor or vulnerable adult, or there is imminent danger to the victim or others in the community. In such cases, identification to law enforcement is required for safety and protection. In instances when the University is notified of a request for information, personally identifiable information contained in university records shall remain protected and shall not be accessible to the public. UVU Policy 162 *Sexual Misconduct* and Policy 704 *Minors on Campus and at University-Sponsored Events* provide specific policy and procedure regarding minors.

4.5.34.7.3 Incidents involving student misconduct that are investigated by UVU Police may be referred to the Director of Student Conduct for disciplinary action. Examples of such referrals include consumption of alcohol by individuals under the age of 21. Students are subject to discipline for use, possession, or distribution of alcoholic beverages of any type on university premises except as expressly permitted by law and university regulations. Students are also subject to discipline for use, possession, or distribution of any narcotic or other controlled substance on university premises, at university activities, or on premises over which the University has supervisory responsibility pursuant to state statute or local ordinance, except as permitted by law and university policy.

4.5.44.7.4 Incidents involving staff misconduct may be referred to Human Resources for possible disciplinary action. Incidents involving faculty misconduct may be referred to Academic Affairs for possible disciplinary action. Under university policy, the University is a drug-free workplace. It is a violation of UVU Policy 324 *Drug-free Workplace for employees* to engage in the unlawful manufacture, distribution, dispensation, possession, and/or use of a controlled substance or alcohol at university workplace or while engaged in university business off campus. Employees are subject to discipline for violating this policy.

4.64.8 Registered Sex Offenders

4.6.14.8.1 In accordance with the *Campus Crimes Prevention Act* (42 US Code § 14071), the *Utah Sex Offender Registration Act* (U.C.A. 77-27-21.5) requires notice to be given to institutions of higher education of persons required by the act to register who are affiliated with the institution. The Utah Department of Corrections Sex Offender Registration Program Office will inform UVU Police of registered sex offenders who are affiliated with UVU. This information will be available at UVU Police, 800 W. University Parkway MS 195, Orem, Utah, Gunther [Technology](#) [ades](#) Building Room 331, (801) 863-5555. Individuals seeking additional



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information about registered sex offenders may go to the Utah Department of Corrections Sex Offender Registry at <http://www.corrections.utah.gov/services/sonar.html>.

4.74.9 Prevention, Education, and Training

4.7.14.9.1 The University conducts student and employee climate surveys to develop education and prevention programs that reflect comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking. Training will be culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to university community needs, and informed by research. Training will also be assessed for value, effectiveness, and outcome. These programs are designed to consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

4.7.24.9.2 The University shall monitor the effectiveness of its awareness, prevention, and risk reduction programs and services through campus climate surveys and other statistical data.

4.7.34.9.3 The University's education and prevention programs include awareness programs, bystander interventions, ongoing prevention and awareness campaigns, primary prevention programs, and education on risk reduction.

5.0 PROCEDURES

5.1 Annual Security and Fire Report

5.1.1 UVU Police is responsible for collecting reported *Clery Act* crimes made to UVU Police, local law enforcement agencies, school officials, CSAs, and all others associated with UVU who are responsible for student and campus activities. [UVU Police will coordinate with the UVU Fire Marshal to obtain the required fire statistics for on-campus student housing.](#)

5.1.2 UVU Police is responsible for completing and submitting the ASR to the U.S. Department of Education, in accordance with *Clery Act* requirements. The report shall include statistics of *Clery Act* crimes [and fires](#) for the preceding three years and UVU's policy statements addressing campus security and safety. UVU Police shall compile and disclose:

5.1.2.1 Statistics of reported *Clery Act* crimes on its campuses, immediately adjacent public areas, remote classroom facilities, and non-campus facilities that support educational services (*Clery* geography). Information about each crime shall include the date, location, and disposition (if known) of the crime.

5.1.2.15.1.2.2 [Statistics of reported fires in on-campus student housing. Information about each fire shall include the location, cause, number of fire-related injuries and deaths, and value of property damage.](#)



UTAH VALLEY UNIVERSITY Policies and Procedures

5.1.2.25.1.2.3 The number of arrests related to *Clery Act* crimes. If an individual is both arrested and referred for disciplinary action, only the arrest will be reported.

5.1.2.35.1.2.4 The number of students who are referred for disciplinary action due to *Clery Act* crimes. If an individual is both arrested and referred for disciplinary action, only the arrest will be reported. For weapons, drug, and/or liquor law violations, both the referral and the arrest must be reported in *Clery Act* crime statistics.

5.1.3 In accordance with the *Clery Act* and this policy, the Title IX Coordinator or designee will provide UVU Police statistics about sexual misconduct for the ASR. This report provides those statistics to the U.S. Department of Education, but does so in a manner that does not include any identifying information about persons involved in an incident.

5.1.4 UVU Police shall publish the ASR by October 1 of each year. The ASR shall be made available to all current and prospective students and employees by web, mail, and/or email.

5.1.5 The University shall keep all records used in compiling the ASR for three years from the latest publication of the report and shall include the following: copies of crime reports; daily crime logs; records for arrests and/or referrals for disciplinary action; timely warning and emergency notification reports; documentation and/or correspondence regarding *Clery Act* compliance; and notices to students/employees regarding the availability of the ASR. All documentation shall be dated.

5.2 Timely Warnings and Emergency Notifications

5.2.1 Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, the University shall notify the campus community using the procedures found at <https://www.uvu.edu/police/>. The University shall determine the appropriate segment or segments of the campus community to receive a notification, determine the content of the notification, and initiate the notification system. The University shall, without delay and considering the safety of the community, determine the content of the notification and initiate the notification system, unless responsible authorities determine that such notification will compromise efforts to contain, respond to, or otherwise mitigate the emergency.

5.2.2 The University shall issue an emergency notification upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The University tests the emergency notification procedure bi-annually. University shall biannually test the University's emergency response and evacuation procedures, which can be found at <https://www.uvu.edu/police/> under emergency procedures.



UTAH VALLEY UNIVERSITY Policies and Procedures

POLICY HISTORY		
September 10, 2015	Temporary Emergency approved.	UVU Board of Regents
June 17, 2016	Regular policy approved.	UVU Board of Regents
March 22, 2018	Non-substantive changes approved: * Policy renumbered from 407 to 710. * References to Policy 115 updated to 704.	UVU Board of Regents



**UVU BOARD OF TRUSTEES
Agenda Item Coversheet**

DATE:	June 18, 2019
TITLE:	Consent Calendar
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Justin Jones, Chief of Staff
SUBJECT:	Consent Calendar
BACKGROUND:	<p>The Trustees are being asked to review the following items for a consent vote:</p> <ol style="list-style-type: none"> 1. Minutes of March 27, 2019, and April 16, 2019 2. February and March 2019 Investment Reports 3. 2018-19 Education & General Operating Revenue, Revision 3 4. 2019-20 Education & General Operating Revenue, Revision 1 5. UVU Foundation Investment Policy 6. Staff Attorney Position Ratification
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:	
EXHIBITS:	<ol style="list-style-type: none"> 1. Minutes of March 27, 2019, and April 16, 2019 2. February and March 2019 Investment Reports 3. 2018-19 Education & General Operating Revenue, Revision 3

	<p>4. 2019-20 Education & General Operating Revenue, Revision 1</p> <p>5. UVU Foundation Investment Policy</p> <p>6. Staff Attorney Position Ratification</p>
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UVU BOARD OF TRUSTEES

March 27, 2019

8 a.m. – SC 213c, Utah Valley University

Board of Trustee Members Present

Jack Sunderlage, Second Vice Chair
Karen Acerson
James Clarke
John Gappmayer
Rick Nielsen
Marc Reynolds
Jill Taylor
Paul Thompson
R. Duff Thompson, First Vice Chair

UVU Attendees

Astrid S. Tuminez, President
Karen Clemes, General Counsel
Scott Cooksey, Vice President, Development and Alumni
Nathan Gerber, PACE President
Justin Jones, Chief of Staff, Secretary to the Board
Linda Makin, Vice President, Planning, Budgets, and HR
Cameron Martin, Vice President, University Relations
Jeff Olson, Senior Vice President, Academic Affairs
Belinda Otukolo Saltiban, CIDO
Kyle Reyes, VP, Student Affairs
Craig Thulin, Faculty Senate President

At the beginning of the meeting, Trustee Second Vice Chair Jack Sunderlage excused Chair Elaine Dalton, welcomed all those in attendance, and addressed housekeeping items.

I. ACTION

1. Academic Program Approval

The Trustees were presented with two academic programs for adoption. The programs were an associate of applied science in digital audio and an associate of applied science in digital cinema. After minimal discussion, Trustee Paul Thompson motioned to approve the addition of the AAS Digital Audio and the AAS Digital Cinema. Trustee Rick Nielsen seconded. The motion carried without opposition.

2. Policies

The Trustees were presented with a request to approve revisions to Policy 204 Appropriateness of Expenditures. It was noted that this update allows for more efficient administration of approvals for expenditures and redefines approval levels for significant expenditures. After minimal discussion, Trustee John Gappmayer motioned to approve the adoption of revisions to Policy 204 Appropriateness of Expenditures. Trustee P. Thompson seconded. The motion carried without opposition.

The Trustees then looked at Policy 354 In-classification Salary Increases for Non-Faculty Employees for deletion. It was noted that this policy is no longer used. More appropriate and impactful practices have replaced it. Trustee Karen Acerson motioned to approve the deletion of Policy 354 In-classification Salary Increases for Non-Faculty Employees. Trustee Nielson seconded. The motion carried without opposition.

The Trustees were presented with an update to Policy 542 FERPA (Student Records Privacy). It was noted that the updates reflect changes to federal regulations with regard to the protection of student records and information. Trustee Jill Taylor motioned to approve the revisions to Policy 542 FERPA. Trustee James Clarke seconded. The motion carried without opposition.

The Trustees then looked at Policy 543 Use of Social Security Numbers as Student IDs for deletion. It was noted that this practice was eliminated years prior. The policy is no longer applicable. Trustee Nielsen motioned to approve the deletion of Policy 543 Use of Social Security Numbers. Trustee Acerson seconded. The motion carried without opposition.

3. Executive Committee Vote Ratification

It was noted that the Executive Committee met following a Finance and Facilities meeting in which the factors for tuition setting were discussed and specific tuition increases, differential tuition scale, and student fees were

decided. The recommendation made by the Finance and Facilities committee was for the approval of an undergraduate tuition increase of 1.7%, graduate tuition increases between 1.5% and 1.8% with a .5% match leniency, the approval of a new graduate differential tuition scale for the Master of Physician Assistant program, and approval of an increase to 2019-20 Student Fees in the amount of \$4. Based on the saliency of the arguments presented and the confidence in the tuition and fee setting process, the Executive Committee of the Board voted to approve the recommendation on March 14 prior to the state mandated tuition-setting deadline. After minimal conversation, Trustee Clarke motioned to ratify the vote of the Executive Committee regarding 2019-20 tuition and fees as described. Trustee Acerson seconded. The motion carried without opposition.

4. Property Purchase

The Trustees were asked to review a proposal to purchase property located in Lehi, UT. The trustees were reminded of the desire indicated in the master plan to broaden UVU's reach through multiple campuses across Utah Valley which would be connected along public transportation. The desire to create a significant presence at Thanksgiving Point was noted and a brief explanation of why this was an ideal location for UVU was given, with emphasis on the connection to Silicon Slopes and MTECH. The property being purchased is that of a building the university is currently leasing for \$22.11 million. This building includes attached parking and is located across the street from the Frontrunner station. This building is partially leased to other companies, which will provide a revenue stream to the university, and opportunity for future expansion of university programs at Thanksgiving Point. Trustee P. Thompson emphasized the need to fill this building with a full array of classes, general education and discipline specific. Trustee Clarke motioned to approve the purchase of the building at 2912 Executive Pkwy, Lehi, Utah for \$22.11 million dollars. Trustee Gappmayer seconded. The motion carried without opposition.

II. EXECUTIVE SESSION

Trustee Marc Reynolds motioned to enter Executive Session to strategically discuss character, professional competence, or physical or mental health of an individual, and litigation that is pending or reasonably imminent. Trustee Nielsen seconded. The motion carried without opposition.

I. ACTION (CONTINUED)

4. Rank Advancement

Trustee P. Thompson motioned to approve the following individuals for Rank Advancement: Angela Banchemo-Kelleher, Professor; Mary V. Brown, Professor; Vessela Ilieva, Professor; Marcus Jorgensen, Professor; Christopher Lee, Senior Lecturer; Amy Markgraf, Professor; Violeta Vasilevska, Professor; Marcus Vincent, Professor; Keith White, Professor; Lynda Williams, Senior Lecturer. Trustee Taylor seconded. The motion carried without opposition.

5. Tenure

Trustee Gappmayer motioned to approve the following individuals for tenure and promotion to the rank of Associate Professor: Katie Bagley; Jeremy S. Boden; Debjani Chakravarty; Jared Chapman; Courtney Davis; Elena G. Garcia; Lindsey Gerber; Todd Goddard; Michael J. Goode; Benjamin Johnson; Claudia Jorgensen; Bobbi Kassel; Mark Lentz; David T. Morin; Kyle Reyes; Kazem Sohraby. Trustee Acerson seconded. The motion carried without opposition.

III. CONSENT CALENDAR

The Trustees were asked to review the Consent Calendar, which consisted of the minutes of February 21, 2019; the January 2019 Investment Report; the Institutional Discretionary Funds 2017-18 Actual Report and 2018-19 Revised Budget; and the 2018-19 Education and General Appropriated Revenue Revision Two. Trustee Taylor motioned to approve the Consent Calendar. Trustee Clarke seconded. The motion carried without opposition.

IV. INFORMATION

1. Committee Reports

The Trustees were provided with a report on the Finance and Facilities Committee meeting during the Executive Committee Vote Ratification agenda item so little further commentary was added. It was noted, however, that the strength of the student presence during the student council meeting to discuss student fees and tuition was impressive and showed an active engagement by the student body.

2. UVUSA Annual Report

Trustee Reynolds discussed the efforts of UVUSA over the course of the past academic year. Among the items discussed were outreach communications, STAMP and its role in creating longevity of ideas and continuity in initiatives, the Proud Wolverines initiative and the response from students, efforts to bring consistency in branding on campus, the Wolverine of the Week social media spotlight, the Painting the Valley Green initiative, and student involvement in UVUSA and the election process. Pride in the student body was articulated as was enthusiasm about the level of investment by students in being Wolverines and owning the university as theirs. Taylor Bell introduced himself to the Trustees as the new student body president and detailed his campaign platform.

3. Mission and Core Themes Revisions

The Trustees were provided with a briefing about the mission and core themes revisions which were underway. The history of the mission and core themes under President Holland was briefly noted. The timing of the revision under President Tuminez was highlighted and the efforts she had taken to date to listen to the university and provide a pivot on the university's action commitments and mission were explained. The efforts to find and build consensus around the mission statement and certain terms therein were briefly described, particularly among the faculty, and gratitude was given for the willingness to show patience and a spirit of collaboration with various parties during the process. The revision approval process was reviewed in terms of submission to the Board of Regents and NWCCU was noted. A vote will be taken by the Trustees at a meeting to be held in April.

4. President's Report

President Tuminez provided a short report on the university since the mid-February Board of Trustee meeting. She began with a thank you for engagement in the first few events of the Week of Dreams, particularly the ribbon cutting on the Noorda Center for the Performing Arts. She moved into a brief report on the legislative outcomes and her own personal experiences as a new president on the Hill. She noted the 11% increase in the base budget and approval of the Business building as wonderful outcomes. President Tuminez noted some highlights over the last month, including the competition success of the Wolverine Fund students, Cyber Defense team, and illustration students, as well as athletic successes in golf, basketball, wrestling, and cross country. She closed by discussing the hiring of Wayne Vaught as provost and vice president for academic affairs and the Women's Success luncheon fundraising efforts.

Second Vice Chair Sunderlage adjourned the meeting.

UVU BOARD OF TRUSTEES

April 16, 2019

5:45 p.m. – CB 508, Utah Valley University

Board of Trustee Members Present

Elaine Dalton, Chair
Karen Acerson
James Clarke
Rick Nielsen
Marc Reynolds
Jack Sunderlage, Second Vice Chair
Paul Thompson

Others Present

Jeff Johnson

UVU Attendees

Astrid S. Tuminez, President
Karen Clemes, General Counsel
Justin Jones, Chief of Staff, Secretary to the Board
Linda Makin, Vice President, Planning, Budgets, and HR
Cameron Martin, Vice President, University Relations
Jeff Olson, Senior Vice President, Academic Affairs
Belinda Otukolo Saltiban, CIDO
Kyle Reyes, Vice President, Student Affairs
Craig Thulin, Faculty Senate President
Katie Zabriskie, Executive Communication Officer

I. ACTION

1. Mission Statement Revision

The Trustees were asked to approve a newly articulated mission statement and values/action commitments for the university which clarified and streamlined the existing statement. They were provided with a review of the revision process, including the timeframe and the constituents consulted. The grievances with the process were noted as were the concerns articulated by the faculty about specific terminology, including the phrase community college. The negative disposition towards this term was explained in terms of public perception and connotation. The Trustees engaged in a lengthy, thoughtful conversation about the university's dual mission, the need to protect and support this identity, the desire to promote and clarify the robust role of UVU as an educational institution of choice in the Valley, and how UVU moves forward with this new mission statement as its guide. After confirming the language of the mission statement, Trustee Paul Thompson motioned to approve adoption of "Utah Valley University is an integrated university and community college that educates every student for success in work and life through excellence in engaged teaching, services, and scholarship" as the new mission statement and the adoption of the action commitments and values as discussed. Trustee James Clarke seconded. The motion passed without opposition.

Chair Dalton adjourned the meeting.



**CASH AND INVESTMENT
REPORT
February 2019**

Monthly Composite Performance Review
UTAH VALLEY UNIVERSITY
February 2019

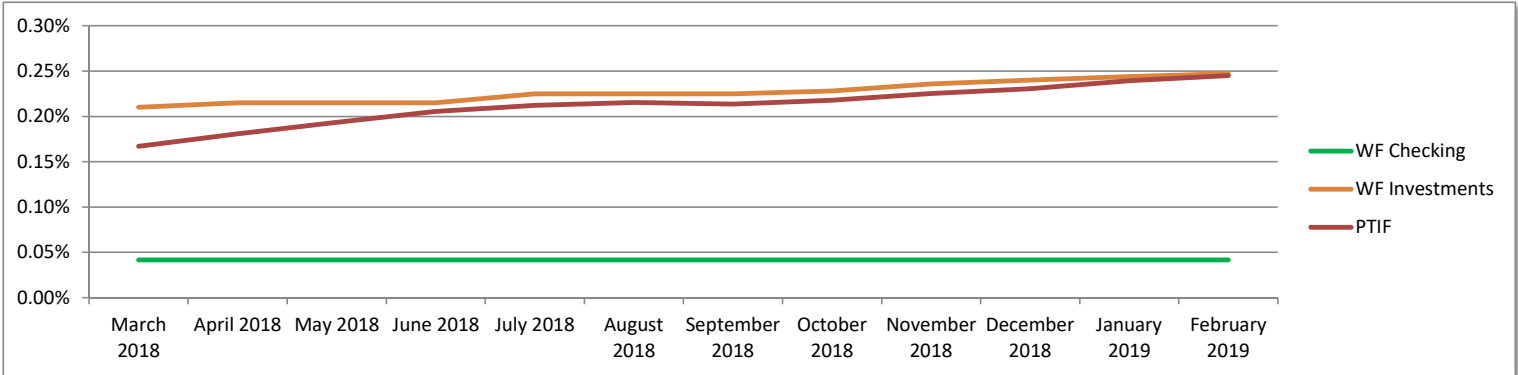


Account Activity	Checking/Sweep	Investments	PTIF	Total University Cash and Investments	Past Twelve Months of Activity
Beginning Balance	\$ 11,262,098	\$ 91,121,077	\$ 99,073,123	\$ 201,456,298	\$ 169,973,503
Interest/Earnings Credit	4,684	199,977	227,112	431,773	4,354,660
Acquisitions/Credits	-	-	6,049,339	6,049,339	254,092,636
Dispositions/Debits	(797,396)	-	(15,000,000)	(15,797,396)	(244,345,034)
Unrecognized Gain/Loss	-	79,399	-	79,399	(82,333)
Fees	(4,684)	-	-	(4,684)	(75,795)
Transfers *	-	(199,977)	157,845	(42,132)	8,254,960
Ending Balance	\$ 10,464,702	\$ 91,200,476	\$ 90,507,419	\$ 192,172,597	\$ 192,172,597

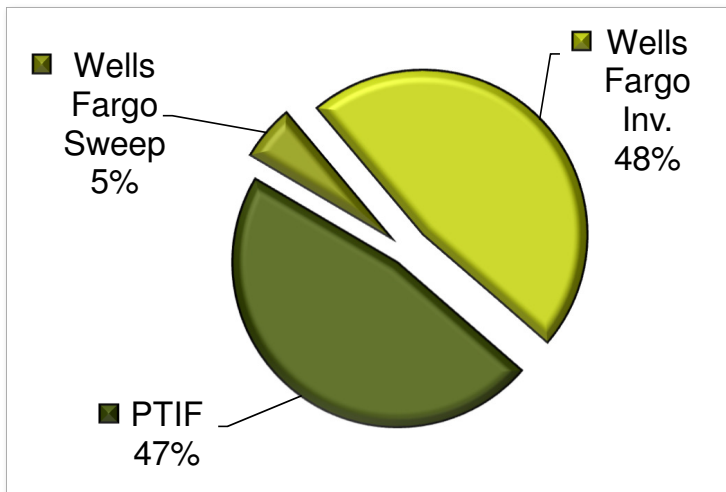
* Transfers consist of activity between UVU and the Foundation and interest transferred to UVU.

2.47%
12 Month Return

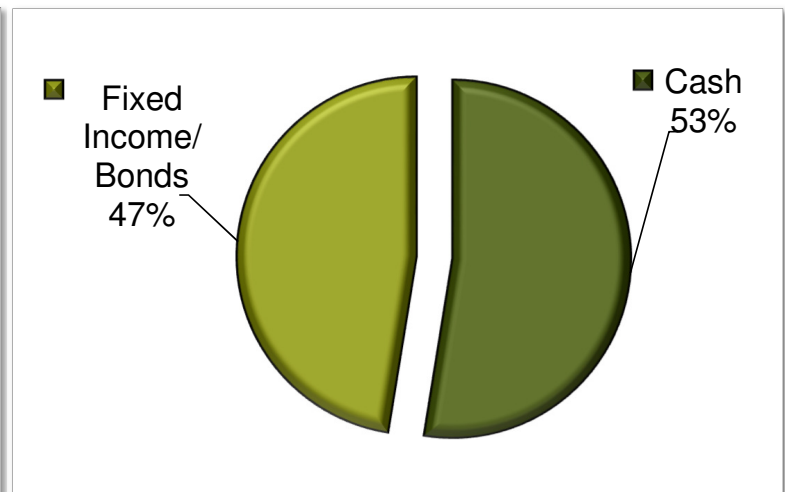
Performance Returns	Wells Fargo Checking/Sweep	Wells Fargo Investments	PTIF
March 2018	0.04%	0.21%	0.17%
April 2018	0.04%	0.22%	0.18%
May 2018	0.04%	0.22%	0.19%
June 2018	0.04%	0.22%	0.21%
July 2018	0.04%	0.23%	0.21%
August 2018	0.04%	0.23%	0.22%
September 2018	0.04%	0.23%	0.21%
October 2018	0.04%	0.23%	0.22%
November 2018	0.04%	0.24%	0.23%
December 2018	0.04%	0.24%	0.23%
January 2019	0.04%	0.24%	0.24%
February 2019	0.04%	0.25%	0.24%
Monthly Average	0.04%	0.23%	0.21%
12 Month Return	0.50%	2.73%	2.54%



UVU Cash and Investments as a Percent of Total



UVU Cash and Investments Investments by Type



Monthly Composite Performance Review

UVU Foundation

February 2019

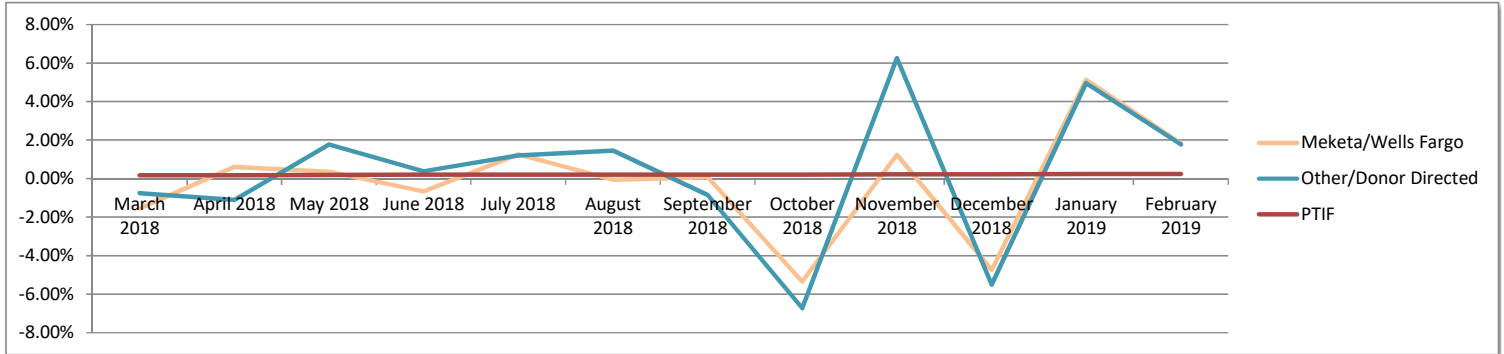
Account Activity

	Unrestricted	Temporarily Restricted	Permanently Restricted - Endowments	Total Foundation Investments	Past Twelve Months of Activity	Notes Due From University ^
Beginning Market Value	\$ 4,490,197	\$ 39,315,375	\$ 30,811,705	\$ 74,617,277	\$ 85,243,275	Beginning Balance \$ 7,970,125
Interest	6,036	70,629	698	77,363	1,295,607	Additional Notes -
Acquisitions	-	186,165	675,694	861,859	59,362,123	Principal Received (320,807)
Dispositions	-	(148,263)	(713,438)	(861,701)	(59,457,076)	Ending Balance \$ 7,649,318
Gain/Loss Rec & Unrec	-	170,744	547,899	718,643	(249,234)	Interest Received \$ 222,268
Fees	-	-	(2,303)	(2,303)	(69,014)	Rate 5.5%
Transfers *	(6,036)	356,741	(508,550)	(157,845)	(10,872,388)	^ Fiscal Year Activity
Ending Market Value	\$ 4,490,197	\$ 39,951,391	\$ 30,811,705	\$ 75,253,293	\$ 75,253,293	
Monthly Return	0.13%	0.61%	1.77%	1.06%		
12 Month Return	0.42%	1.26%	1.17%		1.15%	

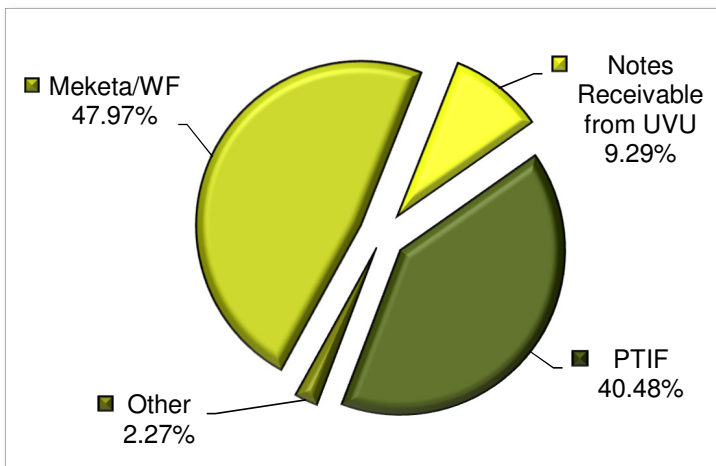
* Transfers consist of activity between money market accounts and other investment accounts as well as activity between the University and the Foundation.

Performance Returns

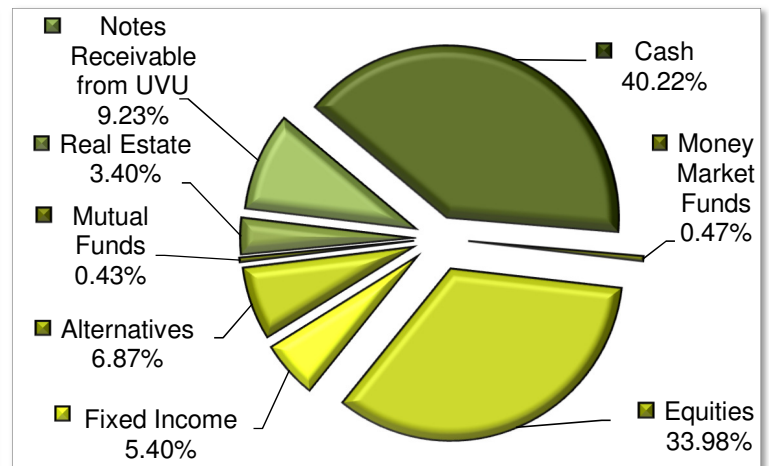
	Meketa/ Wells Fargo	Other - Donor Directed	PTIF
March 2018	-1.55%	-0.76%	0.17%
April 2018	0.61%	-1.09%	0.18%
May 2018	0.37%	1.77%	0.19%
June 2018	-0.67%	0.38%	0.21%
July 2018	1.26%	1.21%	0.21%
August 2018	-0.05%	1.46%	0.22%
September 2018	0.08%	-0.85%	0.21%
October 2018	-5.35%	-6.73%	0.22%
November 2018	1.24%	6.26%	0.23%
December 2018	-4.74%	-5.49%	0.23%
January 2019	5.12%	4.96%	0.24%
February 2019	1.82%	1.77%	0.24%
Monthly Average	-0.15%	0.24%	0.21%
12 Month Return	-1.95%	2.88%	2.54%



UVU Foundation Investments as a Percent of Total



UVU Foundation Investments by Type



Utah Valley University

Investments and Investment Earnings

From 7/1/18 to 2/28/19

Description	Coupon	Settlement Date	Maturity Date	Principal	Premium (Discount)	Accrued Interest	Net Amount	Par	Total Interest Received To Date	Less Accrued Interest	Interest Earnings
Santander UK PLC	4.26%	5/12/2016	3/14/2019	405,230.53	5,230.53	1,384.76	406,615.29	400,000.00	7,754.27	-	7,754.27
Bank of America Corp	3.27%	4/5/2016	4/1/2019	2,482,991.76	(17,008.24)	415.31	2,483,407.07	2,500,000.00	61,444.98	-	61,444.98
Citigroup Inc	3.11%	8/10/2016	4/8/2019	753,281.47	3,281.47	983.88	754,265.35	750,000.00	5,878.28	-	5,878.28
Citigroup Inc	3.25%	9/9/2016	6/7/2019	1,512,795.00	12,795.00	146.95	1,512,941.95	1,500,000.00	-	-	-
Citigroup Inc	3.25%	9/7/2016	6/7/2019	3,529,785.00	29,785.00	-	3,529,785.00	3,500,000.00	-	-	-
Citigroup Inc	3.25%	9/30/2016	6/7/2019	4,031,138.24	31,138.24	4,506.57	4,035,644.81	4,000,000.00	-	-	-
BK of Communications/HK	3.56%	5/15/2017	8/16/2019	3,017,220.00	17,220.00	14,023.75	3,031,243.75	3,000,000.00	76,769.79	-	76,769.79
Goldman Sachs Group Inc SRNT	3.13%	1/20/2017	12/13/2019	2,004,571.62	4,571.62	3,708.17	2,008,279.79	2,000,000.00	16,011.22	-	16,011.22
China Development Bank	3.29%	7/28/2017	3/6/2020	1,000,662.47	662.47	2,560.28	1,003,222.75	1,000,000.00	14,580.30	-	14,580.30
Goldman Sachs Group Inc SRNT	3.93%	2/23/2018	4/23/2020	5,783,361.78	100,361.78	14,213.59	5,797,575.37	5,683,000.00	154,346.01	-	154,346.01
UBS AG Stamford CT	3.59%	9/29/2017	6/1/2020	3,038,334.36	38,334.36	5,054.26	3,043,388.62	3,000,000.00	48,720.59	-	48,720.59
Morgan Stanley	3.77%	6/16/2017	6/16/2020	3,544,030.00	44,030.00	-	3,544,030.00	3,500,000.00	58,646.64	-	58,646.64
Barclays Bank	3.39%	6/16/2017	6/16/2020	5,000,000.00	-	-	5,000,000.00	5,000,000.00	73,360.26	-	73,360.26
National Bank of Canada	3.34%	8/24/2017	6/12/2020	4,024,000.00	24,000.00	14,503.56	4,038,503.56	4,000,000.00	58,768.59	-	58,768.59
National Bank of Canada	3.34%	8/24/2017	6/12/2020	1,006,000.00	6,000.00	3,625.89	1,009,625.89	1,000,000.00	14,692.15	-	14,692.15
Bank of Montreal	3.23%	1/9/2018	6/15/2020	1,507,200.00	7,200.00	2,113.01	1,509,313.01	1,500,000.00	21,409.38	-	21,409.38
Wells Fargo	3.64%	8/21/2017	7/22/2020	5,083,300.00	83,300.00	8,526.39	5,091,826.39	5,000,000.00	124,548.96	-	124,548.96
Canadian Imperial Bank	3.11%	3/9/2018	10/5/2020	2,507,925.00	7,925.00	8,775.94	2,516,700.94	2,500,000.00	51,282.57	-	51,282.57
JPMorgan Chase & Co.	3.96%	1/16/2018	10/29/2020	3,076,110.00	76,110.00	16,789.24	3,092,899.24	3,000,000.00	82,375.67	-	82,375.67
American Express Co	3.08%	1/24/2018	10/30/2020	3,001,500.00	1,500.00	12,240.38	3,013,740.38	3,000,000.00	62,704.23	-	62,704.23
Canadian Imperial Bank	3.05%	2/12/2018	2/2/2021	3,006,600.00	6,600.00	12,240.38	3,018,840.38	3,000,000.00	63,460.58	-	63,460.58
Wells Fargo	4.08%	5/2/2018	3/4/2021	3,590,463.24	90,463.24	18,972.44	3,609,435.68	3,500,000.00	65,135.32	-	65,135.32
HSBC HOLDINGS PLC	5.01%	3/16/2018	3/8/2021	8,547,201.00	447,201.00	7,717.10	8,554,918.10	8,100,000.00	189,973.16	-	189,973.16
Toronto Dominion Bank	3.80%	4/10/2018	4/7/2021	3,067,953.00	67,953.00	277.55	3,068,230.55	3,000,000.00	76,413.89	-	76,413.89
Bank of Nova Scotia	3.20%	4/30/2018	4/20/2021	5,015,250.00	15,250.00	3,887.03	5,019,137.03	5,000,000.00	108,934.87	-	108,934.87
Morgan Stanley	4.16%	4/30/2018	4/21/2021	5,143,600.00	143,600.00	3,657.07	5,147,257.07	5,000,000.00	144,337.84	-	144,337.84
Santander UK PLC	3.36%	6/6/2018	6/1/2021	1,502,280.00	2,280.00	608.40	1,502,888.40	1,500,000.00	22,587.37	-	22,587.37
Mitsubishi UFJ FIN GRP	3.42%	8/10/2018	7/26/2021	1,803,030.04	10,030.04	2,229.95	1,805,259.99	1,793,000.00	28,461.93	(2,229.95)	26,231.98
Citigroup Inc	3.93%	8/8/2018	8/2/2021	8,670,000.00	170,000.00	5,012.96	8,675,012.96	8,500,000.00	160,061.27	(5,012.96)	155,048.31
Goldman Sachs Group Inc SRNT	3.85%	11/29/2018	11/15/2021	2,020,000.00	20,000.00	2,944.77	2,022,944.77	2,000,000.00	19,351.33	(2,944.77)	16,406.56
Santander UK PLC	3.34%	1/9/2019	11/15/2021	2,488,307.50	(11,692.50)	12,513.00	2,500,820.50	2,500,000.00	20,930.83	(12,513.00)	8,417.83
MIZUHO Financial Group	3.57%	2/28/2019	2/28/2022	2,016,000.00	16,000.00	-	2,016,000.00	2,000,000.00	-	-	-
FHLB	1.75%	8/30/2017	8/23/2022	3,000,000.00	-	-	3,000,000.00	3,000,000.00	52,500.00	-	52,500.00
FHLB	2.00%	10/27/2017	10/27/2022	2,000,000.00	-	-	2,000,000.00	2,000,000.00	17,500.00	-	17,500.00
				108,180,122.01			108,363,754.59	106,726,000.00	1,902,942.28	(22,700.68)	1,880,241.60
		Matured/Sold		(16,314,563.09)			(16,324,323.97)	(16,250,000.00)			
		Total		91,865,558.92			92,039,430.62	90,476,000.00			



**CASH AND INVESTMENT
REPORT
March 2019**

Monthly Composite Performance Review
UTAH VALLEY UNIVERSITY
March 2019

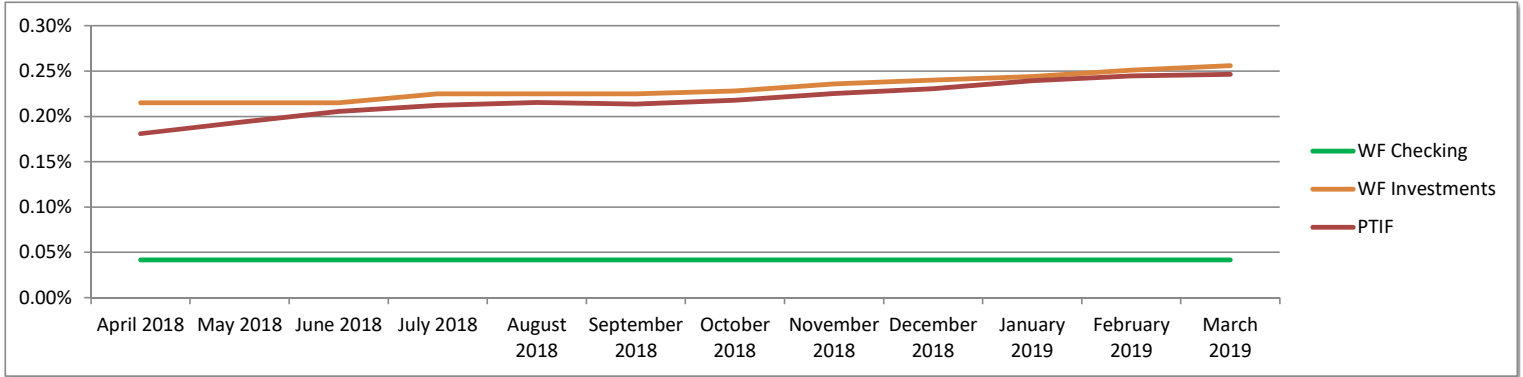


Account Activity	Checking/Sweep	Investments	PTIF	Total University Cash and Investments	Past Twelve Months of Activity
Beginning Balance	\$ 10,464,702	\$ 91,200,476	\$ 90,507,419	\$ 192,172,597	\$ 156,554,101
Interest/Earnings Credit	4,790	315,139	225,827	545,756	4,579,255
Acquisitions/Credits	2,311,865	-	6,045,242	8,357,107	245,347,124
Dispositions/Debits	-	(400,000)	(19,000,000)	(19,400,000)	(235,145,034)
Unrecognized Gain/Loss	-	66,932	-	66,932	75,079
Fees	(4,790)	-	-	(4,790)	(74,669)
Transfers *	-	(315,139)	(50,832)	(365,971)	10,035,775
Ending Balance	\$ 12,776,567	\$ 90,867,408	\$ 77,727,656	\$ 181,371,631	\$ 181,371,631

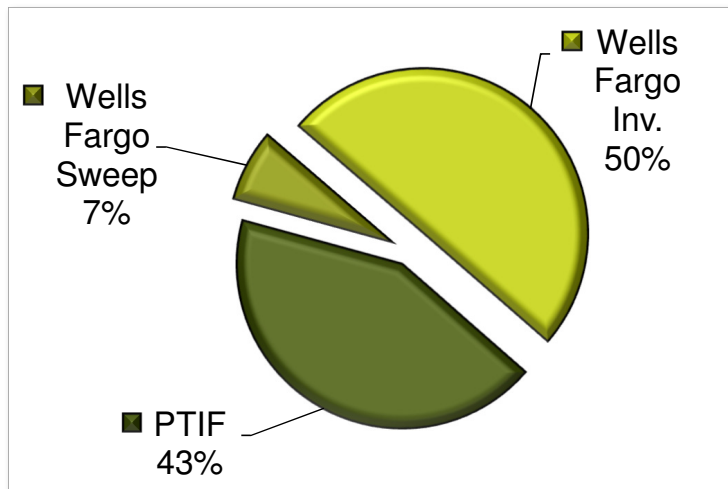
* Transfers consist of activity between UVU and the Foundation and interest transferred to UVU.

2.93%
12 Month Return

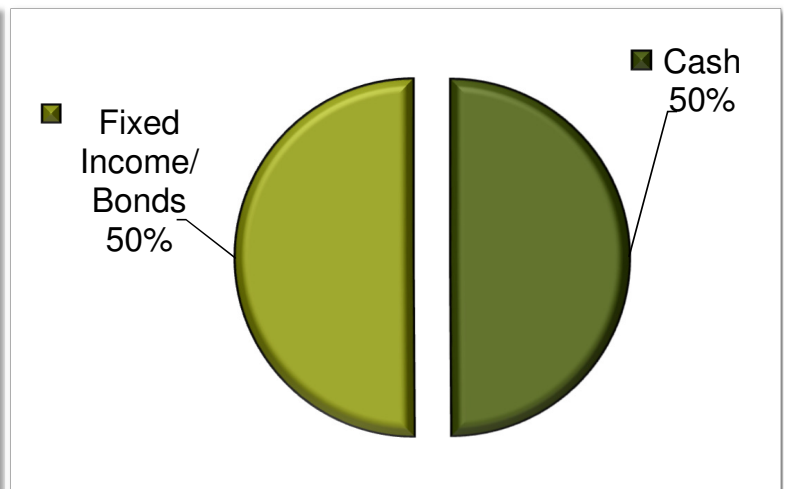
Performance Returns	Wells Fargo Checking/Sweep	Wells Fargo Investments	PTIF
April 2018	0.04%	0.22%	0.18%
May 2018	0.04%	0.22%	0.19%
June 2018	0.04%	0.22%	0.21%
July 2018	0.04%	0.23%	0.21%
August 2018	0.04%	0.23%	0.22%
September 2018	0.04%	0.23%	0.21%
October 2018	0.04%	0.23%	0.22%
November 2018	0.04%	0.24%	0.23%
December 2018	0.04%	0.24%	0.23%
January 2019	0.04%	0.24%	0.24%
February 2019	0.04%	0.25%	0.24%
March 2019	0.04%	0.26%	0.25%
Monthly Average	0.04%	0.23%	0.22%
12 Month Return	0.50%	2.77%	2.62%



UVU Cash and Investments as a Percent of Total



UVU Cash and Investments Investments by Type



Monthly Composite Performance Review
UVU Foundation
March 2019

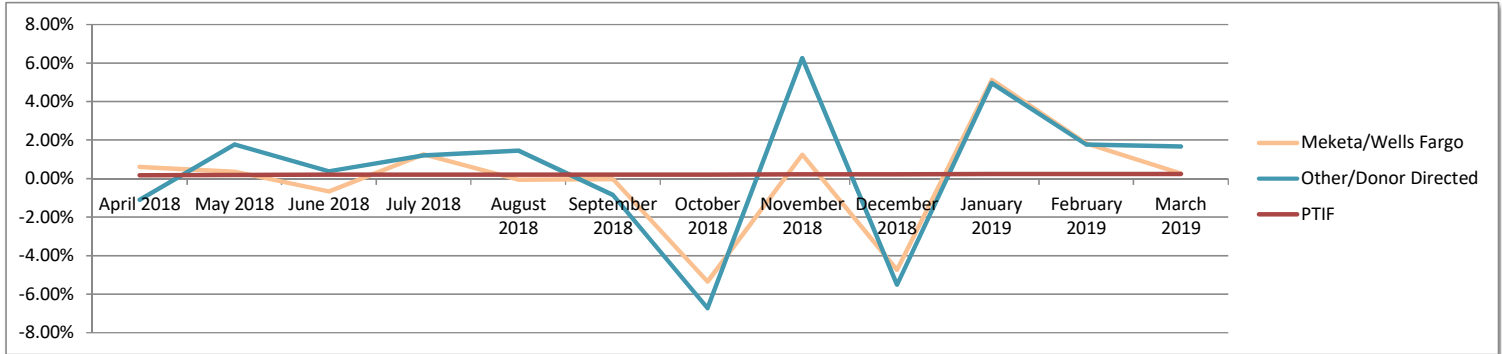
Account Activity

	Unrestricted	Temporarily Restricted	Permanently Restricted - Endowments	Total Foundation Investments	Past Twelve Months of Activity	Notes Due From University ^
Beginning Market Value	\$ 4,490,197	\$ 39,951,391	\$ 30,811,705	\$ 75,253,293	\$ 86,698,058	Beginning Balance \$ 7,970,125
Interest	6,570	76,633	1,908	85,111	1,262,884	Additional Notes -
Acquisitions	-	120,096	682,414	802,510	55,870,691	Principal Received (416,304)
Dispositions	-	(147,712)	(654,798)	(802,510)	(55,975,742)	Ending Balance \$ 7,553,821
Gain/Loss Rec & Unrec	-	5,361	104,098	109,459	503,383	Interest Received \$ 256,558
Fees	-	-	-	-	(68,302)	Rate 5.5%
Transfers *	(67,325)	93,697	24,460	50,832	(12,792,277)	^ Fiscal Year Activity
Ending Market Value	\$ 4,429,442	\$ 40,099,466	\$ 30,969,787	\$ 75,498,695	\$ 75,498,695	
Monthly Return	0.15%	0.21%	0.34%	0.26%		
12 Month Return	0.55%	1.59%	3.03%		1.96%	

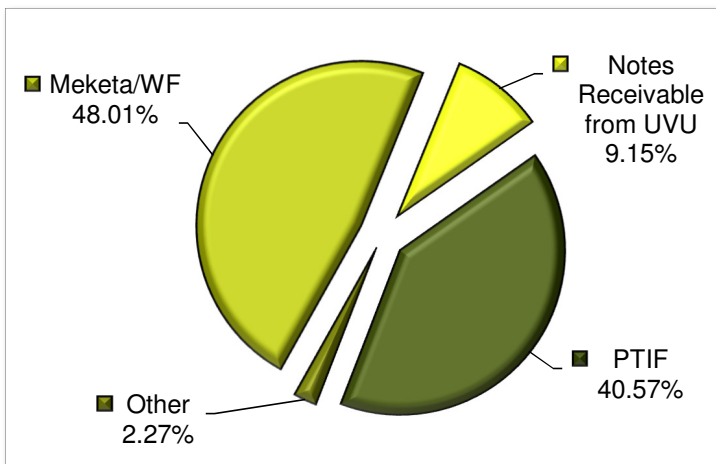
* Transfers consist of activity between money market accounts and other investment accounts as well as activity between the University and the Foundation.

Performance Returns

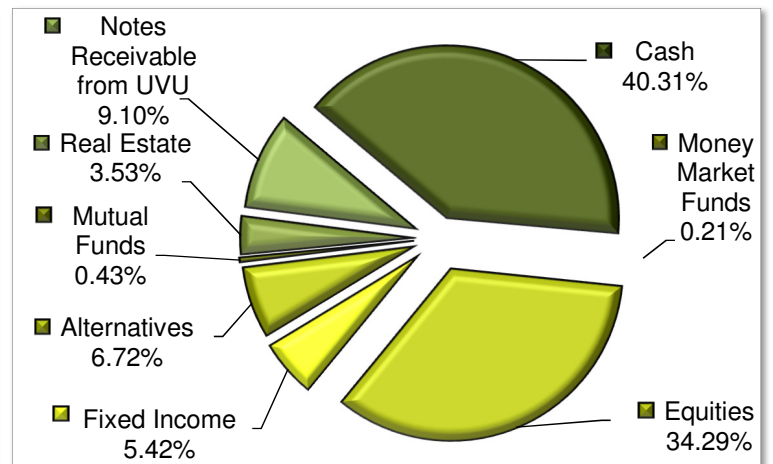
	Meketa/ Wells Fargo	Other - Donor Directed	PTIF
April 2018	0.61%	-1.09%	0.18%
May 2018	0.37%	1.77%	0.19%
June 2018	-0.67%	0.38%	0.21%
July 2018	1.26%	1.21%	0.21%
August 2018	-0.05%	1.46%	0.22%
September 2018	-0.02%	-0.85%	0.21%
October 2018	-5.35%	-6.73%	0.22%
November 2018	1.24%	6.26%	0.23%
December 2018	-4.74%	-5.49%	0.23%
January 2019	5.12%	4.96%	0.24%
February 2019	1.82%	1.77%	0.24%
March 2019	0.26%	1.67%	0.25%
Monthly Average	-0.01%	0.44%	0.22%
12 Month Return	-0.15%	5.31%	2.62%



UVU Foundation Investments as a Percent of Total



UVU Foundation Investments by Type



Utah Valley University

Investments and Investment Earnings

From 7/1/18 to 3/31/19

Description	Coupon	Settlement Date	Maturity Date	Principal	Premium (Discount)	Accrued Interest	Net Amount	Par	Total Interest Received To Date	Less Accrued Interest	Interest Earnings
Santander UK PLC	4.26%	5/12/2016	3/14/2019	405,230.53	5,230.53	1,384.76	406,615.29	400,000.00	12,011.77	-	12,011.77
Bank of America Corp	3.27%	4/5/2016	4/1/2019	2,482,991.76	(17,008.24)	415.31	2,483,407.07	2,500,000.00	61,444.98	-	61,444.98
Citigroup Inc	3.11%	8/10/2016	4/8/2019	753,281.47	3,281.47	983.88	754,265.35	750,000.00	5,878.28	-	5,878.28
Citigroup Inc	3.25%	9/9/2016	6/7/2019	1,512,795.00	12,795.00	146.95	1,512,941.95	1,500,000.00	-	-	-
Citigroup Inc	3.25%	9/7/2016	6/7/2019	3,529,785.00	29,785.00	-	3,529,785.00	3,500,000.00	-	-	-
Citigroup Inc	3.25%	9/30/2016	6/7/2019	4,031,138.24	31,138.24	4,506.57	4,035,644.81	4,000,000.00	-	-	-
BK of Communications/HK	3.56%	5/15/2017	8/16/2019	3,017,220.00	17,220.00	14,023.75	3,031,243.75	3,000,000.00	76,769.79	-	76,769.79
Goldman Sachs Group Inc SRNT	3.13%	1/20/2017	12/13/2019	2,004,571.62	4,571.62	3,708.17	2,008,279.79	2,000,000.00	16,011.22	-	16,011.22
China Development Bank	3.16%	7/28/2017	3/6/2020	1,000,662.47	662.47	2,560.28	1,003,222.75	1,000,000.00	22,802.50	-	22,802.50
Goldman Sachs Group Inc SRNT	3.93%	2/23/2018	4/23/2020	5,783,361.78	100,361.78	14,213.59	5,797,575.37	5,683,000.00	210,215.30	-	210,215.30
UBS AG Stamford CT	3.48%	9/29/2017	6/1/2020	3,038,334.36	38,334.36	5,054.26	3,043,388.62	3,000,000.00	75,033.54	-	75,033.54
Morgan Stanley	3.60%	6/16/2017	6/16/2020	3,544,030.00	44,030.00	-	3,544,030.00	3,500,000.00	91,984.65	-	91,984.65
Barclays Bank	3.22%	6/16/2017	6/16/2020	5,000,000.00	-	-	5,000,000.00	5,000,000.00	115,712.64	-	115,712.64
National Bank of Canada	3.16%	8/24/2017	6/12/2020	4,024,000.00	24,000.00	14,503.56	4,038,503.56	4,000,000.00	92,127.99	-	92,127.99
National Bank of Canada	3.16%	8/24/2017	6/12/2020	1,006,000.00	6,000.00	3,625.89	1,009,625.89	1,000,000.00	23,032.00	-	23,032.00
Bank of Montreal	3.05%	1/9/2018	6/15/2020	1,507,200.00	7,200.00	2,113.01	1,509,313.01	1,500,000.00	33,246.08	-	33,246.08
Wells Fargo	3.64%	8/21/2017	7/22/2020	5,083,300.00	83,300.00	8,526.39	5,091,826.39	5,000,000.00	170,567.16	-	170,567.16
Canadian Imperial Bank	3.11%	3/9/2018	10/5/2020	2,507,925.00	7,925.00	8,775.94	2,516,700.94	2,500,000.00	70,257.57	-	70,257.57
JPMorgan Chase & Co.	3.96%	1/16/2018	10/29/2020	3,076,110.00	76,110.00	16,789.24	3,092,899.24	3,000,000.00	112,050.40	-	112,050.40
American Express Co	3.08%	1/24/2018	10/30/2020	3,001,500.00	1,500.00	12,240.38	3,013,740.38	3,000,000.00	85,807.98	-	85,807.98
Canadian Imperial Bank	3.05%	2/12/2018	2/2/2021	3,006,600.00	6,600.00	12,240.38	3,018,840.38	3,000,000.00	63,460.58	-	63,460.58
Wells Fargo	3.96%	5/2/2018	3/4/2021	3,590,463.24	90,463.24	18,972.44	3,609,435.68	3,500,000.00	100,801.46	-	100,801.46
HSBC HOLDINGS PLC	4.84%	3/16/2018	3/8/2021	8,547,201.00	447,201.00	7,717.10	8,554,918.10	8,100,000.00	289,114.33	-	289,114.33
Toronto Dominion Bank	3.80%	4/10/2018	4/7/2021	3,067,953.00	67,953.00	277.55	3,068,230.55	3,000,000.00	105,192.64	-	105,192.64
Bank of Nova Scotia	3.20%	4/30/2018	4/20/2021	5,015,250.00	15,250.00	3,887.03	5,019,137.03	5,000,000.00	148,947.37	-	148,947.37
Morgan Stanley	4.16%	4/30/2018	4/21/2021	5,143,600.00	143,600.00	3,657.07	5,147,257.07	5,000,000.00	196,350.34	-	196,350.34
Santander UK PLC	3.25%	6/6/2018	6/1/2021	1,502,280.00	2,280.00	608.40	1,502,888.40	1,500,000.00	34,900.51	-	34,900.51
Mitsubishi UFJ FIN GRP	3.42%	8/10/2018	7/26/2021	1,803,030.04	10,030.04	2,229.95	1,805,259.99	1,793,000.00	43,428.40	(2,229.95)	41,198.45
Citigroup Inc	3.93%	8/8/2018	8/2/2021	8,670,000.00	170,000.00	5,012.96	8,675,012.96	8,500,000.00	160,061.27	(5,012.96)	155,048.31
Goldman Sachs Group Inc SRNT	3.85%	11/29/2018	11/15/2021	2,020,000.00	20,000.00	2,944.77	2,022,944.77	2,000,000.00	19,351.33	(2,944.77)	16,406.56
Santander UK PLC	3.34%	1/9/2019	11/15/2021	2,488,307.50	(11,692.50)	12,513.00	2,500,820.50	2,500,000.00	20,930.83	(12,513.00)	8,417.83
MIZUHO Financial Group	3.57%	2/28/2019	2/28/2022	2,016,000.00	16,000.00	-	2,016,000.00	2,000,000.00	-	-	-
FHLB	1.75%	8/30/2017	8/23/2022	3,000,000.00	-	-	3,000,000.00	3,000,000.00	52,500.00	-	52,500.00
FHLB	2.00%	10/27/2017	10/27/2022	2,000,000.00	-	-	2,000,000.00	2,000,000.00	17,500.00	-	17,500.00
				108,180,122.01			108,363,754.59	106,726,000.00	2,527,492.91	(22,700.68)	2,504,792.23
		Matured/Sold		(16,719,793.62)			(16,730,939.26)	(16,650,000.00)			
		Total		91,460,328.39			91,632,815.33	90,076,000.00			



2018-19 OPERATING REVENUE

Revision Three, June 18, 2019

EDUCATION AND GENERAL

Revenue Source	Initial Budget (Base Operating Budget)	Revision One Change	Revision One	Revision Two Change	Revision Two	Revision Three Change	Revision Three
State Tax Funds							
General Fund	\$59,301,600		\$59,301,600	-\$59,000,000	\$301,600		\$301,600
Education Fund	\$57,771,100		\$57,771,100	\$59,019,200	\$116,790,300		\$116,790,300
Dedicated Credits							
Tuition & Fees	\$136,396,300		\$136,396,300	\$5,000,000	\$141,396,300		\$141,396,300
Other income	\$149,400		\$149,400		\$149,400		\$149,400
Subtotal	\$253,618,400	\$0	\$253,618,400	\$5,019,200	\$258,637,600	\$0	\$258,637,600
Transfers from USHE							
Math Teacher Prep				\$75,339	\$75,339		\$75,339
Library Consortium				\$26,966	\$26,966		\$26,966
Higher Education Technology Initiative				\$16,182	\$16,182		\$16,182
Hearing Impaired (Part 1)				\$100,300	\$100,300		\$100,300
Hearing Impaired (Part 2)						\$105,800	\$105,800
Concurrent Enrollment				\$474,407	\$474,407		\$474,407
Performance Based Funding (ongoing)		\$314,300	\$314,300		\$314,300		\$314,300
Subtotal	\$0	\$314,300	\$314,300	\$693,194	\$1,007,494	\$105,800	\$1,113,294
TOTAL Education and General	\$253,618,400	\$314,300	\$253,932,700	\$5,712,394	\$259,645,094	\$105,800	\$259,750,894

This revision reflects a one-time transfer from USHE



2019-20 OPERATING REVENUE

Revision One, June 20, 2019

EDUCATION AND GENERAL

Revenue Source	Initial Budget (Base Operating Budget)	Change	Revision One
State Tax Funds			
General Fund	\$518,700		\$518,700
Education Fund	\$122,333,600		\$122,333,600
Education Fund Restricted	\$1,315,200		\$1,315,200
Dedicated Credits			
Tuition & Fees	\$144,606,800		\$144,606,800
Other income	\$135,000		\$135,000
Subtotal	\$268,909,300	\$0	\$268,909,300
Transfers from USHE			
Performance Based Funding (ongoing)		\$4,897,900	\$4,897,900
Subtotal	\$0	\$4,897,900	\$4,897,900
TOTAL Education and General	\$268,909,300	\$4,897,900	\$273,807,200

This revision reflects a one-time transfer from USHE for UVU's portion of 2019-20 Performance Based Funding.



UVU BOARD OF TRUSTEES Agenda Item Information

DATE:	June 18, 2019
TITLE:	UVU Foundation Investment Policy Statement
EXECUTIVE/RESPONSIBLE STAFF MEMBER:	Scott Cooksey, Vice President Institutional Advancement and CEO, Utah Valley University Foundation, Inc.
SUBJECT:	Updated Investment Policy Statement
BACKGROUND:	<p>The UVU Foundation (UVUF) Investment Committee is comprised of UVUF board members and others with significant investment expertise and experience. The Committee manages the assets of UVUF and has an outstanding track record. The total assets of UVUF are growing rapidly due to our fundraising efforts and the overall growth of UVU.</p> <p>The UVUF investment policy is established by the UVUF Board of Directors and complies with USHE Policy 541. The Investment Committee recently updated the Investment Policy Statement. There were several minor but needed changes from the previous Investment Policy Statement. For one, this policy provides a more holistic overview of the entire asset mix. Rather than having multiple managers that had specific directives, this updated IPS encompasses all assets. Additionally, it adds G & A expenses to the spending policy to ensure we stay within an allowed spending percentage. Finally, it adds more relevant benchmarks to the overall asset performance by using NACUBO (National Association of College and University Business Officers).</p>

UTAH VALLEY UNIVERSITY FOUNDATION, INC.

INVESTMENT POLICY STATEMENT

Approved: *DATE TBD*

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I. INTRODUCTION

The purpose of this document is to set forth the goals and objectives of the Utah Valley University Foundation, Inc. (“UVUF”), and to establish guidelines for the implementation of investment strategy. This Investment Policy supersedes all other policies and has been formulated to comply with the requirements of the Uniform Prudent Management of Institutional Funds Act (“UPMIFA”). In addition to providing specific restrictions on certain types of investments, the law requires certain issues to be addressed in the Investment Policy and the incorporation of specific language. Compliance with the law significantly expands the Investment Policy and provides for a greater level of detail and understanding.

UPMIFA modernizes the rules governing investments of funds held for charitable purposes by adopting a more well-defined prudent-investor standard. UPMIFA directs that investments be made “in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances, considering the purposes, terms, distribution requirements, and other circumstances of the institutional fund,” and it lists a number of explicit factors that managers must consider “if relevant.” UPMIFA also explicitly provides that institutions may invest in any kind of property or type of investment so long as the investment is prudent.

In making a determination to appropriate or accumulate assets in a Foundation, the board members, acting in good faith, are to apply the prudent person standard, and consider:

- A. Duration and preservation of the Foundation.
- B. Purposes of the organization and the Foundation.
- C. General economic conditions.
- D. Possible effect of inflation or deflation.
- E. Expected total return from income and the appreciation of investments.
- F. Other resources of the organization.
- G. Investment Policy of the organization and spending policy.

UPMIFA requires those who manage and invest its funds to:

- A. Act in good faith, with the care an ordinarily prudent person would exercise.
- B. Incur only reasonable costs in investing and managing charitable funds.
- C. Make a reasonable effort to verify relevant facts.
- D. Make decisions about each asset in the context of the portfolio of investments, as part of an overall investment strategy.
- E. Diversify investments unless, due to special circumstances, the purposes of the fund are better served without diversification.
- F. Dispose of unsuitable assets.
- G. Develop an investment strategy appropriate for the fund and the charity.

This Statement of Investment Policy and Objectives (“Policy”) is intended to serve as an operating document to guide the investment activities of the Foundation and:

- A. Define responsibilities among the various groups accountable for guiding the investment process and supervising outside investment professionals.
- B. Define spending requirements from the Foundation.
- C. Determine an appropriate return and risk level for the Foundation.
- D. Establish allocation ranges for asset classes and investment styles deemed suitable for the Foundation.
- E. Determine prudent diversification of assets.
- F. Establish performance objectives and a regular review process.

II. BACKGROUND

Utah Valley University Foundation, Inc. was organized and incorporated in 1981 under Board of Regent policy as a support organization and “component part” of Utah Valley University for the purpose of stimulating voluntary private support from alumni, parents, friends, corporations, foundations, and others for the benefit of the University. The endowment funds of Utah Valley University are segregated from the University’s other assets and are held at and invested within the Utah Valley University Foundation. The Foundation has its own tax identification number and is a separate legal entity apart from the University.

The Foundation exists to help raise and manage private resources and to steward donors supporting the mission and priorities of the University as articulated by the Board of Trustees and the President and provide opportunities for students and a margin of institutional excellence unavailable with state funds.

The Foundation is dedicated to assisting the University in building the endowment and in addressing, through financial support, the long-term academic and other priorities of the University. The Board and its members provide advice and counsel to the University President and Vice President for Institutional Advancement concerning fundraising and externally focused programs as appropriate, and manage gift resources and institutional endowments consistent with governance policy as outlined in Regents Policy, University Policy and Utah Valley University Foundation Policy. To provide guidance and direct oversight of the investment management of the Foundation, the Board of Directors (“Trustees”) have appointed the Investment Committee (“Committee”) to oversee the investments of the Foundation. The Trustees have established these investment objectives and operating policies and procedures. The objectives and guidelines included in this document serve as a basis for communication among the Trustees, Committee, Investment Managers and the Investment Advisor appointed by the Committee, who are involved in the management of the Foundations’ assets.

As stated in its articles of incorporation, the Foundation is a separately incorporated 501(c)(3) organization and is responsible for assisting the Office of Institutional Advancement in identifying and nurturing relationships with potential donors and other friends of Utah Valley University, and soliciting cash, securities, real and intellectual property, and other private resources for the support of the University and acknowledging and stewarding such gifts in accordance with donor intent and its fiduciary responsibilities.

III. MISSION

The mission of the Utah Valley University Foundation is to obtain financial support for Utah Valley University. This mission is accomplished through three objectives.

A. Serving as Ambassadors

Assist the University administration and involve members of the community in programs and activities of the University. Tell the story of the University to groups and individuals with such effectiveness that support for the institution is a natural consequence.

B. Fundraising

In cooperation with the University's Division of Institutional Advancement; plan, organize and execute advancement programs including planned giving, annual giving, campaigns, and other appropriate activities.

C. Fund Management

Invest the University's endowment with the purpose of realizing a return that is above the median performance of similarly managed university funds. Ensure that the endowment is properly accounted for and disbursed.

IV. DELEGATION OF RESPONSIBILITIES

The Board of Trustees has overall responsibility for the Foundation. The Trustees hereby assign operating and supervisory responsibility for the Foundation and the implementation of this Policy to the Committee in conjunction with the Investment Advisor. The Committee, in conjunction with the Investment Advisor, is responsible to ensure that Fund assets available for investment are managed:

- A.** Exclusively to support the purpose of the Foundation.
- B.** In a manner that reflects the long-term orientation of the Foundation.
- C.** Prudently and in full compliance with all policies, applicable laws and regulations.
- D.** Effectively, so as to increase over time the assets of the Foundation and enhance the long-term health and viability of the Foundation.

Specific responsibilities of the various groups and individuals within the Foundation and outside service professionals retained by the Foundation or Committee for the Foundation are outlined below:

A. Responsibilities of the Trustees

1. Approval of this Policy and amendments or supplements hereto.
2. Selection, appointment and removal of the Committee.
3. Oversee activities related to compliance of the Foundation's investments with this Policy.

B. Responsibilities of the Committee

1. Propose recommendations to the Trustees regarding any amendments or supplements to this Policy.
2. Selection, appointment and removal of an Investment Advisor.
3. Recommend and set long-term investment policies and objectives for the Foundation, in conjunction with the Investment Advisor, in furtherance of this Policy.
4. Monitor and evaluate the performance of all service providers by regular review of reports provided to the Committee and by meetings with the Investment Advisor in order to determine that Foundation assets are prudently and effectively managed.
5. Retain or dismiss outside professionals and service providers such as the custodian bank and the Investment Advisor.
6. Review reports from the Investment Advisor and investment managers regarding the status of Foundation funds and implementation of this Policy.
7. Meet regularly to evaluate whether this Policy, the investment activities, and the risk management controls and procedures established pursuant to this Policy continue to be consistent with meeting the Foundation's investment goals and objectives.

C. Responsibilities of the Investment Advisor

1. Oversee the day-to-day operational investment activities of the Foundation pursuant to this Policy and subject to additional policies and directives established by the Trustees and the Committee.
2. In conjunction with the Committee, establish long-term investment policies and objectives for the Foundation. This includes selecting asset classes, determining asset allocation ranges, investment manager selection and structure, and setting performance objectives for each investment manager.

3. Communicate the policies and objectives of this Policy to outside professionals such as the investment managers.
4. Work with investment managers and other outside professionals to further the overall goals and objectives of the Foundation.
5. As needed, reallocate Foundation assets among asset classes, investment styles and investment managers. Reallocated assets shall remain within allocation ranges previously approved by the Committee.
6. Review reports from outside professionals regarding the status of Foundation funds.
7. Issue regular performance reports to the Trustees and Committee and be available to review these reports with Trustees on a quarterly basis.
8. Review investment policies and objectives, and recommend appropriate changes.
9. Monitor and communicate to the Committee long-term capital market trends as well as trading activity, asset allocation targets/ranges, investment manager selection and structure, and performance objectives for each investment manager.
10. Implement all portfolio trades and changes within the guidelines of this policy.
11. Perform an annual fee review of all portfolio costs and strive to negotiate and reduce investment expenses where possible.
12. Manage the allocation of new contributions as well as periodic asset allocation rebalancing.
13. Research and select investment management firms who are appropriate to implement the Foundation's investment policies and objectives.
14. Monitor and assess investment managers, report on changes within the organizations, and implement manager changes as needed.
15. Measure, evaluate and report the investment managers' and total Fund performance results on a quarterly basis.
16. Provide other support to the Committee as requested or as appropriate in order to implement this Policy.

D. Responsibilities of the Investment Managers

The investment managers have full discretion to manage the assets of the Foundation in accordance with the investment objectives and guidelines expressed within their Investment Management Agreement and Portfolio Guidelines. For investment managers retained under a mutual fund or commingled fund agreement, however, it is expected that the strategy instead will operate under the specific guidelines outlined in its prospectus or offering memorandum. To the extent applicable to mutual funds in general, the provisions of this Policy with respect to investment managers shall apply to any mutual funds selected by the Investment Advisor.

Specific responsibilities include:

1. Communicate promptly with the Investment Advisor regarding all significant matters such as:
 - a. major changes in the firm's investment outlook and strategy,
 - b. shifts in portfolio construction
 - c. changes in the firm's ownership, organizational structure or professional staffing, and
 - d. other changes of a substantive nature.
2. Adhere to the investment policies and guidelines prescribed for the Foundation. Any specific concerns about the appropriateness of an investment should be clarified in writing, in advance of purchase.
3. Comply with all laws, legislation, and regulations that involve the Foundation as they pertain to the manager's duties, functions and responsibilities as a fiduciary.
4. For separate accounts, signify in writing its agreement to comply with all established guidelines.
5. Effect security trading on a best execution basis. Placement of orders should be based upon financial viability of the brokerage firm and the assurance of prompt and efficient execution.
6. Issue monthly and/or quarterly reports to the Investment Advisor with regards to portfolio performance.
7. Meet periodically with the Investment Advisor to report on the management of Foundation funds.
8. Fully disclose all fees and expenses on an annual basis.

E. Responsibilities of the Custodian Bank

1. Serve as custodian and act in a fiduciary capacity to the Foundation.
2. Provide safekeeping of securities entrusted to it; collect dividends and interest on these securities; make disbursements and manage cash flows as directed.
3. Arrange for timely settlement of all transactions made for the Foundation.
4. Provide complete and accurate accounting records including each transaction, income flow and cash flows by investment manager.
5. Issue, or make available via online access, monthly holding and transaction reports priced in accordance with industry standards.
6. Communicate effectively with the Investment Advisor to report on the administration of the Foundation.

V. INVESTMENT OBJECTIVES

The investment strategy of UVUF is designed to ensure the prudent investment of funds in such a manner as to provide for stable spending and liquidity to support the mission of the Foundation and to provide real growth of assets over time while protecting the value of the assets from undue volatility or risk of loss. Assets are to be invested under a total return concept of the UPMIFA, whereby net appreciation, realized and unrealized, in the fair value of the asset of the Foundation may be appropriated for expenditure. UPMIFA was adopted into state law under Utah Code 51-08 and is the governing regulation for the Foundation.

A. Risk Objectives

1. To accept an appropriate level of risk, as required to achieve UVUF's return objective as stated immediately below.
2. To use diversification to minimize exposure to company and industry specific risks in the aggregate investment portfolio.
3. To the extent possible, minimize the annual volatility of the asset base that supports the desired level of spending.

B. Return Objectives

1. As it pertains to the long-term endowment portfolio, attempt to achieve a total rate of return equal to or exceeding the Foundation's projected spending rate, plus operating

expenses, net of all investment management fees, while also attempting to meet inflationary expectations.

2. To protect the corpus of assets in real (i.e., inflation adjusted) terms while seeking growth of principal.
3. Maintain an adequate level of liquidity in order to meet the financial requirements of the Foundation.
4. Produce a reasonable risk-adjusted rate of return when compared to appropriate benchmarks or a blended index.

Investment objectives are necessary and appropriate to properly measure and evaluate the success of the investment program and the investment managers. Total investment return is defined as interest and/or dividends plus realized and unrealized capital appreciation or loss less investment-related fees and expenses. Performance will be evaluated net of investment management fees.

VI. INVESTMENT CONSTRAINTS

A. Legal and Regulatory

The Trustees intend to manage the funds of the Foundation at all times in accordance with UPMIFA and the Prudent Investor Rule.

B. Time Horizon

The Foundation operates on a perpetual basis. The funds will be invested with a long-term time horizon (twenty years or more), consistent with the mission of the Foundation.

C. Liquidity

Given UVUF's long-term time horizon, liquidity for the purpose of spending will be a moderate concern. The Committee will continuously monitor liquidity needs, spending projections, and the impact of changes in regulations or other circumstances. The Investment Committee intends to invest no more than 30% of UVUF's total assets in illiquid vehicles¹, subject to approval of this Investment Policy Statement by the Board of Regents as consistent with state legislation.

D. Tax Considerations

UVUF is a tax-exempt entity under Section 501(c)(3) of the Internal Revenue Code. Therefore, investments and strategies will be evaluated only on the basis of expected risks and potential returns.

¹ Illiquid vehicles are defined as those vehicles that do not allow withdrawals to occur on at least a monthly basis.

E. Prohibited Transactions

The Foundation will not directly engage in any short selling, securities lending, futures transactions, SWAP transactions, options trading, or margin utilization.

VII. RISK TOLERANCE

The following statements reflect the Trustees' understanding of capital market risk as well as measures adopted to control undue portfolio volatility:

- A. The Trustees recognize that the primary fiduciary obligation regarding the Foundation is to maintain the inflation-adjusted principal value of the Foundation, within prudent risk guidelines, after meeting current and projected future spending requirements.
- B. The Trustees fully recognize the likelihood of periodic market declines and are willing to accept the possibility of short-term declines in market value in order to achieve long-term investment return objectives.
- C. The Investment Advisor will consider investments appropriate for the Foundation within a total portfolio context. Assets of the Foundation will be diversified to protect against large investment losses and to reduce the probability of excessive performance volatility at the total Fund level.
- D. Assets will be diversified by allocating monies to various asset classes and investment styles within asset classes, and by retaining investment managers with complementary investment philosophies, styles and approaches.
- E. A reasonable time horizon for evaluating total Fund investment performance shall be long-term (ten years or more). Absent special circumstances, time frames for evaluating the performance of investment managers will approximate a full market cycle.

VIII. SPENDING POLICY

UVUF's spending policy is set based on expectations set forth in UPMIFA and is benchmarked annually against peers based on data in the NACUBO/CommonFund Endowment Study. To ensure a stable and predictable level of spending from year to year on the stated endowment purposes (e.g, scholarships, programs, chairs, etc), UVUF intends to spend up to 4.0%, depending on market conditions, of the Foundation's long-term endowment portfolio funds annually, based on the moving average of the Foundation's market value for the preceding three fiscal years.

Further, UVUF intends to spend up to 2.0% of the Foundation's long-term endowment

portfolio funds annually for general and administrative (operating) expenses.

The Committee will review and approve the spending policy annually. Special situations may necessitate an amendment to the spending policy as deemed appropriate by the Committee.

IX. ASSET ALLOCATION GUIDELINES

The Investment Advisor shall determine the asset allocation strategy for the Foundation within the guidelines of the Board approved Investment Policy. The Investment Advisor will manage the asset allocation mix within the allocation ranges stated by the Policy. To implement this strategy, the Investment Advisor will select an asset allocation mix which will diversify investments among asset classes, and which is designed to meet the objectives of the Foundation.

A. Permissible Asset Classes

Because investment in any particular asset class may or may not be consistent with the objectives of the Foundation, the Trustees have specifically indicated the asset classes that may be utilized when investing the Foundation's assets in Appendix A.

B. Expected Returns, Risks, and Correlations for Permissible Asset Classes

The risk and return behavior of the Foundation will be driven primarily by the allocation of investments across asset classes. In determining the appropriate allocation, the expected return and risk behavior of each asset class and the likely interaction of various asset classes in a portfolio are to be considered. Appendix B lists the expected return and volatility for each permissible asset class, and Appendix C lists expected correlations among major asset classes.

C. Long-Term Target Allocations

Based on the investment objectives and constraints of the UVUF, and on the expected behavior of the permissible asset classes, the Investment Advisor, along with the Committee, will specify a long-term target allocation for each class of permissible assets. These targets will be expressed as a percentage of the Foundation's market value, surrounded by a band of permissible variation resulting from market forces or tactical portfolio shifts executed by the Investment Advisor.

The Foundation's target allocations for all permissible asset classes are shown in Appendix D. These long-term target allocations are intended as strategic goals, not short-term imperatives. Thus, it is permissible for the Foundation's asset allocation to deviate from the long-term targets, due to tactical asset allocation shifts, manager transitions, asset class restructurings, and other temporary changes in the Foundation's assets.

Deviations from targets that occur due to capital market changes are discussed within rebalancing procedures.

D. Rebalancing

In general, cash flows to and from the Foundation will be allocated in such a manner as to move each asset class toward the target allocation.

The Trustees recognize that, periodically, market forces may move the Foundation's allocations outside the target ranges. The Trustees also recognize that failing to rebalance the allocations could unintentionally change the Foundation structure and risk posture. However, the Trustees understand that constant rebalancing could result in a significant increase in explicit and implicit trading costs to the Foundation. Consequently, the Committee has delegated the authority to the Investment Advisor to rebalance the Fund's allocations when prudent.

On at least an annual basis, if any strategic allocation is outside the specified target range, assets will be shifted to return the strategy to the target range. The specific plan for rebalancing will identify the assets that can be shifted and potential risks and costs of executing the shifts, if the rebalancing cannot be accomplished solely by allocating contributions and withdrawals.

X. EVALUATION AND REVIEW PROCESS

The Investment Advisor and the Committee will evaluate investment performance of the Foundation regularly to include the following:

- A.** The Foundation's asset allocation relative to this Policy and the capital market outlook.
- B.** The extent to which each investment manager has managed its portfolio consistent with that investment manager's stated investment philosophy and style.
- C.** Each investment manager's adherence to the guidelines and investment policies contained in this Policy.
- D.** The risk and return profile(s) of the total Foundation and each investment manager compared to the Foundation's goals and objectives under this Policy.

The asset allocation of the Foundation will be reviewed on an on-going basis, and at least annually. When necessary, such reviews may result in a rebalancing of assets. In general, the Trustees intend for the Foundation to adhere to its long-term target allocations, staying within established target ranges, and that major changes to these targets will be made only in response to significant developments in the circumstances, objectives, or constraints of the Foundation.

The Trustees will specifically evaluate the performance of the Foundation relative to its objectives and to the returns available from the capital markets during the period under review. In general, the Trustees will utilize a combination of relative and absolute benchmarks in evaluating performance. The total performance of the Foundation will be evaluated relative to the investment objectives and constraints identified in this Investment Policy Statement. The return objective of the portfolio of all long-term endowment investments shall be to outperform peer sized endowment funds, based on data in the NACUBO/CommonFund Endowment Study, over a full market cycle.

The Committee will review the Investment Policy Statement at least annually to determine that it continues to be appropriate in view of changes within the Foundation and the capital markets. The Committee, as deemed appropriate, may consider exceptions to the Investment Policy Statement.

This Investment Policy Statement has been adopted and approved by the Trustees of the Utah Valley University Foundation.

XI. APPENDICES

APPENDIX A

PERMISSIBLE ASSET CLASSES

Asset Class	Broad Asset Class
Public Domestic Equity	Public Global Equity
Developed Market Equity	Public Global Equity
Emerging Market Equity	Public Global Equity
Investment Grade Bonds	Rate Sensitive
High Yield Bonds	Opportunistic Credit
Bank Loans	Opportunistic Credit
Emerging Markets Debt	Opportunistic Credit
Private Equity	Alternative Assets
Real Estate	Alternative Assets
Natural Resources	Alternative Assets
Infrastructure	Alternative Assets
Commodities	Alternative Assets
Hedge Funds	Alternative Assets

APPENDIX B

TWENTY-YEAR, SINGLE ASSET CLASS AND SUB-ASSET CLASS FORECAST¹

Asset Class	Sub-Asset Class	Expected Return (%)	Standard Deviation of Expected 20-Year Annual Return (%)
Public Global Equity	Public Domestic Equity	7.8	18.0
Public Global Equity	Developed Market Equity	8.1	20.0
Public Global Equity	Emerging Market Equity	10.5	26.5
Rate Sensitive	Investment Grade Bonds	3.6	4.5
Opportunistic Credit	High Yield Bonds	6.8	12.5
Opportunistic Credit	Bank Loans	5.7	10.0
Opportunistic Credit	Emerging Markets Bonds (major)	5.9	13.0
Alternative Assets	Private Equity	9.4	24.0
Alternative Assets	Real Estate	7.1	18.0
Alternative Assets	Natural Resources	8.4	22.0
Alternative Assets	Infrastructure	6.7	16.0
Alternative Assets	Commodities	4.1	21.0
Alternative Assets	Hedge Funds	5.6	10.5

¹ Based on Meketa Investment Group's 2016 Annual Asset Study.

APPENDIX C

EXPECTED CORRELATIONS AMONG MAJOR ASSET CLASSES

	TIPS	Investment Grade Bonds	High Yield Bonds	U.S. Equity	Developed Market Equity	Emerging Market Equity	Private Equity	Real Estate	Natural Resources (private)	Commodities	Core Infrastructure (private)	Hedge Funds
TIPS	1.00											
Investment Grade Bonds	0.80	1.00										
High Yield Bonds	0.30	0.20	1.00									
U.S. Equity	0.00	0.05	0.70	1.00								
Developed Market Equity	0.15	0.05	0.70	0.90	1.00							
Emerging Market Equity	0.15	0.05	0.70	0.80	0.90	1.00						
Private Equity	0.05	0.05	0.65	0.85	0.80	0.75	1.00					
Real Estate	0.10	0.20	0.50	0.50	0.45	0.40	0.45	1.00				
Natural Resources (private)	0.10	0.10	0.45	0.65	0.60	0.60	0.55	0.45	1.00			
Commodities	0.35	0.05	0.40	0.35	0.55	0.60	0.30	0.15	0.65	1.00		
Core Infrastructure (private)	0.30	0.30	0.60	0.55	0.55	0.50	0.45	0.60	0.60	0.35	1.00	
Hedge Funds	0.20	0.05	0.70	0.80	0.85	0.85	0.65	0.45	0.65	0.65	0.60	1.00

APPENDIX D

ASSET ALLOCATION TARGETS FOR OVERALL INVESTMENT PORTFOLIO

Asset Class / Sub-Asset Class	Target (%)	Range (%)
Global Public Equity	47	0-100
Public Domestic Equity	NA	NA
Developed Market Equity	NA	NA
Emerging Market Equity	NA	NA
Fixed Income	11	0-20
Rate Sensitive	NA	NA
Opportunistic Credit	NA	NA
Alternative Assets	42	0-50
Private Equity	12	0-20
Real Estate	13	0-20
Natural Resources/Commodities	8	0-20
Infrastructure	4	0-10
Hedge Funds	5	0-10

Meketa Fiduciary Management (MFM) has been hired as our Investment Advisor. The return objective of the MFM portfolio shall be to outperform the MSCI ACWI Index over a full market cycle.

Based upon the expected asset returns, risks, and correlations cited in Appendices B and C, this target allocation exhibits an expected annual return of 8.6% and an expected annual standard deviation of 15.5%¹.

¹ Based on Meketa Investment Group's 2016 Annual Asset Study.