



**UTAH SYSTEM OF TECHNICAL COLLEGES**  
Board of Trustees – Executive Committee Special Meeting  
July 15, 2019, 7:30 am – 8:00 am  
Via Conference Call  
**801-341-6000**

**MINUTES**

Board of Trustees Present:

Steve Moore, (Board Chair) – Ogden-Weber Technical College  
Aaron Osmond – (Board Vice-Chair) – Information Technology  
Michael Jensen – Davis Technical College  
Chuck Taylor – Southwest Technical College

Executive Committee Member Absent/Excused:

Brad Tanner – Non-Union Trades

UTech Administration Present:

Jared Haines – Interim Commissioner of Technical Education  
Kim Ziebarth – Associate Commissioner – Academic & Student Affairs  
Doug Richards – Legal Counsel

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By Conference Call

**MEETING MINUTES**

(PENDING APPROVAL FROM THE BOARD EXECUTIVE COMMITTEE)

Call to order and welcome by Chair Steve Moore  
Meeting called to order at 7:32 am

Chair Moore thanked everyone for their attendance.

Roll call conducted by Chair Moore:

Steve Moore – yes  
Aaron Osmond – yes  
Michael Jensen – yes  
Chuck Taylor – yes  
Brad Tanner – excused

Chair Moore stated that the purpose of this meeting was to discuss and approve UTech Policy 209, related to H.B.116 Students Civil Liberties Protection Act. Chair Moore turned the time to Associate Commissioner Kim Ziebarth for the policy review and description for the respective approval.

Ms. Ziebarth stated that during the 2018 Legislative Session, Representative Kim Coleman passed House Bill 116, Students Civil Liberties Protection Act. It requires that UTech establish policy and procedures whereby a student enrolled in a UTech institution may submit a complaint to the UTech Board of Trustees alleging a policy of the institution directly affects one or more of the student's civil liberties.

Ms. Ziebarth continued explaining that a student may submit any complaint in writing to the Commissioner's office. The Commissioner's office reviews the complaint and works with the Board to come forward with a recommendation. If the complaint is valid, the Commissioner's Office would ask that the institution make adjustments to its policy and follow-up with rulemaking within 60 days. Two actions are required today from the Board Executive Committee: 1) to approve the policy, and 2) to authorize the Commissioner's office to complete the administrative rulemaking process.

Chair Moore thanked Ms. Ziebarth for the explanation and opened it up for any comments, questions, or discussion that the executive committee members may have.

Vice-Chair Osmond asked if we have had any students that we know of in the past that complained that their civil liberties were violated in any way.

Ms. Ziebarth replied that she is not aware of any complaints in the past.

Commissioner Haines stated that he is not aware of any complaints either and said that the bill also calls for each institution (USHE and UTech) to review their policies and to identify anything in the policies that affect student civil liberties and either undergo rulemaking or revoke the policy. Doug Richards and Eric Petersen from the Legal Counsel are working with the colleges on that. He continued by saying that this policy is a way for a student that believes that the institution policy affects her/his civil liberties, to send a letter to the Board of Trustees for consideration to go under rulemaking. Rulemaking is a process for making administrative rules in the state. The rules have the effect of law, and they go through a 30-day public comment period. Therefore, the purpose of undergoing administrative rulemaking is for these policies to have the opportunity for rulemaking.

Doug Richards explained that he reviewed each of the eight colleges' policies code of conducts that would affect student civil liberties. He also said that the Attorney General Office has been in contact with Representative Coleman regarding this bill and they identified the civil liberties that she was particularly interested in such as first amendment rights of expression on campus as well as due process relative to students that may be discipline or discharge from a university or college. He also indicated that by August 1<sup>st</sup>, we are required to initiate rulemaking. The statute also requires the governing board, both USHE, and UTech, to adopt the rule and submit it for rulemaking for an appeal process.

Doug Richards continued by saying that through his years representing higher education, they only have had some academic challenges such as lawsuits by students because they were dismissed from a college. Therefore, he doesn't anticipate that we would have many appeals or claims.

Doug Richards mentioned that this is his last Board of Trustees meeting due to his retirement. He said that it had been a pleasure working for the Board and the UTech Office. Chair Moore thanked Doug for his dedicated service and contributions over the years and all the good that he has done for the system.

Chair Moore also expressed his thanks for the additional explanations and clarifications on the policy and asked if there were any other questions or comments.

Trustee Michael Jensen asked if any systemwide grievances would come to the Board of Trustees or would the colleges have a similar policy to handle students' complaints. Doug Richards replied that each of the colleges would have a process to address civil liberties grievances by any student. The system policy will be an appeal whereby if a student feels that he or she didn't receive their full civil liberties or due process at the individual college level, so the system won't be initially taking any first-level student

complaints if they have concerns about violating the code of conduct or potential disciplinary action, that will be handled by the colleges.

Commissioner Haines clarified that this is not a grievance policy. The policy is for students who believe that the colleges' policy affects their civil liberties. The students would bring it to the Board's attention to review it and to direct the college to undergo administrative ruling.

Chair Moore asked if the explanation given answered Trustee Jensen's question. Trustee Jensen replied that it did.

Chair Moore asked if the report requirements by November 30<sup>th</sup> needed to be included in the policy. Ms. Ziebarth replied that it doesn't need to be included in the policy, but UTech will follow through on it and report any violations or complaints that UTech has dealt with at that time, but it requires that UTech has a procedure.

Commissioner Haines also mentioned that UTech would record the complaints for a report.

Chair Moore asked if the report needs to include that no complaints were received. Ms. Ziebarth answered that the procedure only needs to outline the process for students to submit a complaint alleging that the policy has violated their civil liberties, from there UTech will present it, and report in the subsequent period.

Chair Moore asked if there were any other comments, and if not, he asked for a motion to approve the policy.

**Motion:** Trustee Aaron Osmond moved that the Executive Committee approve the UTech Policy 209 Institutional Civil Liberties Policy Review as explained by the staff.

**Seconded:** Trustees Michael Jensen and Chuck Taylor

**Voting:** Unanimous

Doug Richards stated that for the record, this is in reference to UTech policy 209. Kim Ziebarth asked if the authorization for the submission rulemaking process was included in the motion.

Chair Moore confirmed that it was included in the motion and thanked everyone who was involved in producing the draft of this policy.

Roll call conducted:

Steve Moore – yes

Aaron Osmond – yes

Michael Jensen – yes

Chuck Taylor – yes

**Adjournment:** Meeting adjourned at 7:49 am.