POLICY TITLE	Competition with Private Enterprise	**Policy Number**	212
Section	Financial Affairs and Development	**Approval Date**	October 29, 2026
Subsection	General Fiscal Policies	**Effective Date**	October 29, 2026
Responsible Office	Office of the Vice President of Finance and Auxiliary Services	**Last Review**	October 29, 2026

1.0 PURPOSE

1.1 This policy will enable Utah Valley University to conform with Utah Board of Higher Education Policy R555 *Providing Facilities, Goods, and Services in Competition with Private Enterprise*. Under Policy R555, the University may provide certain non-academic, self-support services to the campus community, and with specific exceptions, services to people other than campus community members. This policy provides procedures for private businesses to lodge a formal complaint when they believe the University has violated this policy.

2.0 REFERENCES

2.1 *Policy on Colleges and Universities Providing Facilities, Goods, and Services in Competition with Private Enterprise,* Utah Administrative Rule 765-555

2.2 Utah Board of Higher Education Policy R555 *Providing Facilities, Goods, and Services in Competition with Private Enterprise*

3.0 DEFINITIONS

3.1 Campus community: Prospective students, students, faculty, staff, alumni, and campus guests of the University.

3.2 Complainant: For the purposes of this policy, a private business that alleges that a violation of Utah Board of Higher Education Policy R555 has occurred.

3.3 Educationally related services: Non-academic services that are reasonably related to the educational needs of the campus community, e.g., campus newspapers, stores, dining facilities, printing services, etc.

3.4 Institutional services: University facilities, goods, and services.

3.5 Non-academic, self-support services: Services that are complementary to an institution's teaching, research, and public service functions; these services are funded through the service's own activities or by charging a fee directly related to the costs of providing the goods or services.

3.6 Respondent: For the purposes of this policy, the university administrator who oversees the university entity accused of violating Utah Board of Higher Education Policy R555.

4.0 POLICY

4.1 The University and its units must comply with the requirements of Utah Board of Higher Education Policy R555 before providing institutional services to any person who is not a member of the campus community.

4.2 Any privately owned business that believes the University is competing with the private business in violation of Utah Board of Higher Education Policy R555 may file a grievance according to the procedures set forth in this policy.

5.0 PROCEDURES

5.1 Reporting an Alleged Violation

5.1.1 If a private business (complainant) believes the University is providing institutional services in violation of Utah Board of Higher Education Policy R555, the complainant may file a complaint and request a hearing. The Vice President of Finance and Auxiliary Services is the first point of contact for those requesting a hearing.

5.1.2 Complainants must submit complaints of unfair competition in writing to the Vice President of Finance and Auxiliary Services. In the complaint, the complainant must identify the university service in question and explain why they believe the university service has unfairly competed with private business.

5.1.3 Within 20 business days of receiving the complaint, the Vice President of Finance and Auxiliary Services shall review the alleged violation described in the complaint and determine whether there has been a violation of Utah Board of Higher Education Policy R555.

5.1.4 If the Vice President of Finance and Auxiliary Services determines that a complaint articulates a violation under USHE Policy R555, they shall submit the complaint to a hearing committee and notify the university administrator in charge of the university service in question.

5.1.5 If the Vice President of Finance and Auxiliary Services determines that a complaint does not articulate a violation under USHE Policy R555, they will dismiss the complaint and inform

the complainant in writing that the alleged violation in their complaint does not qualify as a violation of USHE Policy R555.

5.2 Conducting Hearings

5.2.1 The hearing committee shall be an ad hoc, three-person committee comprised of two university officers and a representative from the private sector. The Vice President of Finance and Auxiliary Services will appoint the committee members.

5.2.2 Within five business days of receiving the complaint, the university administrator (respondent) in charge of the institutional service in the complaint shall submit to the hearing committee a response to the complaint.

5.2.3 Hearings shall occur within at least 15 business days after referral of the complaint to the hearing committee. The Office of the Vice President of Finance and Auxiliary Services will provide written notice of the date and time of the hearing to the parties at least seven business days before the hearing.

5.2.4 The complainant and the university respondent (or their designee) shall attend the hearing and present their positions to the committee. Each party may be accompanied by an advisor (including legal counsel) who will be permitted to attend but not directly participate in the proceedings. Any party intending to bring legal counsel as their advisor shall notify the committee and the opposing party of this decision at least three business days before the hearing.

5.2.5 The hearing committee shall determine the length of the hearing and the procedures to be followed in the hearing.

5.2.6 Any documentation that the parties would like the committee to consider should be presented to the committee and to the opposing party at least three business days before the hearing.

5.2.7 As a general rule, the committee will not hear evidence from party witnesses. If parties wish the committee to consider witness testimony, the names of the proposed witnesses and a brief description of their testimony will be submitted to the committee and to the opposing party at least three business days before the hearing. The committee shall have the discretion to grant or deny the request to submit witness testimony.

5.2.8 The hearing committee is not bound by strict rules of legal evidence or procedure and may consider any evidence it deems relevant.

5.2.9 University General Counsel may serve as a resource to the hearing committee deliberations. Voting shall occur in closed session after the parties present.

5.2.10 Hearings shall be closed to the public. Hearing committee deliberations and voting shall occur in closed session after the parties' presentations.

5.2.11 The hearing committee shall determine by majority vote whether the institutional service offered by the University violates Policy R555.

5.2.12 Within five business days of the hearing, the committee shall provide a written report of its decision to the parties involved.

5.3 Submitting Appeals

5.3.1 Either party may submit a written appeal of the committee's decision to the UVU Board of Trustees (the Board). The appeal shall be submitted to the Board via the Office of the President and to the opposing party within five business days of receipt of the committee's decision.

5.3.2 The other party to the appeal may submit a response to the Board within five business days of receiving the appeal.

5.3.3 The Board will consider the appeal in its next regularly scheduled meeting, so long as the appeal is added to the Board agenda in accordance with established deadlines. Otherwise, the appeal will be added to the next regularly scheduled Board meeting.

5.3.4 As a general rule, the Board will not hear oral argument on the appeal but will consider the hearing committee's written decision, the written appeal, and the written response to the appeal in making its decision. The Board may, at its discretion, determine to hear oral argument on the appeal.

5.3.5 Board deliberations and voting shall occur in the open meeting of the Board. The majority vote of the Board members shall determine the matter on appeal. The decision of the Board shall be final.

POLICY HISTORY		
Date of Last Formal Review: October 29, 2026		
Due Date of Next Review: October 29, 2031		
Date of Last Action	**Action Taken**	**Authorizing Entity**
October 29, 2026	New policy approved through regular policy process.	UVU Board of Trustees