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**CHARTERING STATUTES**

*Revised August 2016*

**350.050 Higher Education Coordinating Commission; members; confirmation.**

- (1) There is established a Higher Education Coordinating Commission, consisting of nine voting members appointed by the Governor.
- (2) The Governor shall appoint:
  - (a) One member from each of the five congressional districts in this state; and
  - (b) Four members of the general public.
- (3) The Governor shall also appoint five nonvoting members to the commission. The Governor shall elicit recommendations for appointments made under this subsection from official student, faculty and nonfaculty staff organizations at community colleges and public universities listed in ORS 352.002. The five nonvoting members of the commission shall consist of:
  - (a) One student at a public university listed in ORS 352.002;
  - (b) One faculty member at a public university listed in ORS 352.002;
  - (c) One student at a community college in this state;
  - (d) One faculty member at a community college in this state; and
  - (e) One nonfaculty member of the staff from either a public university listed in ORS 352.002 or a community college.
- (4) The term of office of each voting member is four years and the term of office for each nonvoting member is two years. A member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.
- (5) The Governor may at any time, for cause, remove any member of the board that the Governor has appointed, after notice and public hearing, but not more than three members shall be removed within a period of four years, unless it is for corrupt conduct in office.
- (6) The appointment of voting members of the commission is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.
- (7) A member of the commission is entitled to compensation and expenses as provided in ORS 292.495. [Formerly 351.715]

**Note:** Section 6, chapter 747, Oregon Laws 2013, provides:

**Sec. 6.** Notwithstanding the term of office specified by ORS 351.715 [renumbered 350.050], of the voting members first appointed by the Governor after the effective date of this 2013 Act [August 14, 2013] to the Higher Education Coordinating Commission:

- (1) Three shall serve for a term ending June 30, 2015.
- (2) Three shall serve for a term ending June 30, 2016.
- (3) Three shall serve for a term ending June 30, 2017. [2013 c.747 §6]

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**Note:** Section 2, chapter 637, Oregon Laws 2011, provides:

**Sec. 2.** Notwithstanding the term of office specified by ORS 351.715 [renumbered 350.050], of the members first appointed to the Higher Education Coordinating Commission:

- (1) Five, including the two student members, appointed for a term originally ending June 30, 2014, shall serve for a term ending on the date on which succeeding members are appointed pursuant to section 6 (1) of this 2013 Act [section 6 (1), chapter 747, Oregon Laws 2013].
- (2) Five appointed for a term originally ending June 30, 2015, shall serve for a term ending on the date on which succeeding members are appointed pursuant to section 6 (2) of this 2013 Act.
- (3) (3) Five appointed for a term originally ending June 30, 2016, shall serve for a term ending on the date on which succeeding members are appointed pursuant to section 6 (3) of this 2013 Act. [2011 c.637 §2; 2013 c.747 §5]

**350.055 Qualifications of members.** The members of the Higher Education Coordinating Commission must be residents of this state who are well informed on the principles of higher education. [Formerly 351.718]

**350.060 Officers; quorum; official action; meetings.**

- (1) The Higher Education Coordinating Commission shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the commission determines.
- (2) A majority of the members of the commission constitutes a quorum for the transaction of business.
- (3) Official action by the commission requires the approval of a majority of the members of the commission.
- (4) The commission shall meet at least once every three months at a place, day and hour determined by the chairperson. The commission may also meet at other times and places specified by the call of the chairperson or of a majority of the members of the commission. [Formerly 351.722]

**350.065 Executive director; subordinate officers and employees.**

- (1) The Higher Education Coordinating Commission shall appoint an executive director to serve at the pleasure of the commission.
- (2) The appointment of the executive director must be by written order, filed with the Secretary of State.
- (3) Subject to any applicable provisions of ORS chapter 240, the executive director shall appoint all subordinate officers and employees of the commission, prescribe their duties and fix their compensation.
- (4) The executive director shall coordinate with the Chief Education Officer as provided by section 2, chapter 519, Oregon Laws 2011. [Formerly 351.725]

**Note:** The amendments to 350.065 (formerly 351.725) by section 60, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, and section 20, chapter 763, Oregon Laws 2015. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

**350.065.**

## HIGHER EDUCATION COORDINATING COMMISSION

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- (3) Subject to any applicable provisions of ORS chapter 240, the executive director shall appoint all subordinate officers and employees of the commission, prescribe their duties and fix their compensation.

### **350.070 Advisory and technical committees.**

- (1) The Higher Education Coordinating Commission may establish such advisory and technical committees as it considers necessary to aid and advise the commission in the performance of its functions. These committees may be continuing or temporary committees. The commission shall determine the representation, membership, terms and organization of the committees and shall appoint their members.
- (2) Members of the committees are not entitled to compensation, but at the discretion of the commission may be reimbursed from funds available to the commission for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amount provided in ORS 292.495. [Formerly 351.732]

### **350.075 Powers, duties and functions; rules.**

- (1) As used in this section, “student access programs” means scholarship, loan, grant and access programs described in ORS chapter 348.
- (2) The Higher Education Coordinating Commission shall be guided by the legislative findings in ORS 341.009, 350.001 and 350.005 and the goals and mission of post-secondary education set forth in ORS 350.009 and 350.014.
- (3) The Higher Education Coordinating Commission shall:
  - (a) Develop state goals for the state post-secondary education system, including community colleges and public universities listed in ORS 352.002, and for student access programs.
  - (b) Determine strategic investments in the state’s community colleges, public universities and student access programs necessary to achieve state post-secondary education goals.
  - (c) Coordinate the post-secondary elements of data collection and structure, with the advice and recommendation of the state’s independent institutions, community colleges and public universities, as appropriate, in order to construct a state longitudinal data system.
  - (d) Adopt a strategic plan for achieving state post-secondary education goals, taking into consideration the contributions of this state’s independent institutions, philanthropic organizations and other organizations dedicated to helping Oregonians reach state goals. State post-secondary education goals as described in this section should include, but need not be limited to:
    - (A) Increasing the educational attainment of the population;
    - (B) Increasing this state’s global economic competitiveness and the quality of life of its residents;
    - (C) Ensuring affordable access for qualified Oregon students at each college or public university;
    - (D) Removing barriers to on-time completion; and

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- (E) Tracking progress toward meeting the state's post-secondary education goals established in the strategic plan described in this paragraph.
- (e) (A) Each biennium, after receiving funding requests from the state's community colleges and public universities as authorized by law, recommend to the Governor a consolidated higher education budget request aligned with the strategic plan described in paragraph (d) of this subsection, including appropriations for:
  - (i) Student access programs;
  - (ii) Public universities listed in ORS 352.002, including but not limited to education and general operations, statewide public services and state-funded debt service;
  - (iii) Community colleges, including but not limited to education and general operations and state-funded debt service;
  - (iv) New facilities or programs;
  - (v) Capital improvements and deferred maintenance; and
  - (vi) Special initiatives and investments.
- (B) In the development of the consolidated higher education budget request:
  - (i) Determine the costs necessary to provide quality post-secondary education;
  - (ii) Solicit input from educators, education policy experts, appropriate legislative committees, students and other persons interested in the development of the funding model; and
  - (iii) Solicit public input regarding educational priorities.
- (f) Adopt rules governing the distribution of appropriations from the Legislative Assembly to community colleges, public universities listed in ORS 352.002 and student access programs. These rules must be based on allocation formulas developed in consultation with the state's community colleges and public universities, as appropriate.
- (g) Approve or disapprove any significant change to the academic program of a community college or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the commission shall consider the recommendation from the community college or public university seeking to make the change to an academic program that is issued pursuant to the obligation of the governing board of a community college or public university to review and approve academic programs. The commission shall ensure that approved programs:
  - (A) Are consistent with the mission statement of the community college or public university;
  - (B) Do not unnecessarily duplicate academic programs offered by Oregon's other community colleges or public universities;
  - (C) Are not located in a geographic area that will cause undue hardship to Oregon's other community colleges or public universities; and
  - (D) Are allocated among Oregon's community colleges and public universities to maximize the achievement of statewide needs and requirements.
- (h) For public universities listed in ORS 352.002:
  - (A) Approve the mission statement adopted by a governing board of a public university.
  - (B) Review and determine whether a proposed annual increase of resident undergraduate enrollment fees of greater than five percent is appropriate.
  - (C) Advise the Governor and the Legislative Assembly on issues of university governance.
  - (D) Approve and authorize degrees.
  - (E) Perform the evaluation and certification required by ORS 350.095.

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- (i) Authorize degrees to be offered by independent post-secondary institutions in this state under ORS 348.594 to 348.615.
  - (j) Oversee the licensing of career schools under ORS 345.010 to 345.450.
  - (k) Have the authority to enter into and administer interstate agreements regarding the provision of post-secondary distance education. The participation by an educational institution that is not based in this state in distance learning courses or programs that are part of an interstate agreement entered into and administered under this paragraph does not constitute operating in this state for purposes of ORS 348.594 to 348.615. The commission, by rule, may impose a fee on any educational institution that seeks to operate under or participate in such interstate agreements. The fee amount shall be established to recover designated expenses incurred by the commission in participating in such agreements.
  - (l) Coordinate and collaborate with the Chief Education Office as provided by section 1, chapter 519, Oregon Laws 2011.
- (4) (a) The Higher Education Coordinating Commission shall implement a process to resolve student complaints against any school operating in this state. As part of the process implemented under this subsection, the commission may:
- (A) Receive student complaints from students regarding a school;
  - (B) Specify the type of information that must be included in a student complaint;
  - (C) Investigate any student complaint filed against a school;
  - (D) Establish a process to review and resolve student complaints against a school, including but not limited to reviewing school records, holding administrative hearings and issuing final orders;
  - (E) Assess a fee to cover the costs of any proceeding brought under this subsection, including but not limited to the costs of an investigation or administrative hearing;
  - (F) Require a school to make full or partial restitution to a student or to cease an act or practice that is challenged in a student complaint;
  - (G) Adopt rules to implement the provisions of this subsection; and
  - (H) Enter into agreements to implement the provisions of this subsection.
- (b) Any hearing held under this subsection is subject to the provisions of ORS chapter 183.
- (c) As used in this subsection:
- (A) "School" means a school that meets the requirements of ORS 348.597 (2)(d); and
  - (B) "Student" means a person who is enrolled or accepted for enrollment at a school for the purpose of obtaining a degree, certificate or other recognized educational credential offered by that school.
- (5) In addition to the duties described in subsections (2) to (4) of this section, the Higher Education Coordinating Commission shall advise the Legislative Assembly, the Governor, community colleges, public universities and other state boards and commissions on policies in order to:
- (a) Ensure or improve access to higher education by diverse and underserved populations.
  - (b) Encourage student success and completion initiatives.
  - (c) Improve the coordination of the provision of educational services, including:
    - (A) Transfers and coenrollment throughout the higher education system;
    - (B) Accelerated college credit programs for high school students;
    - (C) Applied baccalaureate and other transfer degrees;
    - (D) Programs and grants that span multiple institutions; and
    - (E) Reciprocity agreements with other states.

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- (d) In coordination with the State Board of Education, enhance the use and quality of dual credit, career and technical pathways and efforts to create a culture of college attendance in this state.
- (e) In coordination with the State Workforce Investment Board, local workforce investment boards, the Oregon Health and Science University and independent institutions, ensure that the state's colleges and universities offer programs in high-demand occupations that meet Oregon's workforce needs.
- (f) Improve economies of scale by encouraging and facilitating the use of the shared services among post-secondary institutions in this state.
- (6) The Higher Education Coordinating Commission, in a manner consistent with ORS chapter 183, may adopt administrative rules.
- (7) With the exception of the rulemaking authority granted in subsection (6) of this section, the Higher Education Coordinating Commission may delegate any of its powers, duties or functions to a committee of the commission or to the executive director of the commission.
- (8) The Higher Education Coordinating Commission may establish technical or advisory committees to assist the commission in exercising its powers, duties and functions.
- (9) The Higher Education Coordinating Commission may exercise only powers, duties and functions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by law, all other authorities reside at the institutional level with the respective boards of the post-secondary institutions. [Formerly 351.735]

**Note:** The amendments to 350.075 (formerly 351.735) by section 61, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, and section 20, chapter 763, Oregon Laws 2015. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

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- (C) Applied baccalaureate and other transfer degrees;
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  - (9) The Higher Education Coordinating Commission may exercise only powers, duties and functions expressly granted by the Legislative Assembly. Except as otherwise expressly provided by law, all other authorities reside at the institutional level with the respective boards of the post-secondary institutions.