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## PERMANENT ADMINISTRATIVE ORDER

### HECC 5-2019

CHAPTER 715  
HIGHER EDUCATION COORDINATING COMMISSION

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FILING CAPTION: Capital Infrastructure Repair and Renewal Distribution Formula

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CONTACT: Karen Lynne Howard  
503-947-2379  
hecc.rulemaking@hecc.oregon.gov

Public Service Building  
255 Capitol Street, 3rd Floor  
Salem, OR 97310

Filed By:  
Karen Howard  
Rules Coordinator

ADOPT: 715-013-0070

RULE TITLE: Capital Infrastructure Repair and Renewal Distribution Formula

NOTICE FILED DATE: 12/26/2018

RULE SUMMARY: This rule codifies the distribution formula for Capital Infrastructure, Repair and Renewal Funds (CIRR), which are bonded funds distributed to all seven public universities to deal with deferred maintenance. This rule bases funding on a mix of education and general (E&G) square footage and a density factor (number of persons using the space per SF).

RULE TEXT:

(1) Definitions:

(a) "Auxiliary" shall be defined as activities that exist to furnish a service to students, the public, faculty or staff acting in a personal capacity, and that charges a fee for the use of goods and services. Such areas may include athletics, housing, health centers, student activities or recreation, childcare, dining, parking, campus bookstores or other retail spaces, space rented to outside vendors for independent operations and similar activities.

(b) "Auxiliary GSF" is defined as any GSF that is not dedicated to E&G purposes.

(c) "Capital Expenditures" are allocations made by the Oregon Legislature to public universities for the purposes of construction/renovation/maintenance of university capital assets.

(d) "Density Factor" is defined as number of full time equivalent (FTE) students, faculty, staff and contractors divided by the E&G GSF.

(e) "Education and General (E&G)" are operations which support the general operations of the University and its primary missions of instruction, research, and public service. It also includes any Public University State Programs or one-time and targeted funding unless otherwise designated. E&G does not include the following: auxiliary activities, capital expenditures or operations independent of the institution's mission. The major sources of revenue for E&G operations are tuition, state appropriations, and indirect cost recovery from federal grants.

(f) "Education and General Gross Square Feet (E&G GSF)" is defined as the sum of all areas on all floors of a building included within the outside faces of its exterior walls, including all vertical penetration areas, for circulation and shaft areas that connect one floor to another dedicated to E&G usage under this rule. For the purposes of this rule only, E&G GSF includes GSF utilized by statewide public services.

- (g) "Adjusted Education and General Gross Square Feet" is as all E&G GSF not constructed in the last ten years.
- (h) "Full Time Equivalent Students" are determined as follows: the combined total of the number undergraduate student credit hours divided by 45, the number of masters and professional credit hours divided by 36 and the number of doctoral credit hours defined by 27.
- (i) "Full Time Equivalent Faculty, Staff and Contractors" are defined as the employees within these categories who work in E&G buildings. This data is provided by public universities.
- (j) "Higher Education Coordinating Commission" or "HECC" is the body established by ORS 350.050.
- (k) "Public university" or "University" is any institution as defined in ORS 352.002.
- (l) "Public University State Programs" are centers and programs operated by public universities who address economic development, natural resource and other issues rather than providing general support for instruction and student support services. Many of these programs have an industry-specific focus, matching state support with funds from private sector and other sources.
- (m) "Statewide Public Services (SWPS) entities" are the Agriculture Experiment Station, Extension Service and Forest Research Laboratory.
- (2) The biennial allocations of capital infrastructure, repair and renewal funds shall be based on 85% of the adjusted E&G GSF and 15% on the density factor as follows:
- (a) Allocations shall be determined once per biennium in concert with the above but no distributions shall be made until a valid reimbursement request is submitted to the HECC pursuant with agency practice and policy.
- (b) The specific timing of the documentation requirements under sections (3) and (4) of this rule shall apply beginning with the 2019-21 biennium.
- (3) E&G GSF shall be determined as follows:
- (a) Each university shall, by September 1 of every year, submit a list of all buildings which contain E&G GSF on their campus, which shall include at least the following:
- (A) The name of any buildings
- (B) The original date in which such a facility was constructed
- (C) Whether the building is leased or owned by the university, and if it is a mix of the two, the proportion of each.
- (D) The date (if any) of the last substantial renovation.
- (E) If the building is not 100% E&G GSF, the institution shall provide documentation to substantiate the delineation of E&G versus axillary GSF within its submission and shall only include the E&G GSF in their submission.
- (b) The HECC reserves the right to request any additional data needed to substantiate university submissions related to E&G GSF.
- (c) HECC staff shall confirm and circulate final lists of E&G GSF by institution no later than December 1 of each even numbered year.
- (d) The proportional percentage of each institutions' E&G GSF shall be used to calculate this category.
- (4) Density factor shall be determined as follows:
- (a) Each university shall, by September 1 of every year, submit FTE totals of all faculty, staff or contractors. The submission shall contain a summary of employees within each category.
- (b) The HECC reserves the right to request any additional data needed to substantiate university submissions related to these numbers.
- (c) For full time equivalent students, the HECC shall use the most recent available data on resident and nonresident students as determined by the HECC's Office of Research and Data for the most recently completed fiscal year.
- (d) Faculty, staff and contractor FTE shall be added to full time equivalent students and the results shall be distributed to universities no later than December 1 of each even numbered year.
- (e) The proportional percentage of each institutions' combined faculty, staff and contractor FTE and full time student FTE divided by an institution's E&G GSF shall be used to calculate this category.
- (5) This model will be examined by the HECC as it determines appropriate. The first such review shall began no later than January 2020 and subsequent reviews shall be conducted every four years thereafter. Any such reviews shall

involve consultation with relevant stakeholders as determined by the HECC. Any changes recommended by any workgroup formed to conduct such a review are advisory and shall not take effect unless the Commission adopts an amended rule codifying the changes.

(6) The definitions in section 1 shall be applicable for all rules under the 715-013 subsection except where they conflict with state or federal law or other superseding authorities.

(7) The HECC shall give deference to any legislative determinations where appropriate and relevant to this rule.

(8) Once made, all HECC-determined allocations shall be considered final for the specific biennium.

(9) Allocations in this rule do not impact any other university funding.

STATUTORY/OTHER AUTHORITY: ORS 350.075(7)

STATUTES/OTHER IMPLEMENTED: