An Enterprise University Plan
FOR OHIO

Ohio
University System of Ohio
Board of Regents
OhioHigherEd.org
Dear Speaker Batchelder, President Niehaus, Leader Budish, Leader Cafaro, and members of the General Assembly:

In Ohio we face dual challenges if we are to bring our state universities to their full potential as generators of economic strength in addition to being bastions of learning and intellect. First we must identify and solve the issues within the university system that keep Ohioans from getting the education they need to be productive members of society. Then we must enable our universities to be more agile and responsive to the demands of our society so that they can improve as leaders in innovation, research, and commercialization.

Today many of our students never complete their studies and those who do often take too long to earn their degree and are saddled with too much debt. Within three years of graduation, a third of our graduates leave Ohio to obtain jobs in other states that make use of their skills. At the same time, more than 70,000 jobs requiring specialized technical skills go unfilled in Ohio. Ohio must better align curriculum to the demands of business.

We have the opportunity, through closer communication between universities and employers, to track employment trends and adjust course offerings to provide relevant education that result in each student leaving college with a degree in one hand, and a job in the other.

To achieve the goal of higher attainment we must improve affordability. The Administration and the General Assembly has, already within its first six months, provided a number of tools to universities which they must use to full advantage to reduce costs. Savings must in turn be used directly to keep tuition affordable.
Steps already taken include:

1. A cap on allowable tuition increases of 3.5 percent.
2. A legislative mandate that universities establish a three year path to degrees, saving students both time and money, and allowing them to begin earning money and paying taxes sooner.
3. Construction reform that ends antiquated contracting requirements that will result in savings estimated at 20 percent to universities.
4. The Administration and General Assembly have provided authority of sale/leaseback arrangements which will attract both private sector capital and management expertise for our universities.

Our universities must aspire to apply their enormous research capacity to make life better for each Ohioan through research into such diverse fields as medicine, energy, the environment, manufacturing and materials technology, agriculture and food science, and improved teacher training. For research to be meaningful, it must be commercialized both so it reaches average Ohioans, and so that it generates economic activity. The potential benefits are enormous; people's lives are improved through advances resulting from research, new businesses and improved business processes are created through research, much as the entire copier industry derived from research at Battelle Memorial Institute in Columbus 50 years ago, and through appropriate commercialization agreements, some of the profit from commercialized research will return to our universities where it can be used to attract the best faculty, and to supplement the cost of education of Ohio young people.

To help meet the wide range of challenges our universities face, the Enterprise University Plan for Ohio will help usher in new thinking, change, and actions sometimes difficult to achieve in large institutions.
In return for this effort, the Board of Regents proposes to offer staged relief from various state mandates in order to give institutions both incentive, and a specific benefit for actual achievement in meeting new benchmarks built around the challenges above.

Where universities make measureable progress in meeting specific operational, financial and academic goals, the Administration and the Chancellor recommend to the General Assembly major changes in state oversight of universities, granting more and more independence in return for actual benefit such as lower cost to the universities and more affordability to Ohio students and residents.

We also propose International Enterprise University status for those Ohio institutions with major research capacity, and with potential to reach the highest tier of the world’s universities. These institutions will become symbols of the determination of Ohioans to seize leadership in education, research, and commercialization. At this level, International Enterprise Universities will command greatly enhanced independence and autonomy which will need to be re-earned each year through continued meeting of established benchmarks.

Our future potential for good jobs, economic strength, and international renown is tied to our university system. The Enterprise University Plan described in this document creates a new incentive for university improvement that will benefit our entire state.

Sincerely,

Jim Petro
Chancellor
Ohio Board of Regents
Contents

Charter University Budget Language .................................................. 8

Executive Summary ............................................................................. 10

An Enterprise University Plan for Ohio: Phase One ......................... 14

An Enterprise University Plan for Ohio: Phase Two ......................... 18

Case Studies ....................................................................................... 22

The Enterprise University Mandate Relief Package in Detail .......... 26

State-by-State Appendices ................................................................ 30
Charter Universities Plan
R.C. 3345.81

• Requires the Chancellor to develop a plan for designating public institutions of higher education as charter universities.

• Requires the Chancellor, in developing the plan, to study the existing financial and administrative relationships between the state and public higher education institutions, examine legal and other issues related to restructuring those relationships, and consult with the institutions’ presidents.

• Requires each state agency and each state institution of higher education to provide the Chancellor with assistance, upon request, in conducting the study and developing the plan.

• Requires that the plan specify eligibility criteria, specific areas of financial and operational authority that are subject to increased flexibility, and the nature and term of management agreements between the state and an institution.

• Allows institutions meeting the eligibility criteria to enter into negotiations with the Governor to develop a management agreement.

• Requires the Chancellor to submit to the General Assembly and the Governor a report of findings and recommendations for developing changes in policy, statute, and administrative rules by August 15, 2011.

• Specifies that it is the General Assembly’s intent to take actions necessary for implementation of the plan to commence July 1, 2012.
Bill Analysis: Charter Universities

- Requires the Chancellor to develop a plan for designating public institutions of higher education as charter universities, allowing qualifying institutions increased flexibility in managing their finances and operations.

- Requires the Chancellor to report, by August 15, 2011, recommendations for changes in policy, statute, and administrative rules, and states the General Assembly’s intent to take actions necessary for implementation of the plan to commence July 1, 2012.

- Prohibits formation of charter universities, and adoption, amendment, or recission of rules designating charter universities by the Chancellor, until the General Assembly enacts legislation establishing a procedure to designate charter universities.

- Requires each state agency and each state institution of higher education to provide the Chancellor with assistance, upon request, in developing the plan.

Sec. 3345.81.

(A) The chancellor of the Ohio board of regents shall develop a plan for designating public institutions of higher education as charter universities. In developing the plan, the chancellor shall:

(1) Study the administrative and financial relationships between the state and its public institutions of higher education to determine the extent to which public colleges and universities can manage their operations more effectively when accorded flexibility through selected delegation of authority;

(2) Examine legal and other issues related to the feasibility and practicability of restructuring the administrative and financial relationships between the state and its public institutions of higher education;

(3) Consult with the presidents of the institutions of higher education of the university system of Ohio.

(B) The office of budget and management, the department of administrative services, and each state institution of higher education shall provide the chancellor, upon the chancellor’s request, with research assistance, fiscal and policy analysis, and other services in conducting the study and developing the plan under this section. Each state agency shall provide the chancellor with any other assistance requested by the chancellor in conducting the study and developing the plan.

(C) The chancellor shall specify in the plan:

(1) The manner in which a state institution of higher education may become eligible for restructured financial and operational authority, and performance measures and criteria to determine eligibility. The performance measures and criteria shall address the institution’s ability to manage successfully its administrative and financial operations without jeopardizing the financial integrity and stability of the institution.

(2) Specific areas of financial and operational authority that are subject to increased flexibility;

(3) The nature and term of the management agreement required between the state and an institution.

(D) Not later than August 15, 2011, the chancellor shall submit to the general assembly and the governor a report of findings and recommendations for use in developing policy, statutory, and administrative rule changes necessary to implement the plan. No institution shall be designated a charter university until the general assembly, after considering the chancellor’s plan, has enacted legislation establishing a procedure for making the designation. The chancellor shall not adopt, amend, or rescind any rules with respect to designating institutions as charter universities until that legislation is enacted. The general assembly intends that the general assembly, governor, and chancellor will take actions necessary for implementation of the plan for charter universities to commence July 1, 2012.
Executive Summary
Ohio has a significant history of higher education. When you consider that Ohio can boast the oldest university in the Northwest Territory which is included in the historic “Four Corners” of Bowling Green State University, Kent State University, Miami University and Ohio University, one of the nation’s largest Land Grant universities in The Ohio State University, a historically black college or university (HBCU) in Central State, six former municipal urban research universities in the University of Akron, the University of Cincinnati, Cleveland State University, the University of Toledo, Wright State University, Youngstown State University, and Ohio’s newest university, Shawnee State, which serves the under-represented population of Appalachia; there is little doubt of the tradition and strength of higher education in Ohio.

Ohio also boasts an unparalleled history in innovation and entrepreneurship. From Thomas Edison and the Wright Brothers, Harvey Firestone and B.F. Goodrich, to Dave Thomas of Wendy’s and Les Wexner of Limited Brands, Ohio’s innovative spirit parallels its outstanding public universities.

And while our great universities are comprised of academic programs, facilities, and histories that are among the finest in the nation, it is important to position these universities to continue Ohio’s tradition of excellence in higher education. The Governor and the General Assembly have recognized the need for new and innovative reforms to accomplish that goal. In addition to the requirement that led to the development of this report; the budget bill has implemented a number of significant cost savings provisions that will work to strengthen Ohio’s public universities. Historic
construction reform, commercialization expansion, and the ability for institutions to enter into lease-back agreements were the first steps toward reforming the higher education system in Ohio.

By implementing the Enterprise University Plan that follows in this report, Ohio can take the next step in ensuring not only a past and present of excellence in higher education and innovation, but a bright future as well.

**The Enterprise University Plan can:**

- Free our great universities from burdensome, duplicative, and sometimes outdated laws that restrict universities’ abilities to innovate as entrepreneurial enterprises.

- Increase the accountability and productivity of the universities resulting in higher attainment leading to more degrees.

- Create the Preeminent Scholars Award Foundation or other focused initiatives to provide the incentives to attract and retain the best and brightest students, and reverse the brain-drain trend in our state.

With a stagnant population we can no longer delay taking bold action to allow the state’s public universities to drive economic development through innovation. By implementing the proposals in this report, the Ohio General Assembly can take the next step to ushering in a return to prosperity in the Buckeye state.

The Enterprise University Plan consists of two phases that will each require enacting legislation:

- **Phase One** will provide all 14 of Ohio’s public universities with the reduction of burdensome, duplicative, and outdated mandates and regulations.

- **Phase Two** will provide a framework for all 14 of Ohio’s public universities to receive greater autonomy from the state through further reduction of mandates and duplicative oversight. Universities who agree to strive for aspirational benchmarks that measure fiscal and academic stability will have the opportunity to enter into an agreement with the Board of Regents to become an Enterprise University. As a part of these agreements universities will agree to invest a portion of their State Share of Instruction (SSI). For illustrative purposes, one proposal would call for this investment to be made into the Preeminent Scholars Award Foundation. The Board of Regents looks forward to working with the Ohio General Assembly and the Governor’s office to explore a variety of options to ensure the maximum benefit for Ohio and its economy.

For Enterprise Universities who meet very high benchmarks that measure the fiscal and academic stability it will be possible to enter into an agreement with the Board of Regents advancing to an International Enterprise University. These universities will receive the highest level of autonomy through the reduction of mandates and duplicative oversight. In return these universities will invest an additional amount of their SSI.

Ohio’s universities are a keystone for driving economic development in the state. By allowing our universities to operate as an enterprise of the state instead of a bureaucratic behemoth, the state stands to gain from the increased efficiency, effectiveness, and competitiveness that will help drive a 21st Century economy.

The benefits to universities are clear: freedom from burdensome, duplicative, and sometimes outdated laws that restrict their ability to innovate as an entrepreneurial enterprise. The benefits for the state and Ohio taxpayers will be a more accountable and productive university system that will produce more degree holders and drive economic development. Finally, both universities and taxpayers will benefit from opportunities such as a Preeminent Scholars Award or other programs of recognition to enhance excellence and economic impact.
An Enterprise University Plan for Ohio

PHASE ONE
Phase One of the Enterprise University Plan for Ohio will focus on universal mandate relief and general good governance guidelines and changes for all 14 public universities.

The mandates to be eliminated for all universities focus on conditions for the individual Boards of Trustees, construction and procurement requirements, employment policies, and the removal of antiquated statutes. This new additional relief, when combined with the major mandate relief package included in the budget, will help ensure maximum cost savings at public universities and more streamlined and efficient operation of these universities.

While these mandates provide a benefit of cost savings, they do not create a new form of autonomy compared to the way universities currently operate.

Universities will be asked, however, to submit three reports that will help the Board of Regents and the state better determine universities’ campus utilization, technology utilization, and their economic impact on Ohio through jobs placement.
The Mandate Relief list for all universities:

- Allow the Board of Trustees to determine the length of term for the Board officers
- Allow for meetings with specified internal auditors in executive session
- Board may meet by videoconference/other technological means
- Exempt university capital laws from state construction procurement requirements
- Eliminate escrow/retainage on construction projects
- Allow universities to mandate electronic paycheck deposit for all employees
- Eliminate enrollment limits
- Provide that universities can officially partner with other state institutions of higher education
- Review antiquated statutes requiring the preparation of numerous reports to the State of Ohio to review if they are still needed
- Increase the bid limits for RFPs up from the current $49,000 threshold to $250,000
- Eliminate required oversight by the Ohio Arts Council for university percent for Arts Program projects (Require for projects of $4 million or more, 1% of art selected by council)
- Ability to set different tuition and fees for space and facility reasons
- CEO/CFO Sign Financial Statements (GASB 14)
- Set meeting standards for Board of Trustees
- Personnel Committee of BOT review the hiring of top 15 employees
- Board may go into executive session to discuss matters concerning proprietary information
- Allow universities to settle smaller claims against the University without approval from the Attorney General; up to $100,000

The state stands to gain from the increased efficiency, effectiveness, and competitiveness that will help drive a 21st Century economy.
Phase Two of the Enterprise University Plan provides universities the opportunity to enter into an Enterprise Agreement with the Board of Regents that will provide increased autonomy in the form of further relief from mandates, regulations, and duplicative oversight. The contract between the university and the Chancellor will require approval from the Board of Regents and will ensure stability between each party for a period of 10 years.

Based on institutions ability to reach prescribed benchmarks, universities can receive two levels of mandate relief. At each level, as a part of the Enterprise Agreements, universities will invest a portion of their State Share of Instruction (SSI). For illustrative purposes, one proposal would call for this investment to be made into the Preeminent Scholars Award Foundation, however, the Board of Regents looks forward to working with the Ohio General Assembly and the Governor’s office to explore a variety of options to ensure the maximum benefit for Ohio and its economy.

In return universities will receive higher levels of autonomy from the state that will enable them to truly become entrepreneurial enterprises with the ability to create new innovative revenue streams. While the state would never consider severing ties with one of its public universities, this new autonomy calls for less reliance on state dollars.
Ohio’s universities will all have the opportunity to become Enterprise Universities.

**Additional Mandate Relief for Enterprise Universities:**

- Eliminate the need for the Controlling Board to approve the release of capital appropriations for appropriated funds; unallocated improvements would still need to go before the controlling board
- Eliminate Local Administration competence certification program
- Allow universities to self-insure
- Permit university hospitals to self-insure
- Explicitly provide that the sale of university real property requires only the approval of the Board of Trustees and the Chancellor (Remove General Assembly approval)
- Eliminate the requirement that expenditure of funds for the purchase of university real property receive approval from the Controlling Board (Chancellor approval still required)
- Explicitly provide authority to the Board of Trustees to purchase, sell, lease, and grant easements for university land without DAS oversight or restrictions
- Can differentiate cost of tuition based on cost of academic program
- Increase the bid limits for RFPs up from the current $49,000 threshold to $500,000
- Allow universities to settle smaller claims against the University without approval from the Attorney General; up to $200,000

**How institutions can qualify to enter into an Enterprise University or International Enterprise University Agreement**

Universities that can immediately achieve 7 of 9 benchmarks and agree to invest an agreed portion of their SSI can enter into an agreement to become an International Enterprise University with the state. These agreements would also require universities to sustain maintenance of effort that could include raising benchmark standards.

For universities that are not able to meet 7 of 9 benchmarks for International Enterprise University Status, there will be an opportunity to enter into an Enterprise University Agreement. Recognizing the unique missions of our state institutions, an alternative path will create the option for universities to develop aspirational objectives based on the prescribed benchmarks that will be designed to fit that university's unique mission. These agreements would require the development of aspirational benchmarks for each university to be approved by the Chancellor and will still require a university to invest an agreed portion of their SSI.
### Benchmarks to Earn “International Enterprise University” Status

*Universities must meet 7 of 9 benchmarks.*

<table>
<thead>
<tr>
<th></th>
<th>Benchmark</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Unallocated net assets of 30% of total operating expenses</td>
</tr>
<tr>
<td>2</td>
<td>5-year graduation rate of 75%</td>
</tr>
<tr>
<td>3</td>
<td>1st to 2nd Year Retention Rate of 85%</td>
</tr>
<tr>
<td>4</td>
<td>Endowment of 30% of total operating expenses</td>
</tr>
<tr>
<td>5</td>
<td>Research Expenditures of $250,000,000 or more</td>
</tr>
<tr>
<td>6</td>
<td>STEM Degree Percentage of 20%</td>
</tr>
<tr>
<td>7</td>
<td>Affordability Measured as a Percentage of Consumer Price Index (CPI) – Bonus for institutions who lower tuition</td>
</tr>
<tr>
<td>8</td>
<td>20% of FTEs Participating in intern/co-op programs</td>
</tr>
<tr>
<td>9</td>
<td>Direct Articulation Partnership w/ Community Colleges</td>
</tr>
</tbody>
</table>

**International Enterprise Universities**

will receive the highest level of autonomy.

### Additional Mandate Relief for International Enterprise Universities:

- Examine the following state laws:
  - Chapter 119 the Administrative Procedures Act
  - Chapter 123 the Public Works Law
  - Chapter 125 Purchasing
  - Chapter 126 OBM regulations
  - Chapter 153 Public Improvement Law
- All mandate relief equal to Enterprise Universities
- Eliminate requirement for universities to receive approval from the Controlling Board
- Provide Institutions with a waiver on debt related to student housing or a portion thereof
- Remove the requirement that the Chancellor must approve issuances of obligation
- Eliminate requirement that the Board of Regents approve the pledge of fees for paying debt service on general receipt bonds
- Explicitly provide that the sale of university real property requires only the approval of the Board of Trustees (Remove Chancellor & General Assembly)
- Eliminate the requirement that expenditure of funds for the purchase of university real property receive approval from the Controlling Board and the Chancellor
- Increase the bid limits for RFPs up from the current $49,000 threshold to $1,000,000
- Allow universities to settle smaller claims against the University without approval from the Attorney General; up to $300,000
In January 2003, then-Governor Bill Owen convened the Blue Ribbon Panel on Higher Education for the 21st Century to propose reforms for Colorado’s system of higher education and to make recommendations to the state’s general assembly. That panel recommended a system whereby “students’ purchasing power would ultimately determine the future viability of institutions” and that those institutions would in turn “operate under more of an entrepreneurial model.” (Governor’s Blue Ribbon Panel on Higher Education for the 21st Century, pg. 20)

Acting on those recommendations, the Colorado General Assembly passed legislation creating an enterprise university system for their state. Central to the panel’s recommendation and the subsequent legislation was the establishment of Colorado’s College Opportunity Fund (COF).

Rather than directly fund the state’s higher education institutions directly through the state share of instruction (SSI), these monies are now directed to COF in order to fund student-based stipends to fully cover or at least help defer the cost of tuition. The aim of COF was to shift power within higher education from institutions to the students; introduce competition into the state’s higher education to enhance the quality for both students and institutions; increase access by lower-income students; and to allow for greater flexibility by institutions.
as they work to respond to more market-driven forces. (Governor’s Blue Ribbon Panel on Higher Education for the 21st Century, pg. 20)

Another aim of the reforms and COF was to exempt higher education from the 1992 Taxpayers Bill of Rights (TABOR) amendment to the Colorado Constitution. TABOR had the effect of dramatically limiting state resources during the economic downturn of the early 2000s which in turn affected higher education funding in Colorado. Furthermore, because tuition was subject to TABOR’s revenue increase limitations, institutions of higher education in Colorado were limited in compensating for SSI shortfall through tuition increases. Yet another aspect of TABOR which negatively impacted Colorado higher education was the “ratchet effect” which shifted the state’s base budget downward as revenues declined.

With the loss of direct SSI subsidies, Colorado’s community colleges and universities received less than 10% of their funding from the state and were thus classified as “enterprises” exempt from TABOR’s restrictions.

Even though TABOR exempts state higher education institutions from restrictions and classifies them as enterprises, Colorado continues to have ownership over their institutions of higher education. Furthermore the state does enter into fee-for-service contracts with each institution to pay for specific state needs not covered by the stipend. While these institutions have greater autonomy and deregulation the Colorado Commission on Higher Education (CCHE) negotiates performance contracts with each school to ensure there is still accountability.

**Colorado’s reforms to higher education have had mixed results.**

The individually negotiated performance contracts do appear to have incentivized Colorado schools to some degree. As the Western Interstate Commission for Higher Education (WICHE) points out, “[T]he process of negotiating the performance contracts necessitated strategic thinking within institutions that may not have occurred in the same way in their absence.” (An Evaluation of Colorado’s College Opportunity Fund and Related Policies, pg. 29) However, WICHE goes on to find that “the performance contracts appear to have had virtually no influence on institutional behaviors otherwise.” (An Evaluation of Colorado’s College Opportunity Fund and Related Policies, pg. 29) The greatest contributor to this was the lack of provisions to reward or punish institutions based on their performance contract obligations. As one participant in the WICHE study put it, “They [the performance contracts] have no teeth.” (An Evaluation of Colorado’s College Opportunity Fund and Related Policies, pg. 29)
In February 2005, the Virginia General Assembly passed and then-Governor Mark Warner signed into law the bipartisan Restructured Higher Education Financial & Administrative Operations Act. The law was the convergence of Governor Warner’s higher education agenda and the desire by the University of Virginia, Virginia Tech, and the College of William & Mary to become charter universities.

The Restructuring Act has been described as a tradeoff of sorts. Virginia’s institutions of higher education have been granted more autonomy which is coupled and preceded by “a public agenda with clear, measurable, and unambiguous accountability for meeting the state’s needs.” (Checks & Balances at Work: The Restructuring of Virginia’s Public Higher Education System, pg. 19)

Governor Warner, describing this tradeoff, remarked, “In the effort to provide colleges and universities with more predictability and flexibility, we have worked to ensure that Virginians see tangible benefits, like improved access, affordability, and quality.”

The predictability and flexibility granted to Virginia’s community colleges and universities is granted at three levels of autonomy.

**Level I Autonomy is the basic baseline autonomy granted to all institutions and allows:**

- To dispose of surplus materials locally
- To contract with a local building official for inspections and certifications required by the Uniform Statewide Building Code
- To acquire easements
- To enter into an operating/income lease or capital lease
- To convey easements
- To sell surplus real property valued at less than $5 million
- To procure goods, services, and construction from a vendor that the institution has certified as a small, women-, and minority-owned business enterprise
- To be exempt from the state’s review of budget requests for information technology
- To establish policies for designating positions as administrative and professional faculty, which will be exempt from the Virginia Personnel Act
- To be exempt from reporting purchases to the secretary of education, provided all purchases are placed through the electronic procurement system
- To use fixed-price, design-build, or construction management contracts in procurement
- Colleges that already operate under a capital outlay memorandum of understanding may enter into a construction project without prior state review.

(Checks & Balances at Work: The Restructuring of Virginia’s Public Higher Education System, pg. 27-28)
The Enterprise University Mandate Relief Package IN DETAIL
Board of Trustees

- **Allow the Board of Trustees to determine the length of term for Board officers**
  Currently, by statute, board officers can only serve a 1-year term but can be elected to the same position in every year they remain a member of the Board. This would allow boards to develop their own terms for their own officers.

- **Allow for meetings with internal auditors in executive session**
  There is not currently a direct provision to allow Boards of Trustees to meet with internal auditors. It is important for fiduciary bodies to have honest, unfiltered information about their fiscal standing.

- **Ability to set different tuition and fees for space and facility reasons**
  This provision would allow universities to lower tuition during non-peak (post-4p.m., Fridays, Saturdays, etc) hours to work on maximizing the use of campus facilities.

Construction

- **Exempt university capital laws from state construction procurement requirements**
  This change would deal directly with reducing the amount of trips universities must take to the Controlling Board for approval of use of funds already approved by the General Assembly.

- **Eliminate Escrow/Retainage requirements on construction projects**
  This is a protection for universities against contractors; this would allow universities to opt out of this protection.

- **Eliminate the required oversight by the Ohio Arts Council for University Percent for Arts Program projects.**
  For projects over $4 million, 1% of the total cost must be spent on art and currently the Ohio Arts Council coordinates this for universities. This change would still require universities to spend 1% of projects over $4 million on art, however, the universities would be free to purchase art of their choosing without oversight of the Ohio Arts Council.

Employment

- **Allow universities to mandate electronic paycheck deposit (Direct Deposit) for all employees**
  Would remove current grandfather clauses for employees who refuse to move to direct deposit. Would still allow for religious exemptions.

General/Administrative

- **Eliminate enrollment limits**
  Currently, the historic 4 corners universities and Ohio State have their enrollment capped by state statute. Bowling Green and Miami are each capped at 16,000 students, Kent State and Ohio University are capped at 21,000, and Ohio State is capped at 41,000 students. These limits were enacted in 1969 as the state’s municipal universities (Akron, Cleveland, Cincinnati, Wright State, Toledo, and Youngstown) moved under the umbrella of the state. The limits successfully ensured growth of enrollment at the municipal universities, but now
that the former municipal universities have grown even or beyond the size of the limited schools, it is time to remove these limits and allow universities to expand to the capacity set by the individual Board of Trustees.

**MANDATE RELIEF**

**For Enterprise Universities**

**Construction**

- Eliminate the need for Board of Regents and Controlling Board approval for release of capital appropriations
  
  This would eliminate duplicative legislative oversight. Once the General Assembly has allocated funds for a specific project, unless the scope of the project has change there should be no need for another level of legislative approval. Universities officials would still need approval from their Board of Trustees.

- Allow universities to self-insure for workers compensation
  
  This provision would allow for the Bureau of Workers Compensation to develop standards under which universities could self-insure bringing them in line with options available for the private sector.

- Allow university hospitals to self-insure for workers compensation
  
  See above.

- Explicitly provide authority for universities to purchase, sell, lease, and grant easements for university owned land without Department of Administrative Services (DAS) oversight and restrictions
  
  Bring universities on par with the Ohio Department of Transportation in this regard.

- Eliminate requirement that expenditure of funds for the purchase of university real property receive approval from the Board of Regents and the Controlling Board.
  
  Similar to above, a fiduciary body should be trusted with the ability to purchase land for use by the university. The Chancellor would still be required to approve and purchase.

- Review antiquated statutes requiring the preparation of numerous reports to the State of Ohio to determine if they are still used or needed

- Explicitly provide that the sale of university real property requires only approval of the Board of Trustees and does not require an act of the General Assembly.
  
  As a fiduciary body, the Board of Trustees should have the ability to make these financial decisions. The Chancellor would still have to approve of any sale.
• Remove oversight of the Controlling Board for nearly all functions of Int’l Enterprise Universities.
Replace with yearly report summarizing spending/savings on traditional controlling board items.

• Remove the requirement that the Chancellor must approve issuances of obligation
Provides autonomy for individual Boards of Trustees. By meeting the standards to reach this level of mandate relief universities would already have met the standards the Chancellor uses to approve the issuances of obligation.

• Provide institutions with a waiver on debt related to student housing or a portion thereof.
This would apply to Senate Bill 6 ratios only.

• Eliminate the requirement that the Board of Regents approve the pledge of fees for paying student debt on general service receipt bonds.
Similar to issuances of obligation, universities who reach this level of mandate relief would already have met the standards to be approved.
State-by-State Appendices
Alabama

Purchasing Policies
According to the State of Alabama Bid Law, section 41-16-20, “all contracts for whatever nature for labor, services, work, or for the purchase or lease of materials, supplies, or other personal property, involving seven thousand five hundred dollars ($7500) or more, made by or on behalf of any state department, board, bureau, commission, committee, institution, corporation, authority, or office shall, except as otherwise provided in this article, be let by free and competitive bids, to the lowest responsible bidder”. As further clarified by the State of Alabama Attorney General; “when it is known or contemplated that the item purchases, involving $7500 or more will be made during the fiscal year, these items must be procured through competitive bid”.

Tuition/Fees (in regard to freeze or cap)
Pre-paid tuition students do have a cap on tuition and fees however the legislature is currently considering removal.

Governance: How are institutions governed by and accountable to the state?
The Alabama Commission for Higher Education does planning, budget recommendations, collects information, program review/ approval, but does not appropriate funds, approve construction projects, set tuition, hire/ fire personnel, set workloads, or recommend enrollment parameters.

Do institutions have different standing/autonomy? No.
Construction Policies
All facilities and other real property debt issuances must be approved by the University of Alaska Board of Regents. The reallocation of more than $250,000 in general revenue bond proceeds between components of a general revenue bond “project” shall be approved by the board. Lesser amounts may be approved by the chief finance officer or the officer’s designee.

Real Estate Policies
Policy applies to all real property owned by the university or in which the university has a substantial beneficial interest, except to university acquisitions of certain space leasehold interests that are administered in accordance with university regulation relating to procurement or to the development of educational facilities. Any third party use of such facilities is subject to this chapter.

Purchasing Policies
University may fulfill needs by procuring supplies produced or services performed by university departments or programs. When university-produced supplies or services are obtained from university departments, except as may be governed by other policies of the Board of Regents or university regulations, the private sector need not be solicited to compete.

Tuition/Fees (in regard to freeze or cap)
Tuition and student fees will be established to the extent practicable in accordance with the following objectives: (1) to provide for essential support to the university’s instructional programs; (2) to make higher education accessible to Alaskans who have the interest, dedication, and ability to learn; and (3) to maintain tuition and student fees at levels which are competitive with similarly situated programs of other western states. Tuition revenues will be used primarily to maintain and expand the educational opportunities provided to students, to preserve and improve the quality of existing programs and support services, to respond to enrollment trends, and to implement new programs.

Legal Policies/Relationship with Attorney General
University departments and officials may not contract for the services of legal counsel without the prior written approval of the university’s general counsel, or designee. Contracts for the services of legal counsel may incorporate clauses for adjustment in prices, time of performance, and total dollar amount.

Governance: How are institutions governed by and accountable to the state?
The University System of Alaska Board of Regents governs the state’s university system. Regents are appointed by the Governor and approved by the Alaska Legislature.

Do institutions have different standing/autonomy?
No.
Arizona

Construction Policies
Institutions have to go through the Arizona Board of Regents for construction project approval. The Arizona General Assembly appropriates funds for research infrastructure projects for each institution. The appropriations are dedicated through 2031. There are no limitations on the type of constructions techniques that can be used and the ABOR have the authority to delegate these responsibilities to institutions.

Real Estate Policies
The Board of Regents has authority over the buying; selling and leasing of real property. Individual institutions must seek and receive approval from the ABOR but the authority can be delegated to each institution.

Purchasing Policies
The ABOR establishes the rules for operation of individual institutions in regard to procurement policies.

Tuition/Fees (in regard to freeze or cap)
The Board of Regents has the authority to set tuition. Institutions who propose a tuition increase are required to hold a public hearing before it can be approved by the ABOR. There are certain statutory waivers for specific classes of people when tuition is increased. The state has a program equivalent to the Ohio Tuition Trust Authority.

Public Record/Sunshine Laws
Institutions have specific public records exemptions from the Arizona state public records and sunshine laws.

Legal Policies/Relationship with Attorney General
The Board of Regents has specific authority to hire attorneys without the permission of the attorney general.

Governance: How are institutions governed by and accountable to the state?
The Arizona Board of Regents has jurisdiction over the system but can delegate authority for operations to the institutions. The state also has a Commission on Postsecondary Education which is a planning Commission for higher education.

Do institutions have different standing/autonomy?
No.
Arkansas

Purchasing Policies
Institutions participate in the Texas-Arkansas Purchasing System (TAPS) - a consortium of popular national vendors who agree to provide strong purchasing power to public and private schools, colleges, universities, cities, counties and other government entities in Arkansas.

Tuition/Fees (in regard to freeze or cap)
No freeze or cap on tuition.

Credit Transfer Policies
The Arkansas Course Transfer System (ACTS) contains information about the transferability of courses within Arkansas public colleges and universities. Students are guaranteed the transfer of applicable credits and equitable treatment in the application of credits for admissions and degree requirements. Students may complete specified General Education courses anywhere in the public system as well as many courses in the degree/major that have been pre-identified for transfer. This system is designed to assist in planning from the high school level through the adult workforce.

Do institutions have different standing/autonomy?
No.

California

Tuition/Fees (in regard to freeze or cap)
No freeze or cap on tuition.

Legal Policies/Relationship with Attorney General
University of California System and Cal State System are not under legal counsel by the state AG. Cal State has to pay for legal from their existing resources. They are both allowed to pick their own legal counsel without approval of the AG.

Credit Transfer Policies
Assist.org and http://www.cpec.ca.gov/OnLineData/TransferPathway.asp are websites with transfer info.

Do institutions have different standing/autonomy?
California has three distinct systems that operate in a hierarchy with the University of California System the most selective, followed by the California State System, and final the Community College System. All California residents are guaranteed a spot in the Community College System at nearly no cost and those who earn an associate’s degree are guaranteed acceptance into either the Cal State or U of California System.
**Colorado**

**Construction Policies**
In 2009 flexibility was given to public institutions of higher education for all projects under $2m (and funded by cash funds) do not require approval of the Department of Higher Education, Capital Development Committee, or Joint Budget Committee. Currently it depends on the type of project and how it is funded for review.

**Purchasing Policies**
Universities were given flexibility in 2010 to create their own fiscal and procurement procedures. Purchases must still be reviewed, but now by an internal university controller. The Board of each institution was given the task of ensuring the appropriate and safe policies and procedures.

**Tuition/Fees (in regard to freeze or cap)**
Institutions had a nine percent cap in FY10-11 for undergrad resident tuition. No cap for graduate rates or non-resident tuition.

**Public Records Policies**
Colorado institutions must abide by state open records/sunshine laws. Boards are allowed to go into executive session for sensitive issues.

**Credit Transfer Policies**
Colorado has a guarantee transfer program for their public institutions of higher education.

**Do institutions have different standing/autonomy?**
No, however, all public institutions of higher education were restructured in 2003-2004 to receive increased autonomy in exchange for a steep reduction in state support.

---

**Connecticut**

**Construction Policies**
The University of Connecticut System received a high level of autonomy when compared to the other public institutions of higher education in Connecticut in regards to capital construction through the UCONN 2000 Infrastructure Improvement Act. The University of Connecticut has complete discretion in statute to construct and issue securities to fulfill the purposes of the act. Capital appropriations are set in law along with debt service obligation. The University is given corporate status under law, and is authorized to contract, construction, legal, financial and any other professional necessary to complete projects. The University is authorized to utilize multiple construction methods to complete any project. University projects remain subject to state audit.

Institutions under the Connecticut State University System also have an infrastructure improvement program detailed in law, however the rules regarding construction and purchasing of property are not the same. The Board of Trustees for the Connecticut State University System must act through state entities for the release of bonds, the right to acquire property and the right to enter into contracts.

**Real Estate Policies**
The University of Connecticut, through the UCONN 2000 project, has discretion to purchase and acquire land without additional approvals. The University of Connecticut can also lease property to public and private entities.

Connecticut State University Board of Trustees needs approval from the Governor and the Commissioner of Public Works to lease property in its control. Approval through the Department of Public works is required for the acquisition and sell of property.
Purchasing Policies
The Chief Executive Officer of the University of Connecticut and the Chief Executive Officer of the institutions in the Connecticut State University System have independent authority to purchase equipment, supplies, and contract for services. Any purchase under $10,000 does not need to be competitively bid. The statute encourages competitive bidding for all other purchases.

Tuition/Fees (in regard to freeze or cap)
The Board of Governors submits one comprehensive budget request to the General Assembly. The request must include request for raising tuition. Appropriations are made directly to institutions. Tuition can be raised by the appropriate Board of Trustees if the GA fails to appropriate requested funds. GA commits to minimum amount of funding to the University of Connecticut, no lower than previous year. Fee waivers for specific categories of individuals are detailed in statute and apply to all four Boards of Trustees.

Governance: How are institutions governed by and accountable to the state?
The Board of Governors has almost complete jurisdiction over the activities of Connecticut’s Boards of Trustees with the exception of the University of Connecticut. The other three Boards give accounting of their activities to the Board of Governor and must seek specific approvals from the Board or other state entities for the vast majority of their actions.

The University of Connecticut has wide jurisdiction over its activities and must report annually to the GA on the progress and status of the institution. The Board for Academic Awards also comes under the authority of the Board of Governors. Also known as the Charter Oaks College, the institution grants higher education credentials for alternative paths, such as independent study, work experience and other non-collegiate activities.

In addition to the Board of Governors, Connecticut has a higher education coordinating council whose mission is to establish ways for maximizing savings through streamlined administrative functions. The Council consists of the Chairmen of all Boards of Trustees, CEO of the institutions, the Commissioner of Higher Education and the Secretary of Policy and Management.

Do institutions have different standing/autonomy?
The University of Connecticut, through the UCONN 2000 project, is set up as an independent corporate body of the state with its own seal and the right to sue and be sued. The University is freed of a vast majority of state approval processes with the Board of Governors. It appears that other state laws, i.e. public records, workers comp, continue to apply to the institution.

The institutions in the Connecticut State University System have no independent autonomy.

———

Delaware

Governance: How are institutions governed by and accountable to the state?
Delaware Higher Education office is neither a coordinating nor a governing board. It is instead a part of the Delaware Department of Education. Main functions are administration of state financial aid programs and the office serves as serve as the state’s clearinghouse for postsecondary data and research. Because of this, the institutions of higher education are governed under many of the same statutes as K-12 educational institutions.
Florida

Construction Policies
Institutions are authorized to use a variety of constructions methods, including single prime, design build, construction manager, etc. In code, the Florida Board of Governors is responsible for administering the capital outlay for all public universities. Construction plans originate at the Board of Trustees for the university. The Board of Governors must, however, approve construction document which authorizes the beginning of a construction project.

Real Estate Policies
The Board of Governors has the authority to develop guidelines for the acquisition of real and personal property and requirements appraisals for potential purchases. The Board of Governors has the authority to sell property in consultation with the Internal Improvement Board of Trustees.

Purchasing Policies
The Florida Board of Governors develops the rules for purchasing for all universities. Universities can offer alternative purchasing methods that must be approved by the Board of Governors.

Tuition/Fees (in regard to freeze or cap)
A base tuition rate is set in statute and rises yearly with inflation and the Board of Governors also has authority to set differential tuition rates for undergraduate courses. Five percent of in-state and out-of-state tuition revenue can be used for financial aid for students and the Florida Board of Governors sets criteria for awarding financial aid. The Board of Governor’s can authorize the creation of a new student fee but there are statewide fee exemptions for certain categories of people. Florida law also provides for waivers of student fees for certain classification of individuals.

Legal Policies/Relationship with Attorney General
Florida universities have the authority to hire private counsel without the consent of the Attorney General.

Employment policies
The Florida Board of Governors creates the personnel system for all university employees. The Florida Department of administrative services also retains some jurisdiction over university employees. Faculty has minimum teaching contact hours. The salary for university Presidents is limited to $225,000 annually of public funds but institutions can pay more using funds from other sources.

Governance: How are institutions governed by and accountable to the state?
The Florida Board of Governors oversight of Florida universities. The Governing Board and each university board of trustees are considered part of the Executive Branch of government. The Governing Board has authority over, programs, property, personnel, budgets, tuition, construction, and setting guidelines for trustees.

Other governance structures include, The Higher Education Coordinating Council made up of the Commissioner of Education, Chancellor of the State University System, Executive Director of the Commission of Independent Colleges, and the President of Independent Colleges. The group is advisory to the General Assembly and is responsible for making recommendation for a seamless p-20 system, ensuring consistent policy across Florida education, statewide articulation and transfer, and inclusive access to education.

Credit Transfer Policies
Florida has statewide transfer and articulation policies. A statewide course numbering system is also in place. The State Board of Education and the Board of Governors have statewide articulation agreements. The core curriculum at the university, community college and k-12 are matched to reduce remediation.

Do institutions have different standing/autonomy?
The New College of Florida is a separate institution and is set up as the state’s honors Liberal Arts College. It is also under the jurisdiction of the Florida Board of Governors.
Georgia

Construction Policies
The Georgia Board of Regents has authority under law to administer the property of each institution in the system. The Regents can use the property of an institution for the benefit of another institution in the system. The Regents approve the construction project requests for each institution in the system. There is an office within the University System of Georgia specifically designed to assist institutions with real estate transactions, lease purchase, construction. There is a separate entity called the Georgia Education Authority that has the power to issue bond acquire property for educational use, has its own seal, accept more from any source, hire construction professionals. The Georgia Board of Regents has the authority to enter into contracts with the authority for the leasing remodeling and construction of higher education facilities. Institutions must still go through the Regents for construction approval. There is also a Georgia Higher Education Facilities Authority with similar powers of the Education Authority.

Real Estate Policies
All administration of real estate issues are handled through the Georgia Board of Regents. The local institutions make recommendations to do certain transactions which go through a committee of the Regents and the committee makes recommendations to the full board. The sale and leasing of buildings are subject to the approval of the Governor.

Purchasing Policies
Centralized purchasing for all institutions within the University System of Georgia is handled through the Office of Procurement within the University System of Georgia.

Tuition/Fees (in regard to freeze or cap)
The Board of Regents sets the tuition rates for institutions within the University System of Georgia. The Regents have developed a “finish in four” model at the University of Georgia and Georgia Tech. The guarantees a flat tuition rate based upon 15 semester hours for students taking more than six semester hours. The goal is to incentivize students to finish their education in four years. Differential rates can be charged for distance learning courses and corporate training courses and nationally completive graduate and professional programs. Fee can be waived under some circumstances.

Legal Policies/Relationship with Attorney General
Attorneys can be hired without the consent of the Attorney General.

Governance: How institutions are governed by and accountable to the state?
The Georgia Board of Regents has complete jurisdiction over the University System of Georgia. All policies of the system are generated by the Board of Regents and must be followed by the institutions.

Credit Transfer Policies
Statewide transfer policy for a Core curriculum of lower level courses. Any student completing a core curriculum can transfer the course to any institution in the USG.

Do institutions have different standing/autonomy?
No.
**Hawaii**

**Construction Policies**
The Hawaii Board of Regents has exclusive control over the day to day management of the University of Hawaii and the other branch campuses that make up the University of Hawaii system. This authority includes the power to approve construction projects at the various institutions.

**Real Estate Policies**
The University of Hawaii Board of Regents have the authority to acquire, sell, lease, operate and otherwise dispose of property for the benefit of the University and its branches.

**Purchasing Policies**
The University of Hawaii with very few exceptions is exempt from state procurement laws. The Board of Regents has authority to create procurement standards.

**Tuition/Fees** (in regard to freeze or cap)
The Board of Regents for the University of Hawaii is responsible for setting tuition and there is currently no freeze or cap imposed by the legislature.

**Governance: How institutions are governed by and accountable to the state?**
The Board of Trustees of the University of Hawaii System has exclusive over the operation of the public higher education institutions in the state. Board is recommended by the Regents Candidate Advisory Council, appointed by the Governor, and then confirmed by the legislature.

**Do institutions have different standing/autonomy?**
No.

---

**Idaho**

**Construction Policies**
The State Board of Higher Education is responsible for approving all plans and specifications for construction and other building renovations.

**Real Estate Policies**
The trustees of each institution have the authority to acquire property with the approval of the department of administrative services. The University of Idaho is exempt from this provision.

**Tuition/Fees** (in regard to freeze or cap)
The State Board is responsible for the setting of tuition and fees. There is no cap or freeze imposed by the legislature.

**Governance: How institutions are governed by and accountable to the state?**
The State Board of Education sets higher education policy. The Board delegates the day to day operations to institution board of trustees. Most higher education policies are subject to approval of the board.

**Do institutions have different standing/autonomy?**
The only difference from institution to institution appears to be the real estate exemption for the University of Idaho detailed above.
Illinois

Construction Policies
The Board of Higher Education in Illinois has the responsibility of preparing a master plan for the development, expansion, coordination and efficient utilization of facilities. The Board prepares capital plans and submits them to the Illinois Commission on Government Forecasting and Accountability which is a commission made up of members of the general assembly.

Real Estate Policies
Boards of Trustees have the authority to acquire real property, the University of Illinois have the power of eminent domain, and the Boards of Trustees may lease property for research purposes. Leases must be approved by the Board of Higher Education. Boards of Trustees may borrow money in anticipation of tuition. The borrowing of money must be approved by the State Comptroller.

Purchasing Policies
Universities are governed by detailed rules and regulations regarding procurement. Each institution has a state procurement officer which is recommended by the President of the institution and approved by the State's Chief procurement officers. There are provisions for “small purchases in distinct categories which are not required to follow a formal bidding process.

Tuition/Fees (in regard to freeze or cap)
The Boards of Trustees have the authority to set tuition. The Board of Higher Education makes a report to the General Assembly on the tuition that is assessed and the waivers that have been offered by institutions. State law has mandatory and discretionary fee waivers. The University of Illinois guarantees its four year tuition rates per incoming freshman class. The guarantee appears to have some restrictions and students are required to maintain their major to ensure the guarantee for four years.

Legal Policies/Relationship with Attorney General
Institutions have authority to hire counsel without the consent of the attorney. The Office of University Counsel makes determinations on when outside counsel will be necessary.

Governance: How institutions are governed by and accountable to the state?
The Board of Higher Education is the Coordinating authority for the Higher Education system. The Board submits budget requests on behalf of the institutions and has independent authority to approve new programs and institutional expansion. The Boards of trustees at the institution level have authority over the day to operations of the campuses but are limited in authority in many instances by state authority.

Credit Transfer Policies
Illinois has a statewide transfer initiative with over 100 public and private colleges participating.

Do institutions have different standing/autonomy?
The University of Illinois has special status as it relates to their ability to acquire property adjacent to the university. The institution has the power of eminent domain.
Indiana

Construction Policies
Construction projects for higher education are approved by the Indiana General Assembly. Trustees at the various higher education institutions submit authorized plans to the Commission on Higher Education for review. For authorized construction projects, university Boards of Trustees manage the day to day operations of the construction projects and are authorized to hire the professionals necessary to complete construction projects. There are no limitations on the type of construction available to institutions. The Commission on Higher Education has the authority to develop a long range master plan for the state.

Real Estate Policies
Boards of Trustees of Indiana's higher education institutions have authority to dispose of or acquire real property on behalf of the institution. The ability to acquire property includes the power of eminent domain.

Tuition/Fees (in regard to freeze or cap)
The Boards of Trustees of each institution has the authority to set tuition and fees. The institution must have a public hearing and cannot institute the tuition change unless the General Assembly withholds or reduces the institutions appropriation. The Commission on Higher Education is charged with setting non-binding tuition targets for institutions.

Governance: How institutions are governed by and accountable to the state?
The Indiana Commission on Higher Education, the state's coordinating board, has authority to make recommendations to the GA regarding institutions budgets and has the authority to create a state wide master plan but has no authority over the day to day operation of institutions. Individual Boards of Trustees are accountability to the state, primarily the Governor and the GA for many of their responsibilities i.e. construction.

Do institutions have different standing/autonomy?
No.
Iowa

Real Estate Policies
Nearly all real estate transactions must be approved by the Iowa Board of Regents.

Purchasing Policies
Iowa Board of Regents sets the policies for procurement procedures; the Board does delegate purchasing power to institutions except for capital improvements, fire protection, legal services, and engineers.

Tuition/Fees (in regard to freeze or cap)
Iowa law requires the Regents to adopt a policy for establishment of tuition rates that provide some predictability for assessing and anticipating changes. Universities can propose tuition hikes but the Regents must approve the proposal.

Governance: How institutions are governed by and accountable to the state?
The Iowa Board of Regents was created in 1909 and is comprised of 9 citizen volunteers; of these one must be full-time undergrad or graduate student. Iowa BOR are required by statute to meet 4 times per year to make recommendations on policy for institutions.

Do institutions have different standing/autonomy?
No.

Kansas

Construction Policies
All capital projects over $750,000 must be approved by the Board of Regents and the building committee. Multiple types of funding may be used including tuition dollars, but increased oversight, including legislative approval, are required for certain types of funding.

Real Estate Policies
The purchase or sale of real property requires the approval of the Board of Regents. Sale of real property also requires the approval of the legislature. Kansas has specific rules regarding the lease of land for oil, gas, and mineral rights. Leases may not be more than 10 years.

Purchasing Policies
Institutions are to follow a set of 4 principles; Focus on the stewardship of public dollars, Advance and support the mission of the institution, promote a competitive and fair procurement environment, and are open and transparent in accordance with Kansas Open Records Laws. The Board of Regents provides 7 guidelines for institutions and requires them to develop their own plan around those 7 guidelines.

Tuition/Fees (in regard to freeze or cap)
The Board of Regents has recommended a continued tuition freeze for Kansas institutions.

Governance: How institutions are governed by and accountable to the state?
The Kansas Board of Regents acts as a governing board for the institutions of higher education and there is a unified budget for all institutions controlled by the Board of Regents.

Do institutions have different standing/autonomy?
No.
**Kentucky**

**Real Estate Policies**
Boards of Trustees have the authority to purchase real property and sell real property with the approval of the Finance and Administration Cabinet, an arm of state government. The University of Kentucky has the power of eminent domain.

**Tuition/Fees** (in regard to freeze or cap)
The Kentucky Council on Postsecondary has the authority to determine tuition and set admission standards.

**Governance: How institutions are governed by and accountable to the state?**
The Kentucky Council on Higher Education has Board authority over vast majority of the higher education responsibilities in the state including: setting the strategic direction for higher education, setting tuition, approving construction plans, establish credit transfer systems, advocating for state budget appropriations, etc.

**Credit Transfer Policies**
The Council is charged with assuring that there are seamless transfer and articulation policies throughout the system.

**Do institutions have different standing/autonomy?**
Regional state universities are governed by a single Board of Regents which have operational and degree conference authority over their perspective institutions. The University of Kentucky and the University of Louisville have Boards of Trustees which have final authority over the operations of their institutions, subject to the authority of the Kentucky Council on Postsecondary institutions.

---

**Louisiana**

**Construction Policies**
Higher education institutions must annually submit to the Board of Regents a request for capital outlay which includes detailed construction request. The Board of Regents compiles the requests, makes priority decisions, and submits them to the Division of Administration which is part of the Executive Branch of Louisiana's Government.

The requests are then sent to a Joint Committee of the legislature for approval. Projects that are financed by an appropriation of the General Assembly are usually administered by the facility planning and control commission, which is part of the Division of Administration. Projects under $5,000,000 and not financed with state money can be administered locally with the approval of the BOR, the Division of Administration, and the Joint Committee on the Budget in the legislature. No debt can be incurred on these projects. Small Capital projects of $350,000 or less may be delegated to management boards with the approval of the BOR.

**Real Estate Policies**
The Louisiana Constitution establishes four management boards which have the responsibility to run the day to day operations of the institutions under their jurisdiction. The authority conferred to the management boards include the power to acquire land, lease and sell property.

**Purchasing Policies**
Louisiana has a state central purchasing agency. Purchases are controlled at each institution and must follow competitive bidding standards. Each institution must have a director of purchasing that must be a deputy of the Central purchasing agency.
Tuition/Fees (in regard to freeze or cap)
Louisiana law puts caps on how much tuition can be raised each year. Any increase over the statutory amount must be approved by the Joint Committee on Budgets.

Governance: How institutions are governed by and accountable to the state?
The Louisiana Constitution establishes four management boards which have the responsibility to run the day to day operations of the institutions under their jurisdiction.

Credit Transfer Policies
The Board of Regents, through statute, was charged with coming up with a common sense course numbering system and statewide transfer and articulation policy. These systems are now in place.

Do institutions have different standing/autonomy?
No.

Maine

Construction Policies
The General Assembly, State Board of Education, and the trustees of the University of Maine system must approve construction policies.

Real Estate Policies
The Board of Trustees of the University of Maine System and the GA approve the acquisition, sale and lease of property.

Tuition/Fees (in regard to freeze or cap)
The Board of Trustees for the University of Maine system is responsible for setting tuition.

Governance: How institutions are governed by and accountable to the state?
The Maine Board of Trustees has complete discretion over the governance of Maine’s institutions of higher education with oversight by the Department of Education.

Do institutions have different standing/autonomy?
No.
Maryland

Construction Policies
The Maryland Board of Public Works, comprised of the Governor, the Comptroller, and the Treasurer, review and approve capital projects, procurement contracts, and the acquisition, use, and transfer of State assets.

Real Estate Policies
The Board of Regents may acquire, hold, lease, use, encumber, purchase, sell, transfer, exchange, or Otherwise dispose of real property on behalf of the University System of Maryland and any of its Institutions.

Purchasing Policies
The Procurement Office has Sole Source approval on contracts up to $100k. $100k up to $500k must be additionally approved by approved by the Vice president for Administrative Affairs; Sole Source contracts over $500,000 must receive prior approval of the University System of Maryland Vice Chancellor of Administration and Finance; Capital improvement and service contracts exceeding $500,000 and modifications in excess of $500,000 to such contracts shall be submitted to the Board of Public Works for approval. Prior approval must be received from the USM Board of Regents consistent with current BOR policy and procedure for any procurement exceeding five million dollars. Only the Procurement Officer, or other duly authorized representative, may enter into a contract on behalf of the institution.

Tuition/Fees (in regard to freeze or cap)
For the past four years, all other public higher education institutions have been provided state funds so that tuition could be frozen or rise moderately except for St. Mary’s College.

Governance: How institutions are governed by and accountable to the state?
St. Mary’s, although a state-operated institution, is independent of the University System of Maryland; it opted out of the system in 1992. It is publicly funded and administered by an independent Board of Trustees. In 1992 House Bill 1327 granted St. Mary’s College of Maryland and its Board of Trustees autonomy over its personnel, procurement, and budget, along with an assurance of a stable and predictable level of state support. In order to establish a predictable level of funding, the Governor includes a general fund grant to the College in the annual budget submission. Each year, the proposed grant is equal to that of the prior year augmented by funds required to offset inflation as indicated by the Implicit Price Deflator for State and Local Government. Title 12 under Education in Maryland’s Annotated Code clearly indicates that the University System of Maryland is a separate entity governed by its Board of Regents and receives its own funding from the state. Title 14 states that St. Mary’s Board of Trustees shall prepare and implement both a capital and operating budget for the management of the College. The College supports all operating costs, including personnel and retirement costs, from its General Fund grant and the other revenue sources of the College. In recent years, the implicit price deflator has provided an increase to the College’s appropriation that has ranged between two and four percent. The State appropriation provides approximately 27% of the operating budget for the College. The State appropriation, while increasing in dollar terms by 19% over the past ten years, continues to drop steadily in its relative share of the College’s budget. This drop requires the College to seek additional revenues from other sources, such as tuition and fees, auxiliary enterprises, grants, and gifts.
Massachusetts

Construction Policies
In 2004, the Design Build delivery method was authorized as an option to be used for public works construction, reconstruction, alteration, remodeling, or repair projects estimated to cost $5 million or more. Certain state entities must submit procedures to be reviewed. All others must submit an application to use the method to the Office of the Inspector General.

Tuition/Fees (in regard to freeze or cap)
No freeze or cap is currently in place.

Do institutions have different standing/autonomy?
The Massachusetts College of Art & Design has autonomy separate from the rest the state’s higher education institutions.

Michigan

Tuition/Fees (in regard to freeze or cap)
The governing boards of Michigan universities annually set tuition and fees; caps are negotiated on the increase/decrease of subsidy. For FY 2012, there is an $83 million in funding to be shared by universities that keep tuition and fee increases to 7.1 percent or less, this is known as a tuition restraint incentive.

Governance: How institutions are governed by and accountable to the state?
Each university is governed by a Controlling board - 8 members serve 8 year terms appointed by governor. These boards control all expenditures and state allocated funding.

Do institutions have different standing/autonomy?
Each university has separate autonomy and there is no system or state-wide governance.
Minnesota

Construction Policies
Minnesota has developed a hybrid approach that attempts to incorporate the best of both single and multiple prime contracting methods while overcoming their drawbacks. This hybrid approach was developed in response to perceived problems of bid-shopping and bid-pedaling on single prime jobs and lack of coordination and litigation on multiple prime jobs. The Minnesota model provides state authorities the coordination and management of a single prime contract, while retaining the superior bid competition of a multiple prime method. In addition, general and subcontractors avoid bid-shopping and bid-pedaling, while having the right to refuse work with particular contractors.

The Office of the Chancellor is responsible for oversight, and in some cases the direct management, of all facilities design and construction that takes place on campuses of the Minnesota State Colleges and Universities. Construction contracts are funded from a variety of sources, including but not limited to college and university operating budgets, gifts, grants, the Revenue Fund and other authorized accounts; the Higher Education Asset Preservation and Replacement (HEAPR) account; and individual capital projects.

Colleges and universities are authorized to enter into contracts for construction projects up to $250,000 that maximize the use of financial resources at each institution. Approval must be obtained from the vice chancellor or chief financial officer before incurring contractual obligations for projects in excess of $250,000 except as noted below.

Capital, HEAPR and major Revenue Fund projects may be delegated to college and university presidents for execution of design and construction. In such cases, no further approval is required to enter into a contract or contracts that exceed $250,000.

Real Estate Policies
The Office of the Chancellor provides system-wide leadership of Minnesota State Colleges and Universities’ real estate and advises campuses on all real estate management issues including tactics and strategies used in acquiring and disposing of real estate, leasing, and negotiating easements and permits. The Office of the Chancellor also has responsibility for the system’s real estate inventory and mapping of real estate assets. Board Policy 6.7 delegates authority to the Chancellor to review and approve all real estate transactions and includes the authority to execute and deliver all documents relating to the acquisition of real property. The Board of Trustees approval shall be required for the acquisition of real estate when campus operating funds are used and the purchase price equals or exceeds $1,000,000 or 1% of the acquiring institution’s fiscal year operating budget.

Real estate to be acquired using bond proceeds will not require additional Board approval if it was explicitly identified in the capital budget approved by the Board. Board approval shall be required if the terms and conditions differ materially from those presented during the capital budget review and approval process. The Board of Trustees shall approve all sales of real estate valued at or greater than $250,000. Easement grants shall be approved by the Office of the Chancellor. All sales of real estate shall require Vice Chancellor-Chief Financial Officer signature of transaction documents or a delegation of authority from the Vice Chancellor-Chief Financial Officer to a MnSCU designee to sign such documents. The Vice Chancellor-Chief Financial Officer shall sign all deeds for the sale of real estate.

Purchasing Policies
State colleges and universities have authority to make purchases up to $100,000. Each college and university, in consultation with the Office of the
Mississippi

Real Estate Policies
The Mississippi Code of 1972, as amended, allows all institutions of higher learning governed by the Board of Trustees to purchase real property. However, only Alcorn State University, Mississippi State University, The University of Mississippi and The University of Southern Mississippi Gulf Coast Research Laboratory may sell land without seeking specific legislative approval. Alcorn State University, Mississippi State University, The University of Mississippi and The University of Southern Mississippi Gulf Coast Research Laboratory must still receive Board approval prior to selling real property. Delta State University, Jackson State University, Mississippi University for Women, Mississippi Valley State University and The University of Southern Mississippi must all receive specific Board and legislative approval to sell real property.

Tuition/Fees (in regard to freeze or cap)
Currently no fee or freeze is in place; however the state funds a much higher share of education than in most states and is working toward the state comprising 67% of each institutions operating budget. For every $1 paid in tuition, the state pays $1.07 to support a student’s education.

Governance: How institutions are governed by and accountable to the state?
The state supports a network of public universities and colleges including 32 institutions in the Minnesota State Colleges and Universities System and five major campuses of the University of Minnesota. The Minnesota State Colleges and Universities are governed by a 15-member Board of Trustees appointed by the governor. The Board has policy responsibility for system planning, academic programs, fiscal management, personnel, admissions requirements, tuition and fees, and rules and regulations.

Do institutions have different standing/autonomy?
No.
Missouri

**Construction Policies**
The Board of Curators for the University of Missouri and the governing boards of the other universities have the authority to approve construction projects.

**Real Estate Policies**
The governing Boards of Missouri’s universities have the authority to acquire and sell real estate, including the power of eminent domain.

**Purchasing Policies**
The state universities of Missouri have the authority to make purchases on their own behalf. Other higher education institutions in Missouri are required to follow state purchasing guidelines.

**Tuition/Fees (in regard to freeze and cap)**
Tuition policy is set by institutions. Tuition caps are in law. Institutions can be penalized if they go beyond tuition caps.

Do institutions have different standing/autonomy?
No.

Montana

**Construction Policies**
Construction at MT institutions is a collaborative process involving the Commissioner of Higher Education, university or college leadership and the Montana Department of Administration.

**Purchasing Policies**
Purchasing policies are administered by the Purchasing Bureau of the State Department of Administration.

Nebraska

**Governance: How are institutions governed by and accountable to the state?**
Institutions are held accountable to a coordinating board, but there are separate governing boards for the University of Nebraska, Nebraska State Colleges and each community college.

Do institutions have different standing/autonomy?
University of Nebraska has autonomy in the state constitution, and also has flexibility in tuition and enrollment management.
Nevada

Real Estate Policies
Nevada Revised Statute grants the Board of Regents of the Nevada System of Higher Education (NSHE) authority to acquire, dispose of, and lease real property on behalf of its Institutions. The Board of Regents, through its Investment Committee, directs all real property activities.

Purchasing Policies
All purchases of supplies, equipment, services and construction, except items related to capital construction, shall be handled administratively by the respective Business Center Purchasing Department after following established policies and procedures approved by the Board of Regents and in compliance with State and Federal Procurement regulations, the respective Business Center Administrative Manual and procedures established by the Chancellor.

New Hampshire

Purchasing Policies
Purchases must be done under a competitive bidding process. Purchases that are not done via competitive bidding or when the lowest bid is not chosen, the Chancellor must provide approval of the purchase.

Governance: How are institutions governed by and accountable to the state?
The University System Board of Trustees and the Chancellor oversees the institutions. Board selects its own President and Vice President and selects a President for each university.

Do institutions have different standing/autonomy?
No.
**New Jersey**

**Purchasing Policies**
The Commission examines and recommends to institutions of higher education opportunities for joint purchasing and other joint arrangements that would be advantageous to the institution; The State Board has approval of equipment purchase and allocation of funds, under the Higher Education Equipment Leasing Fund Act.

**Tuition/Fees** (in regard to freeze and cap)
Each institution’s governing board sets tuition and fees. However, prior to the date of the adoption of a tuition or fee schedule or an overall institutional budget, and with reasonable notice thereof, the governing board shall conduct a public hearing at such times and places as will provide those members of the college community who wish to testify with an opportunity to be heard. The state’s Appropriations Act included language limiting tuition and fee increases at the senior public colleges and universities.

**Governance: How are institutions governed by and accountable to the state?**
The New Jersey Commission on Higher Education, established by the Higher Education Restructuring Act of 1994, provides coordination, planning, policy development, and advocacy for the state’s higher education system.

**New Mexico**

**Construction Policies**
All capital projects must be approved by the board of educational finance and the state finance board.

**Tuition/Fees** (in regard to freeze and cap)
None.

**Governance: How are institutions governed by and accountable to the state?**
It appears that the Universities maintain more autonomy than most states. The Department of Higher Education has a Secretary who acts as an executive but no formal board. Exists as mainly and advisory board for Universities. Institutions are in the state constitution and governed from the constitution.

**Do institutions have different standing/autonomy?**
No.
New York

Construction Policies
The Trustees of the State University of New York approve the construction plans for the facilities in the State University of New York System. The Trustees are required to assist the members of the state university construction fund, which is incorporated as a public benefits corporation, in the acquisition, construction, renovation and rehab of higher education facilities. The Regents have authority to hire construction and other professionals to complete construction projects. The trustees of the City University of New York have the same authority for the city system. Each board must develop and approve master plans which include facilities. The Regents are required to submit a master plan which includes the CUNY plan. The Governor must approve the Master Plans.

Real Estate Policies
State University trustees have authority to acquire land, and other real estate. The trustees can also lease property and accept gifts to acquire property. The trustees of the City University of New York have the same authority. Local councils that run the day to day operations of the institutions must go through the State trustees to make real estate decisions.

Purchasing Policies
Purchases and contracts over $25,000 must be approved by the Comptroller. Competitive bidding practices must be followed with awards go to the lowest available price. Trustees of the City University of New York have the same authority.

Tuition/Fees (in regard to freeze and cap)
The Regents of the State University of New York has the responsibility to regulate tuition when fees are not specifically spelled out in law. The New York General Assembly sets tuition. Financial aim is centrally controlled by the higher education services corporation which has a board of trustees and submits to the GA a financial aid budget.

Governance: How are institutions governed by and accountable to the state?
The Regents govern the University System of New which consists of K-12 and higher education. The State University of New York is governed by a Board Trustees. The Trustees of the City University System of New York govern CUNY system. The General Assembly controls tuition. Local Councils run the day to day operations of the institutions. The State and City trustees approve the heads of the institutions. Construction is handled by the State University Construction fund. There is also an Advisory council on higher education which attempts to coordinate education across all of higher education. Representation includes K-12. All of these entities must make reports to the GA, and in many instances there policies must be approved by the Governor.
**North Carolina**

**Construction Policies**
The Board of Governors of the University of North Carolina (UNC) has the authority to administer all construction/capital improvement projects that are less than $2 million. A single prime system was adopted in 2001.

**Real Estate Policies**
Purchases must be in line with state provisions, unless less than 30% of funds come from general fund and tuition, or if more than 50% of the funds are from a contract or grant.

**Purchasing Policies**
Public institutions have an MOU with the North Carolina Department of Administration Division of Purchase and Contract. UNC may purchase from sources other than vendors on state contracts when the cost is less and the purchase value is within the institution's purchasing benchmark.

**Tuition/Fees** (in regards to freeze or cap)
A 6.5% cap has been in place since 2006.

**Governance: How are institutions governed by accountable to the state?**
All 17 public institutions are considered one university—the University of North Carolina (UNC). The UNC Board of Governors elects presidents.

**Do institutions have different standing/autonomy?**
The Board of Governors has the ability to designate “Special Responsibility Constituent Institutions.”

---

**North Dakota**

**Construction Policies**
Institutions must have authorization to solicit funds (including private funds) for all building projects, must receive authorization for any new construction or renovation, and must get approval of any change in scope of an existing project.

**Purchasing Policies**
Procurement must follow policies set by North Dakota University System. Universities do have discretion for purchases under $25,000.

**Tuition/Fees** (in regards to freeze or cap)
None.
Oklahoma

Construction Policies
Oklahoma institutions have the ability to plan and construct buildings, but those projects must be approved by the Long-Range Planning Commission. All construction projects require supervision and charge of an institution’s own regents. Oklahoma has single prime for design and construction.

Real Estate Policies
Each institution’s Board of Regents has a policy for purchasing and disposition of property.

Purchasing Policies
Each institution is responsible for developing a purchasing policy, but there are certain provisions that must be included in an institution’s purchasing policy, such as:

1. Policies should establish the authority for making purchases. To the extent that authority is delegated, limits of the specific individual authority granted and the required accountability should be delineated.

2. Policies should require purchasing processes that are based on competitive bids as defined in the State Regents’ Guidelines for Reporting of Sole Source Contracts. Policies, therefore, should clearly delineate between purchasing processes that are based on informal quotations and purchasing processes that are based on formal written specifications.

3. Policies should delineate the level of costs at which bids are required to be taken either by an informal bid process or by a formal bid process. Minimum dollar levels requiring bids should be established to optimize the Oklahoma State Regents for Higher Education 32 benefits of competition and should bear some reasonable relationship to the size and buying needs of the institution.

4. Policies should require that adequate documentation be maintained to substantiate that requirements of purchasing policies have been followed.

5. Policies should delineate those items or categories of items which are unauthorized or restricted for purchase.

6. Policies should provide that contracts of State Central Purchasing, contracts of other system institutions and contracts of institutional consortiums be used when an institution’s needs can be adequately and economically served.

7. Policies should permit purchases from a sole source only after reasonable efforts have been made to identify all possible sources. When purchases are made from a sole source, policies should require the requesting department to sign a sole source statement and provide in writing the reasons justifying the purchase from a sole source.

8. Policies should encourage continued professional development for staff with responsibilities for purchasing and encourage membership in professional purchasing associations and participation in the information networks available through such associations.

Tuition/Fees (in regards to freeze or caps)
Tuition and Fees is set by the State Regents, but tuition and fees cannot exceed legislative limits that are determined by the costs at peer institutions in other states. Tuition was frozen in 2009.

Public Record/Sunshine Laws
Institutions are subject to Oklahoma Public Records Request and open meetings, but if a quorum is not present, they can meet in secret.

Governance: How are institutions governed by and accountable to the state?
Oklahoma State Regents for Higher Education coordinates 2 research universities, 11 regional universities, and 12 community colleges. Each institution has their own Board of Regents, which governs them.
Oregon

Construction Policies
All projects must be brought to the Board of Higher Education. For projects whose total funding falls between $500,000 and $5 million, the board may give authority to the institution. Any other project must be approved by the board and sent to the legislature. The board maintains a Construction Related Services Retainer List to expedite projects at a fixed price.

Real Estate Policies
Institutions must maintain a long range campus development plan covering approved campus boundaries including real property that is not contiguous - any changes must be approved by the Chancellor. All purchases are in the name of The State of Oregon; The President of an Institution may approve purchase of property under $1,000,000 as long as conditions are met. Purchases over $1,000,000 must meet approval of Chancellor and Legislature. Sale or property appraised less than $1,000,000 may be done by an institution President; property appraised at more than $1,000,000 must meet approval of Board President and Secretary.

Governance: How are institutions governed by and accountable to the state?
Institutions are overseen by a 12 member Board of Higher Education. The board elects a President each fiscal year from among their members and also chooses a “Chief Executive” to be known as the Chancellor. The board is appointed by governor and includes 2 faculty and 2 student members in its composition.

Pennsylvania

Construction Policies
The Office of the Chancellor has delegated to each university the authority to undertake projects and execute contracts for projects. While universities follow policies and procedures developed by the Construction Support Office, they operate with a certain level of independence in the conduct of their projects.

Tuition/Fees (in regards to freeze or cap)
There is a flat rate among all 14 institutions in the system.

Governance: How are institutions governed by and accountable to the state?
A 20-member Board of Governors, comprised of four legislators, three students, the governor or a designee, the secretary of education or a designee and 11 citizens appointed by the governor, sets general policy for PASSHE. The Board of Governors has “… overall responsibility for planning and coordinating the development and operation of the System.” The board appoints the university presidents and the chancellor, who serves as the chief executive officer of PASSHE. The chancellor is responsible for the administration of PASSHE under the policies prescribed by the Board.
Rhode Island

Construction Policies
Capital improvement policy set by Board of Governors, but must follow all state guidelines.

Real Estate Policies
Real estate matters must be brought to Board of Governors from the various institutions. In some cases real estate transfers would have to be forwarded to State Properties Committee and/or the Attorney General.

Tuition/Fees (in regards to freeze or cap)
None.

Governance: How are institutions governed by and accountable to the state?
The institutions of higher education are overseen by the Board of Governors which is comprised of 15 members. 11 are from the public, 1 of which must be a student. All are appointed by the Governor. The last three members are head of Primary/Secondary Education and House and Senate finance chairs.

Do institutions have separate standing/autonomy?
No.

South Carolina

Construction Policies
All capital projects must be approved by SC Commission on Higher Education. The state has not issued capital improvement bonds since 2001.

Tuition/Fees (in regards to freeze or cap)
None.

Governance: How are institutions governed by and accountable to the state?
The Council on Higher Education serves as a coordinating board for the universities.

Do institutions have different standing/autonomy?
The University of South Carolina has its own system. The remainder are divided into 4 categories: Research (3), Teaching (10), 2-year (4), and Technical (16). All are overseen by the Council on Higher Education.
South Dakota

Construction Policies
Projects must undergo four distinct phases and must be approved by the Board of Regents before the next stage can begin.

Real Estate Policies
All real estate transactions must be approved by the Board of Regents. All information becomes public record once a decision is made by the Board.

Purchasing Policies
Items under $1,000 may be purchased with state procurement card. Items between $1,001 and $24,999 must get written quotes from 3 different sources and approval from the Office of Procurement Management. Items of $25,000 or more must be made through OPM.

Tuition/Fees (in regards to freeze or cap)
No cap or freeze at this time.

Governance: How are institutions governed by and accountable to the state?
The TN Board of Regents is comprised of 9 members appointed by the Governor and confirmed by Senate. All serve 6 year terms except for student members who serve 1 year. No two may reside in the same county and no more than 6 may be from the same party.

Do institutions have separate standing/autonomy?
No.

Tennessee

Construction Policies
Any expenditure or combination of separate expenditures in excess of $100,000, or any subsequent threshold established by the state building commission, made in any six-month period on a single building or structure owned or leased by a state institution of higher education or governing board of the institution shall be subject to the approval of the state building commission.

Real Estate Policies
Institutions are authorized and empowered to sell or convey any lot, plot or tract of land that has been acquired through purchase, gift, devise or by any other means.

Governance: How are institutions governed by and accountable to the state?
Tennessee has two higher education systems, one under the Board of Trustees of The University of Tennessee, the other under the Board of Regents. Coordination between the two systems is furnished by the Higher Education Commission for budgetary and capital outlay requests; state master plan for higher education; need and location of new higher education institutions; and approval of new academic and degree programs in both systems.

Do institutions have separate standing/autonomy?
Yes. The University of Tennessee has separate standing.
Construction Policies
The TPASS Contract Management Office (TCMO) assists state agencies, institutions of higher education, CO-OPs, contractors, and internal customers with day-to-day contract management, contract administration, reporting requirements and vendor performance issues related to statewide contracts. We encourage you to establish an active working relationship with the TCMO to ensure that our statewide contracts are giving you the best value.

The Coordinating Board does not have to approve construction, repair, or rehabilitation financed by bonds under two tuition revenue bonds except to determine if they meet the standards adopted by the Board for cost, efficiency, and space use.

Real Estate Policies
The governing board of a university system may establish a system-wide revenue financing program to provide funds to acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure at an institution, branch, or entity of the university system. The Coordinating Board does not have to approve real property financed by bonds under two Tuition Revenue Bonds except to determine if property meets standards adopted by board for cost, efficiency, and space use.

Governance: How are tuitions governed by and accountable to the state?
The Texas Higher Education Coordinating Board is an agency of the state. Functions vested in the governing boards of the respective institutions of higher education not specifically delegated to the coordinating board are performed by the governing boards. The coordinating functions and other duties delegated to the board apply to all public institutions of higher education.

Do institutions have different standing/autonomy?
Six state university systems and four independent public universities exist in Texas. The systems are University of Texas, Texas A&M, University of Houston, University of North Texas, Texas State, and Texas Tech. The University of Texas at Austin and Texas A&M University are flagship universities of the state of Texas. Both were established by the Texas Constitution and hold stakes in the Permanent University Fund. The state has been putting effort to expand the number of flagship universities by elevating some of its seven institutions designated as “emerging research universities.” The two that are expected to emerge first are the University of Houston and Texas Tech University, likely in that order according to the discussion on the House floor of the Texas Legislature. The independent public universities are Midwestern State University, Stephen F. Austin State University, Texas Southern University and Texas Woman’s University. “Independent” simply means that they are publicly funded yet not affiliated with a state public university system.
**Utah**

**Construction Policies**
State Board of Regents must approve all institutional requests for state capital funds above a certain dollar amount.

**Real Estate Policies**
State Board of Regents must approve all requests for property acquisition in excess of $100,000. Board of Trustees for individual campuses can engage in property purchase transactions below a certain amount depending on the institution.

**Tuition/Fees (in regard to freeze and cap)**
Tuition increases are done by uniform tiers that must be consistent with inflation and national and regional increases. Boards may request a higher rate to meet their specific needs.

**Do institutions have different standing/autonomy?**
No.

---

**Virginia**

**Construction Policies**
Restructured institutions have ability to enter into contracts for construction projects without the preliminary review and approval of the Department of General Services, but they still must be in compliance with the Public Procurement Act. Restructured institutions must also enter into an MOU with the Secretary of Administration in order to do this.

**Real Estate Policies**
Restructured institutions do not need to follow the commonwealth’s guidelines and do not need approval from the governor to for acquisition of real property. This is provided capital lease does not involve state tax supported debt and institution has an MOU with the Secretary of Administration. Restructured institutions can also sell less than $5 million of real estate without approval.

**Procurement Policies**
Restructured institutions do not have to report procurement to the Secretary of Education, but must do procurement through the commonwealth's electronic system using the proper codes and methods. Those methods are mainly to ensure a fair competition allowing the lowest price.

**Tuition/Fees (in regard to freeze or cap)**
Tuition and Fees are regulated by state budget, with the exception of the four institutions that opted to restructure.

**Public Record/Sunshine Law**
Public records laws are in place for all state agencies, including restructured institutions. Electronic meetings are prohibited.
Governance: How are institutions governed by and accountable to the state?
State Council of Higher Education for Virginia serves as the Coordinating Board and makes recommendations to the governor and General Assembly for capital and operating budgets. Each public college has their own governing board.

Do institutions have different standing/autonomy?
Yes, University of Virginia, VT, Virginia Commonwealth University, and College of William Mary have opted for restructuring.

West Virginia

Construction Policies
The Policy Commission approves institutional capital projects. An institution shall initiate and manage capital projects in excess of $1 million, based on its approved campus development plan, five year capital implementation plan, annual capital plan and the priorities established by the Policy Commission. Projects in excess of $1 million require approval of the Policy Commission before such projects are initiated by an institution. All purchases or acquisitions of materials, supplies, equipment, services, construction and printing exceeding $25,000 shall be awarded by competitive bidding. In some cases multiple and/or split awards may be made when determined to be in the best interest of the institution.

Real Estate Policies
The acquisition or disposal of real property and facilities by an institution through purchase, sale or exchange, or the granting of permanent easements or rights-of-way, shall require advance approval of its Governing Board and of the Policy Commission if the Commission has legal title and ownership of the property. Effective July 1, 2001, all real property held by previous governing boards was transferred to the Policy Commission pursuant to provisions of WV Code. The same code provision authorizes the Policy Commission to transfer title to any real property specifically identifiable to an institution to that institution’s Governing Board. This transfer of titles may be done at the institution’s request or may be initiated by the Policy Commission.

Tuition/Fees (in regards to freeze or cap)
The Board of Governors of each institution will establish tuition and fee schedules within guidelines promulgated by the Commission or in WV Code.

Do institutions have different standing/autonomy?
No.
### Construction Policies
The President, or any Vice President, of the University of Wisconsin System is authorized to sign construction contracts and change orders within the Regent approved budgets on all projects that have been specifically acted upon by the Regents (normally all projects over $250,000); and the President, or any Vice President, of the University of Wisconsin System is authorized to sign construction contracts and change orders within the budgets approved by the State Building Commission on all projects that have been specifically acted upon by the State Building Commission and which actions have been reported to the Regents but the budgets for which have not been acted upon by the Regents (normally projects under $250,000); subject to the understanding that such actions over $25,000 shall be reported to the Regents at each subsequent meeting.

### Real Estate Policies
Upon the recommendation of the President of the University of Wisconsin System, the Board of Regents delegates to the Vice President for Physical Planning and Development authority to complete land transactions within the main campus boundaries established by the Board of Regents. Requires certain parameters.

### Purchasing Policies
All state agencies (including higher education) are authorized to make purchases of under $25,000. Agencies must apply for ability to make larger (over $25,000) purchases.

### Legal Policies/Relationship with Attorney General
The Office of General Counsel (OGC) provides legal advice and representation to the Board of Regents of the UW System, the Office of the UW System President, and UW System institutions.

### Governance: How are institutions governed by and accountable to the state?
The University of Wisconsin System is governed by the Board of Regents, an 18-member board, as established under Chapter 36 of the Wisconsin State Statutes. The Governor of Wisconsin appoints Board members to seven-year terms, except the two student regents who are appointed to two-year terms. The Board appoints the President of the UW System, the chancellors of the 13 universities, the chancellor of UW-Extension and UW Colleges, and the deans of the 13 colleges. All appointees serve at the pleasure of the Board.

### Do institutions have different standing/autonomy?
No. However, UW-Madison has explored the possibility of splitting off from the rest of the system.