

### 300-1-1-.01 Goals And Responsibilities.

(1) The Alabama Commission on Higher Education was created by Alabama law, Act No. 14, Special Session, 1969, and reenacted by Act 461, Regular Session, 1979, to ensure that the state's system of higher education would provide the citizens of Alabama with the highest possible quality of collegiate and university education.

(2) As the statewide coordinating board for postsecondary education, the Commission works with all public institutions. The powers and duties of the Commission shall apply equally to all postsecondary institutions regardless of any authority that may be, or has been, conferred upon them by the Constitution or by statutes.

(3) The Commission is vested with the authority to carry out and enforce the provisions of Code of Ala. 1975, §§16-5-1 through 16-5-15 and to promulgate policies and procedures consistent with carrying out the required statutory functions.

(3 4) Major functions of the Commission include:

(a) Planning. The Commission shall be responsible for statewide long-range planning for postsecondary education in Alabama. Such planning shall be the result of continuous study, analysis and evaluation. Plans will include the establishment of statewide objectives and priorities with methods and guidelines for achieving them (Refer to Chapter 300-2-2).

(b) Establishing and Maintaining a State University and College Information System. The Commission, after affording a full opportunity to the public institutions of higher education to be heard, shall design and establish a state university and college information system to provide comprehensive, meaningful and timely information pertinent to the formulation of decisions and recommendations by the Commission (Refer to Chapter 300-2-3).

~~1. The information submitted by the public institutions of higher education shall be in comparable terms and the reports developed through the system shall conform to the procedures established by the Commission.~~

~~2. The Commission shall be the state coordinating agency for all data collection requirements of the federal government which require state level coordination related to postsecondary education.~~

~~3. The Commission will make every effort to minimize~~

~~the reporting burden on the institutions by using the existing reports of the federal government.~~

~~4. The Commission shall establish an advisory committee comprised of, but not limited to, representatives of the public institutions of higher education to assure that the expertise and concerns of the institutions, both individually and collectively, shall be provided to the Commission.~~

(c) Reviewing Units or Programs of Instruction, Research or Public Service. The Commission on Higher Education is authorized to review periodically all new and existing programs and units of instruction, research and public service funded by state appropriations at the state universities and colleges and to share with the appropriate governing board, through the president of the institutions, and state legislature, its recommendations (Refer to Chapter 300-2-1).

~~1. The Commission shall seek through the use of advisory committees to study needless duplication of education, research or service programs and programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions, the governor and the legislature that would strengthen the total program of higher education in the state.~~

~~2. The governing boards of public institutions of higher education in this state and the campuses under their governance or supervision shall not hereafter undertake the establishment of any new unit or program of instruction for academic credit with state funds before submitting plans for the new unit or program to the Commission for its review, evaluation and approval. No state funds shall be expended by any public institution on any new unit or program of instruction which has not been approved by the Commission.~~

~~(i) Procedures for submitting program proposals for review are outlined in Chapter 300-2-1.~~

~~3. Any program proposal transmitted by the chief executive officer of the institution or system which does not receive final action by the Commission within ten months of submission shall be considered approved.~~

4 (d). The Commission shall have the authority to authorize and regulate off-campus offerings, new or existing (Refer to Rule 300-2-1-.05).

~~5. Nothing in this action shall be construed to~~

~~prohibit any institution of higher education in this state from seeking and securing by separate bill the approval of the legislature for any new unit or program of instruction, research, or public service denied approval by the Commission, in which case the action of the legislature, when approved by the governor or otherwise upon becoming law, is final.~~

(~~d~~ e) Reviewing Budget Proposals and Making Recommendations. The governing boards of the public institutions of higher education shall submit to the Commission through their appropriate administrative officers, not later than ninety days prior to each legislative session, its budget proposals for the operation and capital needs of the institutions under its governance or supervision (Refer to Chapter 300-2-3).

(~~e~~ f) Coordinating and Administering State and Federal Student Financial Aid Programs (Refer to Chapter 300-4-1, et seq.).

(~~f~~ g) Additional Powers and Duties of the Commission. The Commission shall also exercise the following powers and duties:

1. To cause to be made such surveys and evaluations of higher education as are believed necessary for the purpose of providing appropriate information to carry out its powers and duties.

2. To recommend to the Legislature of Alabama the enactment of such legislation as it deems necessary or desirable to ensure the highest quality of higher education in this state taking into consideration the orderly development and maintenance of the state system of public higher education to meet trends in population and the change in social and technical requirements of the economy.

3. To advise and counsel the governor, at his or her request, regarding any area of, or matter pertaining to, postsecondary education.

4. To establish definitions of a junior college, a community college, a technical college or institute, a senior college, a university and university system; provided that nothing herein shall be construed as authorizing the Commission to establish or create any university system, nor to alter any university system presently existing.

5. To develop and publish criteria which may be used by the legislature as a basis for:

(i) changing the classification of any public institution of higher education.

(ii) determining the need for new public junior colleges, public senior colleges, universities or university systems. Any proposed statute which would establish an additional institution of higher education may be submitted, either prior to introduction or by the standing Committee considering same to the Commission for its opinion as to the need for the state therefore, and the Commission shall report its findings to the governor and the legislature.

6. To cause studies to be made for the purpose of classifying and prescribing the role and scope for each public institution of higher education in Alabama and to recommend such changes in classification or role and scope for such institutions as it deems necessary and which may be agreed to by the governing board of the said institution.

~~(i) In making studies and recommendations for the purpose of classifying and prescribing the role and scope of institutions, the Commission shall do so without regard for race and traditional role of the institution, provided, however, that in the absence of compelling reasons to the contrary the Commission shall give priority to institutions having seniority in years of operation in the service area.~~

~~(ii) When making recommendations for the elimination of duplication of educationally unnecessary programs, absent justifiable reasons to the contrary, the Commission shall recommend the replacement of such programs and/or services with programs and/or services that will strengthen and enhance the role of the institution affected.~~

7. To hear applications from the institutions for changes in classification or role and scope and to recommend to the legislature for clarification such classifications in role or scope which may not be agreed to by the governing board of any institution.

8. To make continuing studies, on its own initiative or upon the request of the governor or the legislature, of the financial needs of public higher education and issue such reports to the governor and the legislature as may result from its studies.

9. To submit to the governor and the legislature on or before the first day in January of each year a written report

covering the activities of the Commission and the state of higher education in Alabama. ~~The report shall include:~~

~~(i) statements of the nature, progress or result of any studies undertaken or completed during the past fiscal year.~~

~~(ii) comments upon major developments, trends, new policies, budgets, and financial considerations which, in the judgment of the Commission, will be useful in planning a sound program on higher education.~~

~~(iii) recommendations respecting postsecondary education in this state as may be appropriate.~~

10. To make rules and regulations for its meetings, procedures, and execution of the powers and duties delegated to it by this Act.

11. To encourage the establishment and development of formal consortia for the advancement of higher education comprised of institutions of higher education in this state.

12. To conduct a program of public information in order to inform citizens of the matters of importance to higher education in Alabama.

13. To serve as the state agency for the administration of those Titles of the Higher Education Act of 1965 (P.L. 89-329) as amended for those programs requiring a single state agency for which the Commission qualifies unless otherwise designated by executive order.

14. To authorize and regulate instructional programs or units offered by non-Alabama institutions of postsecondary education in the state of Alabama. ~~No institution of postsecondary education located outside of Alabama may offer units or programs of instruction within Alabama without prior approval of the Commission. The Commission under its rule making authority shall establish criteria for the approval of such institutions and programs (Refer to Rule 300-2-1-.02).~~

15. To serve as the state agency responsible for the administration of those functions under the Southern Regional Compact for Education (Act 227, HJR 42, 1949; Act 40 HJR 21, 1955) and those functions in Section 16-3-32 through 16-3-35, Code of Ala. 1975, heretofore, assigned to the State Board of Education with funds that may be appropriated to it by the legislature for that purpose (Refer to Chapter 300-2-4).

16. To analyze and evaluate on a continuing basis the present and future needs for instruction, research, and public service in postsecondary education in the state, including facilities, and assess the present and future capabilities. In order to facilitate such analysis and evaluation, the Commission will consult with the agencies and institutions concerned with higher education in this state and may use advisory groups and consultants, as deemed desirable.

~~(i) One such advisory committee shall be the Council of Presidents, consisting of the president of each public four year institution of higher education, the Chancellor of the Alabama Department of Postsecondary Education, and the presidents of three public two year institutions of higher education, to be selected by the Chancellor of the Alabama Department of Postsecondary Education.~~

**Author:** William O. Blow; Timothy W. Vick

**Statutory Authority:** Code of Ala. 1975, §§16-5-1, et seq.

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### **300-1-1-.02 Commission Membership And Tenure.**

(1) The Commission consists of 12 members, 10 appointed by the governor, one by the lieutenant governor, and one by the speaker of the house of representatives. All proposed members must be confirmed by the senate.

(a) One person shall be appointed from each United States Congressional District in Alabama, and shall reside or maintain an office or place of business within the congressional district from which he or she is appointed.

(b) The remaining members shall be appointed from the state at large with no more than two of the total twelve members being from the same congressional district.

(c) Each commissioner shall be a citizen of the state.

(d) Commissioners shall be appointed, as far as may be practicable, based on their interest in higher education.

(e) Appointees shall be selected without regard to political affiliation and shall be of a nature as to aid the work of the Commission and to inspire the highest degree of cooperation and confidence.

(f) No member of the Commission shall be on the governing boards, be employed by or directly connected with any institution of higher education in the state, the State Department of Education, or any county or other local board of education.

(g) No member of the Commission shall act as the representative of any particular region or of any particular institution of higher learning. All members of the Commission are deemed members at large charged with the responsibility of serving the best interests of the entire system of higher education in the state.

(h) New appointments to the Commission are made so that the total membership of the Commission is broadly representative of the total population of the state of Alabama.

#### (2) Tenure

(a) Members of the Commission shall be selected for nine-year terms expiring on August 31 of the respective year.

(b) The members of the Commission shall continue to

serve after the expiration of their terms until their successors have been appointed.

(c) In the event that the number of congressional districts shall change, incumbents on the Commission shall complete their terms as members of the Commission. The membership would remain at twelve with the number of at-large memberships being adjusted, if necessary, so that each congressional district is represented.

(d) If the senate is not in session or is in recess when the term of a member expires, the initial appointing authority shall make a temporary appointment of a succeeding member who shall serve subject to subsequent senate approval of the appointment.

(e) Vacancies and new appointments on the Commission are filled by appointment of the ex officio officer responsible for the initial appointment. If the senate is not in session or is in recess when the appointment is made, the appointee shall serve subject to subsequent approval of the appointment.

(f) Any person who serves five or more years as a member of the Commission shall not be eligible for reappointment to succeed himself or herself until the next vacancy occurs after his or her successor is named.

~~(g) No member of the Commission shall serve past June 30 following his or her 70th birthday.~~

~~(h g)~~ If any member of the Commission does not attend three consecutive regular meetings for reasons other than personal illness or family illness, that member ~~shall~~ may be requested by the chairman to submit his or her resignation to the governor.

~~(i h)~~ Members of the Commission shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

**Author:** William O. Blow; Timothy W. Vick

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**300-1-1-.03 Commission Organization.**

(1) Election of Officers

(a) The Commission shall annually elect from its membership a chairman and a vice chairman.

(b) Such election will be held at the first regular meeting of the Commission after August 1.

(c) Elections shall be presided over by the chairman, or in his or her absence, the vice chairman.

(d) The election of officers shall require the concurrence of a majority of the members of the Commission.

(e) Terms of office shall begin on October 1, following the election.

(f) In the event of a vacancy in one of the offices, written notice shall be given to all members and a special election shall be held at the next regular meeting following the occurrence of the vacancy.

(g) Should a vacancy occur in the office of the chairman, the vice chairman shall become interim chairman and shall preside over the special election to elect a chairman.

(h) Officers elected in a special election shall take office immediately upon election and shall serve for the remainder of the unexpired term and one full term thereafter unless such member elects to give up such office, or is elected to another office on the Commission, or a vacancy occurs in the appointment occupied by the officer.

(i) No officer shall be elected to the same office more than two consecutive full terms.

(j) The vote for the election of officers shall be taken by secret ballot.

(k) The presiding officer shall count the votes.

(2) The chairman of the Commission shall appoint ~~four~~ as many committees — ~~Financial Affairs, Academic Affairs, Student Assistance, and Personnel/Administration~~ — and others as deemed necessary by the Commission. These committees shall meet as needed to review all matters before the Commission, but no action is to be considered final until and unless adopted by the full

Commission in a public meeting.

(3) The executive committee shall consist of the chairman, the vice chairman, and two other commissioners as appointed by the chairman. The executive committee is empowered to act on behalf of the Commission between regularly scheduled meetings of the Commission with said action being subject to ratification by the full Commission at a regular or special meeting held in accordance with all laws requiring open and public meetings.

(4) The executive director shall be the secretary of the Commission.

**Author:** William O. Blow; Timothy W. Vick

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**300-1-1-.06 Staff.**

~~(1) The staff is divided into two major functional divisions: Planning and Coordination, and Student Assistance.~~

(~~2~~ 1) The number of employees, their compensation, and the other expenditures of the Commission shall be within the limits and in compliance with the appropriations made therefor by the legislature and within budgets that shall be approved from time to time by the Commission.

(~~3~~ a) The Commission shall annually approve its budget prior to the fiscal year, for which it is effective.

~~(4) The Commission shall approve, after each fiscal year, new staff appointments made by the executive director during that year.~~

~~(5) All full time employees of the Commission shall be eligible to participate in the state teacher's retirement system.~~

(~~6~~ 2) The Commission establishes such policies regarding staff personnel as deemed necessary. Such policies may be established by resolution at any regular meeting or at any special meeting.

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