



General Assembly

January Session, 2011

Raised Bill No. 858

LCO No. 2628

02628_____HED

Referred to Committee on Higher Education and Employment
Advancement

Introduced by:
(HED)

***AN ACT CONCERNING REVISIONS TO THE HIGHER EDUCATION
STATUTES.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (*Effective from passage*) The Department of Higher
2 Education shall study issues concerning revisions to the higher
3 education statutes. Not later than January 1, 2012, the Commissioner of
4 Higher Education shall report on such study to the joint standing
5 committee of the General Assembly having cognizance of matters
6 relating to higher education in accordance with the provisions of
7 section 11-4a of the general statutes.

8 Sec. 2. Subsection (b) of section 1-90a of the general statutes is
9 repealed and the following is substituted in lieu thereof (*Effective*
10 *October 1, 2011*):

11 (b) Each public institution of higher education shall submit a written
12 copy of its policies and procedures concerning standards of student
13 conduct [] to the Citizen's Ethics Advisory Board for approval. Such
14 policies and procedures shall be submitted triennially, except that, in

15 the event there is a significant revision of such standards of student
16 conduct, the public institution of higher education shall submit such
17 revision to the board not later than thirty days after adopting such
18 revision.

19 Sec. 3. Section 10a-1 of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective October 1, 2011*):

21 There shall be a state system of public higher education to consist of
22 (1) The University of Connecticut and all [branches] campuses thereof,
23 (2) the state colleges, which shall be known collectively as the
24 Connecticut State University System, (3) the regional community-
25 technical colleges, (4) the Board for State Academic Awards, and (5)
26 the staff of the Department of Higher Education as established
27 pursuant to section 10a-5. "Constituent units" as used in the general
28 statutes means those units in subdivisions (1) to (4), inclusive, of this
29 section.

30 Sec. 4. Subsection (a) of section 10a-6 of the general statutes is
31 repealed and the following is substituted in lieu thereof (*Effective*
32 *October 1, 2011*):

33 (a) The Board of Governors of Higher Education shall: (1) Establish
34 state-wide policy and guidelines for Connecticut's system of public
35 higher education; (2) develop a master plan for higher education and
36 postsecondary education, consistent with the goals in subsection (b) of
37 this section; (3) establish state-wide tuition and student fee policies; (4)
38 establish state-wide student financial aid policies; (5) monitor and
39 evaluate institutional effectiveness and viability in accordance with
40 criteria established by the board; (6) merge or close institutions in
41 accordance with criteria established by the board provided (A) such
42 recommended merger or closing shall require a two-thirds vote of the
43 board and (B) notice of such recommended merger or closing shall be
44 sent to the committee having cognizance over matters relating to
45 education and to the General Assembly; (7) review and approve
46 mission statements for the constituent units and role and scope

47 statements for the individual institutions and [branches] campuses
48 thereof; (8) review and approve any recommendations for the
49 establishment of new academic programs submitted to the board by
50 the constituent unit boards of trustees, and, in consultation with the
51 affected constituent units, provide for the initiation, consolidation or
52 termination of academic programs. The Board of Governors of Higher
53 Education shall notify the board of trustees affected by the proposed
54 termination of an academic program. Within ninety days of receipt of
55 such notice, said trustees shall accept or reject the termination proposal
56 and shall notify the Board of Governors of Higher Education of its
57 action. If the termination proposal is rejected by the trustees, the Board
58 of Governors of Higher Education may override the rejection by a two-
59 thirds vote; (9) develop criteria to ensure acceptable quality in
60 programs and institutions and enforce standards through licensing
61 and accreditation; (10) prepare and present to the Governor and
62 General Assembly, in accordance with section 10a-8, as amended by
63 this act, consolidated operating and capital expenditure budgets for
64 public higher education developed in accordance with the provisions
65 of said section 10a-8, as amended by this act, and section 10a-9; (11)
66 review and make recommendations on plans received from the
67 constituent unit boards of trustees for the continuing development and
68 maximum utilization of the state's public higher education resources;
69 (12) appoint advisory committees to assist in defining and suggesting
70 solutions for the problems and needs of higher education; (13)
71 establish an advisory council for higher education with representatives
72 from public and private institutions to study methods and proposals
73 for coordinating efforts of all such institutions in providing a
74 stimulating and enriched educational environment for the citizens of
75 the state, including measures to improve educational opportunities
76 through alternative and nontraditional approaches such as external
77 degrees and credit by examination; (14) coordinate programs and
78 services throughout public higher education and between public and
79 independent institutions, including procedures to evaluate the impact
80 on independent institutions of higher education of proposals affecting

81 public institutions of higher education; (15) make or enter into
82 contracts, leases or other agreements in connection with its
83 responsibilities under this part, provided all acquisitions of real estate
84 by lease or otherwise shall be subject to the provisions of section 4b-23;
85 (16) be responsible for the care and maintenance of permanent records
86 of institutions of higher education dissolved after September 1, 1969;
87 (17) prepare and present to the Governor and General Assembly
88 legislative proposals affecting public higher education, including
89 proposals which utilize programs and facilities of independent
90 institutions of higher education; (18) develop and maintain a central
91 higher education information system and establish definitions and
92 data requirements for the state system of higher education; and (19)
93 undertake such studies and other activities as will best serve the higher
94 educational interests of the state.

95 Sec. 5. Subsection (a) of section 10a-8 of the general statutes is
96 repealed and the following is substituted in lieu thereof (*Effective*
97 *October 1, 2011*):

98 (a) The provisions of sections 4-77 and 4-78 shall not apply to the
99 constituent units of the state system of higher education, and for the
100 purposes of said sections only, the Board of Governors of Higher
101 Education shall be deemed the budgeted agency for such constituent
102 units. The Board of Governors of Higher Education shall develop a
103 formula or program-based budgeting system to be used by each
104 institution and constituent board in preparing operating budgets. The
105 Board of Governors of Higher Education shall prepare a single public
106 higher education budget request itemized by the individual institution
107 and [branch] campus using the formula or program-based budgeting
108 system and shall submit such budget request displaying all operating
109 funds to the Secretary of the Office of Policy and Management in
110 accordance with sections 4-77 and 4-78, subject to procedures
111 developed by the Board of Governors of Higher Education and
112 approved by said secretary. The budget request of the Boards of
113 Trustees of The University of Connecticut, the Community-Technical

114 Colleges and the Connecticut State University System shall set forth, in
115 the form prescribed by the Board of Governors of Higher Education, a
116 proposed expenditure plan which shall include: (1) The total amount
117 requested for such appropriation account; (2) the amount to be
118 appropriated from the General Fund; and (3) the amount to be paid
119 from the tuition revenues of The University of Connecticut, the
120 regional community-technical colleges and the Connecticut State
121 University System. After review and comment by the Board of
122 Governors of Higher Education, the proposed expenditure plans shall
123 be incorporated into the single public higher education budget request
124 including recommendations, if any, by said board. Any tuition increase
125 proposed by the Boards of Trustees of The University of Connecticut,
126 the Community-Technical Colleges and the Connecticut State
127 University System for the fiscal year to which the budget request
128 relates shall be included in the single public higher education budget
129 request submitted by the Board of Governors of Higher Education for
130 such fiscal year, provided if the General Assembly does not
131 appropriate the amount requested by any such board of trustees, such
132 board of trustees may increase tuition and fees by an amount greater
133 than that included in the budget request in response to which the
134 appropriation was made. The General Assembly shall make
135 appropriations directly to the constituent unit boards. Said constituent
136 unit boards shall allocate appropriations to the individual institutions
137 and [branches] campuses with due consideration to the program or
138 formula-based budget used to develop the appropriation as approved
139 by the General Assembly or as otherwise specified in the approved
140 appropriation. Allotment reductions made pursuant to the provisions
141 of subsections (b) and (c) of section 4-85 shall be applied by the Board
142 of Governors of Higher Education among the appropriations to the
143 constituent unit boards without regard to the limitations on reductions
144 provided in said section, except that said limitations shall apply to the
145 total of the amounts appropriated to the higher education budgeted
146 agencies. The Board of Governors of Higher Education shall apply
147 such reductions after consultation with the Secretary of the Office of

148 Policy and Management and the constituent unit boards. Any
149 reductions of more than five per cent of the appropriations of any
150 constituent units shall be submitted to the appropriations committee
151 which shall, within ten days, approve or reject such reduction.

152 Sec. 6. Section 10a-104 of the general statutes is repealed and the
153 following is substituted in lieu thereof (*Effective October 1, 2011*):

154 (a) Subject to state-wide policy and guidelines established by the
155 Board of Governors of Higher Education, the Board of Trustees of The
156 University of Connecticut shall: (1) Make rules for the government of
157 the university and shall determine the general policies of the
158 university, including those concerning the admission of students and
159 the establishment of schools, colleges, divisions and departments, and
160 shall direct the expenditure of the university's funds within the
161 amounts available; (2) develop the mission statement for The
162 University of Connecticut, and all [branches] campuses thereof, which
163 shall include, but not be limited to, the following elements: (A) The
164 educational needs of and constituencies served by said university and
165 [branches] campuses; (B) the degrees offered by said university; and
166 (C) the role and scope of each institution and [branch] campus within
167 the university system, which shall include each institution's and
168 [branch's] campus' particular strengths and specialties. The board of
169 trustees shall submit the mission statement to the Board of Governors
170 of Higher Education for review and approval in accordance with the
171 provisions of section 10a-6, as amended by this act; (3) establish
172 policies for the university system and for the individual institutions
173 and [branches] campuses under its jurisdiction; (4) submit to the Board
174 of Governors of Higher Education, for approval, recommendations for
175 the establishment of new academic programs; (5) make
176 recommendations to the Board of Governors of Higher Education,
177 when appropriate, regarding institutional or [branch] campus mergers
178 or closures; (6) coordinate the programs and services of the institutions
179 and [branches] campuses under its jurisdiction; (7) be authorized to
180 enter into agreements, consistent with the provisions of section 5-141d,

181 to save harmless and indemnify sponsors of research grants to The
182 University of Connecticut, provided such an agreement is required to
183 receive the grant and limits liability to damages or injury resulting
184 from acts or omissions related to such research by employees of the
185 university; (8) promote fund-raising to assist the university and report
186 to the Commissioner of Higher Education and the joint standing
187 committee of the General Assembly having cognizance of matters
188 relating to education by January 1, 1994, and biennially thereafter, on
189 such fund-raising; (9) charge the direct costs for a building project
190 under its jurisdiction to the bond fund account for such project,
191 provided (A) such costs are charged in accordance with a procedure
192 approved by the Treasurer and (B) nothing in this subdivision shall
193 permit the charging of working capital costs, as defined in the
194 applicable provisions of the Internal Revenue Code of 1986, or any
195 subsequent corresponding internal revenue code of the United States,
196 as from time to time amended, or costs originally paid from sources
197 other than the bond fund account; (10) exercise the powers delegated
198 to it pursuant to section 10a-109d; and (11) establish by October 1,
199 1997, policies governing the acceptance of gifts made by a foundation
200 established pursuant to sections 4-37e and 4-37f to the university or its
201 employees for reimbursement of expenditures or payment of
202 expenditures on behalf of the university or its employees.

203 (b) The board of trustees shall: (1) Review and approve institutional
204 budget requests and prepare and submit to the Board of Governors of
205 Higher Education, in accordance with the provisions of section 10a-8,
206 as amended by this act, the budget request for the university and all
207 [branches] campuses thereof; (2) propose facility planning and capital
208 expenditure budget priorities for the institutions under its jurisdiction;
209 (3) fulfill requirements concerning the auditing and review of projects
210 of UCONN 2000 in accordance with sections 10a-109z to 10a-109bb,
211 inclusive; (4) establish the construction assurance office in accordance
212 with section 10a-109cc; and (5) exercise the powers delegated to it in
213 section 10a-109d. The board may request authority from the Treasurer
214 to issue payment for claims against the university, other than a

215 payment for payroll, debt service payable on state bonds to
216 bondholders, paying agents, or trustees, or any payment the source of
217 which includes the proceeds of a state bond issue.

218 (c) The board of trustees may create a board of directors for the
219 governance of The University of Connecticut Health Center and may
220 delegate such duties and authority as it deems necessary and
221 appropriate to said board of directors. The board of directors shall
222 include members of the board of trustees designated by the
223 chairperson of the board of trustees and such other persons as the
224 board of trustees deems appropriate.

225 Sec. 7. Section 10a-109w of the general statutes is repealed and the
226 following is substituted in lieu thereof (*Effective October 1, 2011*):

227 (a) Prior to any authorization pursuant to section 10a-109f to
228 implement the relocation of The University of Connecticut, West
229 Hartford [branch] campus to a location in the city of Hartford or to any
230 other location, the board of trustees of the university shall authorize
231 such relocation by a resolution approved by a majority vote of the
232 board. Such resolution shall be in addition to any decision of the board
233 pursuant to said section 10a-109f. No funds shall be authorized for
234 such relocation until the board has approved the resolution, except
235 that the board may expend funds for the Hartford relocation feasibility
236 study prior to the approval of the resolution. The feasibility study
237 required pursuant to this section shall include consideration, in
238 consultation with officials of the town of West Hartford, of alternative
239 uses for facilities and land of the West Hartford campus, provided
240 such uses do not include correctional facilities, juvenile detention
241 facilities, state agency residential facilities or community residential
242 facilities of any kind. If the board authorizes the relocation of the West
243 Hartford [branch] campus, the university, in concurrence with officials
244 of the state and the town of West Hartford, shall make
245 recommendations to the Office of Policy and Management for
246 alternative uses for the facilities and land of the existing West Hartford

247 campus.

248 (b) With regard to any authorization by the board of trustees of the
249 university, pursuant to said section 10a-109f, to issue securities for a
250 [branch] campus project or to initiate or expand academic programs at
251 any [branch] campus of the university under the UConn 2000
252 infrastructure improvement program, the board shall find and
253 determine that the university has considered (1) whether there are
254 opportunities to coordinate programs and services between the
255 university and other state public and independent institutions of
256 higher education and (2) whether there are opportunities to share
257 programs and facilities with other public and independent institutions
258 of higher education in conjunction with the projects being considered
259 by the university. The findings and determinations of the board shall
260 be included in the reports required pursuant to sections 10a-109x and
261 10a-109y.

262 Sec. 8. Section 10a-121 of the general statutes is repealed and the
263 following is substituted in lieu thereof (*Effective October 1, 2011*):

264 The University of Connecticut with the cooperation of the
265 Department of Transportation shall plan and develop a program for
266 the establishment of a Connecticut Transportation Institute for
267 education and training in transportation technology. Consideration
268 shall be given to locating the institute in the southeastern [branch]
269 campus of The University of Connecticut at Avery Point, Groton. The
270 program shall include, but not be limited to, the following areas: (1) A
271 description of undergraduate and graduate courses for transportation
272 technology; (2) a budget projection for the first five years of operation,
273 including personnel services, other expenses and equipment; (3) a
274 description of a program for continuing education in transportation
275 technology with emphasis on community involvement; and (4)
276 recommendations for the encouragement of participation by other
277 New England states with a view to establishing the institute as a New
278 England Regional Transportation Institute. The Institute shall be

279 operational for the fall semester of 1975.

280 Sec. 9. Section 10a-137 of the general statutes is repealed and the
 281 following is substituted in lieu thereof (*Effective October 1, 2011*):

282 The Board of Trustees of The University of Connecticut may
 283 contract with public agencies for the use of the swimming pool at the
 284 university [branch] campus at Avery Point, provided such contract
 285 shall include provision for compensation to the university for all
 286 expenses incurred in connection with such use.

287 Sec. 10. Subsection (a) of section 10a-142 of the general statutes is
 288 repealed and the following is substituted in lieu thereof (*Effective*
 289 *October 1, 2011*):

290 (a) There are established special police forces for The University of
 291 Connecticut at Storrs and its several [branches] campuses, The
 292 University of Connecticut Health Center in Farmington, Central
 293 Connecticut State University in New Britain, Southern Connecticut
 294 State University in New Haven, Eastern Connecticut State University
 295 in Willimantic and Western Connecticut State University in Danbury.
 296 The members of each special police force shall have the same duties,
 297 responsibilities and authority under sections 7-281, 14-8, 54-1f and 54-
 298 33a and title 53a as members of a duly organized local police
 299 department. The jurisdiction of said special police forces shall extend
 300 to the geographical limits of the property owned or under the control
 301 of the above institutions, and to property occupied by The University
 302 of Connecticut in the town of Mansfield, except as provided in
 303 subsection (b) of section 7-277a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2011</i>	1-90a(b)
Sec. 3	<i>October 1, 2011</i>	10a-1
Sec. 4	<i>October 1, 2011</i>	10a-6(a)

Sec. 5	<i>October 1, 2011</i>	10a-8(a)
Sec. 6	<i>October 1, 2011</i>	10a-104
Sec. 7	<i>October 1, 2011</i>	10a-109w
Sec. 8	<i>October 1, 2011</i>	10a-121
Sec. 9	<i>October 1, 2011</i>	10a-137
Sec. 10	<i>October 1, 2011</i>	10a-142(a)

Statement of Purpose:

To require a study of issues concerning revisions to the higher education statutes and to make technical corrections to such statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]