South Carolina
Commission on Higher Education

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CHE
3/3/2016
Agenda Item 9.04A

MEMORANDUM

TO: Chairman Tim Hofferth and Members, Commission on Higher Education

FROM: Chair Dianne Kuhl and Members, Committee on Governmental and Administrative Affairs

DATE: February 26, 2016

Consideration of CHE Policies, Sections 1 and 2 of the CHE Policies and Procedures Manual

The Committee on Governmental & Administrative Affairs is pleased to forward to the Commission for its consideration the attached Section 1 and 2 policies for inclusion in the new CHE Policies and Procedures Manual.

The policies were reviewed by the Committee on Governmental & Administrative Affairs at its meeting on February 22, 2016, and have been approved through Commission counsel.

The Committee recommends that the Commission adopt the enclosed CHE Policies.

Enclosure

For Commission Approval: Final Draft – 2/26/16

SC Commission on Higher Education

Policy Manual

SECTION 1: General Information

- Overview
- Mission Statement
- Organizational Chart
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SECTION 2: Commission Rules

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General Information

OVERVIEW

The South Carolina Commission on Higher Education (hereinafter referred to as either CHE or the Commission) was established in 1967, and serves as both a coordinating body to oversee SC higher education on behalf of the General Assembly and an advocate for higher education.

The major functions of the CHE can be categorized broadly into four areas: coordination and planning, research and information services, accountability and reporting, and program administration. Among the Commission's responsibilities are:

- Degree program review and approval
- Oversight of state-funded financial aid programs
- Facilities review and approval
- Data management and reporting
- Statewide coordination and planning
- Administration of federal grants
- Advocacy
- Access and equity services

The Commission works in partnership with South Carolina's institutions of higher education, state education, workforce and economic development agencies, the general public and the business community to increase opportunities for collaboration and cooperation, leading to:

- Higher levels of efficiency, effectiveness and quality
- Economic development through a highly prepared workforce and increased knowledge economy
- Increased educational access and attainment for all of the state's citizens

The CHE operates pursuant to the SC Code of Laws, and is governed by a board of fifteen Commissioners, appointed by the Governor. Commission members include:

- One at large member, appointed as chair
- Three statewide, at-large members
- A board member or trustee from a public research institution
- A board member or trustee from a public four-year institution
- A board member or trustee from the State Technical System
- Representatives from each of the seven Congressional districts
- A President from the independent colleges and universities

General Information

MISSION STATEMENT

The SC Commission on Higher Education is committed to promoting quality, efficiency, and affordability in the state system of higher education through coordination, regulation, advocacy and oversight, as directed by the General Assembly.

General Information

INSERT ORGANIZATIONAL CHARTS

COMMISSION MEMBERSHIP

In accordance with SC state law, the Commission on Higher Education shall be governed by a fifteen member Commission. Members shall be appointed by the Governor as follows:

One at-large member shall be appointed by the Governor to serve as Chair, with the advice and consent of the Senate. This member must be appointed for a term of four years, and may be reappointed for one additional term. He/she may, however, only serve one term as Chair.

One member shall be appointed from each of the seven Congressional Districts, upon the recommendation of a majority of the members of the legislative delegation from their district. Each member must be a resident of the district he/she represents and to qualify for appointment, must have experience in one of the following areas: business, the education of future leaders and teachers, management, or policy. Members must not, during the (preceding) five years, have been a member of a governing body of a public institution of higher learning in South Carolina, and must not be employed or have immediate family members employed by any of the public colleges and universities of this State. These members must be appointed for terms of four years, and shall not serve on the Commission for more than two consecutive terms.

Three members shall be appointed from the State at large, upon the advice and consent of the Senate

Three ex officio members shall represent the public colleges and universities. One member must be serving on the board of trustees of a public senior research institution, one shall be a trustee from a four-year public institution, and one shall serve on a local area technical education Commission or the State Board for Technical and Comprehensive Education. These members must be appointed with the advice and consent of the Senate for two-year terms, and appointments shall rotate among the institutions.

One ex officio member shall represent the independent colleges and universities. He/she shall be a non-voting member of the Commission, must be a current member of the Advisory Council of Private College Presidents, and shall be appointed for a term of two years upon the advice and consent of the Senate.

All members of the Commission shall serve until their successors are appointed and qualify.

MEETINGS

Rules:
Meetings shall be set and conducted in accordance with Commission Bylaws. All meetings of both the full Commission and committees shall follow Roberts Rules of Order, and shall be conducted in accordance with state law and the Freedom of Information Act.

Attendance:
Commissioners are expected to attend all regularly scheduled and called meetings of the full Commission and its committees. State law (SC 1-3-245) requires that any member with three consecutive unexcused absences from regularly scheduled meetings shall be considered removed from the Commission, creating a vacancy. The Chair shall notify the Governor of the absences and resulting vacancy. This section does not apply to ex officio members.

Quorum:
In accordance with SC Code Section 30-4-20(e), a quorum is a simple majority of the number of members on the Commission.

Minutes:
Minutes of all meetings of the Commission and its committees shall be kept and distributed in accordance with SC law and the Bylaws of the Commission.

RESPONSIBILITY AND ETHICS

Commission members shall prepare for, regularly attend, and actively participate in board meetings, standing committees, and special assignments.

Commission members shall accept and abide by the rules and responsibilities of the Commission, as defined by statute, state regulations, Commission policies, and Commission bylaws.

Commission members shall not grant or make available to any person any consideration, information or favor beyond that which is available to the general public, nor shall they accept any favor or gratuity from any firm, person, or corporation which is engaged in, or attempting to engage in business transactions with the Commission, or any institution that is coordinated or regulated by the Commission, which might affect or give the appearance of affecting a member's judgment in the impartial performance of their duties.

Commission members shall be bound by the rules of conduct and reporting requirements of the State Ethics Commission, as defined in Title 8, Chapter 13 of the SC Code of Laws. The CHE adopts the applicable sections of the SC State Ethics Commission's Rules of Conduct as follows:

1. All public employees, public officeholders, and public members are expected to adhere to and follow the Rules of Conduct as outlined in the Ethics Reform Act. Anyone who is found guilty of violating these rules is subject to prosecution by the State Ethics Commission and the Attorney General's Office.

2. A public official, public member, or public employee may not knowingly use his official office, membership, or employment to influence a government decision to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated.

3. A person may not directly or indirectly give, offer, or promise anything of value to a public official, public member, or public employee with intent to influence

the public official's, public member's, or public employee's official responsibilities, nor is the public official, public member, or public employee to ask, demand, solicit, or accept anything of value for himself or for another person in return for fulfilling his official responsibilities or duties.

4. A public official, public member, or public employee may not receive anything of value for speaking before a public or private group in his/her official capacity. A meal can be accepted if provided in conjunction with the speaking engagement where all participants are entitled to the same meal and the meal is incidental to the speaking engagement. A public official, public member or public employee may receive payment or reimbursement for actual expenses incurred.

5. Public officials, public members, or public employees may not receive money in addition to that received by the public official, public member, or public employee in his official capacity for advice or assistance given in the course of his employment as a public official, public member, or public employee.

6. No public official, public member, or public employee may disclose confidential information gained as a result of his responsibility as a public official, public member, or public employee that would affect an economic interest held by himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.

7. No person may serve as a member of a governmental regulatory agency that regulates any business with which that person is associated.

8. No person shall serve on the governing body of a state; county; municipal; or political subdivision, board, or Commission and serve in a position on the same governing body which makes decisions affecting his economic interests.

9. A public official occupying a statewide office, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated may not knowingly represent another person before a governmental entity.

10. No member of the General Assembly or an individual with whom he is associated or business with which he is associated may represent a client for a fee in a contested case before an agency, a Commission, board, department, or other entity if the member of the General Assembly has voted in the election, appointment, recommendation, or confirmation of a member of the governing body of the agency, board, department, or other entity within the 12 preceding months.

11. A public member occupying statewide office, an individual with whom associated, or a business with which associated may not knowingly represent a person before the same unit or division of the governmental entity for which the public member has official responsibility.

12. A public official, public member, or public employee of a county or municipality, may not knowingly represent a person before any agency, unit, or subunit of that county or municipality.

13. A public employee, other than of a county or municipality, an individual with whom associated, or a business with which associated may not knowingly represent a person before an entity of the same level of government for which the public employee has official responsibility.

14. No public official, public member, or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official, public member, or public employee supervises or manages. A public official, public member, or public employee may not participate in an action relating to the discipline of the public official's, public member's or public employee's family member.

15. A former public official, former public member, or former public employee holding office, membership, or employment may not serve as a lobbyist or represent clients before the agency or department on which the public official, public member, or public employee formerly served in a matter in which he directly and substantially participated for one year after terminating his public service or employment.

16. It is a breach of ethical standards for a public official, public member, or public employee who participates directly in procurement to resign and accept employment with a person contracting with the governmental body if the contract falls or would fall under the public official's, public member's, or public employee's official responsibility.

17. No person may use government personnel, equipment, materials, or an office building in an election campaign. A person may use public facilities for a campaign purposes if they are available on similar terms to all candidates and committees. Likewise, government personnel may participate in election campaign on their own time and on non-government premises.

18. A public official, public member, or public employee may not have an economic interest in a contract with the state or it's political subdivisions if the public official, public member, or public employee is authorized to perform an official function (including writing or preparing the contract, accepting bids, and awarding of the contracts) relating to the contract.

COMMUNICATIONS – INTERNAL

The Commission shall speak to the agency and the Executive Director through the policies set forth in this document.

Commission members are encouraged to develop relationships with staff members, and to seek their knowledge and input regarding issues that may affect higher education in South Carolina, and/or matters that may come before the Commission or a Committee.

In the event that a Commissioner requires assistance with a project or information that involves extensive research or work beyond the current scope of duties for any division, they shall direct such inquiries and requests to the Executive Director for prioritization and delegation.

Commission members recognize that the Executive Director and the administration are responsible to the Commission as a whole and not to individual Commissioners.

Committee chairs shall work with their appointed staff liaisons and other division members, as necessary, to complete the work of their committees. In the course of the work of the committee, chairs may assign tasks or projects to staff, but prioritization of all work shall remain the purview of the Executive Director.

Commission Rules

COMMUNICATIONS - EXTERNAL

Communications Statement:
Members of the Commission are encouraged to establish lines of communication with constituents, legislators, representatives from institutions of higher education, the business community, and other agencies or organizations. This policy should in no way be construed as a limitation on individual Commissioners to develop positive relationships and dialogue with stakeholders or with organizations and individuals who may assist with the advancement of the Commission's goals and objectives.

When speaking on behalf of the Commission, however, members shall follow the rule of One Voice – One Message. The will of the Commission is expressed through its votes and when speaking as a member of the Commission, Commissioners shall represent those positions. This limitation shall not prohibit Commissioners from speaking publicly about their own personal votes on any particular matter.

Media
Unless otherwise directed by the Chair, Commissioners should refer all media inquiries to the Chair and/or the Executive Director.

Public Speaking Requests
Commission members are encouraged to accept public speaking engagements on higher education topics. Speaking requests must be cleared by the Chair.

Legislature
Questions, information requests or concerns presented by members of the General Assembly should be immediately brought to the attention of the Executive Director and/or Chair of the Commission. No member of the Commission shall advance any request or position on behalf of the Commission to members of the General Assembly without the prior approval of the Chair.

Institutions
Commission members are encouraged to visit campuses of South Carolina's institutions of higher education, in order to gain first hand knowledge of their challenges and successes.

Litigation, Audits, Investigations
It is the policy of the Commission not to comment on active or pending litigation, compliance audits, and/or ongoing investigations

Commission members shall not act as a spokesperson for the entire Commission or any committee of the Commission unless specifically authorized to do so. Commissioners recognize that the Chair of the Commission, or his/her designee, serves as the authorized spokesperson for the Commission, after consensus is sought from the Commission and/or the Executive Committee. The Executive Director, or his designee, serves as the primary spokesperson for the administration of the Commission.

Commission members shall have no legal, regulatory, or other authority outside of the meetings of the Commission, and shall conduct all relationships with governing bodies, public and private institutions, media and other interested entities and persons on the basis of that fact.

COMMITTEES

In accordance with state law, the Commission shall create from its membership such standing committees as it may deem necessary. The creation of the committees and their duties shall be prescribed by a two-thirds vote of the membership of the Commission. Special committees may be created and their duties prescribed by a majority vote of the Commission members. The Chair of the Commission may also appoint ad hoc committees as needed.

DISCIPLINARY POLICY

In the performance of their duties, Commissioners are bound by and subject to the relevant laws of the State of South Carolina and the policies enacted by the Commission.

Violation of Commission policies may result in discipline at the discretion of the Chair, including but not limited to: censure, removal from committees, and/or reporting of the offense to the appointing or recommending authority.

Commissioners may appeal any proposed disciplinary action by the chair through a protest to the full Commission.