



Oklahoma Higher Education Statutory Framework

DISCLAIMER: THIS PRESENTATION IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED AS LEGAL ADVICE. PLEASE CONSULT YOUR LEGAL COUNSEL REGARDING THESE MATTERS.

Relevant State System Laws

OK Const. Art. 13A § 1

All institutions of higher education supported wholly or in part by direct legislative appropriations shall be integral parts of a unified system to be known as "The Oklahoma State System of Higher Education."

OK Const. Art. 13A § 2

There is hereby established the Oklahoma State Regents for Higher Education, consisting of nine (9) members, whose qualifications may be prescribed by law. The Board shall consist of nine (9) members appointed by the Governor, confirmed by the Senate, and who shall be removable only for cause, as provided by law for the removal of officers not subject to impeachment. Upon the taking effect of this Article, the Governor shall appoint the said Regents for terms of office as follows: one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, one for a term of seven years, one for a term of eight years, and one for a term of nine years. Any appointment to fill a vacancy shall be for the balance of the term only. Except as above designated, the term of office of said Regents shall be nine years or until their successors are appointed and qualified.

OK Const. Art. 13A § 2 (cont.)

The Regents shall constitute a co-ordinating board of control for all State institutions described in Section 1 hereof, with the following specific powers: (1) it shall prescribe standards of higher education applicable to each institution; (2) it shall determine the functions and courses of study in each of the institutions to conform to the standards prescribed; (3) it shall grant degrees and other forms of academic recognition for completion of the prescribed courses in all of such institutions; (4) it shall recommend to the State Legislature the budget allocations to each institution, and; (5) it shall have the power to recommend to the Legislature proposed fees for all of such institutions, and any such fees shall be effective only within the limits prescribed by the Legislature.

OK Const. Art. 13A § 3

The appropriations made by the Legislature for all such institutions shall be made in consolidated form without reference to any particular institution and the Board of Regents herein created shall allocate to each institution according to its needs and functions.

70 O.S. § 3201 - Institutions Comprising the Oklahoma State System of Higher Education

The following state educational institutions shall be members of The Oklahoma State System of Higher Education: University of Oklahoma, Oklahoma State University, Langston University, Oklahoma Panhandle State University, Murray State College, Connors State College, Cameron University, Eastern Oklahoma State College, Northeastern Oklahoma Agricultural and Mechanical College, University of Central Oklahoma, East Central University, Northeastern State University, Northwestern Oklahoma State University, Southeastern Oklahoma State University, Southwestern Oklahoma State University, University of Science and Arts of Oklahoma, Rogers State University, Carl Albert State College, Redlands Community College, Northern Oklahoma College, Oklahoma City Community College, Rose State College, Seminole State College, Tulsa Community College, and Western Oklahoma State College.

70 O.S. § 3206 - Powers and Duties of the State Regents

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Among other powers and duties, the State Regents shall:

(h) Prescribe standards for admission to, retention in, and graduation from state educational institutions.

(i) Accept federal funds and grants and use the same in accordance with federal requirements; and accept and disburse grants, gifts, devises, bequests and other monies and property from foundations, corporations and individuals; and establish, award and disburse scholarships and scholarship funds and rewards for merit from any funds available for such purpose.

(j) Allocate revolving and other non-state-appropriated educational and general funds.

(k) Transfer from one institution to another any property belonging to such institution when no longer needed by it and when needed by another institution to accomplish its functions.

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Northern Oklahoma College's governing board statutes

70 O.S. § 3702 - Board of Regents of Northern Oklahoma College

(a) There is hereby created the Board of Regents of the Northern Oklahoma College, which shall consist of five (5) members appointed by the Governor, by and with the advice and consent of the Senate. No two members of the Board shall be chosen from the same profession or occupation, nor shall more than three members of the Board be from the same county. Provided that persons now serving on such Board shall be members of and continue to serve on the Board herein created in Position Number 1, Position Number 2, and Position Number 3 as designated by the Governor. Appointments shall be to numbered positions on the Board...

(b) Vacancies on the Board shall be filled by the Governor for the unexpired term, by and with the advice and consent of the Senate.

(c) No member of the Board shall be employed in connection with any work to be performed at Northern Oklahoma College, nor shall any member of the Board enter into any contract or business transaction, involving a financial consideration, with Northern Oklahoma College.

70 O.S. § 3705 - Board of Regents of Northern Oklahoma College

The Board of Regents of Northern Oklahoma College shall be a body corporate, and shall adopt and use an official seal. It shall annually elect a chairman, a vice chairman, and a secretary, each of whom shall serve for a term of one (1) fiscal year and until his successor is elected and qualified, and who shall perform such duties as the Board directs. The Board shall adopt rules and regulations as it deems necessary for the governing of the Board and the discharge of its duties, and shall cause to be kept the minutes of all meetings and transactions considered at each meeting, in a suitable book to be obtained and kept for such purpose.

70 O.S. § 3706 - Board of Regents for Northern Oklahoma College

The Board of Regents of the Northern Oklahoma College shall have the supervision, management and control of the Northern Oklahoma College; and it shall have the following additional powers and duties:

- (a) Adopt such rules and regulations as it deems necessary to govern the Northern Oklahoma College.
- (b) Employ and fix the compensation and duties of such personnel as it deems necessary, including architects, attorneys, engineers and other professional and technical persons for its operation and for the operation of Northern Oklahoma College. Any of such personnel having custody of public funds or other public property may be required to furnish corporate surety bonds in such amounts as may be deemed necessary by the Board, payable to the State of Oklahoma and conditioned upon a faithful accounting of all such funds and property.
- (c) Enter into contracts, purchase supplies, materials and equipment, and incur such other expenses as may be necessary to make any of its powers effective.
- (d) Authorize officials at the Northern Oklahoma College to act in its behalf in the making of contracts, or in carrying out the powers conferred upon it.
- (e) Receive and make disposition of monies, grants and property from federal agencies, and administer the same in accordance with Federal requirements.

70 O.S. § 3706 - Board of Regents for Northern Oklahoma College (cont.)

(f) Accept gifts of real and personal property, money and other things, and use or dispose of the same in accordance with the directions of the donors or grantors thereof.

(g) Direct the disposition of all monies appropriated by the Legislature or by the Congress or derived from the sale of bonds or received from any other source by Northern Oklahoma College.

(h) Acquire and take title to real and personal property in its name, on behalf of the Northern Oklahoma College, and convey, exchange or dispose of, or otherwise manage or control, such property in the interest of such institution, including the granting of leases, permits, easements and licenses over or upon any such real property. The Board shall have the power to institute any legal action in the name of the Board before any court having jurisdiction of such actions. The Board shall have custody of abstracts of title and instruments affecting the ownership of or title to real property belonging to the Northern Oklahoma College.

(i) Have supervision and charge of the construction of all buildings at Northern Oklahoma College.

(j) Determine the need for and cause to be constructed dormitories and other buildings, on a self-liquidating basis, at the Northern Oklahoma College.

70 O.S. § 3706 - Board of Regents for Northern Oklahoma College (cont.)

(k) Establish and maintain plans for tenure and retirement of employees at the Northern Oklahoma College, and for payment of deferred compensation of such employees; and provide hospital and medical benefits, accident, health and life insurance, and annuity contracts, for such employees and their dependents. The Board may pay for all or a part of the cost thereof for employees with funds available for the operation of the institution. Amounts payable by an employee for such insurance or annuity contracts may, with the consent of the employee be deducted from his salary.

(l) Maintain an inventory of all property belonging to the Northern Oklahoma College.

(m) Audit all accounts against the funds allocated to Northern Oklahoma College.

(n) Provide penalties and forfeitures by way of damages and otherwise for the violation of rules and regulations of the Board, which may be sued for and collected in the name of the Board before any court having jurisdiction of such actions.

(o) Do all things necessary or convenient to carry out the powers expressly granted to it, or to make the Northern Oklahoma College effective for the purposes for which it is maintained or operated.

Relevant Private Institution Laws

OK Const. Art. 13A § 4

Private, denominational, and other institutions of higher learning may become co-ordinated with the State System of Higher Education under regulations set forth by the Oklahoma State Regents for Higher Education.

70 O.S. § 3212 - Private Educational Institutions - Co-ordination with State System

Private educational institutions may become coordinated with the State System under regulations prescribed by the State Regents. No such institution, however, shall receive any financial aid out of any appropriations made by the Legislature and over which the State Regents may have control.

70 O.S. § 4101 - Establishment

Any person or persons, group, or other entity, establishing a private educational institution shall do so only as a corporation organized or domesticated under the laws of Oklahoma.

70 O.S. § 4103 - Accreditation & Authorization

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B. All private and out-of-state public degree-granting institutions shall be accredited by an accrediting agency which is recognized by the Secretary of the United States Department of Education as a reliable authority as to the quality of education or training offered by institutions of higher education for the purposes of the Higher Education Act of 1965, as amended. Additionally, for the purposes of consumer protection and to maintain financial eligibility for Title IV funding as described in 34 CFR Part 600, institutions shall be authorized according to the policies and procedures established by the Oklahoma State Regents for Higher Education. These policies and procedures shall be limited to the minimum necessary to ensure that private and out-of-state degree-granting institutions that operate in this state by any modality meet the same standards of academic quality and fiscal responsibility required for institutions of higher education within The Oklahoma State System of Higher Education.

70 O.S. § 4103.1 - Tuition Recovery Revolving Fund

There is hereby created in the State Treasury a revolving fund for the Oklahoma State Regents for Higher Education to be designated the “Tuition Recovery Revolving Fund”. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Regents from fees collected pursuant to Section 4103 of Title 70 of the Oklahoma Statutes. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Regents for the purpose of offsetting student tuition losses in the event that an institution authorized pursuant to Section 4103 of Title 70 of the Oklahoma Statutes closes or ceases operations. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

70 O.S. § 4104 - Degrees

A. A private educational institution shall grant only those degrees authorized by the Oklahoma State Regents for Higher Education unless approved otherwise by a national or regional accrediting agency which is recognized by the Secretary of the United States Department of Education as a reliable authority as to the quality of education or training offered by institutions of higher education for the purposes of the Higher Education Act of 1965, as amended.