

**Regulation Development Procedure
Policy Guidance
Select Tuition and Fees Regulations**

In October 2004 the BOG adopted six tuition and fee policies that were submitted to the Legislature for consideration. Policy #5 dealt with university Board of Trustees discretion to set tuition and fees and stated:

1. Starting in 2005-06, individual Boards of Trustees have full discretion to set tuition and fees for
 - a. Graduate and professional students
 - b. Nonresident students
 - c. Non-degree-seeking students
2. Tuition and fee rates for these students may vary by program, campus, schedule, instructional technology, or any other factor and may be set by the credit hour or as a block.

The Legislature in proviso allowed each Board of Trustees to set university tuition and fees for graduate, professional, and nonresident students.

On July 21, 2005 the Board of Governors (BOG) adopted a Regulation Development Procedure for State University Boards of Trustees. This procedure requires select regulations pertaining to student tuition and fees, admissions, and articulation be approved by the BOG prior to becoming effective. The Regulation Development Procedures state that the BOG may disapprove a university regulation on the following grounds:

- ❖ A university board of trustees materially failed to follow regulation development procedures set forth herein;
- ❖ The regulation does not comply with the law or contravenes the policies of the BOG as specified in resolution, regulation, or strategic plan;
- ❖ The regulation vests unbridled discretion in the university board of trustees; or
- ❖ The regulation is arbitrary or capricious.

The following will guide the review of select regulations pertaining to tuition and fees. This information will be submitted by the universities as a part of the transmission of the select regulations on tuition and fees to the BOG.

- Has the following information been posted to the university's internet website (website address should be provided):
 - A summary of the proposed regulation, regulation amendment or regulation appeal? Yes No
 - Full text of the proposed regulation, regulation amendment or regulation repeal or instructions on where to view the information? Yes No
 - Reference to the authority for the regulation? Yes No
 - University official initiating the regulation, amendment or repeal? Yes No

- The procedure for commenting on the proposed regulation, amendment or repeal with the name, electronic address, facsimile number, telephone number and street address of the regulation contact person where comments can be sent? **Yes** No
- Has the proposed regulation, regulation amendment or regulation repeal been adopted by the university board of trustees. **Yes** No If yes when:
- Did the regulation go into effect prior to approval by the BOG? Yes **No**
If yes, why?
- Does the proposed regulation, regulation amendment or regulation repeal comply with law? **Yes** No If no, please provide specific information.
- Does the regulation contravene policies of the Board of Governors' as specified in resolution, regulation, or strategic plan? Yes **No** If yes, please provide specific information.
- Does the proposed regulation or regulation amendment impact the BOG approved funding model? Yes **No** If yes, explain how.
- Does the proposed regulation or regulation amendment impact the data collected by the BOG Office? Yes **No** If yes, explain how.
- Does the proposed regulation or regulation amendment significantly depart from past practices? Yes **No**
If, yes please provide adequate explanation / justification.
- ❖ If all responses to the above fall under the appropriate **bolded** response, then [the Chancellor has the authority to send a letter approving the university regulations.](#)
If not, further review is warranted and the Chancellor will discuss these issues with the Student Affairs Committee Chair to determine if the item rises for appropriate review by the BOG.

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