

1. FOR A PROGRAM PROPOSED TO BE ESTABLISHED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION, WHETHER THE PROGRAM MAY BE IMPLEMENTED, AND

2. FOR A PROGRAM PROPOSED TO BE ESTABLISHED BY A NONPUBLIC INSTITUTION OF HIGHER EDUCATION, WHETHER TO RECOMMEND THAT THE GENERAL ASSEMBLY REDUCE THE STATE APPROPRIATION FOR THE NONPUBLIC INSTITUTION IN ACCORDANCE WITH § 17-105 OF THIS ARTICLE.

~~(C) (D) (4) THE COMMISSION SHALL DETERMINE WHETHER A NEW PROGRAM PROPOSED TO BE ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION COMPLIES WITH THE EQUAL EDUCATIONAL OPPORTUNITY REQUIREMENTS OF STATE AND FEDERAL LAW.~~

~~(2) (E) IF THE COMMISSION DETERMINES THAT A NEW PROGRAM PROPOSED TO BE ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION VIOLATES AN EQUAL EDUCATIONAL OPPORTUNITY REQUIREMENT OF STATE OR FEDERAL LAW:~~

~~(1) THE COMMISSION SHALL NOTIFY THE PRESIDENT OF THE INSTITUTION AND THE BOARD OF REGENTS INSTITUTION'S GOVERNING BOARD OF THE COMMISSION'S CONCERNS VIOLATION; AND~~

~~(H) THE INSTITUTION SHALL WORK WITH THE COMMISSION TO RESOLVE THE CONCERNS BEFORE IMPLEMENTING THE PROGRAM.~~

~~(H) IF THE INSTITUTION FAILS TO RESOLVE THE VIOLATION IDENTIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:~~

1. IF THE INSTITUTION IS A PUBLIC INSTITUTION OF HIGHER EDUCATION, THE COMMISSION SHALL REQUIRE THE INSTITUTION TO NOT IMPLEMENT THE PROGRAM, AND

2. IF THE INSTITUTION IS A NONPUBLIC INSTITUTION OF HIGHER EDUCATION, THE COMMISSION SHALL RECOMMEND THAT THE GENERAL ASSEMBLY REDUCE THE STATE APPROPRIATION FOR THE NONPUBLIC INSTITUTION IN ACCORDANCE WITH § 17-105 OF THIS ARTICLE.

(C) WITHIN 30 DAYS OF RECEIPT OF A NOTICE OF AN INSTITUTION'S INTENT TO ESTABLISH A NEW PROGRAM IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, THE COMMISSION MAY FILE, OR THE INSTITUTIONS OF HIGHER EDUCATION IN THE STATE MAY FILE WITH THE COMMISSION, AN OBJECTION TO IMPLEMENTATION OF A PROPOSED PROGRAM PROVIDED THE OBJECTION IS BASED ON:

(1) INCONSISTENCY OF THE PROPOSED PROGRAM WITH THE INSTITUTION'S APPROVED MISSION;

(2) UNREASONABLE PROGRAM DUPLICATION WHICH WOULD CAUSE DEMONSTRABLE HARM TO ANOTHER INSTITUTION; OR

(3) VIOLATION OF THE STATE'S EQUAL EDUCATIONAL OPPORTUNITY OBLIGATIONS UNDER STATE AND FEDERAL LAW.