

DUPLICATIVE OR INCONSISTENT WITH AN INSTITUTION'S ADOPTED MISSION.

(4) THE COMMISSION MAY MAKE A DETERMINATION THAT AN UNREASONABLE DUPLICATION OF PROGRAMS EXISTS ON ITS OWN INITIATIVE OR AFTER RECEIPT OF A REQUEST FOR DETERMINATION FROM ANY DIRECTLY AFFECTED PUBLIC INSTITUTION OF POSTSECONDARY EDUCATION.

(5) (I) IF THE COMMISSION MAKES A DETERMINATION UNDER PARAGRAPH (4) OF THIS SUBSECTION THE COMMISSION MAY:

1. MAKE RECOMMENDATIONS TO A GOVERNING BOARD ON THE CONTINUATION OR MODIFICATION OF THE PROGRAMS;

2. REQUIRE ANY AFFECTED GOVERNING BOARD TO SUBMIT A PLAN TO RESOLVE THE DUPLICATION; AND

3. NEGOTIATE, AS NECESSARY, WITH ANY AFFECTED GOVERNING BOARD UNTIL THE UNREASONABLE DUPLICATION IS ELIMINATED.

(II) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (5), IF THE COMMISSION DETERMINES THAT 2 OR MORE EXISTING PROGRAMS OFFERED BY INSTITUTIONS UNDER THE GOVERNANCE OF DIFFERENT GOVERNING BOARDS ARE UNREASONABLY DUPLICATIVE, THE GOVERNING BOARDS OF THE INSTITUTIONS OF POSTSECONDARY EDUCATION AT WHICH THE PROGRAMS ARE OFFERED SHALL HAVE 180 DAYS FROM THE DATE OF THE COMMISSION'S DETERMINATION TO FORMULATE AND PRESENT TO THE COMMISSION A JOINT PLAN TO ELIMINATE THE DUPLICATION.

(III) IF IN THE COMMISSION'S JUDGMENT THE PLAN SATISFACTORILY ELIMINATES THE DUPLICATION, THE GOVERNING BOARD OF THE AFFECTED INSTITUTIONS SHALL BE SO NOTIFIED AND SHALL TAKE APPROPRIATE STEPS TO IMPLEMENT THE PLAN.

(IV) IF IN THE COMMISSION'S JUDGMENT THE PLAN DOES NOT SATISFACTORILY ELIMINATE THE DUPLICATION, OR IF NO PLAN IS JOINTLY SUBMITTED WITHIN THE TIME PERIOD SPECIFIED IN SUBSECTION (D)(6) OF THIS SECTION, THE GOVERNING BOARD OF THE AFFECTED INSTITUTIONS SHALL BE SO NOTIFIED. THE COMMISSION MAY THEN SEEK TO ELIMINATE THE DUPLICATION BY REVOKING THE AUTHORITY OF A PUBLIC INSTITUTION OF POSTSECONDARY EDUCATION TO OFFER THE UNREASONABLY DUPLICATIVE PROGRAM.

(II)--IN ACCORDANCE WITH § 17-104(A) OF THIS ARTICLE, BY REDUCING THE AMOUNT OF STATE AID UNDER TITLE 17 OF THIS ARTICLE TO WHICH AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION IS ENTITLED.

(8)--THE DETERMINATION OF THE COMMISSION TO IMPOSE A SANCTION UNDER SUBSECTION (D)(7)(i) OR (ii) OF THIS SECTION SHALL BE FINAL AND IS NOT SUBJECT TO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.