

HIGHER EDUCATION

SECRETARY OF HIGHER EDUCATION

Licensure Rules

Proposed Readoption with Amendments: N.J.A.C. 9A:1

Proposed Repeal and New Rule: N.J.A.C. 9A:1-3.4

Proposed Repeal: N.J.A.C. 9A:1-4.7

Proposed New Rules: N.J.A.C. 9A:1-5.4 and 5.5

Authorized By: Rochelle Hendricks, Secretary of Higher Education.

Authority: N.J.S.A. 18A:3-15.3, 18A:3B-14, 18A:3B-15, 18A:3B-63, 18A:3B-65, 18A:3B-67,
and 18A:68-3.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2015–108.

Submit comments by November 7, 2015, to:

Eric Taylor

Director, Office of Licensure

Office of the Secretary of Higher Education

20 West State Street, 4th Floor

PO Box 542

Trenton, NJ 08625-0542

E-mail: eric.taylor@oshe.nj.gov

The agency proposal follows:

Summary

Pursuant to the Reorganization Plan No. 005-2011, issued by Governor Chris Christie on June 29, 2011, all functions, powers, duties and personnel of the Commission on Higher Education were transferred to the Secretary of Higher Education, pursuant to the State Agency Transfer Act, P.L. 1971, c. 375 (N.J.S.A. 52:14D-1 et seq.) Therefore, under State law, the Secretary on Higher Education (Secretary) is responsible for licensing institutions of higher education to offer college-credit-bearing coursework and programs in New Jersey. The Secretary's licensure rules, N.J.A.C. 9A:1, set forth the standards that any institution or other entity seeking to offer academic credit-bearing courses or programs must meet to qualify for a license. Pursuant to N.J.S.A. 52:14B-5.1 the rules governing licensure expire on July 28, 2015. An administrative review was conducted, with extensive consultation with institutions and institutional associations; this process resulted in suggested revisions to the current licensure rules. Accordingly, the Secretary proposes to readopt the rules with amendments.

As this notice was submitted to the Office of Administrative Law prior to the expiration date of the chapter, the chapter expiration date is extended 180 days, to January 24, 2016. As the Secretary has provided a 60-day comment period on this notice of the proposal, this notice of proposal is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5. The rules proposed for readoption with amendments are organized in eight subchapters, as follows.

Subchapter 1 contains definitions and presents general licensure standards in such areas as organization and administration, finance, faculty, libraries, student services, physical facilities, and official publications.

At N.J.A.C. 9A:1-1.1, additional language is proposed that clarifies that a corporation may not offer academic degree programs or college credit-bearing courses in New Jersey without a license. In addition, language is proposed that describes the transfer to the Secretary of all functions, powers, duties, and personnel of the Commission on Higher Education pursuant to the Reorganization Plan No. 005-2011.

At N.J.A.C. 9A:1-1.2, Definitions, it is proposed that the term “degree completion program” be amended to “academic degree completion program” and the definition for the existing term be amended to remove the requirement that such a program can only be offered at a physical facility located at a place other than the baccalaureate degree granting institution’s principal campus, as well as amended to clarify that such a program is intended for students who have earned transferable credit hours from an institution different from the one offering the academic degree completion program that are applicable to the academic degree completion program. The definition of “academic disciplines” would be amended to reflect that the Classification Instructional Programs (CIP) codes were updated by the National Center for Education Statistics (NCES) in 2010, as well as modified to replace the NCES mailing address to obtain the CIP codes with the NCES website address to obtain the CIP codes and to include all future NCES updates. The revisions made in 2010 by NCES to the 2000 version of CIP codes may be viewed at <http://nces.ed.gov/ipeds/cipcode/crosswalk.aspx?y=55>. The definition for “accreditation” would also be applied to the term “accredited”; both terms appear in the current chapter and proposed amendments, and the definition is proposed to be amended to clarify that those terms refer to a status attained in regards to academic degree programs and/or college credit-bearing courses. In the definition for “adequate, appropriate, equivalent, significant, suitable, and sufficient,” “Commission” is replaced with “Secretary.” The definition for “branch

campus” would be amended to implement P.L. 2009, c. 308, § 20 (N.J.S.A. 18A:3B-65), which concerns the establishment of a branch campus by a public research university or a State college, with the term “branch campus” modified in accordance with the statute to mean a physical facility established by a State institution of higher education either out-of-State or out-of-country, rather than a physical facility located at a place other than the institution’s principal campus. The definition is also amended to delete that a branch campus in New Jersey requires approval by the Commission. Four changes are proposed to the definition for “‘college,’ ‘institution,’ or ‘institution of higher education’”: 1. the exception to the requirement to offer a range of degree programs is proposed to be modified from applicable to institutions whose major mission is to prepare individuals for religious vocation to applicable institutions that have a specialty mission, a term that is proposed to be included in the definitions section (and discussed below); 2. the description of faculty duties is proposed to be modified, so that faculty duties may consist of the instruction of students or involvement in scholarship and research or some combination of both the instruction of students and involvement in scholarship and research; 3. the description of an indication of collegiality being a system of tenure or a system of long-term contracts for full-time faculty is proposed to be removed from the definition; and 4. the use of the term “junior college” to describe an institution that only offers associate degrees is proposed to be deleted from the definition. The term “credit-bearing course” is proposed to be amended to “college credit-bearing course,” with the amended term having the same definition as the existing term. The definition for “Commission” is proposed to be modified to include a description of the transfer to the Secretary of all functions, powers, duties, and personnel of the Commission on Higher Education pursuant to the Executive Reorganization plan issued by Governor Chris Christie on June 29, 2011. The term “Executive Director” and its definition are

proposed to be deleted. The definition for “full-time faculty member” would be modified to indicate that the primary employment of a full-time faculty member is directly related to teaching, research, other aspects of the educational programs of institutions, “or some combination thereof.” The definition for “library” is proposed to be modified to include a physical space that provides either physical or electronic access to books, journals, databases, and other resource materials, rather than mandating both. The definition for “Middle States Association” is proposed for deletion. A definition is proposed for the term “OSHE,” which is an acronym for the New Jersey Office of the Secretary of Higher Education. The definition for “Presidents’ Council” would be modified to remove and replace the description of the membership of the New Jersey Presidents’ Council with a reference to the statute establishing the body and its membership. The definition for “programmatic mission” would be amended to include a reference to the Secretary’s authority to approve an institution’s programmatic mission. A proposed new definition for the term “Secretary” refers to the Secretary of Higher Education. The definition for “seeking accreditation” is proposed to be amended to clarify that the status or standing achieved is in regards to academic degree programs and/or college credit-bearing courses. The definition for “semester credit hour” is proposed to be amended to allow for an equivalent amount of academic work as established by an institution to meet the standard for a semester credit hour and to clarify the existing definition. A new definition for the term “specialty mission” is proposed for institutions that are primarily focused on a single academic area.

At N.J.A.C. 9A:1-1.3, Licensure, it is proposed that all references in the section to “degree programs” be replaced with “academic degree programs”; all references to “credit-bearing courses” be replaced with “college credit-bearing courses”; all references to “Executive

Director” be replaced with “OSHE”; and all references to “Commission” be replaced with “Secretary.” New N.J.A.C. 9A:1-1.3(b) is proposed to describe the procedures for a New Jersey institution to submit a licensure petition to the Secretary, as well as the required contents of a licensure petition. Existing subsection (b) is proposed to be recodified as new N.J.A.C. 9A:1-1.3(c)1, and incorporated into the proposed text for that subsection. New N.J.A.C. 9A:1-1.3(c) is proposed with language describing the procedures to be followed once a New Jersey institution has submitted a licensure petition to the Secretary. At recodified N.J.A.C. 9A:1-1.3(e), the reference to a branch campus of an institution in another state is proposed to be amended to clarify that the language refers to an out-of-State institution. In addition, the subsection is proposed to be amended to clarify that an institution must be currently licensed in order for the institution’s accreditation status to be considered for continued licensure and that the accrediting body must be recognized by the U.S. Secretary of Education to accredit the kinds of academic programs for which licensure was previously granted. In addition, recodified N.J.A.C. 9A:1-1.3(e) is proposed to be modified to allow the Secretary to accept the initial granting of accreditation as sufficient for continued licensure, as well as to clarify that a representative sent by the Secretary to an accreditation site visit shall have the option to participate fully in the visit. At recodified N.J.A.C. 9A:1-1.3(f), the requirement for when an unaccredited New Jersey institution is required to submit a petition for continued licensure modified to eight months before the expiration of the current license, rather than “six to eight months.” In addition, the subsection is proposed to be amended to clarify that an institution must seek relicensure for academic degree programs, as well as college credit-bearing courses. Finally, the recodified subsection is proposed to be amended to clarify that a licensed unaccredited institution must seek accreditation by an institutional accrediting body recognized by the U.S. Secretary of Education

“to accredit the kinds of academic programs for which initial licensure was granted” within three years of initial licensure. Existing N.J.A.C. 9A:1-1.8(g), which contains the requirement that a proprietary institution’s licensure status be reassessed when a change in the ownership of the institution occurs, is proposed for deletion as this subject is addressed in Subchapter 4, which applies to proprietary institutions. N.J.A.C. 9A:1-1.3(h) is proposed for deletion and replacement to clarify that the process for out-of-State institutions to seek licensure can be found at N.J.A.C. 9A:1-5. The reference in N.J.A.C. 9A:1-1.3(k)5 to the New Jersey Higher Education Assistance Authority is proposed to be amended to New Jersey Higher Education Student Assistance Authority, which is the current name for that agency. New N.J.A.C. 9A:1-1.3(m) is proposed to require a licensed institution that has changed its name to provide notice of the name change to the Secretary within 30 days of the date of the change, except in a case where an institution wants to use the term “university” in the institution’s name, the use of which requires an institution to follow the procedures detailed at N.J.A.C. 9A:1-3. New N.J.A.C. 9A:1-1.3(n) is proposed to require a licensed institution that has changed the location of its main campus or established an additional campus location to provide notice of such to the Secretary within 30 days of the date of the change or establishment of the additional campus location.

At N.J.A.C. 9A:1-1.4, Application of standards, it is proposed that additional language be included that clarifies that the standards in Subchapter 2, Degree Standards and Programmatic Mission, apply to institutions seeking to be licensed or relicensed by the Secretary. In addition, it is proposed that the reference to “Commission” be replaced with “Secretary.”

At N.J.A.C. 9A:1-1.5, Mission and long-range plans, it is proposed that the section heading be changed to delete “mission” and all references to mission statement be deleted from the section, including all subsections (a) and (b). New language describing an institution’s

mission statement, and the features thereof, is proposed at N.J.A.C. 9A:1-1.3(b)2, as discussed above. In addition, it is proposed that the references to “Commission” be replaced with “Secretary” in the remaining rule text.

At N.J.A.C. 9A:1-1.6, Organization and administration, it is proposed that the reference to “Commission” be replaced with “Secretary.” N.J.A.C. 9A:1-1.6(a) is proposed to be amended by deleting that the first sentence, which describes the importance of effective organization and administration. N.J.A.C. 9A:1-1.6(c) is proposed to be amended by removing that the first sentence, which describes the importance of an institution’s governing board and is further amended to clarify that an “institution’s governing” board shall oversee all legal aspects of the institution’s operations, sets institutional policy, plan for the institution, monitor progress toward fulfilling the mission, and ensure continuous institutional assessment and planning. N.J.A.C. 9A:1-1.5(e), which sets forth a list of institutional constituencies is proposed to be amended to clarify that it is not an exhaustive listing.

At N.J.A.C. 9A:1-1.7, Finances, it is proposed that all references to “Commission” be replaced with “Secretary.” N.J.A.C. 9A:1-1.7(a) is proposed to be amended by deleting the first sentence, which describes the importance of financial resources, accounting practices, and budgeting.

At N.J.A.C. 9A:1-1.8, Faculty, it is proposed that subsection (a), which provides descriptive language regarding faculty be deleted. N.J.A.C. 9A:1-1.8(b), which addresses the matter of faculty development is also proposed to be deleted. Recodified N.J.A.C. 9A:1-1.8(a) is proposed for amendment to delete the first sentence, which suggests periodic evaluation of faculty performance. Recodified N.J.A.C. 9A:1-1.8(b) is proposed for amendment to clarify that the majority of all full-time, part-time, and adjunct faculty at an institution offering only

associate degrees shall have either a master's degree in the field in which they are appointed (if such a qualification exists) or an equivalent qualification in the field in which they are appointed. Recodified N.J.A.C. 9A:1-1.8(c) is proposed for amendment to clarify that the majority of all full-time, part-time, and adjunct faculty who are teaching in baccalaureate degree programs shall have either a doctorate or an equivalent qualification in the field in which they are appointed. At recodified N.J.A.C. 9A:1-1.8(d), the listing of activities of professional productivity is proposed to be amended to include both instruction and advisement, as well as to clarify that the listing is not an exhaustive listing. The existing final sentence in recodified subsection (d), which contains suggestions in regards to the academic schedules for graduate programs is proposed to be deleted.

At N.J.A.C. 9A:1-1.9, Library, it is proposed that N.J.A.C. 9A:1-1.9(a), which provides descriptive language regarding the library, be deleted. At recodified N.J.A.C. 9A:1-1.9(a), the exception that applies to institutions whose library collection is primarily in a language other than English is proposed to be amended to apply to institutions with a specialty mission. In addition, the final sentence in N.J.A.C. 9A:1-1.9(b), which contains suggestions regarding the use of library liaisons is proposed to be deleted. N.J.A.C. 9A:1-1.9(c), which requires associate degree granting institutions to justify library holdings that are fewer than 20,000 titles and baccalaureate degree granting institutions to justify library holdings that are fewer than 50,000 titles, is proposed for deletion. At recodified N.J.A.C. 9A:1-1.9(b), the second and third sentences that contains suggestions regarding the development and maintenance of a library collection is proposed to be deleted. At recodified N.J.A.C. 9A:1-1.9(e), the existing language that requires institutions to provide clear and consistent access to electronic resources and the current requirements to provide "methods for on-campus and remote access to electronic

resources” and communication of those methods “to students in a manner to minimize barriers to usage” are both proposed to be deleted. In addition, the existing language in the subsection that requires a consistent method for archiving electronic resources is proposed to be deleted. At recodified N.J.A.C. 9A:1-1.9(f), the existing language is proposed for amendment to remove the requirement that an institution document evidence of library education programming that encompasses both physical and virtual collections. Recodified N.J.A.C. 9A:1-1.9(i) is proposed for amendment to delete suggestions for the design of an information literacy plan, as well as to remove the requirements: 1) to provide evidence of faculty and administrator involvement with the information literacy plan; 2) to make the information literacy plan available to the learning community; and 3) that within three years of obtaining initial licensure, an institution shall document the outcomes of its information literacy plan.

At N.J.A.C. 9A:1-1.10, Students and student services, it is proposed that subsection (a), which provides descriptive language regarding policies and services related to students, be deleted.

N.J.A.C. 9A:1-1.11, Physical facilities, is proposed for readoption without amendment.

At N.J.A.C. 9A:1-1.12, Official publications, it is proposed that the descriptive language regarding official publications subsection (a), be deleted. N.J.A.C. 9A:1-1.12(c) is proposed to be amended to allow, in lieu of including the information listed at N.J.A.C. 9A:1-1.12(c)1 to 12 in the institution’s official catalog, for an institution to provide in the official catalog the web address where such information can be accessed on the institution’s website. N.J.A.C. 9A:1-1.12(c)8 is proposed to be amended to require an itemized listing of all mandatory fees charged to students in its official catalogs. N.J.A.C. 9A:1-1.12(d), which requires institutions to file a copy of their official catalogs annually, is proposed to be deleted.

Subchapter 2 outlines general requirements and standards, such as credit minimums for programs at the various academic degree levels, general education requirements, and criteria for exceeding or changing the programmatic mission of an institution.

At N.J.A.C. 9A:1-2.1, General program standards, it is proposed that the descriptive language regarding educational programs in subsection (a) be deleted. N.J.A.C. 9A:1-2.1(b) is proposed to be amended to replace the existing requirement for institutions to use a 10-month academic year with new language that allows for the academic year to be determined by an institution's governing board. At N.J.A.C. 9A:1-2.1(c), it is proposed that the language that allows for an institution to seek approval to award more than one semester credit hour for an experience compressed into one week's time or less be deleted. At N.J.A.C. 9A:1-2.1(e) the language containing suggestions for how an institution can demonstrate the rigor of offerings through comparisons with similar courses at institutions accredited by the Middle States Association is proposed to be deleted.

N.J.A.C. 9A:1-2.2, Undergraduate education, and 2.3, Associate degree programs, are proposed for readoption without amendment.

At N.J.A.C. 9A:1-2.4, Baccalaureate degree programs, it is proposed that the Bachelor of Business Administration (B.B.A.) be included in the listing of specialized programs where major courses may exceed half of the total required for the degree found at N.J.A.C. 9A:1-2.4(c).

At N.J.A.C. 9A:1-2.5, Graduate education, it is proposed that subsection (c) be amended so that a graduate school can make specialized materials available for its programs at a physical location on campus, through electronic means, or through some combination of both on-campus and electronic access. In addition, the language in that subsection containing suggestions for the kinds of library materials to provide in support of graduate programs is proposed to be deleted.

N.J.A.C. 9A:2-2.6, Master's degree programs, and 2.7, Specialist programs, are proposed for readoption without amendment.

At N.J.A.C. 9A:1-2.8, Doctoral degree programs, it is proposed that the existing language in subsection (b) containing suggestions for the design of doctoral degree programs be deleted. Existing N.J.A.C. 9A:1-2.8(e), which contains suggestions for how to establish or initiate doctoral programs, is proposed to be deleted. At N.J.A.C. 9A:1-2.8(f)3 and 5, amendments are proposed to include in doctoral programs "other academic professionals" besides faculty members and for the demonstrable commitment of necessary resources, not just faculty time, by institutions for doctoral programs. Furthermore, N.J.A.C. 9A:1-2.8(f)6, which requires institutions with doctoral programs to formulate long-range plans for developing cognate doctoral programs in other fields, is proposed to be deleted.

At N.J.A.C. 9A:1-2.9, Exceeding or changing programmatic mission, it is proposed that subsection (a) be amended to clarify that the subsection only applies to licensed New Jersey institutions. Subsection (a) is further proposed for amendment, so that the reference to "Commission" is replaced with "Secretary." Finally, it is proposed that exceeding mission criterion at paragraph (a)2 be amended to clarify that the Statewide plan for higher education is to be used to evaluate an exceeding mission request when the plan is applicable to the request. Proposed new N.J.A.C. 9A:1-2.9(b) would allow for an institution to request the Secretary to authorize a change to the institution's programmatic degree level if that institution has received previous approval of five exceeding mission requests at the particular degree level for which the change has been requested. In addition, the subsection would contain language clarifying that the process described therein is distinct from the existing process, which is found in recodified subsection (c). Recodified N.J.A.C. 9A:1-2.9(c) is proposed to be amended to clarify that the

subsection only applies to licensed New Jersey institutions, as well as to clarify that requests made pursuant to this subsection should be made to the Secretary and that Secretary will evaluate those mission change requests according to the listed criteria. In addition, it is proposed that mission change criterion at the recodified N.J.A.C. 9A:1-2.9(c)2 be amended to clarify that the Statewide plan for higher education is to be used to evaluate a mission change request when the plan is applicable to the request.

Subchapter 3 delineates programmatic and organizational standards and resources, and petition requirements that a higher education institution must meet to use the term "university" in its name. A number of amendments are proposed for this subchapter in order to streamline and simplify the standards therein. For the entire subchapter, it is proposed that the existing text where apparently mandatory language is used be amended by including the term "shall" in order to clarify the intent of the language and distinguish the language from aspects of the text that are permissive in nature. Furthermore, it is proposed that all specific references to and descriptions of university faculty found in N.J.A.C. 9A:1-3.1(a) and 3.2(b) be deleted.

At N.J.A.C. 9A:1-3.1, Programs, it is proposed that subsection (a) be amended to clarify that a university may offer an array of graduate studies related to the fields in which it offers advanced degrees, but such is not a requirement. In addition, it is proposed that the existing language at subsections (b) and (c) that describe the characteristics of a university that emphasizes research and the teaching mission, respectively, be deleted.

At N.J.A.C. 9A:1-3.2, Organization, it is proposed that second sentence in subsection (a), which describes how a university might select graduate and professional students be deleted. As discussed above, subsection (b) is proposed for deletion. At recodified subsection (b), it is proposed that term "administrative staff" be amended to just "staff," thereby clarifying that a

university shall provide a full range of staff with the primary responsibility to administer graduate and professional programs.

At N.J.A.C. 9A:1-3.3, Resources, it is proposed that the section be amended, so that the examples given of certain kinds of resources that a university shall possess be deleted. In addition, it is proposed that the descriptive term “more sophisticated, which is used to describe the level of work required in graduate and professional programs, be deleted.

N.J.A.C. 9A:1-3.4, Accreditation, is proposed for repeal and replacement with a new rule to reflect the name change of the Middle States Association of Colleges and Schools to the Middle States Commission on Higher Education.

At N.J.A.C. 9A:1-3.5, Eligibility for university status and use of “university” as part of an institution’s name, it is proposed that all references to “Commission” be replaced with “Secretary.” In addition, it is proposed that the term “master’s (comprehensive) universities and colleges” be modified to “master’s universities and colleges,” as the former term is no longer utilized as part of the Carnegie Foundation for the Advancement of Teaching’s Classification of Institutions of Higher Education.

Subchapter 4 contains licensing standards beyond those in Subchapter 1 that proprietary institutions must meet to offer collegiate courses and award degrees. The standards address such matters as changes in ownership, duration of license, library requirements, faculty, and the governing board.

At N.J.A.C. 9A:1-4.1, General provisions, it is proposed that the existing text in the section where apparently mandatory language is used be amended by including the term “shall” in order to clarify the intent of the language and distinguish the language from aspects of the text that are permissive in nature. In addition, at subsection (a), it is proposed that the reference in

the subsection to “award academic degrees” be replaced with “offer academic degree programs and/or college credit-bearing courses.”

At N.J.A.C. 9A:1-4.2, Reassessment of licensure status, it is proposed that the section be amended to require a proprietary institution to notify the Secretary of a change in ownership within 30 days of the change. In addition, it is proposed that the section be amended to give the Secretary discretion as to whether the institution’s licensure status will be reassessed within one year after a change in ownership.

At N.J.A.C. 9A:1-4.3, Duration of license, it is proposed that all references to “Commission” be replaced with “Secretary.” In addition, it is proposed that, for purposes of re-licensure of a currently licensed institution, existing references to accreditation by the Middle States Association be deleted and replaced with language that references accreditation of a New Jersey institution by an institutional accrediting body that is recognized by the U.S. Secretary of Education to accredit the kinds of academic programs for which licensure was previously granted. The existing requirement in N.J.A.C. 9A:1-4.1(b) that a proprietary institution is to petition the Secretary for re-licensure at least six months before the expiration of the current license is proposed to be amended, so that a proprietary institution shall submit a petition for re-licensure to the Secretary at least eight months before the expiration of the current license and for purposes of re-licensure of a currently licensed New Jersey institution, existing references to accreditation by the Middle States Association be deleted and replaced with language that references accreditation by an institutional accrediting body that is recognized by the U.S. Secretary of Education to accredit the kinds of academic programs for which licensure was previously granted.

N.J.A.C. 9A:1-4.4, Minimum library requirements, and 4.5, Governing board, are proposed for readoption without change.

At N.J.A.C. 9A:1-4.6, Faculty teaching loads, it is proposed that the heading of the section be amended by deleting “teaching loads” from the heading; the new section heading will be “faculty.”

N.J.A.C. 9A:1-4.7, Basic skills testing and enrollment in remedial courses, which requires proprietary institutions to be subject to any policies regarding basic skills testing and remedial instruction adopted by the Commission, is proposed for repeal. The repeal of the section is proposed because the Office of the Secretary of Higher Education does not intend to adopt policies regarding basic skills testing and remedial instruction and would, instead, address basic skills testing and remedial instruction via regulatory promulgation, if needed.

Subchapter 5 prescribes rules beyond those in Subchapter 1 for out-of-State institutions seeking approval to offer credit-bearing collegiate coursework in New Jersey. The requirements cover both initial and renewal licenses, petition procedures and contents, and petition review processes. For this subchapter it is proposed that all references to “Commission” be replaced with “Secretary”; all references to “Commission staff” be replaced with “OSHE staff”; all references in the section to “degree programs” be replaced with “academic degree programs”; all references to “credit-bearing courses” be replaced with “college credit-bearing courses”; and all references to “Executive Director” be replaced with “Secretary.”

At N.J.A.C. 9A:1-5.1, Licensure required, it is proposed that subsection (a) be amended to clarify that out-of-State institutions are precluded from offering and advertising college credit-bearing courses or academic degree programs in the State until licensure has been approved, as well as amended to clarify that the standards contained in the entire chapter are applicable to out-

of-State institutions. N.J.A.C. 9A:1-5.1(b) is proposed to be modified by replacing the reference to “home state” with “the state in which the [out-of-State] institution is incorporated.” N.J.A.C. 9A:1-5.1(c) is proposed to be amended to remove the descriptive language regarding the Secretary’s review of and determination on out-of-State licensure petitions, as well as to clarify that the Statewide plan for higher education is to be used to evaluate an out-of-State licensure petition when the plan is applicable, rather than the “Commission’s long-range plan.” N.J.A.C. 9A:1-5.1(d), which sets the licensure period for out-of-State institutions that offer degree programs, is proposed to be amended to remove the existing language that limits the applicability of the subsection to out-of-State institutions “that offer degree programs”; thereby making the subsection applicable to out-of-State institutions that offer academic degree programs and/or college credit bearing courses. Accordingly, it is proposed that existing N.J.A.C. 9A:1-5.1(e) through (h), which govern the licensure period for out-of-State institutions that offer credit-bearing courses, be deleted. New N.J.A.C. 9A:1-5.1(f) is proposed to state that an out-of-State proprietary institution is subject to the rules in Subchapter 4.

At N.J.A.C. 9A:1-5.2, Petitions from institutions, it is proposed that subsection (a) be amended to remove the distinction in the existing language between petitions from out-of-State institutions for degree programs and petitions from out-of-State institutions for courses. In addition, it is proposed that the subsection be amended to require petitions to be submitted to OSHE in an electronic format preferably at least one calendar year before the requested date of implementation. Proposed new N.J.A.C. 9A:1-5.2(b)2 requires an institution to include its mission statement in a petition for licensure. At recodified as N.J.A.C. 9A:1-5.2(b)7, the term “catalogue” is proposed to be modified to the American spelling of the term, “catalog.”

At N.J.A.C. 9A:1-5.3, Review processes, it is proposed that the existing language in subsection (a) that describes out-of-State institutions as either invited or not invited by in-State parties to offer educational services in New Jersey be deleted. N.J.A.C. 9A:1-5.3(a)1 is proposed to be amended so that, instead of a summary of a submitted petition's content, New Jersey institutions will receive from OSHE a brief summary of a submitted petition, as well as information on how to obtain the full petition from the OSHE website. In addition, it is proposed that the 60-day comment period in N.J.A.C. 9A:1-5.3(a)1 be amended to a 30-day comment period. N.J.A.C. 9A:1-5.3(a)2 is proposed to be amended to clarify that petitions shall be reviewed by an external consultant team, rather than a single consultant and that a site visit by OSHE staff and the external consultant team may occur as part of the petition review process. Proposed new N.J.A.C. 9A:1-5.3(a)4 states that the Secretary shall consider the recommendation of the Presidents' Council when making a determination on the petition.

Proposed new N.J.A.C. 9A:1-5.4, Annual report, requires all licensed out-of-State institutions to submit an annual report to the Secretary regarding the programs and courses offered in New Jersey. The new section would also establish a process for the Secretary, after reviewing the annual report and in conjunction with the Presidents' Council, to address any significant change in the offerings, resources, or status of the institution.

Proposed new N.J.A.C. 9A:1-5.5, Additional instructional sites, establishes a new process for the Secretary to review requests by a currently licensed out-of-State institution to establish an additional instructional site in New Jersey. Currently, such a request is governed by N.J.A.C. 9A:1-6.2 for branch campuses; however, as discussed below, the branch campus section is proposed to be substantially amended to conform with P.L. 2009, c. 308, § 20 (N.J.S.A. 18A:3B-65) and, as amended, will no longer be applicable to out-of-State institutions. Therefore, new

N.J.A.C. 9A:1-5.5 is proposed to maintain a process for out-of-State institutions to request approval to establish additional instructional sites.

Subchapter 6 addresses off-campus offerings by New Jersey colleges and universities. Throughout the subchapter, it is proposed that all references to “Commission” be replaced with “Secretary”; all references to “Commission staff” be replaced with “OSHE staff”; all references in the section to “degree programs” be replaced with “academic degree programs”; and all references to “credit-bearing courses” be replaced with “college credit-bearing courses.”

At N.J.A.C. 9A:1-6.1, Purpose and general requirements, it is proposed that subsection (a), which describes possible rationales for off-campus offerings and also contains a statement on the level of quality of off-campus, be deleted. N.J.A.C. 9A:1-6.1(b) is proposed to be recodified as N.J.A.C. 9A:1-6.1(a) and N.J.A.C. 9A:1-6.1(c) is proposed to be recodified as N.J.A.C. 9A:1-6.1(b).

At N.J.A.C. 9A:1-6.2, Branch campuses, substantial amendments are proposed so that the section conforms with P.L. 2009, c. 308, § 20 (N.J.S.A. 18A:3B-65), which establishes a requirement for a State college or university to submit a plan in an electronic format to the Secretary for review and recommendation when that institution has determined to establish a branch campus out-of-State or out-of-country that will serve at least 500 students. The existing language in the section that governs requests for approval of any branch campus sought to be established by any institution of higher education that is licensed to operate in New Jersey is, therefore, proposed to be modified accordingly and new amending language is proposed that governs the submission of a plan to the Secretary for review and recommendation when a State college or university has determined to establish a branch campus out-of-State or out-of-country that will serve at least 500 students.

At N.J.A.C. 9A:1-6.3, Noncollegiate organizations, it is proposed that the last sentence in paragraph (a)4, which allows for an institution to seek approval to award more than one semester credit hour for an experience compressed into one week's time or less be deleted.

Subchapter 7 covers distance and hybrid learning. The subchapter delineates standards for New Jersey institutions; addresses the granting of degrees for collaborative distance learning and hybrid programs and the counting of students enrolled in multiple institutions, and outlines review/approval requirements. For out-of-State institutions or entities, the rules apply only to those seeking to offer credit-bearing distance learning with a physical presence in this State.

At N.J.A.C. 9A:1-7.1, Standards for New Jersey institutions, it is proposed that the term "catalogue" in subsection (c) be amended to the American spelling of the term, "catalog."

N.J.A.C. 9A:1-7.2, Granting degrees for programs provided collaboratively, and 7.3, Counting students enrolled in multiple institutions, are proposed for readoption without change and with a technical change, respectively.

At N.J.A.C. 9A:1-7.4, Program review and approval for New Jersey institutions, it is proposed that the section be amended to clarify that the references to "New Jersey institutions" means licensed New Jersey institutions. At subsection (c), it is proposed that all references to "Commission" be replaced with "Secretary." In addition, it is proposed that the reference in subsection (c) to "mission" be amended to clarify the reference to mean "programmatic mission."

At N.J.A.C. 9A:1-7.5, Approval for out-of-State institutions, it is proposed that the reference in subsection (a) to "Commission" be replaced with "Secretary" and that the reference to "credit-bearing courses" be replaced with "college credit-bearing courses." The existing language at subsection (b), which refers to a process for approving courses or degree programs

for out-of-State institutions that is not consistent with either the existing or proposed language in Subchapter 5, is proposed to be deleted, and new language is proposed to state that out-of-State institutions that wish to offer New Jersey residents no other programs except for distance education programs with no physical presence in New Jersey are not required to seek licensure. Proposed new subsection (c) states the criteria that need to be met in order for a supervised component conducted in New Jersey as part of a degree program offered by an out-of-State institution to not be considered to constitute a physical presence in New Jersey.

Subchapter 8 implements N.J.S.A. 18A:3-15.1 et seq., which concerns fraudulent academic degrees. The rules define "duly authorized institutions" in other states and foreign countries, prohibit a person's using a degree designation unless the degree was granted by a duly authorized institution, and require that honorary degrees be so identified. No amendments are proposed.

Social Impact

The rules proposed for readoption with amendments, new rules, and repeals establish criteria and processes to ensure that any institution (public, private nonprofit, or proprietary), whether incorporated in the State or not, offering college-level coursework in New Jersey meets standards of quality. Application of the standards protects the citizens of New Jersey, individuals attending college or university in New Jersey, and employers. The proposed amendments, new rules, and repeals contribute further to the quality of higher education, clarify standards to make compliance more effective, and in specific instances, reduce administrative burdens.

Economic Impact

The rules proposed for readoption with amendments, new rules, and repeals have no direct economic impact on New Jersey or the State's higher education institutions. An indirect

impact flows from the fact that to meet the requirements set forth in the rules, institutions must allocate resources (employees, materials, equipment, etc.) to ensure compliance with the standards. The cost of such compliance varies from institution to institution and within a particular institution, depending on the area involved, but may not always represent additional cost. The licensure rules set minimum standards, which are exceeded by many institutions.

Federal Standards Statement

The rules proposed for readoption with amendments, new rules, and repeals are not subject to a Federal standards analysis under Executive Order No. 27 (1994) and N.J.S.A. 52:14B-22 et seq. because the licensure function of the Secretary of Higher Education is not subject to any Federal requirements or standards.

Jobs Impact

The rules proposed for readoption with amendments, new rules, and repeals will not result in the generation or loss of any jobs.

Agriculture Industry Impact

The rules proposed for readoption with amendments, new rules, and repeals will have no impact on the agriculture industry.

Regulatory Flexibility Analysis

The rules proposed for readoption with amendments, new rules, and repeals affect some proprietary and private nonprofit institutions in the State with fewer than 100 full-time employees. These are small businesses as defined by N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. Currently, up to 24 colleges in the State meet this definition; others may seek licensure in the future. The rules require such schools to meet certain criteria to ensure the quality of the college-level education they offer. In order to meet these criteria, the school must

allocate resources to ensure compliance with the standards; the cost of compliance varies, but may not always represent additional cost. No professional services need be employed to comply with the rules proposed for readoption with amendments, new rules, and repeals. The schools meeting the definition of small businesses are held to the same standards as other colleges offering similar instruction. The standards cannot be lessened for small businesses without seriously diluting the quality of the college-level education offered by those institutions. Therefore, no differing standards based on business size are offered.

Housing Affordability Impact Analysis

The rules proposed for readoption with amendments, new rules, and repeals do not require a housing affordability analysis because the rules establish criteria and processes to ensure that any institution (public, private nonprofit, or proprietary), whether incorporated in the State or not, offering college-level coursework in New Jersey meets standards of quality and there is an extreme unlikelihood that the rules proposed for readoption with amendments, new rules, and repeals will evoke a change in the average costs associated with housing.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments, new rules, and repeals are not likely to have any impact on smart growth or on housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the rules govern the licensure of institutions of higher education.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 9A:1.

Full text of the proposed amendments, repeals, and new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL STANDARDS

9A:1-1.1 Authority

N.J.S.A. 18A:68-3 stipulates that no corporation may offer **academic degree programs and/or college** credit-bearing courses in New Jersey until it files with the Commission on Higher Education a certified copy of its incorporation and obtains from the Commission a license to offer such **degree programs or** courses [or work] under the rules prescribed by the Commission. **Pursuant to Reorganization Plan No. 005-2011, issued by Governor Chris Christie on June 29, 2011, all functions, powers, duties, and personnel of the Commission were transferred to the Secretary of Higher Education, pursuant to the State Agency Transfer Act, P.L. 1971, c. 375 (N.J.S.A. 52:14D-1 et seq.).**

9A:1-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

...

“Academic degree completion program” means a baccalaureate degree program consisting of at least 120 semester credit hours offered by a baccalaureate degree-granting institution for students who have earned transferable credit hours from another institution of higher education that are applicable to the baccalaureate degree program. In an academic degree completion program, the baccalaureate degree-granting institution shall offer course work totaling 26 percent or more of the credits required for the baccalaureate degree.

...

“Academic disciplines” means the major areas of study identified in the Classification of Instructional Programs (CIP), that is, the first two digits of the CIP code, developed by the National Center for Education Statistics, [2000] **2010**, incorporated herein by reference, **as amended and supplemented**. The CIP may be obtained from the National Center for Education Statistics[, 555 New Jersey Avenue NW, Washington, DC, 20208-5652] **website at <http://nces.ed.gov/ipeds/cipcode>**.

“Accreditation” **and “accredited” both** mean[s] a status attained by an institution through voluntarily meeting standards **for academic degree programs and/or college credit-bearing courses** set by a nongovernmental entity recognized by the U.S. Secretary of Education.

“Adequate, appropriate, equivalent, significant, suitable, and sufficient” mean adequate, appropriate, equivalent, significant, suitable, and sufficient in the judgment of the [Commission] **Secretary** in consultation with the Presidents’ Council.

...

“Branch campus” means a physical facility **for a State college or a State university** located **out-of-State or out-of-country** at a place other than the institution’s principal campus offering one or more complete programs leading to a degree. [A branch campus in New Jersey requires approval by the Commission.]

...

“College credit-bearing course” means an instructional activity upon a student’s **successful completion of which an institution of higher education awards recognition applicable to meeting the requirements for a degree or other formal academic award**.

“College,” “institution,” or “institution of higher education” means a postsecondary educational institution that provides instruction beyond the 12th grade level in programs that satisfy the requirements for a degree at the associate, baccalaureate, or graduate level[;], **and which**, with the exception of institutions [whose major mission is to prepare individuals for religious vocations] **that have a specialty mission**, [a college] offers a range of degree programs. A college has an independent board of trustees. It has a faculty whose duties **may** include [some combination of] the instruction of students [and], involvement in scholarship and research, **or some combination of both the instruction of students and involvement in scholarship and research**. A college has policies and procedures that encourage the academic officers and the faculty to exercise their full responsibility for the academic direction of the institution. [One indication of this type of collegiality is a system of tenure or a system of long-term contracts for the full-time faculty.] A [junior/community] **community** college or county college is an institution of higher education that offers the associate degree only. A senior college offers degrees up to the baccalaureate level and/or offers graduate and professional degrees. Unless the context clearly indicates otherwise, the term “college” as used in [these rules] **this chapter** refers to higher education institutions generally.

“Commission” means the New Jersey Commission on Higher Education, which [is] **was** the State-level planning and coordinating agency for higher education in New Jersey **until June 29, 2011, when all functions, powers, duties, and personnel of the Commission were transferred to the Secretary of Higher Education, pursuant to Reorganization Plan No. 005-2011.**

["Credit-bearing course" is an instructional activity upon a student's successful completion of which an institution of higher education awards recognition applicable to meeting the requirements for a degree or other formal academic award.

"Degree completion program" means the final portion of a baccalaureate degree program consisting of at least 120 semester credit hours offered by a baccalaureate degree-granting institution. A degree completion program is offered at a physical facility located at a place other than the baccalaureate degree-granting institution's principal campus. In a degree completion program, the baccalaureate degree-granting institution shall offer course work totaling 26 percent or more of the credits required for the baccalaureate degree.]

...

["Executive Director" means the Executive Director of the New Jersey Commission on Higher Education.]

"Full-time faculty member" is one who is appointed as such and who occupies a full-time faculty position with academic rank or other equivalent title whose primary employment is directly related to teaching, research, [and/or] other aspects of the educational programs of institutions, **or some combination thereof.**

...

"Library" means a physical space conducive to learning and research, providing patrons with efficient physical and/or electronic access to books, journals, databases, and other resource materials in support of the curriculum, and offering the assistance of qualified library professional(s), librarians, and support staff.

["Middle States Association" means the Middle States Association of Colleges and Schools, Commission on Higher Education, which is the regional accrediting body for degree-granting institutions in New Jersey.]

"OSHE" means the New Jersey Office of the Secretary of Higher Education.

...

"Presidents' Council" means the New Jersey Presidents' Council, a statutory body [consisting of presidents of the State's public and independent institutions of higher education that receive State aid and four other presidents representing the State's degree-granting religious and proprietary institutions] **established pursuant to N.J.S.A. 18:3B-7.**

"Programmatic mission" means all program offerings consistent with the levels of academic degrees or certificates that the institution has been authorized to grant by the State Board of Higher Education prior to July 1, 1994, or approved thereafter by **either** the Commission **or the Secretary.**

...

"Secretary" means the New Jersey Secretary of Higher Education.

"Seeking accreditation" means that an institution has achieved candidacy status or the equivalent standing as evidenced by meeting standards **for academic degree programs and/or college credit-bearing courses** set by a nongovernmental entity recognized by the U.S. Secretary of Education.

"Semester credit hour" means [50 minutes of face-to-face class activity each week for 15 weeks (or the equivalent attained by scheduling more minutes of face-to-face class activity per week for fewer weeks in the semester) in one semester] **150 minutes of academic work each week for 15 weeks in one semester, which is typically accomplished by 50 minutes of face-**

to-face class activity each week complemented by at least 100 minutes each week of laboratory or outside assignments (or the equivalent thereof for semesters of different length) **but may also be accomplished through an equivalent amount of academic work as established by an institution, which may include additional class time, laboratory work, internships, practical studio work, and other forms of academic work.**

“Specialty mission” means an institutional mission that is primarily focused on a single academic area.

...

9A:1-1.3 Licensure

(a) An institution seeking to offer **academic degree programs and/or college** credit-bearing courses [or degree programs] in New Jersey shall first provide evidence of incorporation and petition the [Commission] **Secretary** for licensure. No institution shall offer or advertise the availability of its **college** credit-bearing course(s) or **academic degree** program(s) before receiving formal approval of its petition. Licensure shall require the institution to meet all the standards set forth in this chapter.

[(b) With respect to both initial and continuing licensure, Commission staff shall provide the institution’s petition and the findings of a licensure evaluation to the Presidents’ Council for review and recommendation to the Commission.]

(b) A New Jersey institution seeking licensure shall submit a licensure petition in an electronic format to OSHE preferably at least one year before the requested date of implementation. The petition shall contain:

1. The accreditation status of the institution;

2. A mission statement that defines the scope, purpose, and basic tenets of the institution;

3. Information equivalent to the annual summary sheet required by the institution's regional accrediting association;

4. The institution's financial statements and management letter(s) (if issued) (prepared by independent auditors) for each of the last three years;

5. Information on the qualifications of prospective faculty for the proposed New Jersey offering(s);

6. A description of the selection and review process for faculty teaching in New Jersey;

7. A catalog and other data that the institution recognizes as appropriate; and

8. Other information that the Secretary specifically requests.

(c) The following procedures apply to petitions from New Jersey institutions:

1. Upon receipt of the petition, OSHE staff shall provide to all New Jersey institutions a brief summary of the petition's contents, along with information on how to obtain the petition from the OSHE website and an invitation to the institutions to submit their comments within 30 days after the notification regarding the request.

2. OSHE staff shall review the petition and any comments submitted by in-State institutions, usually with the assistance of an external consultant team that is mutually acceptable to the institution and the Secretary. As part of the review of the petition, OSHE staff may also conduct a site visit at the campus of the institution, usually with the assistance of the external consultant team.

3. With respect to both initial and continuing licensure, OSHE staff shall provide the institution's petition and the findings of a licensure evaluation to the Presidents' Council for review and recommendation to the Secretary.

4. The Secretary shall consider the recommendation of the Presidents' Council when making a determination on the petition.

[(c)] **(d)** To ensure that licensed institutions continue to maintain the standards set forth below, the [Commission] **Secretary** shall periodically evaluate licensed institutions to determine whether or not they should continue to be licensed.

[(d)] **(e)** In the case of a **currently licensed** New Jersey[-licensed] institution accredited as a discrete entity (that is, not [as a branch campus of an institution in another state] **an out-of-State institution**) by an institutional accrediting body recognized by the U.S. Secretary of Education, the [Commission] **Secretary** shall accept **the granting or** reaffirmation of accreditation as sufficient for continued licensure provided that:

1. The appropriately recognized accrediting body's standards are similar to and encompass the State's criteria for licensure in the judgment of the [Commission] **Secretary**;

2. The appropriately recognized accrediting body is an institutional accrediting body recognized by the U.S. Secretary of Education to accredit the kinds of academic programs for which licensure was previously granted;

[2.] **3.** The institution provides the [Executive Director] **OSHE** with a copy of its self-study document at the same time it provides it to the accrediting body;

[3.] **4.** If the [Executive Director] **Secretary** sends a representative to accompany and work with the accreditation team on the site visit, the representative shall **have the option to**

participate fully in the accreditation visit, with the sole exception of voting on recommendations related to accreditation status; and

[4.] **5.** The institution submits to the [Executive Director] **OSHE** a copy of the letter from the recognized accrediting body informing the institution of its accreditation status.

[(e)] **(f)** With respect to an unaccredited New Jersey institution, that is, one that is not accredited as a discrete entity by an institutional accrediting body recognized by the U.S. Secretary of Education, the [Commission] **Secretary** shall grant licensure for a specified period not to exceed three years in the first instance or more than five years in subsequent instances. Under such conditions, the institution, if it wished to continue to offer **academic degree programs and/or college** credit-bearing courses in New Jersey, would be required to petition the [Commission] **Secretary** for relicensure at least [six to] eight months before the expiration of the current license. Licensed unaccredited institutions shall seek accreditation by an institutional accrediting body recognized by the U.S. Secretary of Education **to accredit the kinds of academic programs for which initial licensure was granted** within three years of initial licensure. Accredited institutions that cease affiliation with an institutional accrediting body while in good standing may petition the [Commission] **Secretary** for licensure to offer **college** credit-bearing courses or **academic** degree programs in New Jersey.

[(f)] **(g)** As a condition of licensure, institutions of higher education that receive direct state support and/or participate in state student assistance grant and scholarship programs shall participate in the [Commission's] **Secretary's** Student Unit Record Enrollment (SURE) data system within one year of initial licensure. The [Commission] **Secretary** shall enter into a memorandum of understanding with institutions participating in the SURE system with regard to the uses of data and protections of student privacy.

[(g) Regarding proprietary institutions (see N.J.A.C. 9A:1-4), when a change in ownership occurs, the Commission shall reassess the institution's licensure status between six months and one year after the change.

(h) Out-of-State institutions (see N.J.A.C. 9A:1-5.1(g)) also are licensed for specified periods of time.]

(h) The process for out-of-State institutions to seek licensure to offer academic degree programs and/or college credit-bearing courses in New Jersey is detailed at N.J.A.C. 9A:1-5.

(i) The [Commission] **Secretary** may direct the [Executive Director] **OSHE** to reevaluate the licensure status of any institution, regardless of its accreditation status.

(j) Before the [Commission] **Secretary** revokes or suspends an institution's license, the institution shall have the opportunity for a contested case hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The institution shall submit its request for a hearing to the [Commission] **Secretary** within 15 days of receiving notice of the [Commission's] **Secretary's** proposed action to revoke or suspend the licensee.

(k) An institution that decides to voluntarily cease operations or whose licensure has been revoked shall inform the [Commission] **Secretary** immediately of the following:

1- 4. (No change.)

5. Evidence of communication with the New Jersey Higher Education **Student** Assistance Authority and the U.S. Department of Education regarding the appropriate actions concerning state grant and scholarships, state loans, Federal grants and scholarships, and Federal loans as applicable.

(l) All licensed institutions shall comply with State and Federal statutes, **rules**, and regulations. Licensed institutions shall report findings of noncompliance by State or Federal agencies to the [Commission] **Secretary**.

(m) In the event that a licensed institution changes the institution's name, notice of the change shall be provided by the institution to the Secretary no later than 30 days from the date of the change. A licensed New Jersey institution that seeks to include "university" in the institution's name shall follow the procedures at N.J.A.C. 9A:1-3.

(n) In the event that a licensed New Jersey institution changes the institution's main campus location or establishes an additional campus location that is not a "branch campus," notice of the change shall be provided by the institution to the Secretary no later than 30 days from the date of the change or establishment of the additional campus location.

9A:1-1.4 Application of standards

The standards in N.J.A.C. 9A:1-1.5 through 1.12 **and, where applicable, in N.J.A.C. 9A:1-2, shall** apply to all institutions seeking to be licensed or relicensed by the [Commission] **Secretary**.

9A:1-1.5 [Mission statement and long-range] **Long-range** plan

[(a) A mission statement defines the scope, purpose, and basic tenets of an institution. It defines an institution's niche in New Jersey higher education and articulates goals that the institution continually strives to fulfill. A long-range plan complements an institution's mission by defining the path to mission attainment over an extended period of time.

(b) As a condition of licensure, an institution shall develop and promulgate a mission statement and publish it in the institution's official catalog. The catalog shall be filed with the Commission on paper or electronically on an annual basis.]

[(c)] An institution seeking a license [also] shall develop a long-range plan to attain its goals. Appropriate resources (physical, human, and financial) should undergird the elements of the plan. The plan shall be made available to the [Commission] **Secretary** upon the [Commission's] **Secretary's** request.

9A:1-1.6 Organization and administration

(a) [Effective organization and administration are essential if an institution is to serve its students and other constituencies.] The institution shall be organized to provide sufficient administrative, program, and resource support to attain its mission. The roles and responsibilities of administrators, faculty, and staff should be appropriate to its mission and described in writing.

(b) (No change.)

(c) [The most critical organizational element is an institution's governing board.] Consistent with the institution's mission, the **institution's governing** board **shall** oversee[s] all legal aspects of its operations, set[s] institutional policy, plan[s] for the institution, monitor[s] progress toward fulfilling the mission, and ensure[s] continuous institutional assessment and planning. In addition, the board should develop and maintain policies (by-laws) that specify its own duties, responsibilities, and procedures, as well as its membership, manner of appointment, and terms of

office. The board is responsible for selecting the institution's chief executive officer, who leads its administration.

(d) Reporting to the governing board, the chief executive officer is responsible for the following:

1. – 4. (No change.)

5. Preparing and submitting such reports as the governing board, the Presidents' Council, or the [Commission] **Secretary** may request; and

6. (No change.)

(e) Each institutional constituency directly concerned with the educational process [(that is, at least] **including, but not limited to**, the administration, faculty, staff, and students[)] should have a voice in institutional governance with respect to those issues with which it is appropriately concerned. Such participation should be defined in writing.

(f) (No change.)

9A:1-1.7 Finances

(a) [Without appropriate financial resources, planning, accounting practices, and budgeting, an institution's viability and its capacity to attain its mission are very much in doubt.] An institution shall continuously ascertain its financial requirements, determine its sources of revenue, plan for current and future needs, and budget its resources accordingly.

(b) (No change.)

(c) Each licensed New Jersey institution shall furnish annually to the [Commission] **Secretary** a copy of its audited financial statement and management letter(s) (if issued) on or before December 31 of each year. An out-of-State institution licensed to offer **college** credit-bearing courses or **academic** degree programs in the State shall furnish to the [Commission] **Secretary** a

copy of its audited financial statement and management letter(s) upon request of the [Commission] **Secretary**.

(d) (No change.)

9A:1-1.8 Faculty

[(a) While the governing board is the source of institutional policy, the faculty is the source of the institution's curricular development, delivery, and renewal. Instruction is a principal responsibility of faculty. Beyond this essential academic responsibility, faculty are key to an institution's professional, research, and/or service programs. A core of full-time faculty ensures coherence and drives progress towards attainment of the academic mission.

(b) Faculty should constantly strive to develop themselves professionally, including maintaining currency with their disciplines and the uses of newer methods of teaching and learning. Faculty should have available to them and be encouraged to engage in professional development programs throughout their careers.]

[(c)] **(a)** [Consistent with institutional policy and/or collective bargaining agreements, each institution should periodically evaluate faculty performance, including part-time and adjunct faculty.] The institution shall document and maintain appropriate records attesting to faculty qualifications, performance, and achievements. It should define clearly and disseminate the criteria and the process for promotion.

[(d)] **(b)** [Full-time and part-time faculty teaching at the associate degree level should possess as a minimum qualification an earned master's degree in the field in which they are teaching, if such a qualification exists (recognizing that some technical/occupational specialties offer no such degree) or an equivalent qualification in the field in which they are appointed.] The majority of

all **full-time faculty, part-time faculty, and adjunct faculty** at an institution offering only the associate degree shall have at least a master's degree in the field in which they are [teaching] **appointed, if such a qualification exists (recognizing that some technical/occupational specialties offer no such degree), or an equivalent qualification in the field in which they are appointed.**

[(e)] (c) [Full-time and part-time faculty appointed to any rank above instructor at baccalaureate degree-granting institutions shall have earned the doctorate or an equivalent combination of qualification and experience in the field in which they are appointed. A] **The majority of all full-time faculty, part-time faculty, and adjunct faculty who are teaching in baccalaureate degree programs** shall have the doctorate or an equivalent qualification in the field in which they are appointed.

[(f)] (d) Full-time and part-time faculty teaching in graduate programs shall have earned the doctorate or an equivalent qualification in the field in which they are appointed. They shall engage in an active pattern of professional productivity [as evidenced by] **including, but not limited to, instruction, advisement,** research, [peer reviewed] **peer-reviewed** publication, authorship, editorial services, creative work, artistic production, patents, applied research, service to professional associations and organizations, program design, and/or the scholarship of instruction. [The academic schedule should permit adequate time for instruction, advisement, direction of research, and supervision of theses, as well as continued professional growth and scholarly activity.]

Recodify existing (g) and (h) as **(e) and (f)** (No change in text.)

[(a) At its most elementary level, the collegiate teaching and learning process cannot proceed effectively without the essential services, collections, computerized network access, and other resources that are provided and administered by an institution's library. For this reason, much emphasis is placed upon the adequacy of the library, its collections, and its staffing. In the 21st century, emphasis is also placed on information literacy for all students.]

[(b)] **(a)** Qualified library professionals, librarians, and support personnel in numbers sufficient to serve the needs of students and faculty shall staff the institution's library. Every institution, regardless of enrollment or number of academic offerings, shall provide access to at least one qualified library professional with the exception of institutions [whose library collection is primarily in a language or languages other than English] **with a specialty mission**. Institutions [whose collection is primarily in a language or languages other than English] **with a specialty mission** shall provide access to a qualified library professional, a librarian, or an individual qualified by way of disciplinary expertise (for example, an earned doctorate, extensive study in the discipline, demonstrated scholarly production, etc.). [Each curricular area of the institution should have a library liaison assigned who serves as that department or program's connection to library and research services.]

[(c) An associate degree-granting institution with a library of fewer than 20,000 titles or a baccalaureate degree-granting institution with a library of fewer than 50,000 titles shall justify the adequacy of the size of its holdings.]

[(d)] **(b)** An institution shall demonstrate the development and maintenance of a collection that reflects and supports the curriculum. [An institution should compile acquisition and classification data, documenting collection strengths and weaknesses, and have in place a plan to maintain

strengths and remedy weaknesses through a combination of physical, virtual, and consortia materials. Institutions are advised to consult the Association of College and Research Libraries “RCL: Resources for College Libraries” or other recognized sources for core collection development.]

[(e)] **(c)** (No change in text.)

[(f)] **(d)** [The] **An** institution shall catalog and maintain all library holdings appropriately, including providing a protective environment for its physical library material that adequately protects the collection from deterioration and damage.

[(g)] **(e)** [The] **An** institution shall provide clear and consistent [methods for on-campus and remote] access to electronic resources[, and there shall be communication of that information to students in a manner to minimize barriers to usage. To the extent possible at individual institutions, there should be a consistent method for ensuring that electronic resources are archived so that access is possible for virtual library content over time].

[(h)] **(f)** [The] **An** institution shall document [evidence of library education programming that encompasses both physical and virtual collections, and] the existence of a plan to assess and document effective use of library resources by students and faculty.

Recodify existing (i) and (j) as **(g) and (h)** (No change in text.)

[(k)] **(i)** An institution shall have in place a plan that articulates how students will obtain information literacy skills as they progress through the curriculum. The plan shall identify outcomes for information literacy skill development, and how those outcomes are measured and assessed. [Institutions are encouraged to use a combination of assessment methods to include formal testing, development of student portfolios, examination of research papers bibliographies, and/or other means. Institutions may use either a compartmentalized, or distributed, method of

library education, or some combination that meets the needs of the institution. An institution shall provide evidence of faculty and administrator involvement in the development, implementation and operationalization of the information literacy plan. The institution has the responsibility, through its library or through other appropriate means, to make the information literacy plan available to the learning community. Within three years of initial licensure, an institution shall document how students are achieving information literacy outcomes.]

9A:1-1.10 Students and student services

[(a) For any degree-granting institution in New Jersey, policies and services related to students are of paramount importance. Such policies and services normally encompass a number of critical institutional areas, including admissions, counseling, financial aid, registration, placement, remedial services, and student-life programs.]

[(b)] **(a)** [The] **An** institution shall have a clearly defined admissions policy appropriate to its mission and shall admit students whose educational interests and abilities qualify them to pursue a program offered by the institution.

[(c)] **(b)** [The] **An** institution shall provide adequate student support, financial aid services, and facilities to help students succeed and shall maintain accurate records of each student's academic progress.

[(d)] **(c)** [The] **An** institution shall maintain transcripts for all students and shall provide to all students who request them, transcripts showing dates of attendance and academic performance.

9A:1-1.12 Official publications

(a) [As one medium through which an institution conveys its sense of mission, character, goals, and objectives, official publications reflect the institution's integrity, commitment, and reputation. Consequently, all] **All** information released by [the] **an** institution shall be true and accurate.

(b) [In particular, the] **An** institution's official catalog sets forth the responsibilities of both the student and the institution. As the nature of these responsibilities is subject to frequent change, official catalogs shall be printed or electronically updated at intervals sufficient to ensure currency of information and in quantities sufficient to supply interested persons.

(c) [Official catalogs] **An institution** shall **either** include [at least] the following information **in its official catalogs or provide a current web address in its official catalogs for where the information is located on the institution's website:**

1. – 7. (No change.)

8. Student costs, **including an itemized listing of all mandatory fees charged to students**, as well as refund and financial aid policies;

9. – 11. (No change.)

[(d) Each institution shall file annually with the Commission a copy of its official catalogue(s), or if the institution does not publish a paper copy of its catalog(s), an electronic copy or an accurate web address for access to the catalog.]

SUBCHAPTER 2. DEGREE STANDARDS AND PROGRAMMATIC MISSION

9A:1-2.1 General program standards

(a) An institution's [educational programs are the most tangible manifestation of its mission. In essence, the] overall curriculum shall reflect and support the mission of the institution.

(b) The [regular] academic year[, regardless of organization, should fall within a 10-month period and should include at least 30 weeks, or the equivalent in duration, of regularly scheduled student-faculty instructional activity, including final examination periods but excluding holiday and summer sessions] **shall be determined by the institution's governing board.**

(c) A semester credit hour shall not be counted on an hour-for-hour basis for library, independent-study, laboratory, or physical education activities. [No more than one semester credit hour shall be granted for an experience compressed into one week's time or less unless prior approval is obtained from the Commission in consultation with the Presidents' Council.] A semester credit hour is not required to be counted on an hour-for-hour basis for distance learning or blended (or hybrid) learning.

(d) (No change.)

(e) The rigor of all credit-bearing courses shall be substantially the same, regardless of the type of educational delivery mode ("distance learning," "blended (or hybrid) learning," or "traditional face-to-face learning"), as demonstrated by the institution through various forms of evidence. Such evidence shall include, but [shall] not be limited to, at least two of the following: syllabi, documented faculty interaction with students, learning outcomes, documented units of curricular material, and other documentation which objectively demonstrates the amount of time and/or the level of rigor necessary to complete the coursework. [Institutions of higher education offering or proposing to offer a course solely through only one educational delivery mode may demonstrate the rigor of the course through comparisons with the above forms of evidence for similar courses offered by institutions accredited by the Middle States Association.]

(a) – (b) (No change.)

(c) In specialized programs, such as **Bachelor of Business Administration (B.B.A)**, Bachelor of Fine Arts (B.F.A.), and Bachelor of Music (B.Mus.), and in programs in the regulated professions, major courses may exceed half of the total required for the degree.

9A:1-2.5 Graduate education

(a) – (b) (No change.)

(c) Beyond the needs of the undergraduate college, a graduate school shall have, for each program, a variety and depth of specialized materials available **either** on the campus [and] **or** through electronic means, **or through some combination of both on-campus and electronic access**. [For example, the] **A** library that supports a graduate program shall provide an adequate and current base for research activities. [The library should provide books and other materials, both in the fields of instruction and research and in related areas, to serve as background material and to support special investigation in much greater depth.] A library in support of a graduate program also shall provide access to a qualified library professional to provide consultation, research expertise, and support for faculty in curriculum matters.

(d) – (e) (No change.)

9A:1-2.8 Doctoral degree programs

(a) (No change.)

[(b) They should be so designed that elements such as course requirements, foreign language requirements, qualifying examinations, research requirements, and the dissertation are coherently related to a clearly defined set of educational goals.]

Recodify existing (c) and (d) as **(b) and (c)** (No change in text.)

[(e) Because a doctoral program benefits from complementary programs in other fields, no institution should seek to establish doctoral studies piecemeal or to initiate its first doctoral program unless it offers or has formulated long-range plans for mounting cognate doctoral programs in related fields.]

[(f) **(d)** For each doctoral program, an institution shall demonstrate that:

1. – 2. (No change.)

3. Its faculty [is] **or other academic professionals are** recognized beyond the bounds of the institution as possessing professional qualifications and research or scholarly achievements sufficient to support the program;

4. [The institution] **It** possesses adequate library holdings, laboratory space, research facilities, and other necessary resources; **and**

5. It has committed the [faculty time] necessary **resources** for instruction, advisement, thesis supervision, and research guidance[; and].

[6. It has formulated acceptable long-range plans for developing cognate doctoral programs in other fields if such programs do not already exist at the institution.]

9A:1-2.9 Exceeding or changing programmatic mission

(a) [Institutions] **Licensed New Jersey institutions** wishing to exceed their programmatic mission must receive approval from the [Commission] **Secretary** to offer each program that

exceeds the level of academic degrees that the institution is authorized to grant. Requests to exceed an institution's programmatic mission shall be evaluated based on the following criteria:

1. (No change.)

2. The relationship of the proposed program(s) to the current institutional mission and the Statewide plan for higher education, **if applicable**;

3. – 8. (No change.)

(b) If an institution has received approval to exceed its programmatic mission for a particular degree level at least five times, the Secretary may, at the request of the institution, authorize a change to the institution's programmatic degree level in order to allow the institution to offer new degree programs at the particular degree level for which the five previous exceeding mission approvals have been granted. Institutions wishing to change their programmatic mission prior to having received such specific program approvals shall follow the procedure set forth in (c) below.

[(b)] (c) [Institutions] **Licensed New Jersey institutions** wishing to change their programmatic mission shall specify the scope of the proposed change, including long-range plans for mounting new degree programs that exceed the level of academic degrees currently authorized for the institution. Requests **to the Secretary made pursuant to this subsection** to change an institution's programmatic mission shall be evaluated based on the following criteria:

1. (No change.)

2. The relationship of the proposed mission change to the current institutional mission and the Statewide plan for higher education, **if applicable**;

3. – 8. (No change.)

SUBCHAPTER 3. CRITERIA FOR UNIVERSITY STATUS

9A:1-3.1 Programs

[(a)] In an atmosphere of freedom of inquiry and expression, a university [provides] **shall provide** undergraduate studies leading to the baccalaureate in a broad range of academic disciplines, as well as graduate studies leading to advanced degrees in at least three academic and/or professional fields. A university **may** also offer[s] an array of graduate studies related to the fields in which it offers advanced degrees. Such offerings provide students elective opportunities and a selection of support studies that may be useful although not prescribed for a particular graduate degree program. [A university faculty is actively engaged in research or other scholarly activities. The institution promotes linkages to the wider community through programs of outreach and public service.]

[(b)] Within an environment that emphasizes research, as well as the teaching mission, in curricula and in the allocation of resources for faculty and facilities, a research university offers graduate programs that lead to the Ph.D. degree. Its criteria for promotion and tenure place relatively heavier emphasis on a faculty member's record of research publications in refereed journals and published books. Its faculty generates a relatively higher level of Federal research funding. Its faculty members tend to integrate what they have learned from their own research into the material presented in undergraduate courses, and they routinely expect each graduate student to initiate or participate in a substantial research program. A research university clearly meets or exceeds the qualitative criteria stated in the rule on doctoral degree programs (N.J.A.C. 9A:1-2.8).

[(c)] Within an environment that emphasizes the teaching mission in curricula and in the allocation of resources for faculty and facilities, a comprehensive university offers graduate programs that

lead to the master's degree in a variety of academic disciplines and professional fields; it also may offer a limited number of professional doctoral degrees. A comprehensive university's doctoral offerings clearly meet or exceed the criteria for doctoral degree programs (N.J.A.C. 9A:1-2.8). Its criteria for promotion and tenure place relatively heavier emphasis on a faculty member's record of excellence in teaching. While traditional forms of research are encouraged, the scholarship of its faculty includes more integrative and bibliographic research, often with a focus on pedagogy and practical classroom application.]

9A:1-3.2 Organization

(a) A university **shall** clearly [identifies] **identify** graduate studies and programs as distinct elements in its organization. [Characteristically, it selects graduate and professional students who show evidence of superior achievement in undergraduate studies.]

[(b) A university recruits faculty for graduate or professional programs whose competence is known beyond the institution. A significant number of the faculty in each graduate program are associated with the institution full time, have terminal degrees appropriate to their disciplines or records of substantial and superior professional achievements, and remain abreast of their respective fields. The faculty, including representation from the departments offering graduate programs, participates in the initiation, development, and approval of curricula.]

[(c)] **(b)** A university **shall** provide[s] an appropriate and adequate [administrative] staff whose primary responsibility is the administration of graduate and professional programs.

9A:1-3.3 Resources

A university **shall** possess[es] the financial ability to support graduate and professional programs, and its facilities and equipment reflect the [more sophisticated] level of work required in both. [Laboratories and library support permit specialized study in depth in the fields of graduate study and professional study offered, as well as in supporting fields. An adequate financial base is provided to support the appropriate independent research activity of faculty and students.]

[9A:1-3.4 Accreditation

The Commission on Higher Education of the Middle States Association of Colleges and Schools accredits universities.]

9A:1-3.4 Accreditation

A university shall be accredited by the Middle States Commission on Higher Education.

9A:1-3.5 Eligibility for university status and use of “university” as part of an institution’s name

(a) Educational institutions that are incorporated and located in New Jersey; licensed by the [Commission] **Secretary**; and listed as “research universities,” “doctoral universities,” or “master’s [(comprehensive)] universities and colleges” in the Carnegie Foundation for the Advancement of Teaching’s Classification of Institutions of Higher Education and that believe they meet all of the requirements stipulated in this subchapter are, with the concurrence of their governing boards, eligible to apply to the [Commission] **Secretary** for university status.

Educational institutions dedicated primarily to the education or training of ministers, priests,

rabbis, or other professional persons in the field of religion are not eligible to apply for university status.

(b) When an institution's governing body decides to seek university status, it shall file with the [Commission] **Secretary** a petition-of-intent seeking authority to do so. The petitioning institution shall develop a fully documented proposal and, with the concurrence of the [Commission] **Secretary**, select two consultants to review the proposal. The two consultants shall be totally independent of all higher education institutions in New Jersey and shall be recognized authorities on graduate education. The consultants shall prepare a written report of their findings, which the college shall submit to the [Commission] **Secretary**. The [Commission] **Secretary** shall consider both the report and the proposal in deciding on the college's application for university status.

(c) The proposal **required under (b) above** shall demonstrate the institution's eligibility for designation as a university and shall include a history of having met the criteria defined in this subchapter for a period of at least five years. Alternatively, the petitioning institution may indicate, through a combination of retrospective and prospective data, intent to meet the criteria for a total period of five years. The [Commission] **Secretary** shall consider such institutions to be in a period of candidacy for university designation. In no case shall formal university designation be granted until an institution has met the minimum criteria for at least five years.

(d) University status and the initial use of the term "university" in the institution's title require approval by the [Commission] **Secretary**.

SUBCHAPTER 4. PROPRIETARY INSTITUTIONS

9A:1-4.1 General provisions

(a) Proprietary institutions of higher education [in New Jersey may] **shall** apply for licensure to [award] **offer** academic degree[s] **programs and/or college credit-bearing courses**, subject to conformance with the rules and standards for such licensure as contained in this chapter.

(b) (No change.)

9A:1-4.2 Reassessment of licensure status

In the event of a change in the ownership of a proprietary institution, the [Commission] **institution shall provide notice of the change to the Secretary within 30 days of the change.** **The Secretary may determine to** reassess the institution's licensure status [between six months and] **within** one year [after] **of** the change.

9A:1-4.3 Duration of license

(a) Any license to operate [and to grant a degree] shall be for a specific period, not to exceed five years, as the [Commission] **Secretary** determines, unless [the] **a New Jersey** institution is **currently licensed and** accredited as a discrete entity by [the Middle States Association] **an institutional accrediting body that is recognized by the U.S. Secretary of Education to** **accredit the kinds of academic programs for which licensure was previously granted to the institution.**

(b) At least [six] **eight** months before the expiration of the license, [to continue to offer credit-bearing courses in New Jersey,] the institution shall petition the [Commission] **Secretary** for relicensure, unless [the] **a New Jersey** institution is accredited as a discrete entity by [the Middle States Association] **an institutional accrediting body that is recognized by the U.S. Secretary**

of Education to accredit the kinds of academic programs for which licensure was previously granted to the institution.

9A:1-4.6 Faculty [teaching loads]

(a) – (c) (No change.)

[9A:1-4.7 Basic skills testing and enrollment in remedial courses

Proprietary institutions shall be subject to any policies regarding basic skills testing and remedial instruction as may be adopted by the Commission.]

SUBCHAPTER 5. OUT-OF-STATE INSTITUTIONS

9A:1-5.1 Licensure required

(a) Out-of-State institutions wishing to offer **college** credit-bearing courses, **academic** degree completion programs, or complete **academic** degree programs in New Jersey shall petition the [Commission] **Secretary** for licensure. **No out-of-State institution shall offer or advertise the availability of its college credit-bearing course(s) or academic degree program(s) before receiving formal approval of its petition. Licensure shall require the institution to meet all the standards set forth in this chapter.**

(b) An out-of-State institution's petition to offer [a] **an academic** degree completion program shall provide evidence that the degree-granting institution is authorized to offer the full degree program in [its home] **the state in which the institution is incorporated.**

(c) The [Commission] **Secretary** [in its coordinating capacity] shall review [from a Statewide perspective] all such licensure petitions from out-of-State institutions. The [Commission] **Secretary** shall license only those institutions whose proposed offerings[, in the opinion of the Commission,] meet State standards of quality (see N.J.A.C. 9A:1-1 and 2), are fiscally viable, serve a demonstrable need, and are in accordance with the [Commission's long-range] **Statewide plan for higher education, if applicable.**

(d) Out-of-State institutions [that offer degree programs] may be licensed for periods of one to five years. Initial licensure shall not exceed three years.

[(e) Out-of-State institutions that offer credit-bearing courses, but not a degree program, including degree completion programs, shall be licensed initially for a period of one to three years. Relicensure shall be for a period of three years. However, those that meet the following criteria may be relicensed for a period of up to five years.

1. The institutions were licensed by either the former Board of Higher Education or the Commission and have offered credit-bearing courses for at least five consecutive years;

2. The institution during this period provides annually to the Executive Director, six months before desired implementation, an update of the information required pursuant to N.J.A.C. 9A:1-5.2(b); and

3. There is no significant change in the offerings, there are no additional or different resources needed to provide educational services of quality, and there is no change in the status of the institution.

(f) If during the five-year period it appears from a review of the annual materials that there has been a significant change in the offerings, the necessary resources, or the status of the institution,

the Executive Director shall submit the matter to the Presidents' Council for review and recommendation to the Commission.

(g) If the Commission, in consultation with the Presidents' Council, disallows the change(s), such action shall serve to revoke licensure for the period of time remaining in the existing five-year period.

(h) At least six months before the expiration of the license, to continue to offer credit-bearing courses in New Jersey, the institution shall petition the Commission for relicensure.]

[(i)] (e) [Commission licensure] **Licensure by the Secretary** of an out-of-State institution shall not preclude an in-State institution from providing coursework or programs similar to that of the out-of-State institution.

(f) An out-of-State proprietary institution shall also be subject to N.J.A.C. 9A:1-4.

9A:1-5.2 Petitions from institutions

(a) [Institutions] **Out-of-State institutions** seeking [authorization to offer degree programs] **licensure** shall submit licensure petitions **in an electronic format to OSHE preferably** at least one [academic] year before the requested date of implementation. [The deadline for petitions that involve courses, but not a degree program, is six months before the requested date.]

(b) The petition shall contain:

1. (No change.)

2. A mission statement that defines the scope, purpose, and basic tenets of the institution;

Recodify existing 2.-5. as **3.-6.** (No change in text.)

[6.] **7.** A [catalogue] **catalog** and other data that the institution recognizes as appropriate;
and

[7.] **8.** Other information that the [Commission] **Secretary** specifically requests.

9A:1-5.3 Review processes

(a) The following procedures apply to petitions from out-of-State institutions [invited by in-State parties to offer educational services to a specific and delimited constituency in New Jersey and to petitions from out-of-State institutions seeking to offer educational services in New Jersey without invitation.]:

1. Upon receipt of the petition, [Commission] **OSHE** staff shall provide to all New Jersey institutions a **brief** summary of the petition's content [and shall invite], **along with information on how to obtain the petition from the OSHE website and an invitation to the institutions to submit their comments within [60] 30 days after the notification regarding the out-of-State request.**

2. [Commission] **OSHE** staff shall review the petition and any comments submitted by in-State institutions, usually with the assistance of an external consultant [who] **team that** is mutually acceptable to the institution and the [Executive Director] **Secretary**. **As part of the review of the petition, OSHE staff may also conduct a site visit at the campus or proposed instructional site of the institution, usually with the assistance of the external consultant team.**

3. [Commission] **OSHE** staff shall send the petition and all pertinent materials to the Presidents' Council for review and recommendation to the [Commission] **Secretary**.

4. The Secretary shall consider the recommendation of the Presidents' Council when making a determination on the petition.

9A:1-5.4 Annual report

(a) An out-of-State institution shall submit a report containing an update of the information required pursuant to N.J.A.C. 9A:1-5.2(b) to the Secretary on an annual basis by a date determined by the Secretary.

(b) If it appears from a review of the annual report that there has been a significant change in the offerings, the necessary resources, or the status of the institution, OSHE staff shall submit the matter to the Presidents' Council for review and recommendation to the Secretary for any appropriate action to be taken, including the revocation of licensure.

9A:1-5.5 Additional instructional sites

(a) A currently licensed out-of-State institution seeking to establish an additional instructional site for its currently licensed academic degree programs and/or college credit-bearing courses shall, before operating the additional instructional site, submit to the Secretary a formal request that shall include a statement justifying the need for the proposed instructional site and a description of the proposed courses/programs to be offered there.

(b) The request under (a) above shall also include evidence that the proposed programs/courses at the proposed instructional site are at least equivalent in quality to comparable programs/courses at the currently licensed instructional site and evidence that the institution has provided for effective monitoring and controls to maintain quality. The

request shall include evidence of the dedication of sufficient resources to implement and maintain the proposed instructional site without eroding the quality to ongoing programs and operations in the rest of the institution.

(c) The request under (a) above shall provide information on the standards in N.J.A.C. 9A:1-1.5 through 1.12, with special attention to evidence indicating that the classroom, laboratory, computing, and library facilities are adequate; the provisions for administration, support staff, and student support services are sufficient; and the qualifications of faculty are appropriate.

(d) Upon receipt of a request for approval of an instructional site, OSHE staff shall provide to all New Jersey institutions of higher education a brief summary of the request, along with information on how to obtain all materials related to the request from the OSHE website and an invitation to inform the Secretary within 30 days as to how they would be affected by the proposed instructional site.

1. If no concerns are raised about the proposal, OSHE staff shall forward the request directly to the Secretary for action.

2. If concerns are raised, OSHE staff shall send all materials to the Presidents' Council for review and recommendation within 60 days.

3. The Secretary shall consider the recommendation of the Presidents' Council when making a determination on the request for approval of an instructional site.

SUBCHAPTER 6. OFF-CAMPUS OFFERINGS

9A:1-6.1 Purpose and general requirements

[(a) In some instances it is impossible for an institution to fulfill its mission without offering some portion of its overall curriculum at sites away from its principal location. Such institutional extension often provides important access to higher educational opportunity that otherwise would be denied individuals who for one reason or another find attendance on a main campus impractical. In order to preserve the integrity of its offerings, however, it is critical that an institution ensure a level of quality at its off-campus sites that is comparable to and consistent with the collegiate-level programs and services available at its main campus.]

[(b)] (a) (No change in text.)

[(c)] (b) All institutions shall submit at the request of the [Commission] **Secretary** reports on all off-campus offerings.

9A:1-6.2 Branch campuses

[(a) Branch campuses must have the prior approval of the Commission. In requesting approval for a branch campus, an institution shall submit to the Commission a formal request that shall include a statement justifying the need for the site and a description of the proposed courses/programs.]

(a) When the governing board of a State college or State university, after study and investigation, determines that it is advisable for the institution to establish a branch campus out-of-State or out-of-country that will serve at least 500 students of the institution, the board shall submit the plan for the branch campus in an electronic format to the Secretary for review and recommendations.

(b) [The request shall include also evidence that the proposed courses/programs at the branch campus are at least equivalent in quality to comparable courses/programs on the main campus

and evidence that the institution has provided for effective monitoring and controls to maintain quality.] **The plan shall include: a description of the higher educational needs of the country or region in which the branch campus shall be located; a description of the proposed branch campus and its proposed programs and curriculum; an estimate of the cost of establishing and maintaining the branch campus including the cost of any planned acquisition or construction of facilities; and any other information or data deemed necessary by the Secretary.** The request shall include evidence of the dedication of sufficient resources to implement and maintain the branch campus without eroding the quality of ongoing programs and operations in the rest of the institution.

(c) The [request] **plan** shall provide information on the standards in N.J.A.C. 9A:1-1.5 through 1.12, with special attention to evidence [on the following:] **indicating that** the classroom, laboratory, computing, and library facilities are adequate; the provisions for administration, support staff, and counseling are sufficient; and the qualifications of faculty are appropriate. [The proportion of courses taught by full-time faculty at a branch campus should be the same as on the main campus.]

(d) Upon receipt of a [request for approval of] **plan for** a branch campus, [Commission] **OSHE** staff shall provide to all New Jersey institutions of higher education a **brief** summary of the [request and invite them] **plan's content, along with information on how to obtain the plan from the OSHE website and an invitation** to inform the [Commission] **Secretary** within 30 days as to how they would be affected by the proposed branch campus.

1. If no concerns are raised about the proposal, [Commission] **OSHE** staff shall forward the [request] **plan** directly to the [Commission] **Secretary** for [action] **review and response. In developing a response to the plan, the Secretary shall consider whether there is a need for**

the institution to acquire a branch campus and whether the institution has the financial capacity to support the campus.

2. If concerns are raised **about the proposal**, [Commission] **OSHE** staff shall send all materials to the Presidents' Council for review and recommendation within 60 days.

3. Upon the receipt by the Secretary of the Presidents' Council recommendation, the Secretary will develop a response to the plan pursuant to (d)1 above.

(e) An institution proposing to offer at a particular branch campus an approved degree program not previously offered there shall inform the [Commission] **Secretary** of that offering.

(f) (No change.)

(g) An institution closing a branch campus shall inform the [Commission] **Secretary** before the closure.

9A:1-6.3 Noncollegiate organizations

(a) Off-campus sites at which an institution offers [credit] **college credit-bearing** courses in conjunction with or under contract with a noncollegiate organization shall first be approved by the institution's governing board or its designee. The institution shall adhere to the following standards:

1. – 3. (No change.)

4. No more than 25 percent of [a] **an academic** degree program shall be satisfied through such courses, except in the case of arrangements between colleges and hospital-based programs in the health professions in which the clinical component of the program is provided by the hospital school. All course requirements, with respect to student attendance, amount of class time, amount of outside work, standards for performance, and prerequisites, shall be the

same as for courses offered on campus. [No more than one semester credit hour shall be granted for an experience compressed into one week's time or less, unless prior approval is obtained from the Presidents' Council.]

SUBCHAPTER 7. DISTANCE LEARNING

9A:1-7.1 Standards for New Jersey institutions

(a) – (b) (No change.)

(c) The institution's [catalogue] **catalog** and promotional materials shall indicate the maximum time permitted for the completion of each course and program offered through distance learning. Any difference between on-campus and distance learning tuition and fee charges shall be clearly indicated.

(d) – (g) (No change.)

9A:1-7.3 Counting students enrolled in multiple institutions

Students who are taking coursework at more than one institution shall be counted by each institution based on a full-time equivalent standard unless a consortial agreement exists [between/among] **either between or among** the institutions regarding which will count the students for enrollment purposes.

9A:1-7.4 Program review and approval for New Jersey institutions

(a) As is currently the practice with traditionally offered programs, if a **licensed** New Jersey institution wishes to offer a new **academic** degree program through distance learning, the program shall be subject to review by the Presidents' Council.

(b) (No change.)

(c) [Commission approval] **Approval by the Secretary** for distance learning programs offered by **licensed** New Jersey institutions shall be required only if programs are referred **to the Secretary** by the Presidents' Council for consideration due to an institution's changing or exceeding its **programmatic** mission or due to excessive program cost or unnecessary duplication.

9A:1-7.5 Approval for out-of-State institutions

(a) Out-of-State institutions (see N.J.A.C. 9A:1-5) that wish to offer **college** credit-bearing distance learning with a physical presence in New Jersey must first be licensed by the [Commission] **Secretary**, with advice from the Presidents' Council, to offer specific courses or degree programs.

[(b) If an out-of-State institution is licensed to offer a course(s) or degree program(s) in New Jersey and wishes to offer any additional course(s) or program(s) with a physical presence in this State, the Executive Director shall submit the matter to the Presidents' Council for review and recommendation to the Commission.]

(b) Out-of-State institutions that wish to offer New Jersey residents no other programs, except for distance education programs with no physical presence in New Jersey are not required to seek licensure from the Secretary.

(c) If a degree program offered by an out-of-State institution requires a supervised component, such as an internship, fellowship, or apprenticeship, for a certain degree, such a component, if conducted in New Jersey, will not be considered to constitute a physical presence, so long as the following two criteria are met:

1. The student-supervisor relationship is conducted on a one-to-one basis (for example, no group review sessions or other gatherings); and

2. The supervisor is not a permanent employee of the out-of-State institution.