

MARYLAND HIGHER EDUCATION COMMISSION

CODE OF MARYLAND REGULATIONS

13B.02.03

Academic Programs -- Degree-Granting Institutions

As amended through  
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This document contains a chapter of the Code of Maryland Regulations and has been prepared by the Maryland Higher Education Commission for the convenience of those persons served by the Commission. The official regulations published by the Division of State Documents, Office of the Secretary of State, are found at <http://www.dsd.state.md.us/comar/>. The official regulations should be consulted and are controlling in the event of any conflict between those regulations and this document.

***TITLE 13B***

***MARYLAND HIGHER EDUCATION COMMISSION***

***SUBTITLE 02 ACADEMIC REGULATIONS***

**Chapter 03 Academic Programs -- Degree-Granting Institutions**

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***TITLE 13B***

***MARYLAND HIGHER EDUCATION COMMISSION***

***SUBTITLE 02 ACADEMIC REGULATIONS***

***Chapter 03 Academic Programs – Degree-Granting Institutions***

***13B.02.03.01***

**.01 Scope.**

This chapter sets forth requirements for program development by all institutions of higher education, including public, independent, private for-profit, 2-year, and 4-year institutions.

***13B.02.03.02***

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Area of concentration" means a sequential arrangement of courses within a program that:

(a) At the bachelor's level is at least 24 semester credit hours;

(b) At the master's level is at least 12 semester credit hours above the bachelor's degree; and

(c) At the doctoral level is at least 18 semester credit hours above the master's degree.

(2) "Articulation system (ARTSYS)" means a computerized data information system created to facilitate the transfer of students from Maryland community colleges to the University System of Maryland and other participating institutions.

(3) "Certificate" includes:

(a) Lower division certificate;

(b) Upper division certificate;

(c) Post-baccalaureate certificate;

(d) Post-master's certificate;

(e) Professional certificate;

(f) Certificate of advanced study; and

(g) Directed Technology Certificate.

(4) "Commission" means the Maryland Higher Education Commission.

(5) "Degree" includes:

(a) Associate of Applied Science (A.A.S.);

(b) Associate of Arts (A.A.);

(c) Associate of Arts in Teaching (A.A.T.);

(d) Associate of Fine Arts (A.F.A.);

(e) Associate of Science (A.S.);

(f) Associate of Science in Engineering (A.S.E.);

(g) Bachelor of Arts (B.A.);

(h) Bachelor of Fine Arts (B.F.A.);

(i) Bachelor of Professional Studies (B.P.S.);

(j) Bachelor of Science (B.S.);

(k) Bachelor of Technical Studies (B.T.S.);

(l) Master's; and

(n) Doctorate.

(6) "Distance education" means course work taught by an institution through electronic distribution of instruction to a site other than the principal location of the institution, and advertised or described as leading to the formal award of a certificate or degree.

(7) "Distance education program" means:

(a) For an institution of higher education other than a community college, a program in which more than 50 percent of the program is offered through electronic distribution of instruction to one or more sites other than the principal location of an institution; or

(b) For a community college, a program in which more than 50 percent of the program is offered through electronic distribution of instruction outside the community college service area.

(8) "Formal award" means a certificate or degree granted in recognition of successful completion of the requirements of a program, conferred by the faculty and ratified by an institution's governing board.

(9) "Historically black institution (HBI)" means a Maryland public historically black institution, including Bowie State University, Coppin State University, Morgan State University, and University of Maryland Eastern Shore.

(10) "Independent institution" means a private nonprofit institution of higher education.

(11) "In-State institution" means an institution of higher education whose primary campus is in Maryland and whose authority to grant degrees is conferred by Maryland.

(12) "Institution of higher education" means an institution of postsecondary education that generally limits enrollment to graduates of secondary schools, and awards degrees at the associate, bachelor's, or graduate level.

(13) "Internship" means a supervised work experience or field placement in a student's program.

(14) "Joint degree" means a single degree offered by two or more institutions bearing the name and seal of each in which all cooperating institutions are substantively involved in required course work, faculty exchange, and shared use of facilities.

(15) Off-Campus Program.

(a) "Off-campus program" means, for institutions other than community colleges:

(i) A program in which more than 1/3 of the required course work leading to a bachelor's degree or a certificate beyond the bachelor's level is offered by an institution at a location other than the principal location of the institution during any 12-month period; or

(ii) Course work offered at a location other than the principal location of an institution that is advertised as leading to a degree or a certificate beyond the bachelor's level at that location, regardless of the portion of a program offered at that location.

(b) "Off-campus program" means, for community colleges, course work offered outside the community college service area.

(16) "Parallel program" means a program at a community college and a program at a public 4-year institution of higher education having comparable objectives.

(17) "Primary degree" means a single degree offered by one institution having responsibility for at least 2/3 of the course requirements in which cooperating institutions participate by the appropriate and complementary addition of courses, faculty, and facilities intended to complete the degree requirements of the primary institution.

(18) "Private for-profit institution" means a privately owned and operated institution of higher education that is intended to operate as a business.

(19) "Program" means a course of study requiring the completion of a specified number of semester credit hours from among a prescribed group of courses that leads to a formal award.

(20) "Program proposal" means a submission for a new program or substantial modification for review in the form and manner required by the Secretary.

(21) "Recommended transfer program (RTP)" means a program including both general education and courses in a major, taken at a community college, that is:

(a) Applicable to a bachelor's degree at a 4-year institution; and

(b) Ordinarily the first two years of the bachelor's degree.

(22) "Secretary" means the Secretary of Higher Education.

(23) "Segment" means:

(a) The University System of Maryland;

(b) Morgan State University;

(c) St. Mary's College of Maryland;

(d) The Maryland Independent College and University Association;

(e) The Maryland Association of Private Colleges and Career Schools; and

(f) The Maryland Association of Community Colleges.

(24) "State Plan" means the document entitled Maryland State Plan for Postsecondary Education.

(25) "Substantial modification" means a major change in an existing program or area of concentration.

(26) "Undergraduate major" means, varying by degree program and subject area:

(a) A minimum of 30 semester credit hours, 1/2 of which must be upper-divisional credit, in one field or in an interdisciplinary or multidisciplinary field; and

(b) A coherent, sequential, and integrated program of study-in-depth which is intended to provide:

(i) A body of knowledge;

(ii) Methods of study; and

(iii) Practice appropriate to a subject area.

13B.02.03.02-1

**.02-1 Program Review Fees.**

A. Except as provided in section C of this regulation, each institution of higher education shall pay an academic program review fee for each program review action as provided in this regulation.

B. The following schedule sets forth the fees for academic program review actions.

| Category             | Actions Covered                                                                                                                                                                                                                                                                                               | Fee                                                                                          |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| No Fee               | <ul style="list-style-type: none"><li>- Articulation Agreement</li><li>-Code Change</li><li>-Request for Proposal from Community College</li></ul>                                                                                                                                                            | \$0                                                                                          |
| Nominal Fee          | <ul style="list-style-type: none"><li>- Discontinue Program</li><li>-Suspend Program</li><li>- Reactivate Program</li><li>- Change Program Title</li><li>- Non-Substantial Program Change</li><li>- Substantial Change to Area of Concentration</li><li>- Substantial Change to Certificate Program</li></ul> | \$50                                                                                         |
| Modest Fee           | <ul style="list-style-type: none"><li>- New Area of Concentration</li><li>- New Certificate Program Within an Existing Program</li><li>- Closed Site Approval</li><li>- Statewide and Health Manpower Designations</li><li>- Substantial Change to Degree Program</li><li>- Off-Campus Program</li></ul>      | \$250                                                                                        |
| Substantial Fee      | <ul style="list-style-type: none"><li>- New Stand-Alone Certificate Program</li><li>- New Academic Program</li><li>- BTPS Program</li><li>- Cooperative Degree Program</li><li>- New Academic Program at Approved Out-of-State Institution Within a Non-Renewal Year</li></ul>                                | \$850                                                                                        |
| New Degree Level Fee | <ul style="list-style-type: none"><li>- New Degree Level Approval</li></ul>                                                                                                                                                                                                                                   | \$5,000 for up to two degree programs plus \$1,000 for each degree program over two programs |

C. An institution of higher education requesting a program review action related to a program offered at a regional higher education center is exempt from payment of an academic program review fee.

**.03 Statutory Authority of the Commission Regarding Academic Program Review, Approval, and Recommendation.**

A. The Commission shall review program proposals for public institutions, independent institutions, and private for-profit institutions of higher education.

B. For public institutions, the Commission shall review and approve or disapprove program proposals for:

- (1) New programs; and
- (2) Substantial modifications.

C. For independent institutions and private for-profit institutions, the Commission shall review and recommend or not recommend implementation of program proposals for:

- (1) New programs; and
- (2) Substantial modifications.

D. An institution shall submit a program proposal for a new program to establish:

(1) A program leading to a formal award in a subject area in which the award is not presently authorized;

(2) A program in a subject area in which a formal award is offered at a different degree level (for example, an institution awards a Bachelor of Science (B.S.) in chemistry and wishes to award a Master of Science (M.S.) in chemistry, or an institution wishes to offer an associate degree in addition counseling, but currently offers only a lower-division certificate in addition counseling);

(3) A new undergraduate major by combining course work offered in two or more existing programs (for example, an institution wishes to offer a program in biochemistry by permitting students to combine course work offered in its current programs in biology and in chemistry); or

(4) A formal award of a different type in a subject matter area in which another formal award at the same level is already offered (for example, an institution awards the Master of Science in Management (M.S.) and wishes to offer a Master of Business Administration (M.B.A.), or an institution awards an Associate of Applied Science (A.A.S.) and wishes to offer an Associate of Arts (A.A.) or Associate of Science (A.S.)).

E. An institution shall submit a program proposal for a substantial modification to:

- (1) Change more than 33 percent of an existing program's course work;
- (2) Convert more than 50 percent of a program previously approved for offering in a distance education format to a classroom or site-based learning format, or convert more

than 50 percent of a program previously approved for offering in a classroom or site-based learning format to a distance education format;

(3) Offer an existing program as an off-campus program;

(4) Establish a new area of concentration within an existing program (for example, an institution offers a program in psychology and wishes to add a new area of concentration in employee assistance training, or an institution offers a program in mental health and wishes to offer a new area of concentration in addiction counseling); or

(5) Establish a new program title within an approved program (for example, an institution offers a program in human resources and wishes to offer a program in human resources management).

#### F. Program Review Process.

(1) If the Commission fails to act on a program proposal within 60 days after the submission of the program proposal to the Commission, the program is officially approved without any further action of the Commission.

(2) If the Commission disapproves or does not recommend a proposal, the Commission shall provide to the institution's governing board a written explanation of the reasons for the disapproval or non-recommendation.

(3) After revising a proposal to address the Commission's reasons for disapproval or non-recommendation, the governing body may resubmit the revised proposal to the Commission in accordance with the schedule in Regulation.27 of this chapter, thereby triggering a new 60-day time frame for Commission action.

#### G. Implementation of Programs.

(1) A public institution may not implement a program without the prior approval of the Commission.

(2) Implementation of Program by Independent Institution.

(a) If an independent institution has implemented a new program or a substantial modification contrary to the non-recommendation of the Commission that was based on a finding of unreasonable duplication, the Commission may recommend that the General Assembly reduce the institution's appropriation by the amount of aid associated with the full-time equivalent enrollment in that program.

(b) The provision in subsection (2)(a) of this section does not preclude the independent institution from implementing the new program or substantial modification.

(c) If the General Assembly reduces program funding, the affected independent institution may apply annually to the Commission for reconsideration of the program review decision.

(3) A private for-profit institution may implement a program notwithstanding the non-recommendation of the Commission.

(4) If an independent institution or a private for-profit institution implements a program despite a recommendation from the Commission that the program not be implemented, the institution shall notify both prospective students of the program and enrolled students in the program that the program has not been recommended for implementation by the Commission.

#### H. Program Suspension.

(1) An institution may temporarily suspend a program and examine its future direction.

(2) During a period of program suspension, an institution has the opportunity to:

(a) Study its future commitment to a particular field of study; and

(b) Determine whether the program should be:

(i) Maintained in present form;

(ii) Consolidated with other program offerings; or

(iii) Discontinued.

(3) The suspension of a program relieves an institution from having to submit a program proposal to the Commission to reactivate a discontinued program.

(4) Criteria and Process for Program Suspension.

(a) A program may be suspended for a period of time not to exceed 3 years.

(b) The catalog and other official publications shall indicate the official status of the program.

(c) New students may not be admitted into a program during the period of suspension.

(d) Currently enrolled students shall be given the opportunity to satisfy degree requirements.

(e) Before suspending a program, the institution shall notify the Secretary in writing.

(f) After a 3-year period, the institution shall either discontinue or reactivate the program and notify the Secretary in writing.

I. The Commission does not review a program proposed for discontinuance by an institution. However, an institution shall provide written notice to the Commission in advance of a program's discontinuance.

13B.02.03.04

**.04 Delegation of Program Responsibility.**

A. The Commission has delegated to the Secretary the responsibility and authority to act in its behalf on program proposals for new programs and substantial modifications submitted by institutions of higher education operating in Maryland under Education Article, §11-206 and §11-206.1, Annotated Code of Maryland.

B. Delegation subject to conditions and limitations.

(1) The Secretary shall prepare and present a report to the Commission at each meeting summarizing all actions taken since the prior report, and the report may include:

(a) The name of the program proposal or articulation agreement;

(b) The degree to be offered;

(c) The name of the proposing institution;

(d) The relationship to institutional and segment role and mission;

(e) The relationship to the goals, objectives, and initiatives of the State Plan;  
and

(f) The disposition of the program proposal.

(2) If the Secretary approves, disapproves, recommends for, or recommends against a program proposal, the proposing or objecting institutions are entitled, on request, to have the matter reviewed by the Commission in accordance with the Commission's procedures in Regulation .28 of this chapter.

(3) The Secretary shall report to the Commission every two years on programs experiencing low productivity.

13B.02.03.05

**.05 Long-Term Goals.**

Four long-term goals, quality, access and choice, accountability, and HBI enhancement, guide the Commission's program approval responsibilities, with each goal having the following focus:

A. Quality shall focus on the effectiveness of institutional actions, including:

(1) The extent to which an institution fulfills its stated mission;

(2) The centrality of a proposed program to the institution's approved mission;  
and

(3) The adherence of a proposed program to commonly accepted standards of academic practice as found in Regulation .06 of this chapter;

B. Access and choice for Maryland citizens to higher education shall focus on the needs of citizens for higher education programs, services, and research, including:

- (1) Financial assistance;
- (2) Transferability of credit;
- (3) Economic development;
- (4) Equal opportunity concerns; and

(5) Expansion of educational opportunities and choices for minority and educationally disadvantaged students at institutions of higher education;

C. Accountability shall focus on whether there is a comprehensive set of reliable and valid indicators, appropriate to the mission of the institution, which can assess an institution's effectiveness in delivering the proposed program; and

D. HBI enhancement shall focus on whether the proposed program advances the expansion of mission, program uniqueness, or institutional identity at HBIs.

*13B.02.03.06*

**.06 Criteria for Program Review.**

A program proposal shall address the following areas:

A. Centrality to mission and planning priorities, relationship to the program emphasis as outlined in the mission statements, and an institutional priority for program development;

B. Critical and compelling regional or Statewide need as identified in the State Plan;

C. Quantifiable and reliable evidence and documentation of market supply and demand in the region and service area;

D. Reasonableness of program duplication, if any;

E. Relevance to the implementation or maintenance of high-demand programs at HBIs;

F. Relevance to the support of the uniqueness and institutional identities and missions of HBIs;

G. Adequacy of curriculum design and delivery to related learning outcomes consistent with Regulation .10 of this chapter;

- H. Adequacy of library resources;
- I. Adequacy of faculty resources consistent with Regulation .11 of this chapter;
- J. Adequacy of library resources consistent with Regulation .12 of this chapter;
- K. Adequacy of physical facilities, infrastructure, and instructional equipment consistent with Regulation .13 of this chapter;
- L. Adequacy of financial resources with documentation consistent with Regulation .14 of this chapter;
- M. Adequacy of provisions for evaluation of program consistent with Regulation .15 of this chapter;
- N. Consistency with the Commission's minority student achievement goals; and
- O. Relationship to low productivity programs identified by the Commission.

*13B.02.03.07*

**.07 Mission and Planning Priorities.**

- A. A program proposal submitted by an institution that is central to the institution's mission statement is eligible for approval or recommendation for implementation.
- B. A proposed program shall be:
  - (1) Central to the institution's mission;
  - (2) Related to the program emphasis as outlined in the mission statement; and
  - (3) An institutional priority for program development consistent with the institution's strategic planning process.

*13B.02.03.08*

**.08 Need for the Proposed Program.**

- A. A proposed program shall meet a critical and compelling regional or Statewide need as identified in the State Plan.
- B. A program proposal shall clearly demonstrate demand and need for the program in terms of meeting present and future needs of the region and the State in general. Four kinds of needs may be identified:
  - (1) The need for the advancement and evolution of knowledge;
  - (2) Societal needs, including expanding educational opportunities and choices for minority and educationally disadvantaged students at institutions of higher education;

(3) Occupational and professional needs relative to upgrading vocational/ technical skills or meeting job market requirements; and

(4) The need to strengthen and expand the capacity of historically black institutions to provide high quality and unique educational programs.

C. The Commission recognizes and supports the tradition of liberal arts education and the need for programs that offer individual and societal benefits independent of manpower or market demand considerations. These programs provide immeasurable returns to the State in part by instilling in citizens a capacity for advanced learning and an understanding of the fundamentals of civilization.

#### D. Market Demand Data.

(1) This section does not apply to programs in the liberal arts and sciences.

(2) An institution proposing a new program shall present data projecting market demand and the availability of openings in the job market to be served by the new program. The types of information submitted vary, depending on the program, but may include manpower and employment projections prepared by the Maryland Department of Labor, Licensing, and Regulation, Bureau of Labor Statistics, Census Data, and the Maryland Department of Business and Economic Development as well as professional and trade associations.

(3) An institution shall conduct market surveys that clearly provide quantifiable and reliable data from prospective employers on the educational and training needs and the anticipated number of vacancies expected over the next 5 years.

(4) In assessing demand for a new program, an institution shall also present data showing the current and projected supply of prospective graduates.

#### E. Identification of Programs Having Market Demand.

(1) The Commission shall identify, on a regular basis, programs that are in market demand in Maryland.

(2) For each program identified, the Commission shall also provide an indication of minority participation rates, identifying those programs where minorities are underrepresented.

(3) Institutions maintaining a role and mission appropriate and consistent with those fields declared as shortage areas are encouraged to develop specific programs.

(4) Proposals submitted in response to a declared shortage area do not need to include additional documentation on market demand and supply data.

F. As an additional indicator of need, an institution shall clearly detail how program success will be defined and measured, particularly if the definition includes measures in addition to the conferral of a degree or certificate.

**.09 Duplication of the Proposed Program.**

A. The elimination of unreasonable program duplication is a high priority. Ordinarily, proposed programs in undergraduate core programs consisting of basic liberal arts and sciences disciplines are not considered unnecessarily duplicative. Unreasonable duplication is a more specific concern in vocational/technical, occupational, graduate, and professional programs which meet special manpower needs. The issue of how a proposed program meets an institution's local and State area needs shall be addressed.

B. Evidence demonstrating that a proposed program is not duplicative of similar offerings in the State shall be submitted by the institution. At a minimum, this evidence shall be substantiated on the basis that the proposed program to be offered is not unreasonably duplicative of existing programs in a specific geographically proximate location in the State.

C. Determination of Duplication.

(1) In determining whether a program is unreasonably duplicative, the Secretary shall consider:

- (a) The degree to be awarded;
- (b) The area of specialization;
- (c) The purpose or objectives of the program to be offered;
- (d) The specific academic content of the program;
- (e) Evidence of equivalent competencies of the proposed program in comparison to existing programs; and
- (f) An analysis of the market demand for the program.

(2) The analysis shall include an examination of factors, including:

- (a) Role and mission;
- (b) Accessibility;
- (c) Alternative means of educational delivery including distance education;
- (d) Analysis of enrollment characteristics;
- (e) Residency requirements;
- (f) Admission requirements; and
- (g) Educational justification for the dual operation of programs broadly similar to unique or high-demand programs at HBIs.

*13B.02.03.10*

**.10 Adequacy of Curriculum Design and Related Learning Outcomes.**

A. The presence of a structured and coherent program of study with clearly delineated program objectives and intended student learning outcomes shall be evident.

B. Required courses in the program may not be excessive and shall be consistent with customary expectations for the type of certificate or degree proposed.

C. The general education courses shall be distributed in a manner consistent with COMAR 13B.02.02.16.E and F.

D. Accreditation requirements; conditional approval.

(1) If a professional must graduate from a program with specialized accreditation, certification, or approval to practice in the State, the program must meet all appropriate accreditation, certification, or approval standards.

(2) The Secretary may grant conditional approval for a program that fails to meet the standards specified in subsection (1) of this section if the institution begins the process of securing appropriate accreditation, certification, or approval.

(3) Except as provided in subsection (4) of this section, the Secretary's conditional approval shall be revoked if an institution fails to secure appropriate accreditation, certification, or approval for the program within a time frame consistent with the relevant approval process.

(4) The Secretary may extend conditional approval if the institution has made substantial progress in securing appropriate accreditation, certification, or approval for the program.

E. If an institution contracts for instructional services in the State, to be provided by another institution or a non-collegiate organization, these services shall be based on a written contract that provides for institutional control over the quality of the curriculum, instructional staffing, instructional support services, and the integrity of enrollment policies.

*13B.02.03.11*

**.11 Faculty Resources.**

A. Faculty resources shall be consistent with COMAR 13B.02.02.17 and shall be adequate and appropriate for a proposed program, taking into consideration the institution's mission and the character of the program to be developed.

B. The minimum educational attainment of the faculty shall be the appropriate degree commensurate with the degree level of the proposed program.

C. The doctorate is the appropriate terminal degree for bachelor's and graduate programs; however, the Master of Fine Arts (M.F.A.) or another professional degree may be adequate and appropriate for the proposed program.

D. If specialized accreditation or State licensure is an expectation, the number of terminal degree holders shall meet the minimum requirements of the appropriate accrediting association or licensing agency.

E. Programs shall involve credentialed full-time faculty in teaching, program development, and student academic support.

F. Adjunct and part-time faculty are an important and necessary component of some programs. Except in circumstances to be determined by the Secretary, at least 50 percent of the total semester credit hours within the proposed program shall be taught by full-time faculty.

G. Adjunct and part-time faculty shall:

(1) Possess the same or equivalent qualifications as the full-time faculty of the institution; and

(2) Be approved by the academic unit through which the credit is offered.

*13B.02.03.12*

#### **.12 Library Resources.**

A. Library resources shall be consistent with COMAR 13B.02.02.18 and appropriate to support the proposed program, whether it is to be offered on-site or at an off-campus location.

B. Appropriate library resources may be achieved through one or more of the following:

(1) On-site collections;

(2) Interlibrary loans; or

(3) Computerized access to holdings in other in-State or out-of-State libraries.

C. When formal, cooperative arrangements with other institutions are required to ensure students' access to library holdings, these shall be discussed and accompanied by letters of agreement.

*13B.02.03.13*

#### **.13 Physical Facilities and Instructional Equipment.**

A. For new programs offered at an institution's principal location, the institution shall ensure that:

(1) Physical facilities, infrastructure, and instructional equipment are consistent with COMAR 13B.02.02.20, and adequate to initiate the new program;

(2) Spaces are provided for classrooms and for staff and faculty offices; and

(3) Laboratories for studies in the technologies and sciences are designed to provide maximum utilization of facilities, materials, and equipment.

B. An institution offering courses off-campus that require laboratory facilities, specialized equipment such as computer terminals and audiovisual aids, or other special resources shall ensure that appropriate facilities and instructional equipment requirements are met.

*13B.02.03.14*

**.14 Finances.**

A. The resource requirements of a program shall be consistent with COMAR 13B.02.02.21, and analyzed by the Commission in order to assess the adequacy of the sources of funds to support a quality program. This analysis shall:

- (1) Ensure that the program will be efficient in its resource utilization; and
- (2) Assess the impact of the program on the institution's overall need for funds.

B. The institution shall complete forms supplied by the Commission concerning resource categories and expenditure categories:

- (1) In sufficient detail to permit the Secretary to make a judgment on the adequacy of resources; and
- (2) With narrative explanation accompanying the entries in the tables.

C. The proposed program shall be supported by at least one of the following sources of funds:

- (1) Reallocation of existing campus resources, including the discontinuance or downsizing of an existing program or organizational unit;
- (2) Tuition and fee revenue from students new to the institution enrolling in the new program;
- (3) Grants and contracts; or
- (4) Sources, other than those in subsections (1), (2), and (3) of this section, specifically designated for the program, with backup information and documentation of these resources provided with the proposal.

*13B.02.03.15*

**.15 Adequacy of Provisions for Evaluation of Programs.**

A. An institution shall set forth instructional supervision and evaluation procedures for each program. These procedures may include evaluation of courses and faculty by students, administrators, and departmental personnel.

B. Curriculum review procedures established by an institution for its program offerings shall:

(1) Include standards and guidelines for the assessment of student outcomes as defined for the program;

(2) Be consistent with the institutional mission; and

(3) Be specified by the institution.

*13B.02.03.16*

**.16 Minority Student Access.**

An institution shall set forth appropriate actions and strategies to recruit and retain underrepresented minority students for each new program consistent with:

A. Provisions of the State Plan regarding minority student access; and

B. The institution's program of cultural diversity.

*13B.02.03.17*

**.17 Low Productivity Programs.**

A. Every two years, the Commission shall identify low productivity programs at public institutions.

B. If an identified low productivity program is directly related to a proposed new program, in its program proposal the institution shall address:

(1) The fiscal resources, including faculty, administration, library resources, and general operating expenses, currently devoted to the low productivity program; and

(2) How those resources may be redistributed to help fund the proposed new program.

*13B.02.03.18*

**.18 Cooperative Programs.**

A. The Commission encourages institutions to:

(1) Explore the opportunities for cooperation with other institutions, within a segment and between segments, offering similar programs; and

(2) Document the extent to which cooperative arrangements have been explored.

B. An institution considering a new program or a substantial modification is encouraged to explore cooperative development of these program initiatives.

C. The institution shall follow cooperative degree program guidelines developed by the Commission to assist institutions in establishing these programs.

D. Cooperative programs shall be designated as belonging to one of the degree program categories in this regulation.

E. Requirements for Joint Degree Programs.

(1) Two or more institutions may offer a joint degree program in which the cooperating institutions are substantively involved in required course work, faculty exchange, and shared use of facilities.

(2) A student enrolled in a joint degree program shall receive a single diploma that bears the names and seals of all cooperating institutions.

(3) The proposed program shall be planned by representatives from each cooperating institution. Identical proposals for each institution shall go through the normal program approval procedures for the institutions and segments, including formal approval and recognition by each governing board.

(4) A memorandum of understanding between or among cooperating institutions shall be included when the program proposal is submitted.

(5) Each institution is responsible for designating a program director. The program directors shall inform each other as they administer the program, select or assign faculty, set common admissions standards, coordinate curriculum modifications, monitor operations, plan budgets, write grants, and establish joint library purchases.

(6) Distribution of course work in the major field of study is based on programmatic requirements and the respective strengths of cooperating institutions. The ideal arrangement approximates an even division of curriculum responsibilities between or among the cooperating institutions. The proposed degree shall be consistent with the institutional mission as it is outlined in the State Plan.

(7) An arrangement shall exist for recruiting and admitting students and for administration of student support services in joint degree programs.

(8) A mechanism shall exist for monitoring and evaluating programs, with provisions for participation by faculty, students, and administrators from each institution involved.

F. Requirements for Primary Degree Programs.

(1) One or more institutions may offer a primary degree program.

(2) The diploma shall be awarded by the primary institution.

(3) The program shall be planned by the institution awarding the degree. However, the institution designated as primary assumes responsibility for ensuring the involvement of other institutions of higher education having particular and complementary strengths in the same or similar program area. The program proposal shall show the actual involvement of other institutions of higher education in such areas as course work, faculty, and facilities.

(4) A memorandum of understanding between or among cooperating institutions shall be included when the program proposal is submitted.

(5) The primary institution shall offer at least 2/3 of the course requirements. The proposed degree shall be consistent with the institutional mission as it is outlined in the State Plan. Other institutions may participate by the appropriate and complementary addition of courses, faculty, and facilities.

(6) Students shall be matriculated at the primary institution as degree candidates in accordance with the policies for degree completion requirements at that institution. Advising and other student services shall be provided by the primary institution but this does not preclude appropriate involvement in these areas by the cooperating institution.

(7) The primary institution is responsible for all administrative functions associated with the program, including communication and relationships with the cooperating institutions.

(8) The primary institution is responsible for the continuing evaluation of the program in accordance with institutional policies. The evaluation process shall provide an opportunity for the involvement of representatives from cooperating institutions, as appropriate.

*13B.02.03.19*

#### **.19. Parallel Programs and Recommended Transfer Programs.**

A. Community colleges and public 4-year institutions of higher education may have parallel programs that have comparable objectives. For example, a transfer program in psychology in a community college is considered a parallel program to a bachelor's program in psychology at a public 4-year institution of higher education.

B. If a parallel program exists at a community college and a public 4-year institution, the public 4-year institution's program proposal shall provide evidence that:

(1) The recommended transfer program (RTP) is developed and will be disseminated in cooperation with the community college; and

(2) The RTPs are available to students through ARTSYS or in written form.

C. A recommended transfer program (RTP) shall consist of a program that includes both general education and courses in the undergraduate major, taken at a community college, that are:

- (1) Applicable to a bachelor's degree at a public 4-year institution; and
- (2) Ordinarily the first two years of the bachelor's degree.

D. In order to foster articulation with K-12, community colleges shall also identify parallel curricula to secondary schools.

*13B.02.03.20*

**.20 Off-Campus Programs.**

A. An off-campus program may be approved only if there is already an existing on-campus program.

B. A program proposal for an off-campus program shall be submitted by the institution to the Commission and contain the following information regarding need and demand for extending the program and the impact the program may have on similar programs that may exist in the region:

- (1) The title of the program and the degree or certificate to be awarded;
- (2) The resource requirements for the program and the source of funds to support the program for the first 2 years of program implementation;
- (3) The need and demand for the program in terms of:
  - (a) Specific local, State, and national needs for graduates;
  - (b) Job opportunities that are available to those who complete the program;and
  - (c) Evidence of market demand through supporting data, including results of surveys that have recently been conducted;
- (4) A description of the following, if a similar program is offered within the same geographical region of the State:
  - (a) Similarities or differences in the degree to be awarded;
  - (b) Area of specialization; and
  - (c) Specific academic content of the program;
- (5) A description of the method of instructional delivery, including distance education, on-site faculty, and the mix of full-time and part-time instructors; and

(6) A brief description of the academic oversight, quality control, and student services to be provided.

C. An institution offering an off-campus program shall provide for adequate and appropriate library resources within reasonable distance of the instructional site or through institution-sponsored electronic collections and databases.

D. Faculty.

(1) Students shall be taught by qualified faculty with appropriate experience.

(2) At least 1/3 of the classes offered in an off-campus program shall be taught by full-time faculty of the parent institution.

E. An off-campus program shall:

(1) Be complete and coherent;

(2) Provide for either real-time interaction or delayed interaction between faculty and students and among students;

(3) Provide appropriate oversight of the program offered by qualified faculty from the parent institution; and

(4) Provide enrolled students with reasonable and adequate access to the range of academic and support services appropriate to support their learning, including academic advising, counseling, library and other learning resources, and financial aid.

F. An institution has responsibility for:

(1) Evaluating the program's educational effectiveness, student learning outcomes, student retention, and student and faculty satisfaction; and

(2) Providing to faculty with professional development activities, appropriate training, and other support.

*13B.02.03.21*

## **.21 Closed Sites.**

A. An in-State institution maintaining full and unconditional accreditation from an accrediting association recognized by the United States Department of Education and approval from the Commission may respond to the request of a sponsoring agent to offer a previously approved program at an off-campus site selected by the sponsoring agent solely for the sponsoring agent's employees by submitting a letter of notification to the Secretary.

B. A letter of notification shall describe the program and affirm that there is access to library resources and faculty consistent with the scope and nature of the offerings.

C. A program may be offered through traditional means as well as through various distance education formats.

D. General Public.

(1) The general public may not be recruited or admitted to these programs.

(2) If an institution elects to open the program beyond the sponsoring agent's designated employees, the Commission's policies and procedures for off-campus programs apply.

*13B.02.03.22*

**.22 Distance Education.**

A. The Commission shall review a distance education program proposal under the criteria established in Regulation .06 of this chapter.

B. A program proposal for a distance education program shall be submitted by the institution to the Commission before implementation and contain the following information:

(1) The title of the program and the degree or certificate to be awarded;

(2) The resource requirements for the program and the source of funds to support the program for the first 2 years of program implementation;

(3) The need and demand for the program in terms of:

(a) Specific local, State, and national needs for graduates;

(b) Job opportunities that are available to those who complete the program;

and

(c) Evidence of market demand through supporting data, including results of surveys that have recently been conducted;

(4) If a similar program is offered within the State, a description of:

(a) Similarities or differences in the degree to be awarded;

(b) Area of specialization; and

(c) Specific academic content of the program;

(5) A description of the method of instructional delivery; and

(6) A brief description of the academic oversight, quality control, and student services to be provided.

C. Principles of Good Practice.

(1) This section applies to distance education and distance education programs offered by an institution of higher education operating in this State that is required to have a certificate of approval from the Commission under chapter .01 or .02 of this subtitle.

(2) An institution shall provide evidence to the Secretary of compliance with the principles of good practice in this section.

(3) Principles of Good Practice for Distance Education.

(a) Curriculum and Instruction.

(i) A distance education program shall be established and overseen by qualified faculty.

(ii) A program's curriculum shall be coherent, cohesive, and comparable in academic rigor to programs offered in traditional instructional formats.

(iii) A program shall result in learning outcomes appropriate to the rigor and breadth of the program.

(iv) A program shall provide for appropriate real-time or delayed interaction between faculty and students.

(v) Faculty members in appropriate disciplines in collaboration with other institutional personnel shall participate in the design of courses offered through a distance education program.

(b) Role and Mission.

(i) A distance education program shall be consistent with the institution's mission.

(ii) Review and approval processes shall ensure the appropriateness of the technology being used to meet a program's objectives.

(c) Faculty Support.

(i) An institution shall provide for training for faculty who teach with the use of technology in a distance education format, including training in the learning management system and the pedagogy of distance education.

(ii) Principles of best practice for teaching in a distance education format shall be developed and maintained by the faculty.

(iii) An institution shall provide faculty support services specifically related to teaching through a distance education format.

(d) An institution shall ensure that appropriate learning resources are available to students including appropriate and adequate library services and resources.

(e) Students and Student Services.

(i) A distance education program shall provide students with clear, complete, and timely information on the curriculum, course and degree requirements, nature of faculty/student interaction, assumptions about technology competence and skills, technical equipment requirements, learning management system, availability of academic support services and financial aid resources, and costs and payment policies.

(ii) Enrolled students shall have reasonable and adequate access to the range of student services to support their distance education activities.

(iii) Accepted students shall have the background, knowledge, and technical skills needed to undertake a distance education program.

(iv) Advertising, recruiting, and admissions materials shall clearly and accurately represent the program and the services available.

(f) Commitment to Support.

(i) Policies for faculty evaluation shall include appropriate consideration of teaching and scholarly activities related to distance education programs.

(ii) An institution shall demonstrate a commitment to ongoing support, both financial and technical, and to continuation of a program for a period sufficient to enable students to complete a degree or certificate.

(g) Evaluation and Assessment.

(i) An institution shall evaluate a distance education program's educational effectiveness, including assessments of student learning outcomes, student retention, student and faculty satisfaction, and cost-effectiveness.

(ii) An institution shall demonstrate an evidence-based approach to best online teaching practices.

(iii) An institution shall provide for assessment and documentation of student achievement of learning outcomes in a distance education program.

*13B.02.03.23*

**.23 Consultant Review.**

A. In reviewing a program proposal, Commission staff shall discuss the proposal with institutional or segmental personnel involved with the program.

B. If the Secretary determines that additional expertise is needed to evaluate a program, the Secretary may retain one or more outside consultants.

C. The Secretary and the institutional or segmental administrators shall agree on the selection of a consultant and on an appropriate time frame.

D. The proposing institution is responsible for the costs incurred for a consultant's work.

E. For an on-site visit, an institutional or segmental representative shall join the team as a resource person.

13B.02.03.24

**.24 Degree Programs.**

A. Degree Levels.

(1) The degree levels described in this regulation are available to institutions in this State, as approved in accordance with COMAR 13B.02.02.10.

(2) Public community colleges and senior public higher education institutions shall comply with the credit hour standards of COMAR 13B.02.02.16A(1) and B(1).

B. Associate of Applied Science (A.A.S.).

(1) An institution may award an Associate of Applied Science (A.A.S.) degree for successful completion of not less than 60 and not more than 70 credit hours in vocational-technical occupational skills, including law enforcement, computer technology, and engineering technology.

(2) The program is intended for a student seeking immediate employment opportunities. However, the program does not preclude a student from transferring to a technical bachelor's degree program such as a bachelor's degree in technology or a bachelor's degree in technical or professional studies, or from transferring non-technical courses to a 4-year institution.

C. Associate of Arts (A.A.).

(1) An institution may award an Associate of Arts (A.A.) degree for successful completion of not less than 60 and not more than 70 credit hours in the liberal arts (social sciences, humanities, and similar subjects) and in the fine arts (music, art, etc.).

(2) The program is intended for transfer to an equivalent Bachelor of Arts (B.A.) degree program at 4-year institutions.

D. An institution may award an Associate of Art in Teaching (A.A.T.) degree that:

(1) Meets the lower-level degree academic content, outcomes, and requirements for teacher education, similar to the first 2 years of a bachelor's program in teacher education;

(2) Requires evidence of qualifying scores as established by the State Superintendent of Schools on the teacher certification tests approved by the State Board of Education;

(3) Requires a cumulative grade point average of at least 2.75 on a 4.00 scale; and

(4) If achieved, transfers up to 64 credit hours, satisfying all lower-division teacher education program outcomes without further review by in-State 4-year public and independent institutions.

E. An institution may award an Associate of Fine Arts (A.F.A.) degree for successful completion of not less than 60 and not more than 70 credit hours in the professional arts in programs that:

(1) Have as a primary goal transfer to a Bachelor of Fine Arts (B.F.A.) degree program;

(2) Are similar to the first 2 years of a B.F.A. degree program; and

(3) Require at least 60 percent of the course credit to be in studio work and related areas.

#### F. Associate of Science (A.S.)

(1) An institution may award an Associate of Science (A.S.) degree for successful completion of not less than 60 and no more than 70 credit hours in science or technology (engineering, agriculture, the natural sciences) with a heavy emphasis on undergraduate mathematics or science.

(2) The program is intended for transfer to a Bachelor of Science (B.S.) degree program at 4-year institutions.

#### G. Associate of Science in Engineering (A.S.E.).

(1) An institution may award an Associate of Science in Engineering (A.S.E.) degree that:

(a) Meets the lower-level degree academic content, outcomes, and requirements for engineering education, similar to the first 2 years of a bachelor's parallel program in engineering education;

(b) Requires at least a 2.0 on a 4.0 grade scale in all courses required by the program in computer science, engineering, mathematics, and the physical and natural sciences; and

(c) If conferred, transfers without further review or course-by-course match by in-State 4-year public and participating independent institutions into a bachelor's parallel program, except that transfer students may be treated like non-transfer students with regard to credit hours earned through Advanced Placement (AP), International Baccalaureate (IB), and transcribed credits.

(2) The Commission shall convene a continuous review committee for each A.S.E. degree area, such as electrical engineering. Each continuous review committee shall be composed of faculty with relevant expertise in that area of study from in-State 2-year and 4-year public and independent institutions with approved engineering programs.

(3) Outcomes for each A.S.E. degree area shall be reviewed by the appropriate continuous review committee to ensure that outcomes are consistent with current standards. The committees shall meet at least once a year for the purpose of conducting this review.

(4) The president or president's designee of an in-State 4-year independent institution that wishes to participate in the Statewide articulation agreement shall submit a letter to the Secretary stating that the A.S.E. shall transfer to its institution without further review or course-by-course match, except that credit hours earned through Advanced Placement (AP), International Baccalaureate (IB), or transcribed credit, may be treated as they would be with non-transfer students at the institution.

H. An institution may award a Bachelor of Arts (B.A.), Bachelor of Fine Arts (B.F.A.), or Bachelor of Science (B.S.) degree for successful completion of a program of 120 or more undergraduate credit hours.

I. Bachelor of Technical Studies (B.T.S.) or Bachelor of Professional Studies (B.P.S.).

(1) An institution may award a Bachelor of Technical Studies (B.T.S.) or Bachelor of Professional Studies (B.P.S.) degree of at least 120 credit hours awarded for the successful completion of an A.A.S. degree, an advanced program of study in the designated area of concentration, and a three-credit hour internship related to the program.

(2) Under an articulated agreement, students who have completed an A.A.S. degree may obtain a Bachelor of Technical Studies or a Bachelor of Professional Studies in a related, specialized area of concentration at an institution with degree-granting authority in this State. The area of concentration shall be specified by the institution granting the Bachelor of Technical Studies or Bachelor of Professional Studies. The receiving institution shall accept not less than 60 credit hours and not more than 64 credit hours for the Associate of Applied Science (A.A.S.) degree.

(3) The Commission shall provide information on technical or professional fields that have graduated significant numbers of students and for which one or more community colleges request an articulated bachelor of technical or bachelor of professional studies degree. Institutions that wish to participate in developing a Bachelor of Technical Studies or Bachelor of Professional Studies shall meet and develop a memorandum of understanding. Participating institutions shall notify the Commission of their intent to develop the new degree program.

(4) A memorandum of understanding shall be drafted and agreed to by institutions. The memorandum of understanding shall address procedures for admissions, registration, advising, student services, financial aid, tuition, and faculty resources. Programmatic and degree requirements shall also be identified. The program shall include an internship which encompasses specific competencies and is a minimum of three credit hours. The program shall be made available at the principal location or other convenient locations, or both. The program may also be delivered through distance education.

(5) The memorandum of understanding shall be submitted instead of a program proposal.

J. An institution may award a Master's Degree for successful completion of at least 30 credit hours or the equivalent of graduate-level courses.

K. An institution may award a Doctoral Degree for the highest level of formal collegiate study in a field, typically requiring successful completion of at least 60 credit hours or the equivalent at the graduate level, including completion of a dissertation, final project, or other form of culminating academic work.

*13B.02.03.25*

**.25 Certificate Programs.**

A. The following certificates are available to institutions in this State, as approved in accordance with COMAR 13B.02.02.10.

B. An institution may award:

(1) A lower division certificate for successful completion of at least 12 semester credit hours at the freshman or sophomore levels, or both.

(2) An upper division certificate for successful completion of at least 12 semester credit hours at the junior or senior levels, or both.

(3) A post-baccalaureate certificate for successful completion of at least 12 semester credit hours at the graduate or upper divisional level, the majority of which are at the master's or specialized postgraduate level.

(4) A post-master's certificate for successful completion of at least 12 semester credit hours of graduate study beyond the master's degree.

(5) A certificate of advanced study for successful completion of at least 30 semester credit hours of graduate study beyond the master's degree.

(6) A professional certificate for successful completion of the number of courses required by the appropriate national professional association.

C. Directed Technology Certificates.

(1) An institution may award a directed technology certificate for completion of a specialized learning program developed by the institution specifically for employer training needs at a closed site. A directed technology certificate is designed as a sequence of courses that meets specific training objectives. Its purpose is to dramatically shorten the start-up time for credit training programs and to provide a useful credentialing function for those desiring a formal award. The certificate may be awarded for successfully earning at least 12 semester credit hours, but no more than 24 semester credit hours.

(2) An institution shall provide a copy of the curriculum and evidence that:

(a) The curriculum for the certificate has been developed in consultation with a specific employer or employers to meet specific training needs;

(b) The curriculum has been reviewed by the appropriate curriculum approval bodies at the institution;

(c) A content specialist will be assigned to ensure high standards and maintain written documentation about the curriculum; and

(d) Financial resources are adequate to support the curriculum.

(3) The Secretary may grant approval to offer or may recommend offering of a directed technology certificate program for a period of 3 years and may renew the approval or recommendation after the third year on application by the institution.

(4) The president of the institution shall submit to the Secretary a letter of request that responds to the requirements of this regulation. The review of a program proposal for a directed technology certificate shall be processed and a decision made within 30 days after it is submitted to the Secretary.

#### D. New Certificate in Existing Degree Programs.

(1) A program proposal for a new certificate in an existing degree program may be made in a brief, one-page document that:

(a) Explains the centrality of the proposed certificate program to the mission of the institution;

(b) Provides evidence of the market demand for the proposed certificate program;

(c) Sets out the curriculum design; and

(d) Shows that adequate faculty resources exist for the proposed certificate program.

(2) Favorable action on a completed program proposal by the Secretary constitutes final program approval or endorsement.

(3) If the Secretary does not approve or recommend the program proposal, the Secretary shall provide a written explanation of the reasons.

(4) Following the Secretary's decision on a proposed certificate program, an institution may elect to:

(a) Revise a proposal to address the Secretary's reasons for disapproval or non-recommendation and submit the revised proposal for reconsideration; or

(b) Have the matter reviewed by the Commission in accordance with the appeal procedure in Regulation .27 of this chapter.

**.26 Health Occupation Shortage and Statewide Programs.**

**A. Health Occupation Shortage Programs.**

(1) Any student who is a resident of this State and enrolls at a community college in a program that the Commission has designated as a health occupation shortage program, shall pay only the student tuition and fees payable by a resident of a county that supports the community college, and the Commission shall pay any applicable out-of-county fee.

(2) The Department of Health and Mental Hygiene shall determine which health occupations are in short supply in the State and report the determinations to the Commission. The Commission shall designate the eligible health occupation shortage programs determined to be in short supply annually to the community colleges.

**B. Statewide Programs.**

(1) Community colleges have developed increasing numbers of specialized technical programs designed to prepare students for immediate employment. Many of these technical programs are offered at several community colleges because of large student enrollment and high employment availability. With the development of an increasing number of highly specialized technical programs, however, the duplication of certain programs by neighboring colleges, or colleges within a geographical region, may be prohibitively expensive to both the local political subdivision and the State.

(2) Statewide designation includes:

(a) Programs not available at the community college in the student's county of residence; or

(b) Programs at the community college in the student's county of residence that have reached the program's enrollment capacity and cannot enroll additional students meeting the program's academic requirements.

(3) The Statewide designation process applies to both existing programs and new programs. Upon endorsement by the local board of trustees, the requesting institution shall petition the Secretary to designate the program as Statewide by responding to the general criteria listed in §B(4) of this regulation. The program, if so designated, is eligible for out-of-county tuition reimbursement by the State.

(4) The general criteria for Statewide designation are:

(a) Maximization of student access to programs;

(b) The ability of the college to accommodate additional students;

(c) The need for additional students to sustain the program;

(d) The unit cost of the program;

(e) Uniqueness of the program; and

(f) Current labor market demand for graduates of the program in the region.

C. When limited funds are available, priority shall be given to programs that:

(1) Address designated health occupation shortage areas;

(2) Are unique;

(3) Address employment shortage areas determined by appropriate State agencies; and

(4) Are designed to meet the requirements of new technology-oriented State or regional industries.

D. The designation of a program as Statewide does not preclude a community college from proposing the same program for its political subdivision. While the existence of the Statewide program shall be taken into account, the proposed program shall be evaluated on its merits, considering the number of job openings, student demand, and cost.

E. If the Secretary determines there is no longer a need for a program to be designated as health occupation shortage or Statewide, the health occupation shortage or Statewide program designation may be discontinued. In these cases, a community college shall continue to receive reimbursement for the out-of-county differential for students already enrolled in the program.

*13B.02.03.27*

#### **.27 Steps in the Program Review Process.**

A. Submission of a Program Proposal.

(1) If a proposed program can be implemented using existing resources, the program proposal may be submitted simultaneously to the institution's governing board and the Secretary. Otherwise, the program proposal will be approved by the appropriate governing board before submission to the Secretary.

(2) A program proposal from a public institution must provide documentation as required by Education Article, §11.206.1(c), Annotated Code of Maryland.

(3) Within 10 days after receipt of a program proposal, the Commission:

(a) Shall notify an institution of the status of the institution's proposal; and

(b) May request documentation deemed to be missing or insufficient in response to the program review parameters.

(4) A program proposal is not considered to be complete until the applicant submits supporting documentation requested by the Commission.

(5) The submission of substantial supplemental information beyond that requested by the Commission may cause a program proposal to be changed significantly, and thereby cause the proposal to be considered a new submission, triggering another 60-day review.

B. Review of a Program Proposal.

(1) The Secretary shall review each program proposal according to the criteria for program review in Regulation .06 of this chapter and the delegation of the Commission authority in Regulation .04 of this chapter.

(2) Immediately after receipt of a completed program proposal, the Secretary shall:

- (a) Inform all institutions and segments of the proposal; and
- (b) Allow a 30-day period for comments and objections.

(3) The Secretary or an institution may file an objection to implementation of a proposed program if the objection is based on:

- (a) Inconsistency of the proposed program with the institution's approved mission;
- (b) Not meeting a regional or Statewide need consistent with the State Plan;
- (c) Unreasonable program duplication which would cause demonstrable harm to another institution; or
- (d) Violation of the State's equal educational opportunity obligations under State and federal law.

(4) If an objection is filed under subsection (3) of this section, the Commission shall immediately notify the proposing institution's governing board and president.

(5) The Secretary shall determine that an institutional objection is justified if it is based upon the criteria in subsection (3) of this section and is accompanied by detailed data and information supporting the reasons for the objection.

(6) The Secretary may request additional information from the proposing or objecting institutions.

(7) If the Secretary determines that an objection is justified under subsection (5) of this section, the Secretary shall negotiate with the proposing institution's governing board and president, or designees, to modify the proposed program in order to resolve the objection.

(8) The Secretary may invite representatives of the objecting institution to any negotiations.

(9) If the objection cannot be resolved within 30 days of receipt of an objection, the Secretary shall make a final determination on the proposed new program unless the

respective representatives of the proposing and objecting institutions agree to a longer negotiation period.

(10) The review shall be completed within 60 days of the date the Secretary determined that the program proposal was complete unless the deadline is extended with the agreement of the proposing institution.

C. Final Action by the Secretary.

(1) Favorable action.

(a) Unless there is a request for a Commission review, favorable action by the Secretary on a completed program proposal constitutes final program approval or recommendation, and final degree authorization, if required.

(b) An institution shall implement an approved or recommended program in accordance with the approved program proposal and the conditions set by the Secretary.

(c) The Secretary may request an institution to submit a progress report responding to the original proposal and any conditions that may be imposed.

(2) Unfavorable action.

(a) If the Secretary does not approve or recommend the program proposal, the Secretary shall provide a written explanation of the reasons for the disapproval or non-recommendation.

(b) Following the Secretary's decision, an institution may elect to:

(i) Revise the proposal to address the Secretary's reasons for disapproval or non-recommendation and submit the revised proposal for reconsideration; or

(ii) Have the matter reviewed by the Commission in accordance with Regulation .28 of this chapter.

(c) A revised, resubmitted program proposal is considered a new proposal for purposes of the statutory 60-day time frame for Commission action.

*13B.02.03.28*

**.28 Review by the Commission.**

A. Request for Review.

(1) Subject to the requirements of § B of this regulation, the Commission shall review a decision of the Secretary on a program proposal at the request of the president of an institution as provided in this section.

(2) If the Secretary disapproves or does not recommend a program, the president of the proposing institution may ask the Commission to review the Secretary's decision.

(3) If the Secretary approves or recommends a program, the president of an institution that objected during the Secretary's review within the time frames established by this chapter may ask the Commission to review the Secretary's decision.

#### B. Prerequisites to Review.

(1) The Commission shall accept a request for review of a decision of the Secretary on a program proposal, if the requirements of this section are met.

(2) Within 10 days of the issuance of the Secretary's decision, a president seeking the Commission's review of that decision shall send a letter to the Secretary and the Commission chairperson notifying the Commission of its request for a review.

(3) Within 30 days of the issuance of the Secretary's decision, a president seeking review shall submit to the Secretary and the Commission chairperson its full rationale in support of its position, including any relevant supporting data.

(4) Unless the Commission finds that an exigent circumstance prevented a president from meeting the requirements of this section, the Commission may not accept a request for review of a decision of the Secretary on a program proposal if the requirements of this section are not met.

#### C. Secretary and Staff Responsibility.

(1) Within 20 days of receipt of notice of the request for review, the Secretary or Commission staff shall submit to the Commission chairperson its rationale in support of the decision, including any relevant supporting data.

(2) A copy of the materials provided to the Commission shall be made available to any president seeking review.

#### D. Scheduling of Review Meeting.

(1) The Commission chairperson shall schedule a meeting to review the decision of the Secretary within 60 days of the issuance of the Secretary's decision.

(2) If the Commission chairperson determines that there is sufficient time for the Commission to review the materials submitted under §§ B and C of this regulation prior to the next regularly scheduled meeting, the review shall occur at that meeting.

(3) If the next regularly scheduled Commission meeting is scheduled more than 60 days after the issuance of the Secretary's decision or if the Commission chairperson determines that there is insufficient time for the Commission to review the materials prior to the next regularly scheduled Commission meeting, the Commission chairperson shall convene a special meeting at an appropriate time within the 60-day time period.

(4) With the consent of the Secretary and the president seeking review, the Commission chairperson may schedule the review meeting outside of the 60-day time period.

#### E. Conduct of the Review Meeting.

(1) The Commission chairperson or the chairpersons' designee shall preside over the meeting.

(2) Not later than three working days before the Commission meeting, the Secretary and any president who wishes to make a presentation in support of or in opposition to the Secretary's decision shall inform the Commission chairperson of the name and title of each individual who will be speaking with or for them.

(3) The presentations shall include information, data, facts, and materials that clarify material contained in the original proposal or objection, and relate to the basis on which the program was approved or disapproved, or recommended or not recommended.

(4) The Secretary or president may provide the Commission with a written summary of the presentation and relevant documents.

(5) Any Commission member may ask questions during the presentations.

(6) If the number or length of the questions unreasonably consumes the time allotted in §§ F and G for any presentation, the Commission chairperson may grant a request for additional time if the chairperson deems it appropriate or necessary.

#### F. Conduct of the Meeting When a Proposing Institution Has Sought Review.

(1) When a President of a proposing institution has requested the review of the Secretary's disapproval or non-recommendation of a program, the presentations shall follow the order and the time limits set forth in this section.

(2) The Secretary shall make the first presentation and explain the Secretary's decision, including relevant supporting data. The Secretary may make the presentation alone or in combination with one or more others as determined by the Secretary.

(3) The president of the proposing institution shall explain the institution's objections to the decision, including relevant supporting data. The president may make the presentation alone or in combination with one or more others as determined by the president.

(4) The Secretary and designees as determined by the Secretary may respond to the institution's presentation.

(5) The president and designees as determined by the president may respond to the Secretary's presentations.

(6) The Secretary shall have a total of 30 minutes for the Secretary's presentation, and may divide the time between the initial and responsive presentations as the Secretary deems appropriate.

(7) The president shall have a total of 30 minutes for the proposing institution's presentation, and may divide the time between the initial and responsive presentations as the president deems appropriate.

(8) The president of a proposing institution may select a chief executive officer of a segment as one of the presenter's during the president's 30 minute presentation.

(9) Presentation by objecting institution.

(a) Subject to the requirements of § E(2) of this regulation, a president of an institution that objected to the proposed program prior to the Secretary's decision within the time frames established by this chapter may make a presentation to the Commission.

(b) The presentation shall be limited to 10 minutes, and shall be made after the proposing institution's second presentation.

(c) The presentation shall be made by one or more individuals designated by the president, and may include the president and a chief executive officer of a segment.

(d) If more than one objecting institution is eligible to make a presentation, the Commission chairperson shall determine the order of the presentations and whether it would be helpful to the Commission to allow more than 10 minutes for all of the presentations.

#### G. Conduct of Meeting When an Objecting Institution Has Sought Review.

(1) When a president of an objecting institution has requested the review of the Secretary's approval or recommendation of a program, the presentations shall follow the order and the time limits set forth in this section.

(2) The Secretary shall make the first presentation and explain the Secretary's decision, including relevant supporting data. The Secretary may make the presentation alone or in combination with one or more others as determined by the Secretary.

(3) The president of the objecting institution shall explain the institution's objections to the decision, including relevant supporting data. The president may make the presentation alone or in combination with one or more others as determined by the president.

(4) The Secretary and designees as determined by the Secretary may respond to the institution's presentation.

(5) The president and designees as determined by the president may respond to the Secretary's presentations.

(6) The Secretary shall have a total of 30 minutes for the Secretary's presentation, and may divide the time between the initial and responsive presentations as the Secretary deems appropriate.

(7) The president shall have a total of 30 minutes for the presentation, and may divide the time between the initial and responsive presentations as the president deems appropriate.

(8) The president of an objecting institution may select a chief executive officer of a segment as one of the presenters during the president's 30 minute presentation.

(9) When there is more than one objecting institution, the Commission chairperson shall decide the order of the presentations and whether it would be helpful to the Commission to allow more than 30 minutes for all of the presentations.

(10) Presentation by Proposing Institution

(a) Subject to the requirements of § E(2) of this regulation, the president of the proposing institution may make a presentation to the Commission.

(b) The presentation shall be limited to 10 minutes, and shall be made after each objecting institution's second presentation.

(c) The presentation shall be made by one or more individuals designated by the president, and may include the president and a chief executive officer of a segment.

H. Conduct of Meeting When Both the Proposing and an Objecting Institution Have Sought Review.

(1) If the Secretary disapproves or does not recommend a program and both the proposing and an objecting institution seek review, and objecting institution that has complied with the provisions of §§ B and E(2) of this regulation may follow the procedures for the proposing institution set forth in § F of this regulation.

(2) The objecting institution's presentations shall follow the proposing institution's first and second presentations as set forth in § F(3) and (5) of this regulation.

(3) If more than one objecting institution has sought review, the Commission chairperson shall determine the order of the presentations.

I. Commission's Decision.

(1) The Commission shall follow the procedures in this section in making its decision.

(2) Upon completion of the presentations, the Commission may adjourn to executive session as allowed by law to discuss the presentations and any relevant documentation submitted by the presenters.

(3) The Commission shall render a decision that is consistent with the requirements of this Chapter.

(4) After consideration, but not later than 10 working days after the review meeting, the Commission shall send a final written decision to the president with a copy to all presenting institutions, segments, and the Secretary.

(5) The decision of the Commission is final, and is not subject to reconsideration by the Commission or review by any administrative or judicial body.

(6) For purposes of the Administrative Procedure Act, the Commission's review under this chapter is not a contested case.