

MARYLAND HIGHER EDUCATION COMMISSION

CODE OF MARYLAND REGULATIONS

13B.02.01

Requirements for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland

As amended through
October 17, 2011

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 01 Requirements for Authorization for Out-of-State Degree-Granting Institutions to Operate in Maryland.

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TITLE 13B
MARYLAND HIGHER EDUCATION COMMISSION
SUBTITLE 02 ACADEMIC REGULATIONS

Chapter 01 Requirements for Authorization for Out-of-State Degree-Granting Institutions to Operate in Maryland.

13B02.01.01

.01 Purpose.

A. This chapter implements the provisions of Education Article, §§11-201—11-204, Annotated Code of Maryland.

B. The purpose of this chapter is to require that out-of-State institutions:

- (1) Maintain intellectual and academic integrity;
- (2) Have adequate financial resources and be operated in accordance with acceptable principles of sound financial management;
- (3) Have a clearly defined mission, with goals and objectives consistent with the purposes of higher education and related to the programs to be offered by the institution in Maryland;
- (4) Consistently maintain a faculty, a program of instruction, physical facilities, and resources adequate to the:
 - (a) Satisfactory delivery of the program approved to be offered in Maryland; and
 - (b) Attainment of educational quality;
- (5) Admit, retain, and graduate only those students who meet quantitatively and qualitatively creditable standards of achievement appropriate to the institution;
- (6) Issue announcements and advertisements that accurately portray to the public the purposes, practices, and program offerings of the institution at the approved site or sites in Maryland;
- (7) Provide appropriate student services; and
- (8) Operate under an effective administrative structure.

C. This chapter is to be interpreted to encourage and permit innovations aimed at improving the effectiveness of higher education through the use of new technologies, techniques, and modes of delivery that are consistent with quality education.

13B.02.01.02

.02 Scope.

A. The requirements in this chapter apply to all out-of-State institutions, including colleges and universities, and separately incorporated graduate institutions or centers that require or seek a certificate of approval to operate in Maryland, or continue to operate in Maryland, and grant formal awards within the State.

B. The requirements in this chapter also apply to existing out-of-State institutions that are seeking approval to offer a new degree level in Maryland.

C. The approval granted to an out-of-State institution to operate in Maryland and award degrees applies only to the formal awards, instructional programs, and locations designated in the certificate of approval.

D. Programs to be reviewed under this authority include:

(1) New certificates or degree levels; and

(2) Program suspensions or discontinuances.

13B.02.01.03

.03 Definitions.

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

B. Terms Defined.

(1) Academic Credit.

(a) "Academic credit" means the certification of a student's successful completion of a unit of a course of study leading to a formal award granted by an out-of-State institution approved to offer a collegiate degree, such as an associate or higher degree.

(b) "Academic credit" does not include credit that may be awarded for remedial education.

(2) "Associate degree-granting institution" means an institution that awards a degree at the associate level in two or more instructional programs and does not award a higher degree.

(3) Classroom Instruction.

(a) "Classroom instruction" means live instruction for academic credit that allows immediate interaction between student and instructor, such as lectures, laboratory instruction, seminars, colloquia, interactive instructional television, and, if immediate live feedback is available from an instructor, independent study and computer-aided instruction.

(b) "Classroom instruction" does not include instruction through correspondence, non-interactive learning, credit for prior learning, cooperative education activities, practica, internships, externships, apprenticeships, portfolio review, departmental examinations, or challenge examinations.

(4) "Closed site" means a business, organization, educational entity, or government site that offers courses solely for its own employees.

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

(6) "Credit for prior learning" means credit granted toward the award of a certificate or degree for experiential learning that can be shown through various means of assessment to be the equivalent of learning gained through formal collegiate instruction.

(7) "Degree-granting institution" means an associate degree-granting institution or an institution offering baccalaureate or higher degrees.

(8) Distance Education.

(a) "Distance education" means course work for academic credit delivered by telecommunicated instruction to a physical space specifically reserved for the purpose of receiving the instruction, for example, a teleclassroom, and requires the payment of tuition or fees for the instruction.

(b) "Distance education" does not include telecommunicated instruction at the student's initiation via an individual personal computer.

(9) "Formal award" means a certificate or degree that is conferred by the faculty and ratified by the out-of-State institution's governing board in recognition of successful completion of the requirements of a program.

(10) "Full-time faculty member" means an employee:

(a) Whose primary professional responsibility is instruction, research, scholarship, or service;

(b) Who performs those functions normally expected of a full-time faculty member at an institution of higher education, including curriculum development, student advising, and institutional service;

(c) Who is employed on an annual or renewable contract of at least 9 months long that stipulates an annual salary; and

(d) Who is not employed full-time by another employer.

(11) "New degree" means a degree level not specified in an out-of-state institution's certificate of approval such as an associate level, bachelor's level, master's level, doctoral level, or first professional level.

(12) Operate in Maryland.

(a) "Operate in Maryland" means:

(i) The maintenance in Maryland, for the purpose of offering instruction leading to a degree or certificate, or any instruction for credit, of a classroom (including a teleclassroom or a computer laboratory, or both, recruiting office, administrative office, or any other instructional space either through a lease or purchase of space;

(ii) The recurring use of space for instruction in Maryland provided by another educational entity or any organization, whether or not a lease or purchase occurs; or

(iii) The maintenance in Maryland by a nonaccredited out-of-State institution or organization of any ongoing administrative or instructional activity that purports to contribute to the granting of degrees or postsecondary certificates or course credits.

(b) "Operate in Maryland" does not include the noninstructional activities of an out-of-State institution which is accredited by an organization recognized as an accrediting agency by the U.S. Department of Education to grant institutional accreditation, that:

(i) Maintains in Maryland space for noninstructional purposes, such as recruiting, registration, or other administrative purposes;

(ii) Conducts periodic and temporary visits to Maryland for the purposes of student recruitment or contact with an institution's alumni; or

(iii) Maintains in Maryland a mailing address or a telephone answering or relay service, or advertises such a presence.

(c) "Operate in Maryland" does not include distance education that originates outside of Maryland.

(13) "Out-of-State institution" means a degree-granting institution whose primary campus exists outside of Maryland and the authority to grant degrees is conferred by another state.

(14) "Program" means a structured and coherent course of study with clearly defined objectives and intended student learning outcomes, requiring the completion of a specified number of course credits from among a prescribed group of courses, which leads to the award of a certificate or degree.

(15) "Regional higher education center" has the meaning stated in Education Article, §10-101(k), Annotated Code of Maryland.

(16) "Remedial education" means a course or series of courses or services, or both, designed to remedy deficiencies in preparation for college-level work, especially in reading, writing, mathematics, and study skills that cannot be applied to credit for a degree or certificate.

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

(18) "Segment of higher education" means:

(a) The University System of Maryland;

(b) Morgan State University;

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

(d) The Maryland community colleges;

(e) The Maryland Independent College and University Association; and

(f) The Maryland Association of Private Colleges and Career Schools.

13B.02.01.04

.04 Exemptions.

A. This chapter does not apply to an out-of-State institution offering a course or a program on a military installation if:

(1) The recruitment and enrollment of students is limited to active duty military personnel, dependents of active duty military personnel, or civilians employed at the installation;

(2) The institution waives its right to claim veterans' benefits for enrollees; and

(3) The institution applies for and is granted an exemption from this regulation.

B. At least 30 days before the proposed initiation date of a course of instruction, the chief executive officer of the out-of-State institution shall submit to the Secretary, on the forms provided, a written application for an exemption from the approval process set forth in Regulation .07 of this chapter.

C. The application shall include:

(1) A copy of the agreement or memorandum of understanding that specifies that the out-of-State institution may not recruit or enroll students unless they are active duty

military personnel, dependents of active duty military personnel or civilians employed at the installation; and

(2) A statement waiving the institution's right to claim veterans' benefits for enrollees.

D. There is no application fee for an exemption for a course or program on a military installation.

E. The Secretary shall approve the exemption if the application is complete.

13B.02.01.05

.05 Institutional Titles.

A. An out-of-State institution or other out-of-State entity may not use the name "college", "university", "regional higher education center", or word of similar import, in a manner that connotes the offering of a postsecondary educational course or program, unless that institution has first met the criteria established by, and obtained a certificate of approval from, the Commission in the manner provided by law.

B. Change of Institutional Designation.

(1) An out-of-State institution may not change its institutional designation within the State without the approval of the Commission.

(2) An institution shall pay a fee of \$250 with an application to the Commission to change its institutional designation.

C. An out-of-State institution shall use within the State a title appropriate to the programs and degrees it offers in the State.

13B.02.01.06

.06 Need Criteria.

A. Before the Commission may evaluate the readiness of an out-of-State institution to operate in Maryland or award new degrees in the State, including the offering of an instructional program or a degree level not previously approved, the institution shall present evidence demonstrating the educational need to establish operations, offer programs, and award the degrees in question in the State.

B. The evidence required by §A of this regulation shall include:

(1) The degree to be awarded;

(2) The area of specialization;

(3) The purpose or objective of the program or course of study to be offered;

- (4) Specific academic content of the program or course of study;
- (5) The quality of the proposed program in comparison to existing programs;
- (6) An analysis of the market for the program; and
- (7) The State's equal educational opportunity obligations under State and federal law.

C. In addition, the out-of-State institution shall demonstrate that the proposed program, for which the institution is making application:

- (1) Meets a critical and compelling regional or Statewide need; and
- (2) Is consistent with the Maryland State Plan for Postsecondary Education.

D. The out-of-State institution shall clearly state the demand and need for a program, for which the institution is making application, in terms of meeting present and future needs of the region and the State in general. Two kinds of need may be identified:

- (1) Societal needs, including the tradition of liberal arts education, which provides immeasurable returns to the State in part by instilling in citizens a capacity for advanced learning and individual and societal benefits regardless of workforce or market demand considerations; and
- (2) Occupational needs relative to meeting workforce requirements or upgrading vocational or technical skills.

E. Market Demand Data.

(1) The out-of-State institution shall present data projecting market demand and the availability of openings in the job market to be served by the new program for which the institution is making application. The type of information submitted will vary, depending on the program, but may include workforce and employment projections prepared by the federal and State governments as well as professional and trade associations.

(2) With the exception of programs in the liberal arts, recently collected, existing, or new market surveys shall be used which 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.

(3) In assessing demand for a new program, for which the institution is making application, an institution shall also present data showing the current supply of graduates in that program area in the State and region.

.07 Institutional Initial Approval Process.

A. An out-of-State institution seeking initial approval may not operate in Maryland, do business, recruit or enroll students, begin instruction, or promote advanced publicity through advertisements, announcements, or other similar media on proposed courses or programs to be offered in Maryland until it obtains approval from the Secretary in accordance with this chapter.

B. The Secretary's approval to operate in Maryland, if granted, shall be for a period of 1 year and may be renewable on an annual basis for the first 5 years of operation in Maryland, and thereafter for an extended period of time up to 5 years.

C. An out-of-State institution that has received a certificate of approval to operate in Maryland may not add a new program until it has complied with §D(3) of this regulation.

D. Procedures to Apply for Initial Approval to Operate in Maryland.

(1) To receive initial approval to operate in Maryland, the chief executive officer shall submit to the Secretary, on the forms provided, a written application for authorization to offer one or more postsecondary educational courses or programs in a specific location in Maryland. The completed application and all supportive documentation shall be provided at least 5 months before the out-of-State institution proposes to begin operation.

(2) An institution shall submit a non-refundable application fee in the amount of:

(a) \$7,500 for up to two degree programs; and

(b) An additional \$850 for each degree program over two programs.

(3) The application to offer degree and certificate programs shall include:

(a) Identification of the institution;

(b) The specific address, if known, or the geographical location of proposed operation, including, at a minimum, the county or city, with the specific address to be provided when known;

(c) Proposed start date and term of operation;

(d) Identification of authorized representatives;

(e) Board of trustees resolution of financial solvency;

(f) Except as provided in §D(4)(a) of this regulation, certificate of incorporation as a foreign (out-of State) corporation from the Department of Assessments and Taxation;

(g) Institutional accreditation status with an organization recognized as an accrediting agency by the U.S. Department of Education to grant institutional accreditation;

(h) Copies of awards to be granted;

(i) Programmatic data, including the degree or certificate, the curriculum, and proposed schedule of classes;

(j) A detailed and accurate description of the proposed programs and operations including:

(i) All degree and certificate programs to be offered by the institution;

(ii) A description of the objectives of each degree and certificate program including the mode of instructional delivery;

(iii) A description of the student population to be served; and

(iv) A description of a teach-out plan allowing enrolled students to complete their program if the institution decides to cease operation in Maryland;

(k) Evidence of a critical and compelling regional or Statewide need and demand for specific academic degree programs in a specific geographic region of the State in accordance with Regulation .06 of this chapter;

(l) Data projecting market demand and the availability of openings in the job market to be served by each new program;

(m) Qualification of instructors and staff;

(n) Library resources;

(o) Certificate of compliance with fire and safety codes;

(p) Copies of advertisements; and

(q) If applicable, a letter of sponsorship from the employer or institution that is requesting the out-of-State institution to offer a program in Maryland.

(4) Certificate of Incorporation.

(a) A public institution is not required to submit a certificate of incorporation as a foreign corporation.

(b) A business entity affiliated with a public institution is required to submit a certificate of incorporation.

(5) The institution may apply to offer courses only if the full complement of courses comprise not more than 3 courses or 9 credits of a degree or certificate program. The application to offer courses shall include:

- (a) Identification of the institution;
- (b) The specific address, if known, or the geographic location of proposed operation, including, at a minimum, the county or city, with the specific address to be provided when known;
- (c) Proposed start date and term of operation;
- (d) Certificate of incorporation as a foreign (out-of-State) corporation, if required by State law;
- (e) Institutional accreditation status with an organization recognized as an accrediting agency by the U.S. Department of Education to grant institutional accreditation;
- (f) Programmatic data, including the degree or certificate, the curriculum, and the proposed schedule of classes;
- (g) A description of the objectives of each course including the mode of instructional delivery;
- (h) A description of the student population to be served;
- (i) Evidence of a critical and compelling regional or Statewide need and demand for specific academic degree programs in a specific geographic region of the State in accordance with Regulation .06 of this chapter;
- (j) Qualification of instructors and staff;
- (k) Certificate of compliance with fire and safety codes; and
- (l) If applicable, a letter of sponsorship from the employer or institution that is requesting the institution to offer a course in Maryland.

(6) Application to Operate in Maryland as a Closed Site Out-of-State Institution.

(a) An application to offer degree and certificate programs as a closed-site institution shall include all of the application requirements specified in §D(3) of this regulation. An application to offer not more than 3 courses or 9 credits of a degree or certificate program as a closed-site institution shall include all of the application requirements specified in §D(5) of this regulation.

(b) In addition, the institution shall supply a memorandum of understanding from the Maryland entity sponsoring the institution. The memorandum of understanding

shall specify that the institution is operating as a closed-site and that courses are offered solely for its own employees.

E. Application Review, Notice, and Period for Comments and Objections.

(1) Upon submission by an out-of-State institution of the application and documentation required by §D of this regulation, the Secretary shall review the application and documentation to ensure that the institution has satisfied the requirements of this chapter.

(2) Upon receipt of a complete application and documentation, the Secretary shall inform all institutions of higher education and segments of higher education of the proposal.

(3) A 30-day period for comments and objections shall be allowed.

(4) Any institution of higher education or segment of higher education desiring to raise an objection shall do so during the 30-day comment period.

(5) The Secretary shall consider all comments and objections received before making the final decision.

(6) The Secretary may not consider an objection raised after the 30-day period.

(7) The Secretary may ask the applicant institution for additional information in response to comments and objections received.

(8) The 30-day period for comments and objections does not apply to a closed-site institution.

F. Secretary's Grant of Approval to Operate in Maryland.

(1) The Secretary shall grant the certificate of approval to the out-of-State institution to operate in Maryland on such conditions as may be considered appropriate, if the Secretary is satisfied that:

(a) The application and documentation submitted by the institution is in compliance with this chapter and the institution is in compliance with this chapter;

(b) The institution is fully accredited by an organization recognized as an accrediting agency by the U.S. Department of Education to grant institutional accreditation; and

(c) The programs to be offered in Maryland are similar to programs offered at its main or primary campus.

(2) The Secretary shall notify the chief executive officer of the institution in writing of the official action taken by the Secretary.

G. Secretary's Denial of Approval to Operate in Maryland.

(1) If the Secretary is not satisfied that an out-of-State institution is in compliance with this chapter, the Secretary shall issue a notice of deficiencies and deny approval to the institution.

(2) Within 20 days of receipt of a notice of deficiencies, the institution denied approval to operate in Maryland may request a hearing before the Commission as provided in Education Article, §11-202(f), Annotated Code of Maryland.

(3) The hearing before the Commission shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 13B.04.01.

(4) If the institution requests a hearing, the Commission may refer the hearing to the Office of Administrative Hearings.

(5) After the hearing in §G(3) of this regulation, the Commission may take the following action:

(a) Grant approval to operate;

(b) Deny approval to operate; or

(c) Remand the case to the Secretary for further action as directed by the Commission.

(6) If the institution does not file a timely request for a hearing on the notice of deficiencies, the Secretary's decision becomes final.

H. Completed Application and Documentation.

(1) An application is complete as of the day on which an out-of-State institution submits documentation satisfactory to the Secretary that the institution has completed the application process.

(2) If the Secretary has neither issued a certificate of approval nor a written notice of deficiency within 6 months of the completed application, the institution may request a hearing before the Commission to determine whether a certificate of approval shall be issued.

(3) The request shall be made within 20 days of the expiration of the 6-month period.

(4) The hearing shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 13B.04.01.

I. Judicial Review.

(1) An out-of-State institution that is denied a certificate of approval by the Commission after a hearing granted under §G or H of this regulation has the right to judicial review provided by State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(2) The decision of the Commission is presumed correct and the institution has the burden of proving otherwise.

(3) The Commission shall be a party to the proceeding.

13B.02.01.08

.08 Institutional Renewal Approval Process.

A. An out-of-State institution seeking to continue to operate in Maryland at a previously approved location for an additional year may not operate in Maryland, do business, recruit or enroll students, begin instruction, or promote advanced publicity through advertisements, announcements, or other similar media on proposed courses or programs to be offered in Maryland until it obtains approval from the Secretary in accordance with this chapter.

B. Procedures to Apply for Approval to Continue to Operate in Maryland at a Previously Approved Location.

(1) To receive approval to continue to operate in Maryland at a previously approved location for an additional year, whether to offer previously approved courses and programs or to offer new courses and programs, the chief executive officer shall submit to the Secretary on the forms provided a written application for authorization to continue to operate in Maryland.

(2) With the exception of an out-of-State institution that is located at and part of a regional higher education center, an out-of-State institution shall submit a nonrefundable application fee in the amount of:

(a) \$7,500 for up to two degree programs; and

(b) An additional \$850 for each degree program over two programs.

(3) The completed application and all supportive documentation for continued operation shall be provided at least 5 months before any existing approval expires.

(4) The application shall include:

(a) Identification of the institution;

(b) Specific mailing address of current operation;

(c) Proposed date of continued operation;

- (d) Identification of authorized representatives;
- (e) Board of trustees resolution of financial solvency;
- (f) Certificate of incorporation as a foreign (out-of-State) corporation, if required by State law;
- (g) Institutional accreditation status with an organization recognized as an accrediting agency by the U.S. Department of Education to grant institutional accreditation;
- (h) Copies of awards;
- (i) Programmatic data, including the degree or certificate, the curriculum, and proposed schedule of classes;
- (j) A detailed and accurate description of any proposed new programs and operations including:
 - (i) The degree and certificate programs to be offered by the institution for these programs;
 - (ii) A description of the objectives of each new degree and certificate program including the mode of instructional delivery;
 - (iii) A description of the student population to be served; and
 - (iv) A description of a teach-out plan allowing enrolled students to complete their program if the institution decides to cease operation in Maryland;
- (k) Evidence of a critical and compelling regional or Statewide need and demand for the specific new academic degree programs in a specific geographical region of the State in accordance with Regulation .06 of this chapter;
 - (l) Data projecting market demand and the availability of openings in the job market to be served by each new program;
- (m) Qualification of instructors and staff;
- (n) Library resources;
- (o) Certificate of compliance with fire and safety codes;
- (p) Copies of advertisements; and
- (q) Enrollment data as prescribed by the Secretary.

C. Procedures to Apply for Approval for Extended Operation in Maryland.

(1) During or after the fifth year of operation in Maryland and during any subsequent renewal cycle, an out-of-State institution may apply for approval to operate in Maryland for an extended period of time up to 5 years.

(2) To receive approval to continue to operate in Maryland at a previously approved location for an extended period, whether to offer previously approved courses and programs or to offer new courses and programs, the chief executive officer shall submit to the Secretary on the forms provided a written application for authorization to continue to operate in Maryland. The completed application and all supportive documentation for continued operation shall be provided at least 5 months before any existing approval expires.

(3) The application shall include:

- (a) Identification of the institution;
- (b) Specific geographical location of current operation;
- (c) Proposed date of continued operation;
- (d) Identification of authorized representatives;
- (e) Board of trustees resolution of financial solvency;
- (f) Certificate of incorporation as a foreign (out-of-State) corporation;
- (g) Institutional accreditation status with an organization recognized as an accrediting agency by the U.S. Department of Education to grant institutional accreditation;
- (h) Copies of awards;
- (i) Programmatic data, including the degree or certificate, the curriculum, and proposed schedule of classes;
- (j) Qualification of instructors and staff;
- (k) Library resources;
- (l) Certificate of compliance with fire and safety codes;
- (m) Copies of advertisements; and
- (n) Enrollment data as prescribed by the Secretary.

D. Application Review, Notice, and Period for Comments and Objections.

(1) Upon submission by an out-of-State institution of the application and documentation required by §B or C of this regulation, the Secretary shall review the

application for renewal and documentation to ensure that the institution continues to satisfy the requirements of this chapter.

(2) Upon receipt of a complete application and documentation, the Secretary shall inform all institutions of higher education and segments of higher education of the proposal.

(3) A 30-day period for comments and objections shall be allowed.

(4) Any institution of higher education or segment desiring to raise an objection shall do so during the 30-day comment period.

(5) The Secretary shall consider all comments and objections received before making the final decision.

(6) The Secretary may not consider an objection raised after the 30-day period.

(7) The Secretary may ask the applicant institution for additional information in response to comments and objections received.

(8) The 30-day period for comments and objections does not apply to a closed-site institution.

E. Secretary's Grant of Approval to Operate in Maryland.

(1) The Secretary shall renew the out-of-State institution's approval to operate in Maryland at a previously approved location on such conditions as may be considered appropriate, if the Secretary is satisfied that:

(a) The application for renewal and documentation submitted by the institution is in compliance with this chapter and the institution is in continued compliance with this chapter;

(b) The institution remains fully accredited by an organization recognized as an accrediting agency by the United States Department of Education; and

(c) The programs to be offered in Maryland remain similar to programs offered at its main or primary campus.

(2) The Secretary shall notify the chief executive officer of the institution in writing of the Secretary's decision.

F. Secretary's Denial of Approval to Continue to Operate in Maryland.

(1) If the Secretary is not satisfied that an out-of-State institution is in continued compliance with this chapter, the Secretary shall issue a notice of deficiencies and deny renewal of the approval to the institution.

(2) Within 20 days of receipt of a notice of deficiencies, the institution denied renewal of the approval to operate in Maryland may request a hearing before the Commission as provided in Education Article, §11-202(f), Annotated Code of Maryland.

(3) The hearing before the Commission shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 13B.04.01.

(4) If the institution requests a hearing, the Commission may refer the hearing to the Office of Administrative Hearings.

(5) After the hearing in §F(3) of this regulation, the Commission may take the following action:

(a) Grant the renewal of approval to operate;

(b) Deny the renewal of approval to operate; or

(c) Remand the case to the Secretary for further action as directed by the Commission.

(6) If the institution does not file a timely request for a hearing on the notice of deficiencies, the Secretary's decision becomes final.

G. Completed Application and Documentation.

(1) An application is complete as of the day on which an out-of-State institution submits documentation satisfactory to the Secretary that it has completed the application process.

(2) If the Secretary has neither issued a certificate of approval nor a written notice of deficiency within 6 months of the completed application, the institution may request a hearing before the Commission to determine whether a certificate of approval shall be issued.

(3) The request shall be made within 20 days of the expiration of the 6-month period.

(4) The hearing shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 13B.04.01.

H. Judicial Review.

(1) An out-of-State institution that is denied a renewal of its certificate of approval by the Commission after a hearing granted under §F or G of this regulation has the right to judicial review as provided by State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(2) The decision of the Commission is presumed correct and the institution has the burden of proving otherwise.

(3) The Commission shall be a party to the proceeding.

I. Further Requests by Institution.

(1) After an out-of-State institution has received extended operational approval, the Commission shall apply the standards set forth in Regulation .06 of this chapter to a request by the institution for approval to:

- (a) Offer courses not previously approved;
- (b) Offer a program not previously approved; or
- (c) Operate in Maryland at a site not previously approved.

(2) If the approval is granted, the approval will be in effect for the duration of the extended approval period.

13B.02.01.09

.09 Withdrawal of Approval and Other Sanctions.

A. If, on the basis of available documentation, the Secretary believes that an out-of-State institution does not meet the conditions or standards on which its certificate of approval, or any other approval issued by the Commission or Secretary, was based, the Secretary shall give the institution written notice specifying the deficiencies believed to exist.

B. The written notice shall specify the alleged deficiencies, direct the out-of-State institution to correct them within a period of not less than 30 days, and specify the appropriate sanctions if the institution fails to correct the deficiencies.

C. Hearing.

(1) If the out-of-State institution requests a hearing on the notice of deficiencies, the Commission shall hold a hearing on the matter within 60 days of receipt of the request, subject to the requirement that any request for a hearing is received by the Commission within 20 days of the institution's receipt of the notice of deficiencies.

(2) The hearing shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and 13B.04.01.

(3) Subject to §F of this regulation, action on the notice of deficiencies shall be stayed until a determination after the hearing.

D. If a hearing is not requested within the specified time period, or if the notice of deficiencies is upheld in whole or in part after a hearing, the Commission may reprimand the out-of-State institution or suspend or revoke the institution's certificate of approval or any other approval issued by the Commission or Secretary.

E. In imposing any sanctions under this regulation, the Commission shall consider:

- (1) The seriousness of the deficiency;
- (2) The harm caused by the deficiency;
- (3) The good faith of the out-of-State institution and any corrective actions taken;
- (4) Any history of previous deficiencies; and
- (5) Other pertinent circumstances.

F. Judicial Review.

(1) An out-of-State institution that is aggrieved by an order of the Secretary or Commission has the right to judicial review provided by State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(2) The decision of the Commission is presumed correct and the institution has the burden of proving otherwise.

(3) The Commission shall be a party to the proceeding.

G. Judicial Remedies.

(1) The Secretary may seek an injunction or other judicial remedy at any time following written notice of the deficiencies and before the Commission's final decision, if the Secretary determines that the public interest requires enforcement of the provisions of Education Article, Title 11, Annotated Code of Maryland, or any applicable regulations.

(2) If a court grants relief before a hearing that was requested on a timely basis, the Commission shall schedule the hearing in regard to the notice of deficiencies within 2 weeks of the issuance of the court's order, unless the out-of-State institution requests a delay. The hearing shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

13B.02.01.10

.10 Accreditation.

A. An out-of-State institution shall maintain continuous full accreditation by an organization recognized as an accrediting agency by the U.S. Department of Education

to grant institutional accreditation. Candidacy status and official probationary status may not be considered as a valid substitution for full institutional accreditation.

B. Proposed specialized fields of study, maintaining professional accreditation by an association recognized by the United States Department of Education shall meet the same standards applicable to the resident campus program.

C. Out-of-State institutions shall present written evidence of compliance with institutional and professional accrediting associations' policies related to off-campus educational activities.

13B.02.01.11

.11 Academic Policies.

Institutional academic policies for admission, graduation, and the awarding of academic credit shall be consistent with policies maintained by the parent institution for resident students and shall be consistent with the State's minimum requirements for colleges operating in Maryland as provided in COMAR 13B.02.02.15, .16, and .19.

13B.02.01.12

.12 One Semester Hour of Credit.

A. An out-of-State institution shall award 1 semester hour of credit for:

(1) A minimum of 15 hours of 50 minutes each of actual class time, exclusive of registration, study days, and holidays, when supervision is assured and learning is documented;

(2) A minimum of 30 hours of 50 minutes each of supervised laboratory or studio time, exclusive of registration, study days, and holidays, when supervision is assured and learning is documented;

(3) A minimum of 45 hours of 50 minutes each of instruction situations such as practica, internships, and cooperative education placements, when supervision is assured and learning is documented; or

(4) Instruction delivered by electronic media based on the equivalent outcomes in student learning of §A(1) of this regulation and may include a combination of telelessons, classroom instruction, student consultation with instructors, and readings, when supervision is assured and learning is documented.

B. One quarter hour credit shall be awarded for instruction equivalent to 2/3 of the contact hours required for 1 semester hour of credit, when supervision is assured and learning is documented.

13B.02.01.13

.13 Credit for Practica, Clinical Experience, Internships, and Cooperative Work Experiences.

A. An out-of-State institution awarding academic credit for practica, clinical experiences, internships, and cooperative work experiences shall ensure that the credit is being awarded for actual academic learning.

B. A student shall demonstrate competence through testing or through other appropriate evaluative measures.

C. A degree-granting institution offering baccalaureate and higher degrees may not award more than 45 semester hours of the minimum 120 hours required for the baccalaureate degree or a proportional amount of a greater number of hours through credit offered in this manner.

D. An associate degree-granting institution may not award more than 30 semester hours of the minimum 60 hours required for the associate degree or a proportional amount of a greater number of hours through credit offered in this manner.

13B.02.01.14

.14 Credit for Prior Learning.

A. An out-of-State institution may not award more than 1/2 the number of credits required for graduation, regardless of the method of assessing the credit, for credit for prior learning or experience.

B. An out-of-State institution may grant credit for prior learning or experience based upon successful completion of an acceptable standardized examination such as the College-Level Examination Program.

C. An out-of-State institution may not award more than:

(1) 30 semester hours of the minimum 120 hours required for the baccalaureate degree or a proportional amount of a greater number of hours; or

(2) 15 semester hours of the minimum 60 semester hours required for the associate degree or a proportional amount of a greater number of hours, for credit for prior learning, granted based on examinations developed by the institution and on portfolio assessments.

D. An out-of-State institution shall have on file copies of whatever examinations, test results, portfolios, and portfolio assessment reviews that are used for the award of credit for prior learning. Faculty of the institution in the appropriate discipline shall conduct the assessment. The institution shall maintain the results of the assessments in the student's academic file.

13B.02.01.15

.15 Administrative Staff.

A. The out-of-State institution shall provide for an on-site administrative staff responsible for the overall administrative operation of educational activities, including counseling, advising, testing, orientation, financial aid services, and maintenance of academic records.

B. In addition to being responsible for the administration of the policies and procedures established by the parent institution, the designated administrators are responsible for meeting the expectations set forth in this chapter.

C. The duties, responsibilities, and size of the staff shall be adequate to the purpose and size of educational activities offered.

13B.02.01.16

.16 Faculty.

A. The faculty employed by the out-of-State institution shall be competent on the basis of their formal education and professional experience to enable them, through effective instruction and other activities, to achieve the educational objectives of the institution.

B. A faculty member shall have completed formal studies at an institution that is accredited by an organization recognized as an accrediting agency by the U.S. Department of Education to grant institutional accreditation or internationally recognized institution at least through the master's or first professional degree, or its equivalent, in the field in which the faculty member teaches. "Equivalent" means documented outstanding achievement in the arts, music, letters, science, research, business or industry, or public service. A faculty member shall demonstrate successful experience and provide continuing evidence of keeping abreast of developments in the faculty member's field.

C. At least 1/3 of the classes offered shall be taught by full-time faculty of the parent institution.

D. Faculty members who engage in instruction shall be able to communicate effectively in both written and spoken English.

E. Institutional Waiver of Definition of Full-Time Faculty.

(1) An out-of-State institution may apply to the Commission for a waiver from the definition of "full-time faculty member" found in Regulation .03B of this chapter.

(2) In order to obtain a waiver, an institution shall demonstrate that the unique role, scope, and mission of the institution require a waiver in order for the institution to operate in Maryland.

(3) After making the demonstration required in §E(2) of this regulation, the institution shall:

(a) Designate by name the faculty members whose primary responsibility is instruction, scholarship, research, or service who will perform the duties normally required of full-time faculty;

(b) Document that designated faculty members substantially participate in the development or implementation of one or more of the following activities at the institution requesting the waiver:

- (i) Academic programs,
- (ii) Professional programs,
- (iii) Research programs,
- (iv) Service programs,
- (v) Admission or admission policies,
- (vi) Academic advising,
- (vii) Faculty appointments, or
- (viii) Institutional governance;

(c) Document that the designated faculty shall, as a group, participate in all of the activities listed in §D(3)(b) of this regulation; and

(d) Document that the designated faculty shall perform the requirements of full-time faculty under §C of this regulation.

(4) Documentation includes, but is not limited to the following:

- (a) Minutes of meetings;
- (b) Contractual obligations; or
- (c) Job descriptions.

(5) The request for a waiver shall be placed on the agenda of a regularly scheduled public meeting of the Education Policy Committee. The Chairman of the Education Policy Committee shall present the Committee's finding to the Commission at its next regularly scheduled public meeting. The decision of the Commission is considered final and not subject to further review.

(6) If the Commission is satisfied that an institution meets the requirements of this section, it may grant a waiver to the institution on such terms and conditions, including time limitations, as the Commission considers appropriate.

13B.02.01.17

.17 Library Resources.

A. An out-of-State institution offering programs or courses, or both, in Maryland, shall provide adequate and appropriate library resources within State boundaries and within reasonable distance of the instructional site. Usage statistics shall be kept to determine to what extent these resources are available and accessible.

B. Waiver.

(1) In extraordinary circumstances, an out-of-State institution may request a waiver of the requirements of §A of this regulation.

(2) The request for a waiver shall be placed on the agenda of a regularly scheduled public meeting of the Education Policy Committee. The Chairman of the Education Policy Committee shall present the Committee's findings to the Commission at its next regularly scheduled public meeting. The decision of the Commission is considered final and not subject to further review.

(3) A waiver may be granted if the waiver is justified by:

(a) The specialized or technical nature of the institution's curriculum; or

(b) An executed contract or contracts with another library or libraries ensuring students adequate access to another appropriate collection either through location or through information technology.

C. In determining the adequacy of the library collection of an existing institution, the Secretary shall consider relevant guidelines of professional associations and library associations.

13B.02.01.18

.18 Student Services and Activities.

A. Student services and activities shall realistically reflect the stated objectives, purposes, and philosophy of the out-of-State institution. The needs and welfare of students shall be of primary concern if there is to be motivation toward worthwhile academic achievement. Student policies shall encourage associations among students, faculty, and the administration, and shall provide opportunities for the development of individual potential.

B. An out-of-State institution shall ensure that all students have access to a well developed program of counseling, testing, advisement, orientation, financial aid, career development, and placement. The institution may determine the specific organization of

services, as well as the resources and staffing provided, as long as provision for the services noted in this section are made.

C. Student activities that complement the instructional program are particularly encouraged. An out-of-State institution should establish student government organizations that are representative and provide a responsible forum for student views as well as a vehicle for student input into institutional decision making. While participation in varsity athletics, student organizations, and student governance is a valuable adjunct to the instructional program, these activities are not part of the instructional program itself, and the institution may not award academic credit for participation in these activities.

D. An out-of-State institution shall keep complete and accurate records of admission, enrollment, grades, scholarships, transfers of credits, transcripts, graduates, and other essentials in accordance with standard practice.

E. An out-of-State institution shall:

(1) Maintain student records in accordance with acceptable national standards regarding institutions of higher education;

(2) Ensure the physical security and confidentiality of student records, and store physical records in fire-proof cabinets;

(3) Have adequate security to prevent loss of records maintained in electronic systems; and

(4) Have a document security plan appropriate to its record-keeping system.

F. An out-of-State institution shall develop a statement of the rights, privileges, and responsibilities of students, and make this statement available to students through the catalog, student handbook, or other appropriate means.

G. An out-of-State institution shall adhere to published student grievance procedures which assure a fair and timely review of student complaints.

13B.02.01.19

.19 Facilities.

A. Because the effective operation of an institution depends largely upon the physical atmosphere of the surroundings, the cleanliness, state of repair, and attractive appearance of the out-of-State institution's grounds and buildings shall provide an adequate and effective educational environment.

B. An out-of-State institution shall provide safe, accessible, functional, and appropriately maintained facilities.

C. Facilities shall meet applicable federal, State, and local fire, safety, and health standards.

D. An out-of-State institution shall have a schedule for cleaning, repair, and maintenance of buildings and grounds.

E. An out-of-State institution shall appropriately assign specific responsibilities for care of grounds, campus security, traffic safety and control, fire protection, utilities, and plant upkeep.

F. An out-of-State institution shall appropriately assign specific responsibilities for storage, handling, and disposal of dangerous and toxic materials.

G. An out-of-State institution shall provide laboratory and classroom space appropriate to its curriculum.

H. An out-of-State institution shall provide office space and conference space to full-time and part-time faculty and administrators.

13B.02.01.20

.20 Catalog and Official Publications.

A. General Requirements.

(1) An out-of-State institution shall publish in print or electronically on a regular and continuing basis an official catalog or other official publication that describes the institution and its program and course offerings, relative to its operations in Maryland, accurately and completely.

(2) The catalog is the official document of the institution.

(3) The catalog and other publications of the institution shall present accurate, up-to-date information about the administration and operation of the institution.

(4) The institution shall make the catalog available to all students before the beginning of the period of instruction covered by the catalog and during that period of instruction.

(5) An institution shall ensure that all publications containing information normally included in the catalog are consistent with the catalog.

B. The catalog or other appropriate publications shall contain, at a minimum, the following information:

(1) The date of publication;

(2) The current academic calendar;

- (3) A comprehensive table of contents and appropriate indices;
- (4) A statement of the origin and the objectives of the institution;
- (5) The roster of the official governing board;
- (6) The entrance requirements, academic regulations, support services, graduation requirements, and general procedures;
- (7) The financial policies of the institution, including all costs, schedule of payments, and refunds of all types of charges for academic and other services;
- (8) A detailed description of all types of financial assistance available from the institution, including private, State, and federal programs;
- (9) A description of each course and each program and its prerequisites, if applicable, to be offered during the year or years for which the catalog is issued;
- (10) A clear indication if a particular course is not offered regularly;
- (11) A statement of student rights and responsibilities, including:
 - (a) A student grievance procedure;
 - (b) Constraints on students, such as automobiles, parking, and parietal rules, including rules for the maintenance of order on campus and in other facilities under the institution's control; and
 - (c) A contact office for the resolution of complaints; and
- (12) A statement of nondiscrimination, student privacy legislation, and provisions for barrier-free access to the handicapped in accordance with State and federal regulations, if applicable.

C. Statements and policies contained in official publications shall be in accordance with State and federal law.

13B.02.01.21

.21 Instruction Delivered by Distance Education.

A. An out-of-State institution operating in Maryland and delivering instruction in Maryland by distance education shall provide evidence to the Secretary of compliance with the standards of good practice in §B of this regulation.

B. Standards of Good Practice for Distance Education.

- (1) Curriculum and Instruction.

(a) A program of study shall be developed by a team of faculty, administrators, and technologists.

(b) A program of study shall result in learning outcomes appropriate to the rigor and breadth of the degree program offered.

(c) A degree program delivered by distance education shall be coherent and complete.

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

(e) Qualified faculty shall provide appropriate oversight of the program offered.

(f) Faculty members in appropriate disciplines shall participate in the design and planning of programs and courses to be delivered by distance learning.

(2) Role and Mission.

(a) The program shall be consistent with the institution's mission.

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

(3) Faculty Support.

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

(b) A program shall provide faculty support services specifically related to teaching via distance education.

(c) The program shall provide training for faculty who teach via the use of technology.

(4) Resources for Learning. A program shall ensure that appropriate learning resources are available to students.

(5) Students and Student Services.

(a) A program shall provide students with clear, complete, and timely information on the:

(i) Curriculum;

(ii) Course and degree requirements;

(iii) Nature of faculty/student interaction;

(iv) Assumptions about technology competence and skills;

(v) Technical equipment requirements;

(vi) Availability of academic support services and financial aid resources;

and

(vii) Costs and payment policies.

(b) Enrolled students shall have reasonable and adequate access to the range of student services to support their learning.

(c) Accepted students shall have the background, knowledge, and technical skills needed to undertake the program.

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

(6) Commitment to Support.

(a) Policies for faculty evaluation shall include appropriate consideration of teaching and scholarly activities related to programs offered through distance learning.

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

(7) Evaluation and Assessment.

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

(b) An institution shall provide for assessment and documentation of student achievement in each course and at the completion of the program.

13B.02.01.22

.22 Out-of-State Institutions Operating at a Regional Higher Education Center or in a Community College Facility.

A. The governing body of a regional higher education center may submit to the Commission a request for proposals for the offering of a baccalaureate degree program at a center in accordance with §C of this regulation.

B. A board of trustees of a community college may submit to the Commission a request for proposals for the offering of a baccalaureate degree program not currently offered in the region in accordance with §C of this regulation.

C. Before submitting a request for proposals to the Commission, a regional higher education center or a community college shall:

(1) Seek input from students, workforce development councils, and other civic, educational, community, and business groups when assessing the educational needs of the region;

(2) Determine the regional or Statewide need for graduates of each program for which a request for proposals is submitted;

(3) Identify the enrollment patterns, special characteristics of students, and other unique circumstances that would require a program to be offered in a particular manner; and

(4) Determine that the degree program is necessary to meet the academic and economic development needs of the region or State.

D. Upon receiving a request for proposals for the offering of a baccalaureate degree program from the governing body of a regional higher education center or board of trustees of a community college, the Commission shall circulate that request to the public and nonpublic senior higher education institutions in the State within 30 days of having received the request.

E. In consultation with the Commission, the governing body of the regional higher education center or board of trustees of the community college making the request may accept or reject a proposal for offering a baccalaureate degree program submitted by a public or nonpublic senior higher education institution in accordance with §D of this regulation.

F. If none of the public and nonpublic senior higher education institutions in the State submits an acceptable response to the request for proposals circulated by the Commission within a 30-day period, the governing body of the regional higher education center or board of trustees of the community college making the request may submit the request for proposals to one or more out-of-State senior higher education institutions.

G. Before offering the degree program that is the subject of the request for proposals, an out-of-State senior higher education institution shall seek the approval of the Commission under Education Article, Title 11, Annotated Code of Maryland, and the procedures in Regulation .04 of this chapter.