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# ACADEMIC ISSUES COMMITTEE MANUAL

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## ACADEMIC ISSUES COMMITTEE MANUAL TABLE OF CONTENTS

I.	Academic Issues Committee Overview .....	1
A.	Purpose and Statutory Basis .....	1
B.	AIC Membership and Meeting Processes .....	2
II.	Changes to Academic Degree Programs Requiring Academic Issues Committee Review and Action .....	3
A.	Initiating a New Academic Degree Program.....	3
B.	Changing a Degree Designation.....	6
C.	Initiation of a Degree Program by a County College in Support of a 3+1 Partnership.....	7
III.	Changes to Academic Degree and Certificate Offerings Requiring Academic Issues Committee Notification.....	8
A.	Locating an Existing Degree Program at an Approved Branch Campus .....	8
B.	Offering a Joint Degree Program Originally Approved to be Offered by Only One Institution.....	8
C.	Offering Independently a Degree Program Originally Approved as a Joint Degree Program .....	8
D.	Adding a New Partner Institution to an Existing Associate/Baccalaureate Degree Joint Professional Program with Rutgers University.....	8
E.	Intent to Terminate a Program .....	9
F.	Termination of a program .....	9
G.	Change in Nomenclature .....	9
H.	Initiation of a Program Option .....	9
I.	Certificate Offerings: Initiation, Change in Nomenclature, or Termination .....	10
J.	Addition of a Degree Pathway or New Transfer Partner by a County College with an Existing 3+1 Partnership.....	10
IV.	Other Review in Which Academic Issues Committee Participates .....	10
A.	Licensure/Relicensure.....	10
B.	Additional Instructional Sites .....	12
C.	Establishment of a Branch Campus or Additional Location.....	13
D.	Distance Learning.....	16
E.	Exceeding/Changing Mission.....	16
F.	University Status.....	19



## ACADEMIC ISSUES COMMITTEE MANUAL

### I. Academic Issues Committee Overview

#### A. Purpose and Statutory Basis

As defined by N.J.S.A. 18A:3B-8 et seq., the New Jersey Presidents' Council (NJPC) has the responsibility to review and make recommendations concerning proposals for new academic degree programs, institutional licensure, and university status. To effectuate this responsibility, the NJPC created the Academic Issues Committee (AIC).

The AIC reviews and makes recommendations to the NJPC on new academic degree program proposals and changes in academic programs for New Jersey institutions, including new academic degree program proposals, conversion of options/concentrations to majors, changes of degree designations, joint program offerings, and changes in location of offerings. The AIC also must be notified by New Jersey institutions on matters of programmatic change, including changes in nomenclature, termination of programs, certificate offerings and option development. In addition, the AIC makes recommendations to the Office of the Secretary of Higher Education (OSHE) about matters such as licensure and re-licensure of out-of-State institutional programs, establishment of branch campuses or additional locations located outside of the State or country, exceeding or changing programmatic mission, additional instructional site requests made by out-of-state institutions if concerns are raised by New Jersey institutions, and the conversion to university status of a New Jersey institution.

The statute specifically directs the NJPC to review new academic degree programs that exceed the programmatic mission of an institution and review proposals for new academic degree programs that do not exceed the programmatic mission of the institution or require a change in the programmatic mission for sufficient academic quality, sufficient evidence of labor market demand for the program, duplication with comparable programs of study in the State, and whether the proposed new program will require significant additional State resources. Current regulations are available at <https://www.nj.gov/highereducation/documents/pdf/licensure/licensureadoptionregulations.pdf>. Programmatic mission levels are available at <https://www.nj.gov/highereducation/documents/pdf/licensure/programmatic-mission-level.pdf>.

The AIC makes recommendations to the NJPC, which in turn makes recommendations or comments to OSHE on the following matters as it relates to new academic degree program development:

1. Proposals for new academic degree programs that exceed the programmatic mission of an institution. Programmatic mission is defined as the level of academic degrees that an institution has been authorized to offer.
2. New academic degree programs requiring review of sufficient academic quality, sufficient evidence of labor market demand for the program, duplication with comparable programs of study in the State, and whether the proposed new program will require significant additional State resources but do not exceed the programmatic mission of the institution or require a change in the programmatic mission. (N.J.S.A. 18A:3B-8(b), (c)).

3. Upon referral from the Secretary of Higher Education: institutional licensure, a change in the programmatic mission of an institution, and university status. (N.J.S.A. 18A:3B-8(b), (i); N.J.A.C. 9A:1-1 et seq.)
4. Review of licensure petitions and recommendations to the Secretary of Higher Education. (N.J.A.C. 9A:1-5.3(a)4.)
5. Review of branch campus plans from public research universities or State colleges within or outside the State and additional locations, and recommendations to the Secretary of Higher education if concerns are raised by New Jersey institutions of higher education (N.J.A.C. 9A:1-6.1 et seq.)

For new academic degree program proposals, the quality review will assess and validate the consultant report, considering the following questions:

1. Is the consultant appropriately credentialed and experienced?
2. Is the consultant's report a thorough and thoughtful analysis of the program proposal?
3. For new academic degree program proposals, does the consultant's report respond to all elements required in the New Academic Degree Program Standards Form and respond adequately to the new academic degree program standards outlined in N.J.A.C. 9A:1-2.10 through 2.14? For licensure requests, is the report responsive to licensure standards?
4. Were the consultant's recommendations responded to appropriately by the institution?

In addition to a review of the consultant's report, the AIC will consider the quality measures included in the consultant evaluation and the new academic degree program proposal to affirm quality and/or evidence provided to address the new academic degree program standards outlined in N.J.A.C. 9A:1-2.10 through 2.14. regarding:

1. Sufficient academic quality.
2. Sufficient evidence of labor market demand for the program.
3. Duplication with comparable programs of study in the State.
4. Whether the proposed new program will require significant additional State resources.

## **B. AIC Membership and Meeting Processes**

1. Member Designees: Presidents appointed to the AIC may appoint a designee to attend AIC meetings who can vote on their behalf. Such designation must be made in writing to the chair of the AIC. This communication must include the designee's name and title and must confirm that the designee has the authority to vote and speak on behalf of the president at the AIC meetings. It is the responsibility of the president to ensure they are informed of key discussions and actions of the AIC.
2. While it is the responsibility of all members of the AIC to be fully informed on the action items that come before the AIC, two members of the AIC (in addition to the chair) will be assigned to each item that comes to the AIC for action. The readers will be responsible for reading the item and ensuring that the materials meet the requirements for submission. Finally, the readers will present the action item to the AIC for consideration and will summarize the action, highlighting any issues pertaining to compliance with the standards.

3. All presidents or designees are eligible to vote on action items before the AIC. It is the responsibility of all members to express their support and/or concerns regarding items for consideration as they are presented. AIC members will vote for or against an action item after each item has been presented. Members may recuse themselves from voting on the action if prejudice or conflict of interest exists (i.e., the member represents the institution submitting the action). Members should abstain from the vote only when they feel they do not have enough information on the matter to support or reject the action.
4. Meeting minutes and NJPC action on AIC recommendations will be posted on the NJPC website within a week of the NJPC action.

## II. Changes to Academic Degree Programs Requiring Academic Issues Committee Review and Action

### A. Initiating a New Academic Degree Program

*Effective March 7, 2022, all new academic degree programs, including programs that existed previously as an option or concentration, require a full program proposal to include all items outlined in the New Academic Degree Program Proposal Checklist and must undergo a formal review by the AIC.*

The new academic degree program proposal requires institutions to use the forms and templates provided by the AIC, when applicable. All forms and checklists are protected, fillable, and downloadable Word documents located on the AIC website, <https://www.njpc.org/aic/>. All templates are downloadable Word documents with content that can be completed as necessary and inserted onto letterhead if preferred. All documents contain an updated footer, so institutions know they are using the most recent version.

#### 1. Steps in the Process

##### a. Institutional Review of New Academic Degree Program Standards

Institutions will complete the Standards for New Academic Degree Programs form provided by the AIC, which can be found on the AIC website <https://www.njpc.org/aic/>, and address the program standards outlined in N.J.A.C. 9A:1-2.10 through 2.14: sufficient academic quality, sufficient evidence of labor market demand for the program, duplication with comparable programs of study in the State, and whether the proposed new program will require significant additional State resources. Institutions should provide as much evidence as possible to demonstrate the new academic degree program meets the four standards as outlined in N.J.A.C. 9A:1-2.10 through 2.14. Please write "N/A" for items that are not applicable.

##### b. Program Announcement

All degree-granting institutions, including the eleven independent institutions that do not receive direct State aid but excluding those institutions that are explicitly identified as "exempt" owing to the date of their charters (prior to April 1, 1887), will prepare a Program Announcement (PA) for every new academic degree program under consideration.

The Program Announcement must include the following items, which can be found on the AIC website, <https://www.njpc.org/aic/>:

- 1) A cover letter using the template provided by the AIC on institution letterhead.
- 2) A completed cover page for the new academic degree program using the fillable form provided by the AIC.
- 3) An approximately two-page summary of the new academic degree program, with a maximum of 1500 words, using the template provided by the AIC. The summary must address the following sections:
  - a) Introduction  
Describe the institutional profile and context for the proposed program.
  - b) Sufficient academic quality  
Provide the program objectives, highlighting alignment with institutional mission and strategic plan, curriculum design, and resources, including human resources, which will support the program.
  - c) Sufficient evidence of labor market demand for the program  
Describe the evidence that supports the need for the program.
  - d) Duplication with comparable programs of study in the State  
Explain what distinguishes the program from existing offerings.
  - e) Requirement of significant additional State resources  
If applicable, describe how the proposed program will ensure fiscal stewardship of State resources, demonstrate return on investment, and/or become self-sustaining.

The institution is responsible for distributing the PA to all the presidents of New Jersey higher education institutions, the Chair of the AIC at [AIC@njpc.org](mailto:AIC@njpc.org), and OSHE's Office of Licensure at [Academic.Degree.Programs@oshe.nj.gov](mailto:Academic.Degree.Programs@oshe.nj.gov). An updated list of president contact information will be maintained on the AIC website, <https://www.njpc.org/aic/>, and institutions should always refer to this distribution list for the most accurate information. Institutions are provided the opportunity to comment, either through email or mail, on issues related to the standards for new academic degree programs, including program objectives and design, need for the program, relationship to existing offerings, and implications for State resources, as well as alignment to programmatic mission. related to the standards for new academic degree programs, including program objectives and design, need for the program, relationship to existing offerings, and implications for State resources, as well as alignment to programmatic mission.

Objections or concerns regarding these matters must be communicated to the proposing institutions within thirty days of receipt. If objections are raised within the designated period, the proposing and objecting institution(s) should make every effort to resolve their differences informally in furtherance of interinstitutional cooperation. If the differences cannot be resolved in this manner, the documentation with respect to objections will become part of the material forwarded to the NJPC for review.

c. Consultant Review

The institution is charged with engaging an independent external consultant to conduct a site visit. The external consultant will review the proposed new academic degree program and prepare a written report following the guidelines provided by the AIC in the Consultant Evaluation of Standards for New Academic Degree Programs form, which can be found on the AIC website, <https://www.njpc.org/aic/>. As of April 8, 2022, all institutions are allowed to utilize virtual consultant visits for their academic degree programs as long as they include a live virtual tour of the facilities and live virtual interviews of personnel that would be required as support for the degree program. The process for virtual consultants must mimic an on-site visit.

The selected consultant should have no past or present professional relationship with the institution proposing a new academic degree program that might imply a perceived or real conflict of interest. It is acceptable to use a consultant who was contracted by the institution for another type of service (see the [Consultant Selection Criteria](#)).

The institution must respond to the consultant report and make appropriate adjustments to its new academic degree program proposal, if applicable.

d. Governing Board Approval

The institution's governing board must pass a resolution approving the new academic degree program. The resolution must be dated.

e. Submission of New Academic Degree Program Proposal to the AIC

Upon completion of all the items above, the institution will forward the complete new academic degree program proposal as an electronic document to the Chair of the AIC at [AIC@njpc.org](mailto:AIC@njpc.org) and OSHE's Office of Licensure at [Academic.Degree.Programs@oshe.nj.gov](mailto:Academic.Degree.Programs@oshe.nj.gov). The file should contain the New Academic Degree Program Proposal Checklist, the Standards for New Academic Degree Programs form, the complete Program Announcement (which includes the cover letter, the cover page, and the summary), the consultant's CV and report, the institution's response to the consultant report, and the governing board's resolution. Exceeding programmatic mission or 3+1 partnership documentation should be provided when applicable. If objections were raised to the proposed new academic degree program, comments from the objecting institutions, responses from the proposing institution, and information regarding any efforts at reconciliation should be included. Comments from institutions supporting the proposed new academic degree program may be included but are not required.

Institutions can submit program proposals continually to the AIC. Program proposals will be addressed at the meeting following the closest deadline. The AIC meeting schedule is found on the AIC website, <https://www.njpc.org/aic/>.

2. Possible Outcomes

- a. If the AIC determines that there are outstanding issues and/or questions remaining regarding the new academic degree program proposal, the proposal will be returned to the institution for modification and/or correction before resubmission. The AIC must provide specific reasons for the return of the proposal. These reasons must be detailed and clear

enough for the institution to remediate the program proposal. Under no circumstances can the committee add concerns related to new issues after the first return of the proposal. In its resubmission, the institution should provide responses to the issues raised by the AIC and include a copy of the original proposal. The institution may choose not to resubmit.

- b. If the resubmission does not respond adequately to the committee's concerns, the AIC may return the proposal to the institution for response. Upon receipt of the second resubmission, the AIC will consider the proposal and forward its recommendation to the Presidents' Council. The Presidents' Council will inform the submitting institution of its action or, in those instances requiring action by the Secretary of Higher Education, of its recommendation to the Secretary of Higher Education.
- c. If the AIC determines that there are no outstanding issues and/or questions remaining regarding the proposal, it will make a favorable recommendation to the NJPC. If the NJPC concurs, the result of a favorable review will be conveyed to the proposing institution within fifteen days and the program may be implemented.

Notification of the favorable review of all new academic degree programs will be sent by the NJPC to the higher education community for information and to the OSHE and to the New Jersey State Department of Military and Veterans Affairs for record-keeping purposes. A current inventory of authorized degree programs is available on the OSHE website at [https://www.nj.gov/highereducation/Program\\_Inventory/](https://www.nj.gov/highereducation/Program_Inventory/).

- d. If the AIC identifies a concern with respect to a proposed new academic degree program exceeding an institution's programmatic mission, it will make a recommendation to the NJPC which, in turn, will make a recommendation to the Secretary of Higher Education who is responsible for final administrative decisions in this area. A list of institutions by authorized program mission level can be found online at <https://www.nj.gov/highereducation/documents/pdf/licensure/programmatic-mission-level.pdf>.

## **B. Changing a Degree Designation**

An institution seeking a change in degree designation (e.g., B.A. to B.S.) must submit the Changing a Degree Designation form provided by the AIC containing the following information and materials to the AIC: a letter indicating why the modification of degree designation is desired and why it will not fundamentally change the purpose of the program; a record of any significant changes in the current degree designation during the previous five years; and the proposed changes in the courses required for the degree.

The AIC will then evaluate the material provided and assess whether the following two conditions exist:

- There is a fundamental change in the purpose of the program (e.g., a B.A. in Music that has a liberal arts orientation cannot be changed to a B.S. in Music with an applied music orientation. However, a B.A. in Graphic Design might be changed to a B.S. in Graphic Design because the field required the addition of technical courses.)
- More than 25 percent of the courses required in the major with the new degree designation will differ from those in the major with the old degree designation. General education and free elective courses are excluded from consideration. Fractions of courses are rounded up. Requests for changes in degree designations for doctoral programs will be evaluated on a case-by-case basis.

If the AIC determines that there is a change in the fundamental purpose of the program and/or more than 25 percent of the courses in the major will change with the new degree designation, the institution must follow the New Academic Degree Program regulations outlined in N.J.A.C. 9A:1-2.10 through 2.14 with regard to sufficient academic quality, sufficient evidence of labor market demand for the program, duplication with comparable programs of study in the State and/or whether the proposed new program will require significant additional State resources.

All steps specified in Section II.A. must be followed, including sending a PA to all other New Jersey institutions of higher education.

If the AIC determines that neither condition is met, the AIC will accept the change as an informational item and forward it to the OSHE as the repository of information about program status.

### **C. Initiation of a Degree Program by a County College in Support of a 3+1 Partnership**

Pursuant to N.J.S.A 18A:3B-78, "A four-year institution of higher education and a county college may partner to establish a three-plus-one degree program for a baccalaureate degree in such majors as the institutions of higher education may determine."

Degree programs that are proposed in support of three-plus-one ('3+1') partnerships are "bridge" programs that articulate an existing associate degree with a designated baccalaureate degree at a partner institution by drawing on credits earned toward the existing associate degree and credits earned toward the baccalaureate degree while the student is enrolled in the third year at the county college. These bridge programs may be AA, AS, or AAS degrees. They may articulate with a specific degree program, or they may be awarded as degrees in general or advanced studies (e.g., a degree in Advanced and Continuous Studies). The program learning outcomes focus on broad knowledge and skills appropriate for the third year of study toward a baccalaureate degree. A bridge program may provide pathways to multiple baccalaureate degree programs and as such the program learning outcomes may be met by diverse options for coursework depending on the destination programs.

Proposals for new 3+1 bridge programs are subject to the same compliance standards and follow the same basic process used for new academic degree programs (see II.A). Due to the unique purpose and structure of these programs, the following considerations apply:

1. In addition to all other documents submitted with the new academic degree program proposal, the community college seeking approval must also submit a letter of support from the intended baccalaureate partner.
2. The qualifications of consultants and the program features evaluation by consultants will vary from those appropriate for other new academic programs. Restrictions regarding conflicts of interest still apply.
3. For purposes of determining compliance with the regulatory standards, the articulated associate and baccalaureate degree program(s) already approved by the NJPC should be referenced as evidence and/or context as appropriate.

Section III.F outlines the process for adding pathways or institutional partners to approved 3+1 bridge programs.

### **III. Changes to Academic Degree and Certificate Offerings Requiring Academic Issues Committee Notification**

*(Note: Please include the program's award level and CIP code in all notifications.)*

#### **A. Locating an Existing Degree Program at an Approved Branch Campus**

Institutions are required to inform one another about off-campus programs, particularly in the county or region most likely to be impacted, and to address on an informal basis any concerns raised.

The institution is also expected to inform the NJPC and OSHE. The institution must provide relevant background information on the move to the AIC, including evidence that the institution has the resources necessary to offer the program at the new site.

#### **B. Offering a Joint Degree Program Originally Approved to be Offered by Only One Institution**

The institutions will inform the higher education community and provide information on the change in program status to the AIC, including evidence that the institution new to the program has the capacity (e.g., faculty, equipment) to offer the degree. The institution offering the new program will also submit a copy of the governing body's resolution to the AIC.

#### **C. Offering Independently a Degree Program Originally Approved as a Joint Degree Program**

The institutions will inform the higher education community and address any concerns raised on an informal basis. It will provide information on the change in program status to the AIC, including evidence that the institution has the capacity (e.g., faculty, enrollment history, courses, equipment) to offer the degree on a stand-alone basis.

#### **D. Adding a New Partner Institution to an Existing Associate/Baccalaureate Degree Joint Professional Program with Rutgers University.**

Rutgers University and its existing partners will enter discussions with the potential new partner and ascertain (1) the need within the program that the new partnership will fill, (2) whether the program is within the mission of the proposed new partner, (3) the ability of the new partner to offer the required general education courses, (4) general issues of faculty and student services, and (5) the impact, if any, on the new partner. The governing body of the new partner must review and approve the collaboration by resolution.

Rutgers University will notify all institutions of higher education in the State of the newly-proposed partnership. The notification should include:

- A description of the current program and partnerships involved
- The reason for the new partnership
- The role of each institution in delivering the program
- The approximate number of students expected to enroll through the new partnership

Comments are to be requested concerning duplication, cost, and mission. If any objections are raised, Rutgers University will make every effort to resolve the issues.

Rutgers University will submit the following required information to the AIC:

- A copy of the new partner governing body's resolution
- A copy of notification to all institutions of higher education and all comments received in response
- Documentation of objections, if any, from other institutions, Rutgers University's response and the outcome

#### **E. Intent to Terminate a Program**

To inform the higher education community, increase its understanding of trends in academic offerings, and enhance advisement to prospective students, institutions send a notice of intent to terminate a program to all the presidents of New Jersey higher education institutions, the AIC, and the Secretary of Higher Education at the time the college ends the admission of new students to the program. The institution is not required to take formal action to terminate the program when it circulates the notice of intent.

#### **F. Termination of a program**

1. If an institution decides to terminate a program, that action will be formally accomplished by a resolution of the governing board.
2. A copy of the resolution will be sent to the AIC ([AIC@njpc.org](mailto:AIC@njpc.org)) for its information.

#### **G. Change in Nomenclature**

1. A change in nomenclature involves no alteration in the degree designation (e.g., B.A. to B.S.) or in the curriculum, admission, or graduation standards. It is simply a change in the name of the major to better reflect the program's purpose and content.
2. If an institution decides to change the nomenclature of a program, that action will be formally accomplished at the college or university level.
3. Nomenclature changes must be sent to the AIC for its information.

#### **H. Initiation of a Program Option**

1. If an institution decides to introduce a new option within a previously approved degree, that action will be formally accomplished pursuant to the process in place at the institution for the approval of options. In its submission of materials to the AIC, the institution should include a copy of the resolution of its governing board.

*[NOTE TO COMMUNITY COLLEGES: Options to associate degree programs shall not differ by more than 18 credits from the base program. Normally, options should differ from the base program by at least 12 credits, but an option that differs by 9 credits may be acceptable if it demonstrates a clear change in program emphasis.]*

2. When submitting a new option within a previously approved degree to the AIC, the institution should include a copy of the base/main curriculum with the courses and credits listed and include a copy of the curriculum with the courses and credits listed for the new option. The

institution should highlight or note the courses that differ from the base program and list the total number of credit difference.

3. Notice of the new option should be sent by the institution to the AIC for its information. The AIC will then send notice of the new option to the New Jersey State Department of Military and Veterans Affairs.

#### **I. Certificate Offerings: Initiation, Change in Nomenclature, or Termination**

1. If an institution decides to initiate a new certificate offering, change the certificate's nomenclature, or terminate an existing certificate program, those actions will be formally accomplished by a resolution of the governing board.

*[NOTE TO COMMUNITY COLLEGES: Certificate programs shall consist of 30-36 credits, including 6 credits of general education. While community colleges may offer certificates of less than 30 credits, it is recommended that the colleges consider giving these course clusters a name that differentiates them from a certificate; for example, some community colleges refer to clusters of courses as Certificates of Achievement.]*

2. A copy of the resolution and a cover letter with the CIP code of the certificate offering will be sent to the AIC for its information.
3. Community college credit certificates over the 36-credit limit: A PA should be sent to the college presidents as required for new academic degree programs. In its submission to the AIC, the college should include a detailed cover letter with the PA explaining the necessity for the number of credits required. Outside agency requirements and licensure requirements should be explained. The PA should include the resolution of the governing board and a list of the curriculum courses with the number of credits for each. Colleges will not be required to submit a consultant's report. All the information should be sent to the AIC for review.

#### **J. Addition of a Degree Pathway or New Transfer Partner by a County College with an Existing 3+1 Partnership**

If a county college decides to introduce a new 3+1 pathway option, that action will be formally accomplished pursuant to the process in place at the institution for the approval of options. In its submission of materials to the AIC, the institution should include a copy of the resolution of its governing board.

When submitting new 3+1 pathway options to the AIC, the institution should include a copy of the board resolution, a list of existing pathways currently offered, and a brief description of the new pathway(s), including the name of the baccalaureate program with which the pathway articulates, the number of credits required for completion of the pathway, a timeline for implementation, and an update on any substantive changes in assessment process or program outcomes.

When submitting a new 3+1 pathway with a new partner baccalaureate institution, the county college must also submit a letter of support from that institution.

### **IV. Other Review in Which Academic Issues Committee Participates**

#### **A. Licensure/Relicensure**

1. Authority and Procedures

Authority for licensure is by statute vested in the Secretary of Higher Education (N.J.S.A. 18A:3B-14(d)). No entity may offer credit-bearing courses or degree programs in the State until it has obtained a license from the Secretary (N.J.S.A. 18A:68-3). The New Jersey Administrative Code (N.J.A.C.) Title 9A, Higher Education, Chapter 1 contains the Licensure Rules, (available online at <https://www.nj.gov/highereducation/documents/pdf/licensure/licensureadoptionregulations.pdf>)

For in-State institutions that are accredited by an institutional accrediting body recognized by the U.S. Secretary of Education, the Secretary accepts the granting or reaffirmation of accreditation as sufficient for continued licensure provided that the institution meets conditions specified in the Licensure Rules. OSHE staff have the option to participate in such accreditation visits.

In the following cases, the Secretary conducts separate licensure reviews:

- a. Licensure for new in-State institutions or in-State institutions that are not accredited by an institutional accrediting body recognized by the U.S. Secretary of Education.
- b. Licensure for any out-of-State institution.

## 2. Steps in the Process

*(For additional information about the licensure process, please contact the Office of Licensure at OSHE.)*

- a. Institutions interested in obtaining licensure submit a licensure petition electronically to OSHE that conforms to the Licensure Rules and Guidelines for Preparing a Licensure Petition.
- b. OSHE staff conduct a preliminary review of the licensure petition and may request additional information.
- c. Upon receipt of a complete licensure petition from an out-of-State institution or an in-State institution, OSHE staff sends a summary of the petition, as well as information on how to obtain the petition from the OSHE website to all New Jersey higher education institutions. Institutions have 30 days to submit comments on the petition to OSHE. Impactful comments should specifically reference, cite, and discuss general licensure and academic degree program standards effective March 7, 2022.
- d. OSHE staff review the petition and any comments submitted by in-State institutions, usually with the assistance of an external consultant or team of consultants that is mutually acceptable to the institution and staff. Qualified consultants from comparable institutions in states other than New Jersey or the out-of-State institution's home state, or location of any branch campus, are identified and asked to send their resumes/CVs to the petitioning institution and OSHE to ascertain if they are acceptable.
- e. The consultants review the petition and other materials submitted and, accompanied by OSHE staff, conduct a review at either the proposed instructional site in New Jersey and/or the institution's main campus.
- f. Based on the review of the petition and the results of the site visit, the consultants write a report describing whether the petitioning institution's proposed offerings meet State licensure standards in N.J.A.C. 9A:1-1 et seq. General Standards.

- g. N.J.A.C. 9A:1-2.1 et seq. Degree Standards and Programmatic Mission, and, if applicable, the standards in N.J.A.C. 9A:1-4 et seq., Proprietary Institutions, and N.J.A.C. 9A:1-5 et seq., Out- of-State Institutions.
- h. The consultants can recommend (1) approval of the petition, (2) approval contingent upon the fulfillment of certain conditions, or (3) non-approval.
- i. The institution receives a copy of the consultant report and is asked to provide a written response to the report. If modifications are recommended, the institution must state how it will address them.
- j. Upon receipt of the institution's response to the consultant report, OSHE staff sends the petition and all pertinent materials to the AIC.
- k. The AIC must review the petition in the context of the licensure standards cited above. The AIC assesses whether, based on the review, the institution satisfies the licensure standards listed above and makes a recommendation to the Executive Committee or full NJPC. The AIC can recommend either (1) approval of the petition, (2) non-approval, or (3) approval contingent upon the fulfillment of obtaining an instructional site in New Jersey that OSHE staff, after review, has determined to be in compliance with licensure standards, if the following criteria are met:
  - 1) Where agreement to make a contingency recommendation does not violate any substantive rules, requirements or regulations of OSHE;
  - 2) Where agreement may be in the interest of one of more institutions of higher education in New Jersey without detriment to others;
  - 3) Where agreement may incentivize activities or investments on the part of external third parties or other out-of-State partners which will result in a benefit to students, faculty or the public in New Jersey;
  - 4) Where OSHE staff have conducted a review of a petition for a contingent approval and are satisfied that such request would be in the interest of the State of New Jersey; and
  - 5) Where the AIC conducts a vote on such contingent approval pursuant to rules and procedures in effect for the committee.
- l. Upon receipt of the AIC recommendation, the NJPC is in turn responsible for making a recommendation to the Secretary of Higher Education concerning the licensure of the institution within 60 days of receiving the information submitted by the OSHE.
- m. After the NJPC's action, the Secretary considers the recommendation from the NJPC and assesses whether the petitioning institution's proposed offerings meet the State licensure standards cited above and determines whether the licensure petition is approved.

## **B. Additional Instructional Sites**

1. Steps in the Process pursuant to N.J.A.C. 9A:1-5.5
  - a. When a currently licensed out-of-State institution seeks to establish an additional instructional site for its currently approved offerings, the institution shall electronically submit a formal request to OSHE that shall include a statement justifying the need for the proposed instructional site and a description of the proposed courses/programs to be offered there. The request shall also include evidence that the proposed programs/courses at the proposed instructional site are at least equivalent in quality to comparable programs/courses at the currently licensed instructional site and evidence that the institution has provided for effective monitoring and controls to maintain quality. The

request shall include evidence of the dedication of sufficient resources to implement and maintain the proposed instructional site without eroding the quality to ongoing programs and operations in the rest of the institution. The request shall also provide information on the standards in N.J.A.C. 9A:1-1.5 through 1.12, with special attention to evidence indicating that the classroom, laboratory, computing, and library facilities are adequate; the provisions for administration, support staff, and student support services are sufficient; and the qualifications of faculty are appropriate.

- b. Upon receipt of a request for approval of an instructional site, OSHE staff shall provide to all New Jersey institutions of higher education a summary of the request, along with information on how to obtain all materials related to the request from the OSHE website and an invitation to inform the Secretary within 30 days as to how they would be affected by the proposed instructional site. If no concerns are raised about the request during the 30-day comment period, OSHE staff shall forward the request directly to the Secretary for a determination on the request.
- c. If other institutions raise concerns about the proposal, OSHE staff will forward all materials to the NJPC for review and recommendation to the Secretary within 60 days. The AIC assesses whether the institution has met the standards in the Licensure Rules for an additional instructional site and makes a recommendation to the Executive Committee or full NJPC. The NJPC is in turn responsible for making a recommendation to the Secretary of Higher Education concerning the request for an additional instructional site within 60 days of receiving the information submitted by OSHE.
- d. After the NJPC's action, the Secretary considers the recommendation from the NJPC when making a determination on the request for approval of an instructional site.

### **C. Establishment of a Branch Campus or Additional Location**

#### **1. Authority and Definitions**

The establishment of a branch campus or additional location by certain institutions must meet the statutory requirements at N.J.S.A. 18A:3B-65. The New Jersey Administrative Code (N.J.A.C.) Title 9A, Higher Education, Chapter 1, Subchapter 6, contains the regulations governing the establishment of a branch campus, available online at <https://www.nj.gov/highereducation/documents/pdf/licensure/licensureadoptionregulations.pdf>.

##### **a. Definitions**

- 1) A branch campus in New Jersey institution is "a physical facility located at a place other than the institution's principal campus offering one or more complete programs leading to a degree."
  - 2) An additional location means, other than a branch campus, that is geographically apart from the main campus and at which the institution offers at least 50 percent of an educational program.
  - 3) For independent institutions of higher education in New Jersey, a branch campus or additional location means a branch campus or additional location in the State that will serve at least 100 students.
- b. Institutions seeking to establish a branch campus or additional location in the State must submit the plan for the branch campus to OSHE for review, comment, and determination.

For guidelines about preparing a plan for a branch campus, please contact the Office of Licensure within OSHE.

## 2. Steps in the Process

- a. Public research universities or State colleges seeking to establish a branch campus within New Jersey must include in their plans, the plan elements as set forth in 9A:1-6.2(b) 1 to 7.
  - 1) When OSHE receives a plan for a branch campus, OSHE staff provide to all New Jersey institutions of higher education a summary of the plan, along with information on how to obtain the plan from the OSHE website. Additionally, OSHE invites them to inform the agency within 30 days as to how they would be affected by the proposed branch campus.
  - 2) If no concerns are raised about the plan during the 30-day comment period, OSHE staff forward the request directly to the Secretary for review and determination. In developing a response to the plan, the Secretary shall consider whether there is a need for the institution to acquire a branch campus or additional location and whether the institution has the financial capacity to support the campus or additional location.
  - 3) If other institutions raise concerns about the proposal, OSHE staff will forward all materials to the NJPC for review and recommendation to the Secretary within 60 days. The AIC shall assess the branch plan based on the requirements of N.J.S.A.18A:3B-65 and N.J.A.C. 9A:1-6.2.(b)(1) through (7). The NJPC is, in turn, responsible for making a recommendation to the Secretary of Higher Education concerning the plan for a branch campus within 60 days of receiving the information submitted by OSHE.
  - 4) After the NJPC's action, the Secretary considers the recommendation from the NJPC and will develop a response and determination on the plan for the branch campus. In developing a response to the plan, the Secretary shall consider whether there is a need for the institution to acquire a branch campus and whether the institution has the financial capacity to support the campus.
  - 5) Prior to a determination on the plan by the Secretary, OSHE staff may also conduct a review of the plan utilizing the assistance of an external consultant team that is mutually acceptable to the institution and the Secretary.
- b. Public research institutions or State colleges seeking to establish a branch campus or additional location outside of New Jersey or outside of the United States that will serve at least 100 students of the institution must include in their plans the plan elements as set forth in NJAC 9A:1-6.3(b) 1 to 10.
  - 1) When OSHE receives a plan for a branch campus or additional location outside the State of NJ, OSHE staff shall notify and provide to all New Jersey institutions of higher education a summary of the plan, along with information on how to obtain the plan from the OSHE website and invite them to inform OSHE within 30 days by commenting on how they would be affected by the proposed branch campus.
  - 2) If no concerns are raised about the plan during the 30-day comment period, OSHE staff forwards the request directly to the Secretary for review and determination.
  - 3) In developing a response to the plan, the Secretary shall consider whether there is a need for the branch campus or additional location and whether the institution has the financial capacity to support the campus. The Secretary may approve the branch campus if the Secretary determines that the branch campus or additional location:

- Serves a compelling State interest;
  - Does not impose excessive costs or reputational risk to the State;
  - Does not impose a risk to the security interests of the State or federal government;  
and
  - Does not conflict with existing State or federal laws or regulations.
- 4) If other institutions raise concerns about the proposal, OSHE staff will forward all materials to the NJPC for review and recommendation to the Secretary within 60 days. The AIC may assess whether there is a need for the institution to acquire a branch campus, whether the institution has the financial capacity to support the campus, the effect of the proposed campus on other institutions, as well as consider any other matters regarding the proposed branch campus that the AIC deems appropriate for consideration, and whether the proposed branch campus will be in compliance with the Licensure Rules at N.J.A.C. 9A:1-1.5 through 1.12., and makes a recommendation to the Executive Committee or full NJPC. The NJPC is in turn responsible for making a recommendation to the Secretary of Higher Education concerning the plan for a branch campus within 60 days of receiving the information submitted by OSHE.
- 5) After the NJPC's action, the Secretary considers the recommendation from the NJPC and will develop a response and determination on the plan for the branch campus. In developing a response to the plan, the Secretary shall consider whether there is a need for the institution to acquire a branch campus and whether the institution has the financial capacity to support the campus. The Secretary may approve the branch campus if the Secretary determines that the branch campus or additional location:
- Serves a compelling State interest;
  - Does not impose excessive costs or reputational risk to the State;
  - Does not impose a risk to the security interests of the State or federal government;  
and
  - Does not conflict with existing State or federal laws or regulations.
- 6) Prior to a determination on the plan by the Secretary, OSHE staff may also:
- Conduct a review of the plan utilizing the assistance of an external consultant team that is mutually acceptable to the institution and the Secretary.
  - Solicit comments from additional interested parties including faculty and members of professional staff not holding faculty rank at the institution.
  - Conduct a site visit at the proposed site of the branch campus or additional location.
- c. Independent institutions of higher education seeking to establish a branch campus or additional location that will serve at least 100 students of the institution within New Jersey must submit a plan that includes all plan elements as set forth at NJAC 9A:1-6.2(b) 1 to 7, to the Secretary for review and comment.
- 1) The Secretary provides written comments on the plan to the independent institution within 60 days of the submission of the plan.

## D. Distance Learning

1. Program Review and Approval for New Jersey Institutions
  - a. As is currently the practice with traditionally offered programs, if a New Jersey institution wishes to offer a new academic degree program through distance learning, the program will be subject to the NJPC's new academic degree program review process described in Section II of this document.
  - b. Distance learning degree programs offered at newly established off-campus sites are subject to the review or approval that is required for all programs at such off-campus sites; see Subchapter 6 of the Licensure Rules.
  - c. Approval by the Secretary of Higher Education for distance learning programs offered by New Jersey institutions is required only if the NJPC refers these program for Secretary consideration due to an institution's changing or exceeding its programmatic mission or due to a NJPC determination that the new academic degree program may be of insufficient academic quality, may lack sufficient evidence of labor market demand, may be duplicative of comparable programs of study, or may be unduly expensive to the State.
2. Approval for Out-of-State Institutions
  - a. Out-of-State institutions that wish to offer credit-bearing distance learning with a physical presence in New Jersey must first be licensed by the Secretary with advice from the NJPC. The review process is described in this document for licensure or re-licensure (Section IV.A., Licensure/Re-licensure).
  - b. "'Physical presence,' means that an entity offers credit-bearing courses from or conducts some portion of the learning experience at a location established in New Jersey by the entity, whether established directly or under the auspices of another entity or an institution . . ." (N.J.A.C. 9A:1-1.2, Definitions.)
  - c. Out-of-State institutions that wish to offer New Jersey residents no other programs, except for distance education programs with no physical presence in New Jersey, are not required to seek licensure from the Secretary.

## E. Exceeding/Changing Mission

1. Responsibilities of the NJPC and the Secretary of Higher Education
  - a. The NJPC has responsibility to "review and make recommendations to [the Secretary] concerning proposals for new programs that exceed the programmatic mission of an institution or that change the programmatic mission of an institution" (N.J.S.A. 18A:3B-8(b)). The regulations governing programmatic mission are at N.J.A.C. 9A:1-2.9 Exceeding or changing programmatic mission.
  - b. The Secretary is responsible for "final administrative decisions over new academic programs that go beyond the programmatic mission of the institution and final administrative decisions over a change in the programmatic mission of an institution." N.J.S.A. 18A:3B-14(f)).
  - c. The licensure rules define "programmatic mission" as "all program offerings consistent with the levels of academic degrees or certificates that the institution has been authorized to grant by the State Board of Higher Education prior to July 1, 1994, or approved thereafter by either the [former Commission on Higher Education] or the Secretary [of Higher Education]." (N.J.A.C. 9A:1-1.2). A list of institutions by authorized program mission level is available online at

## 2. Exceeding Programmatic Mission

- a. A New Jersey institution proposing a new academic degree program that exceeds its programmatic mission must first submit that program to the NJPC for the new academic degree program review process described in Section II of this document and a completed Exceeds Programmatic Mission form provided by the AIC. The AIC will conduct a review of all documentation and make a recommendation to the NJPC, which must review the AIC's work and make a recommendation to the Secretary on that program.
- b. OSHE staff, who may determine to obtain the assistance of consultants who are mutually acceptable to the institution and staff, will evaluate an institution's request to exceed its programmatic mission according to the following criteria. Please contact the Office of Licensure at the Secretary of Higher Education for information about the review process.
  - 1) The objectives of the proposed program(s);
  - 2) The relationship of the proposed program(s) to the current institutional mission and the Statewide plan for higher education, if applicable;
  - 3) Demonstration of need for the program(s), including present and projected student demand for graduates;
  - 4) The effect of the proposed program(s) on existing programs at other institutions;
  - 5) The dedication of sufficient resources to implement and maintain the program(s) without eroding the quality of ongoing programs;
  - 6) Appropriately qualified students, faculty, and administrators;
  - 7) The quality of library holdings, facilities, and equipment; and
  - 8) Evidence of strength compared with similar programs in the region and State. (N.J.A.C. 9A:1-2.9(c)).
- c. OSHE staff provide the Secretary of Higher Education with the PA and the Presidents' Council resolution, as well as a memorandum that summarizes the PA and the external consultants' findings and recommendations. The Secretary will then make a determination on the request to exceed programmatic mission.

## 2. Changing Programmatic Mission

- a. Traditional method
  - 1) New Jersey institutions seeking to change their programmatic mission must first petition the Secretary of Higher Education for approval. The institution specifies the scope of the proposed change, including long-range plans for mounting new degree programs that exceed the level of academic degrees currently authorized for the institution.
  - 2) OSHE staff review the request with the assistance of external consultants who are mutually acceptable to the institution and Secretary's staff. For information on the review process, please contact the Office of Licensure at the OSHE.
  - 3) Requests to change an institution's programmatic mission are evaluated based on the following eight criteria:

- a) The objectives of the proposed mission change;
  - b) The relationship of the proposed mission change to the current institutional mission and the Statewide plan for higher education;
  - c) Demonstration of need for the mission change, including present and projected student demand and demand for graduates;
  - d) The effect of the proposed mission change on existing programs at other institutions;
  - e) The dedication of sufficient resources to implement and maintain the proposed mission change without eroding the quality of ongoing programs;
  - f) Appropriately qualified students, faculty, and administrators;
  - g) The quality of library holdings, facilities, and equipment; and
  - h) Evidence of strength compared with similar institutions in the region and State. (N.J.A.C. 9A:1-2.9(e).
- 4) If, according to the evaluation, the institution satisfies the stated criteria, OSHE staff send the petition and all pertinent materials to the NJPC for review and recommendation to the Secretary. The AIC's recommendation to the Executive Committee or full NJPC is based on its assessment of whether the institution meets the stated criteria for a change in programmatic mission.
  - 5) The AIC will review requests made to the Secretary of Higher Education to change their programmatic mission pursuant to N.J.A.C. 9A:1-2.9(e). The Secretary of Higher Education will inform the petitioning institution of whether its request to change its programmatic mission is approved.

b. Expedited Method

- 1) If an institution has received approval to exceed its programmatic mission for a particular degree level at least five times, the Secretary may, at the request of the institution, authorize a change to the institution's programmatic degree level to allow the institution to offer new degree programs at the particular degree level for which the five previous exceeding mission approvals have been granted. (N.J.A.C. 9A:1-2.9(d)).
- 2) Upon receipt of the request, OSHE staff will review the request and confirm that the institution has met the requirement to have received approval to exceed its programmatic mission for a particular degree level at least five times, and then forward the request to the NJPC for review and recommendation to the Secretary. The AIC's recommendation to the Executive Committee or full NJPC is based on its assessment of whether the institution has demonstrated that a change in programmatic mission is merited by virtue of the numerous requests to exceed mission that have been previously approved.
- 3) The AIC will review requests made to the Secretary of Higher Education to change an institution's programmatic degree level pursuant to N.J.A.C. 9A:1-2.9(d) where an institution has received approval to exceed its programmatic mission for a particular degree level at least five times. The Secretary of Higher Education will inform the petitioning institution of whether its request to change its programmatic mission is approved.

## F. University Status

### 1. Authority

The Higher Education Restructuring Act of 1994 charges the Secretary with making "final administrative decisions over university status giving due consideration to the accreditation status of the institution" (N.J.S.A. 18A:3B-14(d)). The regulations governing university status are at N.J.A.C. 9A:1-3 et seq., Criteria for university status.

### 2. Steps in the Process

- a. The petitioning institution submits a fully documented proposal to the Secretary of Higher Education. OSHE staff, with the assistance of consultants who are mutually acceptable to the institution and Secretary, conduct a review of the proposal according to the procedures stipulated and the criteria specified in N.J.A.C. 9A:1-3 et seq. For information about the process for seeking university status, please contact the Office of Licensure within OSHE.
- b. OSHE staff provides the NJPC with all pertinent materials (the proposal, consultants' report and recommendation, institution's response) compiled on behalf of the subject institution, and the NJPC must then make a recommendation to the Secretary within 60 days of receipt of the information.
- c. Based on a review of the materials submitted, the AIC assesses whether the institution has satisfied the university status criteria specified in N.J.A.C. 9A:1-3 et seq. and makes a recommendation to the Executive Committee or full NJPC.
- d. OSHE staff provide the Secretary of Higher Education with the petition materials and the Presidents' Council resolution, as well as a memorandum that summarizes the petition and the external consultants' findings and recommendations. The Secretary will then make a determination on the petition.