

TITLE 9

HIGHER EDUCATION

CHAPTER 1

LICENSING STANDARDS

Authority

N.J.S.A. 18A:3B-14(d).

Source and Effective Date

R.1997 d.222, effective April 28, 1997.
See: 29 N.J.R. 733(a), 29 N.J.R. 2462(a).

Executive Order No. 66(1978) Expiration Date

Chapter 1, Licensing Standards, expires on May 19, 1998.

Chapter Historical Note

Chapter 1, Licensing and Degree Approval Standards, was adopted as R.1972 d.59, effective March 21, 1972. See: 2 N.J.R. 32(b), 4 N.J.R. 67(a). Chapter 1 was amended by R.1972 d.157, effective August 9, 1972. See: 4 N.J.R. 66(c), 4 N.J.R. 217(a); R.1976 d.139, effective May 6, 1976. See: 8 N.J.R. 782(d); R.1976 d.389, effective December 7, 1976. See: 8 N.J.R. 418(e), 9 N.J.R. 19(a); R.1978 d.249, effective July 27, 1978. See: 10 N.J.R. 251(a), 10 N.J.R. 386(a); R.1978 d.335, effective September 18, 1978. See: 10 N.J.R. 342(b), 10 N.J.R. 431(b); R.1979 d.441, effective November 5, 1979. See: 11 N.J.R. 441(e), 11 N.J.R. 623(a); and R.1981 d.392, effective November 2, 1981. See: 13 N.J.R. 411(c), 13 N.J.R. 757(c). Pursuant to Executive Order No. 66(1978), Chapter 1, Licensing and Degree Approval Standards, expired on May 15, 1983.

Chapter 1, Licensing and Degree Approval Standards, was adopted as R.1984 d.74, effective March 19, 1984. See: 15 N.J.R. 1418(a), 16 N.J.R. 536(a). Subchapter 7, Fraudulent Academic Degrees, was adopted as R.1987 d.430, effective November 2, 1987. See: 19 N.J.R. 1284(a), 19 N.J.R. 2053(a). Pursuant to Executive Order No. 66(1978), Chapter 1 expired on January 17, 1989.

Chapter 1, Licensing and Degree Approval Standards, was adopted as R.1989 d.118, effective February 21, 1989. See: 20 N.J.R. 2965(a), 21 N.J.R. 444(a).

Pursuant to Executive Order No. 66(1978), Chapter 1 was readopted as R.1993 d.523, effective September 30, 1993. See: 25 N.J.R. 3057(a), 25 N.J.R. 4915(a).

Pursuant to Executive Order No. 66(1978), Chapter 1, Licensing and Degree Approval Standards, was readopted as R.1995 d.333, effective May 26, 1995. See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(a). As part of R.1995 d.333, effective June 19, 1995, Chapter 1 was renamed Licensing Standards.

Pursuant to Executive Order No. 66(1978), Chapter 1, Licensing Standards, was readopted as R.1996 d.245, effective April 29, 1996. See: 28 N.J.R. 1341(a), 28 N.J.R. 2555(a).

Pursuant to Executive Order No. 66(1978), Chapter 1 was readopted as R.1997 d.222, effective April 28, 1997. See: Source and Effective Date.

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SUBCHAPTER 1. RULES FOR NEW JERSEY INSTITUTIONS OF HIGHER EDUCATION

9:1-1.1 Authority, purpose and scope

(a) New Jersey statutes provide that corporations furnishing instruction or learning leading to a diploma or degree shall obtain from the New Jersey Commission on Higher Education "a license to carry on the business under such rules as the Commission may prescribe" (see N.J.S.A. 18A:68-3).

(b) To assist institutions seeking to fulfill the necessary requirements outlined in N.J.S.A. 18A:68-3 and 18A:68-6 and to aid the New Jersey Commission on Higher Education in making judgments concerning institutions, the Commission has from time to time set forth rules pertaining to licensure and approval. These newly revised rules have been drafted to serve the above mentioned purpose. These rules were reviewed by the presidents of the New Jersey institutions of higher education prior to their adoption by the Commission on Higher Education. In developing and administering the rules for licensure, the Commission is mindful of the responsibilities vested in the trustees of individual institutions and of the institutional autonomy that is characteristic of American higher education. These rules delineate the Commission's expectations for degree granting institutions of higher education; in the case of institutions already licensed and accredited, they do not contemplate that, in the absence of compelling reason, the Commission will substitute its review processes (N.J.A.C. 9:1-2.1) for those of the institutions themselves or for those of the established accrediting agencies.

(c) The following assumptions governed the drafting of these rules and serve to define their scope and intention:

1. The rules in this chapter shall apply to all colleges in New Jersey generally except where other statutes and Commission on Higher Education rules exist that supplement these rules or more specifically govern the situation such as "Regulations Governing County Community Colleges;" "State College Administrative Code," and so forth).

2. While it is desirable that rules be written to permit as much institutional flexibility as possible, their primary purpose is to protect the public interest when institutional good will, competence or knowledge are absent.

3. Although the primary purpose of the rules is to assure that minimum standards are met, they should also promote those facets of management that lead to institutional good health, productivity, and excellence beyond the minimum.

4. The rules are intended to make the applications of the law specific and have the effect of law (for example, "Copies of all statements of purpose shall be filed with the Commission").

5. The standards set forth in these rules specify desirable and acceptable practices which further implement the good intentions of the law but are not required in a specific form so that institutional flexibility may be maintained (for example, "Statements of institutional purpose should define the educational climate to be established. ...").

6. While the ultimate responsibility for the enforcement of the rules must by law rest with the New Jersey Commission on Higher Education, the Commission may choose to look to the educational community for the sources of good practice in academic and financial management that have already won peer group approval.

7. Because of changes in peer group emphasis on the details of good management and in order to permit flexibility on the part of the State when administering the rules (and on the part of institutions governed by the rules), where appropriate, the rules shall use language such as "adequate," "suitable," "proper," "desirable," and so forth, to describe the end sought.

8. Specific interpretations of such words as "adequate," and so forth, are to be determined by the New Jersey Commission on Higher Education in accord with existing standards of good peer group practice; and

9. Where peer group practice has evolved variations in desired requirements because of the nature of the degree offered, as in the case of faculty qualifications for associate level versus baccalaureate level degrees, the rules and standards therein shall so specify.

(d) In addition to those provisions of Title 18 developed in these rules and the standards therein, the New Jersey Commission on Higher Education is further charged by statute with special responsibilities for the public institutions. Other documents, such as the county community college regulations and standards and policy statements concerning the State colleges and the State university should be consulted.

Amended by R.1989 d.118, effective February 21, 1989.
See: 20 N.J.R. 2965(a), 21 N.J.R. 444(a).
Substantially amended the foreword.

Amended by R.1995 d.333, effective June 19, 1995.
See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

Changed the name of the "Board of Higher Education" to the "New Jersey Commission on Higher Education" throughout.

9:1-1.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Academic disciplines" refers to the broad areas of study identified in the Classification of Instructional Programs (CIP) by the first two digits of the CIP codes, as published by the National Center for Education Statistics in 1990.

"Adequate, appropriate, equivalent, significant, suitable, and sufficient" mean adequate, appropriate, equivalent, significant, suitable, and sufficient, respectively, in the judgment of the New Jersey Commission on Higher Education.

"Academic department" is a subdivision of an institution of higher education designated as such which is responsible for instruction and/or research in a specific discipline or disciplines.

"Academic division" is a major administrative unit of a school, college or university, usually consisting of related departments or disciplines.

"Branch campus" is a physical facility located at a place other than the institution's principal campus offering one or more complete programs leading to a credit bearing certificate, degree or diploma, without regard to the number of courses and course enrollments per academic year. A branch campus requires approval by the New Jersey Commission on Higher Education.

"Carnegie Classification of Institutions of Higher Education" refers to the grouping of American colleges and universities according to their missions by the Carnegie Foundation for the Advancement of Teaching.

"College" means an institution of higher education which offers instruction beyond the 12th grade level, has an independent board of trustees and whose programs satisfy the requirements for a degree at the associate, baccalaureate, and/or graduate level, and, with the exception of those institutions which have as their major mission the preparation of individuals for religious vocation, offer a range of degree programs. It has a faculty whose duties include some combination of the instruction of students and involvement in scholarship and research. A college has policies and procedures that encourage the academic officers and the faculty to exercise their full responsibility for the academic direction of the institution. One indication of this type of collegiality is a system of tenure or a system of long-term contracts for the full-time faculty. A junior/community college or county college is an institution of higher education which offers the associate degree. A senior

college offers degrees up to the baccalaureate level and/or offers graduate and professional degrees.

"Educational program" is a group of related courses, organized for the purpose of attaining specified educational objectives.

"Extension center" means a physical facility located at a place other than the institution's principal campus with no complete credit bearing certificate, diploma or degree programs but more than 15 courses for credit or more than 350 course enrollments for credit in any academic year. The establishment of an extension center requires approval by the Executive Director of the New Jersey Commission on Higher Education.

"Extension course" means a course for credit or enrichment which does not require attendance at the institution's principal location.

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

"Full-time student" means one who, in a semester, carries a minimum of 12 semester credit hours as an undergraduate or nine semester credit hours as a graduate or the equivalent in quarter hours, courses or other methods of measurement used by the institution.

"General education" means instruction which presents forms of expression, fields of knowledge, and methods of inquiry fundamental to intellectual growth and to a mature understanding of the world and the human condition, as distinguished from "specialized education" which prepares individuals for particular occupations or specific professional responsibilities.

"Off-campus location" is a physical facility located at a place other than the institution's principal campus with no complete credit bearing certificate, diploma or degree programs and 15 or fewer courses for credit and 350 or fewer course enrollments for credit in any academic year. It requires no separate approval.

"Part-time faculty member" means one who does not occupy a full faculty position whose employment is related to teaching, research, and/or other aspects of the educational programs of the institution, but whose assigned responsibilities do not constitute full-time work.

"Proprietary institution" means a postsecondary institution which is operated for profit.

"School" is ordinarily a major subdivision of a college or university, and is organized to carry out instruction and/or research in related academic and/or professional fields.

"Semester credit hour" usually means 50 minutes of class activity each week for 15 weeks (or the equivalent attained by scheduling more minutes of class activity per week for fewer weeks in the semester) in one semester complemented by at least two hours each week of laboratory or outside assignments (or the equivalent thereof for semesters of different length). A semester credit hour shall not be counted on an hour-for-hour basis for a library, an independent-study, a laboratory or a physical education activity. No more than one semester credit hour shall be granted for an experience compressed into one week's time or less.

Amended by R.1989 d.118, effective February 21, 1989.
See: 20 N.J.R. 2965(a), 21 N.J.R. 444(a).

Added new definition "proprietary institution"; amended "college", and "full-time faculty member".

Amended by R.1992 d.466, effective December 7, 1992.
See: 24 N.J.R. 1464(a), 24 N.J.R. 4371(b).

Added definition "academic disciplines" and revised definition, "University".

Amended by R.1995 d.333, effective June 19, 1995.
See: 27 N.J.R. 1381(d), 27 N.J.R. 2396(b).

Changed the name of the "Board of Higher Education" to the "New Jersey Commission on Higher Education" throughout.

Amended by R.1996 d.408, effective August 19, 1996.
See: 28 N.J.R. 2827(a), 28 N.J.R. 3957(a).

Added "Carnegie Classification of Institutions of Higher Education", deleted "University", and amended "Academic disciplines".

9:1-1.3 Mission Statement

(a) Each institution shall develop and promulgate, subject to the provisions of this subchapter, an appropriate and operationally effective Mission Statement (such as that found in a college catalog and other official documents) and shall review this statement for possible revision and improvement at periodic intervals not to exceed five years.

(b) Copies of all Mission Statements shall be filed with the New Jersey Commission on Higher Education.

(c) A Mission Statement should define the institution's educational philosophy, the purposes of the curricula students may pursue, the nature and extent of the knowledge and skills expected of graduating students, and the learning environment to be provided. Such statements shall be periodically reviewed and updated.

(d) Each institution shall develop a long-range plan to implement its goals. The plan should include a written schedule of priorities, resource allocations and responsibility assignments, with target dates for the realization of specific objectives.

Amended by R.1955 d.333, effective June 19, 1995.
See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

In (b) substituted "New Jersey Commission on Higher Education" for "Chancellor".

9:1-1.4 Organization and administration

(a) Each institution shall be organized to provide sufficient administrative, program, and resource support for the attainment of its mission.

(b) Each institution shall operate under a governing board responsible for all legal aspects of operations, the formulation of policy, consistent with the mission of the institution, and the selection of the chief executive.

(c) Student enrollment should be of sufficient size to demonstrate a need for the institution, to provide the learning environment described in the mission statement, and to permit effective use of the institution's human, physical, and financial resources.

(d) The governing board should develop and maintain policies consistent with the mission of the institution, which specify its duties, responsibilities, and procedures as well as its membership, manner of appointment, and terms of office.

(e) Under the governing board, the duties of the chief executive should include, but not be limited to, the following:

1. To administer the policies of the governing board;
2. To provide general educational leadership and to promote educational effectiveness;
3. To establish academic and administrative regulations and procedures dealing with:
 - (1) Organizational structure;
 - (2) Personnel appointments, reappointments, tenure and promotions;
 - (3) Salary schedules;
 - (4) Budgets;
 - (5) Planning, development, and management of facilities;
 - (6) Educational programs and academic policies and research;
 - (7) Granting of degrees, diplomas, and certificates;
 - (8) Community services;
4. To prepare and submit an annual report and any other reports as may be requested by the governing board or by the New Jersey Commission on Higher Education.
5. To provide faculty, and student handbooks, a college catalog, and other related documents or publications on a timely periodic basis.

(f) The role of each institutional constituent group and the nature and extent of its involvement in the resolution of issues and the determination of policies should be available in writing for distribution to all constituent groups. Every institutional constituency directly concerned with the educational process should have a voice in the governance of the institution with respect to those issues in which it is appropriately involved.

(g) As prescribed by law, there shall be no discrimination on the basis of race, creed, color, sex, national origin, age, marital status, military classification, or physical condition, but this shall not impair or abridge the right of members of any particular group to establish and maintain educational institutions worthy of licensure which are primarily for their own members or to further the principles for which they stand.

(h) A statement of institutional principles, policies, and procedures governing matters of academic integrity should be developed and disseminated widely among the institutional community and shall be reviewed periodically. Proper measures should be established to enforce the principles contained in the statement.

Amended by R.1995, d.333, effective June 19, 1995.
See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

In (e)4 substituted the New Jersey Commission on Higher Education for the Chancellor and State Board of Education.

Case Notes

The Chancellor was without authority to award attorney fees. *Lugo-Alvarez v. Board of Trustees*. 92 N.J.A.R.2d (HED) 1.

9:1-1.5 Finances

(a) Each institution shall have financial resources sufficient for the realization of its mission and characterized by adequate stability to assure continuation for an extended period of time.

(b) Each institution shall have a well-developed plan for long-range financial development which includes a program designed to secure gifts, grants, or other appropriate income.

(c) Each institution shall plan its expenditures by budgeting available resources in support of specific institutional purposes.

(d) Each institution not audited by the State of New Jersey Auditor shall maintain adequate financial records which shall be audited annually by an independent certified public accountant in accordance with generally accepted auditing standards promulgated by the American Institute of Certified Public Accountants for colleges and universities.

(e) Each independent institution shall furnish to the New Jersey Commission on Higher Education a copy of the institution's audited financial statement. With the exception of those independent institutions receiving funding

under the Independent College and University Assistance Act (ICUAA), N.J.S.A. 18A:72B-15 et seq., all other independent institutions, including special purpose and theological institutions, shall submit these statements to the Commission on or before December 31 of each year. The ICUAA institutions shall furnish the audited financial statements to the Commission on or before November 1 of each year in accordance with N.J.A.C. 9:14-1.2(d).

(f) Each institution shall carry insurance or provide for self-insurance to maintain the solvency of the institution in case of loss by fire or other causes, to protect the institution in instances of personal and public liability and to assure the continuity of the institution.

Amended by R.1987 d.150, effective April 6, 1987.

See: 18 N.J.R. 2364(a), 19 N.J.R. 514(b).

New (e) added; old (e) renumbered (f).

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

Substituted New Jersey Commission on Higher Education or Commission for the Chancellor throughout.

9:1-1.6 Educational programs

(a) The educational program shall reflect and support the mission of the institution.

(b) The educational program shall provide opportunities for the acquisition of the vocabulary and basic knowledge and the development of the fundamental techniques of intellectual and scientific discourse. It shall require students to extract and organize information, to exercise and develop critical faculties of the mind, and to express ideas clearly. Methods to accomplish these objectives should include course work and other educational activities extending over a sufficient period of time and in sufficient intensity to fulfill the mission of the institution. Course objectives, requirements, and standards of achievement and evaluation, shall be clearly stated and available in writing and distributed to students at the start of the term. The internal structure of each particular course shall rest within the purview of the appropriate faculty.

(c) Instructional materials and equipment appropriate to attainment of the educational objectives of the institution shall be available.

(d) The processes for establishment, development, and review of educational policy shall be clearly defined and available in writing.

(e) A diploma, certificate, or degree awarded by an institution shall constitute evidence that the recipient, in the considered judgment of the institution, has attained in satisfactory measure the educational standards of achievement set by the program;

(f) Institutions planning an educational program shall not offer or advertise the program or recruit or enroll students

in the program until the program has been registered with the New Jersey Commission on Higher Education.

(g) The educational program shall provide for the development of the skills and techniques of learning, for opportunities for general education, as well as for preprofessional, professional, or occupational education, each to the extent appropriate to the mission of the institution;

(h) The academic year, regardless of its organization, should be of at least 30 weeks or its equivalent in duration;

(i) Each educational program leading to an associate degree shall consist of college courses carrying a minimum of 60 semester credit hours or the equivalent in quarter hours, courses, or other measurement used by the college.

(j) Each educational program leading to a baccalaureate degree shall consist of courses carrying a minimum of 120 semester credit hours or the equivalent in quarter hours, courses, or other measurement used by the college.

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

In (f), following "educational program", deleted "that requires approval of the Board of Higher Education"; and substituted New Jersey Commission on Higher Education for the Board of Higher Education.

9:1-1.7 Off-campus offerings

(a) Off-campus offerings shall be considered part of the total program of the institution and shall be judged by the same criteria used for the sessions and courses offered by the institution or its main campus.

(b) The establishment of extension centers shall have prior approval of the Executive Director of the Commission on Higher Education. The establishment of branch campuses shall have prior approval of the New Jersey Commission on Higher Education. In requesting approval for Extension Centers and Branch Campuses, a formal request shall be submitted to the New Jersey Commission on Higher Education which shall include a statement justifying the need for the site and a description of proposed courses/programs. It shall also include evidence that the proposed courses/programs at the off-campus site are at least equivalent in quality to the comparable courses/programs on the main campus and that the institution has provided for effective monitoring and control for the maintenance of quality. Specifically, it shall include:

1. Evidence regarding the adequacy of classroom, laboratory, and library facilities.
2. Provisions for sufficient administration, support staff, and counseling; and
3. Evidence that the qualifications of faculty, a suitable ratio of whom should be full-time employees of the institutions, are appropriate.

(c) Upon receipt of a request for approval of an Extension Center or a Branch Campus, Commission staff shall provide to all New Jersey institutions of higher education a summary of the request to enable the institutions to inform the Commission as to how they would be affected by the proposed Extension Center or Branch Campus. Extension Centers and Branch Campuses will be approved for a period of up to five years for those institutions which are not Middle States accredited; reapproval at the end of this period will be considered following the submission by the institution of a new request for approval. Reapproval of branch campuses and extension centers for Middle States accredited institutions is contingent upon a positive evaluation of these sites at scheduled accreditation visits conducted by the Middle States team and the Commission on Higher Education representatives. In every instance when a New Jersey Commission on Higher Education-registered degree program, not previously offered at a particular Branch Campus, is contemplated as an addition to branch campus offerings, the procedures identified in (b) above and this subsection shall apply and Commission on Higher Education approval is required. An institution proposing to offer at a Branch Campus a degree program which has not been previously offered at the main campus shall submit appropriate information to the Presidents' Council for review.

(d) Off-campus sites at which credit courses are offered by a college in conjunction with or under contract with a non-collegiate organization must be approved by the Executive Director of the Commission on Higher Education regardless of the size or scope of the effort. If a complete degree, certificate, or diploma program is offered under such an arrangement, it must be handled under the same procedure as holds for any Branch Campus. The approval process will include a review of the college's adherence to the following standards:

1. A college may grant credit only at the level and only in those areas for which it has degree granting authority; for example, a college may not award post-baccalaureate credit if it does not have authority to award graduate degrees, nor may it offer graduate or post-baccalaureate courses in a field (for example, psychology) if such offerings are not acceptable in an authorized graduate degree program at that college.
2. The credentials of instructors used by the contracting agency shall be reviewed and approved by the appropriate faculty of the college, and shall meet the college's standards for regular adjunct faculty, and the individual shall be granted adjunct status.
3. The courses shall be clearly and publicly identified as belonging to the college; that is, both parties shall take appropriate steps to ensure that the public understands that the college assumes responsibility for the course.

4. In determining the amount of credit to be granted for participation in a course offered by a contracting agency, the college shall adhere to the minimum definition of the credit hour as defined in N.J.A.C. 9:1-1.2. No more than 25 percent of a degree program shall be satisfied through such courses, except in the cases of arrangements between colleges and hospital-based programs in the health professions in which the clinical component of the program is provided by the hospital school. All course requirements, with respect to student attendance, amount of class time, amount of outside work, standards for performance, and prerequisites, shall be the same as for courses offered on campus. No more than one credit hour shall be granted for an experience compressed into one week's time or less.

5. The college shall apply to these contract courses the same requirements it applies to its own courses with respect to class attendance and participation, student evaluation, course content and quality.

6. The college shall insure that appropriate academic services are provided for students enrolled in such courses. These services shall include opportunities for access to library, laboratory facilities and computers, and advising.

7. The college shall determine that the combined tuition and fees charged to students are consistent with policies established by the appropriate governing body. The payment of additional costs not covered by student tuition and fees shall be negotiated by the college and contracting agency.

8. All contracts between the college and a contracting agency shall require the formal approval of the college governing board or its designee.

(e) All institutions shall submit reports at the Executive Director's request on each off-campus site.

(f) For the purposes of State fiscal support of off-campus instruction to eligible institutions where such support is provided for in State appropriations, only students enrolled at reported off-campus locations or formally approved Extension Centers and Branch Campuses may be included in FTE enrollments for funding purposes.

(g) The Executive Director of the Commission on Higher Education should be notified at the time an institution formally determines that there is no longer a need for approved off-campus sites and discontinues offerings at that site. Discontinuance of a branch campus requires Commission on Higher Education approval.

Amended by R.1989 d.118, effective February 21, 1989.

See: 20 N.J.R. 2965(a), 21 N.J.R. 444(a).

Substantially amended.

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

Changed the name of the Board and Department of Higher Education to the New Jersey Commission on Higher Education and Executive Director for Chancellor throughout.

9:1-1.8 Faculty

(a) The faculty shall consist of persons who are professionally prepared and able teachers and whose professional background and experience are suitable to the teaching and other educational activities for which they are responsible.

(b) The faculty shall be sufficient in number, and the proportion of full-time members and the student/teacher ratio shall be such as to contribute to the effectiveness of the educational program, including counseling and advising of students.

(c) Faculty responsibilities shall be clearly defined in writing.

(d) Faculty personnel policies shall be clearly specified in writing.

(e) Newly appointed faculty members in a two-year institution offering the associate degree should have earned the master's degree or the equivalent in the field of specialization in which they are teaching or must present unassailable compensating qualifications. A significant proportion of the faculty should have completed graduate work beyond the master's degree in an accredited graduate school.

(f) Full-time faculty members appointed to any rank above instructor in a four-year institution offering the baccalaureate degree should have earned doctoral degrees or the appropriate terminal degrees in the fields in which they are appointed or must present unassailable compensating qualifications. A majority of the faculty should have satisfactorily completed work beyond the master's degree in an accredited graduate school, and a significant number should have the doctorate.

(g) Faculty members should be engaged in continuing professional study, publication and research appropriate to their responsibilities.

Amended by R.1989 d.118, effective February 21, 1989.

See: 20 N.J.R. 2965(a), 21 N.J.R. 444(a).

Deleted text in (e) "in ranks above instructor".

9:1-1.9 Library

(a) Each institution shall formulate, adopt and implement a library policy adequate for the support of its mission, the range of its educational programs, and the needs of students and faculty. The statement shall define the size, nature, and scope of the library holdings, the nature of faculty involvement in the determination of library policy, and the extent to which the library is planned to be self-contained or to draw on other sources.

(b) The library shall be staffed by qualified professionals and support personnel in numbers sufficient to serve the needs of the students and faculty.

(c) There shall be annual acquisition of books, and other library materials.

(d) Study space and work space shall be provided to support the instructional strategies utilized.

(e) A two-year college with a library of fewer than 20,000 titles or a four-year college with a library of fewer than 50,000 titles is expected to justify the adequacy of the size of its holdings.

9:1-1.10 Students and student services

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

(b) Each institution shall provide adequate educational and student support and financial aid services and facilities for assisting students to succeed in the institution.

(c) Each institution shall maintain accurate records of each individual students academic progress.

(d) An institution shall maintain transcripts for all students and shall provide transcripts to all students who request them showing dates of attendance and academic performance. Should an institution terminate its activity, adequate provisions shall be made through the New Jersey Commission on Higher Education for the permanent deposit of and access to student transcripts.

Amended by R.1989 d.118, effective February 21, 1989.

See: 20 N.J.R. 2965(a), 21 N.J.R. 444(a).

Added the word "each" in (c).

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

In (d) substituted "New Jersey Commission on Higher Education" for "Department of Higher Education".

9:1-1.11 Physical facilities

(a) The physical facilities shall be sufficient for attainment of the institution's mission, shall be safely maintained and shall be adequate in quality, size, and number to accommodate the students, faculty and staff.

(b) Adequately equipped laboratories shall be provided as required for effective instruction and learning.

9:1-1.12 Official publications

(a) All information officially released by the institution shall be true and accurate.

(b) Official catalogs shall be printed at intervals sufficient to assure currency of information and in quantities sufficient to supply interested persons.

(c) Official catalogs or other official publications shall include at least the following information:

1. Statement of institutional mission;
2. Lists of faculty and administrative officers including their earned degrees.
3. Complete curricular information, including course descriptions, and the grading system;
4. Admission, transfer, and graduation requirements;
5. Policy for the awarding of degree credit;
6. Policies on academic progress, academic standing, and withdrawal;
7. Statement of institutional and programmatic accreditation;
8. A description of available student support services;
9. Description of facilities;
10. Student costs, refund, and financial aid policies;
11. Academic calendar;
12. A list of members of the governing board;
13. A description of disciplinary rules and hearings and appeals procedures for students, should they not be described in other publications available to students.

9:1-1.13 College credit courses offered in New Jersey secondary schools by colleges and universities

(a) Participation shall be limited to secondary school students who are recommended by the high school principal and/or who have superior academic records.

(b) Only courses normally taken by college freshmen may be made available. These courses shall be the same as those offered by the college to its regularly admitted students.

(c) Students shall be permitted to take no more than two courses each semester, but in no case more than 16 college credits in one academic year.

(d) Adequate and appropriate library and laboratory resources shall be readily available to students.

(e) Each participating high school faculty member designated by the high school shall have a minimum of a master's degree in the specific academic area to be taught.

(f) The college shall offer and the high school faculty shall be required to attend an initial orientation and training program and thereafter one or more annual training and evaluation seminars as determined by the college.

(g) The college shall provide examination materials and specific criteria for grading by the high school faculty to insure comparability of student performance.

(h) College syllabi and standard college texts shall be used.

(i) The agreements between the college and the high school shall provide for scheduled visits by faculty from the respective college to evaluate the program, review examinations, student projects and reports, and to discuss any problems students or faculty might be experiencing.

(j) Before enrolling, each student shall be given a written statement making clear that there is no obligation to attend the college offering the course, and making clear the credits may not be acceptable at other institutions. That statement and an up-to-date list of those institutions that have given recognition to the credits earned by previous participants shall be included in the application of the college to the New Jersey Commission on Higher Education to offer college level courses at a high school.

(k) Each college shall report annually to the Commission on Higher Education the number and title of courses offered in New Jersey, the names of the New Jersey high schools in which the courses were offered, the number of students in each course in each New Jersey high school, the credits gained, the colleges at which the New Jersey students enrolled, the numbers and percentage of credits accepted by the enrolling colleges, the value of the program in the students' view and such other appropriate information as shall be specified from time to time.

(l) Financial arrangements must be consistent with New Jersey's constitutional and statutory guarantee to a free public education. (Article VI, section IV, paragraph 1, of the New Jersey Constitution.)

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

Substituted "New Jersey Commission on Higher Education" for "Department of Higher Education" throughout.

accreditation visits, excluding voting privileges with respect to recommendations related to accreditation status.

(b) The Executive Director may proceed separately with respect to an institution and recommend to the Commission on Higher Education with respect to the continuation of institutional license.

(c) The Commission on Higher Education may direct the Executive Director at any time to proceed with respect to any particular institution as though that institution were not accredited by the Middle States Association.

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

Substituted "New Jersey Commission on Higher Education" for "Board of Higher Education"; and "Executive Director" for "Chancellor" throughout.

Case Notes

District Court's preliminary injunction while awaiting the outcome of the related State court case not an abuse of discretion (citing former rules). *New Jersey—Philadelphia Presbytery of Bible Presbyterian Church v. New Jersey State Bd. of Higher Educ.*, 654 F.2d 868 (3rd Cir.1981).

Enforcement of the State court order prohibiting awarding of degrees by college preliminarily enjoined. *New Jersey—Philadelphia Presbytery of Bible Presbyterian Church v. New Jersey State Bd. of Higher Educ.*, 514 F.Supp. 506 (D.N.J.1981).

Board of Higher Education preliminarily enjoined from ordering religious college to cease advertising and halt all teaching activities. *New Jersey—Philadelphia Presbytery of Bible Presbyterian Church v. New Jersey State Bd. of Higher Educ.*, 482 F.Supp. 968 (D.N.J.1980), *aff'd* 654 F.2d 686 (3rd Cir.1981).

Rules explicitly call for flexibility in their administration so as to accommodate various institutions with diverse educational goals. *New Jersey State Board of Higher Education v. Bd. of Directors of Shelton College*, 90 N.J. 470, 448 A.2d 988 (1982).

9:1-2.2 Licensure and Approval Advisory Board

(a) The Licensure and Approval Advisory Board shall consist of a representative of Rutgers, The State University, designated by the President of the University; a representative of the New Jersey Institute of Technology designated by the NJIT President; a representative of the University of Medicine and Dentistry of New Jersey designated by the President of the University; two representatives of the State Colleges designated by the New Jersey State College Governing Boards Association; two representatives of the County Colleges designated by the Council of County Colleges; three representatives of the Association of Independent Colleges and Universities in New Jersey designated by the Association; three persons representative of the independent colleges not members of the aforesaid Association selected as hereinafter provided; and one representative of the Commission on Higher Education staff designated by the Executive Director of the Commission serving as an ex officio non-voting member.

(b) The representatives of the independent colleges not members of the Association of Independent Colleges and

SUBCHAPTER 2. LICENSURE WITH RESPECT TO CERTAIN INSTITUTIONS OF HIGHER EDUCATION IN NEW JERSEY

9:1-2.1 Licensure of New Jersey institutions regionally accredited

(a) With respect to institutions accredited by the Middle States Association the New Jersey Commission on Higher Education will ordinarily accept such accreditation as sufficient for the continuance of licensure and approval, provided that the institution shall submit to the Executive Director of the Commission on Higher Education within 30 days of its receipt of the letter of the Middle States Association informing the institution of its accreditation status and provided that the representatives of the Executive Director working with the Middle States team participate fully in

Universities in New Jersey shall be chosen by the ballot at a meeting of the presidents of these institutions to be convened by the Executive Director of the Commission on Higher Education when appropriate for this purpose. The persons having the highest number of votes, provided it is a majority of the total number of votes cast, shall be declared elected. In the case of a tie, the Executive Director shall break the tie; in the case of an inability to elect, the Executive Director shall designate the person to serve.

(c) The term of membership on the Advisory Board shall be three years except in the case of the Commission on Higher Education representative. Members may be reappointed. Vacancies shall be filled for any expired term.

(d) The Advisory board shall elect its own officers and determine its own rules of procedure. The Commission on Higher Education shall provide the Advisory Board with staff and secretarial assistance.

(e) The responsibilities of the Licensure and Approval Advisory Board will be as follows:

1. To advise the Commission on Higher Education with respect to policies for licensure and degree approval designed to promote the maintenance of educational quality and the optimal use of educational resources in the State;

2. To recommend to the Commission on Higher Education action on petitions for licensure by independent New Jersey institutions not regionally accredited;

3. To recommend to the Commission on Higher Education action on petitions for licensure by any out-of-state institutions;

4. To advise the Executive Director, when requested, with respect to reports filed with the Commission on Higher Education by any New Jersey institution, public or independent, or by committees that may from time to time be appointed to visit institutions of higher education operating in the State;

5. To advise the Commission on Higher Education, when requested, as to the action to be taken with respect to any college or university, public or independent, whose educational quality may be called in question;

6. To review any proposed action by the Commission on Higher Education with respect to any institution which could result in the revocation of licensure or the withdrawal of approval to confer degrees. The Executive Director will request and the Advisory Board will provide an advisory opinion before the statutory procedures are invoked by the Commission on Higher Education; and

7. To advise the Executive Director, when requested, with respect to any matters the Commission may deem appropriate.

Amended by R.1989 d.118, effective February 21, 1989.

See: 20 N.J.R. 2965(a), 21 N.J.R. 444(a).

Substituted "New Jersey State College Governing Boards Association" for "Council of State Colleges".

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

9:1-2.3 through 9:1-2.4 (Reserved)

SUBCHAPTER 3. CRITERIA FOR UNIVERSITY STATUS

9:1-3.1 Programs

(a) In an atmosphere of freedom of inquiry and expression, a university provides undergraduate studies leading to the baccalaureate degree in a broad range of academic disciplines and graduate studies leading to advanced degrees in at least three academic and/or professional fields. A university also offers an array of graduate studies related to the fields in which it offers advanced degrees in order to provide students elective opportunities and a selection of support studies which may be useful although not prescribed by a graduate degree program. The institution promotes linkages to the wider community through programs of outreach and public service.

(b) A research university offers graduate programs that lead to the Ph.D. degree within an environment that emphasizes research as well as its teaching mission in its curricula and in the allocation of resources for faculty and facilities. Its criteria for promotion and tenure place relatively heavier emphasis on the faculty member's record of research publications in refereed journals and published books. Its faculty generates a relatively higher level of Federal research funding. Its faculty members tend to integrate what they have learned from their own research into the material presented in undergraduate courses, and they routinely expect each graduate student to initiate or participate in a substantial research program. A research university clearly meets or exceeds the doctoral degree standards stated in N.J.A.C. 9:1-4.7.

(c) A comprehensive university offers graduate programs that lead to the master's degree in a variety of academic disciplines and professional fields within an environment that emphasizes its teaching mission in its curricula and in the allocation of resources for faculty and facilities. A comprehensive university may also award doctorate degrees, provided the programs meet or exceed the doctoral degree standards stated in N.J.A.C. 9:1-4.7. Its criteria for promotion and tenure place relatively heavier emphasis on the faculty member's record of excellence in teaching. The scholarship of its faculty includes more integrative and bibliographic research, often with a focus on pedagogy and practical classroom application, while more traditional forms of research are encouraged. A comprehensive university clearly meets or exceeds the standards for graduate education stated in N.J.A.C. 9:1-4.3.

(d) Universities must be in compliance with all applicable licensure rules in this chapter.

Amended by R.1992 d.466, effective December 7, 1992.

See: 24 N.J.R. 1464(a), 24 N.J.R. 4371(b).

Revised text.

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

Substituted "Commission on Higher Education" for "Department of Higher Education".

Repeal and New Rule, R.1996 d.408, effective August 19, 1996.

See: 28 N.J.R. 2827(a), 28 N.J.R. 3957(a).

Section was "Programs".

9:1-3.2 Organization and faculty

(a) A university clearly identifies graduate studies and programs as distinct elements in its organization, with a clearly delineated organizational structure for graduate education.

(b) As evidenced by admissions criteria, universities select graduate and professional students who show evidence of superior achievement in undergraduate studies.

(c) From an organizational perspective, the effective use of resources at a university requires a critical mass of potential students in order to demonstrate the need for graduate studies and programs.

(d) A core of full-time graduate faculty at a university ensures coherence and drives progress toward attainment of the academic mission. The faculty from departments offering graduate programs participate in the initiation, development, and renewal of curricula.

(e) University faculty teaching in graduate programs meet the criteria established in N.J.A.C. 9:1-4.8.

(f) A university provides an appropriate and adequate administrative staff whose primary responsibility is the administration of graduate and professional programs.

Amended by R.1992 d.466, effective December 7, 1992.

See: 24 N.J.R. 1464(a), 24 N.J.R. 4371(b).

Revised (b).

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

Amended by R.1996 d.408, effective August 19, 1996.

See: 28 N.J.R. 2827(a), 28 N.J.R. 3957(a).

9:1-3.3 Resources

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

Amended by R.1996 d.408, effective August 19, 1996.

See: 28 N.J.R. 2827(a), 28 N.J.R. 3957(a).

9:1-3.4 Accreditation

A university is accredited by the Middle States Association of Colleges and Schools, Commission on Higher Education.

Amended by R.1992 d.466, effective December 7, 1992.

See: 24 N.J.R. 1464(a), 24 N.J.R. 4371(b).

Revised text.

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

9:1-3.5 Eligibility for university status and use of "university" as part of an institution's name

(a) The governing boards of nonprofit educational institutions incorporated and located in New Jersey and licensed by the former New Jersey Board of Higher Education before June 30, 1994 or by the New Jersey Commission on Higher Education thereafter are eligible to apply to the New Jersey Commission on Higher Education for university status if they are listed as "research universities," "doctoral universities," or "master's (comprehensive) universities and colleges" in the Carnegie Classification of Institutions of Higher Education and they believe they meet all the requirements stipulated in this subchapter. Educational institutions dedicated primarily to the education or training of ministers, priests, rabbis, or other professional persons in the field of religion are not eligible to apply for university status.

(b) When an institution's governing body decides to seek university status, it shall file with the New Jersey Commission on Higher Education a petition-of-intent seeking authority to do so. The petitioning institution shall develop a fully documented proposal and, with the concurrence of the New Jersey Commission on Higher Education, select two consultants who are totally independent of all higher education institutions in New Jersey and are recognized authorities on graduate education to review the proposal. The consultants shall prepare a written report of their findings, which the college shall submit to the Commission; the Commission shall consider both the report and the proposal in deciding on the college's application for university status. The proposal shall demonstrate the institution's eligibility for designation as a university based on the criteria defined in this subchapter and shall include a history of having met the criteria for a period of at least five years. Alternatively, the petitioning institution may indicate, through a combination of retrospective and prospective data, intent to meet the criteria for a total period of five years. These institutions shall be considered to be in a period of candidacy for university designation. In no case shall formal university designation be granted until an institution has met the minimum criteria for at least five years.

(c) University status and the actual title of the institution require the approval of the New Jersey Commission on Higher Education.

New Rule, R.1992 d.466, effective December 7, 1992.

See: 24 N.J.R. 1464(a), 24 N.J.R. 4371(b).

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

In (a) inserted "before June 30, 1994 or by the New Jersey Commission on Higher Education thereafter" and substituted "Commission on Higher Education" for "Board of Higher Education" throughout.

Amended by R.1996 d.408, effective August 19, 1996.

See 28 N.J.R. 2827(a), 28 N.J.R. 3957(a).

SUBCHAPTER 4. RULES FOR GRADUATE PROGRAMS WHEN CONDUCTING LICENSURE AND RELICENSURE REVIEWS

9:1-4.1 (Reserved)

9:1-4.2 Review

Graduate programs shall be reviewed periodically. Such reviews shall be conducted by the institutions themselves and cooperatively, insofar as possible, with regional and professional accrediting agencies.

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

Deleted (a); and following "Graduate programs" deleted "in institutions already authorized by the Board of Higher Education to confer advanced degrees".

9:1-4.3 Standards for graduate education

(a) The scope of an institution's graduate curriculum shall closely reflect and support its mission.

(b) The objectives of every graduate or graduate professional program shall be clearly defined and stated.

(c) A substantial part of the work in graduate programs shall be in courses designed explicitly for graduate students, although, occasionally, exceptionally well-qualified undergraduates may be admitted.

(d) Beyond the needs of the undergraduate college, the graduate school shall have, for each program, a variety and depth of specialized material available on the campus. For example, library and technological support must provide an adequate and current base for research activities.

(e) Graduate education presupposes advanced study beyond the undergraduate curriculum in terms of rigor, expectations of scholarship, curricular depth, and exercise of independent thought. In order to fulfill such expectations, the governing board of the institution must demonstrate a continuing commitment of institutional funds to support a high level of quality for the graduate programs it offers.

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

Following "professional program" deleted "required to seek approval".

Repeal and New Rule, R.1996 d.408, effective August 19, 1996.

See: 28 N.J.R. 2827(a), 28 N.J.R. 3957(a).

Section was "Objectives and nature of graduate work".

Cross References

Criteria for university status, comprehensive universities, programs meeting graduate education standards, see N.J.A.C. 9:1-3.1.

9:1-4.4 Post-baccalaureate study

An institute may offer credit for post-baccalaureate study only in those areas for which it has graduate degree authority.

9:1-4.5 Master's degree programs

(a) Master's degree programs should be distinguishable by their primary objectives as belonging to one of two general types, disciplinary or professional. The immediate purpose of the former is advanced study and exploration in a particular discipline. The immediate purpose of the latter is the application and extension of previous studies to professional ends. The two types of programs need not have the same requirements but should be of comparable quality. A master's degree requires a minimum of 30 credits of graduate study or its equivalent.

(b) Disciplinary type: A disciplinary master's degree program consists of advanced studies in an academic discipline (for example, history, physics, engineering science, or musicology). The primary objective is increased knowledge of the subject rather than its application to professional use. The major portion of degree credit awarded in every master's program of this type must be at the advanced level in the principal field. Credit toward the master's degree may not be given for introductory or elementary courses in this field.

(c) Professional type: A master's degree program of the professional type consists of that lead to practice in such fields as engineering, law, applied music, pastoral ministry, or teaching. Some such subjects obviously lend themselves also to programs of the first type. The determining criterion is the objective that the program is designed to serve. Graduate professional programs should be complete in themselves, although they may in some circumstances also be adaptable to preparation for a research or professional doctorate. A master's program of this type should consist of a carefully designed pattern of professional preparation in accordance with the principles set forth above; in this case a limited amount of introductory work in the field may have an appropriate place, especially in first level professional programs.

(d) Degree: The degree award for completion of disciplinary programs should be master of arts or master of science with disciplinary designation. For a professional program, the degree also should be appropriately specific (for example, master of library science, master of business administration, master of education, master of social work, master of arts in teaching).

9:1-4.6 Post-master's programs

(a) Institutions may organize programs of graduate work at the post-master's level that are not intended to lead to doctorates but to specialist's degrees or to comparable certificates.

(b) All past-master's programs shall possess a definite philosophy, purpose, design, and sequence, and be self-contained and terminal in nature.

(c) Past-master's programs shall perform a definable function and not be merely a continuation of courses beyond the master's degree. A student admitted to a specialist's certificate program in education must have a master's degree in the same field in which the certificate is being offered. Students who possess a master's degree in an unrelated field will be required to complete preliminary course work or demonstrate equivalent knowledge acquired through work experience.

(d) Specialist's certificate programs in education must be composed of course work which is more advanced than that required for master's degrees.

(e) A comprehensive examination should be required for the degree or the certificate.

Amended by R.1989 d.118, effective February 21, 1989.

See: 20 N.J.R. 2965(a), 21 N.J.R. 444(a).

Changed "sixth-year" to "past-master's".

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

In (a) deleted last 3 sentences.

9:1-4.7 Doctoral degree standards

(a) Programs leading to doctoral degrees shall represent three or more years of full-time study and research beyond the baccalaureate.

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

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

(d) Programs leading to the doctor of philosophy degree shall be oriented toward original research. Professional doctorates are usually oriented toward increased professional competence. The requirements for a professional degree should include either a research thesis or a project involving the solution of a substantial problem of professional interest.

(e) For each doctoral program, an institution shall demonstrate that:

1. The program has clear educational objectives and its requirements are appropriate to the nature of the doctorate;

2. The institution possesses adequate library holdings, laboratory space, research facilities, and other necessary resources;

3. Its faculty is recognized beyond the bounds of the institution as possessing professional qualifications and research achievements sufficient to support the program;

4. It has committed the faculty time necessary for thesis supervision and research guidance;

5. The program is supported by related studies and research in ancillary fields; and

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

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

In (e) substituted "developing" for "seeking approval of".

Amended by R.1996 d.408, effective August 19, 1996.

See: 28 N.J.R. 2827(a), 28 N.J.R. 3957(a).

Cross References

Criteria for university status, research universities, programs meetings doctoral degree standards, see N.J.A.C. 9:1-3.1.

9:1-4.8 Faculty

(a) Faculty teaching in graduate programs shall hold appropriate terminal degrees. They shall be productive contributors to the field of their specialties and demonstrate competency to teach at the graduate level. The academic schedule should permit adequate time for instruction, advising, direction of research, and supervision of theses, as well as continued professional growth and scholarly activity.

(b) The qualifications of part-time faculty shall be comparable to those of full-time faculty.

Amended by R.1996 d.408, effective August 19, 1996.

See: 28 N.J.R. 2827(a), 28 N.J.R. 3957(a).

Cross References

Criteria for university status, university organization and faculty requirements, see N.J.A.C. 9:1-3.2.

9:1-4.9 Budget

The governing board of the institution shall be prepared to make a continuing commitment of institutional funds for the support of the graduate programs, and particularly for the indispensable faculty and student research activity. Only in the most extraordinary circumstances can the necessary level of support be provided exclusively through tuition and fees of the programs themselves.

9:1-4.10 Facilities

The institution should have those facilities necessary for the attainment of the objectives of each program. These include adequate library study space for faculty and students, seminar rooms, office space for the faculty, provision for secretarial service as well as modern apparatus and instruments in those disciplines in which sophisticated activity demands them.

9:1-4.11 Library

(a) Beyond the needs of the undergraduate college, the graduate school shall have, for each program, a variety and depth of specialized material available on the campus.

(b) A library that supports a graduate program shall provide an adequate and current base for research activities. The library should provide books and other essential materials both in the fields of instruction and research and related areas to serve as background material and, in much greater depth for special investigations.

9:1-4.12 Graduate catalogue

The graduate catalogue shall state clearly the admission requirements, tuition, fees, degree requirements, course descriptions (including prerequisites), and thesis or research requirements.

SUBCHAPTER 5. RULES FOR PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION IN NEW JERSEY

9:1-5.1 General provisions

(a) Proprietary institutions of higher education in New Jersey may be licensed to award academic degrees subject to conformance with the regulations and standards for such licensure as contained in N.J.A.C. 9:1-1.

(b) The rules in this subchapter are designed to recognize the distinctive character of proprietary institutions and for these institutions take precedence over any regulations and standards with which they may be in conflict.

Amended by R.1989 d.443, effective August 21, 1989.

See: 21 N.J.R. 1632(a), 21 N.J.R. 2498(a).

Permitted the proprietary institutions to award academic degrees subject to same standards as colleges offering the degrees.

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

In (a), following "licensed", deleted "to operate and approved"; following "licensure", deleted "and approval"; and in (b) substituted "rules" for "regulations".

9:1-5.2 (Reserved)**9:1-5.3 Reassessment of licensure and approval**

In the event of a change in the ownership of a proprietary institution, a reassessment of the licensure and approval shall be made within six months to one year's time after the change.

Amended by R.1989 d.118, effective February 21, 1989.

See: 20 N.J.R. 2965(a), 21 N.J.R. 444(a).

Substituted institution for school.

9:1-5.4 Duration of license

(a) Any license to operate and grant a degree shall be for a specific period, not to exceed five years, as determined by the New Jersey Commission on Higher Education.

(b) At the expiration of this period, license must be reviewed, renewed or revoked at the discretion of the Commission on Higher Education.

Amended by R.1989 d.443, effective August 21, 1989.

See: 21 N.J.R. 1632(a), 21 N.J.R. 2498(a).

The word "specific" period replaces "definite" period in (a).

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

Substituted "Commission on Higher Education" for "Board of Higher Education" throughout.

9:1-5.5 Minimum library requirements

(a) A proprietary institution offering a degree shall have a library collection of sufficient size and composition to meet program objectives, to support high quality instruction and, where appropriate, research.

(b) The library collection shall be kept up-to-date.

Amended by R.1989 d.443, effective August 21, 1989.

See: 21 N.J.R. 1632(a), 21 N.J.R. 2498(a).

(c) deleted, language changes . . . "to meet program objectives . . ." in (a) and "The library collection shall . . . up-to-date." in (b).

9:1-5.6 Composition of governing board

The governing board shall have a proportion of its membership drawn from the general public and/or the academic community and be of sufficient size to provide for appropriate committee membership.

9:1-5.7 Term of public membership

The public membership should be appointed for a specified term similar to the procedure followed in nonprofit institutions of higher education.

9:1-5.8 Faculty teaching loads

(a) Undergraduate faculty should normally have teaching loads not to exceed the equivalent of 15 semester credit hours; graduate faculty should normally have teaching loads not to exceed the equivalent of nine semester credit hours.

(b) Work load credit should normally be granted to faculty involved in heavy administrative, advisory, or committee assignments.

Amended by R.1989 d.443, effective August 21, 1989.
See: 21 N.J.R. 1632(a), 21 N.J.R. 2498(a).

Normal teaching loads defined for undergraduate and graduate faculty.

9:1-5.9 Academic freedom of faculty members

(a) The institution shall promulgate a statement concerning the academic freedom of faculty members which should include statements supporting the following principles:

1. Freedom in research and publication where these activities do not interfere with adequate performance of academic duties;
2. Freedom in the classroom to discuss controversial issues pertinent to the discipline;
3. Retention of all rights as a citizen to free speech and publication. Such rights are not, as such, subject to institutional censorship or discipline.

9:1-5.10 Basic skills testing and enrollment in remedial courses

Proprietary institutions shall be subject to any policies regarding basic skills testing and remedial instruction as may be adopted by the New Jersey Commission on Higher Education.

New Rule: R.1989 d.443, effective August 21, 1989.
See: 21 N.J.R. 1632(a), 21 N.J.R. 2498(a).
Amended by R.1995 d.333, effective June 19, 1995.
See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).
Rewrote former (a); and deleted former (b) to (f).

SUBCHAPTER 6. RULES REGARDING PETITIONS FROM OUT-OF-STATE INSTITUTIONS DESIRING TO OFFER CREDIT-BEARING COURSES OR DEGREE PROGRAMS IN NEW JERSEY

9:1-6.1 Review of petitions

(a) The New Jersey Commission on Higher Education in its coordinating capacity will review all petitions from out-of-state institutions to offer credit-bearing courses or degree programs in New Jersey from a statewide perspective. The Commission will approve only those offerings that in the opinion of the Commission meet state standards for program quality, are fiscally viable, serve a demonstrable need, and are in accordance with the Statewide Plan. Whenever a course or program is approved by the Commission for presentation within the State by an out-of-state institution, said offering shall not preclude the right of an institution within the State to develop a similar program or course offering.

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(b) Programs may be approved for periods of one to five years. Initially, programs will not be approved for longer than a three-year period. With respect to requests to offer credit-bearing courses, but not with a degree program, approval will be for a period of only one year, with the exception of those institutions meeting the criteria of (c) below.

(c) Institutions which have been providing credit-bearing courses in New Jersey with the approval of the former Board of Higher Education or the New Jersey Commission on Higher Education for at least five consecutive years, may have courses approved by the Commission on Higher Education for a period of up to five years, if the institution during this five-year period annually provides to the Executive Director of the Commission on Higher Education, six months prior to desired implementation, an update of the information required pursuant to N.J.A.C. 9:1-6.2(c). If during the five-year approval period the Commission determines, in conjunction with the Licensure and Approval Advisory Board (LAAB), from a review of the annual materials submitted by the institution, that there is a significant change in the offerings and/or additional or different resources are needed to provide educational services of quality or if there is a change in the status of the institution, the Executive Director shall have the option of submitting the matter to the New Jersey Commission on Higher Education for its review. The New Jersey Commission on Higher Education's denial of such a modification shall serve to revoke approval for the period of time remaining in the existing five-year approval period.

Amended by R.1987 d.151, effective April 6, 1987.
See: 18 N.J.R. 2365(a), 19 N.J.R. 514(c).

(c) added.

Amended by R.1995 d.333, effective June 19, 1995.
See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

Substituted "Commission on Higher Education" for "Board of Higher Education" throughout.

9:1-6.2 Petitions from institutions

(a) Out-of-state institutions wishing to offer credit-bearing courses or degree programs in New Jersey shall petition the New Jersey Commission on Higher Education for authorization.

(b) Institutions shall submit requests for new programs at least one academic year before the requested date of implementation. Requests for approval to offer courses shall be submitted at least six months prior to the requested date of implementation.

(c) The petition shall contain:

1. Responses to the items enumerated in "A Guide for Obtaining the Basic Information for Appraising New Jersey Institutions of Higher Education," DHE, 1975. These responses shall relate fully to the proposed New Jersey operation.
2. The accreditation status of the institution.

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

4. The institution's financial statements (prepared by independent auditors) for each of the last three years.

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

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

7. Other information which the Commission specifically requests.

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

Substituted "Commission on Higher Education" for "Board of Higher Education" throughout.

9:1-6.3 New Jersey Commission on Higher Education review procedures

(a) Petitions from out-of-state institutions invited by in-state parties to offer educational services to a specific and delimited constituency in New Jersey:

1. Upon receipt of petition, the Commission shall provide to all New Jersey institutions of higher education a summary of the petition's content and will invite the institutions to submit their comments and to indicate whether or not they wish and are prepared to offer comparable services. Those in-state institutions that wish to offer comparable services may submit proposals to the Commission within 60 days after the Commission's notification regarding the out-of-state request. Proposals from in-state institutions received within this time period will be forwarded immediately by the Commission to the party requesting instructional services (as well as to the out-of-state institutions).

2. Specifically with respect to a New Jersey high school seeking educational services, the high school shall inform the Commission on Higher Education of its intent to seek an educational program prior to entering into negotiations for college credit bearing courses with an out-of-state institution. The notice shall contain a detailed itemization of the services desired by the high school. After receipt of the notification, the Commission shall provide copies of the notice to all New Jersey institutions of higher education and shall invite these institutions to submit their comments and to indicate both to the Commission and to the high school, within 60 days, whether they wish to try to meet the needs of the high school.

3. The high school shall enter into negotiations with an out-of-state institution only after the high school has notified the Commission on Higher Education which in-state institution, if any, the high school will be dealing with in addition to the proposed out-of-state party.

4. The Commission shall review all full proposals, usually with the assistance of a consultant who is mutually acceptable to the Commission and the institutions. A "needs survey" is not required when an educational institution is invited by an in-state party to provide credit-bearing educational offerings to a specified and delimited constituency. The invitation itself demonstrates that a need exists.

5. The petition and all pertinent materials shall be provided to the Licensure and Approval Advisory Board (LAAB) for its review.

6. If the Commission determines, in consultation with LAAB, that an in-state proposal is comparable or superior to the out-of-state proposal, the Commission shall strongly encourage the in-state party requesting instructional services to accept an in-state proposal.

7. The in-state party requesting instructional services shall inform the Commission as to its choice of institution and specify the reasons for the selection.

8. The Executive Director shall make a recommendation concerning the program or course(s) to the New Jersey Commission on Higher Education.

(b) Petitions from out-of-state institutions seeking to offer educational services independently (without invitation) in New Jersey:

1. Upon receipt of petition, the New Jersey Commission on Higher Education shall provide all New Jersey institutions of higher education with a summary of the petition's content and invite the institutions to submit their comments within 60 days.

2. The New Jersey Commission on Higher Education shall review the petition, usually with the assistance of a consultant who is mutually acceptable to the Commission and the institution.

3. The petition and all pertinent materials shall be provided to LAAB for its review.

4. The Executive Director shall make a recommendation concerning the program or course(s) to the Commission on Higher Education.

Amended by R.1989 d.118, effective February 21, 1989.

See: 20 N.J.R. 2965(a), 21 N.J.R. 444(a).

Added the word "a" to subsection (a).

Amended by R.1995 d.333, effective June 19, 1995.

See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(b).

Substituted "Commission on Higher Education" for "Board of Higher Education" throughout.

"Academic degree" means any certificate, diploma, associate degree, baccalaureate degree, masters degree, or doctoral degree regardless of the specific discipline in which it was awarded. For the purposes of this definition, a certificate or diploma shall constitute evidence of successful completion of a course of study at an institution of higher education which by virtue of educational content or duration does not satisfy requirements for a full degree program but which is specifically designed to offer content and skill acquisition and other experience appropriate to the objectives of such programs.

"Letters" means the designated abbreviations used to refer to an academic degree.

"Other legal entity" includes but is not limited to a firm, association, institution, corporation or partnership.

"Out-of-State institution" means an institution located within the United States or its possessions but not within the State of New Jersey.

"Person", as stated in N.J.S.A. 18A:3-15.5, includes any individual or other legal entity.

"Seeking accreditation" means that the institution has achieved candidacy status or the equivalent standing as evidenced by meeting criteria as defined by the Commission on Higher Education of the Middle States Association of Colleges and Schools or the equivalent criteria as established by an appropriate accrediting body recognized by the United States Department of Education.

Amended by R.1993 d.523, effective November 1, 1993.

See: 25 N.J.R. 3057(a), 25 N.J.R. 4915(a).

9:1-7.2 Protected degree designations

(a) A person shall not utilize or append to his or her name any academic degree designation, letters, derivatives thereof, or other designations as evidence of receipt of an academic degree unless the person has received the academic degree from a duly authorized institution of higher education, as defined in N.J.S.A. 18A:3-15.3.

(b) A person may utilize or append to his or her name an academic degree designation or letters as evidence of the receipt of or the fulfillment of the requirements for an academic degree from an institution of higher education located outside of the United States or its possessions provided the degree was earned at an institution which is recognized by the appropriate body in the particular country.

(c) The institution's requirements for awarding an academic degree shall be generally equivalent to those accepted in the United States by an accrediting body recognized by the U.S. Department of Education.

SUBCHAPTER 7. FRAUDULENT ACADEMIC DEGREES

9:1-7.1 Definitions

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

Amended by R.1993 d.523, effective November 1, 1993.
See: 25 N.J.R. 3057(a), 25 N.J.R. 4915(a).

9:1-7.3 Honorary degrees

Any person who has received an honorary degree must follow the academic degree or the letters used to abbreviate such a degree with the word "Honorary" or "Hon." in parenthesis when representing themselves as having received such a degree or credential.

9:1-7.4 Out-of-State duly authorized institutions of higher education

In those states which do not have a licensing requirement for institutions of higher education, a duly authorized institution of higher education shall mean an institution which is regionally accredited or accredited by the appropriate accrediting body recognized by the United States Department of Education, or is seeking accreditation by the appropriate accrediting body recognized by the United States Department of Education.

Amended by R.1993 d.523, effective November 1, 1993.
See: 25 N.J.R. 3057(a), 25 N.J.R. 4915(a).