

TITLE 9

HIGHER EDUCATION

CHAPTER 1

LICENSING STANDARDS

Authority

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

Source and Effective Date

R.1996 d.245, effective April 29, 1996.
See: 28 N.J.R. 1341(a), 28 N.J.R. 2555(a).

Executive Order No. 66(1978) Expiration Date

Chapter 1, Licensing Standards, expires on May 20, 1997.

Chapter Historical Note

Chapter 1, Licensing and Degree Approval Standards, became effective March 21, 1972 as R.1972 d.59. See: 2 N.J.R. 32(b), 4 N.J.R. 67(a).

1972 Revisions: Amendments became effective August 9, 1972 as R.1972 d.157. See: 4 N.J.R. 66(c), 4 N.J.R. 217(a).

1976 Revisions: Amendments became effective May 6, 1976 as R.1976 d.139. See: 8 N.J.R. 782(d). Further amendments became effective December 7, 1976 as R.1976 d.389. See: 8 N.J.R. 418(e), 9 N.J.R. 19(a).

1978 Revisions: Amendments became effective July 27, 1978 as R.1978 d.249. See: 10 N.J.R. 251(a), 10 N.J.R. 386(a). Further amendments became effective September 18, 1978 as R.1978 d.335. See: 10 N.J.R. 342(b), 10 N.J.R. 431(b).

1979 Revisions: Amendments became effective November 5, 1979 as R.1979 d.441. See: 11 N.J.R. 441(e), 11 N.J.R. 623(a).

1981 Revisions: Amendments became effective November 2, 1981 as R.1981 d.392. See: 13 N.J.R. 411(c), 13 N.J.R. 757(c).

Pursuant to Executive Order No. 66(1978), Chapter 1 expired on May 15, 1983, and a new Chapter 1 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, became effective November 2, 1987 as R.1987 d.430. 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, and a new Chapter 1 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 was readopted as R.1995 d.333, effective May 26, 1995. See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(a).

Pursuant to Executive Order No. 66(1978), Chapter 1 was readopted as R.1996 d.245, effective April 29, 1996. 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 major areas of study identified in the Classification of Instructional Programs (CIP), that is, the first two digits of the CIP code, developed by the National Center for Education Statistics, 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.

"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.

"University" refers to both the traditional research/teaching institution as well as to the institution whose major focus is on teaching. The traditional university provides a wide range of undergraduate and graduate studies, programs in two or more professional fields and operative programs leading to the doctorate or comparable terminal degrees in two or more areas, whose faculty are involved in extensive research, and which already identifies graduate studies and programs as distinct elements in its organization. A teaching university is an educational institution which provides a wide range of undergraduate programs and provides graduate programs in at least three academic disciplines, and which identifies graduate studies and programs as distinct elements in its organization. A teaching university has a minimum of 2,500 full-time equivalent (FTE) students. At least 20 percent of the university's total student body (head-count) are enrolled in graduate degree programs. See N.J.A.C. 9:1-3.

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.

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.

(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.

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

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

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. CHARACTERISTICS OF A UNIVERSITY

9:1-3.1 Programs

(a) In an atmosphere of freedom of inquiry and expression, there exist both the traditional research-teaching university and the university whose major focus is on teaching.

(b) The traditional university provides a wide range of undergraduate studies and graduate studies in two or more professional fields, such as medicine, law, public administration, engineering, or education, and operative programs of instruction leading to the doctorate or comparable terminal degrees in two or more areas. A university should offer a range of graduate studies related to those fields in which it offers advanced degrees to provide students elective opportunities and a selection of support studies which may be useful but not prescribed by a graduate degree program. Additionally, a university should explore the possibilities of public service.

(c) A university whose major focus is on teaching provides a wide range of undergraduate programs and provides graduate programs in at least three academic disciplines. A teaching university has a minimum of 2,500 full-time equivalent (FTE) students. At least 20 percent of the university's total student body (headcount) are enrolled in graduate degree programs. Institutions failing to meet the minimum enrollment of 2,500 FTE students and/or the 20 percent or more graduate degree enrollment figure may still be eligible for university designation if a Commission on Higher Education out-of-State consultant(s) so recommends upon review of the institution's petition.

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".

9:1-3.2 Organization

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

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

(c) 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).

9:1-3.3 Resources

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

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) 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 which believe they meet all the requirements stipulated in this subchapter are eligible to apply, with the concurrence of their governing boards, to the New Jersey Commission on Higher Education for university status. Educational institutions dedicated primarily to the education or training of ministers, priests, rabbis, or other professional persons in the field of religion are not eligible to apply for university status.

(b) When an institution's governing body determines that the institution shall seek university status, it shall file with the New Jersey Commission on Higher Education an application which shall demonstrate the institution's eligibility for designation as a university.

(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.

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 Objectives and nature of graduate work

The objectives of every graduate or graduate professional program shall be clearly defined and stated. The work in such programs shall be beyond the baccalaureate level in intellectual demand; and a substantial proportion of the work shall be taken in courses designed explicitly for graduate students, although occasionally exceptionally well qualified undergraduates may be admitted.

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".

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 programs

(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) A doctoral program benefits from complementary programs in other fields, and no institution should seek to establish doctoral studies piecemeal or to initiate its first doctoral program before it is able to formulate 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) In developing doctoral programs, an institution shall demonstrate that:

1. It has established clear educational objectives;
2. That its requirements are appropriate for the nature of the doctorate;
3. It possess adequate library holdings, laboratory space, research facilities, and other necessary resources;

4. Above all, its faculty is recognized beyond the bounds of the institution as possessing professional qualifications and research achievements sufficient to support doctoral programs;

5. It is prepared to make the commitment in faculty time necessary for thesis supervision and research guidance;

6. Its programs are supported by related studies and research in ancillary fields; and

7. It has in fact formulated acceptable long-range plans for the development of cognate programs leading to the doctorate 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".

9:1-4.8 Faculty

(a) The term "graduate faculty" as used here means faculty who have instructional and/or research responsibilities in a graduate program. They shall hold appropriate terminal degrees or have unassailable compensating qualifications. They shall be productive contributors to the field of their specialties, participants in its professional activities and work under conditions and schedules which encourage them to continue their professional development. The academic schedule should permit adequate time for instruction, advising, direction of research, supervision of theses, as well as continued professional growth and achievement. Every faculty member with graduate responsibilities should be thoroughly familiar with current research in his field.

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

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.