

## TITLE 9A

## COMMISSION ON HIGHER EDUCATION

## CHAPTER 1

## LICENSURE RULES

## Authority

N.J.S.A. 18A:68-3.

## Source and Effective Date

R.2008 d.253, effective July 28, 2008.  
See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

## Chapter Expiration Date

Chapter 1, Licensure Rules, expires on July 28, 2013.

## Chapter Historical Note

Chapter 1, Licensure Rules, was adopted as R.1998 d.106, effective February 17, 1998. See: 29 N.J.R. 4602(a), 30 N.J.R. 664(a).

Chapter 1, Licensure Rules, was readopted as R.2003 d.108, effective July 28, 2003. See: 34 N.J.R. 3424(a), 35 N.J.R. 1268(a).

Chapter 1, Licensure Rules, was readopted as R.2008 d.253, effective July 28, 2008. See: Source and Effective Date. See, also, section annotations.

## CHAPTER TABLE OF CONTENTS

## SUBCHAPTER 1. GENERAL STANDARDS

- 9A:1-1.1 Authority
- 9A:1-1.2 Definitions
- 9A:1-1.3 Licensure
- 9A:1-1.4 Application of standards
- 9A:1-1.5 Mission statement and long-range plan
- 9A:1-1.6 Organization and administration
- 9A:1-1.7 Finances
- 9A:1-1.8 Faculty
- 9A:1-1.9 Library
- 9A:1-1.10 Students and student services
- 9A:1-1.11 Physical facilities
- 9A:1-1.12 Official publications

## SUBCHAPTER 2. DEGREE STANDARDS AND PROGRAMMATIC MISSION

- 9A:1-2.1 General program standards
- 9A:1-2.2 Undergraduate education
- 9A:1-2.3 Associate degree programs
- 9A:1-2.4 Baccalaureate degree programs
- 9A:1-2.5 Graduate education
- 9A:1-2.6 Master's degree programs
- 9A:1-2.7 Specialist programs
- 9A:1-2.8 Doctoral degree programs
- 9A:1-2.9 Exceeding or changing programmatic mission

## SUBCHAPTER 3. CRITERIA FOR UNIVERSITY STATUS

- 9A:1-3.1 Programs
- 9A:1-3.2 Organization
- 9A:1-3.3 Resources
- 9A:1-3.4 Accreditation
- 9A:1-3.5 Eligibility for university status and use of "university" as part of an institution's name

## SUBCHAPTER 4. PROPRIETARY INSTITUTIONS

- 9A:1-4.1 General provisions
- 9A:1-4.2 Reassessment of licensure status
- 9A:1-4.3 Duration of license
- 9A:1-4.4 Minimum library requirements
- 9A:1-4.5 Governing board
- 9A:1-4.6 Faculty teaching loads
- 9A:1-4.7 Basic skills testing and enrollment in remedial courses

## SUBCHAPTER 5. OUT-OF-STATE INSTITUTIONS

- 9A:1-5.1 Licensure required
- 9A:1-5.2 Petitions from institutions
- 9A:1-5.3 Review processes

## SUBCHAPTER 6. OFF-CAMPUS OFFERINGS

- 9A:1-6.1 Purpose and general requirements
- 9A:1-6.2 Branch campuses
- 9A:1-6.3 Noncollegiate organizations

## SUBCHAPTER 7. DISTANCE LEARNING

- 9A:1-7.1 Standards for New Jersey institutions
- 9A:1-7.2 Granting degrees for programs provided collaboratively
- 9A:1-7.3 Counting students enrolled in multiple institutions
- 9A:1-7.4 Program review and approval for New Jersey institutions
- 9A:1-7.5 Approval for out-of-State institutions

## SUBCHAPTER 8. FRAUDULENT ACADEMIC DEGREES

- 9A:1-8.1 Protected degree designations for earned degrees
- 9A:1-8.2 Honorary degrees

## SUBCHAPTER 1. GENERAL STANDARDS

## 9A:1-1.1 Authority

N.J.S.A. 18A:68-3 stipulates that no corporation may offer credit-bearing courses in New Jersey until it files with the Commission on Higher Education a certified copy of its incorporation and obtains from the Commission a license to offer such courses or work under the rules prescribed by the Commission.

## 9A:1-1.2 Definitions

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

"Academic degree" means any associate degree, baccalaureate degree, master's degree, or doctoral degree regardless of the specific discipline in which it was awarded.

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

“Academic disciplines” means 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, 2000, incorporated herein by reference. The CIP may be obtained from the National Center for Education Statistics, 555 New Jersey Avenue NW, Washington, DC 20208-5652.

“Accreditation” means a status attained by an institution through voluntarily meeting standards set by a nongovernmental entity recognized by the U.S. Secretary of Education.

“Adequate, appropriate, equivalent, significant, suitable, and sufficient” mean adequate, appropriate, equivalent, significant, suitable, and sufficient in the judgment of the Commission in consultation with the Presidents’ Council.

“Adjunct faculty” means one who is employed to teach on a course-by-course or credit basis.

“Branch campus” means a physical facility located at a place other than the institution’s principal campus offering one or more complete programs leading to a degree. A branch campus in New Jersey requires approval by the Commission.

“Changing the programmatic mission” means changing the level of academic degrees authorized for the institution.

“College,” “institution” or “institution of higher education” means a postsecondary educational institution that provides instruction beyond the 12th grade level in programs that satisfy the requirements for a degree at the associate, baccalaureate, or graduate level; with the exception of institutions whose major mission is to prepare individuals for religious vocations, a college offers a range of degree programs. A college has an independent board of trustees. 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 that offers the associate degree only. A senior college offers degrees up to the baccalaureate level and/or offers graduate and professional degrees. Unless the context clearly indicates otherwise, the term “college” as used in these rules refers to higher education institutions generally.

“Commission” means the New Jersey Commission on Higher Education, which is the State-level planning and coordinating agency for higher education in New Jersey.

“Credit-bearing course” is an instructional activity upon a student’s successful completion of which an institution of higher education awards recognition applicable to meeting the requirements for a degree or other formal academic award.

“Degree completion program” means the final portion of a baccalaureate degree program consisting of at least 120 semester credit hours offered by a baccalaureate degree-granting institution. A degree completion program is offered at a physical facility located at a place other than the baccalaureate degree-granting institution’s principal campus. In a degree completion program, the baccalaureate degree-granting institution shall offer course work totaling 26 percent or more of the credits required for the baccalaureate degree.

“Educational delivery mode” means a formal educational process involving one of the following options:

1. “Distance learning,” in which instruction occurs when the learner and the instructor are not physically located in the same place at the same time;
2. “Blended (or hybrid) learning,” in which a part of the instruction occurs when the learner and the instructor are physically located in the same place at the same time, but a part of the instruction occurs by distance learning; and
3. “Traditional face-to-face learning,” in which all of the instruction takes place in the classroom or in out-of-class instruction under the direct supervision of the instructor.

“Educational program” means a group of related courses, organized for the purpose of attaining specified educational objectives.

“Exceeding the programmatic mission” means offering an academic degree beyond the authorized level for the institution.

“Executive Director” means the Executive Director of the New Jersey Commission on Higher Education.

“Full-time faculty member” is one who is appointed as such and who occupies a full-time faculty position with academic rank or other equivalent title 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 at least 12 semester credit hours as an undergraduate or nine semester credit hours as a graduate student or the equivalent in quarter hours, courses, or other methods of measurement used by the institution.

“General education” means instruction that 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.

“Information literacy” means a set of abilities requiring individuals to recognize when information is needed, have the

ability to locate, evaluate, and use effectively the needed information, and observe laws, regulations, and institutional policies related to the access and use of information.

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

“Library” means a physical space conducive to learning and research, providing patrons with efficient physical and electronic access to books, journals, databases, and other resource materials in support of the curriculum, and offering the assistance of qualified library professional(s), librarians, and support staff.

“Middle States Association” means the Middle States Association of Colleges and Schools, Commission on Higher Education, which is the regional accrediting body for degree-granting institutions in New Jersey.

“Out-of-State institution” means an institution whose principal campus is located within the United States or its possessions but not within the State of New Jersey and whose accreditation status in New Jersey is based upon that enjoyed by the principal campus located outside the State, as well as an institution located outside of the U.S. or its possessions that is recognized by the appropriate body in the particular country if the institution’s requirements for awarding degrees are generally equivalent to those accepted in the U.S. by an accrediting body recognized by the U.S. Secretary of Education.

“Part-time faculty member” means one 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.

“Physical presence” means that an entity offers credit-bearing courses from or conducts some portion of the learning experience at a location established in New Jersey by the entity, whether established directly or under the auspices of another entity or an institution.

“Presidents’ Council” means the New Jersey Presidents’ Council, a statutory body consisting of presidents of the State’s public and independent institutions of higher education that receive State aid and four other presidents representing the State’s degree-granting religious and proprietary institutions.

“Programmatic mission” means all program offerings consistent with the levels of academic degrees or certificates that the institution has been authorized to grant by the State Board of Higher Education prior to July 1, 1994 or approved thereafter by the Commission.

“Proprietary institution” means a postsecondary institution that is operated for profit.

“Qualified library professional” means an individual who has earned a master of library science degree from an American Library Association accredited program.

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

“Seeking accreditation” means that an institution has achieved candidacy status or the equivalent standing as evidenced by meeting standards set by a nongovernmental entity recognized by the U.S. Secretary of Education.

“Semester credit hour” means 50 minutes of face-to-face class activity each week for 15 weeks (or the equivalent attained by scheduling more minutes of face-to-face class activity per week for fewer weeks in the semester) in one semester complemented by at least 100 minutes each week of laboratory or outside assignments (or the equivalent thereof for semesters of different length).

“University” means an institution of higher education that provides undergraduate studies leading to the baccalaureate degree in a broad range of academic disciplines, as well as graduate studies leading to advanced degrees in at least three academic and/or professional fields.

Amended by R.2003 d.108, effective March 3, 2003.  
See: 34 N.J.R. 3424(a), 35 N.J.R. 1268(b).

In “Accreditation”, “Out-of-State institution”, “Presidents’ Council” and “Seeking accreditation”, substituted “Secretary of Education” for “Department of Education or the Council for Higher Education Accreditation”; in “Branch campus”, inserted “in New Jersey” following “branch campus”; added “Degree completion program”.  
Amended by R.2007 d.23, effective January 16, 2007.

See: 38 N.J.R. 4157(a), 39 N.J.R. 195(b).

Deleted definition “Distance learning”; added definition “Educational delivery mode”; in definition “Semester credit hour”, inserted “face-to-face” two times and substituted “100 minutes” for “two hours”.

Amended by R.2008 d.253, effective September 2, 2008.

See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

In the introductory paragraph, substituted a colon for a period at the end; in definition “Academic disciplines”, substituted “2000” for “1990”; added definitions “Adjunct faculty”, “Information literacy”, “Library” and “Qualified library professional”; and in definition “Full-time faculty member”, substituted “or other equivalent title” for the second occurrence of “and”.

### 9A:1-1.3 Licensure

(a) An institution seeking to offer credit-bearing courses or degree programs in New Jersey shall first provide evidence of incorporation and petition the Commission for licensure. No institution shall offer or advertise the availability of its credit-bearing course(s) or program(s) before receiving formal approval of its petition. Licensure shall require the institution to meet all the standards set forth in this chapter.

(b) With respect to both initial and continuing licensure, Commission staff shall provide the institution’s petition and the findings of a licensure evaluation to the Presidents’ Council for review and recommendation to the Commission.

(c) To ensure that licensed institutions continue to maintain the standards set forth below, the Commission shall periodically evaluate licensed institutions to determine whether or not they should continue to be licensed.

(d) In the case of a New Jersey-licensed institution accredited as a discrete entity (that is, not as a branch campus of an institution in another state) by an institutional accrediting body recognized by the U.S. Secretary of Education, the Commission shall accept reaffirmation of accreditation as sufficient for continued licensure provided that:

1. The appropriately recognized accrediting body's standards are similar to and encompass the State's criteria for licensure in the judgment of the Commission;
2. The institution provides the Executive Director with a copy of its self-study document at the same time it provides it to the accrediting body;
3. If the Executive Director sends a representative to accompany and work with the accreditation team on the site visit, the representative shall participate fully in the accreditation visit, with the sole exception of voting on recommendations related to accreditation status; and
4. The institution submits to the Executive Director a copy of the letter from the recognized accrediting body informing the institution of its accreditation status.

(e) With respect to an unaccredited New Jersey institution, that is, one that is not accredited as a discrete entity by an institutional accrediting body recognized by the U.S. Secretary of Education, the Commission shall grant licensure for a specified period not to exceed three years in the first instance or more than five years in subsequent instances. Under such conditions, the institution, if it wished to continue to offer credit-bearing courses in New Jersey, would be required to petition the Commission for relicensure at least six to eight months before the expiration of the current license. Licensed unaccredited institutions shall seek accreditation by an institutional accrediting body recognized by the U.S. Secretary of Education within three years of initial licensure. Accredited institutions that cease affiliation with an institutional accrediting body while in good standing may petition the Commission for licensure to offer credit-bearing courses or degree programs in New Jersey.

(f) As a condition of licensure, institutions of higher education that receive direct state support and/or participate in state student assistance grant and scholarship programs shall participate in the Commission's Student Unit Record Enrollment (SURE) data system within one year of initial licensure. The Commission shall enter into a memorandum of understanding with institutions participating in the SURE system with regard to the uses of data and protections of student privacy.

(g) Regarding proprietary institutions (see N.J.A.C. 9A:1-4), when a change in ownership occurs, the Commission shall reassess the institution's licensure status between six months and one year after the change.

(h) Out-of-State institutions (see N.J.A.C. 9A:1-5.1(g)) also are licensed for specified periods of time.

(i) The Commission may direct the Executive Director to reevaluate the licensure status of any institution, regardless of its accreditation status.

(j) Before the Commission revokes or suspends an institution's license, the institution shall have the opportunity for a contested case hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The institution shall submit its request for a hearing to the Commission within 15 days of receiving notice of the Commission's proposed action to revoke or suspend the licensee.

(k) An institution that decides to voluntarily cease operations or whose licensure has been revoked shall inform the Commission immediately of the following:

1. The planned date of termination of operations;
2. The planned date and location for the transfer of student records;
3. The name and address of the organization to receive and manage the student records and the name and contact information of the office or official who is designated to manage transcript requests;
4. Arrangements for the continued education of currently enrolled students via teach-out agreement or other practical solution; and
5. Evidence of communication with the New Jersey Higher Education Assistance Authority and the U.S. Department of Education regarding the appropriate actions concerning state grant and scholarships, state loans, Federal grants and scholarships, and Federal loans as applicable;

(l) All licensed institutions shall comply with State and Federal statutes and regulations. Licensed institutions shall report findings of noncompliance by State or Federal agencies to the Commission.

Amended by R.2003 d.108, effective March 3, 2003.

See: 34 N.J.R. 3424(a), 35 N.J.R. 1268(b).

In (a), substituted "this chapter" for the N.J.A.C. reference following "set forth in"; in (d) and (e), substituted "Secretary of Education" for "Department of Education or the Council for Higher Education Accreditation".

Amended by R.2008 d.253, effective September 2, 2008.

See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

In (e), inserted the last two sentences; added new (f); recodified former (f) through (i) as (g) through (j); and added (k) and (l).

**9A:1-1.4 Application of standards**

The standards in N.J.A.C. 9A:1-1.5 through 1.12 apply to all institutions seeking to be licensed or relicensed by the Commission.

**9A:1-1.5 Mission statement and long-range plan**

(a) A mission statement defines the scope, purpose, and basic tenets of an institution. It defines an institution's niche in New Jersey higher education and articulates goals that the institution continually strives to fulfill. A long-range plan complements an institution's mission by defining the path to mission attainment over an extended period of time.

(b) As a condition of licensure, an institution shall develop and promulgate a mission statement and publish it in the institution's official catalog. The catalog shall be filed with the Commission on paper or electronically on an annual basis.

(c) An institution seeking a license also shall develop a long-range plan to attain its goals. Appropriate resources (physical, human, and financial) should undergird the elements of the plan. The plan shall be made available to the Commission upon the Commission's request.

Amended by R.2008 d.253, effective September 2, 2008.  
See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

In (b), substituted ". The catalog" for "a copy of which" and inserted "on paper or electronically on an annual basis".

**9A:1-1.6 Organization and administration**

(a) Effective organization and administration are essential if an institution is to serve its students and other constituencies. The institution shall be organized to provide sufficient administrative, program, and resource support to attain its mission. The roles and responsibilities of administrators, faculty, and staff should be appropriate to its mission and described in writing.

(b) From an organizational perspective, effective use of an institution's human, physical, and financial resources requires a critical mass of students in order to demonstrate a need for the institution and to provide the learning environment described in its mission statement.

(c) The most critical organizational element is an institution's governing board. Consistent with the institution's mission, the board oversees all legal aspects of its operations, sets institutional policy, plans for the institution, monitors progress toward fulfilling the mission, and ensures continuous institutional assessment and planning. In addition, the board should develop and maintain policies (by-laws) that specify its own duties, responsibilities, and procedures, as well as its membership, manner of appointment, and terms of office. The board is responsible for selecting the institution's chief executive officer, who leads its administration.

(d) Reporting to the governing board, the chief executive officer is responsible for the following:

1. Administering the governing board's policies;
2. Providing general educational leadership and promote educational effectiveness;
3. Maintaining appropriate administrative records;
4. Establishing academic/administrative regulations and procedures dealing with:
  - i. Organizational structure;
  - ii. Personnel appointments, reappointments, tenure, and promotions;
  - iii. Salary schedules;
  - iv. Budgets;
  - v. Planning, development, and management of facilities;
  - vi. Educational programs, academic policies, and research;
  - vii. Granting of degrees; and
  - viii. Community service;
5. Preparing and submitting such reports as the governing board, the Presidents' Council, or the Commission may request; and

6. Providing official publications, such as student and faculty handbooks, a catalog, and other related documents or publications, to interested persons at intervals sufficient to ensure currency of information.

(e) Each institutional constituency directly concerned with the educational process (that is, at least the administration, faculty, staff, and students) should have a voice in institutional governance with respect to those issues with which it is appropriately concerned. Such participation should be defined in writing.

(f) Statements of institutional principles, policies, and procedures governing topics such as academic integrity and academic freedom should be developed and disseminated widely among the institutional community. These statements should be reviewed periodically, and proper measures should be established to see that they are enforced.

**9A:1-1.7 Finances**

(a) Without appropriate financial resources, planning, accounting practices, and budgeting, an institution's viability and its capacity to attain its mission are very much in doubt. An institution shall continuously ascertain its financial requirements, determine its sources of revenue, plan for current and future needs, and budget its resources accordingly.

(b) To qualify for and retain a license, an institution shall demonstrate that it:

1. Possesses financial resources sufficient to realize its mission over an extended period of time;

2. Has a long-range financial plan that includes a program for securing gifts, grants, and other appropriate income;

3. Plans its expenditures by budgeting available resources for specific institutional purposes; and

4. Maintains adequate financial records that are 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.

(c) Each licensed New Jersey institution shall furnish annually to the Commission a copy of its audited financial statement and management letter(s) (if issued) on or before December 31 of each year. An out-of-State institution licensed to offer credit-bearing courses or degree programs in the State shall furnish to the Commission a copy of its audited financial statement and management letter(s) upon request of the Commission.

(d) Each licensed institution also 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 ensure the continuity of the institution.

Amended by R.2008 d.253, effective September 2, 2008.

See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

In (c), inserted "New Jersey" and "and management letter(s) (if issued)" and inserted the last sentence.

### 9A:1-1.8 Faculty

(a) While the governing board is the source of institutional policy, the faculty is the source of the institution's curricular development, delivery, and renewal. Instruction is a principal responsibility of faculty. Beyond this essential academic responsibility, faculty are key to an institution's professional, research, and/or service programs. A core of full-time faculty ensures coherence and drives progress towards attainment of the academic mission.

(b) Faculty should constantly strive to develop themselves professionally, including maintaining currency with their disciplines and the uses of newer methods of teaching and learning. Faculty should have available to them and be encouraged to engage in professional development programs throughout their careers.

(c) Consistent with institutional policy and/or collective bargaining agreements, each institution should periodically evaluate faculty performance, including part-time and adjunct faculty. The institution shall document and maintain appropriate records attesting to faculty qualifications, performance, and achievements. It should define clearly and disseminate the criteria and the process for promotion.

(d) Full-time and part-time faculty teaching at the associate degree level should possess as a minimum qualification an earned master's degree in the field in which they are teaching, if such a qualification exists (recognizing that some technical/occupational specialties offer no such degree) or an equivalent qualification in the field in which they are appointed. The majority of all faculty at an institution offering only the associate degree shall have at least a master's degree in the field in which they are teaching.

(e) Full-time and part-time faculty appointed to any rank above instructor at baccalaureate degree-granting institutions shall have earned the doctorate or an equivalent combination of qualification and experience in the field in which they are appointed. A majority of all faculty shall have the doctorate or an equivalent qualification in the field in which they are appointed.

(f) Full-time and part-time faculty teaching in graduate programs shall have earned the doctorate or an equivalent qualification in the field in which they are appointed. They shall engage in an active pattern of professional productivity as evidenced by research, peer reviewed publication, authorship, editorial services, creative work, artistic production, patents, applied research, service to professional associations and organizations, program design, and/or the scholarship of instruction. The academic schedule should permit adequate time for instruction, advisement, direction of research, and supervision of theses, as well as continued professional growth and scholarly activity.

(g) Adjunct faculty shall possess the same qualifications as full-time and part-time faculty. Adjunct faculty shall be academically qualified to teach all courses to which they are assigned. When appropriate in the judgment of the institution, compensating preparation or experience may be taken into account in judging whether an adjunct instructor is academically qualified to teach a particular course.

(h) Regardless of the specific nature of an academic appointment, be it initial, multi-year, temporary, or permanent, the principle of academic freedom shall apply to all faculty, including adjunct faculty, for it is only through academic freedom that ideas and data can be explored without prejudice. An institution shall promulgate a statement concerning the academic freedom of faculty members that should include a statement 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; and
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.



Amended by R.2008 d.253, effective September 2, 2008.  
See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

Added new (b); recodified former (b) through (g) as (c) through (h); in (c), substituted "Consistent with institutional policy and/or collective bargaining agreements, each" for "Each" and inserted ", including part-time and adjunct faculty"; in (d), substituted "Full-time and part-time" for "Newly appointed" and inserted "or an equivalent qualification in the field in which they are appointed", deleted the second sentence and substituted "only the" for "an" following "offering"; rewrote (e), (f) and (g); and in the introductory paragraph of (h), inserted "temporary," and ", including adjunct faculty".

### 9A:1-1.9 Library

(a) At its most elementary level, the collegiate teaching and learning process cannot proceed effectively without the essential services, collections, computerized network access, and other resources that are provided and administered by an institution's library. For this reason, much emphasis is placed upon the adequacy of the library, its collections, and its staffing. In the 21st century, emphasis is also placed on information literacy for all students.

(b) Qualified library professionals, librarians, and support personnel in numbers sufficient to serve the needs of students and faculty shall staff the institution's library. Every institution, regardless of enrollment or number of academic offerings, shall provide access to at least one qualified library professional with the exception of institutions whose library collection is primarily in a language or languages other than English. Institutions whose collection is primarily in a language or languages other than English shall provide access to a qualified library professional, a librarian, or an individual qualified by way of disciplinary expertise (for example, an earned doctorate, extensive study in the discipline, demonstrated scholarly production, etc.). Each curricular area of the institution should have a library liaison assigned who serves as that department or program's connection to library and research services.

(c) An associate degree-granting institution with a library of fewer than 20,000 titles or a baccalaureate degree-granting institution with a library of fewer than 50,000 titles shall justify the adequacy of the size of its holdings.

(d) An institution shall demonstrate the development and maintenance of a collection that reflects and supports the curriculum. An institution should compile acquisition and classification data, documenting collection strengths and weaknesses, and have in place a plan to maintain strengths and remedy weaknesses through a combination of physical, virtual, and consortia materials. Institutions are advised to consult the Association of College and Research Libraries "RCL: Resources for College Libraries" or other recognized sources for core collection development.

(e) There shall be a program for continuous acquisition of materials including books, journals, databases, and other instructional materials.

(f) The institution shall catalog and maintain all library holdings appropriately, including providing a protective envi-

ronment for its physical library material that adequately protects the collection from deterioration and damage.

(g) The institution shall provide clear and consistent methods for on-campus and remote access to electronic resources, and there shall be communication of that information to students in a manner to minimize barriers to usage. To the extent possible at individual institutions, there should be a consistent method for ensuring that electronic resources are archived so that access is possible for virtual library content over time.

(h) The institution shall document evidence of library education programming that encompasses both physical and virtual collections, and the existence of a plan to assess and document effective use of library resources by students and faculty.

(i) An institution should utilize library representatives in the curriculum development process to inform the administration of the library's ability to offer adequate support for materials and library education.

(j) An institution may enter into contract with another library or libraries for the provision of collections and services, physical or virtual. Institutions shall demonstrate that the collections are appropriate for the curriculum of the institution, that students have convenient access to contracted library services, that there is adequate library instruction provided to students to use effectively the services of the contracted library, and that there are qualified library professionals or librarians available to assist students. The institution shall retain full responsibility for adequacy of resources available to students. Institutions are encouraged to participate in appropriate consortia that allow them to expand and more effectively deliver information resources and services.

(k) An institution shall have in place a plan that articulates how students will obtain information literacy skills as they progress through the curriculum. The plan shall identify outcomes for information literacy skill development, and how those outcomes are measured and assessed. Institutions are encouraged to use a combination of assessment methods to include formal testing, development of student portfolios, examination of research papers bibliographies, and/or other means. Institutions may use either a compartmentalized, or distributed, method of library education, or some combination that meets the needs of the institution. An institution shall provide evidence of faculty and administrator involvement in the development, implementation and operationalization of the information literacy plan. The institution has the responsibility, through its library or through other appropriate means, to make the information literacy plan available to the learning community. Within three years of initial licensure, an institution shall document how students are achieving information literacy outcomes.

Amended by R.2008 d.253, effective September 2, 2008.  
See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

In (a), inserted the last sentence; rewrote (b); and added (d) through (k).

#### 9A:1-1.10 Students and student services

(a) For any degree-granting institution in New Jersey, policies and services related to students are of paramount importance. Such policies and services normally encompass a number of critical institutional areas, including admissions, counseling, financial aid, registration, placement, remedial services, and student-life programs.

(b) The 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.

(c) The institution shall provide adequate student support, financial aid services, and facilities to help students succeed and shall maintain accurate records of each student's academic progress.

(d) The institution shall maintain transcripts for all students and shall provide to all students who request them transcripts showing dates of attendance and academic performance.

Amended by R.2008 d.253, effective September 2, 2008.

See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

In (d), deleted the second sentence.

#### 9A:1-1.11 Physical facilities

(a) Physical facilities shall be adequate for an institution to fulfill its mission. The institution's facilities provide the context in which teaching and learning take place; it is, therefore, critical that this setting be maximally conducive to fostering productive scholarship. Such facilities generally include, but are not limited to, instructional buildings, laboratories, residence halls, student activity centers, recreational/athletic centers, administrative offices, library/learning resource centers, computing centers, and support service centers.

(b) The institution shall ensure that the physical facilities are safely maintained and are sufficient in quality, size, and number to accommodate students, faculty, and staff; it shall provide adequately equipped laboratories as required for effective instruction and learning.

#### 9A:1-1.12 Official publications

(a) As one medium through which an institution conveys its sense of mission, character, goals, and objectives, official publications reflect the institution's integrity, commitment, and reputation. Consequently, all information released by the institution shall be true and accurate.

(b) In particular, the institution's official catalog sets forth the responsibilities of both the student and the institution. As the nature of these responsibilities is subject to frequent change, official catalogs shall be printed or electronically up-

dated at intervals sufficient to ensure currency of information and in quantities sufficient to supply interested persons.

(c) Official catalogs shall include at least the following information:

1. A statement of institutional mission;
2. Statements of institutional and programmatic accreditation;
3. Lists of faculty and administrative officers, including their earned degrees;
4. Complete curricular information, including course descriptions and the grading system;
5. Requirements for admission, transfer, and graduation;
6. Policies for awarding degree credit and policies on academic progress, academic standing, and withdrawal;
7. Descriptions of facilities and of available student support services;
8. Student costs, as well as refund and financial aid policies;
9. An academic calendar;
10. A list of members of the governing board; and
11. A description of rules and regulations regarding students if not described in other publications available to students.

(d) Each institution shall file annually with the Commission a copy of its official catalog(s), or if the institution does not publish a paper copy of its catalog(s), an electronic copy or an accurate web address for access to the catalog.

Amended by R.2008 d.253, effective September 2, 2008.

See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

In (b), inserted "or electronically updated"; and rewrote (d).

### SUBCHAPTER 2. DEGREE STANDARDS AND PROGRAMMATIC MISSION

#### 9A:1-2.1 General program standards

(a) An institution's educational programs are the most tangible manifestation of its mission. In essence, the overall curriculum shall reflect and support the mission of the institution.

(b) The regular academic year, regardless of organization, should fall within a 10-month period and should include at least 30 weeks, or the equivalent in duration, of regularly scheduled student-faculty instructional activity, including final examination periods but excluding holiday and summer sessions.



(c) A semester credit hour shall not be counted on an hour-for-hour basis for library, independent-study, laboratory, or physical education activities. No more than one semester credit hour shall be granted for an experience compressed into one week's time or less unless prior approval is obtained from the Commission in consultation with the Presidents' Council. A semester credit hour is not required to be counted on an hour-for-hour basis for distance learning or blended (or hybrid) learning.

(d) Credit courses offered by a college in conjunction with or under contract with a noncollegiate organization shall meet the same requirements the college applies to its own courses with respect to quality, course content, class attendance and participation, student evaluation, etc. The standards presented at N.J.A.C. 9A:1-6.3, dealing with off-campus sites at which credit courses are offered by a college in conjunction with or under contract with a noncollegiate organization, shall apply to such courses offered at the principal campus.

(e) The rigor of all credit-bearing courses shall be substantially the same, regardless of the type of educational delivery mode ("distance learning," "blended (or hybrid) learning" or "traditional face-to-face learning"), as demonstrated by the institution through various forms of evidence. Such evidence shall include, but shall not be limited to, at least two of the following: syllabi, documented faculty interaction with students, learning outcomes, documented units of curricular material and other documentation which objectively demonstrates the amount of time and/or the level of rigor necessary to complete the coursework. Institutions of higher education offering or proposing to offer a course solely through only one educational delivery mode may demonstrate the rigor of the course through comparisons with the above forms of evidence for similar courses offered by institutions accredited by the Middle States Association.

Amended by R.1998 d.349, effective July 6, 1998.

See: 30 N.J.R. 1175(a), 30 N.J.R. 2483(a).

In (b), substituted "including final examination periods but excluding" for "excluding final examinations periods and".

Amended by R.2007 d.23, effective January 16, 2007.

See: 38 N.J.R. 4157(a), 39 N.J.R. 195(b).

In (c), inserted "or blended (or hybrid) learning"; and added (e).

Amended by R.2008 d.253, effective September 2, 2008.

See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

In (c), inserted "Commission in consultation with the" and substituted "hour-for-hour" for "hour for hour".

### 9A:1-2.2 Undergraduate education

At the undergraduate level, educational programs should impart critical thinking and analytical skills and expose students to both general education and more technical concepts.

### 9A:1-2.3 Associate degree programs

(a) Each educational program leading to an associate degree shall consist of college courses totaling at least 60 but not more than 66 semester credit hours or the equivalent in quarter hours, courses, or other measurement used by the institution. The 66-credit-hour maximum may be exceeded

when required for licensure or accreditation by a recognized agency or for student transfer to full junior status.

(b) The associate in arts (A.A.) degree nomenclature is appropriate for programs in the liberal arts, humanities, or fine and performing arts; such programs are transfer-oriented. For A.A. degrees, general education courses should total no fewer than 45 semester credit hours or the equivalent.

(c) The associate in science (A.S.) degree nomenclature is appropriate for programs in mathematics, the sciences, business, or in allied health fields if the program is intended as prebaccalaureate work; such programs are transfer-oriented. General education courses for the A.S. degree should total no fewer than 30 semester credit hours or the equivalent.

(d) The associate in applied science (A.A.S.) degree nomenclature is appropriate for programs that emphasize career preparation in the applied arts and sciences, typically at the technical or semiprofessional level. Such programs are designed to prepare students for job entry at completion of the program, notwithstanding any articulation agreements with four-year programs that may be in effect for a particular A.A.S. program. General education courses shall total no fewer than 20 semester credit hours or the equivalent.

(e) Specialized associate degree programs, such as Associate in Fine Arts (A.F.A.) and A.S. in Nursing, shall normally require no fewer than 20 semester credit hours or the equivalent in general education courses.

### 9A:1-2.4 Baccalaureate degree programs

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

(b) Approximately half of the required minimum of 120 credits shall be in general education, and the other half shall be in the major and/or in courses necessary to fulfill requirements for the degree.

(c) In specialized programs, such as Bachelor of Fine Arts (B.F.A.) and Bachelor of Music (B.Mus.), and in programs in the regulated professions, major courses may exceed half of the total required for the degree.

### 9A:1-2.5 Graduate education

(a) The scope of an institution's graduate curriculum shall closely reflect and support its mission. Graduate education presupposes advanced study beyond the undergraduate curriculum in terms of rigor, expectations of scholarship, curricular depth, and exercise of independent thought.

(b) To fulfill such expectations, an institution's governing board shall demonstrate a continuing commitment of institutional funds for its graduate programs, particularly for the associated faculty and student research activity. Support for

graduate programs should be derived from the general applicable resources of the institution, as well as from tuition and fees paid by students in the programs.

(c) Beyond the needs of the undergraduate college, a graduate school shall have, for each program, a variety and depth of specialized materials available on the campus and through electronic means. For example, the library that supports a graduate program shall provide an adequate and current base for research activities. The library should provide books and other materials, both in the fields of instruction and research and in related areas, to serve as background material and to support special investigation in much greater depth. A library in support of a graduate program also shall provide access to a qualified library professional to provide consultation, research expertise, and support for faculty in curriculum matters.

(d) Existing graduate programs shall be reviewed periodically by the institutions themselves and, insofar as possible, cooperatively with regional and professional accrediting agencies.

(e) 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 part of it shall be in courses designed explicitly for graduate students, although exceptionally well-qualified undergraduates occasionally may be admitted.

Amended by R.2008 d.253, effective September 2, 2008.  
See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

In (c), inserted "and through electronic means" and inserted the last sentence.

### 9A:1-2.6 Master's degree programs

(a) A master's degree requires at least 30 credits of graduate study or its equivalent.

(b) Master's degree programs should be distinguishable by their primary objectives as belonging to one of two general types: disciplinary or professional. The degree awarded to students completing disciplinary programs should be master of arts or master of science, with the discipline named (for example, master of arts in English literature, master of science in engineering). In professional programs, the degree should be appropriately specific (for example, master of library science, master of business administration, master of education, master of social work). The determining criterion is the objective that the program is designed to serve. The two types are further distinguished as follows:

1. **Disciplinary type:** A disciplinary master's degree entails advanced study and exploration in a particular 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 majority of the degree credit

awarded in programs of this type shall be at the advanced level in the principal field. Credit toward this type of master's degree shall not be given for introductory or elementary courses in the field.

2. **Professional type:** A master's degree program of the professional type consists of advanced study to extend and apply previous study to practice in such fields as engineering, law, applied music, pastoral ministry, or teaching; some such subjects may lend themselves also to disciplinary programs. Professional master's programs should be complete in themselves, although they may in some circumstances also be adaptable to preparation for a research or professional doctorate. A limited amount of introductory work in the field may have an appropriate place, especially in first-level professional programs.

### 9A:1-2.7 Specialist programs

(a) Institutions may organize programs of graduate work beyond the master's level that lead not to doctorates but to specialist degrees (such as the Ed.S.) or to comparable certificates. Such programs shall be composed of more advanced coursework than is required for the master's, shall perform definable functions, and shall not be merely continuations of courses beyond the master's. They shall possess a definite philosophy, purpose, design, and sequence and be self-contained and terminal in nature. A comprehensive examination should be required.

(b) Students admitted to specialist programs in education shall have master's degrees in the same field as that of the certificate. Students with master's degrees in unrelated fields shall complete preliminary coursework or demonstrate equivalent knowledge acquired through work experience.

### 9A:1-2.8 Doctoral degree programs

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

(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) Programs leading to a doctor of philosophy degree shall be oriented toward original research.

(d) Professional doctorates usually are 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) 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 unless it offers or has formulated long-

range plans for mounting cognate doctoral programs in related fields.

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

1. The program has clear educational objectives and its requirements are appropriate for the nature of the doctorate;
2. It is supported by related studies and research in ancillary fields;
3. Its faculty is recognized beyond the bounds of the institution as possessing professional qualifications and research or scholarly achievements sufficient to support the program;
4. The institution possesses adequate library holdings, laboratory space, research facilities, and other necessary resources;
5. It has committed the faculty time necessary for instruction, advisement, thesis supervision and research guidance; 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.2008 d.253, effective September 2, 2008.

See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

In (f)3, inserted "or scholarly"; and in (f)5, inserted "instruction, advisement,".

#### 9A:1-2.9 Exceeding or changing programmatic mission

(a) Institutions wishing to exceed their programmatic mission must receive approval from the Commission to offer each program that exceeds the level of academic degrees that the institution is authorized to grant. Requests to exceed an institution's programmatic mission shall be evaluated based on the following criteria:

1. The objectives of the proposed program(s);
2. The relationship of the proposed program(s) to the current institutional mission and the Statewide plan for higher education;
3. Demonstration of need for the program(s), including present and projected student demand and demand for graduates;
4. The effect of the proposed program(s) on existing programs at other institutions;
5. The dedication of sufficient resources to implement and maintain the program(s) without eroding the quality of ongoing programs;
6. Appropriately qualified students, faculty, and administrators;

7. The quality of library holdings, facilities, and equipment; and

8. Evidence of strength compared with similar programs in the region and State.

(b) Institutions wishing to change their programmatic mission shall specify the scope of the proposed change, including long-range plans for mounting new degree programs that exceed the level of academic degrees currently authorized for the institution. Requests to change an institution's programmatic mission shall be evaluated based on the following criteria:

1. The objectives of the proposed mission change;
2. The relationship of the proposed mission change to the current institutional mission and the Statewide plan for higher education;
3. Demonstration of need for the mission change, including present and projected student demand and demand for graduates;
4. The effect of the proposed mission change on existing programs at other institutions;
5. The dedication of sufficient resources to implement and maintain the proposed mission change without eroding the quality of ongoing programs;
6. Appropriately qualified students, faculty, and administrators;
7. The quality of library holdings, facilities, and equipment; and
8. Evidence of strength compared with similar institutions in the region and State.

### SUBCHAPTER 3. CRITERIA FOR UNIVERSITY STATUS

#### 9A:1-3.1 Programs

(a) In an atmosphere of freedom of inquiry and expression, a university provides undergraduate studies leading to the baccalaureate in a broad range of academic disciplines, as well as 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. Such offerings provide students elective opportunities and a selection of support studies that may be useful although not prescribed for a particular graduate degree program. A university faculty is actively engaged in research or other scholarly activities. The institution promotes linkages to the wider community through programs of outreach and public service.

(b) Within an environment that emphasizes research, as well as the teaching mission, in curricula and in the allocation of resources for faculty and facilities, a research university offers graduate programs that lead to the Ph.D. degree. Its criteria for promotion and tenure place relatively heavier emphasis on a 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 qualitative criteria stated in the rules on doctoral degree programs (N.J.A.C. 9A:1-2.8).

(c) Within an environment that emphasizes the teaching mission in curricula and in the allocation of resources for faculty and facilities, a comprehensive university offers graduate programs that lead to the master's degree in a variety of academic disciplines and professional fields; it also may offer a limited number of professional doctoral degrees. A comprehensive university's doctoral offerings clearly meet or exceed the criteria for doctoral degree programs (N.J.A.C. 9A:1-2.8). Its criteria for promotion and tenure place relatively heavier emphasis on a faculty member's record of excellence in teaching. While traditional forms of research are encouraged, the scholarship of its faculty includes more integrative and bibliographic research, often with a focus on pedagogy and practical classroom application.

### 9A: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 the faculty in each graduate program are associated with the institution full time, 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.

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

### 9A: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 spe-

cialized 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.

### 9A:1-3.4 Accreditation

The Commission on Higher Education of the Middle States Association of Colleges and Schools accredits universities.

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

(a) Educational institutions that are incorporated and located in New Jersey; licensed by the Commission; and listed as "research universities," "doctoral universities," or "master's (comprehensive) universities and colleges" in the Carnegie Foundation for the Advancement of Teaching's Classification of Institutions of Higher Education and that believe they meet all of the requirements stipulated in this subchapter are, with the concurrence of their governing boards, eligible to apply to the Commission 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 decides to seek university status, it shall file with the Commission a petition-of-intent seeking authority to do so. The petitioning institution shall develop a fully documented proposal and, with the concurrence of the Commission, select two consultants to review the proposal. The two consultants shall be totally independent of all higher education institutions in New Jersey and shall be recognized authorities on graduate education. 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.

(c) The proposal shall demonstrate the institution's eligibility for designation as a university and shall include a history of having met the criteria defined in this subchapter 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. The Commission shall consider such institutions 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.

(d) University status and the initial use of the term "university" in the institution's title require approval by the Commission.

Amended by R.1998 d.349, effective July 6, 1998.

See: 30 N.J.R. 1175(a), 30 N.J.R. 2483(a).

In (a), substituted a reference to educational institutions for a reference to nonprofit educational institutions at the beginning.

## SUBCHAPTER 4. PROPRIETARY INSTITUTIONS

**9A:1-4.1 General provisions**

(a) Proprietary institutions of higher education in New Jersey may apply for licensure to award academic degrees, subject to conformance with the rules and standards for such licensure as contained in this chapter.

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

**9A:1-4.2 Reassessment of licensure status**

In the event of a change in the ownership of a proprietary institution, the Commission shall reassess the institution's licensure status between six months and one year after the change.

**9A:1-4.3 Duration of license**

(a) Any license to operate and to grant a degree shall be for a specific period, not to exceed five years, as the Commission determines, unless the institution is accredited as a discrete entity by the Middle States Association.

(b) At least six months before the expiration of the license, to continue to offer credit-bearing courses in New Jersey, the institution shall petition the Commission for relicensure, unless the institution is accredited as a discrete entity by the Middle States Association.

**9A:1-4.4 Minimum library requirements**

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

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

(c) The library shall have qualified library professional(s), librarian(s), and support personnel in numbers sufficient to serve the needs of students and faculty.

(d) Proprietary institutions are held to the standards in N.J.A.C. 9A:1-1.9.

Amended by R.2008 d.253, effective September 2, 2008.

See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

Added (c) and (d).

**9A:1-4.5 Governing board**

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

(b) As is the case in nonprofit institutions of higher education, public members should be appointed for specified terms of office.

**9A:1-4.6 Faculty teaching loads**

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

(b) Workload credit shall normally be granted to faculty involved in heavy administrative, advisory, or committee assignments.

(c) The institution shall promulgate a statement concerning the academic freedom of faculty members that 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; and
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.

**9A:1-4.7 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 Commission.

## SUBCHAPTER 5. OUT-OF-STATE INSTITUTIONS

**9A:1-5.1 Licensure required**

(a) Out-of-State institutions wishing to offer credit-bearing courses, degree completion programs, or complete degree programs in New Jersey shall petition the Commission for licensure.

(b) An out-of-State institution's petition to offer a degree completion program shall provide evidence that the degree-granting institution is authorized to offer the full degree program in its home state.

(c) The Commission in its coordinating capacity shall review from a Statewide perspective all such licensure petitions from out-of-State institutions. The Commission shall license only those institutions whose proposed offerings, in the opinion of the Commission, meet State standards of quality (see N.J.A.C. 9A:1-1 and 2), are fiscally viable, serve a demonstrable need, and are in accordance with the Commission's long-range plan for higher education.



(d) Out-of-State institutions that offer degree programs may be licensed for periods of one to five years. Initial licensure shall not exceed three years.

(e) Out-of-State institutions that offer credit-bearing courses, but not a degree program, including degree completion programs, shall be licensed initially for a period of one to three years. Relicensure shall be for a period of three years. However, those that meet the following criteria may be relicensed for a period of up to five years.

1. The institutions were licensed by either the former Board of Higher Education or the Commission and have offered credit-bearing courses for at least five consecutive years.

2. The institution during this period provides annually to the Executive Director, six months before desired implementation, an update of the information required pursuant to N.J.A.C. 9A:1-5.2(b); and

3. There is no significant change in the offerings, there are no additional or different resources needed to provide educational services of quality, and there is no change in the status of the institution.

(f) If during the five-year period it appears from a review of the annual materials that there has been a significant change in the offerings, the necessary resources, or the status of the institution, the Executive Director shall submit the matter to the Presidents' Council for review and recommendation to the Commission.

(g) If the Commission, in consultation with the Presidents' Council, disallows the change(s), such action shall serve to revoke licensure for the period of time remaining in the existing five-year period.

(h) At least six months before the expiration of the license, to continue to offer credit-bearing courses in New Jersey, the institution shall petition the Commission for relicensure.

(i) Commission licensure of an out-of-State institution shall not preclude an in-State institution from providing coursework or programs similar to that of the out-of-State institution.

Amended by R.2003 d.108, effective March 3, 2003.

See: 34 N.J.R. 3424(a), 35 N.J.R. 1268(b).

Rewrote (a); added new (b); recodified former (b) as (c) and inserted the N.J.A.C. reference; recodified former (c) as (d); recodified former (d) as (e) and rewrote the introductory paragraph; recodified former (e) through (h) as (f) through (i).

Amended by R.2008 d.253, effective September 2, 2008.

See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

In the introductory paragraph of (e), inserted “, including degree completion programs,” and substituted “one to three” for “two”.

## 9A:1-5.2 Petitions from institutions

(a) Institutions seeking authorization to offer degree programs shall submit licensure petitions at least one academic year before the requested date of implementation. The deadline for petitions that involve courses, but not a degree program, is six months before the requested date.

(b) The petition shall contain:

1. The accreditation status of the institution;

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

3. The institution's financial statements and management letter(s) (if issued) (prepared by independent auditors) for each of the last three years;

4. Information on the qualifications of prospective faculty for the proposed New Jersey offering(s);

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

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

7. Other information that the Commission specifically requests.

Amended by R.2008 d.253, effective September 2, 2008.

See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

In (b)3, inserted “and management letter(s) (if issued)”.

## 9A:1-5.3 Review processes

(a) The following procedures apply to petitions from out-of-State institutions invited by in-State parties to offer educational services to a specific and delimited constituency in New Jersey and to petitions from out-of-State institutions seeking to offer educational services in New Jersey without invitation.

1. Upon receipt of the petition, Commission staff shall provide to all New Jersey institutions a summary of the petition's content and shall invite the institutions to submit their comments within 60 days after the notification regarding the out-of-State request.

2. Commission staff shall review the petition and any comments submitted by in-State institutions, usually with the assistance of an external consultant who is mutually acceptable to the institution and the Executive Director.

3. Commission staff shall send the petition and all pertinent materials to the Presidents' Council for review and recommendation to the Commission.

Amended by R.2003 d.108, effective March 3, 2003.

See: 34 N.J.R. 3424(a), 35 N.J.R. 1268(b).

Rewrote the section.

## SUBCHAPTER 6. OFF-CAMPUS OFFERINGS

**9A:1-6.1 Purpose and general requirements**

(a) In some instances it is impossible for an institution to fulfill its mission without offering some portion of its overall curriculum at sites away from its principal location. Such institutional extension often provides important access to higher educational opportunity that otherwise would be denied individuals who for one reason or another find attendance on a main campus impractical. In order to preserve the integrity of its offerings, however, it is critical that an institution ensure a level of quality at its off-campus sites that is comparable to and consistent with the collegiate-level programs and services available at its main campus.

(b) The institution shall consider off-campus offerings part of its total program and shall judge them by the same criteria as the sessions and courses on its main campus.

(c) All institutions shall submit at the request of the Commission reports on all off-campus offerings.

**9A:1-6.2 Branch campuses**

(a) Branch campuses must have the prior approval of the Commission. In requesting approval for a branch campus, an institution shall submit to the Commission a formal request that shall include a Statement justifying the need for the site and a description of the proposed courses/programs.

(b) The request shall include also evidence that the proposed courses/programs at the branch campus are at least equivalent in quality to comparable courses/programs on the main campus and evidence that the institution has provided for effective monitoring and controls to maintain quality. The request shall include evidence of the dedication of sufficient resources to implement and maintain the branch campus without eroding the quality of ongoing programs and operations in the rest of the institution.

(c) The request shall provide information on the standards in N.J.A.C. 9A:1-1.5 through 1.12, with special attention to evidence on the following: the classroom, laboratory, computing, and library facilities are adequate; the provisions for administration, support staff, and counseling are sufficient; and the qualifications of faculty are appropriate. The proportion of courses taught by full-time faculty at a branch campus should be the same as on the main campus.

(d) Upon receipt of a request for approval of a branch campus, Commission staff shall provide to all New Jersey institutions of higher education a summary of the request and invite them to inform the Commission within 30 days as to how they would be affected by the proposed branch campus.

1. If no concerns are raised about the proposal, Commission staff shall forward the request directly to the Commission for action.

2. If concerns are raised, Commission staff shall send all materials to the Presidents' Council for review and recommendation within 60 days.

(e) An institution proposing to offer at a particular branch campus an approved degree program not previously offered there shall inform the Commission of that offering.

(f) An institution proposing to offer at a branch campus a degree program not previously offered at the main campus shall submit that program for Presidents' Council review, as required for any new program.

(g) An institution closing a branch campus shall inform the Commission before the closure.

Amended by R.2008 d.253, effective September 2, 2008.

See: 40 N.J.R. 969(a), 40 N.J.R. 5036(b).

In (b), inserted the last sentence; and in (c), deleted “, a suitable ratio of whom should be full-time employees of the institution,” following the first occurrence of “faculty” and inserted the last sentence.

**9A:1-6.3 Noncollegiate organizations**

(a) Off-campus sites at which an institution offers credit courses in conjunction with or under contract with a non-collegiate organization shall first be approved by the institution's governing board or its designee. The institution shall adhere to the following standards:

1. The college may grant credit only at the level and only in those areas for which it has degree programs. For example, a college may not award graduate credit if it does not award graduate degrees, nor may it offer graduate 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;

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 courses; and

4. No more than 25 percent of a degree program shall be satisfied through such courses, except in the case 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 semester credit hour shall be granted for an experience compressed into one week's time or less, unless prior approval is obtained from the Presidents' Council.

## SUBCHAPTER 7. DISTANCE LEARNING

**9A:1-7.1 Standards for New Jersey institutions**

(a) An institution's distance learning offerings shall be clearly defined and related to the institution's mission and shall be consistent with the goals and objectives of the institution.

(b) The institution's policies and objectives associated with distance learning and blended (or hybrid) learning offerings shall be consistent with those established for other educational delivery modes and shall comply with the standards set forth in N.J.A.C. 9A:1-2.

(c) The institution's catalogue and promotional materials shall indicate the maximum time permitted for the completion of each course and program offered through distance learning. Any difference between on-campus and distance learning tuition and fee charges shall be clearly indicated.

(d) The institution shall provide students with complete and timely information regarding course and degree requirements, nature of faculty/student interaction, assumptions about technological competence and skills, technical equipment requirements, availability of academic support services, financial aid resources, and costs and payment policies.

(e) Faculty and academic professionals involved in distance learning and blended (or hybrid) learning shall have an understanding of distance education, its special characteristics, and the needs of distance learners.

(f) Each institution shall address issues related to ownership and intellectual property derived from the creation and production of software, telecourses, or other electronically offered programs.

(g) Individuals outside the traditional campus community who act in capacities such as tutors or proctor for students enrolled in distance learning and blended (or hybrid) learning shall be approved by the institution offering the course/program.

Amended by R.2007 d.23, effective January 16, 2007.

See: 38 N.J.R. 4157(a), 39 N.J.R. 195(b).

In (b), (e) and (g), inserted "and blended (or hybrid) learning"; and in (b), substituted "educational delivery modes and shall comply with the standards set forth in N.J.A.C. 9A:1-2" for "learning environments".

**9A:1-7.2 Granting degrees for programs provided collaboratively**

In the case of collaborative distance learning and blended (or hybrid) learning degree programs, it is the responsibility of the institutions offering the programs to determine which institution(s) will grant the degree.

Amended by R.2007 d.23, effective January 16, 2007.

See: 38 N.J.R. 4157(a), 39 N.J.R. 195(b).

Inserted "and blended (or hybrid) learning".

**9A:1-7.3 Counting students enrolled in multiple institutions**

Students who are taking coursework at more than one institution shall be counted by each institution based on a full-time equivalent standard unless a consortial agreement exists between/among the institutions regarding which will count the students for enrollment purposes.

**9A:1-7.4 Program review and approval for New Jersey institutions**

(a) As is currently the practice with traditionally offered programs, if a New Jersey institution wishes to offer a new degree program through distance learning, the program shall be subject to review by the Presidents' Council.

(b) Distance learning degree programs offered at newly established off-campus sites shall be subject to any review or approval that is required for all programs at such off-campus sites; see N.J.A.C. 9A:1-6.

(c) Commission approval for distance learning programs offered by New Jersey institutions shall be required only if programs are referred by the Presidents' Council for consideration due to an institution's changing or exceeding its mission or due to excessive program cost or unnecessary duplication.

**9A:1-7.5 Approval for out-of-State institutions**

(a) Out-of-State institutions (see N.J.A.C. 9A:1-5) that wish to offer credit-bearing distance learning with a physical presence in New Jersey must first be licensed by the Commission, with advice from the Presidents' Council, to offer specific courses or degree programs.

(b) If an out-of-State institution is licensed to offer a course(s) or degree program(s) in New Jersey and wishes to offer any additional course(s) or program(s) with a physical presence in this State, the Executive Director shall submit the matter to the Presidents' Council for review and recommendation to the Commission.

Amended by R.2007 d.23, effective January 16, 2007.

See: 38 N.J.R. 4157(a), 39 N.J.R. 195(b).

Rewrote (b).

## SUBCHAPTER 8. FRAUDULENT ACADEMIC DEGREES

**9A:1-8.1 Protected degree designations for earned degrees**

(a) No person shall use or append to his or her name any academic degree designation, letters, derivatives thereof, or other designations as evidence of having earned an academic degree unless a duly authorized institution of higher education as defined in Section 3 of P.L. 1986, c.87 (N.J.S.A. 18A:3-15.3) conferred the degree.

1. In states without a licensing requirement for institutions of higher education, a duly authorized institution of higher education is one that is regionally accredited or accredited by the appropriate accrediting body recognized by the U.S. Secretary of Education or one that is seeking such accreditation.

2. Regarding institutions located outside of the U.S. or its possessions, a duly authorized institution of higher education is one that is recognized by the appropriate body in the particular country provided that the institution's requirements for awarding degrees are generally equivalent to those accepted in the U.S. by an accrediting body recognized by the U.S. Secretary of Education.

Amended by R.2003 d.108, effective March 3, 2003.

See: 34 N.J.R. 3424(a), 35 N.J.R. 1268(b).

Substituted "Secretary of Education" for "Department of Education or the Council for Higher Education Accreditation".

#### **9A:1-8.2 Honorary degrees**

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