

## TITLE 9A

## HIGHER EDUCATION

## CHAPTER 1

## LICENSURE RULES

## Authority

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

## Source and Effective Date

R.1998 d.106, effective February 17, 1998.  
See: 29 N.J.R. 4602(a), 30 N.J.R. 664(a).

## Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 1, Licensure Rules, expires on August 16, 2003. See: 34 N.J.R. 3424(a).

## 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 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, 1990, 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.

"Academic department" means a subdivision of an institution of higher education designated as such that is respon-

sible for instruction and/or research in a specific discipline or disciplines.

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

“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.

“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 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.

“Distance learning” means a formal educational process in which all or the majority of the instruction occurs when the learner and the instructor are not physically located in the same place at the same time.

“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 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 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.

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

“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. Department of Education or the Council on Higher Education Accreditation.

“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 45 public and independent institutions of higher education that receive State aid and four other presidents representing the State’s 10 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.

“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. Department of Education or the Council for Higher Education Accreditation.

“Semester credit hour” 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).

“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.

### 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 N.J.A.C. 9A:1.

(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. Department of Education or the Council for Higher Education Accreditation, 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. Department of Education or the Council for Higher Education Accreditation, 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.

(f) 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.

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

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

(i) 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.

#### 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, a copy of which shall be filed with the Commission.

(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.

#### 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:

**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 or degree programs in New Jersey shall petition the Commission for licensure.

(b) 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, are fiscally viable, serve a demonstrable need, and are in accordance with the Commission's long-range plan for higher education.

(c) 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.

(d) Out-of-State institutions that offer credit-bearing courses, but not a degree program, shall be licensed for only one year. However, those that meet the following criteria may be licensed 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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.

#### **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 (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.

**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.

1. Upon receipt of the petition, Commission staff shall provide to all New Jersey institutions of higher education a summary of the petition's content and shall invite the institutions to submit their comments and to indicate whether or not they wish, and are prepared, to offer comparable services. In-State institutions that wish to offer comparable services may submit proposals to the Executive Director within 60 days after the notification regarding the out-of-State request.

2. Commission staff shall forward immediately to the party requesting instructional services, as well as to the out-of-State institution, proposals from in-State institutions received within this 60-day period.

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

4. If the Executive Director determines, in consultation with a committee of the Presidents' Council, that an in-State proposal is comparable or superior to the out-of-State proposal, the Executive Director shall strongly encourage the in-State party requesting instructional services to accept an in-State proposal.

5. The in-State party requesting instructional services shall inform the Executive Director as to its choice of institution and specify its reasons for the selection.

6. If the in-State party selects the out-of-State institution, Commission staff shall send the petition and all pertinent materials to the Presidents' Council for review and recommendation to the Commission.

(b) The following procedures apply 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 with a summary of the petition's content and shall invite the institutions to submit their comments within 60 days.

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.

**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.

(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, a suitable ratio of whom should be full-time employees of the institution, are appropriate.

(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.

#### **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 noncollegiate 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 offerings shall be consistent with those established for other learning environments.

(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 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 proctors for students enrolled in distance learning shall be approved by the institution offering the course/program.

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

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

### **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, the Presidents' Council shall review any additional course(s) or programs that it wishes to offer with a physical presence in this State.

**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. Department of Education or the Council for Higher Education Accreditation 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. Department of Education or the Council on 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.