

TITLE 9

HIGHER EDUCATION

CHAPTER 1
LICENSING STANDARDS

Authority

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

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

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

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

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

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

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

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

Pursuant to Executive Order No. 66(1978), Chapter 1 expired on May 15, 1983, and a new Chapter 1 was adopted as R.1984 d.74, effective March 19, 1984. See: 15 N.J.R. 1418(a), 16 N.J.R. 536(a).

Subchapter 7, Fraudulent Academic Degrees, became effective November 2, 1987 as R.1987 d.430. See: 19 N.J.R. 1284(a), 19 N.J.R. 2053(a).

Pursuant to Executive Order No. 66(1978), Chapter 1 expired on January 17, 1989, and a new Chapter 1 was adopted as R.1989 d.118, effective February 21, 1989. See: 20 N.J.R. 2965(a), 21 N.J.R. 444(a).

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

Pursuant to Executive Order No. 66(1978), Chapter 1 was readopted as R.1995 d.333, effective May 26, 1995. See: 27 N.J.R. 1381(b), 27 N.J.R. 2396(a).

Pursuant to Executive Order No. 66(1978), Chapter 1 was readopted as R.1996 d.245, effective April 29, 1996. See: Source and Effective Date.

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SUBCHAPTER 1. RULES FOR NEW JERSEY INSTITUTIONS OF HIGHER EDUCATION

9:1-1.1 Authority, purpose and scope

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

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

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

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

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

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

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

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

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

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

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

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

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

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