

**NEW JERSEY ADMINISTRATIVE CODE**  
**TITLE 9A – HIGHER EDUCATION**  
**New Jersey Secretary of Higher Education**

**CHAPTER 1. LICENSURE RULES**  
(Amendments Effective 03.07.2022)

**SUBCHAPTER 1. GENERAL STANDARDS**

**9A:1-1.1 Authority**

N.J.S.A. 18A:68-3 stipulates that no corporation may offer academic degree programs and/or college 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 degree programs or courses under the rules prescribed by the Commission. Pursuant to Reorganization Plan No. 005-2011, issued by Governor Chris Christie on June 29, 2011, all functions, powers, duties, and personnel of the Commission were transferred to the Secretary of Higher Education, pursuant to the State Agency Transfer Act, P.L. 1971, c. 375(N.J.S.A. 52:14D-1 et seq.).

**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 degree completion program" means a baccalaureate degree program consisting of at least 120 semester credit hours offered by a baccalaureate degree-granting institution for students who have earned transferable credit hours from another institution of higher education that are applicable to the baccalaureate degree program. In an academic 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.

"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, 2010, incorporated herein by reference, as amended and supplemented. The CIP may be obtained from the National Center for Education Statistics website at <http://nces.ed.gov/ipeds/cipcode>.

"Accreditation" and "accredited" both mean a status attained by an institution through voluntarily meeting standards for academic degree programs and/or college credit-bearing courses set by a nongovernmental entity recognized by the U.S. Secretary of Education.

"Additional location" means a location, other than a branch campus, that is geographically apart from the main campus and at which the institution physically offers at least 50 percent of an educational program.

"Adequate, appropriate, equivalent, significant, suitable, and sufficient" mean adequate, appropriate, equivalent, significant, suitable, and sufficient in the judgment of the Secretary in consultation with the Presidents' Council.

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

"Blended (or hybrid) learning" means a formal educational process 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.

"Branch campus" means a physical facility for a State college or a State university located out of-State or out-of-country at a place other than the institution's principal campus offering one or more complete programs leading to a degree.

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

"Closure" means the cessation of operations by an institution of higher education, or a proprietary institution licensed to offer academic degrees.

"College credit-bearing course" means 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.

"College credit-bearing distance learning" means a distance learning 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.

"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, and which, with the exception of institutions that have a specialty mission, offers a range of degree programs. A college has an independent board of trustees. It has a faculty whose duties may include the instruction of students, involvement in scholarship and research, or some combination of both 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. A 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 this chapter refers to higher education institutions generally.

"Commission" means the New Jersey Commission on Higher Education, which was the State-level planning and coordinating agency for higher education in New Jersey until June 29, 2011, when all functions, powers, duties, and personnel of the Commission were transferred to the Secretary of Higher Education, pursuant to Reorganization Plan No. 005-2011.

"Direct State support" means monetary funds or other forms of material support that are provided directly to an institution by an instrumentality of the State. Direct State support includes, but is not limited to, appropriations and bond funds that have been directed to an institution by an instrumentality of the State.

"Disorderly closure" means a closure that does not meet the requirements at P.L. 2021, c. 27.

"Distance learning" means a formal educational process in which instruction occurs when the learner and the instructor are not physically located in the same place at the same time.

"Educational delivery mode" means a formal educational process involving either blended (or hybrid) learning, distance learning, or traditional face-to-face learning.

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

"Eligible transfer institution" means an institution of higher education or a proprietary institution licensed to offer academic degrees that has been approved by the Secretary pursuant to P.L. 2021, c. 27.

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

"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, other aspects of the educational programs of institutions, or some combination thereof.

"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.

"Indirect State support" means monetary funds or other forms of material support that are provided by an instrumentality of the State, but are not directed to the recipient institution by an instrumentality of the State. Indirect State support includes, but is not limited to, State student assistance grant and scholarship programs that have been directed to an institution by a student.

"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.

"Institutional debt" means: (1) the amount outstanding on any credit, including unpaid charges, extended by or on behalf of an institution of higher education or a proprietary institution licensed to offer academic degrees that a student is obligated to repay, whether the amount has been reduced to a judgment or the institution classifies it as a loan; or (2) a non-Federal loan or debt agreement that is issued expressly for postsecondary education expenses and that is guaranteed by an institution of higher education or a proprietary institution, or a private educational lender that is affiliated with an institution of higher education

or proprietary institution.

"Institutional financial aid agreement" means any contract, promissory note, part of an enrollment agreement, or other agreement in which a student agrees to pay an institutional debt.

"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/or 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.

"Orderly closure" means a closure that meets the requirements at P.L. 2021, c. 27.

"OSHE" means the New Jersey Office of the Secretary of Higher Education.

"Out-of-State institution" means an institution that is located within the United States or its possessions and is not incorporated in the State of New Jersey and whose accreditation status in New Jersey is based upon a location 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 college credit-bearing courses from, or conducts some portion of the learning experience at, a physical location established in New Jersey by the entity, whether established directly or under the auspices of another entity or an institution, except in an instance where an interstate agreement that New Jersey is a party to delineates any particular activity as not constituting a physical presence in the State and the offering entity is both licensed in a signatory state to that delineating agreement and authorized by the signatory state to operate pursuant to that delineating agreement.

"Presidents' Council" means the New Jersey Presidents' Council, a statutory body established pursuant to N.J.S.A. 18:3B-7.

"Program outcomes" means the broad set of goals identifying the comprehensive integration of skills, abilities, knowledge, or values gained that students should be able to demonstrate upon completion of an academic degree program.

"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 either the Commission or the Secretary.

"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.

"Secretary" means the New Jersey Secretary of Higher Education.

"Seeking accreditation" means that an institution has achieved candidacy status or the equivalent standing as evidenced by meeting standards for academic degree programs and/or college credit-bearing courses set by a nongovernmental entity recognized by the U.S. Secretary of Education.

"Semester credit hour" means 150 minutes of academic work each week for 15 weeks in one semester, which is typically accomplished by 50 minutes of face-to-face class activity each week complemented by at least 100 minutes each week of laboratory or outside assignments (or the equivalent thereof for semesters of different length) but may also be accomplished through an equivalent amount of academic work as established by an institution, which may include additional class time, laboratory work, internships, practical studio work, and other forms of academic work.

"Specialty mission" means an institutional mission that is primarily focused on a single academic area.

"Student" means an individual enrolled at an institution of higher education or a proprietary institution licensed to offer academic degrees in New Jersey, or a New Jersey resident enrolled at an institution of higher education or proprietary institution located outside of this State.

"Student learning outcomes" means specific statements describing measurable skills, abilities, knowledge, or values that students should be able to demonstrate in order to show their achievement and mastery, upon the successful completion of a college credit-bearing course.

"Teach-out agreement" means a written agreement between institutions that provides for the equitable treatment of students and a reasonable opportunity for students to complete their program of study if an institution, or an institutional location that provides 100 percent of at least one program offered, ceases to operate before all enrolled students have completed their program of study.

"Teach-out plan" means a written plan developed by the institution that provides for the equitable treatment of students if an institution, or an institutional location, ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency, a teach-out agreement between institutions.

"Traditional face-to-face learning," means a formal educational process in which all of the instruction takes place in the classroom or in out-of-class instruction under the direct supervision of the instructor.

"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 academic degree programs and/or college credit-bearing courses with a physical presence in New Jersey shall first provide evidence of incorporation and petition the Secretary for licensure. No institution shall offer or advertise the availability of college credit-bearing course(s) or

academic degree program(s) with a physical presence in New Jersey before receiving formal approval of its petition. Licensure shall require the institution to meet all the standards set forth in this chapter.

- (b) A New Jersey institution seeking licensure shall submit a licensure petition in an electronic format to OSHE preferably at least one year before the requested date of implementation. The petition shall contain:
  - 1. The accreditation status of the institution;
  - 2. A mission statement that defines the scope, purpose, and basic tenets of the institution;
  - 3. Information equivalent to the annual summary sheet required by the regional and/or national institutional accrediting association for the institution, if applicable;
  - 4. The institution's financial statements and management letter(s) (if issued) (prepared by independent auditors) for each of the last three years, if applicable;
  - 5. Information on the qualifications of prospective faculty for the proposed New Jersey offering(s);
  - 6. A description of the selection and review process for faculty teaching in New Jersey;
  - 7. A catalog and other data that the institution recognizes as appropriate; and
  - 8. Other information that the Secretary specifically requests.
  
- (c) The following procedures apply to petitions from New Jersey institutions:
  - 1. Upon receipt of the petition, OSHE staff shall provide to all New Jersey institutions a brief summary of the petition's contents, along with information on how to obtain the petition from the OSHE website and an invitation to the institutions to submit their comments within 30 days after the notification regarding the request.
  - 2. OSHE staff shall review the petition and any comments submitted by in-State institutions, usually with the assistance of an external consultant team that is mutually acceptable to the institution and the Secretary. As part of the review of the petition, OSHE staff may also conduct a site visit at the campus of the institution, usually with the assistance of the external consultant team.
  - 3. With respect to both initial and continuing licensure, OSHE staff shall provide the institution's petition and the findings of a licensure evaluation to the Presidents' Council for review and recommendation to the Secretary.
  - 4. The Secretary shall consider the recommendation of the Presidents' Council when making a determination on the petition.
  
- (d) To ensure that licensed institutions continue to maintain the standards set forth below, the Secretary shall periodically evaluate licensed institutions to determine whether or not they should continue to be licensed.
  
- (e) In the case of a currently licensed New Jersey institution accredited as a discrete entity (that is, not an out-of-State institution) by an institutional accrediting body recognized by the U.S. Secretary of Education, the Secretary shall accept the granting or 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 Secretary;
  - 2. The appropriately recognized accrediting body is an institutional accrediting body recognized by the U.S. Secretary of Education to accredit the kinds of academic programs for which licensure was previously granted;

3. The institution provides the OSHE with a copy of its self-study document at the same time it provides it to the accrediting body;
  4. If the Secretary sends a representative to accompany and work with the accreditation team on the site visit, the representative shall have the option to participate fully in the accreditation visit, with the sole exception of voting on recommendations related to accreditation status; and
  5. The institution submits to the OSHE a copy of the letter from the recognized accrediting body informing the institution of its accreditation status.
- (f) 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 Secretary 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 academic degree programs and/or college credit-bearing courses in New Jersey, would be required to petition the Secretary for relicensure at least 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 to accredit the kinds of academic programs for which initial licensure was granted within three years of initial licensure. Accredited institutions that cease affiliation with an institutional accrediting body while in good standing may petition the Secretary for licensure to offer college credit-bearing courses or academic degree programs in New Jersey.
- (g) 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 Secretary's Student Unit Record Enrollment (SURE) data system within one year of initial licensure. The Secretary 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.
- (h) The process for out-of-State institutions to seek licensure to offer academic degree programs and/or college credit-bearing courses with a physical presence in New Jersey is detailed at N.J.A.C. 9A:1-5.
- (i) The Secretary may direct the OSHE to reevaluate the licensure status of any institution, regardless of its accreditation status.
- (j) Before the Secretary 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 Secretary within 15 days of receiving notice of the Secretary's proposed action to revoke or suspend the licensee.
- (k) All licensed institutions shall comply with State and Federal statutes, rules, and regulations. Licensed institutions shall report findings of noncompliance by State or Federal agencies to the Secretary.
- (l) In the event that a licensed institution changes the institution's name, notice of the change shall be provided by the institution to the Secretary no later than 30 days from the date of the change. A licensed New Jersey institution that seeks to include "university" in the institution's name shall follow the procedures at N.J.A.C. 9A:1-3.
- (m) In the event that a licensed New Jersey institution changes the institution's main campus location or establishes an additional campus location that is not a "branch campus," notice of the change shall be provided by the institution to the Secretary no later than 30 days from the date of the change or establishment of the additional campus location.

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

The standards in N.J.A.C. 9A:1-1.5 through 1.12 and, where applicable, in N.J.A.C. 9A:1-2, shall apply to all institutions seeking to be licensed or relicensed by the Secretary.

#### **9A:1-1.5 Long-range plan**

An institution seeking a license 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 Secretary upon the Secretary's request.

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

- (a) 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) Consistent with the institution's mission, the institution's governing board shall oversee all legal aspects of its operations, set institutional policy, plan for the institution, monitor progress toward fulfilling the mission, and ensure 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 Secretary 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 currently or information.

- (e) Each institutional constituency directly concerned with the educational process including, but not limited to, 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) 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 Secretary 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 college credit-bearing courses or academic degree programs in the State shall furnish to the Secretary a copy of its audited financial statement and management letter(s) upon request of the Secretary.
- (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.

#### **9A:1-1.8 Faculty**

- (a) 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.
- (b) The majority of all full-time faculty, part-time faculty, and adjunct faculty at an institution offering only the associate degree shall have at least a master's degree in the field in which they are appointed, 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.

- (c) The majority of all full-time faculty, part-time faculty, and adjunct faculty who are teaching in baccalaureate degree programs shall have the doctorate or an equivalent qualification in the field in which they are appointed.
- (d) 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 including, but not limited to, instruction, advisement, 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.
- (e) 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.
- (f) 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.

#### **9A:1-1.9 Library**

- (a) 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 with a specialty mission. Institutions with a specialty mission 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.).
- (b) An institution shall demonstrate the development and maintenance of a collection that reflects and supports the curriculum.

- (c) There shall be a program for continuous acquisition of materials including books, journals, databases, and other instructional materials.
- (d) An institution shall catalog and maintain all library holdings appropriately, including providing a protective environment for its physical library material that adequately protects the collection from deterioration and damage.
- (e) An institution shall provide clear and consistent access to electronic resources.
- (f) An institution shall document the existence of a plan to assess and document effective use of library resources by students and faculty.
- (g) 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.
- (h) 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.
- (i) 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.

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

- (a) An institution shall have a clearly defined admissions policy appropriate to its mission and shall admit students whose educational interests and abilities qualify them to pursue a program offered by the institution.
- (b) An 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.
- (c) An institution shall maintain transcripts for all students and shall provide to all students who request them, transcripts showing dates of attendance and academic performance.

#### **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) All information released by an institution shall be true and accurate.
- (b) An 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 updated at intervals sufficient to ensure currency of information and in quantities sufficient to supply interested persons.
- (c) An institution shall either include the following information in its official catalogs or provide a current web address in its official catalogs for where the information is located on the institution's website:
  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, including an itemized listing of all mandatory fees charged to students, 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.

### **SUBCHAPTER 2. DEGREE STANDARDS AND PROGRAMMATIC MISSION**

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

- (a) An institution's overall curriculum shall reflect and support the mission of the institution.
- (b) The academic year shall be determined by the institution's governing board.

- (c) A semester credit hour shall not be counted on an hour-for-hour basis for library, independent-study, laboratory, or physical education activities. 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 non-collegiate 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 non-collegiate organization, shall apply to such courses offered at the principal campus.
- (e) The rigor of all college credit-bearing courses shall be substantially the same, regardless of the type of educational delivery mode, as demonstrated by the institution through various forms of evidence. Such evidence shall include, but 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.

#### **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 33 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 Business Administration (B.B.A), 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 either on the campus or through electronic means, or through some combination of both on-campus and electronic access. A library that supports a graduate program shall provide an adequate and current base for research activities. 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.

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

- (d) 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 or other academic professionals are recognized beyond the bounds of the institution as possessing professional qualifications and research or scholarly achievements sufficient to support the program;
  4. It possesses adequate library holdings, laboratory space, research facilities, and other necessary resources; and it has committed the necessary resources for instruction, advisement, thesis supervision, and research guidance.

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

- (a) Licensed New Jersey institutions wishing to exceed their programmatic mission must receive approval from the Secretary to offer each program that exceeds the level of academic degrees that the institution is authorized to grant.
- (b) Upon referral of a request to exceed programmatic mission by the Presidents' Council, the Secretary shall review the program proposal and determine whether all the standards for new academic programs at N.J.A.C. 9A:1-2.10(a) have been met. The Secretary shall consider any recommendations submitted with the referral by the Presidents' Council when making the determination on the request to exceed programmatic mission.
- (c) In addition to the review at (b) above, 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, if applicable;
  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.
- (d) If an institution has received approval to exceed its programmatic mission for a particular degree level at least five times, the Secretary may, at the request of the institution, authorize a change to the institution's programmatic degree level in order to allow the institution to offer new degree programs at the particular degree level for which the five previous exceeding mission approvals have been granted. Institutions wishing to change their programmatic mission prior to having received such specific program approvals shall follow the procedure set forth at (e) below.

- (e) Licensed New Jersey 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 the Secretary made pursuant to this subsection 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
  3. and the Statewide plan for higher education, if applicable;
  4. Demonstration of need for the mission change, including present and projected student demand and demand for graduates;
  5. The effect of the proposed mission change on existing programs at other institutions;
  6. The dedication of sufficient resources to implement and maintain the proposed mission change without eroding the quality of ongoing programs;
  7. Appropriately qualified students, faculty, and administrators;
  8. The quality of library holdings, facilities, and equipment; and
  9. Evidence of strength compared with similar institutions in the region and State.

#### **9A:1-2.10 Academic program review**

- (a) The Presidents' Council shall review proposals for new academic degree programs that do not exceed the programmatic mission of the institution according to the following standards:
1. Sufficient academic quality as set forth at N.J.A.C. 9A:1-2.11;
  2. Sufficient evidence of labor market demand for the program as set forth at N.J.A.C. 9A:1-2.12;
  3. Duplication with comparable programs of study in the State as set forth at N.J.A.C. 9A:1-2.13; or
  4. Whether the proposed new program will require significant additional State resources as set forth at N.J.A.C. 9A:1-2.14.
- (b) If, upon review, the Presidents' Council determines that a program may be of insufficient academic quality, may lack sufficient evidence of labor market demand, may be duplicative of comparable programs of study, or may be unduly expensive, the Presidents' Council shall refer the program to the Secretary for review pursuant to P.L. 2021, c. 27. Any such referral of a program shall:
1. Identify the standard or standards that have not been met;
  2. Identify the specific criteria within each standard that have not been met; and
  3. Provide a written description of the basis of each determination by the Presidents' Council that a standard or criteria has not been met.

#### **9A:1-2.11 Sufficient academic quality**

- (a) The Presidents' Council shall evaluate proposals for new academic degree programs for sufficiency of academic quality based on the following criteria:
1. The status of the institution's State licensure and accreditation by a nongovernmental entity recognized by the U.S. Secretary of Education;
  2. Appropriately qualified faculty, instructors, staff instructors, and/or administrators;

3. A plan for the dedication of sufficient resources, including human resources, to implement and maintain the program;
4. Clearly stated program objectives that are related to the institutional mission, strategic plan, and, where appropriate, to the careers, professions, or practices into which graduates of the program are expected to enter;
5. Appropriate student learning outcomes that incorporate:
  - i. Appropriate scaffolding to allow students to build on knowledge as they progress through curriculum; and
  - ii. A variety of assessments and corresponding rubrics for students to demonstrate content mastery and skill acquisition;
6. Evidence of program rigor in the curriculum. To demonstrate rigor in the curriculum, institutions shall provide the following in the proposal:
  - i. Program outcomes detailing what students will be able to demonstrate at completion of the curriculum;
  - ii. Planned curriculum with course descriptions, including a plan to provide students access to faculty, instructors, and/or staff; and
  - iii. Comparisons to the curricula of the same or similar programs at other institutions, if applicable, and if such curricula are available;
7. Evidence of employer input in the development of the new program, where appropriate, which may include:
  - i. Participation of employers on advisory committees;
  - ii. Letter of support from a chamber of commerce demonstrating the need and desire for the program;
  - iii. Summary of employer or professional association feedback on the new program proposal and institution's response to the feedback;
  - iv. Evidence of employer/institution partnership agreements to provide research, experiential learning, or other equivalent opportunities to students in the program;
  - v. Survey results from employers in the field highlighting the skills and expertise needed with a clear connection to the program proposal;
  - vi. Plan to ensure continued partnership with employers in the field for the new program proposed; and/or
  - vii. Other documentation of direct employer or industry participation in the design of the program;
8. Evidence that demonstrates a commitment to equity, accessibility, and affordability within the new program, which may include:
  - i. A program equity statement for the program/field that is supported by evidence of an institution's demonstrated commitment to and valuing of diversity, equity, and inclusion. Evidence may include, but is not limited to, equitable enrollment and employment outcomes for historically underrepresented groups;

- ii. A plan to monitor student progress in the program in order to address unanticipated or unknown barriers to equitable program completion outcomes; and/or
  - iii. A plan to provide student services and accommodations to support equitable program completion outcomes; and
9. A plan for continuous review and improvement of the new academic program. Such plan shall include the following:
- i. The primary activities within the program that are to be reviewed, including how the program will adapt for new technology and developments within the field;
  - ii. Regularly scheduled time periods/intervals for review;
  - iii. Metrics for program monitoring and guidance for how the institution will course correct, if needed; and/or
  - iv. Input by students, field experts, and external reviewers in program review processes.

**9A:1-2.12 Sufficient labor market demand**

- (a) The Presidents' Council shall evaluate proposals for new academic degree programs for sufficiency of labor market demand based on the following criteria:
1. A program proposal shall be deemed to have shown sufficient labor market demand for the program when the following apply:
    - i. The Classification of Instructional Programs (CIP) number for the program is mapped to a single occupation or set of occupations listed in the Standard Occupational Classification (SOC) as set forth in the 2020 CIP-SOC Crosswalk created by the Bureau of Labor Statistics and the National Center for Education Statistics, which is incorporated herein by reference, as amended and supplemented, and available at [nces.ed.gov/ipeds/cipcode/Files/CIP2020\\_SOC2018\\_Crosswalk.xlsx](https://nces.ed.gov/ipeds/cipcode/Files/CIP2020_SOC2018_Crosswalk.xlsx); and
    - ii. The proposal contains evidence of substantial labor market demand for the occupation or occupations that are mapped to the program, as supported by documentation of demand from the New Jersey Department of Labor and Workforce Development.
  2. A program proposal that does not meet the criteria at (a)1 above shall provide evidence for one or more of the criteria listed in this paragraph for the Presidents' Council to review and determine whether sufficient labor market demand exists:
    - i. Evidence of projected increasing demand in the careers, professions, or practices that graduates of the program are prepared to enter;
    - ii. Evidence that the current number of graduates from existing programs at other institutions in the State will not be adequate to meet the projected demand in the careers, professions, or practices that graduates of the program are prepared to enter;
    - iii. Evidence that the current profile of graduates from existing programs is not in accordance with the projected demand in the careers, professions, or practices that graduates of the program are prepared to enter;
    - iv. Evidence of substantial employer engagement, which may include, but is not limited to,

- program appraisal, program partnerships, and opportunities to review and comment on the program, in the development of program curriculum; or
- v. Evidence of strength in the employment outcomes from current degree programs at the institution at the same academic degree level of the program.
- (b) On the basis of evidence presented by the institution, the Presidents' Council may determine that sufficient labor market demand exists for a program proposal that does not meet either set of criteria at (a) above, if the Presidents' Council determines that:
1. There are insufficient data available to assess the program according to the criteria at (a) above;
  2. There is sufficient evidence of preparation for a career, profession, or practice through the program; and
  3. A majority of graduates from the program are reasonably likely to obtain employment, including self-employment, in the careers, professions, or practices indicated in the program proposal within 12 months of:
    - i. Graduation from the program; or
    - ii. The receipt of a terminal degree in a program sequence that includes the proposed program.

**9A:1-2.13 Duplication with comparable programs**

- (a) A proposal for a new academic degree program that is for an academic degree program that is currently offered by other institutions in the State at the same degree level and in the same academic discipline shall include a listing of all currently offered programs at the same degree level and in the same academic discipline.
- (b) Where a listing pursuant to (a) above is present, the Presidents' Council shall evaluate the proposal for excessive duplication with comparable programs and determine whether the proposal includes:
1. Evidence of a relevant relationship between the proposed academic degree program and the institutional mission or a specific area of institutional academic focus; and
  2. Evidence that a collaborative approach with another institution of higher education that currently offers the program per the listing included with the proposal pursuant to (a) above, including, but not limited to, articulation agreements and joint degree programs, would not be cost effective or a feasible alternative to offering the proposed academic degree program.
- (c) If the Presidents' Council finds that a program proposal meets the requirements at (b) above, the Presidents' Council shall determine whether the program is in the best interests of the State through a determination as to whether one or more of the following have been demonstrated:
1. Evidence of significant instructional differentiation from currently offered programs at other institutions in the State that are at the same degree level and in the same academic discipline;
  2. Evidence of projected student population differentiation from currently offered programs at the same degree level and in the same academic discipline;

3. Evidence of projected sustainable cost savings for students compared with the cost of currently offered programs at the same degree level and in the same academic discipline; and
  4. Evidence of student and community demand at the institution and in the region for the program, including, but not limited to, evidence that shows demand through:
    - i. Surveys or interviews of current students, faculty, and staff at the institution;
    - ii. Surveys or interviews of elected officials or other members of the institution's local community;
    - iii. Documented capacity constraints within currently offered programs at the same degree level and in the same academic discipline at other institutions; and
    - iv. Data on State and/or regional enrollment trends.
- (d) A program proposal that does not meet the requirements at (b) or (c) above shall be referred by the Presidents' Council to the Secretary pursuant to N.J.A.C. 9A:1-2.10(b) as a program that may be duplicative of other programs in the State.

**9A:1-2.14 Additional state resources**

- (a) The Presidents' Council shall evaluate proposals for new academic degree programs for whether significant additional State resources are required based on the following information:
1. The total of the projected budget for the proposed academic program that would be supported by either direct State support and/or indirect State support, including, but not limited to, State student assistance grant and scholarship programs;
  2. The projected increase in direct State support to the institution due to the proposed academic program;
  3. The projected increase in indirect State support to the institution due to the proposed academic program;
  4. Any concurrent changes to the budget of the institution that may represent a projected reduction in State support to the institution; and
  5. The anticipated length of time that any projected increases in State support would be required for the program.
- (b) When the Presidents' Council has determined that a new academic program does require significant additional State resources, the Presidents' Council shall evaluate the proposal to determine whether the significant additional State resources would be unduly expensive to the State, based on the following information:
1. Evidence that the proposed academic program will:
    - i. Offset continued State support for the program through sustained increases to State revenue and any additional economic impact to the State generated by the program; and/or
    - ii. Become sustainable within five years in the absence of the significant additional State resources that were used to establish the program; and
  2. The institutional plan for integrity and compliance monitoring, as well as internal fiscal controls, to prevent misuse of State funding and government resources.

### **SUBCHAPTER 3. CRITERIA FOR UNIVERSITY STATUS**

#### **9A:1-3.1 Programs**

In an atmosphere of freedom of inquiry and expression, a university shall provide 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 may also offer 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.

#### **9A:1-3.2 Organization**

- (a) A university shall clearly identify graduate studies and programs as distinct elements in its organization.
- (b) A university shall provide an appropriate and adequate staff whose primary responsibility is the administration of graduate and professional programs.

#### **9A:1-3.3 Resources**

A university shall possess the financial ability to support graduate and professional programs, and its facilities and equipment reflect the level of work required in both.

#### **9A:1-3.4 Accreditation**

A university shall be accredited by the Middle States Commission on Higher Education.

#### **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 Secretary; and listed as "research universities," "doctoral universities," or "master's 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 Secretary 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 Secretary a petition-of-intent seeking authority to do so. The petitioning institution shall develop a fully documented proposal and, with the concurrence of the Secretary, 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 Secretary. The Secretary shall consider both the report and the proposal in deciding on the college's application for university status.

- (c) The proposal required under (b) above 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 Secretary 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 Secretary.

#### **SUBCHAPTER 4. PROPRIETARY INSTITUTIONS**

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

- (a) Proprietary institutions of higher education shall apply for licensure to offer academic degree programs and/or college credit-bearing courses, 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 institution shall provide notice of ~~te~~change to the Secretary within 30 days of the change. The Secretary may determine to reassess the institution's licensure status within one year of the change.

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

- (a) Any license to operate shall be for a specific period, not to exceed five years, as the Secretary determines, unless a New Jersey institution is currently licensed and accredited as a discrete entity by an institutional accrediting body that is recognized by the U.S. Secretary of Education to accredit the kinds of academic programs for which licensure was previously granted to the institution.
- (b) At least eight months before the expiration of the license, the institution shall petition the Secretary for relicensure, unless a New Jersey institution is accredited as a discrete entity by an institutional accrediting body that is recognized by the U.S. Secretary of Education to accredit the kinds of academic programs for which licensure was previously granted to the institution.

##### **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 (a)-(i).

#### **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**

- (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.

### **SUBCHAPTER 5. OUT-OF-STATE INSTITUTIONS**

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

- (a) Out-of-State institutions wishing to offer college credit-bearing courses, academic degree completion programs, or complete academic degree programs with a physical presence in New Jersey shall petition the Secretary for licensure. No out-of-State institution shall offer or advertise the availability of college credit-bearing course(s) or academic degree program(s) with a physical presence in New Jersey before receiving formal approval of its petition. Licensure shall require the institution to meet all the standards set forth in this chapter.
- (b) An out-of-State institution's petition to offer an academic degree completion program shall provide

evidence that the degree-granting institution is authorized to offer the full degree program in the state in which the institution is incorporated.

- (c) The Secretary shall review all such licensure petitions from out-of-State institutions. The Secretary shall license only those institutions whose proposed offerings 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 Statewide plan for higher education, if applicable.
- (d) Upon a referral by the Presidents' Council to the Secretary of a proposed academic degree program from an out-of-State institution pursuant to N.J.A.C. 9A:1-2.10, the Secretary shall review the referred program and shall issue a written determination as to whether or not the referred program meets the applicable program standards.
- (e) Out-of-State institutions may be licensed for periods of one to five years. Initial licensure shall not exceed three years.
- (f) Licensure by the Secretary 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.
- (g) An out-of-State proprietary institution shall also be subject to N.J.A.C. 9A:1-4.

#### **9A:1-5.2 Petitions from institutions**

- (a) Out-of-State institutions seeking licensure shall submit licensure petitions in an electronic format to OSHE preferably at least one year before the requested date of implementation.
- (b) The petition shall contain:
  1. The accreditation status of the institution;
  2. A mission statement that defines the scope, purpose, and basic tenets of the institution;
  3. Information equivalent to the annual summary sheet required by the regional and/or national institutional accrediting association for the institution;
  4. The institution's financial statements and management letter(s) (if issued) (prepared by independent auditors) for each of the last three years;
  5. Information on the qualifications of prospective faculty for the proposed New Jersey offering(s);
  6. A description of the selection and review process for faculty teaching in New Jersey;
  7. A catalog and other data that the institution recognizes as appropriate; and
  8. Other information that the Secretary specifically requests.

#### **9A:1-5.3 Review processes**

- (a) The following procedures apply to petitions from out-of-State institutions:
  1. Upon receipt of the petition, OSHE staff shall provide to all New Jersey institutions a brief summary of the petition's content, along with information on how to obtain the petition from the OSHE

website and an invitation to the institutions to submit their comments within 30 days after the notification regarding the out-of-State request.

2. Except for the exemption detailed at (a)3 below, OSHE staff shall review the petition and any comments submitted by in-State institutions with the assistance of an external consultant team that is mutually acceptable to the petitioning institution and the Secretary. As part of the review of the petition, OSHE staff may also conduct a site visit at the campus or proposed instructional site of the institution with the assistance of the external consultant team.
3. OSHE may waive the requirement for an external consultant team to review a licensure petition if the following conditions apply:
  - i. The out-of-State institution is currently licensed by the Secretary to offer academic degree programs or college credit-bearing courses in New Jersey;
  - ii. The current licensure period is not an initial licensure period;
  - iii. The current licensure period is for a five-year period;
  - iv. For the current licensure period, the institution has undergone an OSHE-conducted licensure review with an external consultant team that included a site visit at the campus or proposed instructional site in New Jersey;
  - v. The institution is not seeking to renew the current licensure period; and
  - vi. The institution is only seeking licensure for additional college credit-bearing courses.
4. OSHE staff shall send the petition and all pertinent materials to the Presidents' Council for review and recommendation to the Secretary.
5. The Secretary shall consider the recommendation of the Presidents' Council when making a determination on the petition.

#### **9A:1-5.4 Annual report**

- (a) An out-of-State institution shall submit a report containing an update of the information required pursuant to N.J.A.C. 9A:1-5.2(b) to the Secretary on an annual basis by a date determined by the Secretary.
- (b) If it appears from a review of the annual report that there has been a significant change in the offerings, the necessary resources, or the status of the institution, OSHE staff shall submit the matter to the Presidents' Council for review and recommendation to the Secretary for any appropriate action to be taken, including the revocation of licensure.

#### **9A:1-5.5 Additional instructional sites**

- (a) A currently licensed out-of-State institution seeking to establish an additional instructional site for its currently licensed academic degree programs and/or college credit-bearing courses shall, before operating the additional instructional site, submit to the Secretary a formal request that shall include a statement justifying the need for the proposed instructional site and a description of the proposed courses/programs to be offered there.
- (b) The request under (a) above shall also include evidence that the proposed programs/courses at the proposed instructional site are at least equivalent in quality to comparable programs/courses at the

currently licensed instructional site 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 proposed instructional site without eroding the quality to ongoing programs and operations in the rest of the institution.

- (c) The request under (a) above shall provide information on the standards in N.J.A.C. 9A:1-1.5 through 1.12, with special attention to evidence indicating that the classroom, laboratory, computing, and library facilities are adequate; the provisions for administration, support staff, and student support services are sufficient; and the qualifications of faculty are appropriate.
- (d) Upon receipt of a request for approval of an instructional site, OSHE staff shall provide to all New Jersey institutions of higher education a brief summary of the request, along with information on how to obtain all materials related to the request from the OSHE website and an invitation to inform the Secretary within 30 days as to how they would be affected by the proposed instructional site.
  - 1. If no concerns are raised about the proposal, OSHE staff shall forward the request directly to the Secretary for action.
  - 2. If concerns are raised, OSHE staff shall send all materials to the Presidents' Council for review and recommendation within 60 days.
  - 3. The Secretary shall consider the recommendation of the Presidents' Council when making a determination on the request for approval of an instructional site.

## **SUBCHAPTER 6. OFF-CAMPUS OFFERINGS**

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

- (a) 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.
- (b) All institutions shall submit at the request of the Secretary reports on all off-campus offerings.

### **9A:1-6.2 Branch campuses established by a public research university or state college within New Jersey**

- (a) Subject to the approval of the Secretary, the governing board of a public research university or a State college may establish a branch campus within the State.
- (b) The governing board shall submit a plan for the branch campus to the Secretary that shall include the following:
  - 1. A statement that explains the need for the branch campus or additional location;
  - 2. A description of the proposed courses and programs that will be offered at the branch campus;
  - 3. Evidence that the proposed courses or programs at the branch campus are at least equivalent in quality to comparable courses/programs on the main campus;
  - 4. Evidence that the institution has provided for effective monitoring and controls to maintain quality;

5. 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;
  6. Information on the standards at N.J.A.C. 9A:1-1.5 through 1.12, with special attention to evidence that demonstrates that 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; and
  7. A statement that the proportion of courses taught by full-time faculty at a branch campus are the same as on the main campus.
- (c) Upon receipt of a plan submitted by the governing board of a public research university or a State college for a branch campus within the State, OSHE staff shall notify all New Jersey institutions of higher education of the receipt of the plan and shall provide each New Jersey institute of higher education with a brief summary of the plans, along with information on how to obtain the plan from the OSHE website. Each New Jersey institution of higher education will have 30 days from the notification date to submit to OSHE their comments. Comments should focus on how the institution would be affected by the proposed branch campus.
- (d) If no concerns are raised about the plan, OSHE staff shall forward the plan directly to the Secretary for review and determination.
- (e) If concerns are raised, OSHE staff shall send the plan and any related materials to the Presidents' Council for review. The Secretary will accept recommendations from the Presidents' Council in regard to the plan if the recommendations are submitted to OSHE within 60 days from the date of receipt by the Presidents' Council of the plan and any related materials.
- (f) The Secretary shall consider the recommendations of the Presidents' Council when making a determination on the plan.
- (g) Prior to a determination on the plan by the Secretary, OSHE staff may also conduct a review of the plan utilizing the assistance of an external consultant team that is mutually acceptable to the institution that submitted the plan and the Secretary.

**9A:1-6.3 Branch campus and additional locations established by a public research university or a state college outside of New Jersey or outside of the United States**

- (a) The governing board of a public research university or a State college that seeks to establish a branch campus or additional location outside of the State or country that will serve at least 100 students of the institution shall submit a plan for the branch campus or additional location for review and approval by the Secretary.
- (b) The plan for the branch campus or additional location shall include the following:
1. All of the information required pursuant to N.J.A.C. 9A:1-6.2(b)1 through 7;
  2. A description of the higher educational needs of the country or region in which the branch campus or additional location shall be located;

3. A description of the proposed branch campus or additional location and its proposed programs and curriculum;
  4. An estimate of the cost of establishing and maintaining the branch campus or additional location, including the cost of any planned acquisition or construction of facilities;
  5. A statement that the branch campus or additional location will comply with the provisions of the Open Public Records Act, P.L. 1963, c. 73 (N.J.S.A. 47:1A-1 et seq.);
  6. Evidence that the branch campus or additional location serves a compelling State interest;
  7. Evidence that the branch campus or additional location does not impose excessive costs to the State. Such evidence may include, but is not limited to, the following:
    - i. Net cost to the State of the branch campus or additional location, including any long-term expenses;
    - ii. Any financial liabilities to the State that may be incurred as a result of the branch campus or additional location; and
    - iii. Information indicating that the financial sustainability of the branch campus or additional location would allow for it to continue operations year after year;
  8. Evidence that the branch campus or additional location does not impose reputational risk to the State. Such evidence may include, but is not limited to, an attestation that the applicant will continually notify the State of:
    - i. All major financial and governance transactions made between the institution and the out-of-State/out-of-country host;
    - ii. Any agreement(s) made between the institution and the out-of-State/out-of-country host in advance of the institution entering into such agreements;
    - iii. Any additional requirements imposed by the out-of-State/out-of-country host that are not already mandated by the State; and
    - iv. Any gifts received, including any gift that was later returned or any gift for which compensation was paid after receipt;
  9. Evidence that the branch campus or additional location does not impose a risk to the security interests of the State or Federal government. Such evidence may include, but is not limited to:
    - i. Documentation of pre-clearance from the United States Department of Homeland Security, along with a plan to comply with any requirements imposed by the United States Department of Homeland Security as a condition to the receipt of pre-clearance by the institution; and
    - ii. Documentation of pre-clearance from the New Jersey Office of Homeland Security and Preparedness, along with a plan to comply with any requirements imposed by the New Jersey Office of Homeland Security and Preparedness as a condition to the receipt of pre-clearance by the institution; and
  10. Documentation that all faculty and members of the professional staff not holding faculty rank performing services at a branch campus or additional location outside the State or country shall be paid and provided benefits in the same manner as all other employees of that institution within the State.
- (c) Upon receipt of a plan submitted by the governing board of a public research university or a State

college for a branch campus or additional location outside of the State or country, OSHE staff shall notify all New Jersey institutions of higher education of the receipt of the plan and shall provide each New Jersey institute of higher education a brief summary of the plan along with information on how to obtain the plan from the OSHE website. Each New Jersey institution of higher education will have 30 days from the notification date to submit to OSHE their comments. Comments should focus on how the institution would be affected by the proposed branch campus.

1. If no concerns are raised about the plan, OSHE staff shall forward the plan directly to the Secretary for review and determination.
2. If concerns are raised, OSHE staff shall send the plan and any related materials to the Presidents' Council for review. The Secretary will accept recommendations from the Presidents' Council in regard to the plan if the recommendations are submitted to OSHE within 60 days from the date of receipt by the Presidents' Council of the plan and any related materials.
3. The Secretary shall consider the recommendation of the Presidents' Council when making a determination on the plan.
4. Prior to a determination on the plan by the Secretary, OSHE staff shall also:
  - i. Conduct a review of the plan utilizing the assistance of an external consultant team that is mutually acceptable to the institution that submitted the plan and the Secretary;
  - ii. Solicit comments from additional interested parties, including, faculty and members of professional staff not holding faculty rank at the public research university or State college; and
  - iii. Conduct a site visit at the proposed site of the branch campus or additional location.

#### **9A:1-6.4 Branch campuses or additional locations established by an independent institution of higher education within New Jersey**

- (a) The governing board of an independent in-State institution of higher education that seeks to establish a branch campus or additional location in the State that will serve at least 100 students of the institution shall submit a plan for the branch campus or additional location for review and comment by the Secretary. The plan for the branch campus shall include all the information required at N.J.A.C. 9A:1-6.2(b)1 through 7.
- (b) The Secretary shall provide written comments on the plan to the independent institution within 60 days of the submission of the plan.

#### **9A:1-6.5 Non-collegiate organizations**

- (a) Off-campus sites at which an institution offers college credit-bearing 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 an academic 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.

## **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 catalog 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.

### **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.

### **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 either between or 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 licensed New Jersey institution wishes to offer a new academic 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) Approval by the Secretary for distance learning programs offered by licensed New Jersey institutions shall be required only if programs are referred to the Secretary by the Presidents' Council for consideration due to an institution's changing or exceeding its programmatic 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 college credit-bearing distance learning with a physical presence in New Jersey must first be licensed by the Secretary, with advice from the Presidents' Council, to offer specific courses or degree programs.
- (b) Out-of-State institutions that wish to offer New Jersey residents no other programs, except for college credit-bearing distance learning with no physical presence in New Jersey, are not required to seek licensure from the Secretary.
- (c) If a degree program offered by an out-of-State institution requires a supervised component, such as an internship, fellowship, or apprenticeship, for a certain degree, such a component, if conducted in New Jersey, will not be considered to constitute a physical presence, so long as the following two criteria are met:
  - 1. The student-supervisor relationship is conducted on a one-to-one basis (for example, no group review sessions or other gatherings); and
  - 2. The supervisor is not a permanent employee of the out-of-State institution.

## **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.

### **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.

## **SUBCHAPTER 9. INSTITUTIONAL CLOSURE**

### **9A:1-9.1 General procedures for institutional closure**

- (a) An institution that plans to cease operations or whose licensure has been revoked shall submit to the Secretary a plan for institutional closure, which must include the following:
  1. The planned date of termination of operations;
  2. A plan to continually notify relevant stakeholders of pertinent information related to the institution's closure as the information becomes available. Relevant stakeholders include, but are not limited to, the Secretary, enrolled students, admitted students, candidates who have submitted applications where no determination has been made, recent graduates, graduates that maintain institutional debt, faculty, staff, host communities, including the applicable municipal and county government(s), the elected State representative and senator in the legislative district where the institution is located, the chairpersons of the State Senate and Assembly Higher Education Committees, and the New Jersey Commissioner of the Department of Labor and Workforce Development;
  3. A plan for the transfer and long-term maintenance of all essential records, particularly, but not limited to, academic records of current and former students, by a third-party or parties before the licensed institution ceases operations. Such a plan should include, at a minimum, the following:
    - i. The planned date and receiving location for the transfer of student records;
    - ii. The name and address of the third-party organization(s) or eligible transfer institution(s) to receive and manage the student records; and
    - iii. The contact information of the third-party official(s) who is/are designated to manage transcript requests.

4. Arrangements for the continued education of currently enrolled students through a teach-out agreement developed pursuant to N.J.A.C. 9A:1-9.2, or other practical solution; and
5. Evidence of communication with the New Jersey Higher Education Student Assistance Authority and the U.S. Department of Education regarding the appropriate actions concerning State grants and scholarships, State loans, Federal grants and scholarships, and Federal loans, as applicable.

#### **9A:1-9.2 Teach-out agreements**

- (a) An institution shall enter into a school-to-school teach-out agreement at least 120 days prior to the cessation of institutional operations. This teach-out agreement shall:
  1. Be arranged by the closing institution;
  2. Be agreed to by an eligible transfer institution or institutions, the closing institution, and the Secretary;
  3. Unless waived for good cause by the Secretary, specify that the eligible transfer institution(s) shall:
    - i. Be located within a reasonable distance of the closing institution, if the closing institution has a physical presence in the State;
    - ii. Accept the transfer of all completed credits from students affected by the closure; and
    - iii. Allow a student affected by the closure to complete the student's program with substantially the same number of credit hours as was required by the closing institution; and
  4. Specify that, upon request by a student affected by the closure, the closing institution shall provide a complete academic record and an official transcript to the student at no cost to the student.

#### **9A:1-9.3 Teach-out plan requirements for proprietary institutions**

- (b) A proprietary institution shall provide the Secretary a teach-out plan that addresses a potential closure of the institution. The teach-out plan shall be updated, as required by the Secretary, and shall include:
  1. The requirements for a plan for institutional closure pursuant to N.J.A.C. 9A:1-9.1(a);
  2. A statement that the institution shall make all reasonable efforts to ensure that any closure of the institution complies with the requirements at P.L. 2021, c. 27;
  3. A statement that the chief executive officer and the members of the governing body of the institution providing the teach-out plan to the Secretary were not previously in an executive position or a member of a governing body of an institution in which a disorderly closure occurred; and
  4. A statement that any institutional financial aid agreement offered to a student shall contain language stating that, in the event of a disorderly closure, the institutional debt shall be void and shall not be recovered, collected, or enforced.

#### 9A:1-9.4 Contingency plan for closure

- (a) If, pursuant to N.J.A.C. 9A:2-1, the Secretary determines that an institution is required to submit a contingency plan for closure to OSHE, the contingency plan for closure, shall include:
1. The requirements of a plan for institutional closure pursuant to N.J.A.C. 9A:1-9.1(a);
  2. Information about the rights and responsibilities of student loan borrowers;
  3. Information about the institution's financial condition, accreditation status, and any outstanding compliance issues regarding Federal and State student aid programs; and
  4. Confirmation that the institution has obtained either a surety bond or letter of credit to refund student enrollment deposits and to pay the cost to maintain student records by a third-party or parties.