



Program Approval Process

Final Report

Annapolis, Maryland
February 2024

Program Approval Process Final Report

**Department of Legislative Services
Office of Policy Analysis
Annapolis, Maryland**

February 23, 2024

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THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401

Program Approval Process Workgroup

February 23, 2024

The Honorable Bill Ferguson
President of the Senate

The Honorable Adrienne A. Jones
Speaker of the House

The Honorable Guy Guzzone
Chair, Budget and Taxation Committee

The Honorable Ben Barnes
Chair, Appropriations Committee

Dear President Ferguson, Speaker Jones, Chair Guzzone, and Chair Barnes:

On behalf of the Program Approval Process Workgroup, we are pleased to transmit to you the final recommendations. The workgroup was established under Section 20 of Chapter 101 of 2023 to make recommendations concerning whether the Maryland Higher Education Commission (MHEC) should:

- (1) develop operational missions to differentiate each institution's roles in meeting the State's goals;
- (2) develop three-year institutional plans to help facilitate efficient coordination of academic degree program offerings;
- (3) develop mechanisms to ensure that objective data demonstrates that proposed programs support State workforce needs and the economic competitiveness of the State and that MHEC has sufficient data analytics staff to evaluate these objectives;
- (4) develop measurable criteria to determine when a proposed new program is considered unreasonable/unnecessary or duplicative;
- (5) make any revisions to the objection process, including any recommended statutory changes;
- (6) make any revisions of the criteria that trigger a full program review;

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- (7) given projected enrollment declines, make any revisions to the program approval process to encourage collaboration among institutions to ensure viable programs; and
- (8) make any revisions to ensure that the program approval process has the primary goal of meeting the needs of the students and the State while ensuring full compliance with all applicable laws and legal precedents regarding program approval with respect to the historically Black colleges and universities.

The workgroup met a total of five times between August and January and had productive conversations related to these charges including discussions about how other states oversee academic program development in higher education. The final recommendations from the workgroup represent a consensus from workgroup members on how program development and review in Maryland can be more transparent, predictable, and timely for higher education institutions but, most importantly, for students.

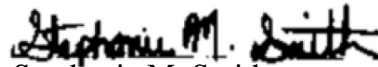
We extend our appreciation to the workgroup members and the staff from the Department of Legislative Services and MHEC for their invaluable time, expertise, and assistance in advancing the work of the workgroup.

Should you have any questions or require further information, please do not hesitate to contact us directly.

Sincerely,



Nancy J. King
Senate Chair



Stephanie M. Smith
House Chair

NJK:SMS/MKL/km

Enclosure

General Assembly of Maryland Program Approval Process Workgroup 2023 Membership Roster

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Senator Ron Watson

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Summary of the Background Leading to the Workgroup

Historically Black Colleges and Universities Litigation

From 2006 until 2021, the State of Maryland was a defendant in *The Coalition for Equity and Excellence in Maryland Higher Education, et al. v. Maryland Higher Education Commission (MHEC), et al.* (06-CV-02773-CCB), which was a federal lawsuit filed in the U.S. District Court for the District of Maryland. Former and current students of Maryland's historically Black colleges and universities (HBCUs), which include Morgan State University (MSU) and the University System of Maryland (USM) institutions of Bowie State University (BSU), Coppin State University (CSU), and the University of Maryland Eastern Shore (UMES), alleged that the State violated the federal Civil Rights Act of 1964 and the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution through ongoing policies and practices within the State's system of higher education.

De Jure Segregation and Unnecessary Program Duplication

The lawsuit alleged three policies of the Maryland system of higher education were traceable to the prior *de jure* (as a matter of law) system of segregation that existed before 1969: (1) limited institutional missions; (2) operational funding deficiencies; and (3) unnecessary program duplication. The District Court rejected the first two claims but found that the State failed to eliminate a traceable *de jure* era policy of unnecessary program duplication that exacerbated the racial identifiability of Maryland's HBCUs. The District Court defined unnecessary program duplication as the offering by two or more institutions of the same nonessential or noncore programs, nonbasic liberal arts and sciences course work at the bachelor's level, and all duplication at the master's level and above – the standard set in 1992 by the U.S. Supreme Court in *United States v. Fordice*. As an example of unnecessary program duplication, the court cited MHEC's decision to approve a joint University of Baltimore (UB)/Towson University Master of Business Administration (MBA) program over the objections of MSU in 2005. Of note, the joint MBA program was not renewed when it expired in October 2015, resulting in the program reverting back to UB.

After 14 years of litigation and settlement attempts in the federal court system, the lawsuit was settled and dismissed with prejudice by the District Court in May 2021. Chapters 41 and 42 of 2021 were passed by the General Assembly to provide remedies and support to the HBCUs conditioned on settlement of the lawsuit. The parties subsequently reached agreement and petitioned the court to dismiss the action. The court granted the request and found in its final judgment and order that Maryland had cured any policy of unnecessary program duplication traceable to Maryland's *de jure* system of racially segregated higher education.

The Historically Black Colleges and Universities Legislation

During the 2020 legislative session, the General Assembly passed House Bill 1260, which aimed to settle the lawsuit by mandating funding to HBCUs, in addition to other initiatives. On May 7, 2020, the Governor vetoed the bill due to economic challenges resulting from the COVID-19 pandemic. When the General Assembly convened for the 2021 regular session, it reintroduced and passed the same legislation as House Bill 1 and Senate Bill 1. Both bills were signed by the Governor and enacted as Chapters 41 and 42, respectively.

Historically Black Colleges and Universities Funding

As the primary remedy, Chapters 41 and 42 require that the HBCUs receive supplemental State funding in the amount of \$577 million distributed over fiscal 2023 through 2032 – approximately \$57.7 million annually – but the total funds distributed for a given fiscal year may vary upward based on the funding formula. Each institution is to receive funding proportional to their individual student enrollment as compared to all students enrolled at the HBCUs collectively. However, each institution must receive at least \$9 million each year if its share of student enrollment would result in a lower amount; the appropriation for fiscal 2032 is then adjusted downward to account for any prior annual appropriations that exceed \$57.7 million. The funding is supplied through general funds but may potentially also come from the Cigarette Restitution Fund to the extent the State receives any litigation payments from manufacturers due to the State's enforcement of Title 16, Subtitle 4 of the Business Regulation Article.

For fiscal 2023, the legislation required a total appropriation of \$59.5 million to the HBCUs to be distributed as (1) \$24 million for MSU; (2) \$16.8 million for BSU; (3) \$9 million for CSU; and (4) \$9.7 million for UMES. Under the law, the first distribution of funds is reduced proportionally to pay for approximately \$22 million in attorneys' fees and expenses as agreed to by the parties. As a result, the actual fiscal 2023 distribution is \$15.1 million for MSU and \$22.3 million to USM, apportioned as \$10.6 million to BSU, \$5.6 million to CSU, and \$6.1 million to UMES. For fiscal 2024, \$62.6 million is to be distributed as \$26.4 million for MSU and \$36.2 million to USM, apportioned as \$18.2 million to BSU, \$9 million to UMES, and \$9 million to CSU. The funds are authorized to be used for scholarships and financial aid support services, faculty recruitment and development, expanding and improving existing academic programs, developing and implementing new academic programs, academic support, and marketing. By December 1 each year beginning in 2023 and continuing through 2033, each HBCU is required to submit a report to various entities of the General Assembly on the uses of the funds and any new academic programs developed.

Academic Program Review

Other provisions of Chapters 41 and 42 sought to address the academic program review policies and practices of MHEC. Under the law, funding is annually provided to MHEC to

establish and staff a program evaluation unit with 10 new positions to assist in evaluating new programs and substantial modifications to existing programs. The legislation also required the Department of Legislative Services to contract with a consultant to conduct a capacity and capability study of MHEC's current program review processes. The department contracted with the National Center for Higher Education Management Systems (NCHEMS), and the findings and recommendations of the report were submitted in September 2022.

The report proposed 13 recommendations for consideration by the General Assembly and other higher education stakeholders as a remedy for several major issues uncovered during the review process relating to MHEC's policies and procedures for reviewing academic program proposals. The NCHEMS review raised concerns about MHEC's lack of efficiency, consistency, and transparency in the performance of its program approval function; the lack of objective criteria in program approval decision making; MHEC's lack of capacity to compile and analyze workforce data; the overall structure and purpose of the program approval process; and the culture of distrust as to the MHEC process and between institutions as a result of the program proposal objection process.

During the 2023 legislative session, NCHEMS provided a briefing on the report to the Senate Education, Energy, and the Environment Committee and the House Appropriations Education and Economic Development Subcommittee. Subsequently, Chapter 101 of 2023 established this Program Approval Process Workgroup.

Establishment of the Program Approval Process Workgroup

During the 2023 session, the General Assembly added language to the fiscal 2024 budget bill (Chapter 101) restricting funds from all segments of higher education until a report is submitted from a workgroup on recommendations to improve MHEC's program approval process to make it a transparent, efficient, evidence-based, and timely process providing institutions the flexibility to respond to the needs of the State and students. Language specified that the workgroup be comprised of one member from the Senate Budget and Taxation Committee, one member from the Senate Education, Energy, and the Environment Committee, two members from the House Appropriations Committee, and one representative each from USM, MSU, St. Mary's College of Maryland, the Maryland Independent College and University Association, the Maryland Association of Community Colleges, and the Secretary of MHEC. Furthermore, it was specified the report include recommendations on whether MHEC should:

- develop operational missions to differentiate each institution's roles in meeting the State's goals;
- develop three-year institutional plans to help facilitate efficient coordination of academic degree program offerings;

- develop mechanisms to ensure that objective data demonstrates that proposed programs support State workforce needs and the economic competitiveness of the State and that MHEC has sufficient data analytics staff to evaluate these objectives;
- develop measurable criteria to determine when a proposed new program is considered unreasonably/unnecessarily duplicative;
- make any revisions to the objection process, including any recommended statutory changes;
- make any revisions of the criteria that trigger a full program review;
- given projected enrollment declines, make any revisions to the program approval process to encourage collaboration among institutions to ensure viable programs; and
- make any revisions to ensure that the program approval process has the primary goal of meeting the needs of the students and the State while ensuring full compliance with all applicable laws and legal precedents regarding program approval with respect to HBCUs.

The report was required to be submitted by December 1, 2023; however, an extension was requested to submit the report in January 2024.

The workgroup held its first meeting on August 14, 2023, and held four meetings. On December 12, 2023, the workgroup held its final meeting and adopted recommendations. Agendas and presentations are included in **Appendix 1**.

Program Approval Process Workgroup Recommendations

I. Operational Missions

The workgroup devoted the September meeting to a discussion on institutions of higher education mission statements. The workgroup first heard from the Maryland Higher Education Commission (MHEC) on its current requirements for mission statement review. Under § 11-302 of the Education Article, each public institution of higher education is required to update their mission statement every four years for MHEC approval, immediately following the quadrennial review of the State Plan for Higher Education. The only metrics in statute related to mission statement review and approval is the requirement that MHEC determine whether the mission statement is consistent with the State Plan. During MHEC's last mission statement review in 2018, MHEC asked for institutions to provide a variety of information related to their mission statement and role of the institution. But MHEC did not provide any comments to institutions or deny any institution's mission statement submission. At this meeting, the workgroup discussed how MHEC could have more developed metrics for mission statement review. For example, MHEC could be considering factors such as the unique contributions that historically Black colleges and universities (HBCUs) make to the State and to the country or whether a public institution of higher education has clearly defined their role in the higher education system in the State.

The workgroup also heard about different statutory distinctions for public institutions of higher education in the State. In response to a question from a member of the workgroup, the Department of Legislative Services (DLS) prepared a document (**Appendix 1**) comparing the statutory distinctions, MHEC approved missions, and website mission statements of each public senior higher education institution. Most public senior higher education institutions use the same mission statement approved by MHEC, or a similar mission statement, on their website. Overall, most public senior higher education institutions are not adequately referencing their statutory distinctions in their mission statements or on their website. Review of the current law shows that only 9 of 14 public senior higher education institutions have explicitly stated statutory distinctions. Members of the workgroup have expressed concern that some institutions do not have an expressly stated statutory distinction. For institutions that have specific statutory distinctions, which are utilized by MHEC in program review, the statutory distinction may be outdated and not reflective of the current role of the institution. The workgroup discussed whether the General Assembly, or another appointed workgroup, should consider clarifying statutory distinctions for all institutions on a more regular basis.

Also, during this meeting, the workgroup received a presentation about how other states review the mission statement of their institutions of higher education. Of the 16 states surveyed, 9 states require mission statement approval similar to Maryland. Only 3 states had detailed requirements in statute related to mission statements (*i.e.*, intended role of institution, academic and research goals, audiences served, geographic areas). Most states require mission statements to comply with a state plan, like Maryland.

There is concern that current institutional mission statements tend to be too vague and lacking in specificity about the strategic role and direction of the institution under the State's current structure of mission statement development and approval for public senior higher education institutions. Without clear and distinct roles for institutions of higher education in the State, institutions may engage in mission creep leading to an overexertion of State resources. However, the workgroup thought that establishing a new requirement for operational missions in lieu of mission statements would duplicate current internal practices of an institution and give MHEC authority in an area traditionally within the autonomy of each institution. Workgroup members determined that MHEC's current authority to review mission statements allows MHEC to be more involved and provide more robust comments to institutions when approving or disapproving their four-year mission statement submission.

Recommendation 1: The workgroup does not recommend that MHEC require institutions to adopt operational mission statements for approval by MHEC.

Recommendation 2: The workgroup recommends that MHEC utilize their current authority to develop more detailed criteria for mission statement review of public institutions of higher education and provide robust approval to ensure that mission statements are clearly defined and distinct to prevent mission creep between each institution. Examples of criteria in mission statement review could be the requirement that each institution clearly define the level of research of the public institution of higher education or the new Carnegie classifications, if applicable.

Recommendation 3: The workgroup recommends that after each mission statement review, MHEC submit a report to the House Appropriations Committee, the Senate Budget and Taxation Committee, and the Senate Education, Energy, and the Environment Committee on each approved mission statement and an analysis of each public institution of higher education's role in the State's system of higher education to ensure that each institution's mission statement is distinct and clear. The report should also include an analysis of why each mission statement was approved or rejected. The committees and MHEC should use this report to ensure that the State is supporting each institution in meeting the needs of their approved mission statement.

II. State Plan for Higher Education and State Workforce Development Needs

The focus of the workgroup's October meeting was a discussion of how MHEC determines the workforce needs of the State. Section 11-105 of the Education Article requires MHEC, in consultation with the governing boards and agencies concerned with postsecondary education in the State, to develop and periodically update an overall plan to "coordinate the overall growth and development of postsecondary education in the State" called the State Plan for Higher Education. The State Plan must identify:

- the present and future needs for postsecondary education and research throughout the State;
- the present and future capabilities of the different institutions and agreements of postsecondary education in the State; and
- the long-range and short-range objectives and priorities for postsecondary education and methods and guidelines for achieving and maintaining them.

Once completed, the State Plan is submitted to the Governor and the General Assembly. The latest State Plan was submitted in 2022. The three main goals of the 2022 State Plan are to:

- (1) ensure equitable access to affordable and quality postsecondary education for all Maryland residents;
- (2) promote and implement practices and policies that will ensure student success; and
- (3) foster innovation in all aspects of Maryland higher education to improve access and student success.

The 2022 State Plan focuses on areas of student affordability; financial literacy; academic readiness; student populations; high-quality postsecondary education; improving systems for timely completion; ongoing lifelong learning; and promoting a culture of risk-taking. With respect to academic program review, the 2022 State Plan states that campuses should demonstrate a critical and compelling regional or statewide need before requesting a new academic program. The State Plan defined this need as:

- a need for the advancement and evolution of knowledge;
- societal needs;
- occupational and professional needs; and
- the need to strengthen and expand the capacity of HBCUs and to provide high quality and unique educational programs.

The 2022 State Plan also (1) makes a distinction between market demand and need; (2) encourages campuses to work with the Department of Commerce and local chambers of commerce to better understand local workforce needs and emerging fields; and (3) includes an analysis of the key industries in the State by Commerce.

Of the 16 comparison states examined by the workgroup, 13 have a state plan or document that governs the workforce development goals of the state. There is no consistent timeline among

these states for updating the state plan and each state's review of the state plan range from 2 to 12 years. Some states, such as Mississippi, require its state plan to identify high demand fields and employment benchmarks. Other states, such as North Carolina, identify target industries. Some states also include regional or institutional goals. The workgroup also heard how other states compile workforce data and work more collaboratively with their labor departments and workforce councils and boards to define workforce needs. Some additional data sources other states use are vacancies and projections, wage data, and education/training needs.

After reviewing this information, the workgroup concluded that MHEC could make the State Plan more effective for institutions by including more targeted workforce need information. Due to a projected enrollment cliff in high school graduates beginning in 2025, it is imperative that public institutions of postsecondary education be extremely thoughtful in academic program development by focusing on programs in areas of need.

Recommendation 4: The workgroup recommends that the State Plan should identify specific workforce needs, including regional needs, and the specific academic programs that institutions could develop to support these workforce needs. This information should be updated annually on a specific date as an annual appendix to the State Plan.

Recommendation 5: The workgroup recommends that MHEC should update the State Plan for MHEC's commission members' approval by January 1, 2025. The workgroup recommends that MHEC provide opportunities for input from all segments of higher education, students, major industry partners, and members of the public in developing the 2024 State Plan.

Recommendation 6: The workgroup recommends that the next State Plan should require review and comment by the Legislative Policy Committee prior to the adoption of the State Plan by the commission members.

Additionally, the workgroup learned that because there is not a well-established relationship or coordinated effort to determine workforce need between MHEC, the Maryland Department of Labor (MDL), and Commerce, MHEC mostly goes it alone in figuring out the appropriate mechanisms and data regarding State workforce needs for the State Plan and in the program approval process. In fact, MHEC relies heavily on MDL data without MDL's input or insight. And campuses often rely on narrowly identified areas of industry. Due to this lack of coordination, all State agencies do not have a unified definition of statewide or regional of workforce need and subsequent academic programs. Overall, the State should be utilizing the resources of current State agencies devoted to identifying workforce needs. MDL and Commerce should also be working with other agencies that have particular expertise in emerging fields to have the most accurate analysis of State and regional workforce needs.

Recommendation 7: The workgroup recommends that MHEC, MDL, and Commerce should each have specific positions dedicated to defining and identifying State and regional workforce needs. Additionally, MHEC should consider working with Maryland

Longitudinal Data System Center, licensing boards, and a national organization to define and identify State and regional workforce needs. When identifying workforce needs, consideration should be given to data from resources and literature pertaining to specific occupations. This should include occupational supply projections and understanding nationwide program development and current program expansion trends.

Recommendation 8: The workgroup and MHEC should utilize their current authority to hire outside consultants with academic disciplinary expertise when the subject matter of a proposed program is outside the areas of expertise of MHEC, MDL, and Commerce.

Recommendation 9: The workgroup recommends that MHEC, MDL, and Commerce have common agreement on data sources and measurements and all institutions of higher education should have access to this data. These data source should include information on current and emerging workforce needs. MHEC and the commission members should use this data as a baseline during the program approval process.

III. Letter of Intent

Currently, the State has no requirement for institutions of higher education to collaborate with each other. In the past, MHEC's leadership made little substantive effort to encourage institutional collaboration.

In a memorandum created for workgroup members (Appendix 1), the Education Commission of the States compiled data on how different states encourage collaboration among institutions to ensure that there is not an oversaturation of similar degree programs. There is no best practices on how to encourage collaboration among institutions. Other states utilize a comment period or an objection period in the beginning stages of the program proposal process to get the perspective of other institutions to the proposed program. Most states require a notice of an intent to develop a new program prior to submitting a program for the coordinating body's approval to elicit questions, comments, and collaboration and provide notice to other institutions. A few states go further in requiring collaboration in a program proposal submission. For example, Minnesota requires proposals to include "alliances with other institutions of higher education." Alabama requires proposals to include plans to collaborate with other institutions. Mississippi requires that institutions within a certain geographic area of each other should explore collaboration in their proposal.

Maryland law requires MHEC to circulate proposals for a 30-day objection period. However, by the time the objection period occurs, the proposal has been fully vetted by the institution's governing board and resources may have already been allocated to the expected implementation of the program. This objection opportunity is often too late in the process to encourage or require collaboration between institutions.

Recommendation 10: After the adoption of the 2024 State Plan, the workgroup recommends that MHEC require all public senior higher education institutions to submit a Letter of Intent every six months for any graduate academic program that the institution plans to submit for approval by MHEC in the next six months to two-year time period. MHEC should adopt the requirements and format, deadlines, and review criteria for Letters of Intent. MHEC should use the Letters of Intent to provide early warning signals of potential duplication with existing programs.

A Letter of Intent would serve as formal notice to each public senior higher education institution and MHEC of the direction an institution is planning on pursuing over the next six months to two years related to the offering of graduate degree programs. It would not give preference or approval to a program but allow MHEC to facilitate collaboration among institutions interested in similar programs or among a proposing institution and an institution currently offering a similar program. MHEC could also provide comments early to institutions if there is a concern MHEC has with the program, potentially saving an institution time and resources to address those concerns before embarking on the formal program approval process. Currently, MHEC is not involved in or aware early enough in the academic program development process of each institution to encourage effective collaboration between institutions.

Recommendation 11: The workgroup recommends that MHEC develop an exception to the Letter of Intent requirement for exigent circumstances. This process should only be used by institutions in rare circumstances and MHEC may only approve these programs when the benefit to the State or region from the expedited adoption of a program without notice from a Letter of Intent outweighs the State's interest in notice and collaboration. MHEC's process for exigent circumstances should encourage fairness and transparency.

IV. Collaborative Grant Fund

Institutions frequently commented during workgroup meetings that while institutions had a desire to collaborate, it was not always economically feasible for the institution.

Recommendation 12: The workgroup recommends that the General Assembly create a Collaborative Grant Fund that would be accessible for public institutions of higher education to fund efforts to collaborate with each other for the establishment of new graduate degree programs.

The eligible expenses from the collaborative fund would be case by case, and MHEC should allow institutions to define which collaborative opportunities work for the institutions, but examples could include grants for:

- the salaries of faculty to work together to determine if collaboration is feasible for the institutions;

- costs associated with providing transportation for one institution to another institution for shared classes or facilities; or
- costs associated with sharing resources in research collaborations, student exchange programs, joint marketing or recruitment, faculty exchange programs, and online program collaborations.

Grants from a collaborative fund would be eligible for institutions after inclusion of the program in the institution's Letter of Intent.

While the State does have an educational interest in encouraging collaboration, workgroup members wanted to be clear that collaboration *will not be* a requirement of an institution. An institution currently with a program is *not* required to collaborate with an institution proposing a program. Additionally, if MHEC determines that programs are duplicative during a program proposal and there is a State or regional workforce need for multiple programs, MHEC may not require an institution to collaborate with another institution for the new program to be approved. However, if each institution determines that collaborating works for their institution, the State would assist with paying those eligible costs.

V. Program Approval Objection Process

At the August meeting of the workgroup, members heard a presentation from MHEC that included details on the program approval objection process. Under § 11-206.1 of the Education Article, MHEC must circulate the notice of an institution's intent to establish a new program within 30 days of the receipt of the notice. If an objection is filed, the commission members must immediately notify the proposing institution's governing board and president. If an objection cannot be resolved within 30 days of the receipt of an objection, the commission members must make a final determination on approval of the new program or a final recommendation on implementation for a private nonprofit institution of higher education. Under the Code of Maryland Regulations (COMAR) 13B.02.03.03, if the commission fails to act on a program proposal within 60 days after the submission of the program proposal to the commission members, the program is officially approved without further action by the commission members.

An institution may request review of a program proposal decision of the Secretary of Higher Education. COMAR 13B.02.03.28 describes the steps for a review by the commission. Within 10 days of the issuance of the Secretary's decision, a president seeking the commission's review of that decision must send a letter requesting review to the Secretary and the commission chair and, within 30 days, their full rationale in support of their request for review, including relevant supporting data. Within 20 days of receipt of notice of the request for review, the Secretary or commission staff must submit to the commission chair its rationale in support of the decision and a copy is provided to the president seeking review. The commission chair must schedule a meeting

to review the decision of the Secretary within 60 days of the issuance of the Secretary's decision. The commission chair may hold the review at a regularly scheduled or special meeting.

Between January 1, 2023, and December 1, 2023, MHEC received 143 new program approval submissions. Ten program approval submissions received an objection. Seven of objections were resolved without a hearing by the commission. Three program approval reviews, after an objection, received a hearing.¹ During this past interim, the Legislative Black Caucus expressed concerns regarding the quorum and transparency requirements for commission votes on final actions for program approval matters; the commission was only requiring a majority vote of commission members present for a final action and discussing and taking votes on an appeal only in closed session.

In response to a question from a workgroup member, DLS analyzed the timelines of other states related to program approval. (Appendix 1). Of all the states surveyed, New Jersey has a process most similar to Maryland in allowing for 30 days of review by institutions for objections or concerns and 30 days for a decision to be made by the Academic Issues Committee. Most states surveyed allow more time for objections and review by a coordinating board. Additionally, many states have a more cyclical timeframe for program approval by only allowing programs to be submitted for approval during certain times of the year (for example, quarterly or annually), and the coordinating boards devote specific meetings in the board's annual schedule to the review of proposed programs. Most of the states surveyed had an administrative procedures guide on the coordinating board's website with details related to the program approval process.

Workgroup members representing institutions in the State have stated that (1) MHEC's process for program review has not been transparent in the past and (2) MHEC has not followed its own specific deadlines related to review and approval. The workgroup members did not discuss specific changes to current process deadlines as, after analysis of comparison of other state processes, there seemed to be no best practice to among other states regarding deadlines. Institutions of higher education deserve clear timeframes, that are followed, for the review of an institution's proposed program so that institutions can be clear to students and stakeholders about the timely delivery of the proposed academic program and effective use of institutional resources in the development and delivery of academic programming.

Recommendation 13: The workgroup recommends that MHEC reexamine its statutory and regulatory deadlines for the program approval process to determine if those deadlines need to be updated or streamlined to meet the needs of institutions and students in the State. MHEC's processes and procedures must be transparent, predictable, and timely and the workgroup recommends that the General Assembly consider holding MHEC accountable if the department does not make progress on adhering to stated timelines and deadlines in the program approval process.

¹ After a review meeting, the commission approved the proposed program. However, an advice letter from the Attorney General's office noted that the commission's decision was void due to how the vote occurred. The proposing institution subsequently withdrew the proposal.

Recommendation 14: The workgroup recommends that MHEC conduct all discussions, deliberations, and votes of an appeal of a program approval decision in public session.

Recommendation 15: The workgroup recommends that a vote of the majority of the commissioners appointed to the commission be required during a review meeting.

Recommendation 16: The workgroup recommends that MHEC develop and adopt an administrative procedures guide for the department's program approval process by June 2024 and prominently post the administrative procedures guide on the department's website. The administrative procedures guide should be updated at least annually.

Recommendation 17: In an appeal process, each institution and the Secretary should have a protected 10 minutes of time to present their case.

Recommendation 18: The workgroup recommends that MHEC develop a separate program development and approval process for fully online programs offered to a majority of out-of-state students that allows Maryland institutions to compete with out-of-state competitors in the online market.

Recommendation 19: The workgroup recommends that, beginning in January 2025, MHEC should review programs approved in the prior four- year period over the objection of an HBCU, to determine if the establishment of the program had any harm on the HBCU and submit a report to the Maryland General Assembly on the review findings.

VI. Unreasonable Duplication in Graduate Programs Analysis

Under § 11-206.1 of the Education Article, MHEC must circulate the notice of an institution's intent to establish a new program within 30 days of the receipt of the notice. Within 30 days of receipt of a notice of an institution's intent to establish a new program, the commission may file, or an institution of higher education in the State may file with the commission, an objection to the implementation of the proposed program. An objection may be based on:

- inconsistency of the proposed program with the institution's approved mission for a public institution of higher education and the mission statement published in the official catalog of a private nonprofit institution of higher education;
- not meeting a regional or statewide need consistent with the State Plan;
- unreasonable program duplication, which would cause demonstrable harm to another institution; or

- violation of the State's equal educational opportunity obligations under State and federal law.

At the August meeting of the workgroup, the workgroup heard from MHEC about how the department completes an analysis of unreasonable program duplication. MHEC focuses on unreasonable duplication in vocational/technical, occupational, graduate, and professional programs. Proposed programs in undergraduate core programs consisting of basic liberal arts and sciences disciplines are not considered unreasonably duplicative by the department. The workgroup did not give consideration to whether MHEC should make a change to this policy.

MHEC uses a three-part analysis for an unreasonable program duplication analysis – duplication, reasonableness, and demonstrable harm. First, MHEC determines if there is *duplication* of the proposed program and the current program of the objecting institution. In regulation, MHEC describes “considerations” the Secretary of Higher Education must make in determining duplication. At the August meeting, the department phrased these considerations differently than the description in regulation and offered additional considerations used by the department. Next, MHEC considers whether the duplication is *reasonable*. Although the department broke the duplication and unreasonable questions into two different analyses at the August meeting, department regulations combine these tests. The third part of the analysis is a determination on whether the *duplication will cause a demonstrable harm* to the objecting institution. At the August workgroup meeting, the department discussed factors the department considers when determining demonstrable harm. However, department regulations do not include these stated factors or any other factors that the department should consider in determining demonstrable harm.

Although the workgroup determined that MHEC has made great efforts to educate institutions about their analysis for unreasonable program duplication, the workgroup had concerns that these standards are not in regulation. Without adoption through the formal regulatory process, the program approval process appears to lack uniformity, consistency, and transparency in implementation. At most, the factors are described as “considerations” of the Secretary in regulation causing confusion about whether a specific factor or consideration receives more weight than another factor or consideration. Although the workgroup did not determine the factors for a duplication, unreasonableness, or demonstrable harm, it does think that workforce need should be prioritized in an analysis of unreasonable duplication.

The workgroup also had concerns that the department has conflated the tests for “unreasonable duplication” and “unnecessary duplication” as the same test, instead of conducting different, distinct analyses for each. While the objection for “unreasonable duplication” is in Maryland Code, as previously discussed, and relates to the duties of a coordinating body to allocate resources effectively, the test for “unnecessary duplication” follows the analysis for the objection under “violation of the State's equal opportunity obligations under State and federal law” and creates a different duty for Maryland as a former *de jure* segregated state.

In *United States v. Fordice*, the Supreme Court adopted the definition of “unnecessary duplication” as “those instances where two or more institutions offer the same nonessential or noncore program. Under this definition, all duplication at the bachelor’s level of nonbasic liberal arts and sciences course work and all duplication at the master’s level and above are to be considered unnecessary.” 505 U.S. 738.

In December 2000, Maryland and the Office of Civil Rights (OCR) entered into a Partnership Agreement that “set forth commitments that the State and OCR anticipate will result in agreement that Maryland is in full compliance under federal law, particularly Title VI, ... and the standards set forth in *United States v. Fordice* ... regarding Maryland’s system of higher education.” In the OCR Agreement, Maryland made the commitment to “Avoid Unnecessary Program Duplication and Expansion of Mission and Program Uniqueness and Institutional Identify at the [HBIs].”² OCR specifically states that “Unnecessary program duplication refers to those instances in which broadly similar academic programs (with respect to overarching purposes, overall curriculum content, and expectations of program graduates) are offered in areas other than core undergraduate liberal arts and sciences at a TWI and an HBI that are operated in locations that are geographically proximate to one another. Maryland will avoid unnecessary program duplication unless there is a sound educational jurisdiction for the dual operation of broadly similar programs.”

In *Fordice*, the Supreme Court also held that the State consider whether there were less segregate means of obtaining the same goal. 505 U.S. at 179. The District Court of Maryland in *Coalition for Equity and Excellence in Maryland Higher Education v. MHEC* held that sound education jurisdiction is not an open-ended invitation to justify otherwise segregative policies or practices, rather, it is a requirement that the State seriously consider whether a traceable policy cannot possibly be eliminated in light of legitimate educational concerns. In that specific case, the District Court held that “If MBA³ capacity was a state need, and even if Morgan opposed building its capacity, the State offered no evidence that it seriously considered alternative, non-segregative means to accomplishing the capacity building it sought, such as offering Morgan additional funding for such programming or considering another HBI to fill this need.”

Recommendation 20: The workgroup recommends that MHEC formally adopt the analysis for unreasonable program duplication in regulation, including the specific criteria and factors the department uses in the analysis. The workgroup recommends that the analysis should prioritize meeting the State’s workforce needs, protecting existing programs if they are meeting workforce demand, and collaboration.

The workgroup recommends that the legislature alter § 11-206.1(e)(4) of the Education Article to clarify this objection and that MHEC adopt the analysis for unnecessary program duplication in regulation, in consultation with the Attorney General. The

² HBIs are historically Black institutions; TWI is traditional White institution.

³ MBA is Master of Business Administration.

legislature should consider altering this objection as noted below to distinguish this objection and analysis from an unreasonable duplication analysis under § 11-206.1(e)(3):

“(4) **UNNECESSARY DUPLICATION** in violation of the State’s equal opportunity obligations under State and federal law.”

VII. Criteria for a Full Program Review of a Substantial Modification to an Existing Program

At the initial meeting of the workgroup meeting, MHEC discussed the criteria used to determine a full departmental review of a substantial modification to an existing academic program. Under § 11-206 of the Education Article, the governing body of an institution of postsecondary education must submit to the commission each proposal for a substantial modification of an existing program. MHEC defines “substantial modification” in regulation as a change of more than 33% of an existing program’s course work. While other states use a trigger of 50% or have standards related to how to determine if a change qualifies as a substantial modification, the department’s 33% standard felt arbitrary and difficult to quantify to workgroup members.

Recommendation 21: The workgroup recommends that MHEC, in collaboration with all institutions, find a consensus as to whether 33% is the appropriate standard to trigger a full program review of a substantial modification to an existing program. If MHEC finds that a new standard is more appropriate, MHEC should update their regulations by January 2025 with a detailed explanation of the new standard.

VIII. Analysis of Recommendations and Advisory Committee

Recommendation 22: The workgroup recommends that the Maryland General Assembly determine an appropriate time to review the implementation of the workgroup’s recommendations.

Recommendation 23: The workgroup recommends that the Maryland General Assembly add a Program Review Process Advisory Committee within MHEC to make recommendations to the commission on matters of program review and approval.

Appendix 1. Meeting Agendas

Program Approval Process Workgroup

Senator Nancy King, Co–Chair
Delegate Stephanie Smith, Co–Chair

Agenda

Monday, August 14, 2023

3:00 p.m.

Virtual Meeting

- I. Call to Order and Opening Remarks**
- II. Presentation on Maryland Higher Education Commission Program Approval Process**

Dr. Emily Dow, Assistant Secretary, Academic Affairs
- III. Presentation on Program Approval Process from Institution Perspective**

Dr. Katherine Gantz, Vice President for Academic Affairs, St. Mary’s College of Maryland
- IV. Presentation on HBCU Lawsuit and Chapter 41 and 42 of 2021**

Shane Breighner, Policy Analyst, Department of Legislative Services
Sara Baker, Senior Policy Analyst, Department of Legislative Services
- V. Closing Remarks and Adjournment**

Program Approval Process Workgroup

Senator Nancy King, Co-chair
Delegate Stephanie Smith, Co-chair

Agenda
Tuesday, September 19, 2023
10:00 a.m.
Virtual Meeting via Zoom

I. Call to Order and Opening Remarks

II. Discussion of Workgroup Charge

Michele Lambert, Senior Policy Analyst, Department of Legislative Services

III. Presentation on Maryland Higher Education Commission Use of Institution Mission Statements

Dr. Emily Dow, Assistant Secretary, Academic Affairs

IV. Presentation on National Center for Higher Education Management Recommendations on Institution Mission Statements

Stacy Goodman, Principal Policy Analyst, Department of Legislative Services
Michele Lambert, Senior Policy Analyst, Department of Legislative Services

V. Closing Remarks and Adjournment

Program Approval Process Workgroup

Senator Nancy King, Co-chair
Delegate Stephanie Smith, Co-chair

Agenda
Tuesday, October 24, 2023
10:00 a.m.
Virtual Meeting via Zoom

I. Call to Order and Opening Remarks

II. Discussion of Workgroup Updates and Workgroup Charge

Michele Lambert, Senior Policy Analyst, Department of Legislative Services

III. Presentation on Maryland Higher Education Commission State Plan for Higher Education and Discussion of Workforce Needs

Dr. Emily Dow, Assistant Secretary, Academic Affairs

IV. National Presentation on Strategic Plans for Higher Education, Workforce Need, and High-demand Fields Determination

Ben Erwin, Education Commission of the States

V. Closing Remarks and Adjournment

Program Approval Process Workgroup

Senator Nancy King, Co-chair
Delegate Stephanie Smith, Co-chair

Agenda
Tuesday, December 12, 2023
10:00 a.m.
House Office Building, Appropriations Room 121

I. Call to Order and Opening Remarks

II. Discussion of Workgroup Workplan

Michele Lambert, Senior Policy Analyst, Department of Legislative Services

III. Discussion of Draft Workgroup Recommendations

Michele Lambert, Senior Policy Analyst, Department of Legislative Services
Stacy Goodman, Principal Policy Analyst, Department of Legislative Services

IV. Closing Remarks and Adjournment

Appendix 2. Maryland Mission Statement Comparisons

Bowie State University

Statutory Distinctions:

n/a.

Maryland Higher Education Commission 2018 Approved Mission Statement:

As Maryland's first historically black public university, Bowie State University empowers a diverse population of students to reach their potential by providing innovative academic programs and transformational experiences as they prepare for careers, lifelong learning and civic responsibility. Bowie State University supports Maryland's workforce and economy by engaging in strategic partnerships, research, and public service to benefit our local, state, national and global communities.

Website Mission Statement:

As Maryland's first historically black public university, Bowie State University empowers a diverse population of students to reach their potential by providing innovative academic programs and transformational experiences as they prepare for careers, lifelong learning, and civic responsibility. Bowie State University supports Maryland's workforce and economy by engaging in strategic partnerships, research, and public service to benefit our local, state, national, and global communities.

Coppin State University

Statutory Distinctions:

n/a.

Maryland Higher Education Commission 2018 Approved Mission Statement:

Coppin State University, a Historically Black Institution in a dynamic urban setting, serves a multi-generational student population and provides education opportunities while promoting lifelong learning. The university fosters leadership, social responsibility, civic and community engagement, cultural diversity and inclusion, and economic development.

Website Mission Statement:

Coppin State University, a Historically Black Institution in a dynamic urban setting, serves a multi-generational student population and provides education opportunities while promoting lifelong learning. The university fosters leadership, social responsibility, civic and community engagement, cultural diversity and inclusion, and economic development.

Frostburg State University

Statutory Distinctions:

n/a.

Maryland Higher Education Commission 2018 Approved Mission Statement:

Frostburg State University is a student-centered teaching and learning institution featuring experiential opportunities. The University offers students a distinctive and distinguished baccalaureate education along with a select set of applied master's and doctoral programs. Frostburg serves regional and Statewide economic and workforce development; promotes cultural enrichment, civic responsibility, and sustainability; and prepares future leaders to meet the challenges of a complex and changing global society (reaffirmed May 2017).

Website Mission Statement:

Frostburg State University is a student-centered teaching and learning institution featuring experiential opportunities. The University offers students a distinctive and distinguished baccalaureate education along with a select set of applied master's and doctoral programs. Frostburg serves regional and statewide economic and workforce development; promotes cultural enrichment, civic responsibility, and sustainability; and prepares future leaders to meet the challenges of a complex and changing global society.

Morgan State University

Statutory Distinctions:

11-105(b)(5)(ii) of the Education Article

(iii) With respect to Morgan State University, the Commission shall direct the Board of Regents of Morgan State University to develop and implement a plan for the enhancement of that institution and designation as the State's preeminent public urban research university with the appropriate programs, faculty, and facilities.

14-101(b) of the Education Article

(b) Morgan State University:

- (1) Has the responsibility, with other educational institutions, for providing higher education research and graduate study in the Baltimore area;
- (2) Is designated as the State's preeminent public urban research university with a mission of instruction, research, and service;
- (3) Offers baccalaureate and graduate degrees in the arts and sciences;
- (4) Emphasizes an education addressing urban concerns;
- (5) Offers the professional and graduate programs approved by its Board of Regents and the Maryland Higher Education Commission;
- (6) Shall be dedicated to the development and delivery of comprehensive and high-quality academic programs and services to its university community and the citizens of Maryland, particularly the citizens of the Baltimore region; and
- (7) Shall serve a diverse citizenry in an innovative and collaborative manner, all the while exercising its responsibilities with uncompromising integrity through strong, but compassionate, leadership.

Maryland Higher Education Commission 2018 Approved Mission Statement:

Morgan State University serves the community, region, state, nation, and world as an intellectual and creative resource by supporting, empowering and preparing high-quality, diverse graduates to lead the world. The University offers innovative, inclusive, and distinctive educational experiences to a broad cross section of the population in a comprehensive range of disciplines at the baccalaureate, master's, doctoral, and professional degree levels. Through collaborative pursuits, scholarly research, creative endeavors, and dedicated public service, the University gives significant priority to addressing societal problems, particularly those prevalent in urban communities.

Website Mission Statement:

Morgan State University serves the community, region, state, nation, and world as an intellectual and creative resource by supporting, empowering and preparing high-quality, diverse graduates to lead the world. The University offers innovative, inclusive, and distinctive educational experiences to a broad cross section of the population in a comprehensive range of disciplines at the baccalaureate, master's, doctoral, and professional degree levels. Through collaborative pursuits, scholarly research, creative endeavors, and dedicated public service, the University gives significant priority to addressing societal problems, particularly those prevalent in urban communities.

Salisbury University

Statutory Distinctions:

n/a.

Maryland Higher Education Commission 2018 Approved Mission Statement:

Salisbury University is a premier comprehensive Maryland public university offering excellent, affordable education in undergraduate liberal arts, sciences, business, nursing, health sciences, social work, and education and applied master's and doctoral programs. Our highest purpose is to empower our students with the knowledge, skills, and core values that contribute to active citizenship, gainful employment, and life-long learning in a democratic society and interdependent world.

Website Mission Statement:

Salisbury University is a premier comprehensive Maryland public university offering excellent, affordable education in undergraduate liberal arts, sciences, business, nursing, health sciences, social work, and education and applied master's and doctoral programs. Our highest purpose is to empower our students with the knowledge, skills, and core values that contribute to active citizenship, gainful employment, and life-long learning in a democratic society and interdependent world.

St. Mary's College of Maryland

Statutory Distinctions:

§ 14-401 of the Education Article

There is a St. Mary's College of Maryland, a public honors college, located in St. Mary's County.

§ 24-504 of the Education Article

- (a) (1) The Historic St. Mary's City Commission is an instrumentality of the State to be known as the Historic St. Mary's Commission or any name that the Commission may adopt, provided the resolution adopting any change in name is filed promptly with the Secretary of State.
- (2) The exercise by the Commission of the powers conferred by this subtitle is the performance of an essential public function.
- (3) The Commission is an independent unit in the Executive Branch of government that operates in the Office of the Governor.
- (b) The Commission may:
 - (1) Make contracts or other legal agreements or arrangements necessary or incidental to the exercise of its powers and performance of its duties;
 - (2) Sue and be sued;
 - (3) Implead and be impleaded;
 - (4) Complain and defend in all courts;
 - (5) Adopt and alter an official seal; and
 - (6) Adopt bylaws, rules and guidelines to regulate its affairs and the conduct of its business.

Maryland Higher Education Commission 2018 Approved Mission Statement:

St. Mary's College of Maryland is Maryland's honors college, a selective, public liberal arts college—a vibrant community of scholars and learners. We foster a rigorous and innovative curriculum; experiential learning; scholarship and creativity; close mentoring relationships; and a community dedicated to honesty, civility, and integrity. We are committed to diversity, access, and affordability. Our students, faculty and staff serve local, national, and global communities and cultivate and promote social responsibility.

Website Mission Statement:

St. Mary's College of Maryland is Maryland's honors college, a selective, public liberal arts college—a vibrant community of scholars and learners. We foster a rigorous and innovative curriculum; experiential learning; scholarship and creativity; close mentoring relationships; and a community dedicated to honesty, civility, and integrity. We are committed to diversity, access, and affordability. Our students, faculty and staff serve local, national, and global communities and cultivate and promote social responsibility.

Towson University

Statutory Distinctions:

§ 12-106 Education Article

- (a) (1) In consultation with the presidents of the constituent institutions and the University of Maryland campuses, the Chancellor shall develop an overall plan that:
 - (iii) Incorporates the following priorities:
 - 4. Support Towson University as the largest comprehensive institution.

Maryland Higher Education Commission 2018 Approved Mission Statement:

Towson University (TU) fosters intellectual inquiry and critical thinking, preparing graduates who will serve as effective, ethical leaders, and engaged citizens in a diverse society. Through a foundation in the liberal arts, an emphasis on rigorous academic standards, a commitment to equitable access and student success, creation of small and inclusive learning environments, and an exemplary faculty who embrace a teacherscholar model the university is focused on providing a collaborative, diverse, innovative, interdisciplinary and interprofessional atmosphere; and excellence in teaching, leadership development, civic engagement, and applied and sponsored research opportunities at the undergraduate and graduate levels. Graduates leave Towson University with the vision, creativity, and adaptability to craft solutions that enrich the culture, society, economy, and environment of Maryland, the region, and beyond.

Website Mission Statement:

Towson University (TU) fosters intellectual inquiry and critical thinking, preparing graduates who will serve as effective leaders for the public good. Through a foundation in the liberal arts and a commitment to academic excellence, interdisciplinary study, research and public service, Towson University prepares students for careers in high demand today and in the future. TU is recognized as a leader in community engagement, including entrepreneurial efforts that provide collaborative opportunities between the campus and the larger Maryland community. Our graduates leave with the vision, creativity and adaptability to craft solutions that enrich the culture, society, economy and environment of the state, the region and beyond.

University of Baltimore

Statutory Distinctions:

n/a.

Maryland Higher Education Commission 2018 Approved Mission Statement:

The University of Baltimore offers career-focused education for aspiring and current professionals, providing the region with highly educated leaders who make distinctive contributions to the broader community.

Website Mission Statement:

The University of Baltimore offers career-focused education for aspiring and current professionals, providing the region with highly educated leaders who make distinctive contributions to the broader community.

University of Maryland, Baltimore Campus

Statutory Distinctions:

§ 12-303 of the Education Article

- (a) (1) There is a University of Maryland, which is a strategic partnership between the following two distinct campuses within the University System of Maryland:
 - (i) The University of Maryland, Baltimore Campus; and
 - (ii) The University of Maryland, College Park Campus.
- (c) (1) The presidents jointly shall develop and implement a plan that encourages and promotes alignment, cooperation, and collaboration between the College Park Campus and the Baltimore Campus.
- (2) The plan shall:
 - (i) Identify all undergraduate and graduate academic and research programs that may benefit from alignment and collaboration between the campuses;
 - (ii) Identify competitor state peers for the University of Maryland to be used in the funding guidelines developed under §§ 10-203 and 11-105 of this article;
 - (iii) Promote effectiveness and efficiencies between the campuses, including potential savings in human resources, procurement, and information technology; and
 - (iv) Include any other information and implementation plans to achieve the purpose of the University of Maryland identified in this subtitle.
- (d) (1) Professional schools or their administrative functions may not be relocated out of Baltimore City.
- (2) Notwithstanding paragraph (1) of this subsection, there:
 - (i) Shall be collaboration with the professional schools located in Baltimore City; and
 - (ii) May be professional school courses offered at a location other than Baltimore City.
- (e) (1) Nothing in the strategic partnership may be construed to prevent or restrict collaboration or coordination between the University of Maryland, other institutions, and entities including the University of Maryland Medical System.
- (2) The presidents shall actively seek collaboration with other institutions and entities, particularly in the Baltimore metropolitan region, as appropriate, to benefit the State.
- (f) The presidents shall report annually to the University System of Maryland Board of Regents and the Chancellor of the University System of Maryland regarding collaboration with the City of Baltimore, Prince George's County, and the City of College Park in the area of community development.

§ 12-106 Education Article

- (a) (1) In consultation with the presidents of the constituent institutions and the University of Maryland campuses, the Chancellor shall develop an overall plan that:
 - (iii) Incorporates the following priorities:
 - 4. Maintain and enhance an academic health center and a coordinated Higher Education Center for Research and Graduate and Professional Study in the Baltimore area, comprised of the University of Maryland, Baltimore Campus and the University of Maryland Baltimore County, with a focus on science and technology;

Maryland Higher Education Commission 2018 Approved Mission Statement:

To improve the human condition and serve the public good of Maryland and society at-large through education, research, clinical care and service.

Website Mission Statement:

To improve the human condition and serve the public good of Maryland and society at-large through education, research, clinical care, and service.

University of Maryland, Center for Environmental Science

Statutory Distinctions:

§ 12-104 of the Education Article

- (o) Subject to Title 11, Subtitle 2 of this article, the Board of Regents may authorize the University of Maryland Center for Environmental Science to:
 - (1) Award graduate degrees in marine and environmental sciences jointly with another public senior higher education institution; and
 - (2) Award post baccalaureate certificates.

Maryland Higher Education Commission 2018 Approved Mission Statement:

Through its four laboratories and two programs across Maryland, the University of Maryland Center for Environmental Science (UMCES) is a research, education, and service institution of the University System of Maryland (USM) and a world leader in the science of coastal environments and their watersheds. UMCES faculty advance knowledge through scientific discovery, integration, application, and teaching that results in a comprehensive understanding of our environment and natural resources, helping to guide the State and world toward a more sustainable future. Through its role as the responsible institution for administration of the Maryland Sea Grant College and numerous collaborative programs with other institutions, UMCES leads, coordinates, and catalyzes environmental research and graduate education within the University System. The Integration and Application Network inspires, manages, produces and communicates timely syntheses and assessments on key environmental issues with a special emphasis on Chesapeake Bay.

Website Mission Statement:

The University of Maryland Center for Environmental Science has a unique statutory mandate to conduct a comprehensive scientific program and apply predictive ecology for the improvement and preservation of Maryland's physical environment. This mission is accomplished through research, education, and public service.

University of Maryland, Baltimore County

Statutory Distinctions:

§ 12-106 Education Article

- (a) (1) In consultation with the presidents of the constituent institutions and the University of Maryland campuses, the Chancellor shall develop an overall plan that:
 - (iii) Incorporates the following priorities:
 - 4. Maintain and enhance an academic health center and a coordinated Higher Education Center for Research and Graduate and Professional Study in the Baltimore area, comprised of the University of Maryland, Baltimore Campus and the University of Maryland Baltimore County, with a focus on science and technology;

Maryland Higher Education Commission 2018 Approved Mission Statement:

UMBC is a dynamic public research university integrating teaching, research and service to benefit the citizens of Maryland. As an Honors University, the campus offers academically talented students a strong undergraduate liberal arts foundation that prepares them for graduate and professional study, entry into the workforce, and community service and leadership. UMBC emphasizes science, engineering, information technology, human services and public policy at the graduate level. UMBC contributes to the economic development of the State and the region through entrepreneurial initiatives, workforce training, K-16 partnerships, and technology commercialization in collaboration with public agencies and the corporate community. UMBC is dedicated to cultural and ethnic diversity, social responsibility and lifelong learning.

Website Mission Statement:

UMBC is a dynamic public research university integrating teaching, research and service to benefit the citizens of Maryland. As an Honors University, the campus offers academically talented students a strong undergraduate liberal arts foundation that prepares them for graduate and professional study, entry into the workforce, and community service and leadership. UMBC emphasizes science, engineering, information technology, human services and public policy at the graduate level. UMBC contributes to the economic development of the State and the region through entrepreneurial initiatives, workforce training, K-16 partnerships, and technology commercialization in collaboration with public agencies and the corporate community. UMBC is dedicated to cultural and ethnic diversity, social responsibility and lifelong learning.

University of Maryland, College Park

Statutory Distinctions:

§ 12-106 Education Article

- (a) (1) In consultation with the presidents of the constituent institutions and the University of Maryland campuses, the Chancellor shall develop an overall plan that:
 - (iii) Incorporates the following priorities:
 - 1. A. Enhance the mission of the University of Maryland, College Park Campus as the State's flagship campus with programs and faculty nationally and internationally recognized for excellence in research and the advancement of knowledge;

§ 13-802 of the Education Article

- (a) There is a Virginia-Maryland Regional College of Veterinary Medicine.
- (b) In addition to the provisions of this subtitle the College is subject to the provisions of Title 11 (Maryland Higher Education Commission) of this article.
- (c) The College shall be operated under the terms and conditions agreed to in:
 - (1) The Agreement of Regional Cooperation between the State of Maryland and the Commonwealth of Virginia, dated February 14, 1980; and
 - (2) The Agreement between Virginia Polytechnic Institute and State University and the University of Maryland, College Park Campus for a regional program in veterinary medical education, dated September 27, 1989.
- (d) The College shall be operated as one school with an administrative head at each university.
- (e) The student body of the College shall consist of 50 Virginia residents, 30 Maryland residents, and 10 at-large.

§ 10-209 of the Education Article

- (f) The University System of Maryland shall:
 - (1) Maintain and enhance the University of Maryland, College Park Campus as the State's flagship campus with programs and faculty nationally and internationally recognized for excellence in research and the advancement of knowledge;
 - (2) Admit as freshmen to the University of Maryland, College Park Campus highly qualified students who have academic profiles that suggest exceptional ability;
 - (3) Provide access to the upper division undergraduate level of the University of Maryland, College Park Campus for students who have excelled in completing lower division study; and
 - (4) Provide the University of Maryland, College Park Campus with the level of

operating funding and facilities necessary to place it among the upper echelon of its peer institutions.

Maryland Higher Education Commission 2018 Approved Mission Statement:

Achieving excellence in teaching, research, and public service within a supportive, respectful and inclusive environment is central to the mission and identity of the University of Maryland, College Park (UMD). As the flagship campus and a national leader in higher education, UMD strives to provide exceptional and affordable instruction for Maryland's most promising students, regardless of income. A pre-eminent locus of scholarship, the university builds and maintains a world class capacity in the sciences, arts, and humanities to support ground-breaking discoveries that address the most pressing global challenges and inspire the human imagination. As one of the country's first land-grant institutions, UMD uses its research, educational, cultural, and technological strengths in partnership with state, federal, private, and non-profit sectors to promote economic development and improve quality of life in the State of Maryland. Diversity amongst our students, faculty and staff is essential to this mission. Accordingly, ensuring equal educational opportunity; hiring and retaining a diverse and exceptional faculty and staff; recruiting and graduating talented students from traditionally underrepresented groups; and providing a supportive climate for their well-being are top institutional priorities.

Website Mission Statement:

The mission of the University of Maryland, College Park is to provide excellent teaching, research, and service. The University educates students and advances knowledge in areas of importance to the State, the nation, and the world. The University is committed to being a preeminent national center for research and for graduate education, and the institution of choice for Maryland's undergraduates of exceptional ability and promise.

University of Maryland, Eastern Shore

Statutory Distinctions:

§ 12-06 Education Article

- (a) (1) In consultation with the presidents of the constituent institutions and the University of Maryland campuses, the Chancellor shall develop an overall plan that:
 - (iii) Incorporates the following priorities:
 - 4. Enhance the historically African American institutions and recognize the role of the University of Maryland Eastern Shore as the State's 1890 land grant institution.

Maryland Higher Education Commission 2018 Approved Mission Statement:

The University of Maryland Eastern Shore (UMES), the State's Historically Black 1890 Land-Grant institution, has its purpose and uniqueness grounded in distinctive learning, discovery, and engagement opportunities in the arts and sciences, education, technology, engineering, agriculture, business, and health professions. UMES is a student-centered, doctoral research degree-granting university known for its nationally accredited undergraduate and graduate programs, applied research, and highly valued graduates. UMES provides individuals, including first generation college students, access to a holistic learning environment that fosters multicultural diversity, academic success, and intellectual and social growth. UMES prepares graduates to address challenges in a global knowledge-based economy, while maintaining its commitment to meeting the workforce and economic development needs of the Eastern Shore, the State, the Nation, and the World.

Website Mission Statement:

As a public 1890 land-grant Historically Black University that embraces diversity, UMES is committed to serving first-generation and underserved students and providing educational, research, and community engagement opportunities to transform the lives of its students who will impact the state, region, and the world.

University of Maryland, Global Campus

Statutory Distinctions:

§ 13-101 of the Education Article

- (a) It is the intent of the General Assembly that the University of Maryland Global Campus:
 - (1) Operate as Maryland's open university serving nontraditional students who reside in Maryland, the United States, and throughout the world;
 - (2) Provide the citizens of Maryland with affordable, open access higher education; and
 - (3) Continue as a leader in distributed higher education.
- (b)
 - (1) There is a University of Maryland Global Campus which is not a new constituent institution of the University System of Maryland.
 - (2) As a constituent institution of the University System of Maryland, the University of Maryland Global Campus is an instrumentality of the State.
 - (3) The exercise by the University of Maryland Global Campus of its powers, including its overseas operations, is the performance of an essential public function.
- (c) The provisions of § 12–105(a) of this article do not apply to the overseas operations of the University of Maryland Global Campus. The institution may spend the appropriation without the approval of the Board of Public Works and without submitting a detailed budget schedule to the Board of Public Works.
- (d) The University of Maryland Global Campus shall prepare an annual financial information statement for the next following fiscal year and shall submit the statement to the Department of Budget and Management each year before October 1. The annual financial information statement shall include for the next following fiscal year:
 - (1) An estimate of the total revenues of the University of Maryland Global Campus, including revenues from tuitions, fees, gifts, grants, and interest income;
 - (2) An estimate of the value of services which the other units of the University System of Maryland and other State agencies provide to the University of Maryland Global Campus; and
 - (3) An estimate of the total cost of salaries and personnel benefits for employees of the University of Maryland Global Campus.
- (e)
 - (1) The interest or income from the investment of the funds of the University of Maryland Global Campus by the State Treasurer shall be credited to the University of Maryland Global Campus.
 - (2) Any unexpended or unencumbered balance of the annual appropriation for the University of Maryland Global Campus, except any appropriation from the General Fund of the State, shall not revert to the General Fund of the State at the end of the State's fiscal year.

- (f) The University of Maryland Global Campus may:
 - (1) Purchase, lease, or rent motor vehicles for use in overseas programs; and
 - (2) Purchase, lease, or rent mechanical or electronic data or information processing equipment and related services for its overseas programs.
- (g) (1) Each year the University of Maryland Global Campus shall cause an independent certified public accountant to prepare audited financial statements of the University of Maryland Global Campus in accordance with generally accepted auditing standards accompanied by the auditor's report on the statements.
 - (2) The provisions of § 12-105(f) of this article do not apply to the University of Maryland Global Campus overseas programs.

§ 12-106 Education Article

- (a) (1) In consultation with the presidents of the constituent institutions and the University of Maryland campuses, the Chancellor shall develop an overall plan that:
 - (iii) Incorporates the following priorities:
 - 4. Recognize and promote the unique potential of the University of Maryland Global Campus to be a national and global leader in the new international marketplace of electronic and continuing education; and

Maryland Higher Education Commission 2018 Approved Mission Statement:

The mission of University of Maryland University College is improving the lives of adult learners.

We will accomplish this by:

1. Operating as Maryland's open university, serving working adults, military servicemen and servicewomen and their families, and veterans who reside in Maryland, across the United States, and around the world;
2. Providing our students with affordable, open access to valued, quality higher education; and
3. Serving as a recognized leader in career-relevant education, embracing innovation and change aligned with our purpose and sharing our perspectives and expertise.

Website Mission Statement:

The mission of UMGC is to inspire hope, empower dreams, and transform lives . . . one student at a time. We accomplish this by:

1. Operating as Maryland's open university, serving working adults, military servicemen and servicewomen and their families, and veterans who reside in Maryland, across the United States, and around the world;

2. Providing our students with affordable, open access to valued, quality higher education;
3. Serving as a recognized leader in career-relevant education, embracing innovation and change aligned with our purpose, and sharing our perspectives and expertise.

Appendix 3. Maryland Higher Education Commission Testimony

This request was prepared for Michele Lambert, Maryland House of Delegates

Your Question:

You asked if states are encouraged to collaborate among institutions of higher education or if states punish institutions for not collaborating with others in the state. Specifically, if institutions of higher education are interested in or offer similar programs, does the state encourage or require them to work together?

Our Response:

After a review of state and board policy, Education Commission of the States compiled the below examples related to new degree programs and institutional collaboration. The examples focus mainly on avoiding duplication of programs offered in the state. Our review did not find an instance where an institution is punished for not collaborating with others when proposing new degree programs.

Degree Program Duplication

To ensure there is not an oversaturation of similar degree programs, some states have policies regulating the creation process, including requirements to survey other institution's similar programs and coordinate with neighboring institutions.

Alabama Commission on Higher Education (ACHE) provides [guidance](#) on new program proposals and implementation. Within the guidance, the new program proposal should evaluate the need for the program, including if the program duplicates another and why this duplication is justified. Further in the [process](#), the department of postsecondary education sends the proposal application to ACHE for review of need and duplication. Other institutions have the opportunity to comment on the proposal. ACHE will meet to discuss any program duplication and possible areas of collaboration between institutions.

Arkansas Department of Higher Education [academic affairs policy](#) outlines the procedure to create a new degree program. It specifically outlines the institution must note if there is any program duplication within the state. However, it does not identify a requirement or encouragement to collaborate with other institutions.

California [A.B. 656](#) authorizes California State University (CSU) to award professional or applied doctoral degrees statewide that do not duplicate University of California (UC) doctoral degrees and satisfy specific requirements. The CSU campus proposing a new doctoral program must submit the proposal to the office of the chancellor of CSU. The CSU campus must submit documentation verifying the proposed doctoral program does not duplicate a UC program being offered or under review. The CSU campus, chancellor and UC Academic Senate must develop and agree on criteria for assessing duplication. All documentation is reviewed by the President of the Association of Independent California Colleges and Universities for final approval or disapproval. The CSU Trustees cannot approve more than 10 new doctoral degree disciplines per academic year.

In **Louisiana**, all new degree programs [require](#) board of regents approval. In addition, non-certificate programs are circulated to chief academic officers statewide for review and comment. For all graduate degrees, [external reviewers](#) are selected by regents staff. The policy does not require or encourage collaboration or coordination between institutions.

Massachusetts Department of Higher Education [procedures](#) outline the process to propose a new degree program including a letter of interest, local board approval, and board of education review. The policy does not require collaboration, however the LOI template asks institutions to identify relevant alliances with K-12 education, institutions of higher education, and employers.

Minnesota System [Procedure 3.36.1](#) outlines degree program duplication processes specific to 9-16 credit certificate programs. If another college or university offers a similar program within a 45-mile radius, a notice of intent must be distributed through the Program Navigator with a five-day waiting period. For other degree programs, institutions must address any possible unnecessary duplication within their program approval application.

Mississippi [reviews new degree program requests](#) at one of five board meetings throughout the year. The requesting institution must submit an electronic copy of the New Academic Degree Program Proposal to the Office of Academic and Student Affairs (OASA) two months prior to the meeting. The request is evaluated by OASA. After OASA review and approval, the proposal is sent to the board of trustees for final approval. One expectation of new degree programs is that they will not be unnecessarily duplicative of other programs within the system.

Missouri's [regulation](#) on new program proposals includes a section on duplication of the proposed program. A proposed new program cannot be unnecessarily duplicative of other Missouri institutions' programs. The regulation notes that "unnecessary duplication is a more specific concern in graduate, technical, and professional programs which meet special labor market needs." The unnecessary duplication will be determined by assessing factors including relevance of existing programming, availability of alternative delivery systems, student demand, workforce demand and access considerations. Only the University of Missouri and its campuses can offer Ph.D. or doctorates without Missouri Coordinating Board of Higher Education approval.

New Jersey's [new degree program proposal process](#) includes a New Jersey President's Council review to ensure it does not exceed the programmatic mission of the institutions. It follows standards including sufficient academic quality, sufficient evidence of labor market demand, duplication with comparable programs in the state, or required significant additional state resources. If the council's review determines any of these standards have not been met the proposal is referred to the secretary of higher education for review.

New York provides [guidance](#) for new programs at different levels; however, policy does not require or encourage collaboration or coordination between institutions.

Ohio provides [guidance](#) specifically for new graduate programs in the state. To create a new program an institution must prepare a proposal including a brief faculty vitae, course descriptions, needs surveys or market analysis and consultant reports (if applicable). Within the proposal, an institution must address "statewide alternatives" including opportunities for inter-institutional collaboration. While collaboration is not required, an institution can note where they might collaborate.

Pennsylvania [code](#) notes a new program can be approved for a three to six year period while being subject to periodic review. Pennsylvania State System of Higher Education [policy](#) highlights specific requirements for doctoral programs. Along with the general procedure, new doctoral programs must produce documentation of “institutional readiness” for the first two doctoral programs. Specifics are outlined in the policy, however there is no mention of collaborating or coordinating with other institutions or reviewing for duplication.

A 2010 [report](#) from the **South Carolina** Commission on Higher Education outlines the new degree programs creation process, meeting the needs of place-bound practitioners and program duplication vs. unnecessary program duplication. The report specifically makes the case of needed professions in the state and notes that some duplication of advanced degrees is needed for economic vitality across the state. Within the [academic programs policy and procedures](#), the state defines duplication as occurring “when an academic program closely matches another academic program in content, location, or audience.” The commission is required to review all current and proposed programs aiming to reduce duplication, increase effectiveness, and achieve economies.

Virginia is updating the program approval policy, so it is currently unavailable. Once updated, it can be found [here](#).

The **Washington** State Council of Presidents houses the [Interinstitutional Committee on Academic Program Planning](#) providing a venue for collegial platform for discussion between institutions when proposing new degree programs. The goal for this program is to increase communication between institutions to meet student and economic needs without unnecessary degree program duplication.

Appendix 4. Timelines of Other States

Alabama

Is the coordinating board for higher education involved in program approval?

Yes, Alabama Commission on Higher Education (ACHE) approves academic programs.

What is the timeframe for the program approval process?

Alabama follows the below timeline:

- (1) submission of Notification of Intent to Submit a Proposal (NISP) – at least 2 months prior to proposal submission;
- (2) institutional comments – within 3 weeks of receipt of NISP;
- (3) preliminary meeting of ACHE staff to discuss comments and the program objectives in relation to the needs of the state; to consider any program duplication, and explore possible means of collaboration, and to evaluate the centrality of the program to the institution's mission and role – within 4 weeks of receipt of NISP;
- (4) submission of Program Proposals – any time beyond 2 months of NISP submission;
- (5) review of proposal by Council of Graduate Deans – 8 weeks;
- (6) second meeting with ACHE staff to review questions and recommendations derived from the peer review and to reach agreement on any necessary proposal changes – within 2 weeks of peer review; and
- (7) completion of ACHE staff recommendation and ACHE action on the program – within 2 months of peer review.

What criteria is used for program approval?

- (1) relevance of institutional;
- (2) role;
- (3) need for the program;
- (4) collaboration;
- (5) program objectives and content;
- (6) student availability and demand;

- (7) program completion requirements;
- (8) institutional context;
- (9) program administration;
- (10) accreditation;
- (11) resources to support the program;
- (12) financial support;
- (13) distance education technology; and
- (14) program viability.

Arkansas

Is the coordinating board for higher education involved in program approval?

Yes, Arkansas Department of Higher Education (ADHE) approves academic programs.

What is the timeframe for the program approval process?

A Letter of Intent (LOI) informs the Coordinating Board that an institution seeks to offer a new program or organizational unit that requires a proposal and Coordinating Board approval.

The Coordinating Board meets 4 times. For the April Coordinating Board decision meeting, the “letter of intent” is due January 1, proposals are due February 1, and the institutional comment period ends March 1.

What criteria is used for program approval?

Arkansas Code Annotated § 6-61-208 charges the Arkansas Higher Education Coordinating Board with the responsibility to evaluate proposals for all new units of instruction, research, and public service, consistent with established role and scope designations, and to approve programs and organizational units based on established policies.

ADHE staff may engage a maximum of 3 in-state or out-of-state experts in selected fields of study to assist with the review of proposals for undergraduate and graduate programs. The review team will submit a written report to ADHE that evaluates the proposed programs in terms of the need for graduates, student demand and interest, appropriateness of the curricula, and adequacy of institutional resources. Typically, a campus visit is required.

California

Is the coordinating board for higher education involved in program approval?

No, there is no State governing body. California State University (CSU) approves academic programs for the system.

What is the timeframe for the program approval process?

Proposals are submitted the academic year preceding implementation.

What criteria is used for program approval?

CSU considers the following in the review of a proposed CSU degree program:

- (1) Faculty (Does the faculty appear qualified to offer this program and at this level? Does the faculty expertise span all appropriate specializations, and are there sufficient faculty members for the projected size of the program? Do they appear to have appropriate research or professional experience? Are the arrangements for administering the program sufficient to ensure that it will operate effectively?)
- (2) Curriculum (Does the curriculum have appropriate breadth, depth, and coherence for an undergraduate or a graduate program in this field? Is it up to date, incorporating the most recent developments in the field? Is it consistent with any pertinent recommendations of professional organizations? Is it responsive to employment opportunities for graduates? If it is a baccalaureate program, would it constitute desirable preparation for graduate or doctoral study in the fields indicated in the proposal?)
- (3) Resources (Does the description of facilities, equipment, and information resources indicate that the campus has the resources (or reliable access to resources) that will be needed for a high-quality program? If not, what information would be minimally necessary to assure that the resources are adequate?)
- (4) Assessment of Program Quality and Student Learning (Does the proposal provide an assessment plan that identifies program and student learning goals? Do the student learning outcomes match with the curriculum? Are goals measurable, and will the assessment process be manageable? Is the process meaningful, with assessment results be used to influence changes in the curriculum or pedagogy?)
- (5) State Need and Student Demand (Do you believe that a program of this kind is needed in California? Is there convincing evidence provided in the proposal to demonstrate student interest in the program and employer demand for graduates? Are the sources of information on need current and credible? If you think that the information on need for the program is not adequate, what other information might we suggest that the campuses include in the proposal?)

Delaware

Is the coordinating board for higher education involved in program approval?

No.

What is the timeframe for the program approval process?

n/a.

What criteria is used for program approval?

n/a.

Louisiana

Is the coordinating board for higher education involved in program approval?

Yes, the Louisiana Board of Regents approves academic programs.

What is the timeframe for the program approval process?

Each September, the Board of Regents will approve the annual Academic Plans of the institutions.

Once approved, full program proposals may be submitted anytime to the Board of Regents for full program approval.

What criteria is used for program approval?

Academic Plans are circulated to Chief Academic Officers and labor market representatives statewide for review and comment. Feedback from the statewide review may include support, recommendations, or substantive feedback to the proposed program based on need, mission, or duplication. Staff will attempt to resolve challenges through discussion among interested parties; unresolved issues will be presented to the Board for a final decision.

Proposals for all graduate degrees (master's and doctoral) and for highly technical and/or selective baccalaureate degrees require review by an external consultant.

Guidelines for Academic Program Evaluation that assessors use are:

- (1) program design;
- (2) need;
- (3) students;
- (4) faculty;
- (5) resources;
- (6) administration;
- (7) accreditation;
- (8) related fields;
- (9) costs; and
- (10) general assessment, comments, and suggestions.

Massachusetts

Is the coordinating board for higher education involved in program approval?

Yes, the Department of Higher Education approves academic programs.

What is the timeframe for the program approval process?

Massachusetts approves public programs at the Letter of Intent (LOI) stage of development.

Phase I:

LOI from an institution may be submitted annually from September 15 to May 15.

An LOI proposal will be subject to a 15-business-day period of review.

Once an LOI is validated and deemed complete, it is circulated by the Deputy Commissioner for Academic Affairs and Student Success to Academic Affairs Committee and Strategic Planning Committee members, public campus Chief Academic Officers (CAOs) and to the Association of Independent Colleges and Universities representatives for comment. The comment period extends for 20 business days.

At the end of this timeframe, all comments are reviewed by staff and sent to the LOI institution's CAO, who then has 20 business days to submit a written response to the Deputy.

An LOI is brought forward either within 20 business days of receiving the institution's response or at the next board meeting.

Phase II:

Phase II full academic proposals must be submitted within 2 years of Board of Higher Education approval of the Phase I LOI.

A proposed program template is validated and reviewed for completion within 15 business days of receipt. As noted above, the campus can expect staff to provide information regarding any further data that are needed for the proposal to be deemed complete. This communication resets the timeframe. Once the campus has responded by submitting the additional data, the 15-business-day clock begins anew.

Once validated and deemed complete, Fast Track proposals are forwarded to the commissioner with a recommendation for action within 20 business days.

Implementation of a new academic program should occur no later than the second fall semester following approval. If implementation is delayed beyond that time, the institution must

provide an explanation to the commissioner and either request a new implementation date or provide a rationale not to offer the program.

What criteria is used for program approval?

There are three major sections to the LOI proposal:

- (1) alignment with Massachusetts goals for higher education;
- (2) alignment with the current campus strategic plan and mission of the institution; and
- (3) alignment with operational and financial objectives of the institution.

Minnesota

Is the coordinating board for higher education involved in program approval?

No, the governing body, Minnesota State Colleges and Universities Board of Trustees, approves academic programs.

What is the timeframe for the program approval process?

A Letter of Inquiry must be sent 6 months to 1 year prior to the expected program implementation date.

Notice of Intent (NOI) will be posted on the Minnesota state website for a 20-day review and comment period. Any comments must be addressed by the campus proposing the new program within 10 days. Campuses who submitted comments or concerns will have 10 days to respond to the additional information provided.

The Academic Programs and Quality Assurance Unit will make a determination about whether the applicant may proceed with the submission of a new program application or that they may not submit a new program application.

Appeals can be made within 30 days of a decision. The unit has 60 days to review the appeal. Within 30 days of receipt of the recommendation from the Academic Affairs Council, the Senior Vice Chancellor for Academic and Student Affairs shall make a final determination regarding disposition of the appeal.

What criteria is used for program approval?

The NOI must include:

- (1) student interest;
- (2) labor market data documenting need for program;
- (3) catalog description;
- (4) curriculum structure and required courses;
- (5) credit length;
- (6) degree award;
- (7) cip code recommendation;
- (8) delivery mode;

- (9) location;
- (10) program learning outcomes; and
- (11) equity 2030 considerations.

Appeal review shall be based on:

- (1) program duplication;
- (2) student interest;
- (3) labor market need;
- (4) program service area need;
- (5) program justification;
- (6) equity 2030 considerations;
- (7) public comments/concerns; and
- (8) other relevant information.

Mississippi

Is the coordinating board for higher education involved in program approval?

No, the governing body, Mississippi Institutions of Higher Learning, approves academic programs.

What is the timeframe for the program approval process?

A university shall submit a New Academic Degree Program Proposal program to the Office of Academic Student Affairs (OASA) 2 months prior to the board meeting which action is expected.

The request is evaluated by OASA during the 2 months prior to the board meeting and is placed on the agenda 1 month prior to the board meeting at which action is expected.

If the Associate Commissioner of Academic and Student Affairs renders a positive decision, the request will be placed on the Board of Trustees' Regular Agenda.

After approved, the institution shall enroll students within 2 academic years of approval. If the institution has not enrolled students by the end of the second academic year, board approval is rescinded.

Routine Review:

Institution shall provide information about proposed program to the department.

Department staff will verify and post the proposal on the department's website to allow for 20 days of public review and comment.

The proposing public institution will address comments and feedback received. Once all concerns are resolved, the commissioner will recommend provisional approval of the program for a period of 5 years. Institutions have 2 years to implement the program once approved.

Requests submitted by the first of the month will be reviewed and processed, and in most cases, institutions will be notified by the end of the same month.

At the end of the 5-year provisional approval period, the department will review the program's viability to determine whether the coordinating board's provisional approval should become unconditional, remain provisional pending further review in 2 years, or be terminated.

Comprehensive Review:

All proposals must be submitted to the coordinating board by July 1 of each year. Evaluation decisions are announced in September and final decisions to approve programs will be made in February.

Department staff will verify and post the proposal on the department's website to allow for 20 days of public review and comment.

Department staff, in consultation with the external review team will review a complete proposal and provide feedback to the institution.

The institution will address comments and feedback received. Once all concerns are resolved, the commissioner will recommend provisional approval of the program for a period of 5 years.

The institution must establish clearly defined performance goals to be achieved during the provisional implementation period and submit an annual report to the coordinating board on specified factors.

What criteria is used for program approval?

It is expected that all new degree programs:

- (1) will be consistent with the role and mission of the institution;
- (2) will be considered only when all university degree programs within the discipline have professional accreditation (if available) and have met the minimum standards of productivity;
- (3) will be considered only when professional accreditation will be sought for this program (if available);
- (4) will require no more than 124 credit hours towards graduation if the request is for an undergraduate program, unless it meets the standard for exception;
- (5) will be consistent with the curricula of similar programs in this discipline and will meet any licensing or certification needs;
- (6) will meet local, state, regional, and national educational, societal, or cultural needs;
- (7) will not be unnecessarily duplicative of other programs within the system;
- (8) will be funded through documented resources; and

- (9) will include procedures for program effectiveness.

For a proposed program to be considered through routine review, it must meet the following criteria:

- (1) the program is clearly within the institution's approved mission;
- (2) the program will not unnecessarily duplicate an existing program in the applicable geographic area;
- (3) the program will be offered at the main campus or at a coordinating board – approved off-site location;
- (4) the program will build on existing programs and faculty expertise; and
- (5) the cost to launch the program will be minimal and within the institution's current operating budget.

Comprehensive Review Criteria:

- (1) evidence of good faith effort to explore the feasibility of collaboration with other institutions whose mission or service region encompass the proposed program;
- (2) evidence that the offering institution is contributing substantially to the coordinating board's blueprint for higher education;
- (3) evidence of institutional capacity to launch the program in a high-quality manner including an external review, a comprehensive cost/revenue analysis, evidence indicating there is sufficient student interest and capacity to support the program, sufficient capacity to support external learning requirements, and a description of the accreditation requirements and the institution's plan for seeking accreditation; and
- (4) evidence that the proposed program is needed, including not unnecessarily duplicative of other programs in the applicable geographic area and a rigorous workforce analysis demonstrating program need.

New Jersey

Is the coordinating board for higher education involved in program approval?

Yes, the New Jersey President's Council (NJPC) approves academic programs.

What is the timeframe for the program approval process?

The institution must submit program announcements to presidents of all New Jersey institutions of higher education and the Office of the Secretary of Higher Education.

Objections or concerns to the program announcement must be communicated to the proposing institutions within 30 days of receipt. The objecting and proposing institutions are expected to resolve differences informally in furtherance of institutional cooperation, if not resolution, materials re objecting submitted to NJPC for review.

If the Academic Issues Committee (AIC) determines that there are outstanding issues and/or questions remaining regarding the new academic degree program proposal, the proposal will be returned to the institution for modification and/or correction before resubmission. AIC must provide specific reasons for the return of the propose.

If AIC determines that there are no outstanding issues and/or questions remaining regarding the proposal, it will make a favorable recommendation to the NJPC. If NJPC concurs, the result of a favorable review will be conveyed to the proposing institution within 15 days and the program may be implemented.

Office of the Secretary of Higher Education is responsible for final administrative decisions.

What criteria is used for program approval?

The 4 standards for final program approval, as defined in the regulations are:

- (1) sufficient academic quality;
- (2) sufficient evidence of labor market demand for the program;
- (3) duplication with comparable programs of study in the state; and
- (4) whether the proposed new program will require significant additional state resources).

(Each standard has specific criteria set forth in statute.)

New academic degree program proposals require engagement of an external independent consultant who provides a report.

North Carolina

Is the coordinating board for higher education involved in program approval?

No, the Governing Board, University of North Carolina (UNC) Board of Governors, approves academic programs in the UNC System only.

What is the timeframe for the program approval process?

- (1) The Letter of Intent (LOI) is submitted to UNC System office (office acknowledges receipt within 48 weeks).
- (2) UNC responds with approval to move forward or with questions (within 4 weeks).
- (3) A. Master Degrees – UNC office approves and invites submission of Request to Establish (RTE).

B. Doctoral Degrees – Completed LOI is forwarded to UNC Graduate Council for review/discussion at next quarterly meeting. Within 2 weeks council votes to authorize permission to plan the new doctoral program. If the council approves, UNC System Office approves and invites submission of RTE.
- (4) Campus submits RTE within 4 months.
- (5) Institution submits RTE to UNC System Office (acknowledges recipient within 48 hours).
- (6) UNC System responds that the proposal is complete or need more information (within 4 weeks).
- (7) A. Masters Degrees – Completed RTE s forwarded to UNC graduate council for a 4-week review period. UNC System reviews comment.

B. Doctoral Degrees – Completed request is forwarded to UNC System Office to selected reviewers. Within 10 weeks, external reviewers sent to campus and Gradate Council will be given access to external reviewers' comments.
- (8) Two Parts:

A. Masters Degree – Within 2 weeks UNC System Office is prepared to make a recommendation or notifies campus of any remaining issues for campus reply within 4 weeks.

B. Doctoral Degree – Proposal is presented to Graduate Council at next quarterly meeting.

- (9) Completed RTE is posted to Academic Planning website for 4 weeks for systemwide review and comment gathering.
- (10) UNC makes a recommendation to Committee on Educational Planning, Policies, and Programs (EPPP) Committee brought to the next committee meeting.
- (11) If EPPP Committee approves, then degree program is brought to Board of Governors next meeting.
- (12) Board of Governors acts on EPPP Committee recommendation.

What criteria is used for program approval?

- (1) number, location, and mode of delivery of existing programs;
- (2) the relation of the program to the distinctiveness of the campus and the mission of the campus;
- (3) the demand for the program in the locality, region, or state as a whole;
- (4) whether the program would create unnecessary duplication;
- (5) employment opportunities for program graduates;
- (6) faculty quality and number for offering the program;
- (7) the availability of campus resources to support the program;
- (8) the number and quality of lower-level and cognate programs for supporting the new program;
- (9) impact of program decision on access and affordability;
- (10) the expected quality of the proposed degree program;
- (11) feasibility of a joint or collaborative program by 2 or more campuses; and
- (12) any other consideration relevant to the need for the program.

Ohio

Is the coordinating board for higher education involved in program approval?

Yes, the Chancellor of the Ohio Department of Higher Education approves academic programs.

The Chancellor has a Chancellor's Council on Graduate Studies (CCGS) for graduate programs only.

What is the timeframe for the program approval process?

For undergraduate degrees a public institution of higher education (IHEs):

- (1) institution completes an Initial Inquiry and is assigned an institutional mentor. Institutional mentor sends Program Review Plan letter to institution and individuals in oversight of Ohio Department of Higher Education Course and Program Sharing Network summarizing relevant information;
- (2) Program Review Plan is posted on the department's website;
- (3) after internal approval, institution submits Proposal to Chancellor at least 4 months before implementation. Program must meet General Standards for Academic Programs. (Must be submitted within 1 year of receiving a Program Review Plan.);
- (4) there is a 30-day period for peer review of proposal. External consultants required for new educator licensure or endorsement programs;
- (5) there is a Resolution of Concerns between institutional mentor and proposing institution;
- (6) on recommendation for approval to the Chancellor, a background summary of the program is posted on department's website for a 10-day public comment period; and
- (7) the request and public comments are forwarded to the Chancellor for approval.

For graduate degree programs at public IHEs, University of Dayton, and Case Western University:

- (1) the steps in graduate program approval require a program development plan (PDP) and a full proposal (FP);
- (2) the PDP must be submitted as early as possible in an institutions process. CCGS will review within 4 calendar weeks of submission; and

- (3) based on CCGS reviews and their own assessment, the proposing institution will decide whether the PDP should be expanded to an FP.

An FP is submitted within 2 years for a PDP. Written comments in the process are due in 4 weeks of submission of a full FP. If an objection is raised, the institution must respond within 10 days in advance of the formal CCGS meeting. A final decision is made “as expeditiously as possible”.

What criteria is used for program approval?

For undergraduate programs:

- (1) evidence of an agreement between a college and regional business or industry to train students in an in-demand field to employ successful program graduates;
- (2) workforce need of the regional business or industry is in an in-demand field with long-term sustainability based on data provided by the governor’s office of workforce transformation;
- (3) supporting data that identifies the specific workforce needs that the program will address;
- (4) the absence of the bachelor’s degree program that meets the workforce need addressed by the proposed program that is offered by a state university or private college or university; and
- (5) willingness of the industry partner to offer work-based learning and employment opportunities to students enrolled in the proposed program.

For graduate programs:

The CCGS member institutions shall review the PDP and provide a comments to institutions on the following issues:

- (1) market need for the proposed program and the distinctions or differences between the proposed program and other similar programs across the state;
- (2) opportunities for collaboration with the CCGS member’s own institution;
- (3) concerns with substantive elements of the proposed degree program; and
- (4) suggestions that might help the submitting institution strengthen the proposal or refine its focus.

The following points are expected to be addressed in the FP:

- (1) academic quality (additional standards for entry level graduate degree programs and professional graduate degree programs);
- (2) need;
- (3) access and retention of underrepresented groups;
- (4) statewide alternatives;
- (5) external support; and
- (6) financial impact.

Evaluation of an FP by CCGS involves the following elements:

- (1) consideration of written comments provided by each CCGS member;
- (2) preparation and assessment of the response to these comments by the institution submitting the proposal;
- (3) a formal presentation of the proposal by the initiating institution to CCGS followed by a full discussion of the proposal in the larger context of graduate education; and
- (4) a formal vote by CCGS, by written ballot, advising the Chancellor as to whether the program should be approved.

Pennsylvania

Is the coordinating board for higher education involved in program approval?

No, the Board of governors of the State System approves new academic programs for the State system institutions only.

What is the timeframe for the program approval process?

For new degree program:

- (1) 30 days before submitting New Program Proposal, institution submits Letter of Intent (LOI) to develop a new program to the Council on Chief Academic Officers;
- (2) Council may approve, return for changes, or reject proposals;
- (3) LOI recommended for approval are submitted to the Office of the Chancellor for addition to the Executive Leadership Group consent agenda and, if there are no objections, reviewed by the Office of Academic and Student Affairs. The office will notify institution to proceed with full proposal within 30 days;
- (4) A. An institution submits a Program Proposal using the form provided by the Office. Office obtains peer reviewed feedback from Academic Program Review Committee; and
B. For doctoral programs, documentation of institutional readiness is required for the first 2 doctoral programs in addition to documentation of programmatic readiness. Institutions must contract with an external reviewer to assess institutional capacity to offer.

What criteria is used for program approval?

Undeterminable.

South Carolina

Is the coordinating board for higher education involved in program approval?

Yes, the Commission on Higher Education approves academic programs

What is the timeframe for the program approval process?

Commission guidelines do not give specifics about timelines.

The cycle for the program development/new program approval/program modification process follows the following steps:

- (1) submission of a new program proposal;
- (2) review by the advisory committee on academic programs;
- (3) submission of a full program proposal;
- (4) review by the advisory committee on academic programs;
- (5) review by the committee on academic affairs and licensing; and
- (6) review and approval by the commission.

What criteria is used for program approval?

Compliance with the commission's productivity standards for existing programs will be considered in determining an institution's request to establish a new program.

For new undergraduate programs:

- (1) objectives of the proposed program;
- (2) need for the program;
- (3) program compatibility with the mission, role, and scope of the institution;
- (4) estimated cost of the program;
- (5) personnel, facilities, library holdings, and other resources necessary to conduct a program of high quality or a timeline to acquire these resources;

- (6) research and workforce development needs of the state; and
- (7) quality and scope of the program.

All proposals to establish a new doctoral program must be accompanied by a review from a qualified out-of-state evaluator approved by the commission, which analyzes:

- (1) The merits of the proposed program;
- (2) Its potential effect on existing programs at the institution;
- (3) Its relationship to similar programs in the state, region, or nation;
- (4) The institution's readiness and ability to support the proposed program; and
- (5) Workforce and market demand in South Carolina since these programs typically have lower enrollment and higher costs than program offered at other degree levels.

New program proposal requests will be approved by the commission only if the proposal contains reasonable assurances that enrollment projections will meet minimum standards for degree productivity.

Institutions shall provide an assessment of the program's implementation (enrollment, costs, recruitment) in the third year of implementation so that the commission may evaluate the accuracy of the program market demand and cost effectiveness.

Virginia

Is the coordinating board for higher education involved in program approval?

Yes, the State Council of Higher Education for Virginia approves academic programs.

What is the timeframe for the program approval process?

A public institution's governing board must approve each proposal for a new academic program prior to its submission to the council.

- (1) Council must first be informed about a new degree program via a Program Announcement before the program can be presented for approval at a later Council meeting. Council action on new degree programs will occur at 2 specific meetings during the academic year, 1 in the fall and 1 in the spring.
- (2) A program announcement will be presented at a specific council meeting. Any questions or concerns or requests for information raised at that time must be addressed in the full program approval.
- (3) Following submission of the full program proposal by a specified deadline, the new degree program will be presented for action at a subsequent specific council meeting.
- (4) Upon publication of a Program Announcement in Council's Agenda Book, institutions already offering similar degree programs may provide feedback on the need for new degree programs and the potential effects of an additional program in Virginia. The chief academic officer of the interested institution should write the council and the proposing institution within 30 days.

May council meeting approval timeline, with deadlines:

- September 1 (deadline): program announcement submitted to State Council of Higher Education for Virginia SCHEV;
- September council meeting: program announcement receives discussion;
- December 15 (deadline): program proposal submitted to SCHEV; and
- program approval considered for action at the May Council meeting; if conferred, approval is effective fall of the same year or within one calendar year after Council approval.

What criteria is used for program approval?

The council will focus their evaluation on:

- (1) does Virginia need this program at this time? (council looks at state needs, employer needs, student needs, and duplication); and
- (2) why does the institution need this program at this time?
(Council looks at institutional needs and resource needs.)

Washington State

Is the coordinating board for higher education involved in program approval?

No.

What is the timeframe for the program approval process?

n/a.

What criteria is used for program approval?

n/a.