

Title 13B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 02 ACADEMIC REGULATIONS

Chapter 02 Minimum Requirements for In-State Degree-Granting Institutions

Authority: Education Article, §§11-105(b)(1), (o), (s), (u), 11-201—11-207, and 15-106.1, Annotated Code of Maryland

13B.02.02.01

.01 Purpose.

A. This chapter implements the provisions of Education Article, §§11-201—11-204, Annotated Code of Maryland.

B. The purpose of this chapter is to require that in-State institutions:

- (1) Maintain intellectual and academic integrity;
- (2) Have adequate financial resources and be operated in accordance with acceptable principles of sound financial management;
- (3) Have a clearly defined mission, with goals and objectives consistent with the purposes of higher education;
- (4) Consistently maintain a faculty, a program of instruction, physical facilities, and resources adequate to the:
  - (a) Satisfactory realization of its mission and goals, and
  - (b) Attainment of educational quality;
- (5) Admit, retain, and graduate only those students who meet quantitatively and qualitatively creditable standards of achievement appropriate to the institution;
- (6) Issue announcements that accurately portray to the public the purposes and practices of the institution;
- (7) Provide appropriate student services; and
- (8) Operate under an effective administrative structure.

C. An in-State institution shall maintain a broad and firm foundation of general education supportive of and complementary to specialized areas of knowledge. The depth and breadth of the general education component are of paramount significance in providing students with the intellectual tools necessary to deal effectively with personal, social, and political issues.

D. This chapter is to be interpreted to encourage and permit innovations aimed at improving the effectiveness of higher education through the use of new technologies, techniques, and modes of delivery that are consistent with quality education.

13B.02.02.02

.02 Scope and Applicability.

A. The requirements in this chapter apply to all in-State institutions that require or seek a certificate of approval to operate, or continue to operate, and grant formal awards within the State. Those private in-State institutions that are exempt under charters granted by the General Assembly, as provided in Education Article, §11-202(c), Annotated Code of Maryland, are covered under §D of this regulation and Regulations .05, .10, .11, and .12 of this chapter.

B. The requirements in this chapter also apply to existing in-State institutions that are seeking approval to offer a new degree level in Maryland.

C. The approval granted to an in-State institution to operate and award degrees applies only to the formal awards, instructional programs, and locations designated in the certificate of approval and is not applicable to off-campus programs that are separately authorized by the Commission.

D. Programs to be reviewed under this authority include:

- (1) New certificates or degree levels;
- (2) Off-campus program offerings; and
- (3) Program suspensions or discontinuances.

13B.02.02.03

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) Academic Credit.

(a) "Academic credit" means the certification of a student's successful completion of a unit of a course of study leading to a formal award granted by an in-State institution approved to offer a collegiate degree, such as an associate or higher degree.

(b) "Academic credit" does not include credit that may be awarded for remedial education.

(2) "Associate degree-granting institution" means an institution that awards a degree at the associate level in two or more instructional programs and does not award a higher degree.

(3) "Certificate of advanced study" means a certificate awarded for successful completion of at least 30 semester credit hours of graduate study beyond the master's degree.

(4) Classroom Instruction.

(a) "Classroom instruction" means live instruction for academic credit that allows immediate interaction between student and instructor, such as lectures, laboratory instruction, seminars, colloquia, interactive instructional television, and, if immediate live feedback is available from an instructor, independent study and computer-aided instruction.

(b) "Classroom instruction" does not include instruction through correspondence, non-interactive learning, credit for prior learning, cooperative education activities, practica, internships, externships, apprenticeships, portfolio review, departmental examinations, or challenge examinations.

(5) "Closed site" means a business, organization, educational entity, or government site that offers courses solely for its own employees.

(6) "Commission" means the Maryland Higher Education Commission.

(6-1) "C-RAC guidelines" means the Interregional Guidelines for the Evaluation of Distance Education adopted by the Council of Regional Accrediting Commissions.

(7) "Credit for prior learning" means credit granted toward the award of a certificate or degree for experiential learning that can be shown through various means of assessment to be the equivalent of learning gained through formal collegiate instruction.

(8) "Degree-granting institution" means an associate degree-granting institution and an institution granting baccalaureate or higher degrees.

(9) "Distance education" means education that uses one or more of the following technologies to deliver instruction to students who are separated from the instructor, and to support regular and substantive interaction between the students and the instructor synchronously or asynchronously:

(a) Internet;

(b) One-way and two-way transmissions through open broadcasts, closed circuit, cable, microwave, broadband lines, fiber optics, satellite or wireless communication devices;

(c) Audio conferencing; and

(d) Video cassette, DVDs, and CD-ROMs, if the cassette, DVDs, and CD-ROMs are used in a course in conjunction with a technology listed in §B(9)(a)—(c) of this regulation.

(10) "Formal award" means a certificate or degree that is conferred by the faculty and ratified by the in-State institution's governing board in recognition of successful completion of the requirements of a program.

(11) "FTE" means full-time equivalent.

(12) "Full-time faculty member" means an employee:

(a) Whose primary professional responsibility is instruction, research, scholarship, or service;

(b) Who performs those functions normally expected of a full-time faculty member at an institution of higher education, including curriculum development, student advising, and institutional service;

(c) Who is employed on an annual or renewable contract of at least 9 months length that stipulates an annual salary; and

(d) Who is not employed full-time by another employer.

(13) "In-State institution" means a degree-granting institution whose primary campus is in Maryland and whose authority to grant degrees is conferred by Maryland.

(14) "Institution granting baccalaureate or higher degrees" means an institution that awards a degree at the baccalaureate or graduate level, including:

(a) 4-year colleges and universities; and

(b) Separately incorporated graduate institutions and centers.

(15) "Lower division certificate" means a certificate awarded for successful completion of at least 12 semester credit hours at the freshman or sophomore levels, or both.

(16) "Major field of study" means that portion of the course work of a program related directly to the academic discipline in which the student is specializing.

(17) "New degree" means a degree level not specified in an in-State institution's certificate of approval or authorized by its charter such as an associate level, bachelor's level, master's level, doctoral level, or first professional level.

(18) "Non-accredited in-State institution" is an in-State institution that is not accredited by an organization recognized as an accrediting agency by the U.S. Department of Education to grant institutional accreditation.

(19) "Off-campus program" means:

(a) More than 1/3 of the required course work in a major field of study leading to an undergraduate or graduate degree or graduate certificate offered by an approved or chartered in-State institution at a location other than the principal location of the sponsoring institution during any 12-month period; or

(b) Course work offered at a location other than the principal location of an approved or chartered in-State institution that is advertised as leading to an undergraduate or graduate degree or to a graduate certificate at that location, regardless of the portion of a program offered at that location.

(20) "Off-campus site" means a facility other than the main campus of an approved or chartered in-State institution that:

(a) Is not a closed site but is open to the general public;

(b) Offers three or more off-campus programs by that institution; and

(c) Does not offer substantially all the instruction necessary to offer an undergraduate degree.

(21) "Out-of-State institution" means a degree-granting institution whose primary campus is outside of Maryland and whose authority to grant degrees is conferred by another state.

(22) "Post-baccalaureate certificate" means a certificate awarded for successful completion of at least 12 semester credit hours at the graduate or upper divisional level, the majority of which are at the master's or specialized postgraduate level.

(23) "Post-master's certificate" means a certificate awarded for successful completion of at least 12 semester credit hours of graduate study beyond the master's degree.

(24) "Program" means a structured and coherent course of study with clearly defined objectives and intended student learning outcomes, requiring the completion of a specified number of course credits from among a prescribed group of courses, which leads to the award of a certificate or degree.

(25) "Regional higher education center" means a higher education facility in the State that:

(a) Includes participation by two or more institutions of higher education in the State;

(b) Offers an array of program offerings;

(c) Offers multiple degree levels; and

(d) Is either affiliated with an institution of higher education or is established by statute.

(26) "Remedial education" means a course or series of courses or services, or both, designed to remedy deficiencies in preparation for college-level work, especially in reading, writing, mathematics, and study skills that cannot be applied to credit for a degree or certificate.

(27) "Secretary" means the Secretary of Higher Education.

(28) "Segment of higher education" means:

(a) The University System of Maryland;

(b) Morgan State University;

(c) St. Mary's College of Maryland;

(d) The Maryland community colleges;

(e) The Maryland Independent College and University Association; and

(f) The Maryland Association of Private Colleges and Career Schools.

(29) "Separately incorporated graduate institution or center" means a public or private institution of higher education that:

(a) Is a separately incorporated entity not owned or operated by an approved college or university offering baccalaureate or higher degrees;

(b) Awards the master's, doctoral, or first professional degree in one or more academic disciplines, but does not award the baccalaureate degree; and

(c) Offers appropriate courses in support of the academic disciplines.

(30) "Upper division certificate" means a certificate awarded for successful completion of at least 12 semester credit hours at the junior or senior levels, or both.

13B.02.02.04

.04 Institutional Titles.

A. A person, firm, association, corporation, or other entity may not use the name "college", "university", "regional higher education center", or word of similar import, in such manner as to connote the offering of a postsecondary educational course or program, unless that person, firm, association, or corporation has first met the criteria established by, and obtained a certificate of approval from, the Commission in the manner provided by law.

B. Change of Institutional Designation.

(1) An in-State institution may not change its institutional designation without the approval of the Commission.

(2) An institution shall pay a fee of \$250 with an application to the Commission to change its institutional designation.

C. An in-State institution shall use a title appropriate to the programs and degrees it offers.

13B.02.02.05

.05 Need Criteria.

A. Before the Commission may evaluate the readiness of an institution to operate or award new degrees in the State, including the offering of an instructional program or a degree level not previously subject to approval or recommendation or not authorized by an institution's charter, the institution shall present evidence demonstrating the educational need to establish operations, offer programs, and award the degrees in question in the State.

B. The evidence to be considered shall include:

(1) Degree to be awarded;

(2) Area of specialization;

(3) Purpose or objective of the program or course of study to be offered;

(4) Specific academic content of the program or course of study;

(5) Quality of the proposed program in comparison to existing programs;

(6) Analysis of the market for the program; and

(7) State's equal educational opportunity obligations under State and federal law.

C. In addition, the institution shall demonstrate that the proposed program, for which the institution is making application, meets a critical and compelling regional or Statewide need and is consistent with the Maryland State Plan for Postsecondary Education.

D. The institution shall clearly state the demand and need for a program, for which the institution is making application, in terms of meeting present and future needs of the region and the State in general. Two kinds of needs may be identified:

(1) Societal needs, including the tradition of liberal arts education, which provides immeasurable returns to the State in part by instilling in citizens a capacity for advanced learning and individual and societal benefits regardless of workforce or market demand considerations; and

(2) Occupational needs relative to meeting workforce requirements or upgrading vocational or technical skills.

#### E. Market Demand Data.

(1) The institution shall present data projecting market demand and the availability of openings in the job market to be served by the new program for which the institution is making application. The type of information submitted will vary, depending on the program, but may include workforce and employment projections prepared by the federal and State governments, professional associations, and trade associations.

(2) With the exception of programs in the liberal arts, recently collected, existing, or new market surveys shall be used, which clearly provide quantifiable and reliable data from prospective employers on the education and training needs and the anticipated number of vacancies expected over the next 5 years.

(3) In assessing demand for a new program for which the institution is making application, an institution shall also present data showing the current and projected supply of prospective graduates in that program area in the State and region.

#### 13B.02.02.06

##### .06 Institutional Approval Process.

A. A prospective in-State institution may not operate, do business, recruit or enroll students, or begin instruction until it obtains approval from the Commission in accordance with this regulation.

B. An existing associate degree-granting institution seeking approval to offer baccalaureate or higher degrees may not recruit or enroll students, or begin instruction for the proposed new degree program until it obtains approval from the Commission in accordance with this regulation.

C. An application for institutional approval shall be submitted in two stages in a format prescribed by the Secretary and accompanied by additional information as required. A prospective in-State institution shall complete the two stages before the Commission may grant approval.

D. A prospective in-State institution shall submit two separate non-refundable application [fee] fees for a Stage One Application and a Stage Two Application in the amount of:

(1) \$7,500 for up to two degree programs; and

(2) An additional \$850 for each degree program over two programs.

##### E. Application for Approval at Stage One.

(1) A prospective in-State institution shall provide a Stage One application to the Secretary that includes the following items in a form and manner prescribed by the Secretary:

(a) Evidence of a critical and compelling regional or Statewide need and demand for specific academic degree programs in a specific geographic region of the State in accordance with Regulation .05 of this chapter;

(b) Evidence of adequate financial resources to establish and maintain an institution of higher education as provided in Regulation .07 of this chapter;

(c) Financial information in a form and manner prescribed by the Secretary to include:

(i) For an existing in-State institution, financial statements for each of the past 3 years or fewer, if the institution has operated for fewer than 3 years, or for an institution owned by a parent institution, organization, corporation, or other entity, separate financial statements for the institution and the parent institution, organization, corporation, or entity, and any intermediate subsidiaries; and

(ii) For both existing and prospective in-State institutions, a 4-year projection of anticipated income and expenditures that demonstrates that tuition and other sources of income shall be sufficient to provide a sound financial operation and assure diversity of intellectual interest and resources; and

(d) A detailed and accurate description of the prospective in-State institution's proposed programs and operations to include:

(i) All degree and certificate programs to be offered by the institution;

(ii) A description of the objectives of each degree and certificate program including the modes of instructional delivery;

(iii) The specific address, if known, or the geographic location of the institution to include at a minimum the county or city, with the specific address to be provided when known;

(iv) A description of the student population to be served;

(v) The curriculum for each program to be offered; and

(vi) The nature of faculty and resources required to support the degree programs.

(2) Elements of the projection under §E(1)(c)(ii) of this regulation shall demonstrate that the institution:

(a) Possesses financial resources sufficient to realize its mission;

(b) Has a long-range financial plan including income sources in addition to tuition; and

(c) Plans its expenditures by budgeting for approved programs and courses in the State.

#### F. Additional Information.

(1) If the Secretary determines that conditions warrant, the Secretary may require a prospective in-State institution to submit any additional information that the Secretary determines necessary to obtain a Stage One decision.



(2) The Secretary may require an independent market analysis performed by a firm or individual whose name appears on a prequalified list approved by the Secretary.

#### G. Notice and Period for Comments and Objections.

(1) Upon receipt of a completed Stage One proposal, the Secretary shall inform all institutions of higher education and segments of higher education of the proposal.

(2) A 30-day period for comments and objections shall be allowed.

(3) Any institution of higher education or segment of higher education desiring to raise an objection shall do so during the 30-day comment period.

(4) The Secretary shall consider all comments and objections received prior to making the final Stage One decision.

(5) The Secretary may not consider an objection raised after the 30-day period.

(6) The Secretary may ask the prospective in-State institution for additional information in response to comments and objections received.

#### H. Secretary's Decision.

(1) If the Secretary determines to approve the Stage One proposal, the Secretary shall make public the Secretary's final decision of approval on the Stage One proposal of the prospective in-State institution at a regularly scheduled meeting of the Commission.

(2) After the Secretary has approved the Stage One proposal, the Secretary shall notify the institution that it may proceed to Stage Two.

(3) If the Secretary is not satisfied that a prospective in-State institution has met the criteria set forth in §E of this regulation, the Secretary shall issue a notice of deficiencies and deny approval to the institution.

#### I. Appeals.

(1) Within 20 days of receipt of a notice of deficiencies, the prospective in-State institution may request a hearing before the Commission as provided in Education Article, §11-202(f), Annotated Code of Maryland.

(2) Within 20 days of the public announcement of an approval, an institution of higher education or segment of higher education that timely objected under §G of this regulation may request a hearing before the Commission.

(3) If any party requests a hearing, the hearing before the Commission shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 13B.04.01.

(4) After the hearing provided for in §I(3) of this regulation, the Commission may grant approval for Stage One or deny approval for Stage One.

(5) If a timely request for a hearing is not filed, the Secretary's decision becomes final.

#### J. Application for Approval at Stage Two.

(1) Upon notice from the Secretary that a prospective in-State institution has met the requirements of Stage One, the institution shall provide:

- (a) Documentation required for Stage Two in a form and manner prescribed by the Secretary;
- (b) Documentation indicating how the institution shall satisfy Regulations .13—.22 of this chapter;
- (c) Evidence that the institution has sufficient insurance or self-insurance to maintain the solvency of the institution in case of loss by fire or other causes, to protect the institution in instances of personal or public liability, and to ensure continuity of the institution;
- (d) If applicable, the required financial guarantee provided in accordance with Regulation .07 of this chapter; and
- (e) A license to operate as a business entity in the State issued by the State Department of Assessments and Taxation or other appropriate State office.

#### (2) On-Site Visit.

(a) If the Secretary is satisfied that the documentation submitted by the prospective in-State institution satisfies the requirements of Stage Two, the Secretary shall appoint an evaluation team to conduct an on-site visit to the institution to ensure that the institution complies with the regulations of this chapter.

(b) The evaluation team shall be advisory to the Secretary.

(c) At least 1 member of the evaluation team shall be affiliated with an out-of-State institution.

(d) The appropriate segmental executive or segmental executive's designee shall serve ex-officio as an observer.

(e) During the on-site visit, the team shall conduct a detailed review of the institution's programs.

(f) The team shall prepare a report to the Secretary on the extent to which the institution is compliant with the regulations of this chapter.

(g) The institution shall be responsible for all financial obligations related to the on-site visit.

#### K. Completed Application.

(1) An application is complete as of the day on which a prospective in-State institution submits documentation satisfactory to the Secretary that it has completed the application process, including completion of the on-site visit, and evidence of the financial guarantee as provided for in Regulation .07 of this chapter.

(2) If the Secretary has issued neither a certificate of approval nor a written notice of deficiencies within 6 months of the submission of the application, the institution may request a hearing before the Commission to determine whether a certificate of approval shall be issued.

(3) The request shall be made within 20 days of the expiration of the 6-month period.

(4) The hearing shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 13B.04.01.

L. Secretary's Grant of Approval to Operate.

(1) If, based on the evaluation team report and other available information, the Secretary is satisfied that the prospective in-State institution is in compliance with this chapter and the minimum requirements of the chapter are met, the Secretary shall grant approval to operate.

(2) The Secretary shall issue a certificate of approval to operate and grant degrees on any condition and for a period of time as may be considered appropriate.

(3) The Secretary shall specify in the certificate of approval the degrees, formal awards, instructional programs, and location approved by the Secretary.

M. Secretary's Denial of Approval to Operate.

(1) If the Secretary is not satisfied that a prospective in-State institution is in compliance with this chapter, the Secretary shall issue a notice of deficiencies and deny approval to the institution.

(2) Within 20 days of receipt of a notice of deficiencies, the institution denied approval may request a hearing before the Commission as provided in Education Article, §11-202(f), Annotated Code of Maryland.

(3) The hearing before the Commission shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 13B.04.01.

(4) If the institution requests a hearing, the Commission may refer the hearing to the Office of Administrative Hearings.

(5) After the hearing provided for in §M(3) of this regulation, the Commission may take the following action:

(a) Grant approval to operate;

(b) Deny approval to operate; or

(c) Remand the case to the Secretary for further action as directed by the Commission.

(6) If the institution does not file a timely request for a hearing on the notice of deficiencies, the Secretary's recommendation becomes the final action of the Commission.

N. Judicial Review.

(1) A prospective in-State institution that is denied approval for Stage One or a certificate of approval by the Commission after a hearing granted under §I, K, or M of this regulation has the right to judicial review provided by State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(2) The decision of the Commission is considered correct and the institution has the burden of proving otherwise.

(3) The Commission shall be a party to the proceeding.

O. Post-Approval Review.

(1) The Secretary shall appoint an evaluation team to conduct an on-site visit to the in-State institution at the end of an institution's first instructional year to ensure that the institution is in compliance with the requirements of this chapter and any other condition upon which the Commission based the institution's approval to operate.

(2) The institution shall be responsible for all financial obligations related to the on-site visit.

(3) If, on the basis of available documentation, the Secretary has reason to believe that an institution is not in compliance with this chapter or the terms of the institution's approval, the Secretary may institute the procedures in Regulations .08 and .09 of this chapter.

(4) The post-approval evaluation team shall serve as the evaluation team for the purposes of Regulation .08 of this chapter.

13B.02.02.07

.07 Financial Guarantee.

A. Before considering the initial approval of a public institution granting baccalaureate or higher degrees, the Commission shall receive assurance from the institution's governing board that it will support adequate funding for capital and operating costs of the institution.

B. Private Institutions Granting Baccalaureate or Higher Degrees.

(1) For a private institution granting baccalaureate or higher degrees, the governing board, or the incorporators if the board has not yet been selected, shall provide a surety bond or letter of credit issued by a surety company or banking institution authorized to transact business in Maryland with a credit rating satisfactory to the Commission in an amount:

(a) Adequate to provide refunds for students for current tuition and fee liability and to cover the administrative cost associated with the instrument claim; but

(b) Not less than \$500,000.

(2) The surety bond or letter of credit shall be in place for 6 years.

(3) If, during the term of the guarantee, the institution's current tuition and fee liability exceeds the level of the initial guarantee, the required level may be adjusted at the discretion of the Secretary.

C. Private Associate Degree-Granting Institutions.

(1) For a private associate degree-granting institution, the governing board, or the incorporators if the board has not yet been selected, shall provide a surety bond or letter of credit issued by a surety company or banking institution authorized to transact business in Maryland with a credit rating satisfactory to the Commission in an amount:

(a) Adequate to provide refunds to students for current tuition and fee liability and to cover the administrative cost associated with the instrument claim; but

(b) Not less than \$300,000.

(2) The surety bond or letter of credit shall be in place for 4 years.

(3) If, during the term of the guarantee, the institution's current tuition and fee liability exceeds the level of the initial guarantee, the required level may be adjusted at the discretion of the Secretary.

D. If an institution intends to cease or ceases operations, the institution shall use the balance of the financial guarantee with the approval of the Secretary or the Secretary's designee in order to:

(1) Conduct an orderly closure of the institution; and

(2) Refund tuition monies owed to students.

13B.02.02.08

.08 Maintenance of Authority to Operate.

A. An approval granted by the Secretary or the Commission remains in effect in accordance with its terms unless the Secretary or the Commission has limited the approval for a certain period of time in the approval action.

B. Upon the expiration of an approval issued by the Commission, the Secretary may renew or reaffirm an in-State institution's approval if the Secretary is satisfied that the institution is in continued compliance with relevant approval criteria.

C. The Secretary shall monitor the continued compliance of approved in-State institutions in accordance with the requirements of this chapter.

D. To maintain the authority to operate, for-profit in-State institutions, and non-accredited in-State institutions, both for-profit and non-profit, shall annually submit documents to the Commission relevant to the financial and academic health of the institution on a schedule and in a form specified by the Secretary that shall include, but are not limited to, the following:

(1) Audited financial statements for the past fiscal year;

(2) Financial ratios indicating the relationship of annual expenditures to annual revenues to include a primary reserve ratio, an equity ratio, and a net income ratio;

(3) Advertising budget as a percentage of total expenditures;

(4) Instructional expenses as a percentage of total expenditures;

(5) Reinvestment of gross revenues to support educational purposes and programs;

(6) Student recruitment and enrollment trends;

(7) An academic profile of entering students;

(8) Retention and graduation rates;

(9) Student loan default rates and agreements with private lenders;

(10) Faculty salaries and benefits;

- (11) Faculty longevity and turnover data;
- (12) Curriculum vitae of faculty and administrative staff members;
- (13) Changes in accreditation status; and
- (14) Litigation status including any adverse administrative actions.

E. If the Secretary has reason to believe an approved in-State institution is not in compliance with the minimum requirements of this chapter, the Secretary shall inform the institution and request a written response.

F. The Secretary may appoint an advisory evaluation team in accordance with Regulation .06J(2) of this chapter to make an on-site visit to the in-State institution to determine compliance with the minimum requirements of this chapter.

G. The advisory evaluation team shall submit an advisory team report to the Secretary on the compliance of the in-State institution with the requirements of this chapter. The Secretary shall provide the institution with a copy of the report. If deficiencies are found, the team report may recommend actions to be taken by the institution being evaluated to correct the deficiencies. Upon receiving the team report, the institution has 20 days to submit to the Secretary a response to the report.

H. After receiving the team report and the institution's response, the Secretary shall prepare an evaluation report based on all the information available to the Secretary on the compliance of the in-State institution with the requirements of this chapter.

I. If the Secretary is satisfied that the in-State institution is in compliance with the requirements of this chapter, the Secretary shall reaffirm the institution's approval.

J. If the Secretary is not satisfied that the in-State institution is in compliance with the requirements of this chapter, the Secretary shall issue a notice of deficiencies in accordance with Regulation .09 of this chapter.

K. Hearing.

(1) If the Secretary has issued neither a reaffirmation nor a notice of deficiencies within 6 months of the Secretary's receipt of the last required written submission from the in-State institution, the institution may request a hearing before the Commission to determine whether a reaffirmation should be given.

(2) The request shall be made within 20 days of the expiration of the 6-month period.

(3) The hearing shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 13B.04.01.

L. Accreditation.

(1) Within 4 years of an in-State institution receiving approval to operate within the State, the institution shall apply for accreditation with an organization recognized as an accrediting agency by the U.S. Department of Education to grant institutional accreditation.

(2) Within 8 years of an institution granting baccalaureate or higher degrees or within 6 years of an associate degree-granting institution receiving approval to operate within the State, the institution shall become accredited by an organization recognized as an accrediting agency by the U.S. Department of Education to grant institutional accreditation.

(3) Non-accredited in-State institutions approved by the State prior to January 1, 2007, shall apply by December 31, 2012, for accreditation by an organization recognized as an accrediting agency by the U. S. Department of Education to grant institutional accreditation, and shall become accredited by December 31, 2015.

(4) Except as provided in §L(5) of this regulation, the Secretary shall withdraw an institution's authority to operate in Maryland if the institution fails to become accredited by an organization recognized as an accrediting agency by the U. S. Department of Education to grant institutional accreditation within the time periods required by §L(1), (2), and (3) of this regulation.

(5) The Secretary may extend for a specified period the time required for an institution to obtain accreditation under §L of this regulation.

(6) If an institution's accreditation is terminated, the institution's authority to operate in Maryland shall cease effective the date that accreditation is terminated, unless the institution continues to be accredited by an organization recognized as an accrediting agency by the U.S. Department of Education to grant institutional accreditation.

M. Effect of the removal of recognition of an accrediting agency by the U.S. Department of Education (USDOE).

(1) If an institution ceases to be accredited by an organization recognized as an accrediting agency by the USDOE because the USDOE terminates its recognition of the accrediting agency, the institution shall inform the Commission of its accreditation status in writing within 7 calendar days of the accrediting agency's loss of recognition.

(2) Except as provided in §M(3) of this regulation, if an institution ceases to be accredited by an organization recognized as an accrediting agency by the USDOE because the USDOE terminates its recognition of the accrediting agency, the institution's authority to operate in Maryland shall cease effective the date that the USDOE terminates its recognition of the accrediting agency, unless the institution continues to be accredited by an organization recognized as an accrediting agency by the USDOE to grant institutional accreditation.

(3) If an institution ceases to be accredited by an organization recognized as an accrediting agency by the USDOE because the USDOE terminates its recognition of the accrediting agency, and the institution is not accredited by another organization recognized as an accrediting agency by the USDOE to grant institutional accreditation, the Secretary may grant the institution a temporary approval to operate, and impose terms and conditions as the Secretary deems appropriate, provided that:

(a) Within 60 days of the accreditation agency's loss of recognition or the effective date of this regulation, whichever occurs later, the institution shall apply for accreditation from an organization

recognized as an accrediting agency by the USDOE, and shall inform the Commission of the new accrediting agency and the institution's application status; and

(b) Within 4 years of the accreditation agency's loss of recognition, the institution shall become accredited by an organization recognized as an accrediting agency by the USDOE to grant institutional accreditation.

(4) Withdrawal of Approval.

(a) Except as provided in §M(4)(b) of this regulation, the Secretary shall withdraw an institution's authority to operate in Maryland if the institution fails to meet the time periods required by §M(3) of this regulation.

(b) The Secretary may, upon conditions that the Secretary deems appropriate, extend for a specified period the time requirements under §M(3) of this regulation.

(5) The provisions of §M of this regulation apply to a decision by the USDOE, effective on or after July 1, 2016, to withdraw an accrediting agency's recognition.

13B.02.02.09

.09 Withdrawal of Approval and Other Sanctions.

A. If, on the basis of available documentation, the Secretary believes that an in-State institution does not meet the conditions or standards on which its certificate of approval, or any other approval issued by the Commission or Secretary, was based, the Secretary shall give the institution written notice specifying the deficiencies believed to exist.

B. The written notice shall specify the alleged deficiencies, direct the in-State institution to correct them within a period of not less than 30 days, and recommend appropriate sanctions if the institution fails to correct the deficiencies.

C. Hearing.

(1) If the in-State institution requests a hearing on the notice of deficiencies, the Commission shall hold a hearing on the matter within 60 days of receipt of the request, subject to the requirement that any request for a hearing shall be received by the Commission within 20 days of the institution's receipt of the notice of deficiencies.

(2) The hearing shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 13B.04.01.

(3) Subject to §F of this regulation, action on the notice of deficiencies shall be stayed until a determination after the hearing.

(4) Notwithstanding Regulation .11B of this chapter, the Secretary may stay action on any request for approval of a new program by an in-State institution issued a notice of deficiencies, until a determination is made after the hearing.

D. If a hearing is not requested within the specified time period, or if the notice of deficiencies is upheld in whole or in part after a hearing, the Commission may reprimand the in-State institution or



suspend or revoke the institution's certificate of approval or any other approval issued by the Commission or Secretary.

E. In imposing any sanctions under this regulation, the Commission shall consider:

- (1) The seriousness of the deficiency;
- (2) The harm caused by the deficiency;
- (3) The good faith of the in-State institution and any corrective actions taken;
- (4) Any history of previous deficiencies; and
- (5) Other pertinent circumstances.

F. Judicial Review.

- (1) An in-State institution that is aggrieved by an order of the Secretary or Commission has the right to judicial review provided by State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.
- (2) The decision of the Commission is presumed correct, and the institution has the burden of proving otherwise.
- (3) The Commission shall be a party to the proceeding.

G. Judicial Remedies.

- (1) The Secretary may seek an injunction or other judicial remedy at any time following written notice of the deficiencies and before the Commission's final decision, if the Secretary determines that the public interest requires enforcement of the provisions of Education Article, Title 11, Annotated Code of Maryland, or any applicable regulations.
- (2) If a court grants relief before a hearing that was requested on a timely basis, the Commission shall schedule the hearing in regard to the notice of deficiencies within 2 weeks of the issuance of the court's order, unless the institution requests a delay. The hearing shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

13B.02.02.10

.10 New Degrees.

A. If an in-State institution wishes to offer a new degree not previously offered by the institution unless already controlled by Regulation .06 of this chapter, the institution, through its governing board, shall submit a proposal and request the Commission to assess the readiness of the institution to grant the degree in accordance with Commission policies and procedures.

B. Review.

(1) In response to a request for approval of a new degree, the Secretary may appoint a team to make an on-site visit. If appointed, the team's assessment and recommendations shall be presented to the Secretary.

(2) The institution is responsible for the costs of the review.

(3) The Secretary shall grant full approval to an institution exhibiting the capability to award a new degree.

(4) The Secretary may grant conditional approval to an institution demonstrating potential capability to award the degree.

(5) The Secretary shall prepare a report for the Commission on the Secretary's action.

#### C. Associate Degree-Granting Authority.

(1) The Secretary may not grant approval to offer new associate degrees to:

(a) A public institution granting baccalaureate or higher degrees; or

(b) A private institution granting baccalaureate or higher degrees that does not offer an associate degree.

(2) In extraordinary situations, the Secretary may grant approval to offer a new associate degree-level program to a private institution granting baccalaureate or higher degrees that offers associate degrees when that program is justified by the:

(a) Institution's mission;

(b) Unique nature of the program; and

(c) Need for the program.

#### 13B.02.02.11

##### .11 New Programs.

A. If an in-State institution wishes to offer an instructional program not authorized in the institution's certificate of approval or charter or not previously subject to approval or recommendation of the Commission, the institution shall submit a proposal and a request for approval or recommendation through its governing board to the Commission in accordance with this chapter and policies and procedures specified by the Secretary.

B. The Secretary shall review and act upon an application for a new program in accordance with the Commission's policies and procedures within 60 days of the date the completed proposal is received by the Commission.

#### 13B.02.02.12

##### .12 Off-Campus Instruction.

A. In-State institutions may offer credit-bearing course work amounting to less than 1/3 of the required course work of a major field of study leading to a degree or certificate at a location other than that of the sponsoring institution/campus without Commission approval.

B. Off-Campus Programs.

(1) An in-State institution shall obtain the Secretary's approval or recommendation for off-campus programs before students are enrolled.

(2) With the exception of public associate-degree granting institutions offering instruction within their primary service area, if an in-State institution wishes to offer off-campus programs during any 12-month period, the institution shall submit a proposal and a request for approval through its governing board to the Commission in accordance with instructions provided by the Secretary. The Secretary shall review and act upon the application for an off-campus program under procedures established by the Commission.

C. When an in-State institution applies for approval of a third off-campus program at a specific proposed off-campus site, the sponsoring institution shall submit to the Secretary a plan for the future development of that site and a request for review and response to that plan in a format provided by the Secretary.

D. The Secretary shall evaluate the off-campus site under the requirements and procedures established in this chapter and shall approve the off-campus site if it is satisfied that the off-campus site satisfies the minimum requirements in this chapter.

13B.02.02.13

.13 Organization and Administration.

A. A prospective in-State institution shall design its organization to bring together the institution's total resources in an effectively coordinated effort that will accomplish the institution's stated objectives. The institution shall inform all individuals in the organization of their responsibilities and of those of the other principal administrative positions.

B. The members of the administration and the governing board of the prospective in-State institution shall have a demonstrated history of ethical practice.

C. A member of the administration or governing board may not have a history of fraudulent practices.

D. Governing Board.

(1) A private institution seeking initial approval shall have a governing board that conforms to the requirements of regulations in existence at the time of the application.

(2) Board members shall represent the founders, benefactors, and public, and are responsible for directing the accomplishment of the purposes for which an institution was founded.

(3) Board members of higher education institutions are responsible for:

(a) Establishing broad policy and long-range planning;

- (b) Appointing and evaluating the chief executive officer;
  - (c) Developing financial resources and providing oversight of financial management;
  - (d) Playing a major role in the development of external relations; and
  - (e) Maintaining the administrative integrity of the institution.
- (4) Board members may not use their positions on the board for personal material gain, with the exception of private institutions.
- (5) Meetings shall be held at regularly stated times. The institution shall prepare an agenda of the meeting and keep accurate minutes of the meeting on file.
- (6) The duties, responsibilities, and relationship of the board with the administration, faculty, and other staff members shall be clearly defined in an organizational chart. Decisions shall be made based on consultation with affected parties. The board shall concentrate on broad policy matters and avoid concerning itself with administrative detail.

#### E. Chief Executive Officer.

- (1) Within the organizational structure, the chief executive officer shall delegate responsibilities and authority to the administrative staff and provide for a regular evaluation of the administrative staff. The results of an evaluation are solely for internal institutional purposes.
- (2) The chief executive officer shall:
- (a) Be responsible to the board for the entire operation of an institution or of all institutions in a multi-campus or multi-college system;
  - (b) Serve as a liaison between the board and the staff, and be directly responsible for the administration of the policies and procedures as set forth by the board;
  - (c) Provide leadership for the development and operation of all institutional functions;
  - (d) Be committed to the comprehensive purpose of the institution;
  - (e) Ensure the development and use of appropriate procedures of plant maintenance and fiscal management;
  - (f) Maintain a sound administrative structure for the orderly operation of the institution; and
  - (g) Be responsible for communications between the institution and the community served.

#### F. Chief Academic Officer.

- (1) An in-State institution shall have a chief academic officer who is not the chief executive officer. When required by the size and complexity of the institution, the institution may have several academic officers sharing the responsibilities of a chief academic officer.
- (2) The chief academic officer shall:
- (a) Be responsible for implementing the educational goals of the institution; and

(b) Develop and enforce the academic standards and procedures of the institution.

(3) The chief academic officer shall be qualified by academic training and appropriate experience to fulfill the responsibilities of the position.

G. Chief Business Officer.

(1) An in-State institution shall have a chief business officer who is not the chief executive officer.

(2) The chief business officer shall:

(a) Manage the business and financial affairs of the institution;

(b) Keep the chief executive officer and the board apprised of the institution's financial condition; and

(c) Act as financial adviser to the chief executive officer and the board.

(3) The chief business officer shall be qualified by appropriate training and experience to fulfill the responsibilities of the position.

H. Administrative Staff.

(1) The administrative staff shall have an organizational structure that is appropriate to the size and purpose of the in-State institution.

(2) An in-State institution shall define and clearly communicate the duties and responsibilities of all employees.

(3) The administrative personnel shall furnish effective leadership for institutional development and viability.

(4) Administrators shall be qualified by appropriate training and experience to perform their responsibilities.

I. For private in-State institutions, the Commission shall give prior approval to substantial changes in majority ownership, direct or indirect.

13B.02.02.14

.14 Mission and Goals.

A. An in-State institution shall have a statement of mission and goals.

B. An adequate statement of institutional goals shall incorporate:

(1) The institutional identity, to include:

(a) A summary of the institution's character and purpose;

(b) A designation of the institution's functional emphasis as instruction, research, or public service;

(c) The degree levels offered and relative emphasis given to undergraduate and graduate instruction; and

- (d) The institution's current or proposed Carnegie classification;
- (2) The constituencies served by the institution, including:
  - (a) A general description of the student body, including:
    - (i) The geographic origin of students, and
    - (ii) Admission standards and the anticipated academic preparation of entering students;
  - (b) Relationships with special constituencies such as elementary and secondary schools, government, business, and industry; and
- (3) The institution's instructional program emphasis.

#### C. Publication of Mission and Goals.

- (1) An in-State institution shall publish a comprehensive statement of its mission that is consistent with Education Article, Annotated Code of Maryland, with the philosophy of the institution's board, and with the Maryland State Plan for Postsecondary Education.
- (2) The in-State institution shall set forth the statement in §C(1) of this regulation in the institution's catalog.

D. The institution shall periodically review its mission and goals statement. For public institutions, this statement shall remain consistent with the identification of the role, function, and mission of the institution of higher education and segment of higher education as established in the Commission's Statewide plan, as revised from time to time.

13B.02.02.15

.15 Admission.

#### A. Admissions Policy.

- (1) An in-State institution's admissions policy shall be related to the objectives and resources of the institution, and clearly stated.
- (2) An in-State institution that maintains an open-door policy shall make adequate provision for placement testing, counseling, and compensatory services.
- (3) There shall be a demonstrable correlation between admissions policies and educational practices.
- (4) Because the admissions policy affects all aspects of institutional planning, funding, and staffing, an institution shall carefully plan the admissions policy to determine whether it is serving the needs and interests of its students, or how it could be doing so more effectively.
- (5) The admissions policy shall be nondiscriminatory, and in compliance with all State and federal laws with regard to nondiscrimination.

#### B. Individuals to Be Admitted.

(1) A student admitted to an in-State institution shall:

(a) Be a graduate of a high school accredited either by its own state department of education or by a regional accrediting association recognized by the United States Department of Education; or

(b) Have received a high school equivalency certificate or a high school equivalency diploma.

(2) Notwithstanding §B(1) of this regulation, an institution may admit to college level courses and programs individuals who present evidence, through testing or other means, of the ability to profit from the instruction. In making decisions about the potential of these individuals to complete a course or courses, or programs, the institution may consider previous formal education, equivalency of other learning by examination, and competencies gained through practical experience, maturity, or other appropriate criteria.

C. In those instances when a student has been admitted under exceptions to existing institutional policies, the in-State institution shall retain an explanation of those exceptions and a record of the student's academic success in collegiate credit-bearing courses.

D. The receiving institution shall limit the credit earned in or transferred from an associate degree-granting institution to approximately 1/2 the baccalaureate degree program requirement, not to exceed 70 credits. The receiving institution shall limit these transferred credits to the first 2 years of the undergraduate educational experience.

13B.02.02.16

.16 Graduation Requirements.

A. Associate Degree.

(1) Credit Hour Requirement.

(a) An associate degree requires the satisfactory completion of not less than 60 or more than 70 credit hours, representing a planned sequence of learning experiences.

(b) Beginning with the Fall 2015 academic year, the standard number of credit hours required for an associate's degree from a public community college is 60 credit hours.

(c) The standard number of credit hours required under §A(1)(b) of this regulation does not apply if:

(i) The degree program is defined as more than a 2-year associate's degree;

(ii) Professional accreditation requires a higher number of credit hours or requires course work that cannot be completed in 60 credit hours; or

(iii) Certification requirements result in a need for credit hours in excess of 60.

(d) In consultation with the Commission, the governing board of a public community college may approve additional exceptions to the credit hour requirements of this subsection.

(2) An in-State institution shall require a minimum average of 2.0 on a 4.0 scale for graduation for both degree and certificate programs.

(3) A student shall earn at least 15 credit hours at the institution granting the degree.

(4) An institution may not include credit awarded for remedial education towards the credit hours required for graduation.

#### B. Baccalaureate Degree.

##### (1) Credit Hour Requirement.

(a) An in-State institution shall require the satisfactory completion of not less than 120 credit hours, distributed according to the requirements of the curriculum, for a baccalaureate degree.

(b) The standard number of credit hours required for a baccalaureate degree from a public senior higher education institution is 120 credit hours.

(c) The standard number of credit hours required under §B(1)(b) of this regulation does not apply if:

(i) The degree program is defined as a 5-year baccalaureate program;

(ii) Professional accreditation requires a higher number of credit hours or requires course work that cannot be completed in 120 credit hours; or

(iii) Certification requirements result in a need for credit hours in excess of 120.

(d) In consultation with the Commission, the governing board of a public senior higher education institution may approve additional exceptions to the credit hour requirements of this subsection.

(2) An institution shall require a minimum average of 2.0 on a 4.0 scale for graduation for both degree and certification programs.

(3) A student shall earn at least 30 credit hours, of which at least 15 credit hours are upper divisional credit hours, at the institution awarding the degree.

(4) An institution may not include credit awarded for remedial education towards the credit hours required for graduation.

C. An in-State institution shall have appropriate policies concerning students who do not make adequate progress toward a degree or certificate.

#### D. Credit Hours.

(1) An in-State institution shall award 1 credit hour for:

(a) A minimum of 15 hours, of 50 minutes each of actual class time, exclusive of registration, study days, and holidays;

(b) A minimum of 30 hours, of 50 minutes each of supervised laboratory or studio time, exclusive of registration, study days, and holidays;

(c) A minimum of 45 hours, of 50 minutes each of instructional situations such as practica, internships, and cooperative education placements, when supervision is ensured and learning is documented; or



(d) Instruction delivered by electronic media based on the equivalent outcomes in student learning in §D(1)(a) of this regulation, and may include a combination of telelessons, classroom instruction, student consultation with instructors, and readings, when supervision is ensured and learning is documented.

(2) One quarter hour of credit is awarded for instruction equivalent to 2/3 of the contact hours required for 1 credit hour.

#### E. General Education Requirement.

(1) An in-State institution shall provide to its students, within the required curriculum for graduation, a general education that is designed to provide the student with the skills and knowledge necessary to:

- (a) Communicate effectively in oral and written English;
- (b) Read with comprehension;
- (c) Reason abstractly and think critically;
- (d) Understand and interpret numerical data;
- (e) Understand the scientific method;
- (f) Recognize and appreciate cultural diversity;
- (g) Understand the nature and value of the fine and performing arts; and
- (h) Demonstrate information literacy.

(2) A private institution shall satisfy the general education requirement by:

(a) Requiring each associate degree program to include not less than 20 credit hours and that each baccalaureate degree program shall include not less than 40 credit hours of required arts and science core courses, with at least one 3-credit hour course from each of the following five areas:

- (i) Arts and humanities;
- (ii) English composition;
- (iii) Social and behavioral sciences;
- (iv) Mathematics; and
- (v) Biological and physical sciences;

(b) An integrated and structured general education experience required of all students, adopted by the governing board of the institution, which shall be demonstrated to the Commission at the time of initial approval or reaffirmation of approval, to achieve the goals of general education as defined in §E(1) of this regulation; or

(c) A process to measure competencies and to award credit in the areas of general education adopted by the governing board of the institution, which shall be demonstrated to the Commission

to achieve the goals of general education in accordance with guidelines approved by the Commission.

F. General education requirements for public institutions are governed by COMAR 13B.06.01.

G. Credit for Practica, Clinical Experience, Internships, and Cooperative Work Experiences.

(1) An in-State institution awarding credit hours for practica, clinical experiences, internships, and cooperative work experiences shall ensure that the credit hours are being awarded for actual academic learning.

(2) A student shall demonstrate competence through testing or through other appropriate evaluative measures.

(3) An institution granting baccalaureate or higher degrees may not award more than 45 credit hours of the minimum 120 credit hours required for the baccalaureate degree or a proportional amount of a greater number of credit hours for practica, clinical experiences, internships, and cooperative work experiences.

(4) An associate degree-granting institution may not award more than 30 credit hours of the minimum 60 credit hours required for the associate degree or a proportional amount of a greater number of credit hours for practica, clinical experiences, internships, and cooperative work experiences.

H. Credit for Competency-Based Education.

(1) An institution may award credit hours for competency-based education, such as credit for prior learning or demonstration of skills and knowledge in specific areas, based on:

(a) Successful completion of an acceptable standardized examination such as the College Level Examination Program;

(b) An examination developed by the institution;

(c) A portfolio assessment; or

(d) Another assessment method approved by the Secretary to demonstrate competencies.

(2) An institution that awards credit for competency-based education shall follow nationally accepted standards for the notation of such credit on a student's transcript.

(3) Institutional Policy.

(a) An institution that awards credit for competency-based education shall submit to the Secretary a written policy that articulates standards for the assessment and awarding of credit hours to students.

(b) The institution shall:

(i) Develop and approve the policy through appropriate governance channels, including seeking input from students and faculty;

- (ii) Submit the policy to the Secretary for approval;
- (iii) Review and update the policy at least every 3 years to ensure that it reflects current practice;  
and
- (iv) Resubmit the policy to the Secretary for approval when changes are made.

(c) The Secretary shall:

- (i) Review the institution's policy;
  - (ii) Approve the policy if the Secretary determines that the policy is complete and that all assessment methods will be effective for assessing students' competencies; and
  - (iii) Maintain the written policy on file at the Commission.
- (d) An institution may not implement its policy until it receives the Secretary's written approval.

(4) Faculty of the institution in the appropriate discipline shall conduct each assessment.

(5) Maintenance of Copies.

(a) An institution shall maintain copies of all examinations, test results, portfolios, portfolio assessment reviews, and other methods approved by the Secretary to assess learning for the award of credit hours for competency-based education.

(b) The copies shall be maintained for 1 year after a student graduates or for 5 years after a student was last enrolled, as applicable.

(6) Report to Secretary.

(a) Where graduates of an institution earn more than half of the credit hours toward their degree or certificate program through competency-based education, the institution shall submit an annual report to the Secretary.

(b) The report shall be:

- (i) In the form required by the Secretary; and
- (ii) Submitted by October 1st of each year for the prior academic year.

(c) The report shall detail:

- (i) The number of degrees and certificates awarded in this manner;
- (ii) The number of credits for competency-based education granted per degree or certificate awarded; and
- (iii) The methods used for assessing and awarding credit for competency-based education.

I. An in-State institution shall require satisfactory completion of the requirements of a program of studies representing a planned sequence of learning experiences that consists of:

- (1) At least 12 credit hours at the freshman or sophomore levels, or both, to confer a lower division certificate;
- (2) At least 12 credit hours at the junior or senior levels, or both, to confer an upper division certificate;
- (3) At least 12 credit hours at the graduate or upper divisional level, the majority of which are at the master's or specialized postgraduate level, to confer a post-baccalaureate certificate;
- (4) At least 30 credit hours or the equivalent of graduate-level courses to confer a master's degree;
- (5) At least 12 credit hours of graduate study or the equivalent beyond the master's degree, to confer a post-master's certificate;
- (6) At least 30 credit hours of graduate study or the equivalent beyond the master's degree, to confer a certificate of advanced study;
- (7) At least 2 years of study beyond the master's level, including completion of a thesis or dissertation, to confer a doctoral degree; or
- (8) All institutional requirements for becoming a practitioner in a field such as law, medicine, dentistry, pharmacy, or theology, to confer a first professional degree.

J. An in-State institution may award an informal award certifying satisfactory completion of a course or sequence of courses that are either noncredit or less than 12 credit hours.

K. An in-State institution may not award transfer of course credit hours for courses completed:

- (1) By correspondence, unless credit for these courses was earned at a college or university accredited by an organization recognized as an accrediting agency by the United States Department of Education to grant institutional accreditation and would be accepted by that institution as credit toward a degree; or
- (2) In institutions or organizations that are not legally authorized to grant standard college degrees, unless the courses have been evaluated and recommended by the American Council on Education or other nationally recognized bodies, or are a part of an articulation agreement approved by the Commission.

L. An in-State institution may accept transfer credit hours for courses that are:

- (1) From another in-State institution approved by the Commission;
- (2) From an in-State institution that is:
  - (a) Exempted by law from approval by the Commission, and
  - (b) Accredited by an organization recognized as an accrediting agency by the United States Department of Education to grant institutional accreditation;
- (3) From an out-of-State institution that is accredited by an organization recognized as an accrediting agency by the United States Department of Education to grant institutional accreditation; or

(4) Part of an articulated agreement with a high school for which course competencies are specified, with copies of the agreement being maintained on file.

M. COMAR 13B.06.01 governs the transfer of credit hours from public associate degree-granting institutions to public institutions granting baccalaureate or higher degrees.

N. Second-Degree Students.

(1) Students newly enrolling at an in-State institution who are seeking an associate degree or a baccalaureate degree and who hold a baccalaureate degree from a college or university accredited by an organization recognized as an accrediting agency by the United States Department of Education to grant institutional accreditation may be deemed to have satisfied the Maryland general education requirement under §E of this regulation, but not necessarily the total general education requirements of the institution.

(2) Students newly enrolling at an in-State institution who are seeking an associate degree and who hold an associate degree from a college or university accredited by an organization recognized as an accrediting agency by the United States Department of Education to grant institutional accreditation may be deemed to have satisfied the Maryland general education requirement for the associate degree under §E of this regulation, but not necessarily the total general education requirements of the institution.

O. Instruction Delivered by Distance Education. An in-State institution delivering instruction in Maryland by distance education shall provide evidence to the Secretary of compliance with the C-RAC guidelines.

13B.02.02.17

.17 Faculty.

A. The faculty employed by an in-State institution shall be competent on the basis of their formal education and professional experience to enable them, through effective instruction and other activities, to achieve the educational objectives of the institution.

B. A faculty member shall have completed formal studies at an institution accredited by an organization recognized as an accrediting agency by the United States Department of Education to grant institutional accreditation or internationally recognized institution at least through the master's or first professional degree, or its equivalent, in the field in which the faculty member teaches. "Equivalent" means documented outstanding achievement in the arts, music, letters, science, research, business or industry, or public service. A faculty member shall demonstrate successful experience and provide continuing evidence of keeping abreast of developments in the faculty member's field.

C. The highest educational requirements for faculty members who teach courses of a technical or vocational nature at an associate degree-granting institution shall be compatible with their teaching assignments, with practical experience being given special consideration.

D. An associate degree-granting institution shall ensure the quality of the general education courses offered by:

(1) Assigning a full-time employee, with appropriate credentials, to be responsible for coordinating and supervising the general education offerings;

(2) Having a plan for relating the general education requirements to the curriculum offered by the institution; and

(3) Ensuring that faculty teaching in the general education courses comply with the requirements set forth for all faculty in this chapter.

E. Faculty members who engage in instruction shall be able to communicate effectively in both written and spoken English.

F. At least 35 percent of the full-time faculty in colleges offering baccalaureate or higher degrees, and 50 percent of the full-time faculty in universities and in separately incorporated graduate institutions or centers shall hold a terminal degree in the field in which they teach.

G. At least 50 percent of the total credit hours offered by an institution within a normal academic year of 2 semesters or 3 trimesters, normally September to May, which are creditable toward a formal award, shall be taught by full-time faculty members at the institution.

H. Full-time faculty members of the parent institution shall teach at least 1/3 of the credit hours offered in an off-campus program.

I. Institutions Granting Baccalaureate or Higher Degrees.

(1) There shall be at least one full-time faculty member with a degree in an appropriate discipline in each degree program, except as provided in §I(2) of this regulation.

(2) For degree programs with a collective title involving more than one major discipline and with areas of concentration in unrelated disciplines, such as general studies, interdisciplinary studies, or liberal studies, there shall be at least one full-time faculty member with a degree in an appropriate discipline in each area of concentration.

J. In programs at an associate degree-granting institution in which 20 or more degrees are granted annually, there shall be at least one full-time faculty member with an appropriate degree in an appropriate discipline.

K. Institutional Waiver of Definition of Full-Time Faculty.

(1) An institution may apply to the Commission for a waiver from the definition of "full-time faculty member" found in Regulation .03B of this chapter.

(2) In order to obtain a waiver, an institution shall demonstrate that the unique role, scope, and mission of the institution require a waiver in order for the institution to operate.

(3) After making the demonstration required in §K(2) of this regulation, the institution shall:

(a) Designate by name the faculty members whose primary responsibility is instruction, scholarship, research, or service who will perform the duties normally required of full-time faculty;

(b) Document that designated faculty members substantially participate in the development or implementation of one or more of the following activities at the institution requesting the waiver:

- (i) Academic programs;
- (ii) Professional programs;
- (iii) Research programs;
- (iv) Service programs;
- (v) Admission or admission policies;
- (vi) Academic advising;
- (vii) Faculty appointments; or
- (viii) Institutional governance;

(c) Document that the designated faculty shall, as a group, participate in all of the activities listed in §K(3)(b) of this regulation;

(d) Document that the designated faculty shall perform the requirements of full-time faculty under §§F, G, and H of this regulation; and

(e) Document that full-time faculty members, as defined in Regulation .03B of this chapter, shall fulfill the requirements of §§I and J of this regulation.

(4) Documentation may include but not be limited to the following:

- (a) Minutes of meetings;
- (b) Contractual obligations; or
- (c) Job descriptions.

(5) The request for a waiver shall be placed on the agenda of a regularly scheduled public meeting of the Education Policy Committee. The Chairman of the Education Policy Committee shall present the Committee's findings to the Commission at its next regularly scheduled public meeting. The decision of the Commission is considered final and not subject to further review.

(6) If the Commission is satisfied that an institution meets the requirements of this section, it may grant a waiver to the institution on such terms and conditions, including time limitations, as the Commission considers appropriate.

L. Part-time faculty shall have appropriate qualifications for their assignment.

M. Graduate teaching assistants:

(1) Shall be students in good standing in a graduate program leading to a degree in the academic discipline that they are assigned to teach, or to a degree in an appropriately related discipline;

(2) May only provide classroom instruction in courses at a degree level lower than the one they are pursuing;

(3) Teaching a course, shall be supervised by a faculty member of the institution who has ultimate responsibility for the course; and

(4) Shall be able to communicate effectively in both written and spoken English.

N. The in-State institution shall have evidence of a defined nondiscriminatory faculty selection and evaluation process that is systematically planned and executed.

O. Faculty professional assignments:

(1) Shall be based directly on institutional policy;

(2) Shall be reasonable and consistent with professional standards; and

(3) May not exceed published professional standards of the institution.

P. Teaching faculty shall schedule and publish office hours for purposes of student advising and counseling.

Q. Faculty Handbook.

(1) An in-State institution shall publish a faculty handbook that encompasses the institution's personnel practices affecting faculty members, as well as other appropriate policies.

(2) The faculty handbook shall have accurate and current information.

13B.02.02.18

.18 Library/Learning Resource Center.

A. General.

(1) A library/learning resource center shall provide print and nonprint materials, services, media, and related equipment and facilities designed to facilitate and improve learning and to foster inquiry.

(2) A library/learning resource center's program and services shall:

(a) Be available to students, faculty, and the community as appropriate; and

(b) Include functions as the mission and goals of the institution may require.

B. Collection Adequacy.

(1) An in-State institution shall have an accessible library materials collection adequate to support the educational program. The type and variety of books and materials depend upon the nature of the institution, and they shall relate realistically to the institution's educational goals, curricula, size, complexity, or degree level, and the diversity of its teaching, learning, and research requirements.

(2) For institutions seeking initial approval, the minimum number of bound volume equivalents (BVEs), as defined by national library associations, required to be accessible on the date when the first students are enrolled is calculated according to the following cumulative formula:



	Associate Degree-Granting	Baccalaureate or Higher Degree-Granting
(a) Basic collection		
(b) Additional to the basic collection, for each:		
(i) FTE faculty member	100 BVEs	100 BVEs
(ii) FTE student	12 BVEs	15 BVEs
(iii) Undergraduate program	350 BVEs	350 BVEs
iv) Master's degree program		3,000 BVEs
(v) Doctoral degree program		25,000 BVEs

(3) Waiver.

(a) In extraordinary circumstances, an institution may request a waiver of the minimum collection required by §B(2) of this regulation.

(b) The request for a waiver shall be placed on the agenda of a regularly scheduled public meeting of the Education Policy Committee. The Chairman of the Education Policy Committee shall present the Committee's findings to the Commission at its next regularly scheduled public meeting. The decision of the Commission is considered final and not subject to further review.

(c) A waiver may be granted if the waiver is justified by:

(i) The specialized or technical nature of the institution's curriculum; or

(ii) An executed contract or contracts with another library or libraries ensuring students adequate access to another appropriate collection either through location or through information technology.

(4) In determining the adequacy of the library collection of an existing institution, the Secretary shall consider relevant guidelines of professional associations and library associations.

C. Library/learning resource center professionals shall:

(1) Be sufficient in number; and

(2) Have appropriate professional education to perform the functions required by the institution's mission and goals.

D. Library/learning resource center professionals shall have faculty status or appropriate administrative professional status.

E. Faculty and student usage statistics shall be kept to determine to what extent the library/learning resource center's resources are available and accessible. In addition to monitoring activities, the in-State institution shall use these statistics to identify additional resources required to meet the needs of the faculty and students and estimate the strengths of the current resources.

F. An in-State institution shall include in its operating budget adequate funds to provide library services on its campus and for off-campus instruction.

G. An in-State institution offering off-campus programs within the State shall provide adequate and appropriate library resources within State boundaries and within reasonable distance of the instructional site. The institution shall keep usage statistics to determine to what extent these resources are available and accessible.

H. The Secretary shall approve executed contracts providing for library resources to supplement, and not to substitute for, the holdings of the institution's library/learning resource center, if the in-State institution ensures adequacy and accessibility. The institution shall maintain evidence of the extent of student usage of the supplemental resources.

13B.02.02.19

.19 Student Services and Activities.

A. Student services and activities shall realistically reflect the stated objectives, purposes, and philosophy of the in-State institution. The needs and welfare of students shall be of primary concern if there is to be motivation toward worthwhile academic achievement. Student policies shall encourage associations among students, faculty, and the administration, and shall provide opportunities for the development of individual potential.

B. An in-State institution shall ensure that all students have access to a well developed program of counseling, testing, advisement, orientation, financial aid, career development, placement, health services, food dispensing, and a college bookstore. The institution may determine specific organization of services, as well as the resources and staffing provided, as long as provision for the services noted in this section is made.

C. Student activities that complement the instructional program are particularly encouraged. An in-State institution should establish student government organizations that are representative and provide a responsible forum for student views as well as a vehicle for student input into institutional decision making. While participation in varsity athletics, student organization, and student governance is a valuable adjunct to the instructional program, these activities are not part of the instructional program itself, and the institution may not award academic credit for participation in these activities.

D. An in-State institution shall keep complete and accurate records of admission, enrollment, grades, scholarships, transfer of credits, transcripts, graduates, and other essentials in accordance with standard practice.

E. An in-State institution shall:

- (1) Maintain student records in accordance with acceptable national standards regarding institutions of higher education;
- (2) Ensure the physical security and confidentiality of student records, and store physical records in fire-proof cabinets;
- (3) Have adequate security to prevent loss of records maintained in electronic systems; and
- (4) Have a document security plan appropriate to its record-keeping system.

F. An in-State institution shall develop a statement of the rights, privileges, and responsibilities of students, and make this statement available to students through the catalog, student handbook, or other appropriate means.

G. An in-State institution shall adhere to published student grievance procedures that assure a fair and timely review of student complaints.

#### 13B.02.02.20

##### .20 Facilities.

A. Because the effective operation of an in-State institution depends largely upon the physical atmosphere of the surroundings, the cleanliness, state of repair, and attractive appearance of the institution's grounds and buildings shall provide an adequate and effective educational environment.

B. An in-State institution shall provide safe, accessible, functional, and appropriately maintained facilities.

C. Facilities shall meet applicable federal, State, and local fire, safety, and health standards.

D. An in-State institution shall have a schedule for cleaning, repair, and maintenance of buildings and grounds.

E. An in-State institution shall appropriately assign specific responsibilities for care of grounds, campus security, traffic safety and control, fire protection, utilities, and plant upkeep.

F. An in-State institution shall appropriately assign specific responsibilities for storage, handling, and disposal of dangerous and toxic materials.

G. An in-State institution shall provide laboratory and classroom space appropriate to its curriculum.

H. An in-State institution shall provide office space and conference space to full-time and part-time faculty and administrators.

#### 13B.02.02.21

##### .21 Finances.

A. An in-State institution shall operate in accordance with sound principles of financial management.

B. An in-State institution shall expend its revenue to provide adequately for instruction, administration, learning resources, student services, maintenance, equipment, and supplies. The institution's expenditures for specific functions shall be consistent with the goals and objectives of the institution.

C. Annual expenditures of an in-State institution shall be consistent with the annual revenue, financial plan, and other resources of the institution. The institution shall have adequate controls over expenditures in accordance with sound principles of financial management.

D. An in-State institution shall have appropriate and adequate financial planning to ensure the stability of the institution.

E. An in-State institution shall maintain its accounts in accordance with recognized national standards regarding institutions of higher education.

F. An in-State institution shall have a financial management process that includes the following functions:

- (1) Ascertaining the institution's needs for funds;
- (2) Generating adequate funds to meet the institution's needs;
- (3) Using funds in a responsible manner to satisfy the institution's needs;
- (4) Evaluating whether identified needs have been satisfied in the most efficient and effective manner;
- (5) Maintaining a certified copy of its annual financial statements; and
- (6) Providing a copy of the certified annual financial statements to the Commission upon request.

G. Audits.

(1) An in-State institution shall have a financial audit conducted at least every 2 years by an independent certified public accountant or a State legislative auditor, which provides a detailed and accurate picture of the financial status of the institution since the preceding audit.

(2) The audit shall be an unqualified audit.

(3) In the case of management issues raised by an audit, the latest audit shall indicate resolution of exceptions noted in the previous audit.

(4) An institution shall maintain a copy of its certified annual audit.

(5) A copy of the certified annual audit shall be made available to the Commission upon request.

13B.02.02.22

.22 Catalog and Official Publications.

A. General Requirements.

(1) An in-State institution shall publish in print or electronically on a regular and continuing basis an official catalog that describes the institution and its program and course offerings accurately and completely.

(2) The catalog is the official document of the institution.

(3) The catalog and other publications of the institution shall present accurate, up-to-date information about the administration and operation of the institution.

(4) The institution shall make the catalog available to all students before the beginning of the period of instruction covered by the catalog and during that period of instruction.

(5) An institution shall ensure that all publications containing information normally included in the catalog are consistent with the catalog.

B. The catalog or other appropriate publications shall contain, at a minimum, the following information:

- (1) The date of publication;
- (2) The current academic calendar;
- (3) A comprehensive table of contents and appropriate indices;
- (4) A statement of the origin and the objectives of the institution;
- (5) The roster of the official governing board;
- (6) A complete roster of faculty and administrators showing earned degrees and the granting institution;
- (7) The entrance requirements, academic regulations, support services, graduation requirements, and general procedures;
- (8) The financial policies of the institution, including all costs, schedule of payments, and refunds of all types of charges for academic and other services;
- (9) A detailed description of all types of financial assistance available from the institution, including private, State, and federal programs;
- (10) A description of each course and each program and its prerequisites, if applicable, to be offered during the year or years for which the catalog is issued;
- (11) A clear indication if a particular course is not offered regularly;
- (12) A full description of student support services, including:
  - (a) Personal counseling;
  - (b) Academic counseling and advisement;
  - (c) Health services;
  - (d) Services for veterans, disadvantaged individuals, and other special groups;
  - (e) Intercollegiate athletics and recreation;
  - (f) Extracurricular activities;
  - (g) Cooperative work experiences;
  - (h) Student participation in institutional decision making;
  - (i) Alumni activities;
  - (j) Housing;

(k) Food services; and

(l) Bookstore;

(13) A statement of student rights and responsibilities, including:

(a) A student grievance procedure;

(b) Constraints on students, such as automobiles, parking, and parietal rules, including rules for the maintenance of order on campus and in other facilities under the institution's control; and

(c) A contact office for the resolution of complaints;

(14) A statement of nondiscrimination, student privacy legislation, and provisions for barrier-free access to the handicapped in accordance with State and federal regulations, if applicable; and

(15) For public institutions, the Commission's student transfer policies.

C. Statements and policies contained in official publications shall be in accordance with State and federal law.

13B.02.02.23

.23 Tuition Exemption for Foster Care Recipients and Unaccompanied Homeless Youth.

A. In this regulation, the following terms have the meaning indicated:

(1) Foster Care Recipient.

(a) "Foster care recipient" means an individual who was placed in an out-of-home placement by the Maryland Department of Human Services and:

(i) Resided in an out-of-home placement in the State at the time the individual graduated from high school or successfully completed a general equivalency development examination (GED); or

(ii) Resided in an out-of-home placement in the State on the individual's 13th birthday and was placed into guardianship or adopted out of an out-of-home placement after the individual's 13th birthday.

(b) "Foster care recipient" includes a younger sibling of an individual described in §A(1)(a) of this regulation if the younger sibling is concurrently placed into guardianship or adopted out of an out-of-home placement by the same guardianship or adoptive family.

(2) "Out-of-home placement" has the meaning stated in Family Law Article, §5-501, Annotated Code of Maryland.

(3) Tuition.

(a) "Tuition" means the charges imposed by a public institution of higher education for enrollment at the institution.

(b) "Tuition" includes charges for registration and all fees required as a condition of enrollment.

(4) "Unaccompanied homeless youth" means a child or youth who:

(a) Has had a consistent presence in the State for at least 1 year before enrollment in a public institution of higher education that is documented by school, employment, or other records;

(b) Is not in the physical custody of a parent or guardian;

(c) Is a homeless child or youth, as defined by the McKinney-Vento Homeless Assistance Act; and

(d) Was determined to be a homeless child or youth by:

(i) A Maryland local school system homeless liaison, as defined by the McKinney-Vento Homeless Assistance Act;

(ii) A director or a designee of the director of a Maryland-based program funded under the Runaway and Homeless Youth Act;

(iii) A director or a designee of the director of a Maryland-based program funded under Title IV, Subtitle B of the McKinney-Vento Homeless Assistance Act; or

(iv) The financial aid director at the public institution of higher education in which the youth seeks to enroll.

(5) "Vocational certificate" means a certification or licensure program offered by a public institution of higher education:

(a) Through courses for credit; or

(b) Through noncredit courses if the Commission approves the courses for State funding.

B. When determining whether a youth is an unaccompanied homeless youth, a financial aid administrator shall verify annually that the youth qualifies as an independent student under the federal College Cost Reduction and Access Act, 20 U.S.C. §1087vv(d)(1)(H).

C. A foster care recipient or an unaccompanied homeless youth is exempt from paying any tuition at a public institution of higher education, regardless of that foster care recipient's or unaccompanied homeless youth's receipt of any scholarship or grant if:

(1) The foster care recipient or unaccompanied homeless youth is enrolled at the institution on or before the date that the foster care recipient or unaccompanied homeless youth reaches the age of 25 years;

(2) The foster care recipient or unaccompanied homeless youth is enrolled as a candidate for a vocational certificate, an associate's degree, or a bachelor's degree; and

(3) The foster care recipient or unaccompanied homeless youth has filed for federal and State financial aid by March 1 each year.

D. If a foster care recipient or an unaccompanied homeless youth receives a scholarship or grant for postsecondary study and is enrolled before the recipient's 25th birthday as a candidate for a vocational certificate, an associate's degree, or bachelor's degree at a public institution of higher education, the scholarship or grant may not be applied to the tuition for the foster care recipient or unaccompanied homeless youth.

E. A foster care recipient or an unaccompanied homeless youth who is exempt from tuition under this section continues to be exempt until the earlier of:

(1) 5 years after first enrolling as a candidate for an associate's degree or a bachelor's degree at a public institution of higher education in the State; or

(2) The date that the foster care recipient or unaccompanied homeless youth is awarded a bachelor's degree.

13B.02.02.9999

#### Administrative History

Effective date: July 1, 1980 (7:13 Md. R. 1280)

Chapter recodified from COMAR 13.50.04 to 13B.02.02

Regulations .01—.14, Minimum Requirements for Degree-Granting 4-Year Colleges and Universities, repealed effective December 14, 1987 (14:25 Md. R. 2661)

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Regulations .01—.16, Minimum Requirements for 4-Year Degree-Granting Institutions, adopted effective December 14, 1987 (14:25 Md. R. 2661)

Regulation .02B amended effective April 17, 1989 (16:7 Md. R. 812)

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Regulations .01—.16, Minimum Requirements for 4-Year Degree-Granting Institutions, repealed and Regulations .01—.22, Minimum Requirements for Degree-Granting Institutions, adopted effective April 10, 1995 (22:7 Md. R. 537)

Regulation .03 amended effective February 8, 1999 (26:3 Md. R. 175); September 17, 2001 (28:18 Md. R. 1622)

Regulation .06 amended effective March 23, 1998 (25:6 Md. R. 490)

Regulation .06C, E amended as an emergency provision effective March 6, 1996 (23:7 Md. R. 549)

Regulation .06C, E amended as an emergency provision effective June 30, 1996 (23:15 Md. R. 1084); amended permanently effective October 21, 1996 (23:21 Md. R. 1468)

Regulation .09C, F amended effective March 23, 1998 (25:6 Md. R. 490)

Regulation .11B amended effective September 17, 2001 (28:18 Md. R. 1622)

Regulation .16 amended effective December 4, 1995 (22:24 Md. R. 1901); February 8, 1999 (26:3 Md. R. 175)

Regulation .17K amended effective March 23, 1998 (25:6 Md. R. 490)



Regulation .18B amended effective March 23, 1998 (25:6 Md. R. 490)

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Chapter revised effective May 19, 2008 (35:10 Md. R. 973)

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Chapter revised effective June 15, 2009 (36:12 Md. R. 838)

Regulation .03B amended effective July 26, 2010 (37:15 Md. R. 999); May 7, 2018 (45:9 Md. R. 462)

Regulation .04B amended as an emergency provision effective July 1, 2011 (38:14 Md. R. 788);  
amended permanently effective October 17, 2011 (38:21 Md. R. 1279)

Regulation .06D amended as an emergency provision effective July 1, 2011 (38:14 Md. R. 788);  
amended permanently effective October 17, 2011 (38:21 Md. R. 1279)

Regulation .08L amended effective March 27, 2017 (44:6 Md. R. 327)

Regulation .08M adopted effective March 27, 2017 (44:6 Md. R. 327)

Regulation .16 amended effective October 28, 2013 (40:21 Md. R. 1780); July 21, 2014 (41:14 Md. R. 798)

Regulation .16I amended effective July 26, 2010 (37:15 Md. R. 999)

Regulation .16O amended effective May 7, 2018 (45:9 Md. R. 462)

Regulation .23 adopted effective March 28, 2016 (43:6 Md. R. 410)