

TITLE 281 - COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION

CHAPTER 4 - RULES AND REGULATIONS CONCERNING REVIEW OF PROGRAMS OF PUBLIC COLLEGES AND UNIVERSITIES

001 STATUTORY AND CONSTITUTIONAL AUTHORITY

Art. VII Sec.14(2). Constitutional provision relating to Commission authority to review, monitor, and approve or disapprove programs.

§85-1402. Relating to the definition of new and existing program of instruction and new organizational units.

§85-1411. Relating to Commission authority to adopt, amend, repeal or otherwise implement, such rules and regulations as the Commission deems necessary to carry out its duties.

§85-1414. Relating to Commission establishment of "an ongoing process to review, monitor, and approve or disapprove ... programs of public institutions "

002 SCOPE AND RELATED PROVISIONS

002.01. This rule applies to Commission review of new and existing instructional programs and new colleges, schools, major divisions, or institutes of public institutions.

002.02. The review of new and existing instructional programs and of new colleges, schools, major divisions, or institutes shall be subject to the rules contained herein, the Comprehensive Statewide Plan, procedures adopted by the Commission and such other rules and regulations as may be promulgated by the Commission.

002.03. Programs may also be reviewed by the Commission pursuant to its responsibilities for budget review and review of off-campus programs and education centers.

003 DEFINITIONS

The following definitions shall apply to review of programs.

003.01. Program shall mean any program of instruction, public service program, off-campus instructional program, and any new college, school, major division, education center, or institute, but shall not include reasonable and moderate extensions of existing curricula which have a direct relationship to existing programs.

003.01.A. Instructional program shall mean a sequence of courses and activities leading to a degree, diploma, or certificate in an academic discipline or subject area offered by a public institution. This type of program is commonly called a major.

003.01.B. Existing Instructional Program shall mean an instructional program authorized by the Legislature or the appropriate governing board prior to January 1, 1992 or an instructional program authorized by the Commission after January 1, 1992.

003.01.C. New Instructional Program shall mean a proposed instructional program not included in the definition of "existing instructional program" in section 003.01.B. A substantial modification of an existing instructional program constitutes a new instructional program. A substantial modification occurs when the principal objective of the program is changed. A reasonable and moderate extension of an existing instructional program is not classified as a new instructional program.

003.01.D. New Organizational Unit shall mean any proposed new college, school, major division, or institute that provides, facilitates, or coordinates instruction, research, or service and within which related disciplines or services are grouped. Name changes or reasonable and moderate extensions of or reorganizations within existing organizational units shall not be considered as new organizational units.

003.02. Commission shall mean the Coordinating Commission for Postsecondary Education.

003.03. Governing Board shall mean the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, or the board of governors for each community college area.

003.04. Public Institution shall mean any of the following: University of Nebraska-Lincoln, University of Nebraska at Omaha, University of Nebraska at Kearney, University of Nebraska Medical Center, Nebraska College of Technical Agriculture, Chadron State College, Peru State College, Wayne State College, Central Community College, Metropolitan Community College, Mid-Plains Community College, Northeast Community College, Southeast Community College, Western Nebraska Community College, or any other public postsecondary educational institution which may be established by the Legislature.

004 REVIEW OF NEW INSTRUCTIONAL PROGRAMS

004.01 Preliminary Notification

004.01.A. The purpose of the preliminary notification is to provide an opportunity for the Commission to offer comments to the institution regarding potential state-level issues for consideration during the planning of the proposed program.

004.01.B. Each public institution is encouraged to submit to the Commission a list of instructional programs that are under consideration by the institution and that are in an early stage of planning as identified in consultation with each sector.

004.01.C. The schedule for submission shall be set by the Commission in cooperation with each institution.

004.02 Review Process

004.02.A. Governing boards of public institutions shall submit to the Commission all proposals for new programs after the governing board has approved the program and prior to implementation.

004.02.B. The format for the proposal shall be prescribed by the Commission.

004.02.C. The Commission shall have ninety days from the date a complete final proposal is submitted to the Commission to disapprove a program or it shall stand approved.

004.02.D. Following consultation with the governing board, the Commission may require, as a condition of approval, and as evidence of need and demand, that a new program not constitute unnecessary duplication and that it meet minimum performance standards established by the Commission. The Commission may require an institution to submit a periodic status report until the conditions are satisfied. If the program does not meet the performance standards, the Commission shall review the program and may continue or withdraw the approval of the program.

004.03 Conditional Approval

004.03.A. A governing board may submit to the Commission for conditional approval a proposal for a new program which is not authorized by the role and mission provision of the statutes.

004.03.B. The Commission shall review the proposal under the provisions of sections 004.01, 004.02, and 005.

004.03.C. Within one hundred twenty days from its receipt of the proposal, the Commission shall report to the Legislature its recommendations in support for or opposition to the amendments to the role and mission statutes that would be necessary for the Commission to approve the program.

004.03C(1). The Commission may extend the time period for up to an additional ninety days for good cause. Any such extension shall be filed with the chairperson of the Education Committee of the Legislature prior to the expiration of the initial one hundred twenty days.

004.03.D. If the necessary amendments to the role and mission statutes supported by the Commission in its report to the Legislature are enacted, the program shall stand approved.

004.04 Criteria for Review of New Instructional Programs

Review criteria for new instructional programs shall include the following:

004.04.A Centrality to the role and mission of the public institution. The program shall be consistent with the institutional role and mission, as defined by law and in the Comprehensive Statewide Plan of the Commission. Except for new programs submitted for conditional approval under section 004.03, only those programs that are consistent with the institution's role and mission shall be approved.

004.04.B Consistency with the Comprehensive Statewide Plan. The program shall not be inconsistent with the Comprehensive Statewide Plan as approved by the Commission.

004.04.C Evidence of need and demand. The program shall meet significant educational needs of the state or service area and shall not unnecessarily duplicate other programs, and the program shall serve reasonable and appropriate numbers of students and produce sufficient credit hours.

004.04.C(1). Evidence of need and demand may include quantifiable data and/or qualitative information and may be tailored to be appropriate to the field of study.

004.04.C(2). The Commission may, as appropriate, evaluate the extent to which the program will contribute to the economic development of the state by providing skilled employees or services for businesses located in the state or by attracting high quality firms to the state.

004.04.C(3). The Commission may also consider societal needs. Some programs, such as those in selected liberal arts, humanities, or fine arts disciplines, may be justified because they offer individual and societal benefits that may be independent of labor force or market demand. Those programs may provide benefits to the state by instilling in citizens a capacity for advanced learning, by providing a source of new knowledge, by advancing understanding of the fundamentals of civilizations, by enhancing the quality of life through literature and the fine and performing arts, or by other similar outcomes.

004.04D. Adequacy of available resources. The program shall have adequate resources to offer appropriate educational experiences for students and shall use its resources efficiently. The institution shall provide evidence that it has adequate resources to establish and sustain the program. The Commission strongly encourages the sharing of resources, such as telecommunications and instructional technologies, with other institutions of higher education. For each category of resources identified below, the institution shall identify the basis on which the conclusions about adequacy and efficiency were made.

004.04D(1) Faculty and Staff Resources. Faculty and staff resources shall be adequate for the program, given the institution's mission, and the nature of the program.

004.04D(2) Library/Information Resources. Library and information resources shall be adequate and appropriate for the program.

004.04D(3) Physical Facilities. Physical facilities shall be adequate to sustain the program.

004.04D(4) Instructional Equipment. Instructional equipment shall be adequate and appropriate for the program.

004.04E Avoid unnecessary duplication. Prevention or elimination of unnecessary program duplication shall be a high priority of the Commission. The Commission will consider whether instructional programs are unnecessarily duplicative of similar offerings in their geographic service area, in other areas of the state, or in the region. The Commission will consider the availability of student exchange programs offered by other educational entities, such as the Midwestern Higher Education Compact.

005 REVIEW OF NEW ORGANIZATIONAL UNITS

005.01 Review Process

005.01.A. Governing boards of public institutions shall submit to the Commission all proposals for new organizational units after the governing board has approved the organizational unit and prior to implementation.

005.01.B. The format for the proposal shall be prescribed by the Commission.

005.01.C. The Commission shall have ninety days from the date a complete final proposal is submitted to the Commission to disapprove an organizational unit or it shall stand approved.

005.01.D. Following consultation with the governing board, the Commission may require, as a condition of approval, that a new organizational unit meet minimum performance standards established by the Commission. The Commission may require an institution to submit a periodic status report until the conditions are satisfied. If the organizational unit does not meet the performance standards, the Commission shall review the unit and may continue or withdraw the approval of the program.

005.02 Review Criteria for New Organizational Units

005.02.A Centrality to the Role and Mission of the Public Institution. The new organizational unit and related instructional programs shall be

consistent with the institutional role and mission, as defined by law and in the Comprehensive Statewide Plan of the Commission.

005.02.B Consistency with the Comprehensive Statewide Plan. The new organizational unit and related instructional programs shall not be inconsistent with the Comprehensive Statewide Plan as approved by the Commission.

005.02.C Evidence of Need and Demand. Evidence may include quantifiable and/or qualitative data, and/or evidence of enhanced efficiencies and effectiveness that would result from the creation of a new organizational unit.

005.02.D Adequacy of Available Resources. The institution shall provide evidence that it has adequate and appropriate resources to create and sustain the new organizational unit and its related instructional programs, research activities, and/or public services.

006 REVIEW OF EXISTING PROGRAMS

006.01. The primary purposes of the review of existing programs are to provide evidence of on-going need and demand for existing programs and to assist the Commission to exercise its responsibility to authorize continuation of the program or to discontinue the program. The governing boards of the public institutions shall be responsible for assuring the quality and effectiveness of programs offered by their institutions. The criteria shall not infringe on the prerogative of the governing boards to make decisions on the quality of staff and the design of curriculum.

006.02. The basic unit of review may be the academic department or equivalent academic organization unit with first-line responsibility for delivery and administration of instructional programs. The review shall focus on the instructional programs offered by the unit that are within the discipline or disciplines identified by the Commission for review during that year.

006.03. The schedule for the reviews shall be set by the Commission in consultation with the institutions' governing boards or their designated representatives. To the extent possible, while still allowing for timely review by the Commission, the reviews shall coincide with the institutional review and accreditation cycles.

006.04. The format for the program review reports sent to the Commission may be set by the Commission. The reports shall include materials upon which the governing board made its decision.

006.05. Any program authorized by action of the Legislature or a governing board, and in existence prior to January 1, 1992, shall be considered approved until the approval is withdrawn by the Commission under these rules.

006.06. For each instructional program reviewed, the governing board shall authorize the institution to (1) discontinue the program, (2) recommend that the Commission authorize continuation of the program, (3) direct the institution to initiate an in-depth review of the program, and/or (4) offer an alternative option.

006.07. Following action by the governing board, the institution shall submit program review reports to the Commission.

Program review reports for existing programs that are identified for discontinuation based on the results of a program review shall be submitted by the governing board to the Commission for information. No Commission action is required for discontinued programs.

Program review reports for existing programs designated by the governing board for in-depth review shall be submitted to the Commission for information. The institution shall submit the report of the in-depth review to the governing board. The governing board shall authorize the institution to discontinue the program or recommend that the Commission authorize continuation of the program.

006.08. Each existing program recommended by the governing board for continuation but which is not in substantial compliance with the review criteria established by the Commission shall be targeted by the Commission for in-depth review to be conducted by the public institution and its governing board. The in-depth review shall focus on the review criteria that were not met and shall be completed by a date set by the Commission.

006.09. Following an in-depth review directed by the Commission, the governing board shall submit to the Commission its findings and recommendations regarding continuation or discontinuation of the program.

006.10. If the Commission determines, following an in-depth review, that a program is not in substantial compliance with the criteria of the Commission, the Commission shall hold a public hearing, following thirty days' notice to the public institution, to consider if the program should be continued or discontinued. Following a hearing, the Commission shall take action to approve or disapprove continuance of the program. The Commission may monitor an approved program by requiring the institution to submit a periodic status report on compliance with Commission criteria.

006.11. Existing programs disapproved for continuance by the Commission shall be terminated by the public institution on a date mutually agreed upon by which time all students in the program on the date of the decision of the Commission will have had a reasonable opportunity, as determined by the governing board of the public institution, to complete the program or be otherwise accommodated.

006.12 CRITERIA FOR THE REVIEW OF EXISTING PROGRAMS

006.12A Needs and Demand

The program meets or will meet educational needs and demands.

006.12B Assure Efficiency

The program operates or will be operated efficiently.

006.12C Avoid Unnecessary Duplication

The program does not constitute unnecessary duplication of similar programs offered by other postsecondary institutions in Nebraska or through interstate agreements.

006.12D Centrality to the Role and Mission of the Public Institutions

The program shall be consistent with the institutional role and mission, as defined by law and in the Comprehensive Statewide Plan as approved by the Commission.

007 OTHER PROVISIONS

007.01. The Commission may adopt guidelines and/or procedures regarding the format and content of proposals or reports submitted to the Commission under the provisions of this rule.

007.02. The Commission shall adopt procedures to provide a waiver process for the authorization of short-term training and public service programs.

007.03. Parties wishing to appeal decisions of the Commission shall proceed as provided by law refer to Section §85-1418 (4) N.R.S.1943).

