MEMORANDUM

TO: Presidents, New Jersey Colleges and Universities
Liaisons, Out of State Institutions Licensed in New Jersey

FROM: Jane Oates, Executive Director

RE: New Licensure Rules in Effect 7/28/08

DATE: August 21, 2008

The Commission on Higher Education acted on July 25, 2008 to readopt the licensure rules at N.J.A.C. 9A:1 with amendments. I am attaching a copy of the regulations now in effect for your information.

Highlights of the amendments include:
♦ Requirements for institutions that cease operation
♦ Annual submission of management letters, if issued, for New Jersey institutions
♦ Clarification of the necessary qualifications of faculty teaching in graduate programs
♦ Changes to library standards
♦ A requirement for each institution to have an information literacy plan
♦ Elimination of a requirement to submit a paper copy of the catalogue—web address sufficient
♦ Participation in the Student Unit Record Enrollment (SURE) system for institutions receiving direct State aid or participating in State student assistance programs.

I encourage you to review the provisions of the regulations and disseminate them as appropriate within your institutions.

Please note that the proposed provision regarding the percentage of credit hours to be taught by full-time faculty was not adopted by the Commission. Commission staff will be drafting revised language for consideration in the future.

Those institutions that may be affected by the provision concerning the SURE system will be receiving further information in a separate communication.

The process of consideration of changes to the licensure regulations benefited significantly by the review and comments of many individuals in the higher education community. I thank you for your interest and contributions to this important project.

Attachment
“Full-time student” means one who, in a semester, carries at least 12 semester credit hours as an undergraduate or nine semester credit hours as a graduate student or the equivalent in quarter hours, courses, or other methods of measurement used by the institution.

“General education” means instruction that presents forms of expression, fields of knowledge, and methods of inquiry fundamental to intellectual growth and to a mature understanding of the world and the human condition, as distinguished from “specialized education,” which prepares individuals for particular occupations or specific professional responsibilities.

“Information literacy” means a set of abilities requiring individuals to recognize when information is needed, have the ability to locate, evaluate, and use effectively the needed information, and observe laws, regulations, and institutional policies related to the access and use of information.

“Letters” means the designated abbreviations used to refer to an academic degree.

“Library” means a physical space conducive to learning and research, providing patrons with efficient physical and electronic access to books, journals, databases, and other resource materials in support of the curriculum, and offering the assistance of qualified library professional(s), librarians, and support staff.

“Middle States Association” means the Middle States Association of Colleges and Schools, Commission on Higher Education, which is the regional accrediting body for degree-granting institutions in New Jersey.

“Out-of-State institution” means an institution whose principal campus is located within the United States or its possessions but not within the State of New Jersey and whose accreditation status in New Jersey is based upon that enjoyed by the principal campus located outside the State, as well as an institution located outside of the U.S. or its possessions that is recognized by the appropriate body in the particular country if the institution’s requirements for awarding degrees are generally equivalent to those accepted in the U.S. by an accrediting body recognized by the U.S. Secretary of Education.

“Part-time faculty member” means one whose employment is related to teaching, research, and/or other aspects of the educational programs of the institution but whose assigned responsibilities do not constitute full-time work.

“Physical presence” means that an entity offers credit-bearing courses from or conducts some portion of the learning experience at a location established in New Jersey by the entity, whether established directly or under the auspices of another entity or an institution.

“Presidents’ Council” means the New Jersey Presidents’ Council, a statutory body consisting of presidents of the State’s public and independent institutions of higher education that receive State aid and four other presidents representing the State’s degree-granting religious and proprietary institutions.

“Programmatic mission” means all program offerings consistent with the levels of academic degrees or certificates that the institution has been authorized to grant by the State Board of Higher Education prior to July 1, 1994 or approved thereafter by the Commission.

“Proprietary institution” means a postsecondary institution that is operated for profit.
they are assigned. When appropriate in the judgment of the institution, compensating preparation or experience may be taken into account in judging whether an adjunct instructor is academically qualified to teach a particular course.

(h) Regardless of the specific nature of an academic appointment, be it initial, multi-year, temporary, or permanent, the principle of academic freedom shall apply to all faculty, including adjunct faculty, for it is only through academic freedom that ideas and data can be explored without prejudice. An institution shall promulgate a statement concerning the academic freedom of faculty members that should include a statement supporting the following principles:

1. Freedom in research and publication where these activities do not interfere with adequate performance of academic duties;

2. Freedom in the classroom to discuss controversial issues pertinent to the discipline; and

3. Retention of all rights as a citizen to free speech and publication. Such rights are not, as such, subject to institutional censorship or discipline.

(a) At its most elementary level, the collegiate teaching and learning process cannot proceed effectively without the essential services, collections, computerized network access, and other resources that are provided and administered by an institution's library. For this reason, much emphasis is placed upon the adequacy of the library, its collections, and its staffing. In the 21st century, emphasis is also placed on information literacy for all students.

(b) Qualified library professionals, librarians, and support personnel in numbers sufficient to serve the needs of students and faculty shall staff the institution's library. Every institution, regardless of enrollment or number of academic offerings, shall provide access to at least one qualified library professional with the exception of institutions whose library collection is primarily in a language or languages other than English. Institutions whose collection is primarily in a language or languages other than English shall provide access to a qualified library professional, a librarian, or an individual qualified by way of disciplinary expertise (e.g., an earned doctorate, extensive study in the discipline, demonstrated scholarly production, etc.). Each curricular area of the institution should have a library liaison assigned who serves as that department or program's connection to library and research services.

(c) An associate degree-granting institution with a library of fewer than 20,000 titles or a baccalaureate degree-granting institution with a library of fewer than 50,000 titles shall justify the adequacy of the size of its holdings.

(d) An institution shall demonstrate the development and maintenance of a collection that reflects and supports the curriculum. An institution should compile acquisition and classification data, documenting collection strengths and weaknesses, and have in place a plan to maintain strengths and remedy weaknesses though a combination of physical, virtual, and consortia materials. Institutions are advised to consult the Association of College and Research Libraries “RCL: Resources for College Libraries” or other recognized sources for core collection development.

(e) There shall be a program for continuous acquisition of materials including books, journals, databases, and other instructional materials.
(f) The institution shall catalog and maintain all library holdings appropriately, including providing a protective environment for its physical library material that adequately protects the collection from deterioration and damage.

(g) The institution shall provide clear and consistent methods for on-campus and remote access to electronic resources, and there shall be communication of that information to students in a manner to minimize barriers to usage. To the extent possible at individual institutions, there should be a consistent method for ensuring that electronic resources are archived so that access is possible for virtual library content over time.

(h) The institution shall document evidence of library education programming that encompasses both physical and virtual collections, and the existence of a plan to assess and document effective use of library resources by students and faculty.

(i) An institution should utilize library representatives in the curriculum development process to inform the administration of the library's ability to offer adequate support for materials and library education.

(j) An institution may enter into contract with another library or libraries for the provision of collections and services, physical or virtual. Institutions must demonstrate that the collections are appropriate for the curriculum of the institution, that students have convenient access to contracted library services, that there is adequate library instruction provided to students to use effectively the services of the contracted library, and that there are qualified library professionals or librarians available to assist students. The institution shall retain full responsibility for adequacy of resources available to students. Institutions are encouraged to participate in appropriate consortia that allow them to expand and more effectively deliver information resources and services.

(k) An institution shall have in place a plan that articulates how students will obtain information literacy skills as they progress through the curriculum. The plan shall identify outcomes for information literacy skill development, and how those outcomes are measured and assessed. Institutions are encouraged to use a combination of assessment methods to include formal testing, development of student portfolios, examination of research papers bibliographies, and/or other means. Institutions may use either a compartmentalized, or distributed, method of library education, or some combination that meets the needs of the institution. An institution shall provide evidence of faculty and administrator involvement in the development, implementation and operationalization of the information literacy plan. The institution has the responsibility, through its library or through other appropriate means, to make the information literacy plan available to the learning community. Within three years of initial licensure, an institution shall document how students are achieving information literacy outcomes.

9A:1-1.10 Students and student services

(a) For any degree-granting institution in New Jersey, policies and services related to students are of paramount importance. Such policies and services normally encompass a number of critical institutional areas, including admissions, counseling, financial aid, registration, placement, remedial services, and student-life programs.

(b) The institution shall have a clearly defined admissions policy appropriate to its mission and shall admit students whose educational interests and abilities qualify them to pursue a program offered by the institution.
In the event of a change in the ownership of a proprietary institution, the Commission shall reassess the institution's licensure status between six months and one year after the change.

9A:1-4.3 Duration of license

(a) Any license to operate and to grant a degree shall be for a specific period, not to exceed five years, as the Commission determines, unless the institution is accredited as a discrete entity by the Middle States Association.

(b) At least six months before the expiration of the license, to continue to offer credit-bearing courses in New Jersey, the institution shall petition the Commission for relicensure, unless the institution is accredited as a discrete entity by the Middle States Association.

9A:1-4.4 Minimum library requirements

(a) A proprietary institution offering a degree shall have a library collection of sufficient size and composition to meet program objectives and to support high-quality instruction and, where appropriate, research.

(b) The library collection shall be kept up to date.

(c) The library shall have qualified library professional(s), librarian(s), and support personnel in numbers sufficient to serve the needs of students and faculty.

(d) Proprietary institutions are held to the standards in N.J.A.C. 9A:1-1.9 (a)-(k).

9A:1-4.5 Governing board

(a) The governing board shall have a portion of its membership drawn from the general public and/or the academic community and be of sufficient size to provide for appropriate committee membership.

(b) As is the case in nonprofit institutions of higher education, public members should be appointed for specified terms of office.

9A:1-4.6 Faculty teaching loads

(a) Undergraduate faculty shall normally have teaching loads not to exceed the equivalent of 15 semester credit hours; graduate faculty shall normally have teaching loads not to exceed the equivalent of nine semester credit hours.

(b) Workload credit shall normally be granted to faculty involved in heavy administrative, advisory, or committee assignments.

(c) The institution shall promulgate a statement concerning the academic freedom of faculty members that should include statements supporting the following principles:

1. Freedom in research and publication where these activities do not interfere with adequate performance of academic duties;

2. Freedom in the classroom to discuss controversial issues pertinent to the discipline; and

3. Retention of all rights as a citizen to free speech and publication. Such rights are not, as such, subject to institutional censorship or discipline.

9A:1-4.7 Basic skills testing and enrollment in remedial courses