

## 610 CMR: BOARD OF HIGHER EDUCATION

### 610 CMR 2.00: DEGREE-GRANTING REGULATIONS FOR INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION

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#### 2.01: Authority

610 CMR 2.00 is promulgated by the Board of Higher Education as required by M.G.L. c. 69, §§ 30, 30A and 31A and in accordance with the requirements of M.G.L. c. 30A regarding state administrative procedures.

#### 2.02: Purpose

610 CMR 2.00 is promulgated to establish procedures and criteria for decisions by the Board of Higher Education affecting the authority of independent educational institutions subject to the jurisdiction of the Board to grant degrees, to conduct credit-bearing courses within the Commonwealth, and to use the terms "junior college," "college," or "university" as part of their names. The regulations adopted and implemented by the Board for the establishment and operation of independent colleges and universities are designed to assure prospective students and other interested parties that the institutions licensed meet minimal levels of quality consistent with current professional judgment.

#### 2.03: Scope and Application

610 CMR 2.00 applies to existing independent institutions of higher education that have been authorized to grant degrees by the Board of Higher Education or by predecessor boards pursuant to M.G.L. c. 69, § 30 *et seq.* and to any independent institution of higher education seeking a name change to include college or university or to expand degree-granting authority. 610 CMR 2.00 shall apply and shall be limited to the following situations:

- (1) Certificates of organization referred to the Board by the Secretary of State proposing incorporation of a college, junior college, university, or other educational institution with power to grant degrees;
- (2) Proposed articles of amendment to the charter of an existing educational institution referred to the Board by the Secretary of State which will give the educational institution power to grant certain academic degrees, either earned or honorary;
- (3) Proposed articles of amendment to the charter of an existing educational institution referred to the Board by the Secretary of State changing its name to a name which will include the term "college", "junior college" or "university";

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(4) Actions by the Board implementing the requirement of M.G.L. c. 69, § 31A that no educational institution chartered, located, offering courses, or otherwise doing business within the Commonwealth may award degrees within the Commonwealth unless authorized to do so by the Commonwealth; nor shall any educational institution chartered, incorporated, or organized in another state conduct within the Commonwealth any courses available to residents of the Commonwealth leading to the award of a degree unless the educational institution has received the approval of the Commonwealth for such courses.

(5) Actions by the Board implementing the requirements of M.G.L. c. 69, § 30A that any institution of higher education not in compliance with Board's regulations may have its degree-granting authority revoked or suspended, after the procedures described in 610 CMR 2.10(2) have been followed.

2.04: Definitions

For the purpose of 610 CMR 2.00, the following terms will mean:

Accreditation Formal recognition or acceptance of the institution or of programs or portions of the institution by a regional or professional accrediting agency recognized as such by the United States Secretary of Education, which first requires degree approval prior to accreditation.

Articles of Amendment Amendments to a higher education corporation's certificate of organization filed with the Secretary of State's office in accordance with the Secretary of State's policies and procedures, and referred to the Board of Higher Education under M.G.L. c. 69, § 30.

Certificate of Organization Articles of organization filed with the Secretary of State's office in accordance with the Secretary of State's policies and procedures, and referred to the Board of Higher Education under M.G.L. c. 69, §30.

College or University Any institution of higher education maintained or conducted by any person, association, partnership, corporation or trust which offers courses leading to an academic degree. Colleges may be either two-year or junior colleges, or four-year or senior colleges. A two-year or junior college must provide programs of study leading to the award of the associate's degree, and may provide programs of study that lead to transfer into a four-year or senior college or university. A four-year or senior college must provide a wide range of programs leading to the baccalaureate degree, and may also include some programs leading to the master's degree. A university must meet the requirements of a four-year or senior college, must provide graduate programs in two or more professional fields, and must provide programs leading to the doctoral degree in two or more fields of study. A university must clearly identify graduate studies as a distinct element within its organization, and must provide the additional faculty, facilities, and resources necessary to support sound graduate programs.

Degree Any academic or honorary title or designation, such as, but not limited to, associate's, bachelor's, master's, certificate of advanced graduate study, or doctorate, awarded in recognition of college-level academic work.

Degree-Granting Authority The authority to grant degrees, vested in institutions of higher education by the Commonwealth of Massachusetts.

Foreign Corporation A corporation established, organized or chartered under laws other than those of the Commonwealth as defined in M.G.L. c. 181, § 1.

Foreign Corporation Certificate As filed with the Secretary of State and defined in M.G.L. c. 181, § 4.

Board of Higher Education The agency established pursuant to the provisions of M.G.L. c. 15A, § 4, referred to hereafter as the Board.

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Independent Institutions of Higher Education (Institution) Any institution, other than institutions within the public system of higher education as set forth in M.G.L. c. 15A, § 5, that offers or seeks to offer courses for credit or courses leading to an academic degree in Massachusetts.

New England Association of Schools and Colleges A regional accrediting association recognized by the United States Secretary of Education.

Proprietary Institution An institution of higher education incorporated for profit-making purposes under the provisions of M.G.L. c. 156B or similar statutes in the case of a foreign corporation.

Regionally Accredited Institution An institution of higher education accredited without sanction by the New England Association of Schools and Colleges.

Student Records All official records of a student's enrollment in, attendance at, and performance in an institution of higher education.

Veterans Approval Agency The agency that approves institutions to participate in programs that enable certain veteran enrollees to request financial benefits from the Veterans' Administration under Title 38 of the United States Code.

Visiting Committee A committee of competent individuals in relevant fields appointed by the Board to evaluate an institution and/or to evaluate particular programs within an institution.

2.05: Review or Investigation of Institutions for Board Approval

The procedures set forth in 610 CMR 2.06, 610 CMR 2.07, 610 CMR 2.08, 610 CMR 2.09 and 610 CMR 2.10 shall be followed by the Board in carrying out its responsibilities under M.G.L. c. 69, § 30, 30A and 31A. The Board shall undertake a review or investigation of an institution for any of the following reasons:

(1) When the incorporation of a new junior college, college, university, or other educational institution with the power to grant degrees is proposed. The Secretary of State refers to the Board the proposed certificates of organization as provided by M.G.L. c. 69, § 30. *See* 610 CMR 2.06, 610 CMR 2.07.

(2) When an existing Massachusetts institution not regionally accredited or regionally accredited with sanction seeks the authority to award an additional degree or additional degrees, whether earned or honorary, or to retitle an existing degree, or to change its name from that which appears in its current charter. The Secretary of State refers to the Board the proposed articles of amendment to the institution's charter, as provided by M.G.L. c. 69, § 30. *See* 610 CMR 2.06 and 610 CMR 2.07.

(3) When an existing Massachusetts institution regionally accredited without sanction seeks the authority to award an additional degree or additional degrees, whether earned or honorary, or to retitle an existing degree, or to change its name from that which appears in its current charter. The Secretary of State refers to the Board the proposed articles of amendment to the institution's charter, as provided by M.G.L. c. 69, § 30. *See* 610 CMR 2.06 and 610 CMR 2.08.

(4) When an out-of-state institution seeks to offer a degree program or credit-bearing courses in Massachusetts, and files a foreign corporation certificate with the Secretary of State. *See* 610 CMR 2.06 and 610 CMR 2.07.

(5) For the purposes of determining evidence of improvement and growth, periodic inspection of an institution shall be made within 12 years next following the Board's approval of the certificate of organization or the articles of amendment, in accordance with M.G.L. c. 69, § 30, and at reasonable intervals thereafter, except that periodic inspections shall be conducted every five years for proprietary institutions. The Board shall consider its participation in and/or review

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of New England Association of Schools and Colleges accreditation visits or reports to constitute periodic inspection of an institution. See 610 CMR 2.09.

(6) When facts are brought to the Board's attention suggesting a reasonable probability of non-compliance with the Board's regulations, the Board may review the institution to determine whether a violation has occurred in accordance with 610 CMR 2.10.

2.06: Common Elements of the Approval Process

The process for approval of a certificate of organization, articles of amendment, or a foreign corporation certificate is:

(1) Application. Prior to submitting an application, an institution is strongly encouraged to consult with Board staff. A complete application consists of the appropriate certificate or articles of amendment, if applicable, the required information, and the payment of any required fee.

(a) Required Information. The Board will require the institution to submit information appropriate to the type and level of review. The Board shall limit its review to matters directly related to the issues in question. An institution may file copies of similar information prepared for accrediting or other agencies whenever such information is relevant to the type and level of review to be conducted by the Board.

(b) Fees.

1. An institution shall pay the following fees:

- a. For initial licensure of a Massachusetts-based or Out-of-state institution: \$10,000 plus \$2,000 for each degree requested at the same time if more than one.
- b. Annual fee each year for the first five years following initial licensure: \$4,000.
- c. For each additional degree at Massachusetts licensed institutions: \$4,500 plus \$2,000 for each additional degree requested at the same time if more than one. (No fee for NEASC-CIHE institutions for additional degrees at existing categories/levels as approved by the Board, June 19, 2001.)
- d. Periodic inspection or review (if a separate review from Board's participation in New England Association of Schools and Colleges review is required): \$4,000.
- e. Other requests requiring public hearings (*e.g.*, award honorary degree(s), change the name of an institution, or retitle an existing, authorized degree): \$500.
- f. Institutional closure: \$500. All records must be transmitted by the institution in electronic form.

2. Fees shall be paid to the Board's Licensing Fee Trust Fund at the time the institution files articles of organization or amendment or a foreign corporation certificate with the Secretary of State or upon scheduling of periodic inspection or review. Fees shall be used solely for purposes of the Licensing Fee Trust Fund. In addition to the fee, the institution shall pay for the travel, room, board and other normal expenses of the Visiting Committee, including the BHE representative. If a subsequent visit or visits by the Committee are necessary, the Board will charge the institution for these at its discretion, based on the extent of subsequent review needed.

3. Pursuant to M.G.L. c. 15A, § 41, Board staff shall review and update biennially 610 CMR 2.06(1)(b) to comply with the statutory mandate that fees shall reflect the costs incurred by the Board of Higher Education in implementing 610 CMR 2.00.

(2) Visiting Committee. When a review or inspection is necessary, the Board, in consultation with the applicant institution, may select and appoint a visiting committee to participate in the evaluation. The visiting committee will review the materials submitted by the institution, may visit the institution, and will submit a report to the Board containing recommendations regarding the requested authorization.

(a) Members of the visiting committee shall be selected from among professionals with appropriate credentials and demonstrated professional experience in college-level teaching, research, administration, and/or other relevant activities within institutions of higher education and/or educational and cultural organizations. Non-educator professionals and practitioners from appropriate fields may also be included.

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(b) Visiting committee members shall have a disinterested professional commitment to the assignment of evaluation as charged by the Board (in general) and to the task of rendering objective findings and recommendations based upon empirical evidence and informed judgments (in the case of particular institutions).

(c) No person shall serve on a visiting committee who has a present or recent official or unofficial connection with the institution under review or who the Board has reason to believe has independent or pecuniary interest in the outcome of the Board's final action.

(d) No person shall serve on a visiting committee who is employed by a public or independent institution deemed by the Board to be in direct competition with the institution under review.

(e) As a general rule, visiting committees shall include persons from both independent and public institutions, in-state or out-of-state, with a majority being from the independent sector.

(f) The composition of Board visiting committees shall be responsive to the requirements of pertinent federal and state affirmative action/equal opportunity guidelines.

(g) The visiting committee shall study all materials submitted by the institution to the Board; may visit the institution and meet with its representatives to determine whether the institution should be authorized to grant the degree(s) requested; and shall assess its compliance with the review criteria set forth in 610 CMR 2.07 or 610 CMR 2.08, and its overall character and fitness to offer the degree(s) requested. The visiting committee shall submit a written report, including recommendations, to the Board. A copy of that report shall be submitted to the institution itself, which shall respond in writing.

(h) The report of the visiting committee, along with the response of the institution, shall be reviewed and analyzed by Board staff.

(3) Public Hearing In accordance with M.G.L. c. 69, § 30, the Board shall hold a public hearing in all cases where a proposed certificate of organization or a proposed amendment to the charter of an existing institution is being considered. The hearing will be scheduled as soon as Board staff determines that the institution has reached a stage of readiness for final public comment before a recommendation is made to the Board. Notice of the public hearing shall, at the expense of the applicants, be published once a week for three successive weeks in two newspapers, one of which is published in the county where the institution has or is to have its principal office or place of business, the last publication to be at least three days before the date set for the hearing. In any and all other types of cases the Board may, at its own discretion, hold a similar public hearing.

(4) Delegation to the Chancellor of Higher Education The Chancellor of Higher Education, pursuant to 610 CMR 2.00, is delegated the authority to act, following Board staff review and public hearing requirements, on requests to award honorary degree(s), to change the name of an institution, and to retitle an existing, authorized degree. Notice of all such actions shall be recorded in the Board's minutes and shall be sent to the institution and to the Office of the Secretary of State.

(a) When an institution seeks authority to award honorary degree(s), it shall indicate in its request the appropriateness of the honorary degree(s) being sought (namely, that the title and level are appropriate to the institution's mission and offerings and that any such degree is not in the same field as an earned degree). Any tangible object issued in evidence of an honorary degree, duly authorized and awarded, shall clearly state on its face that the degree is honorary.

(b) When an institution seeks to change its name from that in its existing charter, the requested name shall not be so similar to another institution's as to cause confusion to the identity of each. A two-year institution must state in its charter the descriptive phrase that it will use in its publications and literature to distinguish itself from a four-year or senior college or a university.

(c) When an institution seeks to retitle an existing, authorized degree, it must provide a rationale for the request and supporting curriculum.

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(5) Board Decision. Following the public hearing, Board staff will evaluate materials submitted by the institution, the written report of the visiting committee, the written response from the institution, and evidence submitted at the hearing. Staff will then make a specific recommendation to the Board, and the Board will take action, by formal vote. The institution and the Office of the Secretary of State shall be notified in writing of the decision of the Board. If the Board's determination is to disapprove the institution's request, the Board shall provide a statement of reasons for the decision, referencing applicable provisions of 610 CMR 2.00.

(6) Retroactive Awarding of Degrees. When an institution has petitioned the Board for degree-granting authority, and when the recommendation is positive, and the Board determines that the education received in prior years has been of sufficient quality, then the Board may permit the institution to award appropriate degrees to those students who have been enrolled in and who have successfully completed programs that are approved by the Board during the academic year of the assessment. It is understood that such retroactive awarding of degrees applies only to those students who have successfully completed all the requirements for the degree.

(7) Appeal Procedure. If a certificate or articles are not approved in accordance with 610 CMR 2.06(4), 610 CMR 2.07(2)(h), 610 CMR 2.08(2)(b)7., or 610 CMR 2.08(2)(c)3., the applicant(s) may file an appeal within 30 calendar days of receipt of written notification of the Board's determination to superior court, which shall hear the case and determine whether or not the certificate or articles shall be approved.

2.07: Regulations, Application Procedures, Review Process, and Review Criteria for Massachusetts-Based Institutions that are New, or that are not Accredited or are Accredited With Sanction by the New England Association of Schools and Colleges and Out-of-State Institutions

(1) Application Procedures. When a new institution is being proposed and initial authorization and approval are being sought, or when an existing Massachusetts-based institution not accredited or accredited with sanction by the New England Association of Schools and Colleges seeks additional degree-granting authority, or when an out-of-state institution seeks new or additional authority to operate in Massachusetts, the applicant is required to provide two copies to Board staff and one copy to each member of the visiting committee of the following required information:

(a) New Institution. When a new institution is being proposed and initial authority and approval are being sought, the following information must be provided with a timetable indicating when each of the items, as appropriate, is to be implemented:

1. the petition itself, including the certificate of organization and any amendments and foreign corporation certificates.
2. a list of members of the corporation.
3. the constitution and bylaws of the corporation.
4. a statement of mission and educational objectives.
5. course descriptions and syllabi for all proposed programs of study.
6. plans for any additional future program offerings necessary to achieve the stated goals of the institution.
7. assets and existing financial support already in hand and pledged, and support for the development, growth, and maintenance of the institution.
8. information regarding tuition, fees, and other student charges, as well as plans for student financial aid.
9. plans for the acquisition of physical plant and equipment.
10. description of current library holdings and plans for future development of library and information resources.
11. curriculum vitae of all faculty already retained by the institution, including those pledged to the institution effective as of specified dates.
12. enrollment plans including annual anticipated enrollment for the period from initiation of the program(s) until the first degrees are awarded.
13. proposed operating budget for the period from initiation of the program(s) until the first degrees are awarded.
14. proposed requirements for admission and for graduation.

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15. description of the proposed academic and student services which the institution plans to provide.
  16. other information pertinent to the plans of the incorporators.
- (b) Existing Institution. The following information shall be provided:
1. The petition itself, including a copy of the existing charter with all amendments, and including reference (if known) to previous petitions of similar intent which may have been filed with the Legislature, with the Secretary of State, or with the Board. The petition will contain:
    - a. a detailed description of the proposed degree program(s) including statement (s) of purpose, description of administration and governance, the curriculum or curricula, course descriptions and syllabi, methods of evaluating student work, and graduation requirements.
    - b. an estimate of the projected enrollment in the proposed program(s) for the first year of program operation through the year of initial graduation.
    - c. the curriculum vitae of all faculty, full-time and part-time, who will teach in the proposed program(s), and position descriptions for any additional faculty needed.
    - d. a description of the instructional equipment, materials, and space required to implement the proposed program(s).
    - e. a description of library resources needed to support the proposed program(s).
    - f. an analysis of the projected impact of the proposed program(s) upon the institution's human, physical, and fiscal resources.
  2. A statement of current educational objectives of the institution, and a description of the effect of the proposed petition on those educational objectives.
  3. A certified audit showing the financial structure of the institution, with balance sheets and operating statements for the last two fiscal years, as well as information regarding the tax status of the institution.
  4. The present admissions procedures and entrance requirements, and any changes in requirements anticipated if the petition is granted. Profiles of admitted students, if available, reflecting distribution by secondary school class rank and by test performance, as appropriate to the level of program(s) to be offered if the petition is granted.
  5. The total enrollment of the institution for the current academic year. The number of full-time, part-time, and evening students is to be shown separately, together with a tabulation of the number of students in each (graduating) class. If the institution operates a summer school, the number of students in the last session is to be provided.
  6. A list of tuition charges for all students, together with any additional fees or charges.
  7. Copies of the most recent catalog and/or bulletin shall be provided.
  8. A list of any accrediting associations (regional or national) or any State Departments of Education which have accredited or approved the institution or any of its programs. Any suspensions, revocations, or investigative actions by accrediting associations during the last five years, with an explanation of the cause(s) and the resolution(s), if any, is to be described.
  9. A copy of the institution's affirmative action program, policy, and plan, together with a copy of the most recent EE06 form filed with the federal Office of Civil Rights.
  10. If applicable, approval or authorization given to a program or programs by the Veterans Approval Agency.
  11. Any other pertinent information.
- (2) Review Process. After receipt of an application, the following procedures apply:
- (a) Within 45 business days, Board staff determines whether or not the application is complete and notifies the institution.
  - (b) Within 30 business days of notification to the institution that the application is complete, a visiting committee will be appointed.
  - (c) The visiting committee will evaluate the institution's application and submit a report to Board staff. The report should be submitted within 30 business days of the evaluation.
  - (d) The visiting committee's final report will be submitted to the institution with a response required by the institution within 30 business days of receipt of the report. The institution may request an extension, if needed, to respond adequately to the visiting committee report.
  - (e) If Board staff determines that the institutional response needs to be reviewed by the visiting committee or any of its members, then that response will be forwarded to the evaluator(s) for review and response.

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- (f) Within 20 business days of receipt of the institution's response to the visiting committee report, a date will be set for a public hearing, unless the institution requests an extension.
- (g) Within 30 business days following the public hearing, the staff of the Board will evaluate materials submitted to the Board by the institution, the written report of the visiting committee, the written response from the institution, evidence submitted at the hearing, and any additional information submitted by the institution, including a request for a delay.
- (h) On the basis of that evaluation, Board staff will make a specific recommendation to the Board, and the Board shall take action, by formal vote, to either approve or disapprove the request.

(3) Review Criteria. In determining whether an institution should be granted authority to award degrees, its overall ability to provide an appropriate learning environment for all students will be considered as well as its compliance with each criterion. The following criteria constitute the basis for the Board staff and visiting committee's review concerning degree approval. The Board, acting upon recommendations and information provided by the visiting committee and Board staff, shall determine the applicant's qualifications for initial or additional degree-granting authority, based upon the following.

(a) Mission, Planning and Evaluation. The institution shall have a clearly articulated mission and purpose, focused upon its identity, educational goals, and the students it wishes to serve. The mission shall be included in appropriate publications. The institution should engage in planning in order to enhance and further its goals and should evaluate its effectiveness, especially in meeting the educational needs of students. A range of constituencies within the institution, including administration, faculty and students, shall participate in planning and assessment.

(b) Organization and Governance.

1. The governing board of the institution shall have final responsibility for and control over the institution. The board shall organize and govern itself in accordance with a set of bylaws. The bylaws shall provide specific regulation of membership, term of office, responsibilities, definitions of conflict of interest, and provisions concerning prohibitions or limitations on financial dealings between trustees and the institution.

2. The education and experience of governing board members, administrators, supervisors, counselors, agents, and faculty members shall be appropriate to establish and maintain educational programs of a quality consistent with the institution's stated objectives and mission.

3. The governing board shall appoint the chief executive officer of the institution, and shall provide direction for the institution in terms of general policies, purposes, and objectives. The chief academic administrator must be qualified by level and area of academic preparation, as well as through appropriate experience, to direct the academic affairs of the institution.

4. There must be sufficient distinction among the roles, functions and identities of the governing board of the institution and of the administration and faculty to ensure the appropriate separation and independence of board, administration and faculty. Faculty members shall have opportunities to participate in governance and curricular development through, for example, service on such bodies as the faculty senate and institutional policy-making committees.

(c) Programs and Instruction.

1. Degree Programs.

a. Degree-granting authority, as vested in the institution, shall be appropriate to the mission and purpose of the institution and shall be reasonably specific (for example, "Bachelor of Science in Nursing," "Master of Arts in Religious Education," "Associate in Arts in Liberal Arts," "Doctor of Philosophy in Mathematics").

b. Degree requirements for all programs shall be clearly stated, and students shall be held to the accomplishment of a defined amount and quality of work. The institution should present evidence that any students enrolled in transfer programs are qualified for transfer to other institutions of recognized standing, and that its graduates are well prepared for continued study or performance in occupations related to the program of study.

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- c. Institutions and programs organized on other than the usual semester hour basis must give evidence sufficient in the opinion of the Board that they meet the standards of equivalent educational programs. Graduate and professional programs should be conducted so as to provide for the development of high levels of competence with appropriate scholarship and skills in the area. Programs designed to provide professional training should be related to current practice in the professional field and to licensing requirements, as well as to generally accepted academic standards.
- d. All credit courses, programs and degrees offered by an institution shall remain under the direction and control of the central administration of the institution, and shall reflect the institution's goals and academic standards. If an institution advertises and offers for credit courses or programs offered by telecommunications, home study, or other alternate forms of instruction, it shall ensure the same quality of education as in its regular programs.

2. General Education.

a. Each undergraduate degree program shall include a general education requirement, together with a major or concentration requirement in an academic discipline or interdisciplinary area. An associate's degree shall comprise a minimum of 60 credits, and a baccalaureate degree a minimum of 120 credits. All courses offered for credit toward graduation shall be college level. Remedial courses, or courses offered to prepare students for college-level work, may only be offered for institutional credit.

b. General education shall comprise a balance of courses of study drawn from each of the main disciplinary areas: the arts and humanities, including literature and foreign languages; mathematics and the natural and physical sciences; and the social sciences. The following are the minimum general education requirements:

Associate in Applied Science degree:	16 credit hours
Associate in Science degree:	20 credit hours
Associate in Arts degree:	33 credit hours
Baccalaureate degree:	36 credit hours

(d) Faculty. The institution shall have an appropriately qualified faculty in sufficient numbers to meet all requirements of the institution's courses of study. All faculty members shall hold proper credentials, and their preparation and qualifications must be suited to the field and level of their instructional assignments. Those in the conventional academic fields shall hold degrees or present evidence of scholarship or creative achievement appropriate to their positions; those in the professional, technical, or specialized fields shall have equally appropriate education, preparation, experience, and attainments.

1. The following are the minimum expected academic or professional qualifications of the instructional faculty:

a. A two-year institution that offers associate degree programs shall ensure that at least one full-time faculty member teaching in each degree program holds at least a master's degree, or equivalent experience and/or attainment, in an appropriate field.

b. An institution that offers one or more degree programs at the baccalaureate level shall ensure that at least one full-time instructional faculty member teaching in each baccalaureate program shall hold a doctoral or other terminal degree, or equivalent experience and/or attainment, in the appropriate field.

c. An institution that offers one or more programs at the master's or post-master's level shall ensure that at least    of the full-time faculty teaching in the program(s) hold a doctoral or other terminal degree, or equivalent experience and/or attainment, in an appropriate field.

2. Teaching loads and schedules may vary from institution to institution, but normally should not exceed fifteen contact hours per week at the undergraduate level.

3. The institution shall protect the academic freedom of each faculty member. It shall clearly delineate and publish its policies regarding work conditions, administrative procedures, and compensation for faculty; and shall establish fair methods of redressing grievances. Faculty members shall have reasonable contractual security. If they do not hold tenured positions, or if the institution does not grant tenure, they shall receive signed contracts for a stipulated period stating whether their appointment is or is not tenure-track. The nature and role of each type of faculty appointment, full-time, part-time, or adjunct, shall be clearly defined.

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4. The institution shall advocate and uphold high professional and ethical standards among its faculty members, in teaching and other related activities. It shall regularly evaluate faculty performance, using a variety of appropriate methods; and shall maintain records on each member of the faculty relating to academic publications, professional activities, and other materials that may be considered in evaluation.

(e) Student Services.

1. All students of an institution shall be governed by the same policies and procedures. The institution shall have an effective mechanism for reviewing student complaints concerning institutional procedures.

2. The institution shall publish its admissions policies, standards, procedures, and affirmative action policy as it relates to admissions. In particular, the institution shall make known the specific tests or examinations that are required of candidates for admission to the institution and its programs, and provide information concerning the procedures for taking these tests or indicate where such information may be obtained.

3. The institution shall publish, especially to all potential candidates for admission, its policies and procedures for the awarding of financial aid.

4. The institution shall make public its schedule of tuition and fees; its policy regarding refunds of moneys, which shall be fair and equitable; the academic standards and regulations of the institution (including degree requirements); its provision of mandatory health insurance for students in accordance with M.G.L. c. 15A, § 18, and the health care services, if any, it makes available to students; student employment policies; and the behavioral expectations and disciplinary procedures of the institution.

5. The institution shall provide and make known a system of academic counseling for its students, appropriate to the goals and methods of the institution.

6. The institution shall maintain adequate student records, including but not limited to: official transcripts of academic courses taken and grades earned, information concerning the date of admission, period of attendance, honors awarded, diploma, degree, or certificate earned, and appropriate evaluation of the quality of work completed. It should have secure and appropriate methods of maintaining and disposing of records, and of protecting individual privacy and confidentiality.

7. At the request of a student, the institution shall release to the student, or to other educational institutions, businesses, or other organizations official copies of his/her official transcript upon payment of a published transcript fee, provided that the student adheres to the institution's policies regarding moneys owed to the institution and subject to applicable law.

(f) Financial Resources. The institution should present evidence of past, present, and future financial stability, with resources adequate for effective accomplishment of its announced purposes. For new institutions, and for new or modified degree-granting authority for an existing institution, this evidence shall take into account the anticipated student demand for the program and possible competition from other institutions that could affect the program's or the institution's stability. Resource allocation should reflect clear support for the educational program of the institution. The institution shall keep appropriate financial records and reports, which shall be made separate and distinct from those of any affiliated or sponsoring person or entity. These fiscal records and reports shall be maintained in a manner that permits immediate analysis of the fiscal status of the institution, and annual statements shall be audited and certified by an independent certified public accountant authorized to practice in the Commonwealth.

1. No member, director, trustee, or officer of a non-profit institution shall receive income from the institution, except as reasonable compensation for expenses, unless that person is a regular employee of the institution. In instances where a member, director, trustee or officer of the institution who is not a regular employee of the institution receives remuneration for a particular reason, the details of such compensation shall be fully disclosed.

2. If an institution knows that it may close, or if it is planning to merge with another institution, it shall so notify the Board and should follow appropriate procedures as far as possible in advance of the closure or merger, including filing appropriate documents with the Office of the Secretary of State; and it shall arrange, in association with the Board, to safeguard the needs of students by organizing educational transfer opportunities, and ensuring the preservation of student records, as required by M.G.L. c. 69, § 31B.

## 2.07: continued

(g) Public Disclosure An institution shall use its name as contained in its articles of organization or foreign corporation certificate, as amended, together with a complete address, for all advertising and promotional purposes. A two-year college that does not include the term "junior college" in its name must use in all of its publications and documents the Board-approved descriptive phrase distinguishing the institution from a senior college. Only an institution that is approved by the Board in accordance with 610 CMR 2.00 may indicate in catalogs, advertisements, and other publications that the Board has approved the institution to confer degrees in Massachusetts. Institutions in the process of applying for degree-granting authority within the Commonwealth shall not advertise or imply, in the catalog or bulletins or any publication, correspondence, or announcement, that degree-granting authority is either available or soon to be approved.

1. Publications. An institution's catalog or bulletin should be regarded as the basic reference document about the institution and its programs for potential and enrolled students. All such information should be provided to students prior to enrollment. Separate catalogs or bulletins may be published for portions of an institution that are separately organized for purposes of courses of study, degrees and student admissions. These documents should therefore be comprehensive, accurate, unambiguous and up-to-date in presentation of the institution's mission, policies, resources, general environment, instructional offerings and other services. As a general guide, the institution's publications available to applicants and students should provide full, accurate and current information for each of the following components:

- a. The current academic calendar.
- b. Statement of institutional history, plans, educational mission and philosophy.
- c. Accreditation(s) - If the accreditation is limited to programs or portions of the institution, the notice shall so specify.
- d. Physical and financial resources, physical setting, community resources, cooperative relationships with other educational and cultural institutions.
- e. Admissions procedures and criteria, financial aid policies and practices, detailed statements of application fees, admission deadlines, and policies on advanced placement and credit
- f. Financial policies for students, including all costs, schedule for payments and refunds on all types of charges for academic and other services. The institution shall show that it has published and adheres to a fair and equitable cancellation and refund policy.
- g. Description of auxiliary services, including personal and career counseling, health services, services for veterans, disadvantaged and other special groups, athletics, extracurricular activities and groups, alumni activities, housing, dining, bookstore, and similar topics to the extent that these are provided by the institution.
- h. Statement of student rights and responsibilities, constraints on students (for example, statutory hazing prohibitions, cars, parietal rules) including rules for maintenance of order on campus, and general process for resolution of complaints.
- i. Description of governance process, including student role.
- j. General description of educational program, and background of faculty members (full-time and part-time status, credentials).
- k. Course offerings, including semester schedules, credits awarded, class and lab hours, instructor, course content, and, if appropriate, course level and prerequisites.
- l. Listing of professional administrative staff, trustees, and other advisory board members.

## 2.07: continued

2. False Advertising. The educational institution shall not engage in untrue and misleading advertisements which are otherwise prohibited by the provisions of M.G.L. c. 266, § 91, M.G.L. c. 93A, or any other state or federal law. All advertisements, announcements, and promotional material of any kind which are distributed shall be free from statements that are untrue, deceptive, or misleading with respect to the institution, its personnel, its services, its degree-granting status, its accreditation status, and the transferability of its courses or degree programs. Neither the institution nor its agents shall engage in advertising, recruiting, sales, collection, financial credit, or other practices of any type that are false, deceptive, misleading or unfair. No advertisement, announcement, or any other material produced by or on behalf of an institution shall in any way indicate that it is recommended, endorsed, or accredited by the Board, except to assert that the Board has authorized the institution to offer the specified course(s) or has granted the institution the authority to offer the specified degree program(s). An institution may not advertise a degree program or credit offerings or enroll students in a degree program or courses for credit before the Board has approved the program or credit offerings if the latter are outside the present degree authorization of the institution.

(h) Physical Resources. All facilities shall comply with the health and safety standards of the community and of the state and federal government. Classrooms shall be sufficient in size, in number, and in equipment to meet all requirements of the institution's course of study. Laboratories shall be equipped appropriate to the level of instruction in the courses offered.

(i) Library and Information Resources. Libraries and information resources shall be professionally staffed, with holdings, electronic retrieval systems, and/or networks sufficient and appropriate to support the curriculum of all degrees and programs offered by the institution, and instructional and research needs. Facilities and services should be convenient and adequate for the requirements of students, faculty and staff.

(j) Discrimination. The institution shall not engage in, nor propose to engage in, illegal discrimination based on race, color, religion, gender, national origin, age, disability, or sexual orientation in admissions, practices, or employment policies.

(k) Other Laws, Rules and Regulations. The institution shall comply with all other applicable local, state, and federal laws, rules, and regulations.

(l) Accreditation. The Board shall determine how much weight accreditation of an institution by accrediting bodies other than the New England Association of Schools and Colleges will carry in a request to offer courses for credit or for degree-granting authority.

(4) Additional Criteria Governing Proprietary Institutions. The Board requires proprietary institutions that are incorporated or propose to incorporate for profit-making purposes under the provision of M.G.L. c. 156B as educational institutions titled "college", or "junior college", or "university" and/or with power to grant a degree or degrees to meet, in addition to the criteria identified in 610 CMR 2.07 or 610 CMR 2.08, as applicable, the following:

(a) In order to obtain degree-granting authority, a local proprietary educational institution shall have a board of trustees with a minimum of seven members. At least three members and in no case less than one-third of the board's membership should have no other affiliation with the institution and should be qualified and experienced men and women who are residents of Massachusetts and from such fields as education, labor, business, government, law, medicine and science. Members of the board should be appointed by the chief executive officer of the corporation. The requirement that a local educational institution establish a board of trustees is designed to encompass the following situations:

1. A national educational organization with a Massachusetts-based educational subsidiary: a board of trustees must be established for the local educational organization independent of the national organization.

2. A Massachusetts-based educational organization: a board of trustees must be established.

3. A national business corporation with a Massachusetts-based educational subsidiary: a board of trustees must be established for the local educational organization independent of the national organization.

4. A local business corporation with a local educational subsidiary: an independent board of trustees must be established for the local educational institution.

2.07: continued

(b) Each year the proprietary institution is required to submit a report in two copies to the Board, reviewing the status of the institution's degree-granting programs. This report, to be titled "annual report," should evaluate the general quality of curricula, the faculty and the student body. It should provide statistical information on the number of students completing the requirements for the degree, job placement and/or transfer statistics, the financial status of the institution, operating costs and revenues. It should provide evidence that both degree authority and tuition and refund policies are clearly stated in the publicity of the institution. Finally, the report should certify whether, in fact, the institution's degree-granting programs are maintained and operated within the provisions and spirit of the criteria and guidelines set forth for proprietary institutions with degree-granting authority.

(c) Each proprietary institution shall be subject to review on these standards by the Board every five years, following procedures described in 610 CMR 2.09. All costs of these reviews shall be borne by the proprietary institution.

(d) The above requirements are additional to the procedures and criteria described elsewhere in 610 CMR 2.00 which apply fully to proprietary institutions.

(5) Additional Criteria For Out-of-State Institutions Operating in Massachusetts. An institution chartered, incorporated, or organized in another state that seeks to offer courses in Massachusetts leading to the awarding of a degree shall meet, in addition to the criteria identified in 610 CMR 2.07(1) through (4), the following:

(a) The institution shall file a Foreign Corporation Certificate with the Secretary of State, who shall forward that Certificate to the Board, which will evaluate the institution and the courses to be offered, using procedures and criteria described in 610 CMR 2.06, 610 CMR 2.07, in addition to procedures and criteria described elsewhere in 610 CMR 2.00. Such courses may be offered only with the approval of the Board.

(b) The institution must have the requisite degree-granting authority in the state of charter origin.

(c) The institution should be accredited by the New England Association of Schools and Colleges, or by a regional and/or national accrediting agency recognized as such by the United States Secretary of Education. The accreditation held by the institution must apply to all instruction for degree programs which the institution seeks approval to offer in Massachusetts.

(d) The institution shall have a resident agent in Massachusetts upon whom all lawful processes in any action or proceedings against the institution may be served as well as a professional staff member serving either full-time or part-time, who serves as a liaison between the students in Massachusetts and the central administration on the home campus. The institution may designate one person for both these roles.

(e) The institution shall have an administrator on the home campus appointed as administrator of the Massachusetts program.

(f) The program of study and the qualifications of the faculty provided in Massachusetts must be of at least the same level and quality as equivalent programs offered by the institution at its home campus, and must be subject to the same process of institutional review and quality control.

(g) The program of study and the qualifications of the faculty must be of comparable quality to similar approved programs offered in Massachusetts by Massachusetts-based institutions.

(h) Successful completion of the course (s) must provide credit towards a degree at the parent institution.

(i) The institution shall publish a brochure or catalog for the Massachusetts program that provides information regarding: accreditation, calendars, admissions procedures, description of courses of study, matriculation procedures, qualifications of the faculty, evaluation procedures, tuition and refund policies. (N.B. If the institution seeks degree-granting authority within the Commonwealth of Massachusetts, then the procedures and criteria described elsewhere in 610 CMR 2.00 shall be in force.)

2.08: Regulations, Application Procedures, Review Process, and Review Criteria for Massachusetts-Based Institutions Accredited Without Sanction by the New England Association of Schools and Colleges Filing Articles of Amendment for New Earned Degree Authority

(1) Application Procedures. When an existing Massachusetts-based institution which is accredited without sanction by the New England Association of Schools and Colleges has filed articles of amendment to its charter seeking new earned degree authority, the institution shall provide two copies to Board staff, and one copy to each visiting committee member, if necessary, of the following information:

(a) The petition itself, including a copy of the existing charter with all amendments, and including reference (if known) to previous petitions of similar intent which may have been filed with the Legislature, with the Secretary of State, or with the Board.

(b) The petition shall contain:

1. a detailed description of the proposed degree program(s) including statement(s) of purpose, a description of administration and governance, the curriculum, or curricula course descriptions and syllabi, methods of evaluating student work, and graduation requirements;
2. an estimate of the projected enrollments in the proposed program(s) for the first year of program operation through the year of initial graduation from the program;
3. the curriculum vitae of all faculty, full-time and part-time, who will teach in the proposed program(s), and/or position descriptions for any additional faculty needed;
4. a description of the instructional equipment, materials, and space required to implement the proposed program(s);
5. a description of the library resources needed to support the proposed program(s).
6. an analysis of the projected impact of the proposed program(s) upon the institution's human, physical and fiscal resources;

(c) Any anticipated changes in admissions procedures or entrance requirements, if the petition is granted.

(d) The total number of the institution's faculty and students for the current year. The number of full-time and part-time students and faculty should be listed separately.

(e) Copies of the most recent catalog and/or bulletin.

(f) A list of any accrediting associations or any State Departments of Education which have accredited or approved the institution or any of its programs. Any suspensions, revocations, or investigative actions by accrediting associations during the last five years, with an explanation of the cause(s) and the resolution(s), if any, are to be described.

(g) A copy of the institution's affirmative action program, policy, and plan, together with a copy of the most recent EEO6 form filed with the federal Office of Civil Rights.

(h) If applicable, approval or authorization given to a program or programs by the Veterans Approval Agency.

(i) Any other pertinent information.

(2) Review Process.

(a) After receipt of an application, the following procedures apply:

1. Within 20 business days, Board staff determines whether or not the application is complete, and notifies the institution.
2. Within 20 business days from notification that the application is complete, Board staff reviews the completed application and determines which of the following two evaluation methods apply.

(b) External Review When it is determined that an institution seeks authority to grant a degree at a new level or to grant a degree significantly different from those for which it is chartered, then:

1. A visiting committee (see 610 CMR 2.06(2)) will be appointed within 30 business days of the determination of the external review process.
2. The visiting committee will evaluate the institution's application and submit a report to Board staff. The report should be submitted within 30 business days of the evaluation.
3. The visiting committee's final report will be submitted to the institution with a response required by the institution within 30 business days of receipt of the report. The institution may request an extension, if needed, to respond adequately to the visiting committee report.

## 2.08: continued

4. If Board staff determines that the institutional response needs to be reviewed by the visiting committee or any of its members, then that response will be forwarded to the evaluator(s) for review and response.
  5. Within 20 business days of receipt of the institution's response to the visiting committee report, a date will be set for a public hearing, unless the institution requests an extension.
  6. Within 30 business days following the public hearing, the staff of the Board will evaluate materials submitted to the Board by the institution, the written report of the visiting committee, the written response from the institution, evidence submitted at the hearing, and any additional information submitted by the institution, including a request for a delay.
  7. On the basis of that evaluation, Board staff will make a specific recommendation to the Board, and the Board shall take action, by formal vote, to either approve or disapprove the request.
- (c) Internal Review. When, in the judgment of Board staff, based on information provided by the institution, it is determined that an institution seeks authority to grant a degree closely related to degrees granted under its existing charter, then:
1. Within 30 business days, if Board staff is satisfied that there are no substantial questions of law or fact involved, a public hearing date will be set. If Board staff analysis reveals substantial questions of law or fact, then the application will follow the external review process set forth in 610 CMR 2.08(2)(b).
  2. Within 30 business days following the public hearing, Board staff will evaluate materials submitted to the Board by the institution, evidence submitted at the public hearing, and any additional information submitted by the institution, including a request for a delay.
  3. On the basis of that evaluation, staff will make a specific recommendation to the Board, and the Board shall take action, by formal vote, to either approve or disapprove the request.
- (3) Review Criteria.
- (a) General. When an existing Massachusetts-based institution which is accredited without sanction by the New England Association of Schools and Colleges is being reviewed by Board as part of its request for a change in degree-granting authority, the criteria which guide the review are the standards currently utilized by the New England Association of Schools and Colleges, supplemented by the criteria below.
  - (b) False Advertising. An institution may not advertise a degree program or credit offerings or enroll students in a degree program or courses for credit before the Board has approved the program or credit offerings if the latter are outside the present degree authorization of the institution.
  - (c) Specificity. Degree-granting authority, as vested in the institution, shall be appropriate to the mission and purpose of the institution and shall be reasonably specific (for example, "Bachelor of Science in Nursing," "Master of Arts in Religious Education," "Associate in Arts in Liberal Arts," "Doctor of Philosophy in Mathematics").
  - (d) Faculty. All faculty members shall hold proper credentials, and their preparation and qualifications must be suited to the field and level of their instructional assignments. Those in the conventional academic fields shall hold degrees or present evidence of scholarship or creative achievement appropriate to their positions; those in the professional, technical, or specialized fields shall have equally appropriate education, preparation, experience, and attainments. When an existing institution proposes to extend its degree-granting authority, the following are the minimum expected academic or professional qualifications of the instructional faculty associated with the proposed new degree program:
    1. An institution proposing to add a new degree at the associate's level shall ensure that at least one full-time faculty member teaching in the proposed program holds at least a master's degree, or equivalent experience and/or attainment, in an appropriate field.
    2. An institution proposing to add a new degree at the baccalaureate level shall ensure that at least one full-time faculty member teaching in the proposed program holds a doctoral or other terminal degree, or equivalent experience and/or attainment, in an appropriate field.

## 2.08: continued

3. An institution proposing to add a new degree program at the master's or post-master's level shall ensure that at least two-thirds of the full-time faculty teaching in the proposed program hold a doctoral or other terminal degree, or equivalent experience and/or attainment, in an appropriate field.

4. An institution seeking to add a new program at the doctoral level shall ensure that all faculty teaching in the program hold a doctoral or other terminal degree, or equivalent experience and/or attainment, in an appropriate field.

(e) Leadership. The governing board of the institution shall organize and govern itself in accordance with a set of bylaws. The bylaws shall provide specific regulation of membership, term of office, responsibilities, definitions of conflict of interest, and provisions concerning prohibitions or limitations on financial dealings between trustees and the institution.

(f) Financial Stability. If an institution knows that it may close, or if it is planning to merge with another institution, it shall so notify the Board and should follow appropriate procedures as far as possible in advance of the closure or merger, including filing appropriate documents with the Office of the Secretary of State; and it shall arrange, in association with the Board to safeguard the needs of students by organizing educational transfer opportunities, and ensuring the preservation of student records, as required by M.G.L. c. 69, § 31B.

(g) Additional Criteria Governing Proprietary Institutions. Refer to 610 CMR 2.07(4) for criteria.

2.09: Procedures for Periodic Inspection of an Institution

When an investigation is undertaken in accordance with 610 CMR 2.05(5) to make a periodic inspection of an institution, the Board may require the institution to provide some or all of the information described in 610 CMR 2.07. The Board shall consider its participation in and/or review of New England Association of Schools and Colleges accreditation visits or reports to constitute periodic inspection of an institution.

2.10: Investigation of Alleged Non-Compliance with 610 CMR 2.00

An investigation of an institution will be carried out when facts are brought to the attention of the Board suggesting a reasonable probability of non-compliance with 610 CMR 2.00; or suggesting a reasonable probability that a degree or degrees are being or will be awarded within the Commonwealth without proper authority; or that a course or courses available to residents of the Commonwealth leading to the award of a degree or degrees are being or will be conducted within the Commonwealth without proper authority.

(1) Information Required. When an investigation is undertaken to inquire into probable non-compliance with standards, the Board will require the institution to provide specific information pertinent to the specific concern. The Board may require the institution to provide some or all of the information described in 610 CMR 2.07 and/or 610 CMR 2.08, if applicable.

(2) Procedures to Revoke or Suspend Degree-Granting Authority. In accordance with the provisions of M.G.L. c. 69, § 30A, if the Board has reason to believe that an institution does not comply with its regulations it shall conduct a preliminary inquiry of the matter. If this inquiry indicates a reason to believe that the institution does not comply with 610 CMR 2.00, the Chancellor of Higher Education may, if appropriate, review the alleged violations with the institution and approve a corrective course of action by the institution. Where the Chancellor does not determine it to be appropriate to review the alleged violations with the institution, or if the preliminary inquiry does not result in a satisfactory resolution of the concern, the Board may conduct an adjudicatory hearing pursuant to M.G.L. c. 69, § 30A to determine whether to revoke or suspend the institution's degree-granting authority. The Board may revoke or suspend the institution's degree-granting at the expiration of the time to file an appeal pursuant to M.G.L. c. 30A (30 days) if the institution elects not to file an appeal, or upon a final decision of an appeal by the court. The Board shall notify the Secretary of State and the institution of any revocation or suspension.

2.11: Consumer Protection

When an individual or a group of individuals bring a consumer complaint to the Board about an independent institution of higher education within the Commonwealth, the Board will proceed in the following manner:

(1) When the consumer complaint concerns an institution which is under the purview of the Board, Board staff will refer the complaint to the institution for clarification and response within a specified period of time. If the forthcoming clarification and response do not satisfy the Board, the matter shall be referred to the Consumer Protection Division and/or the Public Charities Division of the Attorney General's Office.

(2) When the consumer complaint concerns an institution which does not come under the purview of the Board, the Board will refer the complaint directly to the Consumer Protection Division and/or the Public Charities Division of the Attorney General's Office.

2.12: Effective Date

610 CMR 2.00 will be effective immediately following formal approval by a vote of the Board at a regular or special meeting of the Board, and filing with the office of the Secretary of State.

2.13: Amendment

610 CMR 2.00 may be amended by vote of the Board at any regular or special meeting of the Board with notice as provided in the Board's bylaws, and similar notice being provided to the chief executive office of the independent colleges and universities that are under the purview of the Board.

2.14: Severability

If any portion of 610 CMR 2.00 is held or declared invalid, the remainder of 610 CMR 2.00 shall not be affected thereby.

REGULATORY AUTHORITY

610 CMR 2.00: M.G.L. C. 69, §§ 30, 30A, 31A.

NON-TEXT PAGE