

BOARD OF HIGHER EDUCATION

REQUEST FOR COMMITTEE AND BOARD ACTION

COMMITTEE: Assessment and Accountability

NO.: AAC 11-10

COMMITTEE DATE: October 28, 2010

BOARD DATE: November 4, 2010

APPROVAL OF AMENDMENTS TO 610 CMR 2.00: DEGREE-GRANTING REGULATIONS FOR INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION

MOVED: The Board of Higher Education hereby amends 610 CMR 2.00: Degree-Granting Regulations for Independent Institutions of Higher Education by striking out section 610 CMR 2.04 and inserting in place thereof the following new section 610 CMR 2.04 as follows:

2.04 Definitions: 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, and must provide graduate programs in four or more distinct professional 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.

Authority: Section 41, M.G.L. c. 69, §§ 30, 30A and 31A

Contact: Dr. Francesca Purcell, Associate Commissioner for Academic and P-16 Policy

**Massachusetts Board of Higher Education
Proposed Amendment to 610 CMR
Background**

610 CMR states in 2.06 (4) (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.”

610CMR states in 2.04 Definitions:

“*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.”

Recommendation

Staff recommends that 610CMR 2.06 (4) (b) be amended by striking the phrases “and in two or more professional fields” and “must provide programs leading to the doctoral degree in two or more fields of study”, so that the section reads as follows:

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, and must provide graduate programs in four or more distinct professional 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.

Rationale

Amending the 610CMR definition of “university” will place independent sector institutions on an equal footing with new nomenclature for Massachusetts’ public state universities which, until October 2010, were called state colleges. Such a change will place independent sector institutions on an equal footing with public institutions with respect to required structure and program offerings while preserving the consumer protection role of the Board in the Commonwealth.

Following the adoption of the language-change by the Board and the approval of the new language by the Commonwealth’s Regulation Division, the Board of Higher Education will evaluate requests to change institutions’ nomenclature from college to university. The amended language will require that, in order to be deemed a university, an institution must meet the following criteria:

- Meet the requirements of a four-year or senior college as described in 610CMR
- Provide graduate programs in four or more distinct professional fields of study
- Clearly identify graduate studies as a distinct element within its organization, and
- provide the additional faculty, facilities, and resources necessary to support sound graduate programs
- Demonstrate that the proposed name shall not be so similar to another institution's as to cause confusion with the identity of each.

Institutions seeking a name change must file Articles of Amendment with the Secretary of State and provide to the Board information needed to determine whether the institution meets the required criteria. The Commissioner may exercise approval authority on behalf of the Board via delegated authority.

Comment Period and Regulatory Compliance Time Line

610 CMR 2.13 allows the Board to amend the provisions by vote of the Board with notice to the independent institutions under the purview of the Board and in accordance with Board bylaws. According to 610 CMR 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." Notice regarding the proposed fee structure change will be published in accordance with the Board bylaws and will be provided to the presidents of the institutions under the Board's purview, as well as to the Executive Director of AICUM. M.G.L. c. 30A further requires:

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| 35 days before comment period | Notify local Government Advisory Committee (Department of Housing and Community Development and the Massachusetts Municipal Association). |
| 21 days before comment period | Newspaper advertisement of comment period. Notice to any person or Group of Persons who have requested notification. Notice to Register (published at least one week prior). Electronic and paper copy to Regulations division. Proposed regulation available by the agency to the public. |
| 21 day comment period | Receive and Review Comments. |
| After comment period | File regulation Filing form, CMR "draft" pages prepared by the Regulations Division marked in red to indicate changes, and any items "Incorporated by Reference". |

Regulations are forwarded to the Secretary of State for publication.

APPENDIX
SHEEO Information Request
“University” Definitions
Survey Responses
August 31, 2010

Question:

How does your state define the term “university”? If you have an official definition, please include it in your response.

Below are the responses:

| State | |
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| Alabama | <p>The operating definition of the Alabama Commission on Higher Education is below:</p> <p>University: An institution of higher education usually composed of several schools and colleges. The institution normally confers undergraduate degrees, primarily the baccalaureate. It also may confer graduate degrees, such as masters, doctorates, and specialist in education, as well as one or more first professional degrees in fields such as law and medicine.</p> |
| Alaska | <p>Per Alaska's regulation, 20 AAC 17.065(b)(1) a postsecondary educational institution offering a baccalaureate degree, in more than one academic field area and a graduate degree in at least one academic field and having a dedication to research and the expansion of knowledge as one of its major institutional goals may use the term "university".</p> |
| Connecticut | <p>We were recently asked by an existing college what our process would be for changing their name to include university instead of college. We do have regulatory authority over changes in name, but no standards on what constitutes a university vs. a college.</p> |
| Idaho | <p>Idaho statute does not define “University”, but our public institutions are accredited by NWCCU which defines University as follows: <u>A large, multipurpose institution with extensive degree offerings, library, and other resources, and/or several schools with graduate offerings.</u></p> |
| Kansas | <p>Kansas does not have an official definition of a “university.”</p> |
| Maryland | <p>Maryland does not define university in our regulations.</p> |

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| Minnesota | <p>We don't have a firm definitional distinction in MNSCU policy between a "college" and a "university," though in practice the distinction has been whether or not one is able to offer a bachelors degree. Colleges in the MNSCU system are not allowed to offer the baccalaureate.</p> <p>Until about four years ago, the MNSCU System's state universities were allowed to offer degrees only up through the Specialists degree, but not doctorates, which were reserved for the University of Minnesota (which is not a part of our system). But the MN State Legislature recently allowed MNSCU's State U's to offer "applied doctorates," such as the Ed.D., Psy.D., Aud.D., D.N.P., D.B.A., and D.P.T. So, the definition of universities in practice would be institutions allowed to offer Bachelors, Masters, Specialist, and Doctoral degrees. Interestingly, a few state U's also offer Associates degrees, a vestige of a time when the community college system was not as extensive.</p> |
| Missouri | No official definition in Missouri. |
| Montana | Montana does not have an official definition for "university." |
| Nebraska | Nebraska does not have an official (or unofficial) definition. The term is not defined in statute or rules/regulations. |
| Nevada | Nevada defines university only by practice and different missions. Only the university may grant doctoral degrees and seek research institution status. Also, for universities, the teaching load for faculty is 3 courses per semester as opposed to the state college (4) and the community college (5) That 3-credit per semester load may be reduced by grant or doctoral student responsibilities. |
| North Dakota | North Dakota does not have a formal definition for the term "university". Very few non-public institutions operate with a physical presence in the state. In legislation and by SBHE practice, institutions offering programs through the associate degree level are referred to as "colleges" and institutions offering baccalaureate or higher programs are referred to as "universities". The 5 tribal colleges operating in the state are referred to as "colleges" even though several of them have begun to offer specialized baccalaureate programs, such as in teacher education. |

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| Ohio | <p>"Webster's II New College Dictionary" says..... a university is "An institution of higher learning, having facilities for teaching and research and comprising an undergraduate division that awards bachelor's degrees and graduate and professional schools that award master's degrees and doctorates." What is interesting about this definition is that if do not you do not have as a part of your mission doing research or awarding doctorate degrees then you would not be a university. The same dictionary defines college as... "A school of higher learning that grants a bachelor's degree in liberal arts or science of both.".....It seems that given these definitions one would not typically call an institution of higher learning a university if it did not have as part of its mission doing research and awarding doctorate degrees and, I might add, offering a reasonably broad number of academic programs.</p> |
| Oklahoma | <p>We do not define "university" specifically, but we have fairly specific guidelines regarding the functions and roles of our research and regional universities. Below is an excerpt from our Function Policy for state institutions.</p> <p>3.2.3 Research Universities University of Oklahoma (OU) Oklahoma State University (OSU) The function of the two research universities include: A. Both lower-division and upper-division undergraduate study in a number of fields leading to the baccalaureate or first-professional degree. B. Graduate study in several fields of advanced learning leading to the master's degree. C. Graduate study in selected fields leading toward the doctor's degree. D. Organized basic and applied research. E. Statewide programs of extension study and public service. F. Statewide programs designed to promote the economic development of Oklahoma. G. To the extent resources are available, to carry out limited programs and projects on a national and international scale. Among the specific areas of responsibility to be undertaken by OU is the provision of quality programs in the fields of fine and performing arts, whereas OSU has a unique responsibility in the fields of agriculture and technical education.</p> <p>3.2.4 Regional Universities Cameron University (CU) East Central University (ECU) Langston University (LU) Northeastern State University (NSU) Northwestern Oklahoma State University (NWOSU) Oklahoma Panhandle State University (OPSU) Rogers State University (RSU) Southeastern Oklahoma State University (SEOSU) Southwestern Oklahoma State University (SWOSU) University of Central Oklahoma (UCO) University of Science and Arts of Oklahoma (USAO)</p> |

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| | <p>The functions of the 11 regional universities include:</p> <ul style="list-style-type: none"> A. Both lower-division and upper-division undergraduate study in several fields leading to the baccalaureate degree. B. A limited number of programs leading toward the first professional degree when appropriate to an institution's strengths and the needs of the state. C. Graduate study below the doctor's level, primarily in teacher education but moving toward limited comprehensiveness in fields related to Oklahoma's manpower needs. D. Extension and public service responsibilities in the geographic regions in which they are located. E. Responsibility for institutional and applied research in those areas related closely to their program assignments. F. Responsibility for regional programs of economic development. G. Associate and certificate programs as authorized. H. Other special functional or programmatic responsibilities as authorized by the State Regents. <p>Three regional institutions currently offer programs leading to the first-professional degree: SWOSU offers a Doctor of Pharmacy (Pharm.D.); NSU offers a Doctor of Optometry (O.D.); and LU offers a Doctor of Physical Therapy (D.P.T.).</p> <p>USAO has the special function as the state's public liberal arts and sciences college.</p> |
| Oregon | <p>University is a restricted term under Oregon law. An educational institution cannot use it without state approval. The rule is:</p> <p>583-030-0016 Exclusive Use of Term "University"</p> <p>The term "university" refers exclusively to a school that is authorized to offer bachelor's degrees together with graduate or first professional degrees, or to an organization that constitutes a formal consortium of schools so authorized. Any entity that calls itself "university" without authorization but with serious intent will be referred to the Department of Justice for enforcement of the statute that defines such deceptive representations as unlawful trade practices.</p> |