

BOARD OF HIGHER EDUCATION

REQUEST FOR COMMITTEE AND BOARD ACTION

COMMITTEE: Academic Affairs

NO: AAC 18-40

COMMITTEE DATE: June 12, 2018

BOARD DATE: June 19, 2018

REVISED PROGRAM APPROVAL PROCEDURE FOR PUBLIC INSTITUTIONS

MOVED: The Board of Higher Education (BHE) hereby adopts the “Revised Procedures for New Academic Program Proposals for the Commonwealth’s Public Institutions of Higher Education.” (Attachment A). The BHE further charges the Commissioner to develop an implementation plan, which shall include working with representatives from public higher education institutions to finalize the Letter of Intent template.

These Revised Procedures for New Academic Program Proposals for the Commonwealth’s Public Institutions of Higher Education supersede any past polices or practices of the BHE governing the same subject, subject to the implementation timeline established by the Commissioner.

Authority: M.G.L. c. 15A,§9; M.G.L. c. 15A §22; and M.G.L. c. 75 §1A.

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Background and Rationale

The Board of Higher Education (BHE or Board) is responsible for, among other things, authorizing all academic programs and degrees in the public higher education system, and for adopting policies that further the development of a strong performing system of public higher education. M.G.L. c. 15A §9. In the “Resolution Regarding Approach to Program Approval and Strategic Planning (BHE 16-07)” the Board of Higher Education sought to undertake a “review of its approach to program approval in general, and approval of programs proposed by public higher education institutions in particular. Consequently, the Board directed the Commissioner to “develop, after consultation with the appropriate campus leadership, an approach to BHE program approval which will help the BHE understand the long-term strategic plan and rationale of any proposed program in order to provide context for review of specific program proposals.” To accomplish this goal, a high-level review should take place at the outset of the process, not after campuses and the Department of Higher Education have spent a significant amount of time and resources to put a program forward for approval. The Board anticipates that under the new procedure the Board’s resulting role will place a greater emphasis on the rationale for the program and its alignment with campus and system-level goals, rather than academic matters, which are better left to disciplinary experts, including Department staff.

Process and Integration of Stakeholder Feedback

During AY 2016-2017, DHE staff worked in collaboration with the campuses and the Board to create a revised procedure for the approval of public programs that would provide better alignment between new programs, campus strategic plans, and system-level goals. The new process would send a clear signal to campuses earlier in the process as to whether they should move forward with a new program. To achieve the aforementioned goals, a revised procedure for the approval of academic programs was developed by staff and shared with stakeholders (primarily campus Chief Academic Officers). Suggestions for changes to the existing process were brought before the Academic Affairs Committee in January of 2017, and feedback provided by committee members was incorporated into a new document titled “Revised Procedures for New Academic Program Proposals for Public Institutions of Higher Education in the Commonwealth of Massachusetts” (“Revised Procedures” March 2017).

The most significant change to the program approval process presented in the March 2017 “Revised Procedures” involves the role of the BHE at the Letter of Intent (LOI) stage. Instead of waiting to vote on new academic programs until the end of the process, the new two-phase procedure shifts the Board vote to the LOI stage of the process and leaves the rigorous academic review to DHE staff and external reviewers who are experts in their respective fields. Staff would then make a recommendation to the Commissioner, who would take final action on the proposed program. The “Revised Procedures” also establishes three high-level areas that the Board would take under consideration in its review of the LOI:

A. Alignment with Massachusetts Goals for Public Higher Education

In addition to ensuring alignment with the campus strategic plan, the BHE review of the letter of intent will include the proposed program’s relationship to the overarching system-level goals (e.g., what it will contribute to public higher education in Massachusetts / how it is aligned with BHE priorities for Massachusetts students; modalities and/or delivery methods that support access, affordability, and student completion; articulation and connection to PK-12, other public institutions with related pathways; academic innovation, use of modern pedagogies for traditionally underserved

populations, and the proposed program's relationship to regional economic and workforce development priorities).

B. Alignment with Campus Strategic Plan

The letter should provide a fair and succinct description and rationale for the proposed degree program, and demonstrate that the program is directly connected to the BHE approved Campus Strategic Plan. The letter should also address the extent to which there is a need for the degree program, including why existing programs at other public or private institutions within the campus' service area cannot meet this need.

C. Alignment with Operational and Financial Objectives of the Institution

Finally, the LOI should include a business plan that indicates how the proposed program corresponds to the operational and financial objectives of the institution; the proposed program's affordability and cost-effectiveness; and enrollment estimates and projections.

After a discussion of the draft document at the March 21, 2017 AAC meeting, committee members directed Department staff to move forward with the public comment period. The public comment period began on March 30, 2017 and ended on April 25, 2017. The Department received 19 responses during the comment period. All state university and University of Massachusetts (UMass) campuses provided feedback and 5 community colleges responded.

A summary of stakeholder feedback on the revised program approval process was presented at the December 5, 2017 AAC meeting. Overall, the response from the community college sector was favorable, with constituents responding that the new process provides greater clarity. Respondents also stated that the new process would expedite the program approval process and that the greater focus on employer external review adds more credibility to the process.

The feedback from the state universities and UMass included the following shared concerns: 1) a preference for the existing program approval process; 2) a perceived lack of campus input; 3) the displacement of the local Board from preliminary review and dissonance between the statutory structure of the institutions and the BHE (e.g., MGL Chap. 15A, Sect. 9 and MGL Chap. 75, Section 2); and 4) a perceived inefficiency of the proposed process. The state universities also pointed to a perceived lack of procedural parity between independent and public institutions, the absence of evaluation criteria, and claimed that the DHE failed to solicit campus input as part of the process. Representatives from several UMass campuses stated that the new procedure would have a negative impact on institutional self determination with programs aligned with BHE's strategic plan rather than with the strategic plan of the applicant and they added that there was a contradiction with the statutory authority with the UMass President's Office per Doc. T73-098. UMass also stated that the new procedure contradicts NEASC standards 3 and 6, and that there is misalignment between the procedure and the unique role of the UMass as a research institution.

At the December 2017 and January 2018 AAC meetings, the aforementioned concerns with accompanying staff observations were presented to the committee for consideration. After a comprehensive discussion, the committee determined that revisions to the "Revised Procedures," along with more research and/or information, was required to thoroughly address concerns related to adequate campus input, the displacement of local boards and the question raised regarding alignment between UMass and comparable research institutions.

In response to the feedback regarding the displacement of the local Boards, the "Revised Procedures" document was further revised by DHE staff to state clearly that the LOI needs to

follow the local approval process but that full proposals (e.g., applications developed during Phase II of the process) still require local Board approval before the President forwards them to the BHE. It was determined that concerns related to the perceived absence of evaluation criteria would be addressed through the creation of an LOI template that mirrors the content of the “Revised Procedures” document and that incorporates feedback from stakeholders. The full engagement of campus stakeholders in the development of the LOI template will be an essential component of the revised program approval process moving forward.

The lack of alignment with the unique role of UMass as a research university and the potential for misalignment with peer institutions was framed in terms of the varying degree of authority and oversight over program approval in different states, and staff pointed out that there is no one standard way to handle this procedure across research institutions. In response to a request by the AAC to conduct further research in this area, a presentation on program approval processes at 3 UMass–selected peer institutions--the University of Illinois, the University of Maryland, and the University of Missouri—was provided at the February 27, 2018 AAC meeting. This analysis confirmed that the overarching structures for program approval in each state are different, the state agency retains authority over program approval for public research institutions, the state agency determines the process and criteria for proposed programs, and the criteria set forth in the revised process are well-aligned with those established by state systems governing peer institutions.

In response to additional written feedback and public comment offered at the February 27, 2018 AAC meeting, the “Revised Procedures” were further amended to clarify the role of the BHE at the LOI stage. These amendments were brought forth for the committee’s consideration at the April 24, 2018 meeting, and committee members agreed to adopt a model in which the BHE vote at the LOI stage would determine whether a program proposal would follow the “Fast Track” or the “Standard Process” based on a review of the LOI’s alignment with Massachusetts goals for higher education, the campus strategic plan, and the operational and financial objectives of the institutions.

Final Revised Procedures

The final “Revised Procedures” document (Appendix A), outlines a two-phase process for the approval of new academic programs at the Commonwealth’s public institutions. The first part of the new procedure, Phase I: Letter of Intent and Board Vote on Approval Track, shifts the Board vote to the LOI stage of the process and aligns with the Board’s goal of examining new academic programs in light of system-level goals.

Accordingly, during Phase I, the BHE (through and upon the recommendation of the AAC) will evaluate the information presented in the LOI to determine if the proposed program aligns with the Commonwealth’s goals for higher education, the campus strategic plan, and the operational and financial objectives of the institution.

If the BHE determines that the proposed program meets the criteria set forth in these three high-level areas, the program will follow the “fast track.” “Fast track” proposals move on to Phase II of the process (Preparation, Submission, and Review of Full Program Proposal). The BHE delegates authority to the Commissioner for final approval of “fast track” proposals, and DHE staff review the full proposal (e.g., the completed application developed through Phase II) after being approved by the local Board of Trustees. The “fast track” proposals will not need to return to the BHE for final approval.

If the BHE determines that a proposed program does not align with Massachusetts goals for higher education, the campus strategic plan, and the operational and financial objectives of the institutions, the committee will vote to have the proposed program follow the “Standard Process.” Proposals following the “Standard Process” will be moved on to Phase II, but with the caveat that the full proposal needs to return to the BHE for final approval. The BHE will also provide critical feedback to the institution as to why the proposed program does not align with the high-level goals outlined above. The institution will have the option to prepare a full proposal (through the process outlined in Phase II) and to bring the full proposal before the BHE for a final decision on the application, taking into account the AAC’s feedback.

The fast track/standard process approach balances the BHE’s interest in examining new programs in light of system-level goals, offers campuses the opportunity to follow a more expedited program approval process if the BHE vote determines that they are eligible to do so, and offers campuses the opportunity to bring fully-developed proposal before the BHE for final consideration.

Staff recommends approval of the “Revised Procedures for New Academic Program Proposals for the Commonwealth’s Public Institutions of Higher Education” with the implementation process to be developed by the Commissioner.

Appendix A

***Revised Procedures for New Academic
Program Proposals
for the Commonwealth's Public Institutions of Higher Education***

Massachusetts Board of Higher Education

June 19, 2018

Introduction

Under Massachusetts General Laws, chapter 15A, the Board (Board) of Higher Education is responsible for authorizing all programs and degrees in the public system:

Section 9. The board shall have the following duties and powers:--(a) confer upon the boards of trustees to offer degree programs after taking into account, among other things, the need, resources and mission of the institution. The board shall confer the authority to award degrees to persons who have satisfactorily completed degree requirements; (b) in addition to the degree authorized to be awarded under clause (a), the board may approve the awarding of certain other degrees and may define and authorize new functions or new programs.

In addition, the Board is responsible for establishing the strategic framework for the system of public higher education and for adopting policies that further the development of a strong performing system of public higher education. M.G.L. c. 15A, §9. ***Revised Procedures for New Academic Program Proposals for the Commonwealth's Public Institutions of Higher Education*** (Procedures) supersede any past policies or practices of the Board of Higher Education on the same subject matter. The Procedures apply to all Massachusetts public institutions of higher education (community colleges, state universities, special mission institutions, and the University of Massachusetts). For the purposes of the Procedures, an academic program is defined as *an undergraduate or graduate certificate of 30 semester credit hours or more, or a major of degree at the undergraduate or graduate levels, including Certificate of Advanced Graduate Study.*

Background

Effective academic planning is one component of long-range planning, which is a responsibility shared by the institutions and the Board of Higher Education. An institution should develop new program proposals through appropriate campus-based academic governance processes, and within the context of its strategic plan and system-level goals. Approval by the Campus Board of Trustees (or the University Board of Trustees for University programs) is required prior to the submission of the full proposal to the Board of Higher Education.

Application Procedure and Guidelines / Description of the Process

The application procedure consists of a two-phase process. During Phase I the institutional Letter of Intent (LOI) is submitted, reviewed by Department of Higher Education (DHE) staff and brought for Board of Higher Education (BHE) action, through the Academic Affairs Committee. During Phase II the institutional certificate or degree program proposal, as well as the external review, and the institution's formal response to the review is submitted to DHE staff. The final decision on the application is made either by the Commissioner through delegated authority (for Fast Track proposals) or is brought back to the BHE for final approval (Standard Process).

PHASE I: LETTER OF INTENT AND BOARD VOTE ON APPROVAL TRACK

Phase I: Letter of Intent and Local Approval

After following the local process for approval, a three page letter of intent (LOI), curriculum form and appropriate appendices as necessary should be submitted by the President of the institution and addressed to the Commissioner of Higher Education. The LOI is submitted to awilliams@bhe.mass.edu.

The Board will evaluate the information presented in the LOI to determine if the proposed academic program aligns with criteria established in the following three high-level areas:

A. Alignment with Massachusetts Goals for Public Higher Education

In addition to ensuring alignment with the campus strategic plan, the BHE review of the letter of intent will include the proposed program's relationship to the overarching system-level goals (e.g., what it will contribute to public higher education in Massachusetts / how it is aligned with BHE priorities for Massachusetts students; modalities and/or delivery methods that support access, affordability, and student completion; articulation and connection to PK-12, other public institutions with related pathways; academic innovation, use of modern pedagogies for traditionally underserved populations, and the proposed program's relationship to regional economic and workforce development priorities).

B. Alignment with Campus Strategic Plan

The letter should provide a fair and succinct description and rationale for the proposed degree program, and demonstrate that the program is directly connected to the BHE approved Campus Strategic Plan. The letter should also address the extent to which there is a need for the degree program, including why existing programs at other public or private institutions within the campus' service area cannot meet this need.

C. Alignment with Operational and Financial Objectives of the Institution

Finally, the LOI should include a business plan that indicates how the proposed program corresponds to the operational and financial objectives of the institution; the proposed program's affordability and cost-effectiveness; and enrollment estimates and projections.

The submitted LOI and accompanying documents will be reviewed for completeness by Academic Affairs staff who will work with the institution on any revisions and copy edits. Once deemed complete, the LOI will be circulated by the Deputy Commissioner of Academic Affairs, to AAC and SPC members, public campus CAO's and to the Association of Independent Colleges and Universities of Massachusetts (AICUM) representatives for comments. The comment period will last for a period of 30 business days. Commentary, including considerations for potential collaboration, must be expressed in writing from the CAO of each institution commenting, and must be addressed to the Deputy Commissioner for Academic Affairs during this 30-business-day period. All comments received will be reviewed by DHE staff and sent to the LOI institution's CAO, who then has 20 business days to submit a written response to the commentary. Commentary submitted to the Deputy Commissioner for Academic Affairs and the CAO's institutional response will be included in any motion brought forward to the BHE for action. LOI's will be brought forward either within 20 business days or at the next Board meeting following the response to commentary. The 20 business day timetable will begin as of the date the BHE staff receive the institution's response to the commentary.

LOI Submission: Letters of Intent are to be submitted during the period September 15th through April 30th annually. This period considers the schedule of Board meetings to ensure that Letters

may be circulated, with comments, institutional responses and brought forward for BHE action within the appropriated time frame or at the next Board meeting.

BHE Action on Phase I: Letter of Intent

The BHE (through the AAC) will evaluate the information presented in the LOI to determine if the proposed program aligns with the Massachusetts goals for higher education, the campus strategic plan, and the operational and financial objectives of the institution. If the BHE determines that the proposed program meets the criteria set forth in these three high-level areas, the committee will vote in favor of the program following the “Fast Track.” “Fast Track” proposals move on to Phase II of the process (Preparation, Submission, and Review of Full Program Proposal). The BHE delegates authority to the Commissioner for final approval of “Fast Track” proposals, and DHE staff review the full proposal after it has been approved by the local Board of Trustees. “Fast Track” proposals will not need to return to the BHE for final approval.

If the BHE determines that a proposed program does not align with Massachusetts goals for higher education, the campus strategic plan, and the operational and financial objectives of the institutions, the BHE will vote to have the proposed program follow the “Standard Process.” Proposals following the “Standard Process” will be moved on to Phase II, but with the caveat that the full proposal needs to return to the BHE for final approval. The BHE will also provide critical feedback to the institution as to why the proposed program does not align with the high-level goals outlined above. The institution will have the option to prepare a full proposal and to bring the full proposal before the BHE for final consideration, taking into account the BHE’s feedback.

Once the BHE has acted on the LOI, the next step for campuses is to complete the full proposal (see Phase II) and obtain approval from the institution’s Board of Trustees. Local Board approval is required prior to submission to the Deputy Commissioner’s staff. Proposals that have not been approved by the Campus Board will not be accepted for review. In all cases, the LOI approval remains active for 2 years beginning on the date of BHE approval. The LOI will expire if a proposal is not received within this time frame, unless the CAO for the institution contacts the Deputy Commissioner for Academic Affairs at least 3 months ahead of the expiration date to request an extension, along with the rationale for the requested extension. An extension may not exceed 6 months from the expiration date and is granted at the sole discretion of the Deputy Commissioner for Academic Affairs.

PHASE II: PREPARATION, SUBMISSION AND REVIEW OF FULL PROGRAM PROPOSAL

External Review

Prior to submission of the full program proposal (the application), the institution must have the proposed program evaluated by at least two external reviewers. The institution may decide whether the review should be a paper or on-site review. Questions for reviewers are provided by the Board and may be supplemented by the institution. The reviewers' report must be submitted as part of the application, in its exact original form as the institution received it. The institution's response to the external reviewers' report must also be submitted to Board staff as part of the application. The following criteria guide the selection of reviewers:

- Reviewers will be selected by the institution and must be approved by BHE staff.
- Reviewers shall be selected from among professionals with appropriate credentials and demonstrated professional experience in college-level teaching, research, and administration within institutions of higher education.
- Reviewers should have senior leadership experience and established scholarship in the discipline or field of study.
- Industry and organizational experts with senior leadership as non-educator professionals and practitioners from appropriate fields may also be included.
- Reviewers shall have a disinterested professional commitment to the assignment of evaluation and to the task of rendering objective findings and recommendations based upon empirical evidence and informed judgments.
- Reviewers from MA same-sector public institutions are not eligible as reviewers.
- No person shall serve on a visiting committee or review team who has a present or recent official or unofficial connection with the institution or program under review or who the Board has reason to believe has independent or pecuniary interest in the outcome of the Board's final action.

Full Program Proposal (Application)

A proposed new academic program is evaluated by board staff with a recommendation to the Commissioner on the basis of consistency with relevant academic standards, need, ability to mount the program, resources, and quality. The application template must be used by institutions when submitting a proposed program for review. Specifically, proposals will be evaluated based on the approved content from the LOI, as well as the following criteria:

- I. Purpose and Goals
 - Alignment with institution mission priorities
 - Program purpose
 - Knowledge and skills to be acquired by program graduates
 - Goals and demonstrable objectives for first five years of propose program
 - Strategies for the achievement of program goals
 - Program assessment methods designed to ensure its continuing quality and effectiveness
 - Measurement or benchmarks to determine the accomplishment of program goals
- II. Need for the Program
 - Alignment with System Priorities
 - Alignment with regional, local, state workforce needs
 - Evidence of current career opportunities for graduates

- Identification of similarities and differences of proposed program with other existing programs in the system and with independent institutions in geographical proximity to the institution
- Articulation agreements and other collaborative arrangements with other institutions
- Evidence that the proposed program will increase participation and completion by underrepresented and underserved groups

III. Curriculum

- Complete description of the curriculum
- Explanation of the program's academic integrity and how the proposed curriculum adequately covers the relevant subject areas
- Summary display of credits by course category (e.g. major, cognate areas, general education and electives)
- Indication of which courses are new or to be developed
- Semester-by-semester sequence of courses
- Course descriptions
- Number of credits required to complete the program
- Information concerning certification, licensures, and specialized accreditation, if appropriate
- Description of procedures and arrangements for independent work, internships or clinical placement arrangements, if applicable
- Description of role and membership of external advisory committee, if applicable

IV. Faculty

- List of current faculty with updated curriculum vitae
- List of positions to be filled and required qualifications

V. Students

- Estimated enrollment first year (full-time/part-time)
- Estimated enrollment first year of full implementation (full-time/part-time)
- Description of students who will be served by the proposed program
- Admissions criteria for first-year and transfer students
- Expected time from admission to graduation
- Projected degree completion rates
- Transferability of program participants' credits to other institutions
- Parties and terms of transfer articulation agreements

VI. Administration and Operation

- Description of the organizational structure for administration and operation of the proposed program

VII. Resources

- A narrative and budget display reflecting comprehensive resource data, including the number, type, and costs associated with the new program, for the first year of operation and for the full year of implementation for the following categories:
 - Faculty and staff
 - Instructional materials, including library resources
 - Equipment and facilities

- Field and clinical resources, if applicable

VIII. External Review

- The reviewers' report in its exact original form as the institution received it.

Submission of Application and Review Procedures

Application Submission: In all cases, the campus board of trustees must formally approve the full program proposal prior to its final submission to DHE staff. Proposals may be submitted within the 2 year period after BHE action on the LOI.

Timetable for review: Proposed program applications will be reviewed by staff and forwarded to the Commissioner with a recommendation for action within 30 business days. The 30-business day timetable will begin as of the date of determination of completeness of the application by DHE staff. The determination of whether a proposal is complete shall be made no later than 20 business days following receipt of the application. Within 6 months of the proposal having been deemed complete, the Board will act on the application in accordance with either the Fast Track or the Standard Process as described below.

Board Consideration:

Fast Track: If the BHE determined that the proposed program met the necessary criteria at the LOI stage (e.g., Phase I) the program will follow the "Fast Track." For "Fast Track" proposals the BHE has delegated authority to the Commissioner for final approval, and DHE staff review the full proposal after being approved by the local Board of Trustees. The "Fast Track" proposals therefore will not need to come before the BHE for final approval. The Commissioner will act on staff recommendations of final, completed proposals within 10 business days of receipt.

Standard Process: If the BHE determined that a proposed program did not align with the necessary criteria at the LOI stage (e.g., Phase I), the program is on the "Standard Process" track. The BHE will have provided feedback to the institution as to why the proposed program does not align with the high-level goals outlined in the LOI criteria. The institution will have had the option to prepare a full proposal under Phase II, taking into account the BHE's feedback. Upon receipt of a completed, proposed program application, the Commissioner will review the application and staff recommendation. The Commissioner shall place the proposed program application, with a recommendation, on the BHE agenda for the next regularly scheduled BHE meeting. BHE consideration will include the staff recommendation, as well as an assessment of whether the institution has addressed the Board's concerns raised at the LOI stage (e.g., Phase I).

After Program Approval

Results Report: When and if requested, each program receiving approval will report back to the Commissioner one year after graduating its first class, addressing its success in reaching program goals and objectives, including in the areas of enrollment, retention, curriculum, faculty resources and program effectiveness.

Implementation of New Program: As with other program approvals, implementation of a new academic program normally will occur no later than the second fall semester following the Commissioner's and/or the BHE's approval. If implementation is delayed beyond that time, the institution is to provide an explanation to the Commissioner to either request a new implementation date or indicate the institution's decision not to offer the program. The Commissioner will consider the rationale for a new implementation date and make a decision accordingly.