

**DATE:** January 25, 2019

**SUBJECT:** Policy Update: A1.0 – New Academic Programs: Approval Process

**ACTION RECOMMENDED:** Approval

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**BACKGROUND INFORMATION:** The passage of the Focus on College and University Success (FOCUS) Act during the 2016 legislative session provided the impetus for a thorough evaluation of academic policies by THEC staff in 2017 including THEC policy A1.0 – New Academic Programs: Approval Process. THEC is empowered to provide statewide leadership for the development, coordination, and monitoring of academic planning. Since 2017, universities have utilized the policy in the development and approval of new academic programs and as a result it became apparent several areas of the policy required a review.

THEC staff worked in consultation with the Chief Academic Officers at each university as well as the University of Tennessee and the Tennessee Board of Regents in reviewing Policy A1.0 – New Academic Programs: Approval Process. Revisions will not affect the current process followed by The Tennessee Board of Regents relative to final approval of academic programs at the community colleges.

In summary, the proposed revisions to Academic Policy A1.0 – New Academic Programs: Approval Process are as follows:

***Section 1.0.7A – Evaluation of Letter of Notification***

- Language was included to authorize the Executive Director to refer action on the Letter of Notification to the Commission if deemed appropriate and/or at the request of the Chairman of the Commission.
- Language was included to allow THEC staff to extend the 15 calendar day public comment period if deemed appropriate and to request additional information for proposed programs including, but not limited to, an external feasibility study.

***Section 1.0.12A – Commission Action***

- A provision to allow institutions to advertise proposed programs prior to final approval by the Commission was included only under exceptional circumstances and only after a determination of support has been made by THEC staff following post-external judgement.

***Section 1.0.13A – Post-Approval Monitoring***

- Specific dates for reporting post-approval monitoring to the Commission were removed and were replaced by “annually” to ensure continued monitoring of new academic programs.
- Authorization for THEC staff to extend the monitoring period if additional time is needed for a program to demonstrate success on program benchmarks was added.

Throughout the year, THEC staff will continue to engage with the Chief Academic Officers, the University of Tennessee, and Tennessee Board of Regents to review and revise other academic policies as needed.

**Section Title:** Academic Policies  
**Policy Title:** New Academic Programs: Approval Process  
**Policy Number:** A 1.0

**1.0.1A** **Scope and Purpose.** In accordance with Chapter 179 of the Legislative Act creating the Higher Education Commission in 1967, the Commission has the statutory responsibility to review and approve new academic programs, off-campus extensions of existing academic programs, new academic units (divisions, colleges, schools, and departments) and new instructional locations for public institutions of higher education in the State of Tennessee. These responsibilities shall be exercised so as to:

- promote academic quality;
- maximize cost effectiveness and efficiency to ensure that the benefits to the state outweigh the costs and that existing programs are adequately supported;
- fulfill student demand, employer need and societal requirements;
- avoid ~~and eliminate~~ unnecessary duplication ~~to and~~ ensure that proposed academic programs cannot be delivered more efficiently through collaboration or alternative arrangements; and
- encourage cooperation among all institutions, both public and private.

These expectations for program quality and viability are underscored by Tennessee Code Annotated §49-7-202 as amended ~~by Chapter 3, Acts of 2010 (1<sup>st</sup> Extraordinary Session)~~. This ~~Act statute~~ directs public higher education to:

- address the state's economic development, workforce development and research needs;
- ensure increased degree production within the state's capacity to support higher education; and
- use institutional mission differentiation to realize statewide efficiencies through institutional collaboration and minimized redundancy in degree offerings, instructional locations, and competitive research.

**1.0.2A1**      **Criteria for Review.** The Commission strenuously considers the following criteria in order to maximize state resources in evaluating academic programs:

- Alignment with state master plan and institutional mission - Evidence that the proposed academic program aligns with the state's economic development, workforce development and research needs using institutional mission differentiation to realize statewide efficiency of degree offerings, instructional locations, and competitive research.
- Need - Supporting documentation of program need that justifies institutional allocation/reallocation of state resources.
- Sustainable demand - Supporting documentation that employment opportunities for future graduates will exist.
- Program costs/revenues - Supporting documentation that program costs will be met from internal reallocation or from other sources such as grants and gifts. Institutional commitment should be consistent with the centrality and level of priority as described in the academic program proposal and estimated on THEC Financial Projection Form.
- Institutional capacity to deliver the proposed academic program - Supporting documentation that the institution can deliver the proposed program within existing and projected resources.

**1.0.2A2**      **No Unnecessary Duplication.** The THEC Academic Program Inventory provides the initial indication of apparent duplication or undue proliferation of programs in the state. When other similarly titled existing programs may serve the same potential student population, institutions seeking to develop potentially duplicative programs should consult THEC with evidence to demonstrate that a newly proposed academic program is:

- in accord with the institution's distinct mission as approved by the Commission;
- sufficiently different from all related existing programs in the geographical region (~~list degree level of similar programs and names of public/private institutions~~) in quality and/or rigor, costs of degree completion, student success and completion rates, etc.; and

- more cost effective or otherwise in the best interests of the State to initiate a new academic program rather than meet the demand through other arrangements (e.g., collaborative means with other institutions, distance education technologies, ~~Academic Common Market~~, and consortia).

**1.0.3A**                    **Schedule.** The Commission will normally consider proposals for new academic programs at each regularly scheduled Commission meeting.

**1.0.4A**                    **Action.** Commission action on a given academic program must follow approval by the ~~governing or~~ institutional governing board and may take one of four actions:

- approval
- disapproval
- conditional approval
- deferral

Conditional approval may be granted in special cases. This type of approval is reserved for academic programs for which the need is temporary. Conditional approvals will identify a date that the academic program must be terminated.

**1.0.5A**                    **Steps to Establish A New Academic Program With a Minimum of in-Excess-of 24 Semester Credit Hours (SCH).** The process in developing a new academic program ~~in-excesswith a minimum~~ of 24 SCH is multi-staged and includes the following essential steps:

- (1) Letter of Notification (LON)
- (2) Evaluation of LON
- (3) New Academic Program Proposal (NAPP)
- (4) External Judgment
- (5) Post-External Judgment
- (6) Institutional Governing Board Action
- (7) Commission Action

**1.0.6A**                    **Letter of Notification (LON).** Upon consideration by an institution to develop a new academic program ~~in-excesswith a minimum~~ of 24 SCH and notification to the institutional governing board, the institution may submit a LON to THEC.

The LON must address the criteria for review as outlined previously in Sections 1.0.2A1 and 1.0.2A2. The LON should ~~clearly~~ provide clear, supporting documentation that the proposed academic

program contributes to meeting the priorities/goals of the institution's academic or master plan, why the institution needs the academic program, and why the state needs graduates from that particular academic program. The submission of the LON must also include a letter of support from the President/Chancellor signifying institutional governing board or system office support for development; timeline for development and implementation of proposed academic program; and THEC Financial Projection Form. Evidence of internal funding reallocation and other sources such as grants and gifts should be provided. Grants and gifts ~~which that~~ are pending are not considered as evidence of funding. THEC will approve no special start-up funding.

The LON submission must include a feasibility study that addresses the following criteria:

- Student Interest – Normally, student interest is addressed in the following ways: a survey of potentially interested students, a report of informational meetings held to gauge interest, ~~a list of contacts of prospective enrollees,~~ and/or enrollment data for related academic programs at the institution.
- Local and Regional Need/Demand – Postsecondary institutions bear a responsibility for preparing students to meet the State's workforce needs. Workforce demand projections serve as one indication of the need for a proposed academic program. The need for the number of persons trained in any given field and the number of job openings in that field must remain in reasonable balance.
- Employer Need/Demand – ~~Normally,~~ employer need/demand ~~normally is addressed~~ in the form of anticipated openings in an appropriate service area (may be local, regional or national), in relation to existing production of graduates for that ~~service area should be provided~~. Evidence may include the results of a needs assessment, employer surveys, current labor market analyses, future workforce projections, and letters from regional employers claiming need for larger applicant pool. Where appropriate, evidence should also demonstrate societal need and employers' preference for graduates of a proposed academic program over persons having alternative existing credentials and employers' valuing of the proposed credential.

- Future Sustainable Need/Demand – Supporting documentation of sufficient employer demand/need for the proposed academic program that should cover sa reasonable period into the future beyond the anticipated date of graduation of the first program graduates.

#### 1.0.7A

**Evaluation of Letter of Notification.** Evaluation of the LON will be conducted by interested parties and THEC staff. The LON will be posted on the THEC website for a 15 calendar day period of for comment by interested parties. At the close of the 15 calendar day comment period, THEC will review all comments and documents in order to identify issues relative to criteria identified in Sections 1.0.2A1 and 1.0.2A2. The 15 calendar day public comment period may be extended per the discretion of THEC staff.

THEC staff has the authority to request additional information for the proposed program including, but not limited to, an external, independent feasibility study.

Based on the assessment of the LON both internally and in relation to external comments, THEC staff will make one of the following determinations and notify the institution within 30 calendar days after the close of the public comment period: of initial receipt of the LON to:

- to support,
- not to support, or
- to defer a decision based on revision of the LON.

Furthermore, the Executive Director has the authority to refer action on the LON to the Commission for determination if deemed appropriate and/or at the request of the Chairman of the Commission.

All approved Letters of Notification are valid for two years from the date a two-year time period a determination of support is made and will be posted on the THEC website. If the Commission has not approved the academic program for implementation within two years from the date a determination of support is made, the LON is no longer valid.

#### 1.0.8A

**New Academic Program Proposal (NAPP).** Institutions are responsible for quality academic program development and THEC encourages the

use of external consultants in development. The NAPP is to be submitted in entirety to THEC at the time the campus seeks to request an external review and should complement the LON by addressing the following criteria explained further in the NAPP checklist located on the THEC website:

- Curriculum
- Academic Standards
- Program Enrollment and Graduates
- [DiversityEquity](#)
- Administrative Structure
- Faculty Resources
- Library and Information Technology Resources
- Support Resources
- Facilities and Equipment
- Marketing and Recruitment
- Assessment/Evaluation
- Accreditation
- Funding

#### 1.0.9A

**External Judgment.** External reviewers will be required to serve as expert evaluators for all proposed academic programs. External reviewers will not normally be required for certificate programs, but there may be exceptions in cases of large cost or marked departure from existing programs. For doctoral programs, two external reviewers will be required to evaluate the proposed academic program.

THEC will select reviewers from the proposed institutional external reviewer list. Individuals used in the development stage as external consultants may not serve as external reviewers. In keeping with the SACSCOC's *Ethical Obligations of Evaluators* policy statement, external reviewers should ideally:

- be a subject matter expert in the proposed field;
- be a tenured faculty member with associate or higher academic rank, teaching and a record of research experience;
- no prior relationship with either the institution or close personal or familial relationship with the potential faculty involved in the proposed academic program;
- not be employed within the state of Tennessee;
- not have been a consultant or a board member at the institution within the last ten years;
- not have been a candidate for employment at the institution within the last seven years;
- not be a graduate of the institution; and



- not have any other relationship that could serve as an impediment to rendering an impartial, objective professional judgment regarding the merits of the proposed academic program.

In the event no external reviewers proposed by the institution are available or acceptable, THEC reserves the right to approve an exception or propose alternative external reviewers and may opt, when appropriate, to authorize a paper review of the proposed academic program rather than a visit to the campus by the external reviewer.

The institution or governing board will be notified of the selected reviewers, the review modality, dates of availability of THEC (if relevant) and provided a list of questions for the external reviewer to address during the course of the review. Institutions may add additional questions to the THEC review questions. The external reviewer must provide a written report in response to the questions concurrently to the institution/governing board and THEC within 30 calendar days of the conclusion of the external reviewer's visit.

The institution will be responsible for inviting the external reviewer(s), all scheduling, expenses and contracting with the external reviewers. THEC will provide a summary of the required agenda sessions for the external reviewer's visit.

#### 1.0.10A

**Post-External Judgment.** Within 30 calendar days of receipt of the external reviewer's report, the institution must propose to THEC solutions in keeping with best practices for all issues identified by the reviewer. Based upon the proposed revisions, THEC may opt to take one of three determinations:

- Support - The institution may seek approval from its ~~governing~~ ~~or~~ institutional governing board and subsequently request to be placed on the Commission quarterly meeting for approval.
- Not Support - The rationale ~~to not~~ support will be provided in writing to the institution within 15 calendar days. The institution ~~must~~ may appeal the determination by responding to all identified issues within 15 calendar days of receiving notification of THEC's determination for denying support. THEC will make a final determination within 15 calendar days of the receipt of ~~the~~ any institutional appeal and notify the institution whether the proposed changes are sufficient for a support determination. If the institution does not respond within 15 calendar days, the determination ~~to not~~ support the proposed academic program for implementation is final.

- Defer Support - The rationale to defer support will be provided in writing to the institution within 15 calendar days of receipt of the institution's response to the external report. The institution may choose to submit a revision of the proposed academic program within 60 calendar days and seek further external review or rescind the proposed academic program.

#### 1.0.11A

**Institutional Governing Board Action.** Upon determination by THEC that a proposed academic program will be supported for approval by the Commission, the institutional governing board must act to determine if it will support the approval of the proposed academic program. The institution must provide documentation of board approval to THEC and submit a request to the Executive Director that the proposed academic program be placed on the Commission agenda at the earliest possible scheduled meeting.

#### 1.0.12A

**Commission Action.** Proposed academic programs supported by THEC and approved by the institutional governing board will be presented to the Commission for action at the earliest possible scheduled meeting.

Programs may not be advertised by any public institution prior to approval by the Commission unless exceptional circumstances require special consideration. Requests for special consideration shall be submitted in writing and will only be accepted after a determination of support has been made following post-external judgment as described in paragraph 1.0.10A above. Requests for special consideration must be approved by the Executive Director. Students may not be admitted to any program prior to final approval by the Commission.

~~In keeping with the Southern Association of Colleges and Schools Commission on Colleges' principles and federal requirements for truth-in-advertising, students may not be admitted to any program nor may any program be advertised by any public institution prior to approval by the Commission to implement.~~

#### 1.0.13A

**Post-Approval Monitoring.** Performance of ~~the new~~ academic programs, based on goals established in documentation submitted at the time of approval, will be evaluated by THEC annually. Post-approval monitoring is initiated when a new program receives approval by the Commission or the Tennessee Board of Regents. The monitoring period will be three years for pre-baccalaureate programs, five years for baccalaureate and Master's programs, and seven years for doctoral programs. Upon completion of post-approval monitoring, academic programs will be evaluated via Quality Assurance Funding – a statewide

supplemental funding incentive to encourage continuous improvement of programs. THEC staff may choose to extend the monitoring period if additional time is needed for the program to demonstrate success on program benchmarks. Annually, the Commission will review post-approval reports on academic programs that are currently being monitored. If an academic program is deemed deficient, the Commission may recommend to the President/Chancellor that the program be terminated. Copies of such recommendations will be forwarded to the Education Committees of the General Assembly.

~~A summary of the summative evaluation which may include, but is not limited to, enrollment and graduation numbers, program cost, progress toward disciplinary accreditation, library acquisitions, student performance, and other goals set by the institution will be presented to the Commission annually. At the January THEC meeting the Commission will review post-approval reports on academic programs that are currently being monitored.~~

#### 1.0.14A

**Delegated Authority for Final Approval of New Community College Programs (Associates and Certificates) to the Tennessee Board of Regents.** Tennessee Code Annotated §49-8-101 as amended ~~by Public Chapter 3, Acts of 2010 (1<sup>st</sup> Extraordinary Session)~~ directs that “the board of regents, in consultation with the Tennessee Higher Education Commission, shall establish a comprehensive statewide community college system of coordinated programs and services to be known as the Tennessee community college system.” Notwithstanding anything in this policy to the contrary, THEC in accord with ~~Chapter 3~~ this statute and toward the establishment of the unified and comprehensive community college system, delegates authority to the Tennessee Board of Regents (TBR) for final approval of new community college associate degrees and certificates. THEC delegates final approval authority to TBR for the replication of a certificate or associate program approved for one community college (after August 1, 2011) at other TBR community colleges. TBR final approval is subject to the following conditions:

- (1) The criteria for review and accountability (especially justification of need and documented sufficiency of resources and faculty to support the program) set forth in Section 1.0.2A1 and Sections 1.0.8A of this policy must be the basis for the TBR review and approval of new and replicated certificates and associate programs.

- (2) TBR will provide a monthly summary report to THEC of all community college program actions approved by the TBR, including community college Letters of Notification for proposed academic programs.
- (3) TBR will provide academic program proposals and financial projection forms for all TBR approved associate and certificate programs as baseline data for THEC Post-Approval Monitoring.
- (4) THEC will list all TBR-approved community college associate and certificate programs and reported changes on the State-THEC Academic Program Inventory ~~of Academic Programs~~.

#### 1.0.15A

**THEC Authority for Post-Approval Monitoring of All Community College Programs.** THEC expressly does not delegate to the TBR the authority for the post-approval review of community college associate and certificate programs set forth in Section 1.0.12 of this policy. All TBR community college programs listed on the THEC ~~Inventory of Academic Program~~ Inventories will be subject to the following THEC monitoring and evaluation:

- Community college associate degree programs and certificates are subject to THEC annual reporting through ~~pPost--aApproval~~ mMonitoring of programs for the first three years after implementation and annual productivity evaluations of programs in operation more than three years.
- Community colleges will participate in all components of the THEC Quality Assurance Funding ~~pProgram~~ (QAF), and associate and certificate programs will be evaluated according to ~~Quality-Assurance-QAF~~ program review standards.

#### 1.0.16A

Policy will be reviewed every five years unless changes in the evaluation process are warranted.

**Sources:** THEC Meetings: April 22, 1988; January 29, 1997; November 14, 2002; January 27, 2011; July 28, 2011; January 29, 2015; ~~and~~ January 26, 2017; and January 25, 2019.