



## TENNESSEE HIGHER EDUCATION COMMISSION

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**REGULAR CALENDAR ITEM:** VI.A.

**MEETING DATE:** January 27, 2023  
**SUBJECT:** Academic Policies  
A1.0 – New Academic Programs: Approval Process  
**ITEM TYPE:** Action  
**ACTION RECOMMENDATION:** Approval

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### **BACKGROUND**

THEC Academic Policy A1.0 – New Academic Programs: Approval Process was updated at the July 2022 Commission meeting in an effort to streamline processes and clarify requirements. Section 1.0.4A was changed to require one institutional governing board approval instead of two to create more flexibility for campuses. However, the change required institutional governing board approval prior to an institution's submission of the Letter of Notification.

This proposed change would provide additional flexibility and allow institutions to determine when governing board approval is obtained in alignment with their board policies as long as the governing board approval occurs prior to consider by the Commission.

Attachment A provides a redlined version of the policy and Attachment B provides a clean version of the proposed changes.

## Attachment A: Redlined Version of Proposed Changes

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

**1.0.1A** **PURPOSE.** Pursuant to Tennessee Code Annotated § 49-7-202(q)(2)(A), the Tennessee Higher Education Commission has the statutory responsibility to review and approve new academic programs 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 the benefits to the state outweigh the costs and that existing programs are adequately supported;
- fulfill student demand, employer need, societal, and economic requirements;
- avoid unnecessary duplication 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(d)(4)(A)-(C). This 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.

**1.0.2A** **New Academic Programs Subject to Approval.** Programs subject to approval, per this policy, are associate degree programs, baccalaureate degree programs, master's degree programs, and doctoral degree programs.

**1.0.2B** **Joint Degree Academic Programs.** For purposes of this policy, a joint degree academic program is whereby two (2) or more institutions grant a single academic award for completion of an academic program.

For new joint programs that involve the development of a new academic program, a Memorandum of Understanding that clearly outlines program responsibilities and fiscal arrangements among participating institutions must be developed and approved concurrently with the program proposal at each institution.

If any partner institution does not currently offer the academic program for the joint degree, the joint degree program must undergo the new academic program approval process as outlined in this policy.

If two (2) or more institutions create a joint degree program with academic programs that have already been approved at each institution, then the new joint degree program does not need to undergo the new academic program process and would be subject to the Academic Policy A 1.1 – Academic Program Modifications.

### 1.0.3A1

**Criteria for Review.** THEC staff consider the following criteria in order to maximize state resources in evaluating academic programs:

- Alignment with the state master plan for higher education and institutional mission – An institution must provide evidence that the proposed academic program aligns with the state’s master plan for higher education and institutional mission, with a focus on leveraging differentiation to realize statewide efficiency of degree offerings, instructional locations, and competitive research.
- Feasibility – An institution must provide documentation that demonstrates the need for the new academic program including student interest, local and regional demand, industry support, and workforce need.
- Institutional capacity to deliver the proposed academic program – Supporting documentation must be included that confirms an institution can deliver the proposed program within existing and projected resources.
- Program costs/revenues – An institution must provide documentation of all new anticipated costs and revenues associated with the academic program.

### 1.0.3A2

**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, an institution 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 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, and consortia).

#### 1.0.4A

**Steps to Establish a New Academic Program.** The process in developing a new academic program is multi-staged and includes the following essential steps:

- ~~(1) Institutional Governing Board Approval~~
- ~~(2)(1)~~ Letter of Notification (LON)
- ~~(3)(2)~~ New Academic Program Proposal (NAPP)
- ~~(3)~~ External Review
- (4) Institutional Governing Board Approval
- (5) Commission Action

#### ~~1.0.5A~~

~~**Institutional Governing Board Approval.** Prior to submitting a letter of notification to THEC, an institution must have received institutional governing board approval of the proposed program. At the time of LON submission, the institution must provide documentation of governing board approval of the proposed program.~~

**Letter of Notification (LON).** ~~Upon consideration by an institution to develop a new academic program and institutional governing board approval, an institution may submit a LON to THEC.~~ The LON must address the criteria for review as outlined previously in Sections 1.0.3A1 and 1.0.3A2. The LON should provide clear, supporting documentation that the proposed academic program contributes to meeting the priorities and 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 from the President or Chancellor signifying support for development of the proposed academic program.

#### 1.0.56B

**Evaluation of Letter of Notification (LON).** The LON will be posted on the THEC website for a fifteen (15) calendar day period for comment by

interested parties. Evaluation of the LON will be conducted by THEC staff and will include consideration of any public comments. The fifteen (15) calendar day public comment period may be extended to a maximum of thirty (30) calendar days at 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 thirty (30)-calendar days after the close of the public comment period:

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

Furthermore, the THEC 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.

| **1.0.56C**

**Letter of Notification (LON) Expiration.** All approved LONs are valid for two (2) years from the date a determination of support is made. If the Commission has not approved the academic program for implementation within two (2) years from the date a determination of support is made, the LON is no longer valid. An institution can request an extension in writing to the THEC Executive Director if extenuating circumstances have delayed the proposed academic program.

LONs that have been submitted, but not approved, are valid for up to two (2) years based on the original submission date. An institution can request an exception in writing to the THEC Executive Director if extenuating circumstances have delayed the proposed academic program.

| **1.0.67A**

**New Academic Program Proposal (NAPP).** Institutions are responsible for quality academic program development and THEC encourages the use of external consultants in development of new programs. 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 criteria such as curriculum, academic standards, assessment, and needed resources.

## 1.0.7&A

**External Review.** External reviewers will be required to serve as expert evaluators for all proposed new academic programs. For doctoral programs, two (2) 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 *Ethical Obligations of Evaluators* policy statement for the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), 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;
- have 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 (10) years;
- not have been a candidate for employment at the institution within the last seven (7) 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 staff reserve 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 system office will be notified of the selected reviewers, the review modality, dates of availability of THEC staff, and provide 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/system office and THEC staff within thirty (30) calendar days of the conclusion of the site visit.

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

**1.0.78B**

**Post-External Review.** Within thirty (30) calendar days of receipt of the external reviewer’s report, an institution must propose to THEC solutions in keeping with best practices for all issues identified by the reviewer and submit an updated NAPP. THEC staff will review the updated NAPP to determine if the institution has satisfied all of the requirements of the multi-step approval process. Once all requirements have been satisfied, THEC staff will put the proposed academic program on the next Commission agenda and notify the institution.

**1.0.8A**

**Institutional Governing Board Approval.** Prior to inclusion on the Commission agenda, an institution must have received institutional governing board approval in alignment with institutional/system policies regarding new program approval. Approval from the institutional governing board can be attained at any time in the development of the proposed program but documentation of approval must be provided prior to Commission consideration.

**1.0.9A**

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

Commission action on a given academic program 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.

**1.0.9B**

**Advertisement of New Academic Program.** New academic 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 after a determination of support has been made following post-external review. Requests for special consideration must be approved by the THEC Executive

Director. Students may not apply or be admitted to any program prior to final approval by the Commission.

### 1.0.9C

**Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) Action.** If a new program requires SACSCOC approval, the institution must notify the THEC Chief Academic Officer in writing within ninety (90) days of receipt of the approval or denial from SACSCOC.

If SACSCOC denies approval for the new academic program, the institution must notify the THEC Chief Academic Officer that it will appeal the SACSCOC decision or withdraw the program within ninety (90) days from SACSCOC's denial.

### 1.0.10A

**Approval of New Tennessee Board of Regents (TBR) Community College Programs.** New TBR community college associate degree programs are subject to the criteria for review and accountability set forth in Section 1.0.3A1 of this policy. These guidelines must be the basis for TBR staff review and governing board approval.

After final approval by TBR of a new associate degree program, TBR must submit a written request for the program to be included on the next Commission agenda for approval. The request must include documentation of governing board approval and all new academic program approval materials. Prior to inclusion on the Commission agenda, THEC staff will review new program approval materials to ensure completeness and alignment with Section 1.0.3A1 of this policy. Those new degree programs that are submitted with complete documentation and are confirmed to be in alignment with Section 1.0.3A1 will be included on the next Commission meeting agenda.

While new certificates and replicated associate degree programs at TBR community colleges are not subject to this policy, they are subject to academic program inventory notification as outlined in Section 1.0.10B and post-approval monitoring requirements as outlined in Section 1.0.11A.

Academic program replication is defined as the addition of an associate degree program at a TBR community college that has already been approved and is active at one (1) or more TBR community colleges.

### 1.0.10B

**TBR Academic Program Inventory Notification.** TBR will provide a monthly summary report to THEC of all community college program actions approved by TBR, including those programs not subject to this policy. THEC will list all



approved community college and certificate programs and reported changes on the THEC Academic Program Inventory.

### 1.0.11A

**Post-Approval Monitoring.** Post-approval monitoring is an annual process by which academic programs are evaluated and is initiated when a new program receives approval by the Commission or is reported through TBR academic program inventory notification. Performance of academic programs, based on goals established in program approval documentation, will be evaluated by THEC annually. The monitoring period will be three (3) years for pre-baccalaureate programs, five (5) years for baccalaureate and master's programs, and seven (7) years for doctoral programs. While the program is in post-approval monitoring, any changes that would affect the academic program inventory related to the approved program will need to be submitted in writing to THEC staff for consideration.

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 monitoring reports on academic programs that are currently being monitored, including information on those programs not meeting program benchmarks. Additionally, pursuant to Tennessee Code Annotated § 49-7-202(q)(1)(B), the Commission may recommend to the President/Chancellor that a program be terminated if it is deemed unnecessarily duplicative. Copies of such recommendations will be forwarded to the Education Committees of the General Assembly.

Upon completion of post-approval monitoring, academic programs will be evaluated via Quality Assurance Funding, which is a statewide supplemental funding incentive to encourage continuous improvement of academic programs.

**Sources:** THEC Meetings: April 22, 1988; January 29, 1997; November 14, 2002; January 27, 2011; July 28, 2011; January 29, 2015; January 26, 2017; January 25, 2019; ~~and~~ July 28, 2022; and January 27, 2023.

## Attachment B: Clean Version of Proposed Changes

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**Policy Number:** A 1.0

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- promote academic quality;
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**1.0.5.A**                    **Letter of Notification (LON).** The LON must address the criteria for review as outlined previously in Sections 1.0.3A1 and 1.0.3A2. The LON should provide clear, supporting documentation that the proposed academic program contributes to meeting the priorities and 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 from the President or Chancellor signifying support for development of the proposed academic program.

**1.0.5B**                    **Evaluation of Letter of Notification (LON).** The LON will be posted on the THEC website for a fifteen (15) calendar day period for comment by interested parties. Evaluation of the LON will be conducted by THEC staff and will include consideration of any public comments. The fifteen (15) calendar day public comment period may be extended to a maximum of thirty (30) calendar days at 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.

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- not be employed within the state of Tennessee;
- not have been a consultant or a board member at the institution within the last ten (10) years;
- not have been a candidate for employment at the institution within the last seven (7) 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.

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