



**RHODE ISLAND BOARD OF GOVERNORS
FOR HIGHER EDUCATION**

**REGULATIONS GOVERNING INSTITUTIONS OF
HIGHER EDUCATION OPERATING IN RHODE ISLAND**

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PREFACE: RIBGHE REGULATIONS AND REGULATORY HISTORY

Assistance to postsecondary institutions seeking to initiate new programs, to modify existing programs, or to remain in operation in Rhode Island appears in three documents:

1. *Regulations Governing Institutions of Higher Education Operating in Rhode Island.* These regulations pertain to all programs of any level offered by degree-granting institutions outside of the Rhode Island system of public higher education and to institutions offering only certificate programs at the post-associate level or above. With one statutory exception, for-profit institutions may not offer degrees in Rhode Island.
2. *Regulations Governing Academic Changes in Rhode Island Public Institutions of Higher Education.* These regulations pertain to the institutions in the Rhode Island system of public higher education.
3. *Regulations Governing Proprietary Schools in Rhode Island.* These regulations pertain to schools operated on a for-profit or on a non-profit basis (i.e., organizations, associations, corporations, partnerships, or sole proprietorships) that grant awards only at the pre-associate certificate level

The *Regulations Governing Institutions of Higher Education Operating in Rhode Island* apply whenever an institution seeks to establish, to abolish, or to modify substantially existing courses or programs.

The following regulatory history describes the historical changes to the *Regulations Governing Institutions of Higher Education Operating in Rhode Island*:

REGULATIONS (TITLE)		AUTHORIZING BOARD	ACTION/DATE
<i>Rhode Island Standards for Approval of Institutions of Higher Education</i>		State Board of Education	Adopted: 11/04/54
<i>Policy and Procedures for Authorization of In-State Institutions of Postsecondary Education to Offer Courses, Programs of Instruction, and to Award Certificates and Degrees in Rhode Island</i>	<i>Policy and Procedures for Authorization of Out-of-State Institutions of Postsecondary Education to Offer Courses, Programs of Instruction, and to Award Certificates and Degrees in Rhode Island</i>	RIBGHE	Adopted: 11/19/81 Amended: 03/03/83
<i>Regulations Governing In-State Institutions of Higher Education in Rhode Island</i>	<i>Regulations Governing Out-of-State Institutions of Higher Education in Rhode Island</i>	RIBGHE	Amended: 06/06/85 12/01/94 01/18/96
<i>Regulations Governing Institutions of Higher Education Operating in Rhode Island</i>		RIBGHE	Amended: 06/18/98 01/27/03 08/19/03 10/25/04 12/06/04 01/23/06

REGULATIONS GOVERNING INSTITUTIONS OF HIGHER EDUCATION OPERATING IN RHODE ISLAND

SECTION I: INTRODUCTION AND DEFINITIONS

These regulations pertain to postsecondary courses and programs of the following types:

- **Degree-granting institutions of higher education outside of the Rhode Island system of public higher education, including in-state and out-of-state independent institutions and out-of-state public institutions.** These institutions may apply to offer courses that award college-level credit, programs, degrees, or certificates (at any level). To receive initial approval, these institutions must provide evidence that they have initiated discussions with the New England Association of Schools and College (NEASC). Within five years and before receiving full approval, these institutions must be accredited by NEASC at all levels for which they are seeking Rhode Island approval. (Note: A for-profit institution may not grant degrees in Rhode Island unless authorized by Rhode Island statutes specific to the institution.)
- **Institutions that offer only certificate programs, at least one of which is at the post-associate level or above.** These institutions may apply to offer courses that award college-level credit, programs, or certificates (at any level). Before receiving full approval, these institutions must be nationally accredited at all levels for which they are seeking Rhode Island approval. However, certificate-only granting institutions that wish to offer only pre-associate level certificates in Rhode Island must apply for approval under the RIBGHE's *Regulations Governing Proprietary Schools in Rhode Island*.

Certain institutions, programs, and/or courses may be exempt from, or eligible to apply for an exemption from, these regulations (see Section VI: *Exemptions*).

The source of authority for the Board of Governors for Higher Education to approve higher education institutions is found in Title 16, Chapter 40, of the General Laws of Rhode Island. (Note: A for-profit institution may not grant degrees in Rhode Island unless authorized to do so by statutes specific to the institution.) Relevant sections of Chapter 40 can be found at www.rilin.state.ri.us/Statutes/TITLE16/16-40/INDEX.HTM.

The following information is for institutions (other than Rhode Island public institutions) that are seeking approval to operate in Rhode Island and/or seeking to offer courses, degrees or certificates at levels or in programs for which no previous authorization has been granted by the Rhode Island Board of Governors. Included are the criteria and procedures used for the review of proposals by the Rhode Island Office of Higher Education (referred to as RIOHE) and the Board of Governors for Higher Education (referred to as the RIBGHE). RIBGHE action will be to approve or to deny the request.

DEFINITIONS

Advertising: An act designed to call attention to an institution or program for the purpose of soliciting or encouraging enrollment.

Avocational: Programs or courses in personal interest, personal development, leisure and recreational categories that do not: 1) lead to a formal academic award or degree, 2) produce credits that apply to a

formal academic award or degree, or 3) result in the development of occupationally specific skills. Among the programs and courses commonly deemed to be avocational are personal image enhancement; personal fitness and nutrition programs; music, dancing, public speaking or sports programs (except those offered for credit by an institution of higher education or specifically designed to develop occupational skills); relaxation therapy programs; martial arts programs; and training for the purpose of obtaining a personal driver's license or private pilot's license.

Course: A portion of a program covering particular subject matter.

Developmental courses and programs: Non-credit or excess-credit courses or programs in the general competencies (typically in reading, writing, mathematics or study skills) necessary to perform in a regular postsecondary curriculum and educational setting.

Entity: Any organization of any type which has a legal identity apart from its members or which is recognized under the laws of the state of Rhode Island or the state in which the entity is organized.

Institution: For the purpose of these regulations, an entity outside of the Rhode Island system of public higher education that: 1) is accredited by the New England Association of Schools and Colleges (or pursuing accreditation with NEASC) and awards postsecondary degrees and certificates at the associate level or above, or 2) is nationally accredited (or pursuing national accreditation) and awards only postsecondary certificates, at least one of which is at the post-associate level or above.

National accrediting agency: A national institutional or specialized accrediting agency recognized by the U.S. Secretary of Education.

Operate or Operating: Operating an institution includes: 1) establishing or maintaining within the borders of the state of Rhode Island a facility or location where instruction, student services or educational program administration are provided or postsecondary educational credentials are granted to persons in the state or to persons outside of the state; 2) contracting with any person, group, or entity to operate such an institution; or 3) the activities of persons owning an interest in, employed by, or representing for remuneration a postsecondary educational institution in or outside the state who, by solicitation made in the state: a) give counsel to, enroll or seek to enroll students for education offered by the institution; b) offer to award educational credentials for remuneration, on behalf of the institution; or c) who hold themselves out to persons in the state as representing a postsecondary educational institution for any purpose. (See full exemption for certain recruiting activities in Section VI: *Exemptions*.)

Owner: In the case of an institution owned by an individual, that individual; in the case of an institution owned by a partnership, all general and limited partners; and in the case of an incorporated institution or an institution owned by a corporation or by any other entity or entities, the corporation itself, each shareholder owning shares aggregating at least 10 percent of the total of the issued and outstanding shares, and/or each person owning a 10 percent or greater interest in the entity or entities.

Person: Any person or entity, including but not limited to, any individual, corporation, partnership, limited liability company, joint venture, trust, trustee (in such capacity) or unincorporated organization, or a government or any agency or political subdivision thereof (other than the RIBGHE).

Program: A group of courses “and related activities organized for the attainment of broad educational objectives as described by the institution” or organized to develop a set of specific knowledge and skills. A program leads to a college-level certificate or degree. [The National Center for Education Statistics’ IPEDS glossary supplied the quoted portion of this definition.]

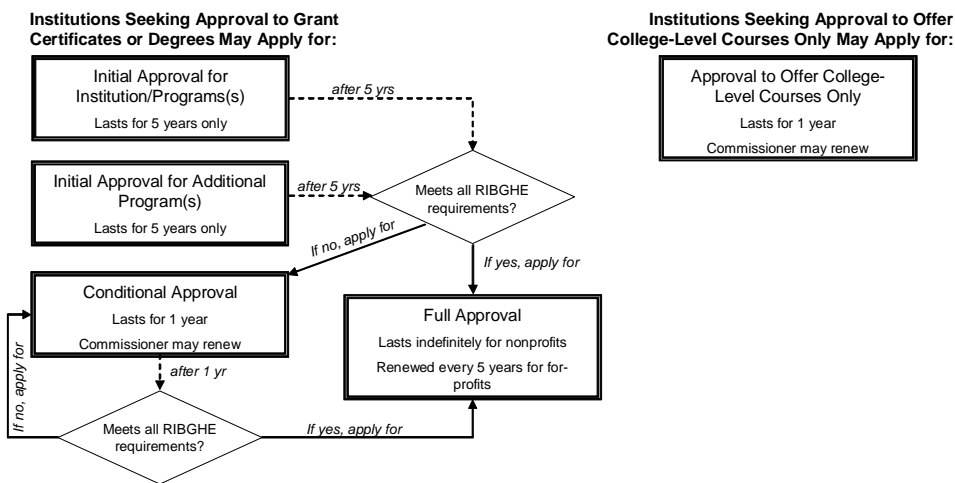
Proprietary School or School: Any organization, association, corporation, partnership, limited liability corporation (L.L.C.), sole proprietorship, or any other entity operated on a for-profit or on a non-profit basis that operates or seeks to operate to provide instruction or training for a business, trade, technical, industrial or other occupation, that is not specifically exempted under these regulations and that grants no awards above the pre-associate certificate level.

Regional accrediting agency: Six regional accrediting agencies are recognized by the U.S. Secretary of Education: Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Association of Schools and of Colleges and Universities, Southern Association of Colleges and Schools, and Western Association of Schools and Colleges. However, per RIGL 16-40, only the New England Association of Schools and Colleges (NEASC) fulfills Rhode Island’s accreditation requirement for degree-granting institutions.

Student: Any person who contracts to pay for and/or undertakes any program or course in an institution, regardless of whichever person pays for the program or course.

SECTION II: TYPES OF APPROVAL AND PROPOSAL PROCEDURES

Eligibility for approval is predicated on the institution’s accreditation or candidacy for accreditation by NEASC. Current regulations state that institutions must be regionally accredited to receive full approval. Institutions must apply for (and action by the RIBGHE is necessary to secure) each of the types of approval summarized below:



A. INITIAL APPROVAL

Initial approval must be obtained before an institution may begin any operation or advertising in Rhode Island or before it may begin offering any programs, certificates or degrees at levels or in subject areas for which the RIBGHE has granted no previous authorization. During the initial approval period, RIOHE will review the institution and its RIBGHE-approved program(s) annually and assess the extent to which the estimates and assertions contained in the original proposal have been fulfilled. Initial approval lasts for five years and is not renewable. After the initial approval period, the RIBGHE may grant either conditional or full approval. There are two types of initial approval:

1. Initial Approval for Institution/Program(s)

Institution/program approval enables an institution to operate in Rhode Island and to offer the programs in the subject areas and at the certificate/degree levels proposed in the initial application.

An institution seeking initial institution/program approval must submit to the RIBGHE the following:

- a. a letter signed by the institution's chief executive officer requesting authorization to operate in Rhode Island and itemizing the programs and certificate/degree levels for which approval is sought;
- b. an unbound original and four copies of a complete proposal developed according to the format described in Section III (*Review Criteria and Proposal Content*);
- c. an application fee, payable to the RIBGHE, in the amount of \$1,000. If additional expenses are incurred, an itemized bill will be submitted by RIOHE to the initiating institution at the conclusion of the review period. At that time, the institution will also remit any stipends due to external consultants.

After receiving institution/program approval from the RIBGHE, an institution that is incorporated must remain in good standing with the Rhode Island Secretary of State in accordance with Rhode Island General Laws, Title 7: Corporations, Associations, and Partnerships. (For more information, see www.corps.state.ri.us/corporations.htm.)

2. Initial Approval for Additional Program(s)

An institution that has previously received institution/program approval, full approval or conditional approval may apply for approval for additional programs (i.e., programs in subject areas or at certificate/degree levels for which previous RIBGHE approval has not been secured).

An institution seeking additional program approval must submit to the RIBGHE the following:

- a. a letter signed by the institution's chief executive officer requesting authorization to offer additional programs and itemizing the programs and certificate/degree levels for which additional program approval is sought.

- b. an unbound original and four copies of the proposal developed according to the format described in Section III (*Criteria for Review and Content of Proposals*), with the institution demonstrating its compliance with the following criteria for review:
- Section D: *Program*. This section should be completed for each additional program being proposed. Institutions should pay particular attention to Criterion D.1.
 - Section E: *Students*. Address Criteria E.0. and E.2. as they apply to the additional program(s).
 - Section F: *Faculty*. Address Criteria F.1. and F.2. for faculty that will be assigned to the program(s) and describe what, if any, additional faculty will be required.
 - Section G: *Instructional Resources*. Describe briefly the instructional resources that will be available for the additional program(s), including instructional support equipment (G.1.1.) and library materials (G.2.1.).
 - Section H: *Facilities*. Describe the classroom spaces and other physical resources required for the additional program(s) (H.1.1), provide copies of agreements relative to any external affiliations required (H.1.2.), and submit current health (if required), fire, building and ADA certifications (H.2.1.).
 - Section I: *Fiscal Responsibilities*. Provide income and expenditure estimates for the program for three fiscal years (I.1.2.).
 - Section J: *Evaluation*. List the criteria and describe the procedures by which the institution plans to evaluate the program (J.2.1).
 - Section K: *Public Disclosure and Institutional Integrity*. Provide copies of current catalogs along with sample copies of any advertisements and bulletins the institution plans to use for the additional program(s).
 - Other: Provide documentation of any other changes that have occurred relative to the criteria outlined in Section III (*Criteria for Review and Content of Proposals*) since RIBGHE approval was last granted to the institution or its programs.

B. FULL APPROVAL FOR INSTITUTIONS OR PROGRAMS

Full approval is the approval that follows initial (i.e., institution/program or additional program) approval or conditional approval if the RIBGHE is satisfied that the institution has met and will continue to meet the criteria specified in Section III of these regulations.

Institutions must apply for full approval before the end of the initial five-year approval period. An institution operating under conditional approval must apply for full approval as soon it meets all the criteria specified in Section III (see C. *Conditional Approval* below).

For non-profit institutions, full approval is for an indefinite period, subject to the provisions of these regulations and the discretion of the commissioner to conduct periodic evaluations to determine whether the institution is financially stable and whether it and its approved program(s) are continuing to meet the review criteria and operating as proposed and authorized. In the case of a for-profit institution, initial approval is for a period of five years, and then the institution must seek full approval.

An institution seeking full approval must submit to the RIBGHE the following:

- a. a letter signed by the institution's chief executive officer requesting full approval and itemizing the programs and certificate/degree levels for which full approval is sought;
- b. an unbound original and four copies of the proposal developed according to the format described in Section III (*Criteria for Review and Content of Proposals*), with the institution demonstrating its compliance with the following criteria for review:
 - Section A: *Accreditation*. Documentation must be supplied from the accreditor demonstrating the institution's accreditation status. Degree-granting institutions must provide evidence of NEASC accreditation; no other accreditation will be accepted (A.2.1).
 - Section D: *Program*. Describe any changes made to curricula since the program(s) received initial or conditional approval and explain the rationale for the changes (D.4.1.).
 - Section E: *Students*. Describe current costs to students of all approved programs and provide a copy of the current student enrollment agreement, if appropriate (E.0.1.).
 - Section F: *Faculty*. Provide a list of all current faculty for all approved programs including the items specified in F.2.1.
 - Section I: *Fiscal Responsibilities*. Provide current audited financial statements for the institution (I.1.1). Describe how the program(s) performed compared to the original income and expenditure estimates made in the proposal for initial or conditional approval (I.1.2.).
 - Section J: *Evaluation*. Describe internal and external evaluations of the approved program(s) and any adjustments made as a result of these evaluations (J.2.1).
 - Section K: *Public Disclosure and Institutional Integrity*. Provide copies of all major publications, including catalogs, bulletins and handbooks (K.1.1).
 - Other: Provide documentation of any other changes that have occurred relative to the criteria outlined in Section III (*Criteria for Review and Content of Proposals*) since RIBGHE approval was last granted to the institution or its programs.

C. CONDITIONAL APPROVAL OF INSTITUTIONS, PROGRAMS OR ADDITIONAL PROGRAMS

Following the expiration of initial approval of an institution/program or additional program, the RIBGHE may grant a period of conditional approval under certain limited circumstances if the RIBGHE has reservations concerning the ability of an institution to meet some of the criteria specified in Section III (*Criteria for Review and Content of Proposals*) of these regulations. (For example, the RIBGHE might grant conditional approval if an accreditor required that two classes graduate before an institution could apply for accreditation, thus delaying the institution's eligibility to obtain full approval from the RIBGHE.)

An institution seeking conditional approval must submit to the RIBGHE the following:

- a. a letter signed by the institution's chief executive officer requesting conditional approval and itemizing the programs and certificate/degree levels for which conditional approval is sought;
- b. an unbound original and four copies of the proposal developed according to the format described in Section III (*Criteria for Review and Content of Proposals*), with the institution demonstrating its compliance with the following criteria for review:

- Section A: *Accreditation*. Documentation must be supplied from the accreditor (if appropriate) demonstrating the institution's accreditation status. Institutions pursuing accreditation must provide documentation of progress toward achieving accreditation (A.2.1).
- Section D: *Program*. Describe any changes made to curricula since the program(s) received initial approval or last received conditional approval and explain the rationale for the changes (D.4.1.).
- Section E: *Students*. Describe current costs to students of all approved programs and provide a copy of the current student enrollment agreement, if appropriate (E.0.1.).
- Section F: *Faculty*. Provide a list of all current faculty for all approved programs including the items specified in F.2.1.
- Section I: *Fiscal Responsibilities*. Provide current audited financial statements for the institution (I.1.1).
- Section K: *Public Disclosure and Institutional Integrity*. Provide copies of all major publications, including catalogs, bulletins and handbooks (K.1.1).
- Other: Provide documentation relative to any additional criteria specified in Section III (*Criteria for Review and Content of Proposals*) that led to the granting of conditional approval. Provide documentation of other changes that have occurred relative to the criteria outlined in Section III (*Criteria for Review and Content of Proposals*) since RIBGHE approval was last granted to the institution or its programs.

The initial term of conditional approval granted by the RIBGHE will automatically expire after one year. An institution that cannot meet all the criteria specified in Section III (*Criteria for Review and Content of Proposals*) but that wishes to continue to operate in Rhode Island must apply for renewal of conditional approval annually and supply the materials outlined above. Renewal of conditional approval will be granted by the commissioner if the institution complies with the criteria specified above and demonstrates that it is making substantial progress toward qualifying for full approval. The commissioner will notify the RIBGHE that an institution's conditional approval has been renewed, and the reasons therefor, at a regular RIBGHE meeting.

An institution operating under conditional approval must apply for full approval as soon it meets all the criteria specified in Section III (*Criteria for Review and Content of Proposals*).

D. APPROVAL TO OFFER COLLEGE-LEVEL COURSES ONLY

An institution that is not seeking to offer certificates or degrees but is only seeking to offer college-level courses in Rhode Island on a continuing basis may apply for approval to do so if: 1) it is a NEASC-accredited, non-profit degree-granting institution; or 2) it is a nationally accredited institution that grants only certificates, at least one of which is at the post-associate's level or above. Note: Institutions seeking to offer college-level courses on a one-time-only basis should apply for a temporary exemption (see Section VI. Part C).

An institution seeking approval to offer college-level courses only must submit to the RIBGHE the following:

- a. a letter signed by the institution's chief executive officer requesting such approval and itemizing the courses and levels (i.e., undergraduate, graduate) for which approval is sought;

- b. an unbound original and four copies of the proposal developed according to the format described in Section III (*Criteria for Review and Content of Proposals*) with the institution demonstrating its compliance with the following criteria for review:
- Section A: *Accreditation*. Provide evidence of the institution’s accreditation status.
 - Section D: *Program*. Provide the information requested under Criterion D.1. as it applies to each proposed course. In addition, list admission and retention requirements, number of credits awarded and supply a syllabus for each proposed course.
 - Section E: *Students*. Address Criteria E.0. and E.3. as they apply to the proposed course(s).
 - Section F: *Faculty*. Address Criteria F.1. and F.2. for faculty that will be assigned to the courses and describe what, if any, additional faculty will be required.
 - Section G: *Instructional Resources*. Describe briefly the instructional resources that will be available for the course(s), including instructional support equipment (G.1.1.) and library materials (G.2.1.).
 - Section H: *Facilities and Capital Equipment*. Address Criteria H.1. and H.2. (and supply the required health, building, fire and ADA certifications).
 - Section K: *Public Disclosure and Institutional Integrity*. Provide copies of the current institutional catalog, along with brochures, advertising or other promotional materials related to the courses offered in Rhode Island. (K.1.1).

The initial term of approval to offer college-level courses automatically expires after one year. An institution wishing to continue to operate in Rhode Island must apply annually for renewal of approval by supplying current materials and/or updated documentation regarding each of the criteria specified above (e.g., new syllabi if courses have changed, current lists of faculty and their qualifications). Renewal will be granted by the commissioner if the institution demonstrates continued compliance with the criteria. The commissioner will notify the RIBGHE that an institution’s approval to offer college-level courses has been renewed, and the reasons therefor, at a regular RIBGHE meeting.

E. PROPOSAL PROCEDURES

Informal consultation with RIOHE staff prior to preparation of a proposal is strongly encouraged.

Proposals for approval may be submitted at any time, but adequate time is required to conduct the review and to complete the RIBGHE’s approval process. Therefore, proposals for the various types of approval listed below should normally be submitted according to the following schedule:

Schedule for Submission of Proposals	
Institution/program approval	12 months prior to intended date of implementation
Additional program approval	6 months prior to intended date of implementation
Full approval	6 months prior to the expiration of the initial or conditional approval period
Conditional approval (original)	6 months prior to the expiration of the initial approval period
Conditional approval (renewal)	3 months prior to the expiration of the current conditional approval period
Approval to offer college-level courses only (original)	6 months prior to intended date of implementation
Approval to offer college-level courses only (renewal)	3 months prior to expiration of current approval period

If a proposal requires a longer review period, the institution will be notified in writing, with an explanation.

Upon receipt of a proposal for initial approval, full approval, original conditional approval or original approval to offer college-level courses only, the following review process will be initiated:

1. RIOHE's Academic and Student Affairs division will notify either the RIBGHE or its Academic and Student Affairs Committee at a regular meeting that a proposal is under review.
2. RIOHE staff's review of the proposal may include, if appropriate, evaluation by external consultants¹ and by accrediting agency(ies).
3. RIOHE staff will communicate with institutional representatives during the review process, will visit the proposed site(s) of operation, and will obtain such information from the institution as is necessary in order to complete the review.
4. Upon completion of the review, the commissioner, acting upon the endorsement of the Academic and Student Affairs Committee and the recommendation of RIOHE's staff, will submit a recommendation for action to the Board of Governors at a regular RIBGHE meeting. (Note: If the staff's recommendation is negative, or if the committee fails to endorse the proposal, the institution will be given the opportunity to withdraw the proposal. Further, in the case of an institution applying for full approval or original conditional approval, if the committee fails to endorse the proposal, or if the RIBGHE fails to grant approval, the institution may request a hearing under the provisions of Section V: *Substantive Change, Revocation of Approval, Hearings and Disposition of Student Records, Part B.1.*)

Upon receipt of a proposal for renewal of conditional approval or renewal of approval to offer college-level courses only, the following review process will be initiated:

1. RIOHE staff will, when necessary, communicate with institutional representatives during the review process, will visit the site(s) of operation, and obtain such information from the institution as is necessary in order to complete the review.
2. Upon completion of the review, the commissioner will make a determination regarding renewal. The commissioner will notify the RIBGHE of his/her decision, and the reasons therefor, at a regular RIBGHE meeting. (Note: if the commissioner determines that an institution's approval should not be renewed, the institution may request a hearing under the provisions of Section V: *Substantive Change, Revocation of Approval, Hearings and Disposition of Student Records, Part B.2.*)

SECTION III: CRITERIA FOR REVIEW AND CONTENT OF PROPOSALS

The following review criteria and proposal content constitute the basis for the review of a proposal conducted by RIOHE staff and guide the endorsement of the Academic and Student Affairs Committee, the recommendation of the commissioner and the decision of the RIBGHE. The type of approval being sought determines the specific review criteria for which compliance must be

¹ If deemed appropriate during a review, external consultants may be used; external consultants are required for graduate-level programs. Consultants will be selected by RIOHE staff after consultation with the initiating institution. Stipends to the consultants will be mutually agreed upon by the consultant and the institution and will be paid by the institution at the conclusion of the consultant's review and after RIBGHE action on the proposal.

demonstrated (refer to Section II: *Types of Approval and Proposal Procedures*). Any for-profit institution operating under these regulations should also refer to Section IV: *Additional Provisions and Requirements for For-Profit Institutions*.

The institution is required to use the outline format, by letter and number, that appears below. Use of this format will help to avoid unintended omissions and will facilitate review of the proposal. (Note: An electronic version of the format may be downloaded from www.ribghe.org/hiedreg.htm.)

REVIEW CRITERIA	PROPOSAL CONTENT
A. AUTHORITY AND ACCREDITATION	
<p>Criterion A.1. To receive initial institution/program approval from the RIBGHE, the institution must submit a complete proposal and meet all of the review criteria. To receive other types of approval from the RIBGHE, the institution must submit the materials and meet the review criteria specified in Section II (<i>Types of Approval and Proposal Procedures</i>) for the type of approval sought.</p>	<p>A.1.1. In addition to materials specified in Section II, provide the following general information:</p> <ul style="list-style-type: none"> a) A summary description (not to exceed two pages) of the proposal. b) Name, address and Web address of the institution. c) Name, title, telephone, and e-mail address of chief executive officer. d) Name, title, telephone, and e-mail address of the person to be contacted during the review process. e) Certification of incorporation, if available. f) Brief description of planned learning sites and modes of instructional delivery. g) Signed agreements for any cooperative arrangements made with other institutions/agencies to provide support for the program.²
<p>Criterion A.2. To obtain initial institution/program approval from the RIBGHE, a degree-granting institution must have accreditation from or have initiated discussions regarding potential accreditation with the New England Association of Schools and Colleges (NEASC) . To obtain full approval, a degree-granting institution must be accredited by NEASC. In the case of an institution that grants only certificates at the post-associate’s level or above, the institution must have national accreditation or have initiated discussions with an appropriate accrediting agency recognized by the U.S. Secretary of Education in order to obtain initial institution/program approval; to obtain full approval, the institution must be accredited by said agency. Degree-granting institutions that wish to offer college-level courses only must be NEASC-accredited. Non-degree-granting institutions offering college level credit through certificate programs can be nationally accredited.³</p>	<p>A.2.1. Present a letter from the accrediting body indicating the accreditation status of the institution (or indicating that the institution has notified the accrediting body of its intent to apply for membership and has begun discussions of membership requirements).</p>

² Agreements with other institutions/agencies must clearly delineate all aspects and the effective dates of the agreement. Agreements must be signed by representatives of each institution/agency who are authorized to bind the entity for the scope of the agreement.

³ NEASC may be reached at 290 Burlington Road, Bedford, MA 01730-1433, or at www.neasc.org. Information about accrediting agencies recognized by the U.S. Secretary of Education can be found at www.ed.gov/offices/OPE/accreditation/natl agencies.html.

B. PURPOSES, MISSION AND POLICIES	
<p>Criterion B.1. The institution must have clear and concise institutional mission statements, statements of purposes, and policies that give direction to all the institution's educational activities. The purposes must be within the general scope of higher education and consistent with the mission of the institution. The purposes must be educational in nature. The mission provides the basis for the institution's priorities, future plans, and evaluation of actions.</p>	<p>B.1.1. Present a copy of the institution's mission statement and a clear statement of the activities, operation(s) and program(s) being proposed for Rhode Island.</p>
	<p>B.1.2. Demonstrate how the institution's mission provides a rationale in developing the plans, priorities, and allocation of resources required for the proposed program.</p>
<p>Criterion B.2. The institution's purposes and policies must be familiar to the students, faculty, administrators, and governing board and must appear in appropriate institutional publications.</p>	<p>B.2.1. Present evidence that the institution's statements of purposes and policies are familiar to its students, faculty, administration, and governing board and that they appear in appropriate institutional publications (e.g., official catalogs, student/faculty/staff/administrative handbooks, and governing board policies and procedures manuals).</p>
C. ORGANIZATION AND GOVERNANCE	
<p>Criterion C.1. The institution must have a legally constituted governing board responsible for establishing broad policy and oversight of the institution consistent with the stated purposes. The board's membership must include independent representatives of the community, who represent the public interest, are free of any conflict of interest, and do not engage in self-dealing. (For-profit institutions should also refer to Section IV: <i>Additional Provisions and Requirements for For-profit Institutions.</i>) Fewer than one-half of the board may have any financial interest in the institution, including as employees, stockholders, or corporate directors. The board's membership must include members who understand its fiduciary responsibility. The board undertakes a process of self-evaluation to ensure its effectiveness.</p>	<p>C.1.1. Describe the legal control and governance structure of the institution.</p>
	<p>C.1.2. Specify the membership of the governing board (including name, address, affiliation), the manner of appointment, terms of office, and the duties and responsibilities of board members. Describe how often the governing board will meet and where such meetings are to be held.</p>
	<p>C.1.3. Submit copies of policies regarding conflicts of interest for board members.</p>
<p>Criterion C.2. The institution must have a constitution and/or bylaws and a table of organization. These documents must clearly define the responsibilities and authority of each organizational component and the processes by which these components interrelate and function.</p>	<p>C.2.1. Submit a copy of the constitution and/or bylaws and the table of organization that indicate clearly the organizational and administrative structure of the institution and its governing board.</p>
	<p>C.2.2. Submit a copy of the administrative policy manual or its equivalent.</p>
<p>Criterion C.3. The institution must have management practices and controls to maintain standards that are appropriate to its purposes.</p>	<p>C.3.1. Provide descriptions of the management practices and controls.</p>
<p>Criterion C.4. The institution must have appropriately qualified administrators and staff sufficient in number to maintain the management practices and controls. The administrators must be free of any conflict of interest and not engage in self-dealing.</p>	<p>C.4.1. List the full-time chief administrative officers by name and title and attach resumes. Explain how and by whom the program in Rhode Island will be administered.</p>
	<p>C.4.2. Submit copies of policies regarding conflicts of interest for administrators.</p>

<p>Criterion C.5. The faculty must have a major role in developing and conducting the academic program and in maintaining academic standards.</p>	<p>C.5.1. Indicate the role the faculty has in developing and conducting the academic program and in maintaining standards.</p>
<p>D. PROGRAM -- COMPLETE THIS SECTION FOR EACH PROPOSED PROGRAM⁴</p>	
<p>Criterion D.1. The program must be clearly defined. Special certification, licensing and accreditation requirements must be considered in the development of the program.</p>	<p>D.1.1. Indicate the title of the program and the name of the degree or certificate (including abbreviation) to be conferred.</p> <p>D.1.2. Provide information about academic areas, field of study and subspecialties, or areas of concentration/ specialization; include federal Classification of Instructional Programs (CIP) code number and title.⁵</p> <p>D.1.3. Describe certification/licensing requirements, if any, for graduates of the program, explain the degree to which completion of the program meets these requirements, and identify the agencies involved and the timetables for graduates to meet those requirements.</p> <p>D.1.4. If the program requires specialized accreditation, indicate the name and address of the accrediting agency and a list of accreditation requirements. If specialized program accreditation is available but is not going to be sought, indicate the reason(s).</p> <p>D.1.5. Indicate the beginning date for the program and the anticipated completion date for students through the first program cycle.</p> <p>D.1.6. Describe the needs that the program addresses, such as societal needs, labor market needs, student requests, and any other evidence of need for the program.</p> <p>D.1.7. List similar programs offered in Rhode Island and elsewhere in New England and indicate how these programs compare to the proposed program.</p> <p>D.1.8. If cooperative arrangements or transfer agreements will be made with other institutions offering similar programs, describe the arrangements in detail and provide copies of the signed agreements.</p> <p>D.1.9. Describe the potential students for the program and the primary source of these students and expectations for placements. For graduate programs, indicate which undergraduate programs would be a potential source of students.</p>

⁴ Institutions wishing to offer only college-level courses should refer to Section II Part D: *Approval to Offer College-Level Courses Only*.

⁵ Copies of the *Classification of Instructional Programs* may be found at www.nces.ed.gov/ipeds/web2000/cip2000.asp.

	<p>D.1.10. Estimate the proposed program size and provide projected annual full-time, part-time, and FTE enrollments for one complete cycle of the program. Provide a specific rationale for the assumptions made in the projections. (Use the estimates in preparing the income and expenditure estimates required in Criterion I.1.2.)</p>
<p>Criterion D.2. Program requirements must be appropriate to the purposes and policies of the institution and must promote quality, regardless of instructional delivery mode.</p>	<p>D.2.1. Explain how the program is consistent with the stated purposes and policies of the institution and how it relates to long-range plans for quality program development.</p>
	<p>D.2.2. Indicate the relationship of the program to other programs offered by the institution, if pertinent.</p>
<p>Criterion D.3. Program admission, retention, and graduation standards must be established, published and consistently and rigorously applied.</p>	<p>D.3.1. List the program admission and retention requirements for students. Provide descriptions of the specific criteria and methods used to assess students' ability to benefit from the program.</p>
	<p>D.3.2. List the graduation requirements for earning the certificate and/or degree in the program.</p>
	<p>D.3.3. Provide copies of policies relating to satisfactory student progress and evidence that these policies are disseminated and applied.</p>
<p>Criterion D.4. The curriculum must be appropriate to fulfill the purposes of the courses and programs and be consistent with those offered by similar institutions.</p> <p>A graduate-level program must provide for advanced levels of scholarship and competence in the area of specialization.</p> <p>The undergraduate program should provide students with a substantial introduction to broad areas of knowledge and an in-depth study in one area or interdisciplinary area. Each program should include general education requirements plus study in a major or concentration. The coursework in the major should include study at the intermediate or advanced level.</p>	<p>D.4.1. Prepare a typical curriculum display for one program cycle for each sub-major, specialty, or option. Include the following items:</p> <ol style="list-style-type: none"> Names of courses and catalog numbers Required courses in area of specialization Options, if any, available in required area of specialization Course distribution requirements, if any, within the program Total number of free electives available after specialization and general education program requirements are satisfied Total number of credits required for either the completion of the program or for graduation Demonstrate that student learning is assessed based on clear statements of learning outcomes and expectations. Include the learning goals (what students are expected to gain, achieve, know, or demonstrate by completion of the program) and requirements for each program. <p>Provide course syllabi and catalog descriptions for all courses (for undergraduate programs, include general education courses).</p> <p>Describe how program graduates demonstrate that they have acquired the knowledge and developed the skills that are identified as the program's objectives.</p>

	<p>D.4.2. Provide evidence that the intended program is of appropriate length as illustrated by:</p> <ul style="list-style-type: none"> a) conformity with appropriate accrediting or credentialing agency standards, applicable industry standards, or other credible measures; or b) comparability with lengths of similar programs in the state or region.
<p>Criterion D.5. An undergraduate degree program, whether general, specialized, or professional, must contain a coherent and substantive general education program that provides a breadth of knowledge by including a balanced distribution of courses in the arts and humanities, sciences, social sciences and mathematics. Further, the institution must demonstrate that the program meets the goals stated by the Commission on Institutions of Higher Education of the New England Association of Schools and Colleges (NEASC) in its Standard 4.18:</p> <p><i>Graduates successfully completing an undergraduate program demonstrate competence in written and oral communication in English; the ability for scientific and quantitative reasoning, for critical analysis and logical thinking; and the capability for continuing learning. They also demonstrate knowledge and understanding of scientific, historical, and social phenomena, and a knowledge and appreciation of the aesthetic and ethical dimensions of humankind. In addition, graduates demonstrate an in-depth understanding of an area of knowledge or practice and of its interrelatedness with other areas.</i></p>	<p>D.4.3. Institutions using non-standardized curricula (e.g., contract learning, individualized programs of study, assessment and credit for experiential learning, etc.) will respond to relevant items in D.4.1. above and provide additional descriptive information, including the methods and academic staff used to monitor and evaluate student work.</p> <p>D.5.1. Institutions will demonstrate that all undergraduates complete at least forty semester hours of the bachelor’s degree and twenty hours in an associate’s degree program in general education as specified in NEASC’s Standard 4.17.</p>
<p>Criterion D.6. Distance learning courses or programs, whether delivered or received by the institution, should meet the same quality standards maintained for on-campus, credit instruction (see <i>Guidelines for Distance Learning</i> at www.ribghe.org/hiedreg.htm).</p>	<p>D.6.1. Identify any courses or programs that will be delivered or received by way of distance learning, describe the mode of delivery and illustrate how the courses or programs conform to the <i>Guidelines for Distance Learning</i>. Provide copies of relevant signed agreements.</p>
E. STUDENTS	
<p>Criterion E.1. Costs to students should be reasonable and clearly delineated in institutional publications.</p>	<p>E.1.1. Describe costs to students (i.e., tuition and all other fees and charges) and provide examples of the documents used to inform students of these charges. Provide copies of student enrollment agreements, if appropriate.</p>
<p>Criterion E.2. The institution must provide an appropriate range of student services that support the institutional mission and program goals. An institution offering an undergraduate degree program must provide access to a well-developed program of counseling, testing, advisement, orientation, financial aid, career development, placement, health services, food dispensing, and a college bookstore.</p>	<p>E.2.1. Describe all student services that will be available. Provide copies of signed cooperative agreements, if applicable. Describe the services available to special students (e.g., students with physical and/or learning disabilities or who speak English as a second language). Describe the programs and activities that the institution provides to enrolled students in order to be successful in</p>

Cooperative arrangements or subcontracting should be used only for auxiliary services (e.g., residence halls, food services, student health services, college stores), and these services should be run under terms favorable to students.	achieving their academic goals.
Criterion E.3. The institution must have an orderly and ethical program of admission based on assessment methods or admission criteria for determining a student's ability to complete successfully and to benefit from the program, regardless of instructional delivery mode. The admissions procedures must comply with the requirements of equal opportunity and affirmative action requirements.	E.3.1. Describe the admissions policies and criteria used for selecting students and how these policies and criteria are related to the institution's mission.
	E.3.2. Provide descriptions of the specific criteria and methods used for assessment and evidence that these criteria and methods are routinely used to evaluate applicants; provide examples of assessment tools used and evidence that they are appropriately administered.
Criterion E.4. The institution must maintain student records in accordance with American Association of Collegiate Registrars and Admissions Officers (AACRAO) guidelines, ⁶ and right-to-privacy legislation must be observed.	E.4.1. Describe and provide examples of the record-keeping procedures for student and alumni records, including admissions, testing, official transcripts, placement and follow-up, and any other pertinent educational records.
Criterion E.5. A statement relating to student rights and responsibilities must be developed and published, along with complaint and other procedures protecting students' rights through due process.	E.5.1. Provide copies of the published statement of student rights and responsibilities and the procedures for protecting student rights.
	E.5.2. Provide documentation of established, publicized and consistently administered procedures for receiving, investigating and resolving student complaints.
Criterion E.6. The institution must have, publish, disseminate and enforce a fair, clear and concise refund policy. Refunds must be made on a timely basis in compliance with federal and state regulations.	E.6.1. Provide copies of published refund policies that describe the portion of the tuition that is refundable at specific points in the enrollment period, how and when a student may expect to receive a refund, what other fees are refundable, and how and under what circumstances refunds of these fees may be obtained.
	E.6.2. Provide evidence that refund policies are disseminated to currently enrolled students and that prospective students are provided notice that such policies exist and that copies are available upon request.
F. FACULTY	
Criterion F.1. Faculty must be sufficient in number and kind and in the proportion of full-time to part-time positions to sustain quality courses, programs, and services.	F.1.1. Indicate the ratio and number of part-time to full-time faculty to be assigned to the proposed program(s) and describe the rationale for the use of part-time faculty.
Criterion F.2. Faculty must be professionally prepared with backgrounds, degree levels, and experience suited to the instructional activities for which they are responsible. Those in traditional academic fields must hold advanced degrees in their teaching areas or present evidence of scholarship or creative achievement appropriate to their positions; those in professional or technical fields must have equally appropriate preparation and attainments. In general, all faculty must hold an academic degree at least	F.2.1. Provide a list of present and anticipated resident faculty members who will be assigned to the Rhode Island program(s). The following information should be provided: ⁷ a) name b) rank c) highest degree earned, institution awarding, and area of study d) relevant experience

⁶ AACRAO may be reached at One Dupont Circle, NW, Suite 330, Washington, DC 20036-1171, or www.aacrao.com.

⁷ In the case of anticipated faculty, describe the characteristics of the intended faculty in each of the categories F.2.1.b through F.2.1.g.

<p>one level above the degree level being taught. The master's degree is the minimum academic credential for faculty teaching general education programs. NEASC further states:</p> <p><i>The preparation and qualifications of all faculty are appropriate to the field and level of their assignments. Qualifications are measured by advanced degrees held, evidence of scholarship, advanced study, creative activities, teaching abilities, and relevant professional experience, training and credentials.</i></p>	<p>e) tenure status f) full-time/part-time status g) courses to be taught</p> <p>In cases where qualifications other than the minimum academic degree are used for faculty appointment, provide evidence to demonstrate that the qualifications are equivalent to the minimum academic credential.</p>
<p>Criterion F.3. All faculty are expected to be and to remain current in the teaching field and to be engaged in ongoing professional development. Faculty members must be allowed sufficient time for adequate preparation, for attention to the academic needs of students, and for continuing professional growth.</p>	<p>F.3.1. Describe the average work schedule for full-time and part-time faculty. Indicate the average time devoted to actual teaching, including preparation and tutoring, research, public service, and other professional duties. Describe the provisions for encouraging and expediting opportunities for professional development and ensuring that faculty remain current in their fields.</p>
<p>Criterion F.4. The policies and procedures to be followed in the recruitment, appointment, promotion, and retention of well-qualified faculty members must be clearly stated in institutional documents. Due attention must be given to pertinent legal requirements in the areas of non-discrimination, equal opportunity, and affirmative action employment practices.</p>	<p>F.4.1. Describe the policies and procedures used to recruit, appoint, promote, and retain faculty, and indicate where this information is available.</p>
<p>G. INSTRUCTIONAL RESOURCES AND SERVICES</p>	
<p>Criterion G.1. Instructional and other information resources such as library resources, equipment, support personnel and other learning resources must be up-to-date and sufficient in size, number, and location to support courses, programs, and services.</p>	<p>G.1.1. Describe available instructional resources and instructional support equipment (such as computers, laboratory equipment and supplies) and assess the adequacy of these resources relative to the program. Indicate which instructional resources are available on-site and those located elsewhere.</p>
	<p>G.1.2. Describe the number, type, and responsibilities of the instructional support personnel (except for the library).</p>
	<p>G.1.3. If external affiliations are required to provide support for the program, identify institutions with which arrangements have been made to provide learning resources. Append signed contracts or letters of agreement.</p>
<p>Criterion G.2. The library and other information resources must have appropriate numbers and kinds of printed and other materials needed to support curricula, provide study areas, and provide access to students comparable to other similar institutions. The library must be administered by a professionally qualified and numerically adequate staff. Materials must be up-to-date and readily accessible to students.</p>	<p>G.2.1. Estimate the numbers of relevant print, electronic and other nonprint library materials available to students in the subject field of each program. Describe the telecommunications capabilities available to students in the library, access to any electronic libraries and/or library consortia. (Comparisons to recommendations of national accrediting agencies, the standards of the Association of College and Research Libraries,⁸ or other recognized measures should be included.) If planned library and other learning resources are not considered sufficient, or if upgrading is considered necessary for the development of the program, these additional needs and how they will be met should be detailed.</p>

⁸ The Association of College and Research Libraries can be reached at 50 East Huron Street, Chicago, IL 60611 or www.ala.org/acrl/

	<p>G.2.2. Describe the number, training, and responsibilities of the library administration and staff.</p>
	<p>G.2.3. Include a schedule for the periods the library is open to students.</p>
	<p>G.2.4. Demonstrate that students use information resources and technology as an integral part of their education and at a level appropriate to their degree.</p>
H. FACILITIES AND CAPITAL EQUIPMENT	
<p>Criterion H.1. Physical resources (buildings, classrooms, laboratories, capital equipment, and grounds) must be adequate to support the purposes of the institution and to meet the needs of students, without over-reliance on cooperative arrangements or subcontracting to use the facilities of other institutions.</p>	<p>H.1.1. Identify and describe the physical resources of the institution in Rhode Island (such as buildings, classrooms, research laboratories, grounds, capital equipment [including telecommunications equipment], etc.) and assess the adequacy of these physical resources relative to the purpose of the institution and the programs to be offered in Rhode Island.</p>
	<p>H.1.2. If external affiliations are required to provide the necessary facilities and equipment for the institution, describe what arrangements have been made and provide copies of signed agreements.</p>
<p>Criterion H.2. The institution must be in compliance with all applicable local, state, and federal codes and regulations pertaining to fire, safety, health, and handicapped access.</p>	<p>H.2.1. Present certifications from the state health department,⁹ the local building inspector, deputy fire marshal, and state building commission (regarding the Americans with Disabilities Act and other applicable federal and state laws) as an assurance that the facilities to be used meet required regulations.</p>
I. FISCAL RESPONSIBILITIES	
<p>Criterion I.1. The institution must be financially stable. An institution's financial and administrative capacity shall be appropriate to its scale of operations. Its resources must be sufficient to carry out its purposes and to support its programs and activities adequately, now and in the foreseeable future.</p> <p>An institution is not financially stable if –</p> <ol style="list-style-type: none"> a. in the case of an institution that is not currently offering programs, working capital is less than the amount needed to support the institution's operation for the length of the program; or b. in the case of an existing institution, there is a history of operating losses or, if for the current fiscal year, the institution had a deficit net worth (liabilities exceeding assets), or it has a ratio of current assets to current liabilities of less than one to one; or c. it participates in the federal student financial aid programs (HEA, Title IV) and does not meet the standards of financial responsibility outlined by U.S. Secretary of Education in federal regulations (see 34 CFR 668 Subpart L). 	<p>I.1.1. The institution must present evidence of financial stability and capacity. An institution that is already offering a program as defined in these regulations must provide current audited financial statements and audited financial statements for two prior periods, along with auditors' reports related to the institution's internal accounting controls. An institution that is not currently offering programs must provide a current business plan for the proposed institution and projected financial statements for the first five years of operation.</p>

⁹ Inspections by the Rhode Island Department of Health (RIDOH) will be dependent upon the nature of the proposed program(s) and the availability of RIDOH inspectors. Consult with RIOHE for further information.

	<p>I.1.2. Provide income and expenditure estimates for five fiscal years, which include the following items:</p> <ul style="list-style-type: none"> a) estimates of revenue from tuition, fees, grants, contracts, and other sources; b) intended annual personnel salaries and related costs (including fringe benefits) that will be associated with the institution and its program; c) intended operating expenses such as travel, office supplies, and repairs (document the adequacy of these expenses in terms of the program); d) estimated costs for learning resources; include annual operation and maintenance of print materials, electronic hardware and software, and other resources; e) planned capital outlays for facilities and equipment; f) anticipated sources of student assistance such as scholarships and fellowships. <p>Use the enrollment projections from Criterion D.1.10. and the forms found at www.ribghe.org/hiedreg.htm in preparing the estimates.</p>
	<p>I.1.3. For-profit institutions will be required and non-profit institutions that are not financially stable will also be required to furnish bonds, with corporate surety, payable to the RIBGHE as trustee for students of the institution; in some instances and with prior approval from the commissioner, an irrevocable letter of credit may be substituted for a bond. (Contact RIOHE to establish bond amount; bond forms can be found at www.ribghe.org/propreg.htm.)</p>
<p>Criterion I.2. The institution must have an appropriate organizational structure for financial management and sound fiscal practices that are consistent with those of the National Association of College and University Business Officers (NACUBO).¹⁰</p>	<p>I.2.1. Describe the financial management structure and practices used by the institution.</p>
<p>Criterion I.3. The institution must have control of its financial resources and budgetary process and be free from undue influence or pressure from external sources.</p>	<p>I.3.1. Describe the oversight of the institution's financial and budgetary processes.</p>
<p>Criterion I.4. If the institution participates in or creates a separate enterprise, said enterprise must be separately incorporated, sufficiently related to the institution's academic mission, and of a scope so as not to jeopardize the financial stability of the institution or compromise its academic mission.</p>	<p>I.4.1. Describe any separate enterprises and their relationship to the institution's mission. Provide a current audited financial statement, audited financial statements for two prior periods and a description of the enterprise's financial and budgetary processes.</p>
<p>J. EVALUATION</p>	
<p>Criterion J.1. The institution must have mechanisms for assessing institutional effectiveness and using this information to ensure and improve institutional quality.</p>	<p>J.1.1. Describe the mechanisms used by the institution to monitor its effectiveness in achieving its mission and purposes. Provide copies of the institution's strategic plan or other planning documents.</p>

¹⁰ NACUBO can be reached at One Dupont Circle, NW, Suite 500, Washington, DC 20036-1171, or www.nacubo.org.

	J.1.2. Describe how the institution uses the information obtained regarding institutional effectiveness in its planning process to ensure quality.
Criterion J.2. All program areas (including program personnel) must be evaluated periodically to determine their effectiveness in fulfilling program objectives.	J.2.1. List the criteria and describe the procedures by which the institution plans to evaluate the program during the next five years. Describe provisions made both for internal and external evaluations.
K. PUBLIC DISCLOSURE AND INSTITUTIONAL INTEGRITY	
Criterion K.1. The institution shall maintain high ethical standards in all of its promotional, fund-raising and recruitment activities. The institution must portray its programs, services, and activities in all publications, advertisements, and all other communications in terms of educational opportunities and in language that is accurate, supportable, clear, unambiguous, and not intended to mislead.	K.1.1. Provide sample copies of major publications (including catalogs, bulletins and handbooks), advertisements, fund-raising and other promotional materials that the institution intends to use.
	K.1.2. Provide assurances that the institution conforms to current federal Title IV Student Financial Aid regulations regarding the providing of commissions, bonuses or other incentive payments to persons or entities engaged in student recruitment or admission activities (see 34 CFR 668.14).

SECTION IV: ADDITIONAL PROVISIONS AND REQUIREMENTS FOR FOR-PROFIT INSTITUTIONS

Current Rhode Island statute prohibits for-profit institutions, except those granted the authority by statute, from granting degrees. The following additional provisions and requirements apply to any for-profit institutions that might be given statutory authority in Rhode Island to grant degrees while these regulations are in effect:

A. ADDITIONAL CRITERIA FOR REVIEW AND CONTENT OF PROPOSALS

1. In addition to meeting the provisions of Criteria C.1, the governing board of the institution must have a minimum of seven members, three (or at least one-third) of whom have no other affiliation with the institution.
2. As specified in Criteria I.1.3, for-profit institutions must maintain bonds, with corporate surety, payable to the RIBGHE as trustee for students of the institution. (Contact RIOHE to establish the bond amount, and see www.ribghe.org/propreg.htm for bond forms.)

B. ANNUAL REPORTING PROCEDURES

For-profit institutions must submit to the commissioner an annual report (due on or before August 1) covering all programs offered at all levels (i.e., certificate and/or degree programs). The report should contain the following:

1. Current financial statements (prepared by a certified public accountant). Audited financial statements must be supplied annually by for-profit institutions that participate in the federal Title IV student financial aid programs.
2. Evidence of continued bonding through the upcoming year (see www.ribghe.org/propreg.htm for bond forms).

3. Copies of the institution's current catalog and student enrollment agreement (if appropriate).
4. List of all current faculty including educational credentials and experience.
5. Enrollment and completions summary for each program (see www.ribghe.org/hiedreg.htm for reporting forms).
6. Information on the most recently available pass rate of the institution's graduates on any licensure or certification examinations required by the state of Rhode Island for employment in the field for which the institution provides training.
7. Recent data regarding the placement rates for the institution's graduates in occupations related to their courses of study.
8. Certification from the deputy fire marshal, local building inspector and state health department that the institution adheres to the regulations as established by these agencies (see www.ribghe.org/hiedreg.htm for certification forms).

Although annual reports are due on or before August 1st, institutions may supply annual enrollment and completions data, pass rate information and placement statistics consistent with the requirements of and concurrently with the submission of these data to their accrediting agencies (if the agencies require annual submissions of these materials).

Failure to submit annual reports and related materials in a timely manner could lead to revocation of approval to operate in Rhode Island. (See Section V: Part B: *Refusal to Continue Approval, Revocation and Emergency Action.*)

C. RENEWAL OF FULL APPROVAL

For-profit institutions must apply for full approval every five years (refer to Section II.B).

SECTION V: SUBSTANTIVE CHANGE, REVOCATION OF APPROVAL, HEARINGS, AND DISPOSITION OF STUDENT RECORDS

A. SUBSTANTIVE CHANGE

The following changes constitute substantive change from the approval granted to an institution by the RIBGHE and, therefore, must be submitted to the RIBGHE for formal review and consideration for approval prior to being undertaken:

1. Changes in legal status or in the form of control of the institution, including merging with another institution and, in the case of a for-profit institution, change of ownership;
2. Joining separate units into a single accreditable institution or dividing an institution into two or more separately accreditable units;
3. Introducing certificates or degree programs in subject areas or at certificate/degree levels for which no prior RIBGHE approval has been granted (refer to Section II.A.2. on *Initial Approval for Additional Programs*);
4. Abolishing programs previously approved by the RIBGHE;

5. Significant changes in course delivery modes for approved programs, including a change to distance learning. If an institution seeks to offer or to receive from another provider 50 percent or more of a previously approved program's requirements by distance learning, RIBGHE approval must be obtained. The institution should refer to the *Guidelines for Distance Learning in Rhode Island Institutions of Higher Education*, which can be found at <http://www.ribghe.org/hiedreg.htm>. In addition to program standards, this document includes standards for agreements that must be signed between the provider and receiver of distance programs.
6. Changes in geographical setting, including moving to a new location or establishment of additional sites, whether or not these sites are operationally separate;
7. Establishment of external degree programs;
8. Engaging in agreements with other entities regarding transfer of credit or for the purpose of providing personnel, student services, instructional resources and facilities, delivery of instruction or any other services for the program;
9. Departing significantly from stated purposes and/or educational programs that were in effect at the time the institution was authorized.

It may not always be possible to seek prior approval for certain types of substantive changes. The institution must notify the RIBGHE as soon as practicable when the following types of substantive changes occur:

1. Loss of regional or national accreditation that would result in the loss of approval to operate in Rhode Island;
2. Loss of authorization to participate in the federal Title IV Student Financial Aid programs;
3. Filing of bankruptcy, receivership or other legal action seeking protection from creditors;
4. Loss of bonding (if required as part of RIBGHE approval);
5. Loss of authority from the Rhode Island Secretary of State to operate in Rhode Island.

An institution should contact RIOHE if it believes that a substantive change (of a type not delineated above) has occurred.

When substantive changes occur, the commissioner is authorized to determine what materials must be submitted in order for the institution to demonstrate its continuing compliance with the criteria outlined in Section III (*Criteria for Review and Content of Proposals*).

B. REFUSAL TO GRANT APPROVAL, CONTINUE APPROVAL, REVOCATION AND EMERGENCY ACTION

1. In the event that an institution's application for approval (whether initial approval, conditional approval, or full approval) is denied, the institution will be given an opportunity to request a rehearing before the RIBGHE or its designee. The hearing will be conducted in accordance with the Regulations Governing Hearings (see below). The institution will have the burden of proof.
2. The RIBGHE/commissioner may refuse to continue approval or seek revocation of an institution's approval if the institution:

- a. has committed a material or substantial violation of these regulations;
- b. has a record of chronically or repeatedly violating any of these regulations;
- c. has made a false statement about a material fact on any of the documents submitted to the RIBGHE;
- d. is a for-profit institution and has failed to submit annual reports and related materials (as outlined in Section IV: Part B) in a timely manner;
- e. has failed to maintain accreditation from a regional or national accrediting agency recognized by the U.S. Secretary of Education, as required by Criteria A.2 of these regulations; or
- f. has acted or failed to act in a manner which gives cause for revocation pursuant to RIGL §16-40-5 (*Revocation of Approvals*).

Prior to revocation of approval, the institution will be given an opportunity to be heard to show cause why approval should not be revoked. Notice of the time and place of the hearing and the reasons for the proposed revocation, citing either specific portions of statute or these regulations, will be served by first-class mail, return receipt requested, on an officer of the school at least 20 days prior to the hearing.

The hearing will be conducted by the commissioner or his/her designee. The Regulations Governing Hearings (Part C below) will apply. The institution shall have the burden of proof to show cause why approval should not be revoked. The commissioner's recommendation shall be forwarded to the RIBGHE, which shall have final authority to accept, reject, or modify the commissioner's recommendation. A representative of the institution, or the institution's attorney, may address the RIBGHE prior to its consideration of the commissioner's recommendations; however, no additional evidence may be presented to the RIBGHE.

If the commissioner finds that the public health, safety or welfare of the students imperatively requires emergency action and incorporates a finding to that effect in his/her order, including the grounds upon which the finding is based, summary suspension of approval may be ordered, pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined.

3. The commissioner, as agent of the RIBGHE, may also seek to prevent or remedy any violation of these regulations or may seek revocation or suspension of an institution's approval, through appropriate court action in accordance with the General Laws of the State of Rhode Island.

C. REGULATIONS GOVERNING HEARINGS

All hearings will be held in accordance with the following:

Presentation of Evidence:

1. All parties shall have an opportunity to present evidence, cross examine witnesses and be represented by counsel.
2. The formal rules of evidence shall not apply; however, the hearing officer may exclude irrelevant, cumulative or hearsay evidence as he or she deems appropriate.

3. Oral proceedings will be transcribed if requested in advance by any party. The party requesting transcription will be required to pay the cost thereof.

Recommendations/Decisions:

1. Findings of fact shall be based upon the evidence submitted to the hearing officer and any stipulations agreed to by the parties.
2. The burden of proof shall be by a preponderance of the evidence.
3. The hearing officer shall prepare a written decision including findings of fact in support of the decision.

Informal Disposition: Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

D. DISPOSITION OF STUDENT RECORDS

An institution that has closed or whose approval to operate has been revoked is responsible for its student records and must make arrangements with the RIBGHE to ensure that these records will be maintained in a safe and suitable place and are accessible to students.

SECTION VI: EXEMPTIONS

Certain types of institutions, programs, and/or courses may be fully or temporarily exempt from these regulations. The commissioner shall determine if an institution, program, and/or course qualifies for an exemption. The commissioner may request at any time additional information or documentation from an institution in order to verify the appropriateness of its continued designation as an institution that is exempted fully or temporarily from these regulations.

A. FULL EXEMPTIONS

The following are fully exempted from these regulations and do not need to apply for an exemption:

- Institutions approved under other regulations established by the Rhode Island Board of Governors for Higher Education or the Rhode Island Board of Regents for Elementary and Secondary Education.
- Certain independent higher education institutions now operating in Rhode Island. The exempted institutions are:

Institutions established in 1922 or earlier that are exempted by statute:

- Brown University
- Bryant College
- Providence College
- Rhode Island School of Design

Institutions that were established or exempted through legislative action

- Johnson and Wales University
- New England Institute of Technology
- Roger Williams University
- Salve Regina University

NOTE: Institutions established through legislative action are exempt only so far as the legislative action defined the degree levels at which they may operate. Any of these institutions that seek to offer degrees or certificates at levels beyond those defined in the legislation that applies to the institution must observe the procedures described in this document.

- Certain recruitment activities are exempted fully, such as the activities of representatives of regionally or nationally accredited institutions who come to Rhode Island to participate in college fairs, to meet with students in high schools or to meet with students and/or their parents in other group settings and who collect no fees during these activities are exempt from these regulations. Representatives of regionally or nationally accredited institutions who come to Rhode Island to recruit athletes under NCAA guidelines are also exempt from these regulations.

B. TEMPORARY EXEMPTIONS

In certain instances (e.g., an institution wishes to offer a course in Rhode Island only for a very limited time), the commissioner may grant a temporary exemption from all or part of these regulations. In order to obtain a temporary exemption, the institution must be accredited. Temporary exemptions will extend only for the period of time (not to exceed one year) specified by the commissioner.

An institution wishing to apply for a temporary exemption should send a letter to the commissioner describing the course(s) to be offered, the location where the course(s) will be held, intended students, and faculty. In particular, the letter should explain the reason(s) the institution believes a temporary exemption should be granted. Additional materials in support of the request may be requested.

The commissioner will respond to a request for a temporary exemption in writing and indicate the parameters of the temporary exemption, including the period of time for which the exemption is in effect.

C. ADDITIONAL EXEMPTIONS FOR POST-ASSOCIATE CERTIFICATE PROGRAMS AND DISTANCE PROVIDERS

The following exemptions apply only to providers of courses or certificate programs at the post-associate level and above. The exemptions do not apply to degree programs and are not automatic. Providers are required to apply for either approved or exempt status. Based on the evidence provided, the commissioner will determine if an institution, certificate program, and/or course qualifies for an exemption. Explanations for adverse determinations will be provided in writing. The following may apply for consideration of exemptions:

- Flight schools holding an applicable current Federal Air Agency Certificate issued by the Federal Aviation Agency.

- Health-related programs or courses offered by non-profit hospitals in Rhode Island that are accredited by the appropriate professional medically related accrediting agency recognized by the U.S. Secretary of Education.
- Emergency medical technician (EMT) programs based on the U.S. Department of Transportation's curriculum guidelines and approved by the Rhode Island Department of Health.
- Programs and/or training leading to occupations regulated by the Rhode Island Department of Health's Office of Health Professions Regulation for which there is no specific course or curriculum requirement for licensing but which require the demonstration of certain techniques and skills via inspection (e.g., tattooing).
- Institutions, programs, or courses offering instruction exclusively in avocational, recreational, or developmental subjects.
- Employment-related training for which no tuition is charged to the student.
- Programs or courses offered for the sole purpose of preparing a person to take a licensure examination.
- Programs or courses offered primarily to meet continuing education standards required for professional licensure as defined by law or regulation in this state and for which no college-level credit is awarded.
- Short courses of study that are no more than 80 hours or 10 days in duration and for which students are charged no more than \$1,000. An exempted short course of study is further identified as one that: 1) results in its own certificate or credential and is not part of a sequence of classes for which the enrolling organization awards any program credential or certificate, 2) does not include an opportunity or a requirement that students register for or make a financial commitment to a longer program in addition to the individual class, and 3) is not advertised as leading to any professional credential or certification unless the entity that awards the credential or certification [e.g., Microsoft or Novell] indicates that the time needed to earn the credential or certification is 80 hours or less.
- Computer training offered at no additional charge with the purchase of hardware or software to the purchaser or to the purchaser's employee, as long as the seller is not primarily engaged in the business of providing instruction.
- Testing centers that provide examination scheduling, registration, administration, grading and results reporting only, as long as no additional instructional, student or administrative services are provided by the testing center within the borders of Rhode Island. Institutions located outside the borders of Rhode Island may use testing centers located in Rhode Island, as long as the institution does not seek to undertake any other form of operation in the state (refer to definition of *operate*).
- Individual instructors located within the borders of Rhode Island who provide instruction by distance learning under the auspices of an institution located outside of the state, as long as no additional on-ground instructional services or any (i.e., on-ground or at-a-distance) student or administrative services are provided within the state of Rhode Island by the instructor.

Institutions located outside the borders of Rhode Island may use individual instructors located in Rhode Island to provide instruction by distance learning, as long as the institution does not seek to undertake any other form of operation in the state (refer to definition of *operate*).

MATERIALS THAT SUPPORT AND CLARIFY THESE REGULATIONS

Certain statutes, forms, guidelines and procedures are referred to throughout these regulations. Since these supporting and clarifying documents change more frequently than do the regulations, they have been made available electronically rather than being included as a formal part of the regulations. The following materials may be found on the Web at the URLs indicated:

Title 16, Chapter 40 of the Rhode Island General Laws
..... www.rilin.state.ri.us/Statutes/TITLE16/16-40/INDEX.HTM

Accrediting Agencies Recognized by the U.S. Secretary of Education

Regional Accrediting Agencies

http://www.ed.gov/admins/finaid/accred/accreditation_pg5.html

National Accrediting Agencies

http://www.ed.gov/admins/finaid/accred/accreditation_pg6.html

Electronic Version of Proposal Format www.ribghe.org/hiedreg.htm

Guidelines for Distance Learning www.ribghe.org/hiedreg.htm

Checklists and Forms www.ribghe.org/hiedreg.htm