



**NH Department of Education
Division of Educator Support and Higher Education
Higher Education Commission**

**October 31, 2023: Emergency Commission Meeting
Meeting Packet**

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Higher Education Commission**

**October 31, 2023: Emergency Commission Meeting
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**NH Department of Education
Division of Educator Support and Higher Education
Higher Education Commission**

October 31, 2023: Emergency Commission Meeting
[Meeting Agenda](#)

Date & Time: Tuesday, October 31st, 2023 | 4:15 pm

Location: 25 Hall Street | Concord, NH 03301 | Granite State College Building | Event Center

Virtual Options:

Phone Number: +1 646 518 9805 US (New York) or +1 646 558 8656 US (New York)

ID & Passcode: 844 4523 2305

Zoom Link: <https://us02web.zoom.us/j/84445232305>

- 1) Call to Order (Chair Birx)
- 2) Administrative Rules – Hedc 400 – Adoption
Action Requested: Approval as recommended
- 3) Confirmation of Meeting Dates
Action Requested: Approval as recommended or amended
- 4) Adjourn

Link to Prior Meetings: [HIGHER ED COMMISSION MTGS, MINS, and AGENDAS](#)

Readopt with amendments Hecdc 400, eff 10-5-13 (Document #10429), to read as follows:

CHAPTER Hecdc 400 DEGREE-GRANTING HIGHER EDUCATION INSTITUTIONS WITH A PHYSICAL PRESENCE IN NEW HAMPSHIRE

PART Hecdc 401 APPLICABILITY

Hecdc 401.01 Institutions Excluded from Commission Jurisdiction. The following institutions shall not be subject to the jurisdiction of the higher education commission (HEC):

- (a) Institutions of the university system of New Hampshire pursuant to RSA 187-A, and the community college system of New Hampshire pursuant to RSA 188-F;
- (b) An in-state institution which has been in continuous operation since before 1775; and
- (c) Out-of-state institutions with no physical presence in New Hampshire that:
 - (1) Are non-profit members of The National Council for State Authorization Reciprocity Agreements (NC-SARA) offering credit-bearing courses, programs, or degrees exclusively by online computer delivery, even if the institution has online instructors residing in this state if those instructors do not physically meet with students;
 - (2) Send recruiters to college fairs or advertise in this state;
 - (3) Partner with an approved New Hampshire institution that provides credit to New Hampshire college and university students; or
 - (4) Contract with a New Hampshire entity that develops curriculum or instructional materials.

Hecdc 401.02 Institutions Under Commission Jurisdiction. The following institutions shall be subject to the jurisdiction of the HEC:

- (a) Institutions that have a physical presence in New Hampshire and seeking to offer or currently offering credit bearing courses, programs or associate, bachelor, master, or doctoral degrees in New Hampshire;
- (b) Institutions planning to establish or having an administrative office in New Hampshire;
- (c) Out-of-state institutions who are not members of NC-SARA seeking to offer open or closed credit-bearing internships, practicums, courses, programs, or degrees that have a physical presence in New Hampshire;
- (d) Previously approved international institutions, at the sole discretion of the institution; and
- (e) Teacher certification program(s) offered by approved New Hampshire institutions. These programs shall also fall under the provisions of RSA 186:11 and Ed 600.

PART Hecdc 402 DEFINITIONS

Hecdc 402.01 Terms Used. As used in these rules, the following terms have the meanings indicated:

- (a) “Commission” means the higher education commission (HEC) established in RSA 21-N:8-a;
- (b) “Director” means the director of the division of educator support and higher education at the New Hampshire department of education, or designee;

(c) “Physical presence” means an actual physical location for instructional purposes, maintaining an administrative office including a mailing address or phone number, or face-to-face advising, mentoring, supervision, testing, or instruction taking place in New Hampshire; and

(d) “The National Council for State Authorization Reciprocity Agreements (NC-SARA)” means the entity which governs reciprocity agreements between member states, territories, and districts of the United States of America. These agreements permit member institutions in member states, territories, and districts of the United States of America to offer online educational programs without requiring separate approvals.

PART Hedc 403 INCORPORATION

Hedc 403.01 Institutions Seeking Incorporation in New Hampshire. Pursuant to RSA 292:8-c through 8-h, the commission shall advise the legislature concerning the granting of degrees. Any institution that intends to seek incorporation as a degree-granting institution in New Hampshire shall secure approval from the commission prior to seeking authority from the legislature and shall submit articles of agreement as required by RSA 292:8-c and 8-d and shall be subject to the provisions of Hedc 405.

PART Hedc 404 EVALUATION PROCESS

Hedc 404.01 Initiating the Evaluation Process.

(a) Any institution seeking commission approval(s) shall discuss the proposed plan with the director or designated representative.

(b) The institution shall identify the:

- (1) Name of the institution;
- (2) Approval(s) sought;
- (3) Reasons therefore;
- (4) Proposed timeline; and
- (5) Anticipated benefits to students and to New Hampshire.

Hedc 404.02 Determination of Review Type.

(a) The director shall determine the type of review required based upon the program request, incorporated status, accreditation status, institutional sustainability, and previous approvals granted to the institution.

(b) Types of reviews shall be as follows:

- (1) A comprehensive review; and
- (2) An administrative review.

(c) A comprehensive review shall require the institution’s written plan to respond to each standard in Hedc 405 and the review shall be conducted by an evaluation team.

(d) An administrative review requires the institution’s written plan to respond to each standard in Hedc 405 as appropriate.

(e) The administrative review shall be conducted by the director, their designee, or by an evaluation team.

(f) The administrative review shall be used for the following:

- (1) In-state institutions seeking degree-granting approval for a new degree, a new degree level, a new program within an existing approved degree level, or a review of an already approved program not covered by earlier approvals;
- (2) Out-of-state institutions seeking approval to open a branch campus;
- (3) Out-of-state institutions seeking approval to offer credit-bearing courses, programs, degrees, internships, or practicums; and
- (4) In-state or out-of-state institutions voluntarily seeking approval to offer innovative or pilot programs, specialized certificates, assessments, or programs.

Hedc 404.03 Comprehensive Review.

- (a) An evaluation team shall conduct a comprehensive review that requires the institution's written plan responding to each standard in Hedc 405.
- (b) The evaluation team shall link its work with specialized licensing or professional accrediting agencies when such is pertinent to professional practice of development, or when licensure is required in New Hampshire for professional practice pursuant to RSA 292:8-e.
- (c) Upon completion of the evaluation, the evaluation team shall submit an evaluation report that:
 - (1) Considers in detail, the institution's compliance with Hedc 405; and
 - (2) Makes a recommendation as to whether the commission should grant or continue approval.
- (d) The institution shall have an opportunity to respond to the evaluation report and to respond to any specific questions within 10 days of the institution's receipt of the report.

Hedc 404.04 Administrative Review.

- (a) Any institution undergoing an administrative review shall submit a written plan addressing the points below and Hedc 405 as appropriate:
 - (1) The name of the institution;
 - (2) Approval being sought;
 - (3) Previous degree-granting authority awarded by the legislature and approved by the commission;
 - (4) Rationale for development of the proposed program within the stated institutional mission;
 - (5) Program planning and development process utilized in developing the request;
 - (6) Proposed course, program or degree offering, syllabi, relevant biographies, and credentials of faculty expected to teach in the proposed program;
 - (7) A demographic description of students to be served;
 - (8) New resources that will be required to fully implement the curriculum;
 - (9) Changes and shifts in organization and governance required to adjust to the proposed program;

(10) The location to be used and the anticipated timeframe or duration of the offering(s);

(11) Documentation that the institution is in good standing with a regional or national accrediting agency recognized by the U.S. Department of Education, the Council for Higher Education Accreditation, or both;

(12) Certificate of registration filed with the New Hampshire secretary of state; and

(13) Copies of a signed contract or memorandum of understanding with the New Hampshire educational or business entity, if applicable.

(b) Any institution undergoing an administrative review for an already approved program shall submit a written plan which:

(1) Updates any information or changes for each of the standards in Hec 405; and

(2) Responds to the concerns, suggestions, and recommendations in the commission's most recent approval of the program(s).

Hec 404.05 Evaluation Materials. An institution shall submit an electronic version of a written plan that addresses the standards in Hec 405 to the department of education, office of higher education, as listed on the department website <https://www.education.nh.gov/pathways-education/higher-education-new-hampshire>.

Hec 404.06 Decision by the Commission.

(a) Upon receipt of the evaluation report, the commission shall review the report and vote to accept, amend, or reject the recommendations contained therein based upon its determination of compliance with Hec 405.

(b) The institution shall be invited to attend the meeting of the commission to answer any questions from the commission.

(c) The director shall notify the institution of the commission's decision in writing within 10 days of the commission vote.

(d) Unless otherwise authorized, the institution shall not advertise or commence instruction until commission approval is granted.

(e) If the decision of the commission is to reject an institution's application for degree-granting authority, based on non-compliance with Hec 405, the details of that decision shall be included in the letter of notification.

PART Hec 405 STANDARDS FOR EVALUATION

Hec 405.01 Mission and Purposes.

(a) In its written plan, the applicant shall set forth a well-defined statement of the institution's mission and purposes.

(b) The applicant shall submit the following documents:

(1) A copy of the vote of the board of the institution's resolution adopting the statement of mission and purposes as submitted;

(2) A certified copy of the bylaws or other governing instrument specifying the procedures for amendment of the statement of purpose; and

(3) A certificate of registration filed with the New Hampshire secretary of state.

Hedc 405.02 Planning and Evaluation.

(a) The applicant shall describe its planning process and provide evidence of the following:

(1) The institution's plan beyond a short-term horizon, including strategic planning that involves realistic analyses of internal and external opportunities and constraints;

(2) The results of strategic planning that are implemented through financial, academic, enrollment, and other supporting plans;

(3) Institutional allocation of resources that are consistent with planning priorities;

(4) How the institution plans for and responds to financial, enrollment, and other contingencies; and

(5) The institution's record of success in implementing the results of its planning.

(b) The applicant shall provide evidence that it regularly and systematically evaluates the achievement of its mission and purposes as follows:

(1) The institution's policy and procedures for evaluating the quality and effectiveness of its academic programs;

(2) The institution's evidence of student learning outcomes; and

(3) The institution's demonstration of record of success in using the results of its evaluation activities to inform planning, changes in programs and services, and resource allocation.

Hedc 405.03 Organization and Governance. The applicant shall describe its organization and governance structures in its written plan, including:

(a) Organizational charts showing the lines of authority and the relationships among component units and personnel;

(b) Evidence of a governing board that reflects diversity and complies with its bylaws;

(c) Evidence that the governing board responsible for the general policies and control of the institution conducts itself as follows:

(1) Meets at least twice in each fiscal year; and

(2) Keeps written minutes of the actions taken at these formal meetings or otherwise maintain a record of proceedings; and

(d) A description of the roles of the trustees, administrators, faculty, and students, and the nature and extent of the involvement of each in the determination of policies and the resolution of issues, including academic program and curriculum development.

Hedc 405.04 The Academic Program. The applicant shall describe its educational program in its written plan, including:

- (a) How the educational program reflects the purpose and mission of the institution through curricula;
- (b) Clearly and accurately describing curricula and learning goals in all published written and electronic materials;
- (c) Clearly stating the level of instruction and reflecting the resources of the institution, including but not limited to program support in the following areas:
 - (1) Financial resources;
 - (2) Personnel;
 - (3) Facilities; and
 - (4) The level of academic preparation of the students;
- (d) Providing evidence that it provides students with course syllabi that includes:
 - (1) Course objectives;
 - (2) Course outcomes;
 - (3) Requirements; and
 - (4) Standards of achievement;
- (e) Providing evidence that the internal structure of course(s) rests within the purview of the appropriate faculty and academic leadership;
- (f) Clearly describing the process for development, review, and approval of educational policy;
- (g) Documenting provisions for a systematic and broad-based assessment of student learning, assessment of educational program(s), and the evaluation and improvement of instruction;
- (h) Articulating a sequence of courses leading to the attaining of a degree in the respective area or field of study;
- (i) Linking program goals with achievement of student outcomes;
- (j) At the associate degree level, having requirements for graduation that are based upon successful completion of a minimum of 60 semester hours of study;
- (k) At the baccalaureate degree level, providing evidence that the program:
 - (1) Is planned to reflect a commitment to a particular area of inquiry;
 - (2) Affords competence in the subject significantly beyond the introductory level; and
 - (3) Is based upon successful completion of a minimum of 120 semester hours of study;
- (l) If organized on other than the usual semester basis, ensuring that the educational program provided contains at least as many hours as an institution organized on the usual semester basis;
- (m) Providing evidence that all courses offered by correspondence, online, or away from the institution's primary campus are consistent with, and comparable to, courses offered to resident students enrolled at the institution's primary campus;

- (n) Stating its policies and procedures for consideration of transfer credits; and
- (o) Demonstrating it publishes its graduation requirements in writing or on its website.

Hedc 405.05 Teaching, Learning, and Scholarship.

(a) The institution shall support teaching and learning through a well-qualified faculty and academic staff as follows:

- (1) Staff competence as evidenced by:
 - a. Academic degrees from appropriately accredited institutions;
 - b. Academic knowledge in the discipline in which they teach; and
 - c. Previous teaching experience which ensures that students will receive education consistent with the objectives of the program of study and the curricular requirements as stated in the institution's published catalogue and web site or electronic media;
- (2) Meeting or exceeding the following standards in a 2-year associate program:
 - a. Faculty shall hold at least a master's degree or its equivalency as determined under (a) above; and
 - b. The entire faculty shall have education or equivalent experience in the field of specialization in which they are teaching;
- (3) Meeting or exceeding the following standards in a 4-year baccalaureate degree program:
 - a. Faculty shall hold at least a master's degree or its equivalency as determined under (a) above, in the field of specialization in which they are teaching;
 - b. At least 25% of the full-time faculty shall hold a doctoral degree or the appropriate terminal degree; and
 - c. The entire faculty shall have education or equivalent experience in the field of specialization in which they are teaching;
- (4) Meeting or exceeding the following standards in a master's degree program:
 - a. Faculty shall hold at least a master's degree or its equivalency as determined under (g) in the field of specialization in which they are teaching;
 - b. A majority of the faculty shall have satisfactorily completed work beyond the master's degree; and
 - c. At least 40% of the full-time faculty shall hold a doctoral degree or an appropriate terminal degree;
- (5) If teaching in a doctoral program, the faculty member shall hold a doctoral degree;

(6) If teaching in a professional degree program, the faculty member shall hold a doctoral or professional degree;

(7) If granted approval to teach by the institution, a faculty member shall have an equivalency for any of the positions listed in (1) and (2) above, or meet the following requirements:

- a. The institution shall state the reason for its equivalency in a narrative statement; and
- b. The written job description for the position shall state what preparation is necessary to be considered equivalent to a candidate who has a degree in the field;

(8) The number of faculty and academic staff shall be sufficient in number, with a full-time commitment to the institution and length of service to ensure continuity of the education program;

(9) Student-faculty ratios shall be sufficient in number to ensure consistency with the mission of the institution, and meet the following standards:

- a. The proportion of part-time faculty members and the student-teacher ratio shall be consistent with the institution's purpose to provide effective instruction and guidance in each course consistent with the institution's purpose; and
- b. The faculty shall consist of full-time appointments sufficient in number and length of service to ensure continuity and stability of the educational programs;

(10) Teaching load shall be consistent with the time essential for preparation for each class, other assigned academic or administrative responsibility, and professional growth including, but not limited to, the pursuit of terminal degrees in the field, the attendance at professional meetings, research, and publications;

(11) Professional and institutional responsibilities shall be specifically defined in writing;

(12) Expectations for continuing professional study or scholarly activity shall be clear, and faculty are encouraged to participate in professional meetings and other scholarly activity related to faculty disciplines;

(13) Personnel policies shall be in place concerning matters including, but not limited to:

- a. Academic freedom;
- b. Salaries and benefits; and
- c. Incentive for professional growth; and

(14) Policies shall be adopted, maintained, and followed governing initial appointments, reappointments, and the dismissal of faculty, including adjunct faculty, and shall maintain records that such policies are followed.

(b) Faculty and academic staff shall be provided with the following from the institution:

(1) The expectation that appointments shall be made pursuant to the established procedures of the institution and shall be promptly reported, in writing, to the governing board of the institution;

(2) A written notice of appointment which contains, or incorporates by specific reference, the conditions of employment and personnel policies with regard to academic freedom and economic security; and

(3) A letter of appointment that includes information on salaries, fringe benefits, and provisions for academic freedom.

Hedc 405.06 Students. The institution shall support the student body as follows:

(a) Describing in its written plan the characteristics of the students it wishes to serve;

(b) Describing in its written plan its orderly process of recruitment and admissions that complies with the requirements of state and federal law concerning equality of educational opportunity;

(c) Providing advising and academic support services appropriate to the student body;

(d) Developing a student record system that includes, but is not limited to, health counseling, financial aid, academic transcripts, graduate employment, and performance on licensure examinations, as appropriate; and

(e) Ensuring security and maintenance by:

(1) Storing physical records in secure, fire-resistant cabinets;

(2) Securing electronic records so as to prevent loss; and

(3) Routinely maintaining a secure backup of physical and electronic records.

Hedc 405.07 Institutional Resources. The applicant shall include in its written plan a description of institutional resources as follows:

(a) Human resources including, but not limited to:

(1) Human resources policies to include:

a. Their availability;

b. How they are consistently applied; and

c. A procedure for their periodic review;

(2) Clear terms of employment, to include salary and benefits;

(3) A plan for equal opportunity inclusion with measurable objectives;

(4) Procedures for the regular evaluation of all personnel; and

(5) Policies and procedures regarding opportunities for professional development;

(b) Financial resources including, but not limited to:

(1) Plans that allow the institution to:

a. Support and sustain its purpose;

b. Implement its program; and

- c. Graduate its entering class as follows:
 - 1. For institutions seeking associate degree-granting authority, this shall mean a minimum period of 4 years; and
 - 2. For institutions seeking baccalaureate, masters, and doctoral degree-granting authority, this shall mean a minimum period of 6 years;
- (2) Plans that allow the institution to adequately and effectively implement, achieve, and enhance its purposes and objectives as evidenced by the following:
 - a. Financial policies, procedures, and practices that ensure academic quality; and
 - b. A business plan for the time period described in (b)(1)c., which includes:
 - 1. An enrollment plan which includes anticipated applications, deposits, yield, and retention rates;
 - 2. Tuition and other sources of support; and
 - 3. Anticipated expenses;
- (3) A budget preparation process that is inclusive, and reviewed and approved by administrators and the institution's governing board;
- (4) A budget, sufficient in detail to identify operating expenses including categories for:
 - a. Instruction;
 - b. Library;
 - c. Information resources and technology;
 - d. Student services;
 - e. Financial aid, including a calculation of the tuition discounting rate; and
 - f. Operation and maintenance of the physical plant;
- (5) A chief financial officer responsible for administration of the financial resources with qualifications as follows:
 - a. Expertise, education, academic degrees, and an understanding of higher education finances;
 - b. Experience with financial and business operations of a higher education institution; and
 - c. Experience with the budget of higher education institutions, including overseeing the budget's formulation, revision, and implementation;
- (6) Evidence to demonstrate fiscal soundness including, but not limited to, resources which shall ensure operations through the time period described in (b)(1)c., to include, but not be limited to:
 - a. Unrestricted net operating income demonstrating the institution's ability to live within its resources;

- b. Resources necessary to meet covenants in any debt or other similar obligations of the institution;
- c. Expendable reserves to sustain academic quality should resources in a. or b. above not meet expenditure needs in any given year; and
- d. An existing realistic plan addressing issues raised by existing operational deficits, or in the event of a significant financial challenge or actual financial crisis to the institution or program, and reflecting significant assets to guarantee student protection;

(7) A financial records monitoring process which shall:

- a. Be open for inspection and audit by the commission or its agents upon demand during normal working hours;
- b. Be maintained in conformity with generally accepted accounting principles;
- c. Include audited financial statements with an unqualified opinion for at least 2 consecutive years. Audited financial statements means independently audited and certified annual financial statements which are completed within 6 months after the end of each fiscal year; and
- d. Be kept in accordance with procedures that are sufficient to maintain financial integrity that gifts or grants given to the institution shall be utilized according to the donor's or grantor's intent;

(8) Evidence of insurance, or other instruments to secure financial obligation, carried to protect the school's financial interest, which shall be sufficient to maintain the solvency of the school in case of loss by fire or other causes, and to protect it from instances of personal and public liability; and

(9) If the institution has or plans to incur debt, a plan, and procedures for maintaining and updating the plan, as needed, covering the period such debt will be outstanding which shows:

- a. The anticipated interest and principal payments throughout the life of the debt; and
- b. The provision for payment of such interest and principal as it becomes due and payable; and

(c) Information, physical, and technological resources, including, but not limited to:

(1) Library resources which shall include:

- a. A written plan consistent with the institution's purpose, the nature of the education program, and the enrollment;
- b. In-person and remote access provided to its basic physical and virtual collections. If other libraries or collections are to provide a major part of the library resources for the educational program, the extent of dependence shall be clearly stated, and the nature and details of agreements shall be described;
- c. If engaged in an agreement with other libraries and entities providing access to resources as referenced in b. above, a plan that specifies the following:
 - 1. The degree to which the holdings of the other libraries or resources support the institution's educational program and enrollment; and
 - 2. The degree to which students of the institution can use these libraries or resources;
- d. Services including, but not limited to:

1. Availability for in-person and remote student use at regularly posted times;
 2. In-person and remote availability of resource and supervisory personnel and standard library services including, but not limited to, circulation, reference services, instruction, and interlibrary loans; and
 3. Provisions for an atmosphere conducive to learning;
- e. A method for keeping up-to-date records of circulation, holdings, inventory data, materials on order, current periodicals received, subscription data base usage, expenditures, and budgets;
 - f. Evidence of sufficient holdings consistent with the purpose, the course offerings, and enrollment of the institution;
 - g. A method and timetable for review of its holdings to assure that the holdings remain consistent with the course offerings; and
 - h. A budget adequate to maintain the above standards; and
- (2) Physical and technological resources which shall include:
- a. A description of physical and technological resources necessary to achieve the purpose stated in the applicant's written plan including:
 1. Evidence that facilities are constructed and maintained in accordance with all applicable health and safety standards, codes, ordinances, and laws;
 2. For facilities not owned by the institution, evidence through a lease or other documentation that facilities and technologies are available to meet the institution's stated objectives;
 3. A plan for how the institution provides information technology to support its academic and administrative operations; and
 4. Policies and procedures to ensure the integrity and security of data, and the privacy of individuals.

PART Hedc 406 CONTINUING REVIEW

Hedc 406.01 Annual Reports.

(a) Institutions under the jurisdiction of the commission shall file copies of correspondence and annual or other reports required by its recognized regional or national accreditation agencies recognized by the U.S. Department of Education, the council for higher education accreditation, or both.

(b) Institutions shall authorize such accrediting agencies to release these documents to the commission should this be required.

Hedc 406.02 Additional Reports.

(a) Out-of-state institutions having commission approvals shall file annual or other reports as specified in its commission approval(s). The director shall review and report compliance to the commission.

(b) In-state institutions under the jurisdiction of the commission shall be required to file annual or other reports as specified in its commission approval(s). The director shall review and report compliance to the commission.

(c) Additional report(s) shall be required as necessary to provide additional information on the status of program approval.

(d) A comprehensive administrative review may be conducted to seek additional institutional or program information related to Hedc 405 regarding standards of evaluation based on:

(1) Information obtained by accreditors and communicated to the commission as an item(s) of concern; or

(2) Based on student complaints to the commission or department.

Hedc 406.03 Accreditation.

(a) In lieu of conducting its own independent program or institutional evaluation, the commission shall accept accreditation by a regional or national agency recognized by the U.S. Department of Education, the Council for Higher Education Accreditation, or both, when the program or institution is in good standing with no special requirements.

(b) Any institution seeking initial degree-granting authority shall be in good standing with a regional or national accrediting agency recognized by the U.S. Department of Education, the Council for Higher Education Accreditation, or both, within 8 years of receiving initial commission approval.

(c) An institution may make a written application for a time extension to (b) above for a period not to exceed 2 years. Reasons for an extension shall be unforeseen internal or external circumstances causing a delay in the accreditation process. The approval for a time extension shall require a majority vote of the commission.

(d) Any change in status with accretor(s), including notices of concern or probation notification, shall be provided to the commission to determine compliance with Hedc 405.

Hedc 406.04 Institutions Undergoing a Substantive Change in Governance. Any institution with a substantial change in governance, including a 50% or greater change in the composition of the governing board within a one-year period or decisions by the board which would affect the mission, character, and quality of the institution shall inform the commission by submitting the following:

(a) A letter and any documents explaining the reason for the changes, and how these changes will impact the mission, current operations, and students;

(b) Public disclosure, including a timeline and student and donor notification;

(c) Any other substantive changes altering the current activity in Hedc 405;

(d) Any correspondence to and from institutional accrediting agencies;

(e) Documentation of change in incorporated status, such as creation of a sole membership; and

(f) Any contracts detailing arrangements regarding development of courses, programs, or degrees by a non-title IV eligible entity.

Hedc 406.05 Institutions Undergoing an Acquisition, Merger, Transfer, Sale of Assets. Any institution undergoing an acquisition, transfer, sale of assets if more than 25%, or merger, shall inform the commission by submitting the following:

- (a) A letter explaining the reason for the change; and
- (b) A transition plan and timetable that includes, but is not limited to:
 - (1) Public disclosure and student and donor notification;
 - (2) Evidence of sufficient fiscal resources to support the transition;
 - (3) Accreditor(s) expectations;
 - (4) Any correspondence to and from institutional accrediting agencies;
 - (5) Legal documents related to the transition;
 - (6) Most recent audited financial statement;
 - (7) Any changes in:
 - a. Mission;
 - b. Board appointments;
 - c. Internal governance and leadership structure;
 - d. Institutional leadership appointments;
 - e. Faculty and staff appointments, along with terms of employment, including, but not limited to, working conditions and benefits;
 - f. Enrollment;
 - g. Program offerings; and
 - h. Facilities; and
 - (8) Any other substantive changes altering the current activity in Hedc 405.

Hedc 406.06 Institutions Undergoing Closure.

- (a) Any institution that plans to close shall inform the commission by forwarding the following:
 - (1) A transition plan and timetable that addresses and includes, but is not limited to:
 - a. Public disclosure and student and donor notification;
 - b. Changes in internal governance and leadership structure; and
 - c. Changes in faculty and staff appointments;
 - (2) A plan for discontinuation of programs that includes:

- a. Number of students impacted;
 - b. Teach-out schedule detailing program completion at current institution; and
 - c. Evidence of arrangement with another accredited institution for student transfer;
- (3) Evidence of fiscal resources necessary to support the transition;
- (4) Accreditor(s) expectations; and
- (5) Any correspondence to and from accrediting agencies.

(b) In addition to the requirements outlined in RSA 292:8-kk, any institution that closes shall also submit a typed list of students.

PART Hedc 407 DISCIPLINARY ACTION

Hedc 407.01 Violations.

(a) Alleged violations of RSA 292:8-g and RSA 292:8-h shall be reported by the commission to the department of justice for enforcement.

(b) Written notification of alleged violations shall be given to the institution by the director.

(c) Institutions shall provide a written response to the commission within 30 calendar days.

(d) The commission shall consider the institution's response and provide the opportunity for the institution to make an oral presentation.

(e) Any institution dissatisfied with the commission's decision may request a hearing within 60 days of the commission's decision.

Hedc 407.02 Suspension or Revocation of Authority.

(a) Degree-granting authority of any institution which no longer meets the standards established by rules shall be suspended or revoked, pursuant to RSA 21-N:8-a,II(e).

(b) Any institution which has not conducted regular instruction for 3 consecutive years and whose charter has not been repealed pursuant to RSA 292:8-ff IV, shall be evaluated before resumption of instruction.

(c) Degrees which an institution has not awarded for 4 years shall be evaluated pursuant to Hedc 406 prior to the re-awarding of any such degree.

Hedc 407.03 Hearing. Any institution dissatisfied with the commission's decision may request a hearing within 60 days of the date of the commission's decision.

PART Hedc 408 FEES

Hedc 408.01 Fees.

(a) Fees for commission reviews and actions, and professional stipends, shall be as specified in table Hedc 400-1 below.

Table Hedc 400-1 Schedule of Required Institutional Fees

Action	Fee
INCORPORATION	
New institution – main campus in New Hampshire	\$10,000
Out-of-state incorporated/branch campus in New Hampshire	\$10,000
COMMISSION REVIEWS	
Comprehensive Review	\$ 2,500
Administrative Review	\$ 750
Accreditation Observation by Director or designee	\$ 500
Annual Report from Out-of-State Institution (Hedc 406.02 (a))	\$ 500
REVIEW FOR SUBSTANTIVE CHANGE IN GOVERNANCE	\$ 2,550
REVIEW OF ACQUISITION, MERGER, TRANSFER, OR SALE OF ASSETS	\$ 2,500
INSTITUTIONAL CLOSURE	\$ 3,000
DISCIPLINARY ACTION	\$ 3,000
STIPENDS	
Chair – in-state site visit	\$ 2,500
Chair – international site visit	\$ 3,000

Team Member – in-state site visit	\$ 1,500
Team Member – international site visit	\$ 2,000
Accreditation Observer – in-state site visit	\$ 2,000
Accreditation Observer – international site visit	\$ 3,000
CLOSED SCHOOL TRANSCRIPTS	
Transcript Request Fee per transcript	\$ 25

(b) All direct costs for institutional or program evaluations shall be the responsibility of the requesting institution.

(c) Evaluators or observers shall be reimbursed for all expenses related to the evaluation, such as travel, lodging, and meals. Payment shall be made to the individual but forwarded to the commission for recording 10 days following the site visit.

(d) Checks for required fees shall be made payable to “Treasurer, State of New Hampshire” and forwarded to the commission prior to on-site visits.

Appendix

Rule	Statute
Hedc 100	RSA 21:8-a, II(e)(9)(A)
Hedc 401	RSA 21-N:8-a,II(a)
Hedc 402	RSA 292:8-h
Hedc 403	RSA 292:8-c, RSA292:8-h
Hedc 404.01 - Hedc 404.02	RSA 292:8-f
Hedc 404.03 - Hedc 404.05	RSA 292:8-f, RSA 292:8-ff
Hedc 405	RSA 292:8-f
Hedc 406.01 - Hedc 406.02	RSA 292:8-ff
Hedc 406.03	RSA 21-N:8-a,II,(e)(1)
Hedc 406.04	RSA 292:8-ff,II,(b)
Hedc 406.05	RSA 292:8-ff,II,(a)
Hedc 406.06	RSA 292:8-kk
Hedc 407.01	RSA 292:8-ff,III
Hedc 407.02	RSA 21-N:8-a,II(e)
Hedc 407.03	RSA 541-A:30-a, V
Hedc 408	RSA 21-N:8-a,II(e)(5)

**NH Department of Education
Division of Educator Support and Higher Education
Higher Education Commission**

October 31, 2023: Emergency Commission Meeting
[2023-2024 Commission Meeting Dates](#)



2023-2024 Commission Meeting Dates:			
Date:	Day:	Time:	Location:
March 12, 2024	Tuesday	2:00pm	25 Hall St. Concord, NH 03301
October 8, 2024	Tuesday	2:00pm	25 Hall St. Concord, NH 03301
March 11, 2025	Tuesday	2:00pm	25 Hall St. Concord, NH 03301
October 14, 2025	Tuesday	2:00pm	25 Hall St. Concord, NH 03301

Link to Prior Meetings: [HIGHER ED COMMISSION MTGS. MINS. and AGENDAS](#)