



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

**October 11, 2022: Commission Meeting
Meeting Packet**

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

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

**October 11, 2022: Commission Meeting
Meeting Agenda**

Date & Time: Tuesday, May 10th, 2022 | 2:00 pm

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

Virtual Options:

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

ID & Passcode: 838 6556 9367 | 336529

Zoom Link: <https://us02web.zoom.us/j/83865569367?pwd=MXJjait5bE9HQkVEK3RrdmxEOdV3QT09>

- 1) Call to Order (Chair Birx)
- 2) Minutes - May 10, 2022 (Attachment) (Chair Birx)
Action Requested: Approval as recommended or amended
- 3) Program Approvals
 - a. American University of Madaba (AUM) (Attachment)
 - i. Master of Business Administration in Business Analytics (MBA-BA)
Presented By: Dr. Kim Bogle Jubinville
Action Requested: Approval as recommended or amended
 - b. Colby Sawyer College (CSC) (Attachment)
 - i. Master of Science and Exercise Science (MSES)
Presented By: Mary Kate Feit
Action Requested: Approval as recommended or amended
- 4) Administrative Rules - Hedc 400
 - a. Memorandum (Attached for Explanation)
 - b. Initial Proposal (Attachment)
Action Requested: Approval as recommended or amended
- 5) Administrative Rules - Hedc 600
 - a. Memorandum (Attached for Explanation)
 - b. Initial Proposal (Attachment)
Action Requested: Approval as recommended or amended
 - c. RSA 188-H (Attached for Reference)
- 6) Director's Report & Updates
- 7) Adjourn

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

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

October 11, 2022: Commission Meeting
May 10, 2022 Meeting Minutes



Frank Edelblut
Commissioner

Christine Brennan
Deputy Commissioner

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
Division of Educator Support and Higher Education
Higher Education Commission
101 Pleasant Street
Concord, N.H. 03301
TEL. (603) 271-2409
FAX (603) 271-4134**

A meeting of the Higher Education Commission was held on Tuesday, May 10th, 2022, at 2:00 p.m. at 25 Hall Steet, Concord, NH 03301, Granite State College Building, Event Center.

The following members were present:

Donald Birx - Chair
Sr. Paula Marie Buley, Vice Chair
Michele Perkins
Frank Edelblut, Commissioner
Cathy Provencher
Joseph A. Favazza
Susan D. Stuebner
Melinda Treadwell
Charles Lloyd - (virtual)
Michael J. Apfelberg
Mark J. Laliberte

Steve Appleby
Richard (Dick) Gustafson
Whitney Vaillancourt
Laura Stoneking
Jeffrey Newman
Amy Martel
Pat Moquin

The following members were not present:

James Dean
Mark Rubenstein
Shawn M. Fitzgerald
Alfred Williams IV
Kevin M. O'Shea
Shawn M. Fitzgerald

1. Chair Birx called meeting to order at 2:00 p.m. A quorum was present.
2. Minutes of the October 12, 2021, Commission Meeting were attached to the meeting agenda and reviewed by members present. A motion to approve the minutes of the previous meeting was requested; a male voice made the motion; it was seconded by Michael Apfelberg. A roll call vote was needed because Commissioner Charles Lloyd was in virtual attendance. The motion passed; minutes were approved.
3. Program Approvals - Richard Gustafson reported on two programs at Colby Sawyer College and one program at Saint Anselm College. Mr. Gustafson explained that expedited reviews were appropriate because both institutions are fully accredited by regional accrediting associations, both have existing master's degree programs.
 - a. Colby Sawyer College
 - First Program: Proposed Master of Social Work (MSW) - subject matter expert reviewer was Dr. Jibril Solomon from Bridgewater State University.
 - One-day review on March 25th with preliminary work and post work after the review.
 - This program fits within their mission and is linked to existing undergraduate programs on Sociology, Social Work, and Criminal Justice.
 - Educational program to start in fall of 2023; primarily online, a 2-year program, using a cohort model, starting with 10 or 12 students.
 - Each of the first 2 years, will be reviewed by NICHE, and the program needs to be accredited by the Council for Social Work Education (CSWE).
 - The program is outlined, the course descriptions are in place, no full syllabi yet, but in preparation.
 - Graduation requirements are clear, the faculty resources are adequate, and have agreed to an additional full-time faculty member with a terminal degree in social work.
 - Student records are in place, the library resources are more than adequate.
 - Facilities and technologies are suitable for online delivery and remote learning.
 - Financially in good shape, and the budget carries funding for the additional faculty member and for the CSWE accreditation.
 - Public disclosure will be done on Colby Sawyer College website and in printed publications.
 - Recommendations in two segments -- approval through December 31, 2026, with a progress report filed by March 1st, 2023, with results from NICHE and also clear correspondence on work with the Council for Social Work Education.
 - Annual reports to be submitted beginning in December of 2023, as the program unfolds.

Questions were raised regarding the cost of the MSW credential and the income generated by employment in the field. This was not considered a problem because students are aware of career opportunities and there is a great need for social workers. With regard to the difficulty of clinical placements, a pipeline and relationship with Dartmouth and students' own initiative in finding placements are likely to make that a non-issue. The total cost of the whole program is \$37,000 for 62 credits, in a 2-year plus program.

Motion made and seconded to approve the proposed MSW program at Colby Sawyer; roll called for votes, motion passed without dissent, Sue Stuebner abstained.

- Second Program: Proposed Doctor of Nursing Practice (DNP) coordinated by Dick Gustafson, with subject matter expert reviewer Dr. Donna Proulx from Rivier University.
- A one-day review was conducted.
- The proposed program fits well with the mission of the nursing program; the college already has undergraduate and graduate programs in nursing.
- The DNP program will be tied to the Dartmouth-Hitchcock Medical system, where a number of people there are seeking a program at this level for their own graduate level nurses.
- This primarily an online program will have 37 credit hours with some prerequisites; there might be a 12-hour prerequisite set of courses, and a thousand hours of baccalaureate practice hours, some of those hours may have been taken as part of a master's degree program.
- The program will be reviewed by CCNE, the accrediting group that currently accredits Colby Sawyer's existing nursing programs and it would also be up for a substantive change at an upcoming NICHE meeting.
- Suggestions were made regarding mapping of the curriculum and the establishment of an advisory group. A scholarly clinical project is needed and was discussed with people at Dartmouth including capstone or scholarly activities at the end of the doctoral program.
- The graduation requirements are clear; the registration function is in place.
- Well-qualified faculty are currently teaching in the undergrad and graduate program; there would be an additional need for one more faculty member to support this program.
- Students are required to have an MSN degree or be in a MSN-DNP program which are available; student records are straight forward, the program audits are in place.
- The online delivery platform is well connected to the library and the resources that students might need; they also have access to the library facilities at Dartmouth College -- especially those in the medical fields.
- The finances include some credit hours being charged at the master's level of \$600 a credit hour and others at the higher rate for doctoral programs and the cost of the program is estimated at around \$25,000.
- Recommendations were to provide more information in March of 2023, with approval for the substantive change from NICHE and evidence of their work and progress with CCNE of the provision for the additional full-time, qualified faculty member and a copy of the finished course syllabi and any memorandum of understanding for placements for the DNP students.
- Annual reports on the status of the program and developments over time are to be submitted, beginning in December 2023.

Questions related to employment opportunities for graduates of the doctoral program were raised. Opportunities abound as clinicians or researchers or in academia as teachers with the goal of improving patient outcomes. Another question was since this is the first doctoral program for Colby Sawyer, were there issues with regard to authorization by the Commission to offer a degree at that level? No, there is precedent for other institutions as they've matured. Is there a mechanism in place to validate the requirement of 500 hours of supervised practicum at the master's level? Yes, the 1000 hours is a national standard; the American Association for the College of Nursing -- defines these practicum hours as having to be supervised, directors of master's programs also validate the 500 hours of supervised practicum. A final

question was regarding the number of online programs at Colby Sawyer. At least six programs were named and were primarily in the healthcare area.

Motion made and seconded by Michelle Perkins to approve program. In a roll call vote, motion passed without dissent, Sue Stuebner abstained.

b. Saint Anselm College

- Proposed Master of Arts in Teaching (MAT) program was reviewed with subject matter expert reviewer Dr. Patricia Corbett from New England College.
- An on-site visit was conducted on March 21st.
- The MAT program would provide an opportunity for students who later in their college career, begin to think more seriously about going into teaching.
- Initially it's only open to Saint Anselm students that are on the campus and may be in other liberal arts programs there.
- The MAT program would provide an opportunity for students to stay for another year plus and earn an MAT degree with certification in a particular discipline that they wish to teach.
- The program will be reviewed by the Council for Teacher Education in the state of New Hampshire for the disciplines, and the State Board of Education for licensure, disciplines, and pedagogy, as appropriate.
- This MAT program can be used by many disciplines from Visual Arts through Computer Science.
- The program fits well with the Saint Anselm College mission and the existing teacher education programs; it has the potential of increasing the rank of secondary student level teachers.
- It's a 40-credit program that is like 4 plus 1; it will be delivered face to face and with some online support to the students at St. Anselm College who would stay on for that fifth year.
- A director for the program is currently within the education department, and the content is well laid out.
- Student record keeping and library resources are in place as are the facilities and technology.
- The college is well situated financially.
- A cohort model beginning with 10 or 12 students in the spring semester of their junior year and continuing in their senior year; initially trying to identify seniors in the spring of 2023.
- The cost of the program is about \$27,000.
- Public disclosure through the website and printed materials would be in place. The 4 plus 1 program is similar to the one that exists for Criminal Justice/Criminology that was approved a couple years ago.
- Approval of the program is recommended; however, the program could not begin until the professional educator's programs are approved, that is the Council for Teacher Education and the State Board of Education.
- Annual reports from Saint Anselm beginning in December of 2023 regarding enrollment and graduation figures when appropriate and other resources that come to the program.

Questions included the level of student interest? Mr. Appleby stated that it is not likely to be a big program but the need for good teachers is a driving force behind having such a program to meet the need for teachers that are well qualified, interested, and ready to go. How will the 40-credit hour requirement be

met? It was explained that the program involves year-round course work, starting right after senior graduation.

Motion made by Frank Edelblut and seconded by Sister Paula Buley. Called for discussion. Roll called for vote; motion passed without dissent; Joseph Favazza abstained.

4. Prospectus for a New Institution - Steve Appleby welcomed the virtual appearance of Triant Flouris in Athens, Greece and asked him to introduce himself and the individual with him on screen.

The New England Aeronautical Institute.

- Triant Flouris is currently the VPAA of Greece's largest private higher education institution. Alexandros Tsaktanis, the managing director of Global Aviation was with Dr. Flouris. Global is the largest flight school in the country, and one of the premier flight schools in the European continent.
- The highlights of the prospectus were explained by Dr. Flouris in a What, Who, Why, and How format. Dr. Flouris worked on the academics of this endeavor and Mr. Tsaktanis worked on the finances.
- What is proposed is the establishment of a fully online and aviation focused institution of higher education.
- Who - The idea of the endeavor started through discussion of former academic Deans of Daniel Webster College who were employed by the College prior to it becoming part of ITT-ESI. They comprise the founders and inaugural members of the NEAI Board of Directors. They are: Thomas Teller, Nicholas Bertozzi, John Slater, and Triant Flouris. They have combined expertise in aviation, liberal arts, and engineering. Other members of the Board of Directors who support this endeavor in addition to Mr. Tsaktanis, are: George Antoniadis, the founder and CEO of PlaneSense, the largest aviation company in New England based in Portsmouth, NH, Ted Kitchens the Director of Manchester Airport, the largest airport in the State, Corey Olsen, the President of Signum University, a purely online, single-purpose institution that has been granted authority by the State recently, and Wayne Jones, the Provost of the University of New Hampshire.
- Why - The prospects for aviation education are incredible and projected workforce requirements in the United States and globally are significant. A new approach is needed to aviation education, with flexibility, based on global best practices, as given the dynamic nature of the market getting undergraduate degrees in a traditional way is challenging
- How - An online institution will be created that will initially focus on offering one undergraduate aviation degree with a flight operations focus in partnership with flight schools around the world combining global best practices in regard to curriculum. Global Aviation has committed to be the first flight school partner.

Mr. Appleby asked Dr. Flouris for a timetable or plan for progress on establishing the New England Aeronautical Institute by the Commission's October meeting. In response to Mr. Appleby's question about a timetable or plan for progress, Dr. Flouris stated that a proposal based on the current administrative rules of the State has been drafted and based on the feedback received today, it will proceed toward submission for consideration in the October meeting. By-laws have been written, there will be some additions to the Board, and there are meetings planned during the summer to fine-tune plans and chart the path for the future.

Mr. Appleby explained that once the Commission office receives the proposal, a standard review will be conducted, and experts from the aviation higher education sector will be brought in to review the program.

After the review is conducted, the results will be reported in a future Commission meeting, hopefully in October, if the timing works out.

Other questions for Dr. Flouris included the following: Why do financials for this nonprofit 501 (c)(3) read like a for profit business? What are those revenues being plowed back into as a nonprofit? Dr. Flouris explained that the objective was to create a viable financial plan for the institution. The extra revenues are planned as investments in the organization itself. In terms of the future, hopefully, an endowment will be established.

Another question was what would be the source of the initial investment, the start-up capital? The initial investment will be provided by Global Aviation. They will support the start-up phase of the organization.

The third question was whether the Board members, identified in the prospectus, agreed to undertake these roles? Dr. Flouris answered that they all have agreed.

Have the Board members, identified in the proposal, agreed to undertake these roles? Yes, they all have agreed.

5. Administrative Rules Revision - Discussion by Steve Appleby

Mr. Appleby presented a second draft of the Hedc-400 rules for members to take and review when convenient. The goal is at the October meeting, have an initial proposal for an update to the Higher Ed rules, the Hedc -400s, and also at that time have an initial proposal of the Hedc-300 Career School rules, as those are coming up for annual review. Dick had put together a document for the last October meeting where he listed the significant high-level changes; this will be done after this meeting and will be e-mailed to everyone. This e-mailed document will lay out the biggest changes aligning our rules more with NICHE's, having our standards be similar, having the same number of standards. Hopefully, this will streamline some of the work for all when adding new programs.

6. Director's Report - Highlights Presented by Steve Appleby

- New staff, Amy Martell, the Office of Career School Licensing, replacing of Kaitlin Komisarek (phonetic) who has moved into the Bureau of Educator Credentialing, as our Criminal Record Check Coordinator.
- The department was tasked by the legislature with conducting criminal record checks on certain categories of K-12 employees and Kaitlin is leading that effort in Bureau Credentialing.
- Whitney has updated the look and feel of a number of items, you'll notice new name plates, the one mistake, notwithstanding, we'll get that fixed Cathy.
- Based on feedback from staff in the field, Whitney consolidated all of the individual attachments into one searchable pdf, making it more user-friendly.
- Dick Gustafson put together the numerous administrative approvals and updates in the Director's report.
- As noted by Laura Stoneking, there is a new section to call out educative preparation activities to show all the activity going on across the institutions.
- Last Fall, the governor signed into law an office for school licensing law that exempted from licensure smaller career schools, those that with under \$100,000 a year in revenue. The law was in response to complaints from yoga schools and lobbying by the Yoga Alliance. The legislature settled upon a middle ground of exempting the smaller schools; these are typically hobbies for folks that run these as a second or third career.

- Jeffrey Newman pointed out that a couple voluntarily remained in the system, maintaining their license to provide other benefits or access to tuition funding such as the GI bill. Additional examples of this were discussed.

Continuing with the Director's Report, Steve Appleby reported:

- Veteran's Administration (VA)-- currently 12,947 students are receiving benefits according to the VA, significantly more than a year ago their report to us was that there were 7,170 students. (Jeff offered that some of the increase is because of the new GI bill -- Chapter 33 allows for the easy transfer of benefits to children or spouses.)
- Research in the back of the report was prepared by Nusrat Jihan (phonetic) who comes from another State department, where she did economic statistics and research. Ms. Jihan is replacing Jan Fedario who has retired.

7. Commission Meeting Dates for 2022 - 2023 (Tentative) - Steve Appleby

- Instead of the standard one-year out. The meeting dates are selected for two years. It's always the same Tuesdays, three times a year: October, February, and May.
- This will be put in print and posted on the website. If there are any issues with these dates, they can be discussed in October. Historically, these are the same dates that we have used for many, many years.

Steve Appleby asked if there were questions about the Director's Report, dates, or rules?

There was a question regarding the meeting locations. The Division location is very fluid however it is hoped that the current location will remain fixed for a long, long time.

Mark Laliberte asked if someone was willing to make the most important move?

8. Adjourn

Motion made to adjourn, seconded, motion passed without dissent.

Discussion after adjournment: Why did you need to call roll when you had a quorum present? Because one Commissioner was remote, so per the state rule, we have to call the roll for every vote. Steve Appleby asked if anyone has any comments about the Director's Report, please let him know because the goal is to make it user-friendly, and Whitney would love the feedback.

Thanks. Take care everybody.

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

**October 11, 2022: Commission Meeting
Program Approval: American University of Madaba
Master of Business Administration in Business Analytics (MBA-BA)**

**Evaluation Report to the Higher Education Commission of the New Hampshire
Department of Education, Division of Educator Support & Higher Education**

**American University of Madaba - Jordan
Master of Business Administration and Business Analytics
September 7, 2022**

Evaluation Team:

Dr. Tevfik Aktekin – Associate Professor Decision Sciences, University of New Hampshire

Dr. Kimberly Bogle Jubinville, SVP – University Chief Academic Officer, Southern New Hampshire University

-OVERVIEW-

The following is a report summarizing the program evaluation for a master’s degree from American University of Madaba (AUM) for a Masters of Business Administration and Business Analytics (MBA-BA). Standards and processes for the Higher Education Commission for the state of New Hampshire require that this new degree program be reviewed, as current status requires that all new degrees for AUM complete an expedited review by the commission.

The program is currently the only one of its kind in Jordan and demonstrated a link to both undergraduate programs at AUM and the current MS in Risk Management. Extensive research into the job market and demand for the degree noted the need across multiple industries in Jordan and other countries for graduates.

American University of Madaba (AUM) is currently in the process for Candidacy with the New England Commission of Higher Education (NECHE), with a comprehensive visit planned for Fall 2023, with consideration for Candidacy in January 2024. This program will be encompassed in the comprehensive NECHE review for initial accreditation with all other degrees.

-THE EVALUATION PROCESS-

American University of Madaba, in preparation for this expedited program review, provided a comprehensive proposal that addressed the NH Code of Administrative Rules, Hedc 400, “Degree-Granting Higher Education Institutions with a Physical Presence in New Hampshire,” Evaluation Process (Hedc 404), Expedited Review guidelines (Hedc 404.04), and Standards for Evaluation (Hedc 405). AUM also provided supporting documentation, including:

- Proposed curriculum & credit hours
- Program outcomes, student learning outcomes and assessment criteria, including comprehensive exam content
- Course descriptions and syllabi
- Curriculum vitae for relevant faculty
- Financial assumptions and preliminary budgets
- Marketing and Website materials
- Policies and Governance documentation

The review was facilitated by a virtual meeting with the evaluators and members of the AUM faculty, staff and administration, as well as Dr. Richard Gustafson, a consultant to the Higher Education Commission of New Hampshire and sharing of documentation via email based on requirements and questions.

The expedited program review process provided the opportunity for a virtual visit, which was conducted via a Zoom meeting with the evaluators and the AUM team of:

Higher Education Commission, Evaluators & Facilitator:

- Dr. Richard Gustafson – President Emeritus, Southern New Hampshire University
- Dr. Tefvik Aktekin – Associate Professor, Decision Sciences, University of New Hampshire
- Dr. Kimberly Bogle Jubinville – SVP & University Chief Academic Officer, Southern New Hampshire University

American University of Madaba, Faculty & Staff:

- Dr. Khaled Aladwan - Dean of Faculty of Business and Finance
- Professor Muhannad Ali Alrosan – Professor of Economics
- Professor Ihab Sawalha - Dean of Scientific Research and Graduate Studies
- Dr. Mohammad Daoud – Acting Dean of the Faculty of Information Technology
- Dr. Mohammad Jamal Alawamleh – Associate Professor of Business Administration
- Dr. Majda Ayoub/Al-Salim - Assistant Professor of Marketing & Business Administration
- Dr. Leen Adel Gammoh – Assistant Professor of Business Administration
- Dr. Faris Al Majali – Assistant Professor of Business Administration
- Dr. Hussam Yassin (newly hired, starting Date; Oct 2022) – Faculty member/ Department of Business Administration
- Dr. Jamal Muaddi – University Registrar
- Mr. Firas Darabah - Director of Library
- Mr. Omar Noubani – Director of Information Technology
- Eng Hatem Bakhit- Information Technology Centre
- Mr. Yaser Qasrawi- Financial Director
- Mr. Michael Abu Hana- Financial Department
- Lara Smeirat – Accreditation and Quality Assurance Department
- Majdi Dayyat - Director of Accreditation and Quality Assurance Department & Acting Director of International office

AUM was cooperative in facilitating access to all University faculty and staff as needed and requested by the reviewers. The eleven Hedc Standards for Program Approval were reviewed to inform an assessment of program integrity and viability.

-STANDARDS-

I. INSTITUTIONAL PURPOSE AND MISSION

The mission statement of the American University of Madaba (AUM) was developed at the conception of the University and has been consistent throughout the time that it has been operating. Under the Board of Trustees, the mission is currently under review within the strategic planning process (2021-2022), with final approval from the Board of Trustees. The Master of Business Administration and Business Analytics program is in alignment with the mission.

American University of Madaba - Mission:

- AUM ensures academic excellence through highly competent faculty, staff, and students, supported by state-of-the-art sustainable facilities, strategic research and job-relevant study programs.
- AUM devotes its energies to the development of Jordan and the region.
- AUM builds on its international partnerships to enrich student experiences, to expand faculty capabilities and to broaden resources.
- AUM prepares leaders educated in the values of ethical conduct, human understanding, astuteness, integrity and peace who are dedicated to benefitting society and resolving local and global problems.

In alignment with the mission of AUM, the MBA&BA addresses a need across industries in Jordan and the region for highly qualified managers with the skills to enhance decision-making, to improve performance and compete in the new era of knowledge-based economies. The analysis of the job market and the skills and knowledge required across industries was a major factor for the University in developing and launching this degree. It is expected that graduates of AUM will reside in the region and contribute to the local society and this degree meets the needs of the region, across industries. As well, the proposed master's degree is designed to meet requirements of AUM undergraduates and alumni who desire a graduate credential to meet the requirements of the job market and advance their career.

Similarly, the addition of a thesis track in this degree program permits students from other countries the ability to study at AUM, based on Visa and governmental requirements. The MBA and Business Analytics is a strong addition to AUM's academic catalog.

II. ORGANIZATION AND GOVERNANCE

The development of the MBA&BA program followed the current governance structure at AUM and was in accordance with the processes set forth by the Jordanian Ministry of Higher Education and Scientific Research. Prior to the expedited review for the state of New Hampshire, AUM received approval from the Jordanian Ministry of Higher Education to offer a degree in Master of Business Administration and Business Analytics.

Requirements for the establishment of a master's degree within a Jordanian University include the required governance and faculty oversight of the program. Oversight of the MBA&BA is through the Deanship of Scientific Research and Graduate Studies, which is entrusted with the supervision and development of graduate studies at AUM and reports to the President, along with the Dean and Faculty of Business and Finance.

III. EDUCATIONAL PROGRAM

AUM currently offers a wide variety of undergraduate programs spanning across engineering, sciences, arts, and business. Recently, a Master of Science degree has been launched under the college of Business & Finance, the same college being evaluated for the MBA&BA degree. AUM's current governance structure for developing/approving new programs and proposing changes to these programs is well established and documented. The proposed MBA&BA program structure has gone through the appropriate internal (University level) as well as external (Jordanian Ministry of Higher Education and Scientific Research) approvals.

The development of the MBA&BA program was conducted with consultation from faculty in the department of Business Administration (hosting department for the program), from faculty outside of the college of Business and Finance (Information Technology), and from industry external stakeholders. The program was designed and cross-checked with other similar MBA programs from the regions of the Middle East, United States, and Europe. The special emphasis on "Business Analytics" is a differentiating factor of the proposed program and was a result of research in career outlooks and demand for specialized skills in the marketplace. The program focuses on developing skills in two inter-related areas of emphasis: management and analytics. The comprehensive MBA&BA program curriculum will expose students to various fields in business such as marketing, strategic management, accounting, and operations/supply chain management, in addition to analytics-based topics such as data mining, database management, visualization, and social media. The program is designed around various pedagogical tools, typically observed in graduate business education. These include in-class real life examples, case studies, real life projects, and industry engagement. As such, the program is poised to educate graduate students who will be armed with sought-after skills and be competitive in the marketplace.

The program objectives and learning outcomes are well defined and cover various aspects of management and analytics education. Based on existing feedback mechanisms utilized by other programs at AUM, the continuous improvement plans are ready to be deployed when the program launches.

IV. GRADUATION REQUIREMENTS

The graduation requirements are sufficiently detailed in the request and are all in line with domestic higher education rules. The MBA&BA degree offers two tracks for the incoming class: a thesis and a non-thesis option. The thesis track involves 15 credit hours of required courses work, nine (9) credit hours of elective course work, and nine (9) credit hours of thesis work (a total of 33 credits). Students can register for the master's thesis upon completing the required course work. The non-thesis track involves 24 credit hours of required course work and nine (9) credit hours of elective course work (a total of 33 credit hours). The latter also requires a formal written comprehensive exam, which consists of material from the required courses. To be able to take the comprehensive exam, students are required to complete all 33 credit hours of course work and have a minimum GPA of 75%. Students applying to the program from outside the business discipline are required to remedy up with three remedial courses prior to joining the program. The department, at the time of admission, will determine if the students educational or work experience meet admissions requirements, and therefore not require the remedial courses.

V. FACULTY

AUM currently has five full-time faculty members who will contribute directly to the MBA&BA program delivery. The faculty all hold Ph.D.'s in various fields in business that are relevant to the proposed program. These faculty also currently teach undergraduate level courses that require similar knowledge and expertise to those offered in the new program. Faculty in the Business Administration department have experience in teaching and supervising MBA programs, at other institutions, similar to the other faculty across the University who are teaching in the program. The University is committed to hiring additional faculty members, with at least one specialized in analytics, and at the time of the visit were in the final stages of the interview process. Many of the faculty have graduate teaching experiences at other institutions. The faculty members who were present during the evaluation interviews were knowledgeable about the program development and the respective curriculum. During the interview, the Chair of the Department of Business Administration pointed out that a typical teaching load for a new full-time hire is 12 credit hours per academic year. Therefore, with the addition hires, the University will have enough resources to cover the additional credit hours upon launching the new program.

VI. STUDENT BODY

The student body for the MBA&BA program is estimated to be 79% domestic and 21% international. Prospective students for this program are current undergraduate business and non-business majors (Engineering, Sciences, Economics, and Pharmacy) at AUM and working professionals from local businesses. Admission standards for the program are in line with other graduate programs in Jordan.

Eligible applicants are required to have a bachelor's degree with a minimum GPA of 68%, subject to taking up to three remedial courses and passing one of three English Language Exams (IBT, IELTS, and the National English Language Exam). The recently launched graduate degree at AUM, MS in Risk Management, has shown a steady upward trend in the enrollment numbers. In addition, the undergraduate alumni for all programs under the College of Business and Finance have been in high demand in domestic as well as regional job markets, with an estimated placement rate of more than 90%. All these provide encouraging evidence in favor of program growth/reputation in business education at AUM.

VII. STUDENT RECORDS

The University maintains a Student Information System (SIS) that complies with Commission and the NECHE standards with respect to the content of academic records, privacy protections, and security from

fire, water, or other damages or loss. All records are kept electronically, and staff, faculty, and students have appropriate access to such records. Duplicate servers, per FERPA requirements, are utilized for information processing. Retention and graduation rates are tracked regularly. The Registrar will provide separate graduate transcripts for graduates of the new program and is prepared to collect, evaluate, and maintain undergraduate transcripts required during the admissions process. Faculty will evaluate student's academic records to ensure that student has completed courses or programs which meet admission requirements, or will note to the Registrar that students are required to complete any or all of the three (3) pre-requisite courses, prior to joining the program.

VIII. LIBRARY AND INFORMATION RESOURCES

The Library at AUM meets the requirements for the MBA&BA program. The library has added the print and electronic resources for the recently launched graduate program in Risk Management, which overlaps with fields covered by the MBA&BA program. The Library Director plans to continue to expand resources for graduate students and allocate space on site to be utilized by graduate students. The library resources for students are further strengthened by AUM's partnerships with Jordan University Library and the German Jordan University Library, allowing students to borrow books by requesting these through their inter-library loan process.

IX. FACILITIES AND TECHNOLOGIES

Facility is adequate with a capacity for expansion and the current physical site and infrastructure meet the requirements for the new graduate program. Technology capacity and structure fit the needs of the institution and this new graduate program MBA&BA, including the addition of software to meet requirements of the program and discipline. Faculty and administration noted that programs and resources required to meet the needs of the core and elective courses within MBA&BA program, have been added to the institution's technology platforms, and preparations are underway to ensure access to these platforms for students within the program.

X. FINANCIAL RESOURCES

The University provided access for audited financial records and demonstrated the ability to support the development, launch and administration of the MBA&BA program. As previously noted, AUM has provided funding to staff the program with the addition of two new full-time faculty positions.

XI. PUBLIC DISCLOSURE

American University of Madaba meets the requirements for public disclosures, including but not limited to: admission requirements, academic program information, faculty information, retention/graduation/attrition data, as well as policies and procedures. AUM demonstrated that its catalog, policies/procedures and supporting materials are accessible electronically, including availability in English and Arabic, and include all of the relevant information for the new graduate program and graduate policies. Materials were also quickly provided in paper form when requested during this review and translations were completed when needed.

-RECOMMENDATION-

It is recommended the Higher Education Commission vote to approve the American University of Madaba, Jordan to offer a Master of Business Administration and Business Analytics degree through December 31, 2023. This aligns with all other degree approvals.

This approval is with the requirement that annual reports addressing the following matters be filed, beginning on March 1, 2023:

- Cohort numbers enrolling and graduating
- Financial performance against pro-forma projections
- Any changes in the curriculum
- Identification and CVs of any new faculty teaching in the program
- Summary of program assessment reports and comprehensive exam scores; as well a report on student's thesis.

The approval above is included in the previous approvals from the commission and, as such, requires that the University continue to provide updates regarding progress toward NECHE accreditation by January 2024.

This approval is with the condition that copies of all materials (including annual reports) to/from the New England Commission of Higher Education are sent to the Higher Education Commission of New Hampshire. Additionally, the Commission would be invited to attend any site visit(s).

Participation as an observer at site visit(s) would be determined upon receipt and review of correspondence.

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

**October 11, 2022: Commission Meeting
Program Approval: Colby-Sawyer College
Master of Science and Exercise Science (MSES)**

**Evaluation Report to the Higher Education Commission of the New Hampshire
Department of Education, Division of Educator Support & Higher Education**

**Colby-Sawyer College
Master of Science in Exercise Science (MSES)
On-site Visit, August 29, 2022**

Evaluation Team:

Dr. Mary Kate Feit, Chair, Assistant Professor of Strength and Conditioning, Springfield College.

Dr. Richard A. Gustafson, President Emeritus, Southern New Hampshire University, and Independent Consultant to the Higher Education Commission.

Ms. Whitney Vaillancourt, Administrator, New Hampshire Higher Education Commission

-OVERVIEW-

Colby-Sawyer College was founded as an academy in 1837 and has been engaged in higher education since 1928. The College has been authorized by the Commission to offer the Associate degree, the Bachelor of Arts degree, and the Bachelor of Science degree, all without a terminal date. It has also been authorized to offer the Master of Science in Nursing (MSN), the Doctor of Nursing Practice (DNP), the Master of Social Work (MSW), and the Master of Business Administration (MBA). The College enrolls approximately 850 undergraduate students in a traditional campus residential setting and serves 245 students through its graduate and professional learner programs. Colby Sawyer College is regionally accredited by the New England Commission of Higher Education (NECHE), its nursing programs are accredited by Commission on Collegiate Nursing Education (CCNE), and its undergraduate business programs by the Accreditation Council for Business Schools and Programs (ACBSP).

Colby-Sawyer College seeks to offer a Master of Science in Exercise Science (MSES) to complement its array of health-related programs, and to enhance its partnership with Dartmouth Health.

-THE EVALUATION PROCESS-

In preparation for the evaluation, each member of the team received a cover letter and appropriate application documents from Colby Sawyer College. Dr. Feit and Dr. Gustafson met via Zoom on August 3, 2022 to discuss the visit, and to clarify the roles and responsibilities for the on-site visit of August 29, 2022. This included seeking additional information from the College, a draft of the detailed schedule for the on-site visit, the development of a detailed timeline of due dates for the review of draft reports, and the approach for the development of recommendations and final presentation to the NH Higher Education Commission.

The on-site evaluation was conducted on the Colby-Sawyer College campus on August 29, 2022. The on-site visit included discussions with the:

- President of the College,
- Academic Vice President and Dean of Faculty
- Interim Vice President for Admissions and Financial Aid

- Dean of the School of Nursing & Health Sciences
- Vice President for Finance and Administration
- Manager of Graduate and Professional Studies
- College Librarian
- Director of the Teaching Enrichment Center
- Director of Information Technology
- Vice President for Marketing & Communications
- Registrar
- Two faculty members in Exercise Science

Discussions were wide ranging and explored all aspects of the proposed program.

The evaluation team was complementary of the Colby-Sawyer community for their professional approach to the evaluation process, and their willingness to be open and candid about the progress made and the work to be done as the program unfolds.

-STANDARDS-

I. INSTITUTIONAL PURPOSE AND MISSION

Colby-Sawyer College is a private, independent college offering undergraduate and graduate educational programs based in the liberal arts and sciences and designed to prepare students for their professions and lives of ongoing learning.

The Colby-Sawyer College mission is as follows:

“To offer undergraduate and graduate educational programs based in the liberal arts and health, social, and natural sciences, with a focus on vocational exploration and experiential learning, which prepare students to thrive in, and make a positive impact upon a dynamic, diverse, and interdependent world. Engaged robust partnerships will support students’ academic, intellectual, personal, and professional growth, align with workforce development needs, and enhance individual and community well-being and resilience”.

Colby-Sawyer College was founded as an academy in 1837 and has been engaged in higher education since 1928. The College has a well-established array of accredited nursing programs and programs related to the health sciences. The partnership with Dartmouth Health (DH) has provided significant resources over the years in support of the on-campus health care related programs and clinical sites through out its network. The College has an existing undergraduate program in Exercise Science. The MSES program has been developed, in part, in response to requests from DH for formally educated professionals in exercise science. The MSES program builds upon already available resources and is well within the Mission of Colby-Sawyer College.

II. ORGANIZATION AND GOVERNANCE

The academic enterprise at Colby-Sawyer College is organized into three Schools: Arts & Sciences, Nursing & Health Sciences, and Business & Social Sciences. All three schools are headed by a dean who reports directly to the Academic Vice President & Dean of Faculty. The MSES program will reside in the School of Nursing & Health Sciences, under Dr. Kevin Finn, Dean of the School, and Dr. Kerstin Stoedefalke, Professor of Exercise Science, who will direct the program.

The MSES program has been approved through the College’s internal governance processes, was endorsed by the Strategic Planning Committee (April 2022), by the Board of Trustees (May 2022), and the Academic Policies Committee (May 2022).

The Evaluation Team notes that as the graduate and professional studies programs are growing at the College, there is an emerging component of internal governance to give focused attention to the development and support for these programs, and to develop specific policies and procedures to govern these programs. There is recognition that the

audiences for these programs are different that the traditional undergraduate student and need different advising and support services. The establishment of the position of Manager of Graduate and Professional Studies and an Admission staff position focused on these audiences represent an allocation of staff resources in support of these programs.

III. EDUCATIONAL PROGRAM

Curriculum:

This purpose of the site review was to assess a new Master of Science Degree in Exercise Science with tracks in Applied Exercise Science and Strength and Conditioning.

The MS in Exercise Science curriculum has total of 32 credits, and is designed for students who already have a baccalaureate degree or are currently enrolled in one of Colby-Sawyer College’s baccalaureate degree programs. The program is expected to take 1 year to complete but may take multiple years due to part-time status.

The curriculum includes 6 core courses (20 credits), 2 track specific courses (8 credits), and 2 field experience courses (4 credits). The curriculum is displayed below in Table A. The track specific courses are highlighted in yellow. The curriculum was developed by examining various online and on ground graduate programs within the New England area as well as by evaluating the expectations of the National Strength and Conditioning Association (NSCA) and the American College of Sports Medicine (ACSM).

Faculty members stated that a broader education was desired for the students within the program so that career adaptations could occur seamlessly. With this intent, the shared core courses between the two tracks seems appropriate.

Challenges do exist about the ability of the faculty members to meet some course objectives through an online format. Course objects such as “screen, test, and prescribe exercise for one semester to general population and student athletes” and “develop proficiency in coaching strength training exercises and use of related equipment” will be more challenging to meet in an online format. Faculty members will need to be diligent in exploring various teaching methods and technologies to meet the hands-on needs of the program.

In addition to the 32 credits in the initial plan, students were offered the option to complete a not-for-credit field experience/ fellowship program. The Team recommended that required field work experiences incorporated into the curriculum was recommended to provide proper monitoring of field work experience, with qualified supervision/compensation, and to align with accreditation standards. After discussions between faculty and the review team, adjustments were made to include credit bearing field work within the curriculum.

Table A: M.S. in Exercise Science Curriculum

Pre-Requisite Courses		
	Anatomy and Physiology I	
	Anatomy and Physiology II	
Applied Exercise Science Track (32 Credits)		
ESS XXXX	Advanced Exercise Physiology	3 Credits
ESS XXXX	Advanced Sports and Behavioral Psychology	3 Credits
ESS XXXX	Exercise Prescription and Chronic Disease for Diverse Populations	4 Credits
ESS XXXX	Clinical Exercise Physiology and Metabolism	4 Credits
ESS XXXX	Current Topics in Exercise Science	4 Credits
ESS XXXX	Comprehensive Assessment Project (CAP)	3 Credits

ESS XXXX	Behavior Change and Health Coaching	4 Credits
ESS XXXX	Advanced Sports Nutrition	3 Credits
ESS XXXX	Field Experience I	2 Credits
ESS XXXX	Field Experience II	2 Credits

Strength and Conditioning Track (32 credits)		
ESS XXXX	Advanced Exercise Physiology	3 Credits
ESS XXXX	Advanced Sports and Behavioral Psychology	3 Credits
ESS XXXX	Exercise Prescription and Chronic Disease for Diverse Populations	4 Credits
ESS XXXX	Advanced Strength and Conditioning	4 Credits
ESS XXXX	Current Topics in Exercise Science	4 Credits
ESS XXXX	Comprehensive Assessment Project (CAP)	3 Credits
ESS XXXX	Practicum in Strength and Conditioning Theory	4 Credits
ESS XXX	Advanced Sports Nutrition	3 Credits
ESS XXXX	Field Experience I	2 Credits
ESS XXXX	Field Experience II	2 Credits

The review team recommends that a faculty member receives a release to work as the Field Work Coordinator. The role of the Field Work Coordinator will be to establish field work sites, maintain relationship with sites, assist students in connecting to sites, and evaluate sites to determine if the site should be maintained. This role does not include the teaching of the field work courses which should be assigned to a faculty member.

The CASCE accreditation through the NSCA requires at least two field work experiences consisting of at least 75 hours each lasting at least 6 weeks. Additionally, a Field Work Coordinator must be identified by the college and receive appropriate compensation or release. By adding field work that is credit based, as well as a Field Work Coordinator, the program is better prepared to apply for accreditation by the Council on Accreditation of Strength and Conditioning Education (CASCE) in the future.

Finally, the review team does have concerns that the population of students participating in this program may not be able to handle 16 credits of load each semester. Based upon this concern, the review team recommends that the faculty look closely into plans for students who are working full-time, or are clinically active, and are able to take either 4 or 8 credits per semester and extend the program over multiple years.

Student Learning Outcomes:

Student learning outcomes will be evaluated annually and match with program outcomes. Field work is mentioned as a measurement tool. This, once again, supports the rationale for a formalized fieldwork plan which incorporates course credits, is adequately supervised, and required of all graduates. Additionally, students will be evaluated directly, via assessments imbedded within the course, and indirectly through surveys related to student learning outcomes.

IV. GRADUATION REQUIREMENTS

Students must complete all courses with a minimum of a B- and may only repeat one graduate course one time if necessary. An unofficial transcript will be available for students to check their progress and the registrar will ascertain that all program requirements are maintained.

V. FACULTY

The original proposal lists four faculty members who will be teaching within the program. At this time, one is a full-time faculty member, (Dr Kerstin Stoedefalke), two are adjunct faculty members, and one full-time faculty member needs to be hired.

Dr Kerstin Stoedefalke has had a successful career at Colby-Sawyer over the last 30+ years. She has taught numerous courses in the applied exercise science realm in person as well as online. She also has several publications and has spoken at numerous conferences and workshops.

The review team recommended the addition of another faculty member to limit the amount of over-exposure to one single faculty member. Based upon this recommendation, Colby-Sawyer added additional adjunct faculty members to the proposal. The updated proposal includes Dr Kerstin Stoedefalke, five adjunct faculty members, and one full-time faculty member who still needs to be hired.

The revised plan for faculty deployment addressed the issue mentioned by decreasing the number of credits taught by any one faculty member to a maximum of 25% of the credits required for the degree. However, now approximately 30-40% of credits are taught by adjunct faculty members for both tracks. The review team urges close attention to the experience level and expertise of the adjunct faculty members. Colby-Sawyer must be diligent in the hiring, training, and retention of adjunct faculty members to ensure that qualified adjunct professors are teaching each of these courses. Additionally, the review team recommends the hiring of a second full time faculty member when funds become available to decrease the reliance of the program on adjunct faculty members.

While the Field Work Experience has been added to the curriculum plan, the faculty to supervise these courses needs to be identified. This needs to be addressed as field work makes up about 12% of the required credits in the program. The review team recommends that the faculty supervisor be someone with experience in the practical settings where most of the students will be interning. Because of this, it is recommended that students in the Applied Exercise Physiology Track are supervised by a different supervisor than students in the Strength and Conditioning Track.

VI. STUDENT BODY

The proposal indicates students who apply to the program must have an earned BS degree either at Colby-Sawyer or another institution. Applicants must have an earned GPA of 2.75 or greater for acceptance, and have completed anatomy and physiology I and II. The program anticipates at least half of the students within the new graduate program will matriculate directly from their undergraduate program and complete the MSES in one year.

The review team feels that due to the online nature of the program, many students will be working full time while also completing the degree. The review team also believes that non-traditional students who may possibly care for others, such as children or older adults, may be attracted to the program. Because of this, the review team suggests that faculty members prepare for the different needs of students who are attracted to online learning opportunities.

A listing of campus academic resources for students can be found on the Colby-Sawyer College resources page, and includes financial aid, the Harrington Center for Experiential Learning, Health and Counseling, the Library, and student activities. Due to the online nature of the program, faculty and staff must be aware of opportunities and prepared to present these services virtually.

VII. STUDENT RECORDS

The College has a student academic record system that complies with Commission and NECHE standards with respect to the content of academic records, privacy protections of FERPA, and security from fire, water, or other damages or loss. Most academic records are now maintained and secured electronically. Older paper records are stored in fire-proof files or a fire-proof vault.

The online course registration process for the program will follow already existing processes. Separate transcripts will be established for students in the MSES program. Degree audits will be in place to ascertain student eligibility for graduation.

VIII. LIBRARY AND INFORMATION RESOURCES

Online instruction is delivered using the Moodle platform (recently updated from version 3.5 to 3.9), enhanced with added features such as Turn-It-In (plagiarism software), Lock Down Browser (to prohibit web searches during an online test), and Zoom for video conferencing between faculty and students. The college has recently updated an online module of Moodle called “start here” for students new to online learning. The college is also in the process of building a SharePoint site which will serve as a repository for student and faculty documents. The Director of the Teaching Enrichment Center, who also manages the Moodle environment, conducts regular sessions for faculty, and has video instructional tools to assist and support them in online instruction. The College has adopted a template for online courses of different term delivery durations and assists faculty in the transition of course content and assessment methods to the online environment. The informational technology department also maintains a help desk to support students and faculty with any issues.

The students will have access to the onsite and remote library services that exist now for all Colby Sawyer students. This includes the use of the Colby-Sawyer College Library, the Susan Colgate Cleveland Library/Learning Center (telephone chat with librarians) and the library facilities at Dartmouth College. Students may access the library at CSC from within their Moodle classroom. These services include access to Exercise Science data bases, e-book collections, and EBSCO products. Significant resources have already been acquired in anticipation of the online laboratory and simulation needs of the MSES students. Student services from the library may be accessed in person or virtually, including online chats with the librarian upon demand during non-traditional hours.

Tutoring, writing assistance and access resources are available to students through the Student Learning Collaborative and Access Resource Center. Both are staffed by learning specialists and student tutors.

IX. FACILITIES AND TECHNOLOGIES

The MSES program will be delivered online, and the College has more than sufficient physical resources to support the faculty and staff associated with the program, and any campus-based instructional activities that might be planned for the MSES students. See above for details for online capability. All other general campus facilities are available to online students who may live locally.

As with many colleges and universities, Colby-Sawyer has expanded and enhances its IT environment and capabilities over the past several years driven by the Covid-19 pandemic and the need to support remote learning for students. The College uses Moodle at its LMS and has instructional support for faculty via its Teaching Enrichment Center. Upgrades to the IT system include expanded bandwidth, help desk services, and enhanced security features. These upgrades continue in efforts to enhance redundancy and to provide students and faculty with more efficiency of access and navigation. The College is well situated to support the online MSES program.

X. FINANCIAL RESOURCES

Colby-Sawyer College is financially stable and has produced operating surpluses over the past several years. Debt has been reduced and planned new facilities in nursing, health sciences and athletics will not incur any additional debt. It has an operating budget of \$60,000,000 per year, net of student financial aid, has increased net assets via very successful fundraising activities, and enjoys supplemental support from Dartmouth Health to help underwrite costs for programing in nursing and health sciences. The acquisition endowment gifts has been especially successful over the past several years, and the College draws about \$2.3 million annually from its \$60M endowment to support its operations.

The College does not budget institutional financial aid for its graduate and professional studies programs, although students may be eligible for federal financial assistance as well as assistance from employers, special grants, or other sources of aid in support of workforce development.

The proposed MSES program will be delivered initially using the cohort model of admitting annual cohorts of 10 to 12 students. The 32-credit hour program will be priced at \$685 per credit hour, for a total cost of \$21,920.

The budget model for the MSES program includes funding for an additional full-time faculty position and funds for adjunct salaries as well. The budget carries support for marketing, equipment, and staffing support for supervision of the field experience components of the program. Library and professional development/conference costs are included in the annual institutional draw from the College's endowment. The MSES budget projects positive net revenue for each of the first three years. Should enrollment grow, the College has plans for additional faculty and supporting resources.

XI. PUBLIC DISCLOSURE

Colby Sawyer College has a comprehensive and functional website that meets all the informational and disclosure requirements of the Commission and of the NECHE. Like most institutions, the site receives frequent updates to remain current and accurate. The information on the MSES will be a component in the School of Nursing & Health Sciences section of the website. The College has a separate catalogue for its graduate and professional programs and has budgeted for marketing materials and for digital advertising expenses. On a broader scale, the College has embarked upon a complete "re-construction" of its website, which is scheduled for completion in mid-2023. Plans call for an expanded presence for the College's graduate and professional studies programs.

-SUMMARY-

The Evaluation Team found the proposal and ancillary materials for the planned Master of Science in Exercise Science to be complete. The proposed MSES aligns with the mission of the College, was reviewed and endorsed through the College's governance processes, and will further strengthen and enhance its partnership with Dartmouth Health, and will, appropriately, reside in the School of Nursing and Health Sciences. The program will be directed by a current member of the faculty, and resources for additional faculty, staff, and program support are available.

The 32 credit hour online program is structured to align with the accreditation standards of the National Strength and Conditioning Association (NSCA) and the American College of Sports Medicine (ACSM). Graduates are eligible to seek certification through an examination by the NSCA. Several curricular changes and faculty deployment plans were modified upon the recommendation of the Evaluation Team. These changes better align the program with the Council on Accreditation of Strength and Conditioning Education (CASCE) accreditation standards.

The primary audience for the program is current Colby-Sawyer students using the "4+1" approach requiring a 5th year of full-time study and field experiences. The Evaluation Team shared its perspectives on the need for enrollment flexibility often expected by online audiences.

Institutional financial capacity is in place to support the program as are the supporting services including marketing, admissions, library/instructional resources, technology for online instruction and faculty support, physical facilities as needed, academic record keeping, and public disclosure. The college website is robust, is being enhanced, and will accommodate the information pertaining to the MSES program as it is launched.

An additional review by NECHE is required before the planned implementation in Fall 2023. The following recommendation aligns the approval period of the MSES with the previous Commission approvals of the DNP and MSW programs at the College.

-RECOMMENDATION-

It is recommended the Higher Education Commission approve Colby-Sawyer College to offer the Master of Science in Exercise Science (MSES) degree through December 31, 2026.

This approval is with the requirement that annual reports addressing the following matters be filed with the Commission beginning on December 31, 2023:

- Approval of Substantive Change by NECHE
- Correspondence and reports to CASCE regarding the accreditation process for the undergraduate and/or graduate programs in Exercise Science.
- The CV for any newly hired full or part-time faculty
- The CV for any newly hired staff to support the field work/fellowship component of the program.
- Table of courses taught with associated faculty names.
- Enrollment numbers and mix, along with retention figures for each year of the program.
- Graduation figures in future years, and placement success.
- Note any changes to the curriculum.
- Records of financial performance against pro-forma projections.

This approval is with the condition that copies of all correspondence and materials (including annual reports) to/from the New England Commission of Higher Education (NECHE) be forwarded to the Commission. Additionally, the Commission would be invited to attend and observe any NECHE or CASCE site visit(s).

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

**October 11, 2022: Commission Meeting
Hedc 400 Memorandum**

To: The New Hampshire Higher Education Commission
From: Dr. Richard A. Gustafson, Consultant to the Commission
Date: October 5, 2022
Re: High Level Review of Changes to the Higher Education Administrative Rules, Hedc400

Over the past several months Commission staff have continued to refine and update earlier drafts of a revised Hedc 400 Higher Education Administrative Rules

As you know, the rule making process involves many steps, which require months of time with attention to many details of language and of state guided formatting.

At this point, the Commission has seen two earlier drafts and it is recommended that the Commission vote “initial approval” to this revision. If adopted, the draft would go next to the While a full mark-up of the Hedc 400 document is attached, we would like to direct your attention and our discussion to the several matters listed below.

- Page 1: Hedc 401.01 (c) (1): **Would exclude NC-SARA** institutions from our review for online programs that may enroll NH students. Almost all institutions now offer online access to a wide range of academic programs that may require a local practicum, internship or project for a NH student enrolled in such a program. Membership by states and institutions in NC-SARA permits these activities to take place in member states without having to go through a program approval process.
- Page 1: Hedc 401.02: Language would permit the **American University of Madaba (Jordan)**, and the **Hellenic American University (Greece)** to remain under the jurisdiction of the Commission, at their sole discretion. This aligns to Hedc 403.02 on page 3 which indicates that the Commission does not consider institutions with a main campus outside of the United States.
- Page 2: Hedc 403: **Commission Operations**. The Commission currently operates under a set of long-established bylaws. These are considered “out-of-bounds” in the Administrative Rule environment, so we have incorporated the essence of our bylaws into this new section that would appear in the revised rules.
- Page 3: Hedc 403.02. **Institutions with a main campus outside the United States**. We propose to strike this section and state specifically that the Commission does not consider such institutions. The Commission has had uneven experiences with these approvals.
- Page 5: Hedc 405.02. **Determination of Review Type**. We reduce the review types from **three** (Comprehensive, Expedited, Administrative) to **two** (Comprehensive and Administrative). There has been confusion between the Expedited and the Administrative processes. We have merged the two for clarity and ease of implementation.
- Page 6: Hedc 405.02 (d) 5: New language that permits institutions to voluntarily seek an administrative review for innovative, pilot, and specialized certificates or programs.
- Page 7: Hedc 405.05. **Evaluation Materials**. We are proposing the use of **electronic submissions** only. NECHE and other accreditation associations have already done this.
- Page 7: Hedc 404.06. **Notification**. We are proposing to strike (repeal) this language regarding the **notification and inclusion of legislators** in the evaluation process. We have had very little interest in legislative participation unless the visit was international.
- Page 8 – 22: Hedc 406. **Standards for Evaluation**. Here the number of Standards is **reduced from 11 to 9** and organized and titles with the same **9** Standards used by **NECHE**. This section is quite detailed with new, revised, and eliminated language but you can see how it will flow when completed. We have retained most of the current Hedc 405 language, but inserted NECHE language where ours was lacking.

- Page 22: Hedc 407. (01)(02)(03): **Continuing Review**. Changes have been made here to ensure that the **Commission receives all correspondence and reports** to and from regional and program accreditation associations. Most of these associations are requiring more detailed and more frequent reporting. We wish to place the Commission into this flow as it will keep us more fully informed of any actions and will reduce the need for the Commission to require additional reports from institutions. We have also added language that **enables the Commission to initiate a comprehensive or administrative review at its discretion**. Finally, an institution may request an extension of its Commission approvals if there are delays in its accreditation process.
- Page 24: Hedc 407.06 (b) **Institutions Undergoing Closure**. Here too we may have the opportunity to simply get **electronic records** from closed career schools or IHEs. This will require a change in RSA 292:8-kk as the language of the rule is taken directly from the RSA.
- Page 25-26: Hedc 409. **Fees**. Changes in the Fee Schedule reflect changes in the rules and are better defined for clarity.

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

**October 11, 2022: Commission Meeting
Hedc 400 Administrative Rules: Initial Proposal**

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

PART Hedc 401 APPLICABILITY

Readopt with amendment Hedc 401.01 and Hedc 401.02, effective 10-5-13 (Document #10429), to read as follows:

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

- (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 members of The National Council for State Authorization Reciprocity Agreements (NC-SARA) offering credit-bearing courses, programs and/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.

Hedc 401.02 Institutions Under Commission Jurisdiction. The following institutions shall be subject to the jurisdiction of the higher education commission:

- (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, and/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 the physical presence in New Hampshire;
- (d) Previously approved international institutions, at their sole discretion.
- (ed) Teacher certification program(s) offered by approved New Hampshire institutions shall fall under the provisions of RSA 186:11 and Ed 600.

PART Hedc 402 DEFINITIONS

Readopt with amendment Hedc 402.01, effective 10-5-13 (Document #10429), to read as follows:

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

(a) "Commission" means the higher education commission under the division of higher education, department of education.

(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.

(d) "NC – SARA" means the National Council for State Authorization Reciprocity Agreements, 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.

Adopt Ed 403 to read as follows:

PART Hedc 403 COMMISSION OPERATIONS

Hedc 403.01 Officers.

(a) The commission shall have a chair and a vice-chair, each elected for a two-year term, with one being a representative of a public institution and one being a representative of a non-public institution.

(b) The chair shall preside over the meetings of the commission.

(c) The vice-chair shall assume the responsibilities of the chair in the chair's absence.

(d) If both the chair and the vice-chair are absent, the director shall serve as the chair pro-tem.

(e) The vice-chair shall assume the position of chair upon the conclusion of the chair's term, or upon vacancy of the position by the chair.

Ed 403.02 Commission. Meetings of the commission shall be conducted as follows:

(a) The commission shall meet at least 3 times per year;

(b) Emergency meetings shall be called by the chair in accordance with RSA 91-A:2, II and III(b);

(c) A majority of the current membership of the commission shall constitute a quorum; and

(d) Meetings of the commission shall follow the provisions of RSA 91-A and shall follow Robert's rules of order, as referenced in appendix II.

Hedc 403.03 Committees.

(a) The following shall apply to the executive committee established by the commission:

(1) The executive committee of the commission shall consist of the chair, vice-chair and three other members of the commission appointed by the chair as follows:

a. One member representing a public institution;

b. One member representing a private institution; and

c. One member representing the lay public representative;

(2) Members shall serve for a term of two years;

(3) The executive committee shall act for the commission in advising the director and taking action for the commission; and

(4) The commission shall consider any action taken by the executive committee at its next regular meeting.

(b) The following shall apply to the nominating committee established by the commission:

(1) The nominating committee of the commission shall consist of commission members appointed by the chair as follows:

a. One member representing a public institution;

b. One member representing a non-public institution; and

c. One member representing the lay public;

(2) Members shall serve for a term of two years; and

(3) The committee shall present its nominations to the commission for chair and vice-chair upon the completion of their terms of office, or upon a vacancy.

Readopt with amendment and renumber Hedc 403.01 and Hedc 403.02, effective 10-5-13 (Document #10429), as Hedc 404.01 to read as follows:

PART Hedc 404 INCORPORATION

Hedc 404.01 Institutions Seeking Incorporation in New Hampshire.

(a) 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 406.

(b) Pursuant to RSA 292:8-c through 8-h, the commission shall not consider institutions with a main campus outside the United States for approval.

~~(b) Any institution that intends to seek incorporation as a degree-granting institution with a main campus outside the United States 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 Hede 405.~~

~~(c) In addition, it shall submit the following information:~~

~~(1) Information regarding legal status of the institution in the country/countries in which it currently operates or intends to operate, and recognition by the country/countries in which it intends to operate by the ministry of education and accreditor(s) as applicable;~~

~~(2) Evidence of a staffed administrative office in New Hampshire;~~

- ~~(3) Evidence of representation by legal counsel who is a member of the Bar in New Hampshire or another state;~~
- ~~(4) Annual financial audits by a certified public accountant in the U.S. or by a U.S. affiliate firm in the country or countries where the institution operates or plans to operate;~~
- ~~(5) Accreditation status/intentions with a regional or national agency recognized by the U.S. department of education, the council for higher education accreditation, or both;~~
- ~~(6) Evidence that the institution's leadership has significant experience with American higher education; and~~
- ~~(7) Evidence that the governing board includes members from the New Hampshire community.~~

Readopt with amendment and renumber Ed 404.01 through Ed 404.05 effective 10-5-13 (Document #10429), as Ed 405.01 through Ed 405.05, to read as follows:

PART HEDC 405 EVALUATION PROCESS

Hedc 405.01 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 405.02 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 406 and the review shall be conducted by an evaluation team.;
- (d) ~~An expedited~~ 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 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; and (2) Out-of-state institutions seeking approval to open a branch campus;

(3) Out-of-state institutions seeking approval to offer open credit-bearing courses, programs, degrees, internships, or practicums;

(4) Out-of-state institutions seeking approval to offer closed credit-bearing courses, programs, degrees, internships, or practicums, and that require a memorandum of understanding, have the physical presence of an instructor *for which the public is not admitted, or both*; and

(5) In-state or out-of-state institutions voluntarily seeking approval to offer innovative or pilot programs, specialized certificates, assessments, or programs.

Hedc 405.03 Comprehensive Review.

(a) An evaluation team shall conduct a comprehensive review that requires the institution's written plan responding to each standard in Hedc 406.

(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 406; 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.

Hedc 405.04 Administrative Review.

(a) Any institution undergoing an administrative review shall submit a written plan addressing the points below and Hedc 406 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/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 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 Hedc ~~406405~~; and
- (2) Responds to the concerns, suggestions and recommendations in the commission's most recent approval of the program(s).

Hedc 405.05 Administrative Review. An institution shall submit ~~6 copies, plus~~ an electronic version, of a written plan that addresses the standards in Hedc 406.

Repeal Hedc 404.06, effective 10-5-13 (Document# 10429) as follows:

~~Hedc 404.06 Notification. The director shall notify the chairpersons of both the House and Senate education committees so that each may appoint a member to participate on those evaluations conducted by an evaluation team.~~

Readopt with amendment and renumber Hedc 404.07, effective 10-5-13 (Document #10429) as Hedc 405.06 and to read as follows:

Hedc 405.06 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 Hedc 406.

(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 Hedc 406, the details of that decision shall be included in the letter of notification.

(f) The institution may appeal the commission's decision.

Readopt with amendment and renumber Hedc 405.01, effective 10-5-13 (Document #10429) as Hedc 406.01, to read as follows:

PART Hedc 406 STANDARDS FOR EVALUATION

Hedc 406.01 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.

Adopt Hedc 406.02 to read as follows:

Hedc 406.02 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 are implemented through financial, academic, enrollment and other supporting plans;
- (3) Institutional allocation of resources is consistent with planning priorities;
- (4) The institution plans for and responds to financial, enrollment and other contingencies; and
- (5) The institution has a 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.

Readopt with amendment and renumber Hedc 405.02 and Hedc 405.03, effective 10-5-13 (Document #10429) as Hedc 406.03 and Hedc 406.04, to read as follows:

Hedc 406.03 Organization and Governance.

(a) The applicant shall describe its organization and governance structures in its written plan, including:

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

(2) Evidence of a governing board that reflects diversity and complies with its bylaws.

(b) The governing board who will be responsible for the general policies and control of the institution and which shall:

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

(2) Keep written minutes of the actions taken at these formal meetings or otherwise maintain a record of proceedings.

(c) The role of 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 406.04 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) The applicant shall provide evidence that it provides students with course syllabi that includes:

(1) Course objectives;

(2) Course outcomes;

(3) Requirements; and

(4) Standards of achievement;

(e) The applicant shall provide evidence that the internal structure of course(s) rests within the purview of the appropriate faculty and academic leadership;

(f) The applicant shall clearly describe the process for development, review and approval of educational policy;

(g) The applicant shall document provisions for a systematic and broad-based assessment of student learning, assessment of educational program(s), and the evaluation and improvement of instruction;

(h) The applicant shall articulate a sequence of courses leading to the attaining of a degree in the respective area or field of study;

(i) The applicant shall link program goals with achievement of student outcomes;

(j) At the associate degree level, the applicant shall have requirements for graduation that are based upon successful completion of a minimum of 60 semester hours of study;

(k) At the baccalaureate degree level, the applicant shall provide 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, the applicant shall ensure that the educational program provided contains at least as many hours as an institution organized on the usual semester basis;

(m) The applicant shall provide 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) The applicant shall state its policies and procedures ~~student expectations~~ for consideration of transfer credits; and

(o) The applicant shall publish its graduation requirements in writing or on its website.

Repeal Ed 405.04, effective 10-5-13 (Document #10429) as follows:

Readopt with amendment and renumber Hedc 405.05 and Hedc 405.06, effective 10-5-13 (Document #10429), as Hedc 406.05 and Hedc 406.06, to read as follows:Hedc 406.05 Teaching, Learning, and Scholarship. The institution shall support teaching and learning through a well-qualified faculty and academic staff as follows:

(a) Staff competence evidenced by:

- (1) Academic degrees from appropriately accredited institutions;
- (2) Academic knowledge in the discipline in which they teach; and
- (3) 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;

(b) Meeting or exceeding the following standards in a 2-year associate program:

- (1) Faculty shall hold at least a master's degree or its equivalency as determined under Hedc 406.05(a); and
- (2) The entire faculty shall have education or equivalent experience in the field of specialization in which they are teaching;

(c) Meeting or exceeding the following standards in a 4-year baccalaureate degree program:

- (1) Faculty shall hold at least a master's degree or its equivalency as determined under Hedc 406.05(a), in the field of specialization in which they are teaching;
- (2) At least 25% of the full-time faculty shall hold a doctoral degree or the appropriate terminal degree; and

(3) The entire faculty shall have education or equivalent experience in the field of specialization in which they are teaching;

(d) Meet or exceed the following standards in a master's degree program:

(1) 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;

(2) A majority of the faculty shall have satisfactorily completed work beyond the master's degree; and

(3) At least 40% of the full-time faculty shall hold a doctoral degree or an appropriate terminal degree;

(e) If teaching in a doctoral program, hold a doctoral degree;

(f) If teaching in a professional degree program, hold a doctoral or professional degree;

(g) If granted approval to teach by the institution, an equivalency for any of the positions listed in (b) and (c), or meets the following requirements:

(1) The institution shall state the reason for its equivalency in a narrative statement; *and*

(2) ~~(3)~~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;

(h) Are sufficient in number to ensure student faculty ratios consistent with the mission of the institution, and meet the following standards:

(1) 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

(2) The faculty shall consist of full-time appointments sufficient in number and length of service to ensure continuity and stability of the educational programs;

(i) Have a teaching load 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;

(j) Have professional and institutional responsibilities specifically defined in writing;

(k) Have expectations for continuing professional study and/or scholarly activity, and are encouraged to participate in professional meetings and other scholarly activity related to faculty disciplines;

(l) Have specified personnel policies concerning matters including, but not limited to, academic freedom, salaries and benefits, and incentive for professional growth. The institution shall adopt, maintain and follow policies governing initial appointments, reappointments and the dismissal of faculty, including adjunct faculty, and shall maintain records that evidence such policies are, in fact, followed;

(m) Are appointed pursuant to the established procedures of the institution, and such appointments shall be promptly reported, in writing, to the governing board of the institution;

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

(o) Are sufficient in number, with a full-time commitment to the institution, and length of service to ensure continuity of the educational program; and

(p) Are provided a letter of appointment that includes information on salaries, fringe benefits, and provisions for academic freedom.

Hedc 406.06 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 legislation 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, healthcounseling , financial aid, academic transcripts, graduate employment, and performance on licensure examinations, as appropriate; and

(e) Ensuring security and maintenance by the institution as follows:

(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.

Repeal Hedc 405.07, effective 10-5-13 (Document #10429), as follows:

~~Ed 405.07. Student Records. The applicant shall describe its student records in its written plan and ensure that its student records:~~

~~(a) Include, but are not limited to health, counseling, financial aid and academic transcripts;~~

~~(b) Collect and maintain, insofar as is feasible, information concerning a graduate's activities including:~~

~~(1) Rate and field of employment;~~

~~(2) Continued education; and~~

~~(3) Performance on licensing examinations as appropriate; and~~

~~(c) Have security and maintenance ensured by the institution as follows:~~

~~(1) Physical records shall be stored in fire-resistant cabinets;~~

~~(2) Records maintained in electronic systems shall be secured to prevent loss; and~~

~~(3) Duplicates of written and electronic records shall be periodically made and separately stored to assure security of records.~~

Readopt with amendment and renumber Hedc 405.08, effective 10-5-13 (Document #10429) as Hedc 406.07, to read as follows:

Hedc 406.07 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 the institution to:

- a. Support and sustain its purpose;
- b. Implement its program; and
- c. Graduate its entering class as follows:
 - i. For institutions seeking associate degree-granting authority, this shall mean a minimum period of 4 years; and
 - ii. 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 (a)(3)a. and b., which includes:
 - i. An enrollment plan which includes anticipated applications, deposits, yield and retention rates;
 - ii. Tuition and other sources of support; and
 - iii. 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. Responsibility for the financial and business operations of the institution; and
- c. Responsibility for its institutional budget, overseeing its formulation, revision and implementation;

(6) Evidence to demonstrate fiscal soundness including, but not limited to, resources and a resource which shall ensure operations through the time period described in (a)(3)a. and b., 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 (e)(2) 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;~~(b) The library shall:~~
- c. Include audited financial statements with an unqualified opinion for at least 2 consecutive years. Audited financial statements mean 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 will 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.

(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:

i. The degree to which the holdings of the other libraries or resources support the institution's educational program and enrollment; and

ii. The degree to which students of the institution can use these libraries or resources;

d. Services including, but not limited to:

i. Availability for in-person and remote student use at regularly posted times;

ii. 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

iii. 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.

(2) Physical and technological resources which shall include:

a. A description of physical and technological resources necessary for the achievement of the purpose in the applicant's written plan including:

- i. Evidence that facilities are constructed and maintained in accordance with all applicable health and safety standards, codes, ordinances, and laws;
- ii. 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;
- iii. A plan for how the institution provides information technology to support its academic and administrative operations; and
- iv. Policies and procedures to ensure the integrity and security of data, and the privacy of individuals.

Adopt Hede 406.08 to read as follows:

Hede 406.08 Educational Effectiveness. The institution shall demonstrate its effectiveness by measures of student outcomes and program objectives as follows:

- (a) Providing clear public statements about what students are expected to gain from their educational experience;
- (b) Clearly stating objectives for student learning for each academic program;
- (c) Demonstrating use of a variety of quantitative and qualitative methods, and direct and indirect methods to measure student outcomes and program objectives; and
- (d) Demonstrating use of student and program assessments to inform its planning and resource allocation.

Repeal Hede 405.09 and Hede 405.10, effective 10-5-13 (Document #10429) as follows:

~~Hede 405.09 Facilities and Technologies. The applicant shall describe its facilities and technologies in its written plan that shall:~~

- ~~(a) Be sufficient to meet the institution's programs and objectives;~~
- ~~(b) Comply with all applicable health and safety standards, codes, ordinances, and laws; and~~
- ~~(c) If not owned by the institution, be evidenced through a lease or other arrangements to ensure that facilities and technologies are available to meet the institution's stated objectives.~~

~~Hede 405.10 Financial Resources. The applicant shall describe its financial resources in its written plan and its financial resources shall:~~

- ~~(a) Be adequate for the institution to:~~
 - ~~(1) Support and sustain its purpose;~~
 - ~~(2) Implement its program; and~~
 - ~~(3) Graduate its entering class as follows:~~
 - ~~a. For institutions seeking associate degree granting authority, this shall mean a minimum period of 4 years; and~~

~~b. For institutions seeking baccalaureate, masters, and doctoral degree-granting authority, this shall mean a minimum period of 6 years;~~

~~(b) Be sufficient to allow the institution to adequately and effectively implement, achieve, and enhance its purposes and objectives as evidenced by the following:~~

~~(1) Financial policies, procedures, and practices that ensure academic quality; and~~

~~(2) A business plan for the time period described in (a)(3)a. and b., which includes:~~

~~a. An enrollment plan which includes anticipated applications, deposits, yield and retention rates;~~

~~b. Tuition and other sources of support; and~~

~~c. Anticipated expenses;~~

~~(c) Include a budget preparation process that is inclusive, and reviewed and approved by administrators and the institution's governing board;~~

~~(d) Have a budget, sufficient in detail to identify operating expenses including categories for:~~

~~(1) Instruction;~~

~~(2) Library;~~

~~(3) Information resources and technology;~~

~~(4) Student services;~~

~~(5) Financial aid, including a calculation of the tuition discounting rate; and~~

~~(6) Operation and maintenance of the physical plant;~~

~~(e) Be administered by a chief financial officer who shall have:~~

~~(1) Expertise, education, academic degrees and an understanding of higher education finances;~~

~~(2) Responsibility for the financial and business operations of the institution; and~~

~~(3) Responsibility for its institutional budget, overseeing its formulation, revision and implementation;~~

~~(f) Provide evidence to demonstrate fiscal soundness including, but not limited to resources and a resource plan which will ensure operations through the time period described in (a)(3)a. and b., including:~~

~~(1) Unrestricted net operating income demonstrating the institution's ability to live within its resources;~~

~~(2) Resources necessary to meet covenants in any debt or other similar obligations of the institution;~~

~~(3) Expendable reserves to sustain academic quality should resources in (e)(2) not meet expenditure needs in any given year; and~~

~~(4) 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;~~

~~(g) Be monitored through financial records which:~~

~~(1) Are open for inspection and audit by the commission or its agents upon demand during normal working hours;~~

~~(2) Are maintained in conformity with generally accepted accounting principles;~~

~~(3) Include audited financial statements with an unqualified opinion for at least 2 consecutive years. Audited financial statements mean independently audited and certified annual financial statements which are completed within 6 months after the end of each fiscal year; and~~

~~(4) Are kept in accordance with procedures that are sufficient to maintain financial integrity that gifts or grants given to the institution will be utilized according to the donor's or grantor's intent;~~

~~(h) Establish that insurance is carried to protect the school's financial interest 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~~

~~(i) If the institution has or plans to incur debt, maintain and update, as needed, a plan covering the period such debt will be outstanding and showing:~~

~~(1) The anticipated interest and principal payments throughout the life of the debt; and~~

~~(2) The provision for payment of such interest and principal as it becomes due and payable.~~

Readopt with amendment and renumber Hcdc 405.11, effective 10-5-13 (Document #10429), as Hcdc 406.09 to read as follows:

Hcdc 406.09 Integrity, Transparency, and Public Disclosure. The applicant shall, in the public disclosure section of its evaluation plan, include a catalog and supporting materials that are accessible electronically and that include the following:

(a) Explicitly worded statements about its current status with the commission, approvals from required licensing agencies, regional, national, and specialized accrediting agencies;

(b) Identification of mission, ownership and control of the institution;

(c) Information about the governing board, staff, faculty, and the student body;

(d) Admission requirements;

(e) Courses, programs, degrees offered;

(f) Program objectives, length of program, curriculum offerings, and degree requirements;

(g) Rates of student success, including rates of retention, graduation and other measures of success appropriate to its institutional mission;

(h) Schedule of tuition, fees, availability of financial aid, expected amount of student debt upon graduation, and all other charges and expenses necessary for completion of the course of study;

(i) Procedures and policies related to transfer of credit, attending, and withdrawing ;

(j) List of current faculty, indicating program affiliation, distinguishing between full and part-time status and showing degrees held/institution(s) attended;

(k) Cancellation and refund policies;

(l) Where to file student complaints and where to seek redress;

(m) Locations and programs available at branch campuses, other instructional locations, including those overseas, along with a description of programs and services available at each location; and

(n) Such other material facts concerning the institution as are reasonably likely to affect the decision of the student to enroll therein.

Readopt with amendment and renumber Hedc 406.01 through Hedc 406.06, effective 10-5-13 (Document #10429), as Hedc 407.01 through Hedc 407.06, to read as follows:

PART Hedc 407 CONTINUING REVIEW

Hedc 407.01 Annual Reports. ~~In-state~~ Institutions under the jurisdiction of the commission shall file copies of *correspondence and* annual or other reports as 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*.

- (a) Institutions shall authorize such agencies to release these documents to the commission should this be required by the agency.

Hedc 407.02 Additional Reports.

(a) Out-of-state institutions having commission approvals as described under Hedc 404.02(b)(2), (c)(2) and (3) shall file annual and/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 and/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 at the discretion of the commission as necessary to provide additional information on the status of program approval.

(d) A comprehensive or administrative review shall be conducted at the discretion of the commission to seek additional institutional or program information related to Hedc 405 regarding standards for evaluation.

Hedc 407.03 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 Hedc 406.03 (b) for a period not to exceed two (2) years. Reasons for an extension would be unforeseen internal or external circumstances causing a delay in the accreditation process. The approval for a time extension requires a majority vote of the commission.

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

Hede 407.04 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 Hede 406;
- (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.

Hede 407.05 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 406.

Hedc 407.06 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) Pursuant to RSA 292:8-kk, any institution that closes shall also submit the following:

(1) Two signed original transcripts and one signed electronic transcript for each student who was enrolled for instruction at the institution;

(2) One original copy of catalogs for each year in existence;

(3) An explanation of the institution's credit and grading system; and

(4) A typed list of students.

Readopt and renumber Hedc 407.01 through Hedc 407.03, effective 10-5-13 (Document #10429) as Hedc 408.01 and Hedc 408.03 to read as follows:

PART Hedc 408 DISCIPLINARY ACTION

Hedc 408.01 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 408.02 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 405 prior to the re-awarding of any such degree.

Hedc 408.03 Hearing. Any institution dissatisfied with the commission's decision may request a hearing within 60 days of the date of the commission's decision.

Readopt with amendment and renumber Hedc 408.01, effective 10-5-13 (Document #10429), as Hedc 409.01, to read as follows:

PART Hedc 409 FEES

Hedc 409.01 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	\$ 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 (Paid by Institution)		
Chair – in-state site visit	\$2,500	\$ 2,000
Chair – international site visit		\$ 3,000
Team Member – in-state site visit	\$1,500	\$ 1,000
Team Member – international site visit	\$2,000	\$ 1,500
Accreditation Observer – in-state site visit		\$ 2,000
Accreditation Observer – international site visit		\$ 3,000
CLOSED SCHOOL TRANSCRIPTS		
Transcript Request Fee per transcript	\$25	\$ 20

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

(c) Evaluators/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 I

Rule	Statute

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

**October 11, 2022: Commission Meeting
Hedc 600 Memorandum**

To: The New Hampshire Higher Education Commission

From: Stephen Appleby, Director, Division of Educator Support and Higher Education

Date: October 6, 2022

Re: High Level Review of the new Higher Education Administrative Rules, Hedc 600

With passage of RSA 188-H in 2021, The Commission was tasked with adopting administrative rules consistent with the statute regarding items such as setting deadlines for the dissemination and collection of survey data. The following Hedc 600 administrative rule initial proposal accomplishes that task.

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

**October 11, 2022: Commission Meeting
Hedc 600 Administrative Rules: Initial Proposal**

Adopt Hedc 600 to read as follows:

CHAPTER Hedc 600 SEXUAL MISCONDUCT CLIMATE SURVEY

PART Hedc 601 PURPOSE AND SCOPE

Hedc 601.01 Purpose. The purpose of Hedc 600 is to provide uniform application of the requirements under RSA 188-H:4 regarding dissemination, collection, publishing, and reporting sexual misconduct climate surveys and survey data.

Hedc 601.02 Applicability. Hedc 600 rules shall apply to all institutions of higher education (IHEs) as defined in RSA 188-H:1, IV.

PART Hedc 602 DEFINITIONS

Hedc 602.01 Definitions.

(a) "Appendix" means an individual IHE's appendix attached to a base survey containing campus-specific questions developed by the IHE as described in Ed 603.01(c).

(b) "Base survey" means the sexual misconduct climate survey recommended by the task force on sexual misconduct and approved by the director as required under RSA 188-H:4.

(c) "Commission" means "commission" as defined in RSA 188-H:1, I.

(d) "Director" means "director" as defined in RSA 188-H:1, II.

(e) "Division" means "division" as defined in RSA 188-H:1, III.

(f) "Institution of higher education (IHE)" means "institution of higher education" as defined in RSA 188-H:1, IV.

(g) "Student" means "student" as defined in RSA 188-H:1, VII.

(h) "Sexual misconduct" means "sexual misconduct" as defined in RSA 188-H:1, VIII.

PART Hedc 603 SEXUAL MISCONDUCT CLIMATE SURVEYS

Hedc 603.01 Base Survey and Policy Development.

(a) The director shall distribute the base survey and related recommendations regarding content, timing, and application of the base survey, to all IHEs, as developed and provided by the task force on sexual misconduct in accordance with RSA 188-H:5, II-V, by August 1, 2023 and every other year thereafter.

(b) Each IHE shall develop a policy for dissemination and collection of base surveys and base survey data to achieve the highest practical response rate and in accordance with the rules of this chapter.

(c) Each IHE shall be permitted to append their own campus-specific questions to the base survey, provided that these questions do not require the disclosure of any personally-identifying information and are framed to be sensitive to victims of sexual violence.

(d) IHEs shall not modify base survey questions.

Hedc 603.02 Survey Dissemination and Collection.

(a) Beginning not earlier than January 15, 2024 and every other year after, each IHE shall disseminate the base survey, and appendix as applicable, as described in Hedc 603.01, to all students of the IHE.

(b) The survey shall remain open for student completion for a minimum of 3 consecutive weeks.

(c) Each IHE shall collect the base survey, and appendix as applicable, in accordance with the policy required under Hedc 603.01(b), not later than March 31, 2024, and every other year after, to ensure completed survey data will be submitted and published as described in Hedc 604.

PART Hedc 604 SURVEY RESULTS AND ANNUAL REPORTING REQUIREMENTS

Hedc 604.01 Summary and Publication of Survey Results.

(a) Not later than July 31, 2024, or within 120 days after collection is complete, whichever date comes first, and every other year thereafter, each IHE shall submit a summary of survey results to the director, post the summary on the IHE's website, and otherwise make the summary available upon request.

(b) Not later than September 30, 2024, and every other year thereafter, the director shall publish all sexual misconduct climate survey data from all IHEs on the division's website and otherwise make the summary available upon request.

Appendix I

Rule	Statute
601.01	RSA 188-H:4; RSA 188-H:5, VIII
601.02	RSA 188-H:4; RSA 188-H:1, IV
603.01	RSA 188-H:5, II-V
603.02	RSA 188-H:5, VI; RSA 188-H:5, VII (a)(b)(c)
604.01	RSA 188-H:12

TITLE XV EDUCATION

CHAPTER 188-H SEXUAL MISCONDUCT AT INSTITUTIONS OF HIGHER EDUCATION

Adoption of Policies

Section 188-H:1

[RSA 188-H:1 effective January 16, 2021.]

188-H:1 Definitions. –

In this subdivision:

- I. "Commission" means the higher education commission established in RSA 21-N:8-a.
- II. "Director" means the director of the department of education, division of educator support and higher education.
- III. "Division" means the department of education, division of educator support and higher education.
- IV. "Institution of higher education" means a public, private, non-profit, or for-profit school chartered, incorporated, or otherwise organized in this state legally authorized to award a degree at an associate level or above with an established physical presence in this state.
- V. "Reporting party" means a student or employee who reports having experienced an incident of sexual misconduct to the institution.
- VI. "Responding party" means a student or employee who has been accused of an alleged incident of sexual misconduct.
- VII. "Student" means an individual who is enrolled at least half-time in a credit-bearing program through a public or private degree-granting postsecondary institution of higher education whether part-time, full-time, or as an extension student, or who has taken a leave of absence or who has withdrawn due to being a victim of sexual misconduct.
- VIII. "Sexual misconduct" means an incident of sexual violence, dating violence, domestic violence, gender-based violence, violence based on sexual orientation or gender identity or expression, sexual assault or harassment, or stalking, as defined by each institution in its code of conduct, in a manner consistent with applicable federal definitions.

Source. 2020, 24:18, eff. Jan. 16, 2021.

Section 188-H:2

[RSA 188-H:2 effective January 16, 2021.]

188-H:2 Adoption of Policies Required. –

I. Each institution of higher education shall adopt a policy on sexual misconduct, consistent with applicable state and federal law, which shall be publicly available on campus in locations where students regularly congregate including, but not limited to, dining and recreational facilities, libraries, bookstores, student unions and student centers, and the common areas of dormitories and other student housing locations, and shall be made available, upon request, to an applicant, student, or employee of the institution and shall be publicly available on the institution's website in an accessible format not later than the first week of classes in each academic year. The institution shall update the website annually. The policy shall be trauma-informed, and shall be developed in coordination with the institution's Title IX coordinator, and the local rape crisis center or domestic violence center. In addition, the institution may consider input from various internal and external entities including, but not limited to institutional administrators, personnel affiliated with on-campus and off-campus health care centers, personnel affiliated with on-campus, when available, and local, confidential resources advisors, residence life staff, students, the division of state police, and the police department and the county attorney having jurisdiction in the city or town where the institution's primary campus is located. The policy shall be developed in a culturally competent manner in order to reflect the diverse needs of all students. The policy shall include, but not be limited to:

- (a) Procedures by which students and employees at the institution may report or disclose alleged incidents of sexual misconduct regardless of where the offense occurred.
- (b) Information on where to receive immediate emergency assistance following an alleged incident of sexual misconduct which shall include, but shall not be limited to:
 - (1) The name and location of the nearest medical facility where an individual may request that a medical forensic exam be administered by a trained sexual violence forensic health care provider, including information on transportation options and information on reimbursement for travel costs, if any.
 - (2) The contact information for a rape crisis center and a domestic violence center and a description of the services provided by such centers.
 - (3) The telephone number and website for a national 24-hour hotline, as well as any state or local resources, that provides information on sexual misconduct.
 - (4) Information on any programs that may financially assist a student with the cost of emergency medical assistance.
- (c) Descriptions of and contact information for the types of counseling and health, safety, academic, and other support services available within the local community or region or through a rape crisis center or domestic violence center, or the name and contact information for organizations that support students accused of sexual misconduct, which shall include but not be limited to the name and contact information for a confidential resources advisor and a description of the role of and services provided by the confidential resources advisor and the name and contact information for the institution's Title IX coordinator.
- (d) The rights and obligations of students and employees to:
 - (1) Notify or decline to notify law enforcement, including campus, local and state police, of an alleged incident of sexual misconduct.
 - (2) Receive assistance from campus authorities in making any such notification.
 - (3) Obtain a court- or institution-issued protective order against a responding party of the incident of sexual misconduct.
- (e) The process for requesting supportive measures reasonably available from the institution which shall include, but not be limited to, options for changing academic, living, campus transportation, or working arrangements or taking a leave of absence in response to an alleged incident of sexual misconduct, how to request those changes, and the process to have any such measures reviewed.
- (f) The contact information for the closest local, state, and federal law enforcement agencies with jurisdiction

over matters involving sexual misconduct and procedures for students to notify the institution that a protective order has been issued under state or federal law and the institution's responsibilities upon receipt of such notice. (g) A summary of the institution's procedures for investigating, adjudicating, and resolving sexual misconduct complaints, including an explanation of all procedures which shall be followed to obtain investigatory reports and gather evidence, and potential sanctions which may be imposed, as well as clear statements advising students that:

- (1) The process shall be uniformly applied for all disciplinary proceedings relating to any claims of sexual misconduct.
 - (2) Timely and detailed notice shall be given, upon such time as the institution decides to proceed with an institutional disciplinary process, to the reporting party and the responding party describing the date, time, and location, if known, and a summary of the factual allegations concerning the violation.
 - (3) An investigation, including any hearings and resulting disciplinary proceedings, shall be conducted by an individual who receives not less than annual training on issues relating to sexual misconduct, investigatory procedures and hearing procedures to protect the safety and rights of students and promote accountability, objectivity, impartiality, and a trauma-informed response.
 - (4) The reporting party of an alleged incident of sexual misconduct and the responding party may be accompanied by an advisor or support person of their choice, which may include an advocate or counsel, to meet with the institution's investigator or other fact finder and may consult with an advisor or support person, which may include an advocate or counsel, during any meetings and disciplinary proceedings; provided, however, that the institution may establish rules regarding how the proceedings will be conducted which may include guidelines on the extent to which the advisor or support person for each party may participate in a meeting or disciplinary proceeding and any limitations on participation which shall apply equally to both parties; and provided further, that the institution shall adopt reasonable measures to provide for the involvement of the advisor or support person for each party but the availability of the advisor or support person shall not significantly delay a meeting or disciplinary proceeding.
 - (5) The reporting party and the responding party shall be provided with a copy of the institution's policies regarding the submission and consideration of evidence that may be used during a disciplinary proceeding and shall have equal opportunity to present evidence and witnesses on their behalf during a disciplinary proceeding; provided, however, that each party shall be provided with timely and equal access to all relevant evidence that shall be used in the determination of a discipline.
 - (6) There shall be restrictions on evidence considered by the fact finder including, but not limited to, the use of evidence of prior sexual activity or character witnesses.
 - (7) The reporting party and the responding party shall be informed in writing of the results of a disciplinary proceeding not later than 7 business days after a final determination of a complaint, not including any time for appeal, unless good cause for additional time is shown, and they shall be informed of any process for appealing the decision.
 - (8) If an institution offers an appeal as a result of procedural errors, previously unavailable relevant evidence that could significantly impact the outcome of a case or where the sanction is disproportionate to the findings, the reporting party and the responding party shall be provided with an equal opportunity to appeal decisions regarding responsibility or sanctions.
 - (9) The institution shall not publicly disclose the identity of the reporting party and the responding party, except as necessary to carry out a disciplinary process or as permitted under state or federal law.
 - (10) The institution's disciplinary proceedings shall not serve as a substitute for the criminal justice process.
- (h) A summary of the institution's employee disciplinary process as it pertains to sexual misconduct.
- (i) The range of sanctions or penalties the institution may impose on students and employees found responsible for a violation of the applicable institutional policy prohibiting acts of sexual misconduct.

II. Each institution of higher education shall provide draft policies and substantive changes by electronic or regular mail to internal and external entities, with instructions on how to comment and a reasonable length of time in which comments will be accepted. However, once an institution has adopted such policies as required

by this section, the opportunity for review and comment by internal and external entities shall only apply to substantive changes in those policies.

Source. 2020, 24:18, eff. Jan. 16, 2021.

Section 188-H:3

[RSA 188-H:3 effective January 16, 2021.]

188-H:3 Notice of Rights. – Each institution of higher education shall provide both the accuser and the responding party with written notice of the institution's decision to proceed with an institutional disciplinary process regarding an allegation of sexual misconduct sufficiently in advance of a disciplinary hearing to provide both the reporting and responding parties with the opportunity to meaningfully exercise their rights to a proceeding that is prompt, fair, and impartial; which shall include the opportunity to both parties to present witnesses and other evidence, and any other due process rights afforded to them under institutional policy. The written notice shall include the information required to be posted on the institution's website pursuant to this chapter.

Source. 2020, 24:18, eff. Jan. 16, 2021.

Sexual Misconduct Climate Surveys and Task Force

Section 188-H:4

[RSA 188-H:4 effective January 16, 2021.]

188-H:4 Sexual Misconduct Climate Surveys. – Each institution of higher education shall biennially conduct a sexual misconduct climate survey of all students at said institution. Each institution's sexual misconduct climate survey shall include a base set of common questions recommended by the task force on sexual misconduct and approved by the director, hereinafter described as the "base survey." The director shall provide a copy of the base sexual misconduct climate survey to all institutions biennially. Each institution shall also be permitted to append their own campus-specific questions to the base survey, provided that these questions do not require the disclosure of any personally-identifying information and are not unnecessarily traumatizing for victims of sexual violence. Within 120 days after completion of a sexual misconduct climate survey, each institution shall submit a summary of the results to the director and shall also post a summary of the results on the institution's website in an easily accessible manner.

Source. 2020, 24:18, eff. Jan. 16, 2021.

Section 188-H:5

[RSA 188-H:5 effective January 16, 2021.]

188-H:5 Task Force on Sexual Misconduct. –

I. There shall be a task force on sexual misconduct at institutions of higher education. The task force shall consist of the following members:

- (a) The chancellor of the university system of New Hampshire, or designee.
- (b) The chancellor of the community college system of New Hampshire, or designee.
- (c) The director of higher education, division of educator support and higher education, department of education, or designee.
- (d) Two representatives of the private 4-year colleges in New Hampshire, with not more than one representative

from any such college, appointed by the governor and council on recommendation by the New Hampshire College and University Council.

(e) The president of the New Hampshire Association of Campus Law Enforcement Administrators, or designee.
(f) The commissioner of the department of health and human services, or designee.

(g) The attorney general, or designee.

(h) The following members, who shall be appointed by the governor, one of whom shall be a student attending a public institution of higher education in this state; one of whom shall be a student attending a private institution of higher education in this state; one of whom shall be a student attending an institution in the community college system of New Hampshire; one of whom shall be a representative of the university of New Hampshire recommended by the president of the university; 3 of whom shall be representatives recommended by the New Hampshire Coalition Against Domestic and Sexual Violence; one of whom shall be a representative recommended by the New Hampshire Campus Consortium Against Sexual and Interpersonal Violence; one of whom shall be a researcher with experience in the development and design of sexual misconduct climate surveys; one of whom shall be a researcher of statistics, data analytics, or econometrics with experience in higher education survey analysis; one of whom shall be a representative of the Prevention Innovations Research Center at the University of New Hampshire; and one of whom shall represent Every Voice New Hampshire.

II. The task force shall develop a base sexual misconduct climate survey for distribution to institutions of higher education and provide such institutions with any related recommendations respecting the content, timing, and application of the survey. The task force shall deliver its base survey and related recommendations, including but not limited to, recommendations on achieving statistically valid response rates, to each institution of higher education no less often than biennially and for the first time by March 31, 2021.

III. In developing the base sexual misconduct climate survey, the task force shall:

(a) Utilize best practices from peer-reviewed research and consult with individuals with expertise in the development and use of sexual misconduct climate surveys by institutions of higher education.

(b) Review sexual misconduct climate surveys which have been developed and previously utilized by institutions.

(c) Provide opportunities for written comment from organizations that work directly with victims and survivors of sexual misconduct to ensure the adequacy and appropriateness of the proposed content.

(d) Consult with institutions on strategies for optimizing the effectiveness of the survey.

(e) Account for the diverse needs and differences of the state's institutions of higher education.

IV. The base sexual misconduct climate surveys shall gather information on topics that may include, but shall not be limited to:

(a) The number of incidents, both reported and unreported, of sexual misconduct at the institution of higher education.

(b) When and where incidents of sexual misconduct occurred.

(c) Student awareness of institutional policies and procedures related to campus sexual misconduct.

(d) Whether a student reported the sexual misconduct, and if so, to which campus resource or law enforcement agency such report was made, and, if not, the reason for the student's decision not to report.

(e) Whether a student was informed of or referred to local, state, campus or other resources, or victim support services, including appropriate medical care and legal services.

(f) Whether a student was provided the option of protection from retaliation, access to school-based accommodations, and criminal justice remedies.

(g) Contextual factors, such as the involvement of force, incapacitation, or coercion.

(h) Demographic information that could be used to identify at-risk groups including but not limited to gender.

(i) Perceptions of campus safety among members of the campus community and confidence in the institution's ability to protect against and respond to incidents of sexual misconduct.

(j) Whether the student has chosen to withdraw or taken a leave of absence from the institution or transferred to another institution due to either being the reporting party or responding party in an allegation of sexual misconduct.

(k) Whether the student has withdrawn from any classes or been placed on academic probation as a result of the

incident.

(l) Other questions as determined by the task force.

V. The base sexual misconduct climate survey shall collect anonymous responses and shall not provide the disclosure of any identifying information.

VI. There shall be established within the division a data repository for all summaries of sexual misconduct climate surveys submitted by institutions of higher education to the division in accordance with this section. An institution of higher education shall submit its sexual misconduct climate survey, accompanied by the anonymized raw data supporting such survey, to the director. The director shall ensure that the sexual misconduct climate survey data submitted by all institutions will be available to the public in an easily accessible manner on the division's website.

VII. Each institution of higher education shall publish on the institution's website in an easily accessible manner:

(a) The results of the survey.

(b) The annual security report required under 20 U.S.C. section 1092, otherwise known as the Clery Act.

(c) A link to the division's statewide data on sexual misconduct climate survey data as set forth in paragraph VIII.

VIII. The director shall adopt rules, pursuant to RSA 541-A, including deadlines for dissemination and collection of survey information, consistent with the purposes of this statute, and shall promote the effective solicitation to achieve the highest practical response rate, collection, and publication of statistical information gathered from the state's institutions of higher education.

Source. 2020, 24:18, eff. Jan. 16, 2021.

Collaboration with Law Enforcement

Section 188-H:6

[RSA 188-H:6 effective January 16, 2021.]

188-H:6 Collaboration With Law Enforcement. –

I. Each institution of higher education shall adopt policies and procedures with the local law enforcement agency having primary jurisdiction over the city or town wherein the institution's primary campus is located to establish the respective roles and responsibilities of each party related to the prevention of and response to on-campus and off-campus sexual misconduct. Institutions of higher education and local law enforcement agencies shall develop policies and procedures that comply with all applicable state and federal confidentiality and privacy laws and:

(a) Delineate sharing protocols for investigative responsibilities.

(b) Provide protocols for investigations, including standards for notification and communication and measures to promote evidence preservation.

(c) Coordinate training, programing, and requirements on issues related to sexual misconduct.

(d) Ensure that reporting parties are able to move safely and comfortably between classes, extracurriculars, sports, and campus jobs.

(e) Develop a protocol for sharing information about specific crimes, which may include a mechanism for sharing information anonymously, that:

(1) Requires that the reporting party authorized or requested that such information be shared and is fully and accurately informed about what procedures shall occur if the information is shared; and

(2) Is carried out in a manner that is consistent with the General Education Provisions Act, 20 U.S.C. section 1221, and any other applicable provisions under state law.

(f) Establish the methods for sharing the Clery Act reporting requirements and for facilitating the issuance of timely warnings and emergency notifications required by the Clery Act relative to crimes that may pose a

serious threat to the campus or near campus communities.

(g) Develop methods for notifying the appropriate county attorney's office.

(h) Update such policies and procedures biennially.

II. The commission may waive the requirements of this section in the case of an institution that demonstrates that it acted in good faith but was unable to adopt joint policies and procedures with the local law enforcement agency having primary jurisdiction over the city or town wherein the institution's primary campus is located.

III. Notwithstanding any general or special law to the contrary, a member of the department of state police or a local police department who acts as a first responder to a report of sexual misconduct at an institution of higher education shall receive training in the awareness of dating violence, domestic violence, sexual assault, and stalking and in trauma-informed response, subject to appropriation.

Source. 2020, 24:18, eff. Jan. 16, 2021.

Confidential Resource Advisors

Section 188-H:7

[RSA 188-H:7 effective January 16, 2021.]

188-H:7 Confidential Resource Advisors. –

I. Each institution of higher education shall establish a campus security policy that includes the designation of at least one confidential resource advisor. The confidential resource advisor:

(a) May have another role at the institution;

(b) Shall not be a student or a Title IX coordinator; and

(c) Shall be appointed based on experience and a demonstrated ability of the individual to effectively provide victim services related to sexual misconduct.

II. The institution shall designate existing categories of employees that may serve as confidential resource advisors. The designation of an existing category of employees shall not preclude the institution from designating a new or existing employee as a confidential resource advisor or in another confidential role. An institution may partner with a local, state, or national victim advocacy organization to provide a confidential resource advisor under this section. An institution that enrolls fewer than 1,000 residential students may partner with another institution or rape crisis center within the state to provide the services under this section. An institution shall ensure that any partnership entered into under this paragraph shall result in a confidential resource advisor being available to students within a reasonable distance to the student's institution.

III. The confidential resource advisor shall receive training in the awareness and prevention of sexual misconduct and in trauma-informed response and coordinate with on-campus and off-campus rape crisis centers and domestic violence centers within a reasonable time after being designated as a confidential resource advisor.

IV. The confidential resource advisor shall inform the student or employee, or provide resources about how to obtain, including in written format:

(a) Reporting options and the effects of each option.

(b) Counseling services available on campus and through a local rape crisis center or domestic violence center.

(c) Medical and health services available on campus and off campus.

(d) Campus escort services for security.

(e) Available academic and residence life accommodations.

(f) Student loan counseling for students considering temporary permanent withdrawal or half time enrollment regarding loan deferment, forbearance, or other student loan programs.

(g) The investigative and disciplinary process of the institution.

(h) The legal process carried out through local, state, and federal law enforcement agencies.

(i) That the institution's disciplinary process is not to be considered a substitute for the criminal justice process.

(j) Any limits on the ability of the confidential resource advisor to provide privacy or confidentiality to the student.

V. The confidential resource advisor:

(a) May, if appropriate and if directed by the reporting party, assist the reporting party in contacting or reporting to campus or local law enforcement agencies.

(b) Shall notify the student of their rights and the institution's responsibilities regarding a protection order, no contact order, and any other lawful orders issued by the institution or by a criminal, civil, or tribal court.

(c) Shall not be required to report an incident to the institution or a law enforcement agency unless otherwise required to do so by state or federal law and shall provide confidential services to students and employees.

(d) May attend an administrative or institution-based adjudication proceeding as the advisor or support person of the student's or employee's choice.

(e) Shall not disclose confidential information without the prior written consent of the student or employee who shared the information.

(f) Shall not provide services to more than one party in an incident and shall ensure confidentiality is maintained.

VI. Nothing in this section shall be construed to limit either party's right of cross examination of the advisor in a civil or criminal proceeding if the advisor testifies after written consent has been given. A confidential resource advisor shall not act as a counselor or therapist unless the confidential resource advisor is licensed as a counselor in this state and the reporting party engages the confidential resource advisor in that capacity.

VII. Notice to a confidential resource advisor of an alleged act of sexual misconduct or a confidential resource advisor's performance of a service under this section shall not be considered actual or constructive notice of such an alleged act to the institution of higher education at which the confidential resource advisor is employed or provides contracted services.

VIII. If a conflict of interest arises for an institution in which a confidential resource advisor is advocating for a reporting party's need for sexual assault crisis services or campus or law enforcement services, the institution shall not discipline, penalize, or otherwise retaliate against the confidential resource advisor for representing the interest of the reporting party.

Source. 2020, 24:18, eff. Jan. 16, 2021.

Section 188-H:8

[RSA 188-H:8 effective January 16, 2021.]

188-H:8 Privilege for Confidential Resource Advisors. –

I. In this section:

(a) "Confidential communication" means information transmitted between a victim, as defined in paragraph (b), of an alleged sexual assault, alleged domestic abuse, alleged sexual harassment, or alleged stalking, and a confidential resource advisor in the course of that relationship and in confidence by means which, so far as the victim is aware, does not disclose the information to a third person. The presence of an interpreter for the hearing impaired, a foreign language interpreter, or any other interpreter necessary for that communication to take place shall not affect the confidentiality of the communication nor shall it be deemed a waiver of the privilege. The term includes all information received by the confidential resource advisor in the course of that relationship.

(b) "Victim" means any person alleging sexual misconduct, as defined by the institutions' policies and procedures, who consults a confidential resource advisor for the purpose of securing support, counseling or assistance concerning a mental, physical, emotional, legal, housing, medical, or financial problem caused by an alleged act of sexual misconduct, or an alleged attempted sexual misconduct.

II. (a) A victim has the privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made by the victim to a confidential resource advisor, including any record made in

the course of support, counseling, or assistance of the victim. Any confidential communication or record may be disclosed only with the prior written consent of the victim. This privilege terminates upon the death of the victim. The privilege and confidentiality under this subparagraph shall extend to:

- (1) A third person present to assist communication with the victim.
 - (2) A third person present to assist a victim who is physically challenged.
 - (3) Co-participants in support group counseling of the victim.
- (b) Persons prevented from disclosing a confidential communication or record pursuant to subparagraph (a) shall be exempt from the provisions of RSA 631:6.

III. The privilege may be claimed or waived in all civil, administrative, and criminal legal proceedings, including discovery proceedings, by the following persons:

- (a) The victim or an attorney on the victim's behalf.
- (b) The guardian of the victim, if the victim has been found incompetent by a court of competent jurisdiction.
- (c) A minor victim who is emancipated, married, or over the age of 15, unless, in the opinion of the court, the minor is incapable of knowingly waiving the privilege. A guardian ad litem shall be appointed in all cases in which there is a potential conflict of interest between a victim under the age of 18 and their parent or guardian.

IV. Waiver as to a specific portion of communication between the victim and the confidential resource advisor shall not constitute a waiver of the privilege as to other portions of the confidential communication between victim and confidential resource advisor, relating to the alleged crime.

V. In criminal proceedings when a defendant seeks information privileged under this chapter in discovery or at trial, the procedure below shall be followed:

- (a) A written pretrial motion shall be made by the defendant to the court stating that the defendant seeks discovery of records of a confidential resource advisor or testimony of a confidential resource advisor. The written motion shall be accompanied by an affidavit setting forth specific grounds as to why discovery is requested and showing that there is a substantial likelihood that favorable and admissible information would be obtained through discovery or testimony. No discovery or hearing shall occur pursuant to the information sought to be disclosed for at least 3 business days after the filing of a motion for disclosure.
- (b) The only information subject to discovery from the records of a confidential resource advisor or which may be elicited during the testimony of a confidential resource advisor are those statements of the victim which relate to the alleged crime being prosecuted in the instant trial.
- (c) Prior to admission of information at deposition, trial, or other legal proceeding, when a claim of privilege has been asserted and whether or not the information was obtained through discovery, the burden of proof shall be upon the defendant to establish by a preponderance of the evidence that:
 - (1) The probative value of the information, in the context of the particular case, outweighs its prejudicial effect on the victim's emotional or physical recovery, privacy, or relationship with the confidential resource advisor.
 - (2) That the information sought is unavailable from any other source.
 - (3) That there is a substantial probability that the failure to disclose that information will interfere with the defendant's right to confront the witnesses against him or her and the defendant's right to a fair trial.
- (d) The trial court shall review each motion for disclosure of information on a case by case basis and determine on the totality of the circumstances that the information sought is or is not subject to the privilege established in paragraph II. In finding that the privilege shall not apply in a particular case, the trial court shall make written findings as to its reasons therefor.
- (e) The records and testimony of a confidential resource advisor shall be disclosed solely to the trial judge to determine, as a matter of law, whether the information contained in the records or testimony is admissible under this chapter.
- (f) That portion of any record and testimony of a confidential resource advisor which is not disclosed to the defendant shall be preserved by the court under seal for appeal. For the purpose of preservation, a copy of the record shall be retained with the original released to the confidential resource advisor. Costs of duplication shall be borne by the defendant.
- (g) If, after disclosure of privileged information, the court upholds the privilege claim, the court shall impose a protective order against revealing any of the information without the consent of the person authorized to permit

disclosure.

VI. The privilege established by this chapter shall not apply when the confidential resource advisor has knowledge that the victim has given perjured testimony and when the defendant has made an offer of proof that there is probable cause to believe that perjury has been committed.

VII. Failure of any person to testify as a witness pursuant to the provisions of this chapter shall not give rise to an inference unfavorable to the prosecution or the defense.

VIII. The victim shall have a right to interlocutory appeal to the supreme court from any decision by a court to require the disclosure of records or testimony of a confidential resource advisor.

IX. The confidential resource advisor shall have the same reporting duties under RSA 169-C:29 as other professionals, providing that this duty shall not apply where a minor is seeking relief pursuant to RSA 173-B:3 for abuse by a spouse or former spouse of the minor, or by an intimate partner who is not related to the minor by consanguinity or affinity. As used in this section, "abuse" and "intimate partners" shall be as defined in RSA 173-B:1.

Source. 2020, 24:18, eff. Jan. 16, 2021.

Awareness Programming

Section 188-H:9

[RSA 188-H:9 effective January 16, 2021.]

188-H:9 Awareness Programming. –

An institution of higher education, with guidance from its Title IX coordinator, local law enforcement, and the rape crisis center or the domestic violence center, shall provide mandatory annual sexual misconduct primary prevention and awareness programming for all students and all employees of the institution that shall include:

I. An explanation of consent as it applies to sexual activity and sexual relationships.

II. The role drugs and alcohol play in an individual's ability to consent.

III. Information on options relating to the reporting of an incident of sexual misconduct, the effects of each option, and the methods to report an incident of sexual misconduct, including confidential and anonymous disclosure.

IV. Information on the institution's procedures for resolving sexual misconduct complaints and the range of sanctions or penalties the institution may impose on students and employees found responsible for a violation.

V. The name, contact information, and role of the confidential resource advisor.

VI. Strategies for bystander intervention and risk reduction.

VII. Opportunities for ongoing sexual misconduct prevention and awareness campaigns and programming.

Source. 2020, 24:18, eff. Jan. 16, 2021.

Training for Individuals and Institutions Involved in the Disciplinary Process

Section 188-H:10

[RSA 188-H:10 effective January 16, 2021.]

188-H:10 Training for Individuals Involved in the Disciplinary Process. –

An individual who participates in the implementation of an institution of higher education's disciplinary process, including an individual responsible for resolving complaints of reported incidents, shall have training

or experience in handling sexual misconduct complaints and the operations of the institution's disciplinary process. The training shall include, but not be limited to:

I. Information on working with and interviewing persons subjected to sexual misconduct.

II. Information on particular types of conduct that constitute sexual misconduct, including same-sex dating violence, domestic violence, sexual assault, and stalking.

III. Information on consent and the role drugs and alcohol may play in an individual's ability to consent.

IV. The effects of trauma, including any neurobiological impact on a person.

V. Cultural competence training regarding how sexual misconduct may impact students differently depending on factors that contribute to a student's cultural background, including but not limited to national origin, sex, ethnicity, religion, gender identity, gender expression, and sexual orientation.

VI. Ways to communicate sensitively and compassionately with a reporting party of sexual misconduct including, but not limited to, an awareness of responding to a reporting party with consideration of that party's cultural background and providing services to or assisting in locating services for the reporting party. Ways to communicate sensitively with a responding party, including an awareness of the emotional impact of being wrongly accused.

VII. Training and information regarding how dating violence, domestic violence, sexual assault, and stalking may impact students with developmental or intellectual disabilities.

Source. 2020, 24:18, eff. Jan. 16, 2021.

Section 188-H:11

[RSA 188-H:11 effective January 16, 2021.]

188-H:11 Institutional Training. – Each institution of higher education shall ensure that its Title IX coordinator and members of its special or campus police force or the campus safety personnel employed by the institution are educated in the awareness of sexual misconduct and in trauma-informed response.

Source. 2020, 24:18, eff. Jan. 16, 2021.

Reporting Requirements

Section 188-H:12

[RSA 188-H:12 effective January 16, 2021.]

188-H:12 Data Reporting Requirements. –

Annually, not later than October 1, an institution of higher education shall prepare and submit to the director, the commissioner of the department of health and human services, the clerks of the senate and house of representatives, and the chairpersons of the senate and house committees with jurisdiction over education a report that includes:

I. The total number of allegations of dating violence, domestic violence, sexual assault, and stalking reported to the institution's Title IX coordinator by a student or employee of the institution against another student or employee of the institution.

II. The number of law enforcement investigations initiated in response to complaints of sexual misconduct brought forward by students or employees of the institution against another student or employee of the institution, if known.

III. The number of students found responsible for violating an institution's policies prohibiting sexual misconduct.

IV. The number of students found not responsible for violating an institution's policies prohibiting sexual

misconduct.

V. The number of disciplinary actions imposed by the institution as a result of a finding of responsibility for violating an institution's policies prohibiting sexual misconduct. The report shall provide information in an anonymous manner that complies with state and federal privacy laws.

Source. 2020, 24:18, eff. Jan. 16, 2021.

Section 188-H:13

[RSA 188-H:13 effective January 16, 2021.]

188-H:13 Amnesty. – A reporting party or a witness that causes an investigation of sexual misconduct, or drug or alcohol use, shall not be subject to a disciplinary proceeding or sanction for a violation of the institution of higher education's student conduct policy related to the incident unless the institution determine that the report was not made in good faith or that the violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at risk.

Source. 2020, 24:18, eff. Jan. 16, 2021.

Enforcement and Penalty

Section 188-H:14

[RSA 188-H:14 effective January 16, 2021.]

188-H:14 Enforcement and Penalty. – Upon determination, after reasonable notice and opportunity for a hearing, that an institution of higher education has violated or failed to carry out any provision of this chapter or any rule adopted under this chapter, the director may impose a civil penalty upon such institution for each violation not to exceed \$150,000, which shall be adjusted for inflation annually, or one percent of an institution's annual operating budget, whichever is lower. The director shall use any such civil penalty funds to provide oversight of this chapter.

Source. 2020, 24:18, eff. Jan. 16, 2021.

Section 188-H:15

[RSA 188-H:15 effective January 16, 2021.]

188-H:15 Memoranda of Understanding With Rape Crisis Centers or Domestic Violence Centers. –

I. An institution of higher education shall enter into and maintain a memorandum of understanding with a rape crisis center or domestic violence center to:

- (a) Assist in developing the institution's policies, programing, and training regarding sexual misconduct involving students or employees.
- (b) Provide an off-campus alternative for students and employees of the institution to receive free and confidential sexual assault crisis services, including access to a sexual assault nurse examiner if available, or free and confidential domestic violence crisis services in response to sexual misconduct.
- (c) Ensure that a student or employee of the institution may access free and confidential counseling and advocacy services either on campus or off campus.
- (d) Ensure cooperation and training between the institution and the crisis center or agency to ensure an understanding of the roles that the institution, crisis center, and agency should play in responding to reports and

disclosures of sexual misconduct against students and employees of the institution and the institution's protocols for providing support and services to such students and employees.

II. A memorandum of understanding may include an agreement, including a fee structure, between the rape crisis center or domestic violence center and the institution of higher education to provide confidential victim services. Confidential victim services may include case consultation and training fees for confidential resource advisors, consultation fees for the development and implementation of student education and prevention programs, the development of staff training and prevention curriculum, and confidential on-site office space for an advocate from a rape crisis center or domestic violence center to meet with students.

III. The commission may waive the requirements of this section in the case of an institution that demonstrates that it acted in good faith but was unable to obtain a signed memorandum.

Source. 2020, 24:18, eff. Jan. 16, 2021.

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

**October 11, 2022: Commission Meeting
Director's Report**

REPORT OF OUT-OF-STATE MEETINGS

Steve Appleby and Whitney Vaillancourt attended the annual NC-SARA meeting on September 12-13 in Louisville, KY. At the conference we continued to work with NC-SARA on ways to reduce administrative overhead for both institutions and states. The travel was entirely funded by NC-SARA.

STAFF DEVELOPMENT/OFFICE ISSUES/OTHER

See Veterans Education Services section below.

COLLEGE AND UNIVERSITY ACTIVITY

In-State Colleges and Universities:

American University of Madaba, Jordan (AUM):

(See International Colleges and Universities below)

Hellenic American University (HAU):

(See International Colleges and Universities below)

Magdalen College:

(See NECHE below)

New England Aeronautical Institute:

Initial comprehensive institutional and program evaluation is ongoing with an anticipated recommendation coming before the Commission at a future meeting.

St. Joseph School of Nursing (SJSON):

The Accreditation Commission for Career Schools and Colleges

{ACCSC} has renewed the Saint Joseph School of Nursing (SJSON) accreditation from its last visit in 2020 through 2025.

This aligns with the Accreditation Commission for Nursing Education (ACEN) accreditation for its nursing programs, also through 2025.

The ACCSC lists the following programs that are covered by its accreditation.

- Medical Assisting, certificate, non-degree
- Nursing Assistant, certificate, non-degree
- Phlebotomy, certificate, non-degree
- Associate in Science, Medical Assisting
- Associate in Science, Nursing

The SJSON informed the Commission on June 30, 2022 that it would no longer offer the Associate in Science in Medical Assisting as it was unable to enroll the program. The school will continue with the certificate, non-degree option for Medical Assisting, which has been well enrolled.

Signum University:

The University submitted its completed the third draft of its self-study to the Distance Education Accreditation Commission (DEAC). The DEAC will conduct a virtual onsite visit to Signum on October 27, 2022. The Commission will have an observer present for the visit.

Southern New Hampshire University:

The Substantive Change Review Committee (SCRC) of the Commission on Collegiate Nursing Education (CCNE) acted to accept the substantive change notification submitted to CCNE on November 1, 2021 by Southern New Hampshire University. The substantive change notification is for the addition of Population Healthcare, Nurse Executive Leadership, and Family Nurse Practitioner tracks in the master's program; the suspension of admissions to the Generalist and Clinical Nurse Leader tracks in the master's program; and curricular revisions, including track name updates to the existing Nurse Educator and Patient Safety and Quality tracks.

New England Commission of Higher Education (NECHE) Activity:**American University of Madaba (AUM):**

(See below under International Institutions)

Hellenic American University (HAU):

(See below under International Institutions)

Magdalen College:

The College continues to be on probation with respect to the NECHE Standard on Institutional Resources. NECHE is requiring an updated Annual Report on Finance and Enrollment on or before October 28, 2022 for consideration at its November 2022 Commission meeting.

NECHE affirmed the College's next Comprehensive Evaluation for March 19-23, 2023. The NH Commission will have an observer to the on-site visit.

Upper Valley Educators Institute (UVEI):

NECHE has affirmed its on-site biennial evaluation for the Spring of 2023, a normal process for Candidate institutions.

Out-of-State Colleges and Universities:

Administrative Approvals for Online Programs: *Administrative approval is granted to institutions within states that are not members of the NC-SARA or have elected to not participate through NC-SARA to operate in New Hampshire and offer online degrees that require a practicum/internship/clinical.*

The Chicago School of Professional Psychology (TCSPP):

TCSPP is a private, not-for-profit institution of higher education based in Chicago, IL, with six additional instructional locations around the country (three in California), and an online delivery modality, as well. Its mission is:

Integrating theory, professional practice, and innovation, The Chicago School of Professional Psychology provides an excellent education for careers in psychology and related behavioral and health sciences. The school is committed to service and embraces the diverse communities of our society.

The school serves some 6,000 adult and mid-career students, has an operating budget of \$136M and steady operating surpluses. It is regionally accredited by the WASC through 2027, and many of its programs are also accredited by professional associations. These are clearly presented on the TCSPP website. Online tuition costs range from \$491 to

\$1622 per credit hour. The application for renewal of the following programs was comprehensive. There is currently one New Hampshire student enrolled in the Ph.D. in Applied Behavior Analysis program.

The Director granted Administrative Approval for the following programs through June 30, 2024.

- B.A. Psychology – Substance abuse track
- M.A. Clinical Mental Health Counseling
- Master of Public Health
- M.S. Applied Behavior Analysis
- M.S. Clinical Psychopharmacology
- Certificate Psychopharmacology Clinical Rotations
- Ph.D. Applied Behavior Analysis
- Ph.D. Behavior Analysis
- MSN Nursing Leadership and Administration
- MSN Nursing Education
- Graduate Certification in Applied Behavioral Analysis
- Post Bachelors Certificate in Applied Behavior Analysis
- Ph.D. Counselor Education Supervision
- Psy.D. Clinical Psychology

Northcentral University: Annual Report & Administrative Approval of MSIT, February 2022

Northcentral University is an online institution founded in 1996 and based in La Jolla, CA. It was initially a for-profit entity but became an affiliate of the not-for-profit National University System, based in San Diego, CA in 2019. The system now includes Northcentral University, National University, and the City University of Seattle. Recently these entities formally merged into a single corporation, now called National University, which serves about 30,000 students. The Western Association of Senior Schools and Colleges approved the merger, effective June 30, 2022. There is a prominent tab on the website that explains the merger and that the Northcentral name will eventually disappear.

Northcentral prepares applications to the Commission at various times during the year as student enrollment potential is assessed. The most recent application was received in September 2022 for the Doctor of Criminal Justice, the Master of Science in Computer Science, and the Master of Science in Sport Psychology degree programs. They have previously approved programs in the related areas of computer science, information technology, cyber security, and psychology.

Northcentral University is accredited by the Western Association of Senior Schools and Colleges (WASC). Its business programs are accredited by ACBSP, and its marriage and family programs by the American Association for Marriage & Family Therapy (COAMFTE). The University offers degree programs at the bachelor, master, and doctoral levels in business, education, psychology, technical management, and marriage and family therapy. Programs are delivered completely online requiring no residency using a unique one-on-one teaching format, which offers weekly starts for students. The University is approved to offer Title IV federal financial aid. Faculty are appropriately experienced and qualified, and curricular structures and content have met accreditation standards.

The following programs have been administratively approved through June 30, 2023.

- Doctor of Business Administration (DBA)
- Doctor of Criminal Justice
- Doctor of Education in Educational Leadership (EdD-EdL)
- Doctor of Education in Instructional Design
- Doctor of Education (general)
- Doctor of Philosophy in Business Administration (PHD-BA)
- Doctor of Philosophy in Computer Science (PhD-CS)
- Doctor of Philosophy in Data Science (PhD-DS)
- Doctor of Philosophy in Education (PhD-Ed)
- Doctor of Philosophy in Psychology (PhD-PSY)
- Master of Arts in Marriage and Family Therapy
- Master of Business Administration
- Master of Education (general)
- Master of Education in Educational Leadership (MEd-EdL)
- Master of Science in Child and Adolescent Developmental Psychology (MSPSYCAD)
- Master of Science in Computer Science
- Master of Science in Cybersecurity (MSCY)
- Master of Science in Health Psychology
- Master of Science in Industrial/Organizational Psychology (MSPSYIO)
- Master of Science in Information Technology (MSIT)
- Master of Science in Organizational Leadership
- Master of Science in Sport Psychology
- Post-Masters Certificate in Education
- Post-Masters Certificate in Psychology
- Educational Specialist Degree (6th Year Program)

The application for the criminal justice, computer science and sports psychology included program and course descriptions and faculty names and credentials. The doctoral program in criminal justice is minimum of 54 credit hours via 18 courses plus a dissertation. Most of the faculty are in business administrative areas. The computer science is 30 credit hours via 10 courses, and the sports psychology is 36 credits with 12 courses. The catalog descriptions of the program admission, graduation and courses are easy to access, as is pricing for tuition and fees. All of these programs are well established.

The Director authorized administrative approval of these programs through June 30, 2023 to align with all other program approvals for Northcentral University.

Pepperdine University:

Pepperdine University, a Christian university founded in 1937, is a private research university based in Malibu, CA. It is regionally accredited by the Western Association of Schools and Colleges (WASC, through 2031), and serves 3600 undergraduate and 4400 graduate students in California and other campuses in Washington, DC, Argentina, China, England, Germany, Italy, and Switzerland.

The following University programs, within the Graduate School of Education and Psychology, have been approved since 2018 and are now approved through June 30, 2024.

- Master of Arts in Clinical Psychology with an emphasis in Marriage and Family Therapy (MFT)
- Master of Science in Applied Behavior Analysis (MSABA) (Formerly the Master of Science in Behavioral Psychology)

These programs are offered face-to-face in the campus setting and on-line using real time delivery. The MFT program is 62 credit hours and the MSABA is 37 credit hours. The MFT can lead to a Licensed Clinical Counselor, or a Licensed Marriage and Family Therapist. The MSABA curriculum follows the American Behavioral Analysis Institute's verified sequence. The application was comprehensive including faculty qualifications, courses taught, and course syllabi.

During 2021-2022, one student from NH was enrolled in each of the two approved programs. Program costs are \$1,770 per credit and courses are delivered over 11-week terms. With this approval students are permitted to fulfill their internship/clinical requirements in New Hampshire.

University of St. Augustine for Health Sciences:

The University of St. Augustine for Health Sciences was founded in 1979, is based in San Marcos, CA, and all programs are in the health sciences at the graduate level. The University maintains campuses in California, Texas and Florida and is regionally accredited by WASC, the Western Association of Senior Colleges Commission through 2027. The University is a private, for-profit corporation owned by Atlas Partners, a private equity firm.

The University's programs are offered mostly online (85%) with students (5,200, 70/30 Female/Male) seeking their required experiences in practicum, clinical, internship, or fieldwork with local health care providers close to their home of residence. Students residing close to one of the physical sites can enroll in hybrid classes with some face-to-face classes on campus. All of their health-related programs are accredited by the appropriate program accreditation associations. The University has submitted comprehensive documentation including curricular structures, course syllabi, and faculty credentials. The academic programs appear rigorous with appropriate numbers of credit hours. Tuition and related costs are easy to access. They provide students with detailed information regarding eligibility for taking qualifying examinations or licensure qualifications, and the importance for students to be knowledgeable about the varying regulations of the state in which they plan to practice.

The Director granted Administrative Approval for the following programs through June 30, 2023 with annual reports required.

- Master of Occupational Therapy
- Doctor of Occupational Therapy
- Doctor of Physical Therapy
- Master of Science in Nursing
- Doctor of Nursing Practice
- Post Graduate Nursing Certificate - FNP

The University submitted a proposal for its Master of Science in Speech and Language Pathology (MS-SLP) in August 2022. As with earlier applications, the proposal was comprehensive with course descriptions and faculty qualifications. The 58-credit hour program, offered on a trimester calendar over 20 months, includes a practicum experience, supervised by an ASHA certified and state licensed clinical supervisor, in each of the five trimesters. The program is accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA). Program information alerts students to be aware of state requirements for licensure.

The Director issued a letter granting Administrative Approval for the MS-SLP program through June 30, 2023 to align with the above program approvals.

University of St. Augustine for Health Sciences reported that current CEO, Vivian Sanchez, has been elevated to University Chancellor, and Dr. Brian Goldstein, present Chief Academic Officer (CAO), has been appointed President and CAO for the University (May 2022).

Walden University:

Walden University offers its degree and certificate programs exclusively online, primarily to working professionals. The University has been regionally accredited by the Higher Learning Commission since 1990 and has been approved by the NH Commission since 2016.

Many of Walden's degree programs are also accredited by professional associations that oversee career related programs. Walden is a for-profit institution with its main offices in Baltimore, MD. It is now owned by Adtalem Global Education, Inc., which is incorporated in the state of Florida. This was a recent change of ownership that was approved by the HLC in April 2022.

Walden provided copies of 10 affiliation agreements with New Hampshire entities, which served 14 NH students in summer 2022. The University serves over 46,000 students, is in good standing with its accreditors, and has a USDOE financial responsibility score of 2.69.

The Director approved the following 15 degree and 4 post-master certificate programs through June 30, 2024.

- MS Clinical Psychology
- MS Forensic Psychology
- MS Clinical Mental Health Counseling
- MS in School Counseling
- MS Marriage, Couple, and Family Counseling
- Bachelor of Social Work
- Master of Social Work
- Ph.D. Counselor Education and Supervision
- Doctor of Nurse Practice
- Master of Science in Nursing (MSN)
- Post-Master's Certificates in:
 - Adult-Gerontology Acute Care Nurse Practitioner
- Adult-Gerontology Nurse Practitioner
- Family Nurse Practitioner
- Psychiatric Mental Health Nurse Practitioner
- Master of Public Health
- Bachelor of Science in Elementary Education
- MS in Education - Educational Leadership and Administration - Principal Preparation
- Ed.S. Educational Leadership and Administration - Principal Preparation Program
- Master of Arts in Teaching-Special Education (K-Age 21)

Post-Master's Certificates:

None

International Colleges and Universities:

American University of Madaba (AUM):

NECHE Activities:

Upon the approval of The New England Commission of Higher Education (NECHE) in November 2021 to consider AUM Eligible to apply for candidacy and initial accreditation, AUM appointed the Steering committee and subcommittees to respond to the nine standards and prepare the self-study.

Orientation sessions have been conducted to AUM constituencies as part of the preparation process for the self-study. Administrators have attended the international information sessions via Zoom initiated by NECHE for university representatives from all institutions to learn from other institutions that have recently gone through the candidacy process and address their questions regarding writing the candidacy self-study.

Dr. Carol Anderson (Vice President of NECHE) visited the University to provide orientation and guidance on the Self-study process, criteria for candidacy, and other requirements and information about the process and accreditation. The Visit took place in June 2022. Dr. Anderson met with the different constituencies of the University and provided direction on the coming steps. The meetings were with the President, Director of Accreditation and QA, Deans, Chairs of Academic departments, Faculty members, administrative staff, Steering committee, sub-committees, and Assessment Committee, in addition to a tour inside the campus.

Dr. Dennis Hanno, president of Wheaton College, will chair the NECHE candidacy visiting team in the Fall of 2023.

Program Approvals:

AUM has proposed a new graduate program, a Master of Business Administration with an emphasis in Business Analytics. This program was reviewed by Dr. Kimberly Bogle Jubinville, Senior VP and Chief Academic Officer at Southern New Hampshire University, and Dr. Tevik Aktekin, Associate Professor of Data Sciences at the University of New Hampshire. The results of that evaluation were presented to the Commission at its October 2022 meeting.

AUM also requested two program changes in its undergraduate programs. First, was a name change in the accounting program from a BA in Accounting to a BA in International Accounting and Finance. This 133 credit-hour program was augmented with several course changes to reflect the regional job market where accounting skills in international and related financial areas are expected for majors in the field. The second was the introduction of a BS in Cybersecurity (134 credit hours) associated with their already approved BS programs in Computer Science and Data Sciences/Artificial Intelligence. Two new faculty will be hired to support this program. These changes were approved by the Jordanian Ministry of Higher Education and Scientific Research, Higher Education Council (MOHE), and the Jordanian Accreditation and Quality Assurance Commission for Higher Education Institutions (AQACHEI).

Given the dual approvals by the Jordanian higher education entities and a review of the submitted materials, the Director granted Administrative Approvals for these two programs from the NH Department of Education, Division of Educator Support and Higher Education through December 31, 2023 to align with all other program approvals. Implementation will be documented in AUM's annual report in March.

Hellenic American University (HAU):

HAU submitted its 5th Year Interim Report to NECHE in September 2022, and is preparing for an onsite visit by NECHE to its Athens and Nashua, NH campuses in late October 2022.

The Commission office has received a copy of the NECHE report.

EDUCATOR PREPARATION PROGRAMS

Submitted by Laura A. Stoneking

The Bureau of Educator Preparation and Higher Education oversees all NH educator preparation program approvals and ensures that all educator preparation programs meet minimum requirements leading to quality preparation programs. Through the Council for Teacher Education (CTE), representatives coordinate, review and advise the State Board of Education of NH PEPPs.

NH has twelve institutions of higher education with offering educator programs that prepare NH educators through approved professional educator preparation programs (PEPPs).

Currently, there are

- **151** Fully Approved, and
- **7** Conditionally Approved PEPPs.

A full roster of PEPPs can be found at [educator-programs.pdf \(nh.gov\)](#).

Below are some of the activities the CTE has accomplished from May 2022, through September 2022:

NH PRIVATE INSTITUTIONS with APPROVED EDUCATOR PREPARATION PROGRAMS		
Antioch University New England	PRIORITY PROGRESS REPORT May 2022	Accepted Priority Progress Report; Secondary Progress Report was expected Conditional Approval for (8) PEPPs through 2/27/2023 <i>*Technical Assistance with verification, transcripts, field experience, cooperating practitioners and general Ed 600 requirements</i>
	SUBSTANTIVE CHANGE- Elimination/Extension July 2022	Approval to Eliminate Science Teacher for Grades 5-8 effective 6/14/2022 Approval for Extension/Elimination of Life Science PEPP through 7/27/2023
		*ALL AUNE PEPPs are set to be eliminated 2/27/2023 (Life Sci 7/27/2023)
Franklin Pierce University	CONDITIONAL APPROVAL July 2022	Conditional Approval (7) through 10/31/2023 Priority Progress Report due by 1/12/2023 on unmet standards
New England College	FULL APPROVAL July 2022	Full Approval (8) PEPPs through 8/30/2027
		<i>*Technical Assistance with Advanced Endorsements; NEW PEPPs at licensure level process (Principal, Superintendent)</i>
Rivier University		No Action- Full approval (15) PEPPs through 12/30/2026
Saint Anselm College		No Action- Full approval (13) undergraduate PEPPs through 8/30/2028 Full Approval (1) – new Special Education; new M.Ed. through 12/31/2024
	REVIEW- new MAT November 2021	In Process – Option 3 Review (11) PEPPs; new MAT degree; November 14-16, 2022, review <i>*Technical Assistance regarding Ed 500 and Ed 600 requirements, PEPP review process</i>
Southern New Hampshire University	August 2022	In Process - Option 4 Review (CAEP Accreditation) Request for Initial PEPPs (9); March 27-29, 2023, review scheduled Advanced (Principal, Curriculum Admin, Superintendent) PEPPs review request to come at a later date
		Full Approval (12) through 3/30/2024
		<i>*Technical Assistance with Cooperating Practitioners and field placements for advanced degrees/licensures</i>
Upper Valley Educators Institute	FULL APPROVAL July 2022	Full Approval (20); licensure only PEPPs through 8/30/2029

NH PUBLIC INSTITUTIONS with APPROVED EDUCATOR PREPARATION PROGRAMS		
Granite State College		No Action- Full Approval (12) PEPPs through 8/30/2028 Full Approval (1) new PEPP (Life Science) through 12/31/2025 Elimination of (1) PEPP 3/31/2024
Keene State College		Full Approval - (16) KSC PEPPs through 2/28/2023
		In Process – Option 4 Review (national accreditation); awaiting official report (10/2022) from Council for the Accreditation of Educator Preparation (CAEP)
NHTI		No Action- Full Approval (11) PEPPs through 2/27/2025
Plymouth State College		No Action- Full Approval (10) PEPPs through 12/31/2024 Full Approval (3) PEPPs through 5/31/2026 Elimination of (6) PEPPs 12/31/2022 ; (3) PEPPs 12/31/2024
		Full Approval (20) through 8/30/2027
University of New Hampshire		
		<i>*Technical Assistance with transcript review; licensure requirements; cooperating practitioners and field placements for advanced degrees/licensures</i>

IHE	AUNE	FPU	NEC	RIV	St. A	SNHU	UVEI		GSC	KSC	NHTI	PSU	UNH
FULL approval	0	0	8	15	14	12	20		13	16	11	13	29
CONDITIONAL approval	0	7	0	0	0	0	0		0	0	0	0	0
*elimination	7 conditional	--	4 Full 1 Conditional	--	--	1 Full	--		1 Full	--	--	6 Full 3 Conditional	--

PEPPs are available within a Bachelor's degree, Master's degree, Post-Master's degree and/or a licensure only pathway.

Please direct any questions regarding these activities to Laura Stoneking at 603.271.4196 or by e-mail at Laura.A.Stoneking@doe.nh.gov.

CLOSED SCHOOL TRANSCRIPTS

Submitted by Pat Moquin

From July 1, 2022, until August 31, 2022 (FY 2023), 287 college/university and 36 career school transcript requests were processed, generating a total of \$6,460. During the same period in the prior year (FY 2022), a total of 204 college/university and 28 career school transcript requests were processed.

Please direct any questions regarding these activities to Pat Moquin at (603) 271-0289 or by e-mail at Patricia.L.Moquin@doe.nh.gov.

OFFICE OF CAREER SCHOOLS LICENSING (OCSL)

Submitted by Jeffrey S. Newman

Since the last report in May 2022, OCSL has continued in its duties. Most correspondence between the office and schools has continued to remain virtual via online meetings, phone calls and email. Schools continue to increase in-person learning and few others remain online or hybrid learning models.

Amy Martel is now seven months into her new role as Program Specialist for OCSL. We are working with the career schools to have regular site visits to establish a more personable relationship. Some of the schools are still navigating how to merge back into their “old models” of in-person to the “new models” of online learning. Many have been able to find a new business model and report being able to provide both models to meet the needs of many more students. Some are starting to look more closely at the bill that was signed by the Governor, SB148, specifically Part IV, that went into effect October 9, 2021. This new exemption has been added to RSA 188-G:1, II (m) Entities that have annual gross tuition of \$100,000 or less. As a result, several schools falling into this category have withdrawn, while others have opted to remain licensed, as certain tuition programs rely on being licensed.

Schools currently licensed: 49

Recent Exemption Approvals/Pending.

- Nashua Adult Learning Center, Inc. (pending)
- CAD Technical (approved)
- Certstaffix Training (approved)
- Best Hypnosis Training (approved)
- Devi Soul Reiki and Healing LLC (approved)
- H & R Block (approved)

Non-Licensed Career Schools Seeking Exemption:

- None currently.

Recent Career School Closures/Pending:

- Birthwise Midwifery (closed)
- Clinical Career Training (pending)

Below are some of the other activities that were conducted by the OCSL team since the last Commission meeting in May 2022.

Renewed the licenses and license continuance of the following schools:

- EPTAC
- Radiation Safety & Control
- Sig Sauer
- Boston Bartender School of America
- FLIR Infrared Training Center
- Unique System Skills
- NH Institute for Therapeutic Arts
- North Eastern Institute of Whole Health, Inc
- Cross Cultural Communication Institute
- Harmony health Care Institute
- Holistic Academy of Natural Disciplines
- Concord Hospital Surgical Tech Program
- XLOS Education Center
- John Mason Institute
- Boatwise
- C1M Photography, LLC
- International Academy of Wildfire Art
- LNA Health Career
- Advanced Tech Schooling
- Whole Pet Grooming
- Becker Professional Education
- Prison Yoga
- Language Bank
- NH EMS Institute Elliot Hospital
- Life Safety

Currently reviewing license renewal/annual filing applications for the following schools:

- United Training Academy
- Sharing Yoga Community Yoga School
- Trivium Institute for Leader Development, The

Upcoming Annual/Renewals:

- Dartmouth Hitchcock Workforce Readiness
- New Hampshire School of Mechanical Trades
- American Academy of Health and Beauty
- American Professional Education Institute
- Heavy Construction Academy
- Visible Edge Institute
- ONLC Training Center
- PESI, Inc
- HRFoodSafe
- Advanced eclinical Training
- Phlebotomy Training Specialist (USA), LLC
- All Dogs Academy

New School Applications:

There currently are no new school applications.

Completed/Pending the closure of the following schools:

- Clinical Career Training (pending)
- Birthwise Midwifery (closed)

Please direct any questions regarding these activities to Jeffrey Newman at (603) 271-8508 or by e-mail at Jeffrey.Newman@doe.nh.gov.

VETERANS EDUCATION SERVICES (VES)

Submitted by Jeffrey S. Newman

The FY2019 Cooperative Agreement with the Department of Veteran's Affairs ended without renewal on September 30, 2022. Hence force, all future filings will be coordinated by the Veterans Benefits Administration office in Muskogee, Oklahoma. This office customarily assumes the duties of the State Approving Agency when a contract or cooperative agreement is not renewed. The NH State Approving Agency cooperated in this transfer of duties and the Muskogee Office is well staffed and should be able to resolve all open matters. Moving forward, all new matters will be handled by that office. With the winding down of the Veterans Education Services contract Ruthann Campbell has moved to a position within the Bureau of Educator Credentialing and Jeff Newman has moved exclusively to managing the Office of Career School Licensing on a full-time basis.

Currently, there are approximately 12,950 veterans and dependents in New Hampshire involved in various programs and courses of study subject to the GI Bill®, apprenticeships and on-the-job training programs.

Below are some of the activities the VES team accomplished from May 10, 2022, through September 30, 2022:

- Worked with New Hampshire Military Leadership Team and Justice-Involved Task Force to work to improve the status of statewide veterans programs, initiatives, and dispersal of funds;
- Conducted compliance survey visits and inspection visits to 8 facilities; and
- Provided 413 program approvals and withdrawals at the request of school certifying officials.

Students Receiving VA Educational Benefits within New Hampshire:

IHLs (Institutions of Higher Learning): **12,521**

- Antioch University of New England: 17
- Colby-Sawyer College: 9
- Dartmouth College: 63
- Dartmouth-Tuck School: 29
- Dartmouth-Geisel School: 11
- Franklin Pierce University (all campuses): 28
- Granite State College (all campuses): 154
- Great Bay Community College (both campuses): 81
- Keene State College: 71
- Lakes Region Community College: 26
- Manchester Community College: 106
- Manchester School of Technology: 1
- Magdalen College (formerly Northeast Catholic College): 1

- MCPHS University (formerly Massachusetts College of Pharmacy and Health Sciences): 12
- Nashua Community College: 40
- New England College: 88
- NHTI – Concord’s Community College: 97
- Plymouth State University: 100
- River Valley Community College: 40
- Rivier University: 35
- Saint Anselm College: 22
- St. Joseph School of Nursing: 1
- Southern New Hampshire University (all campuses and online): 11,005
- Thomas More College of Liberal Arts: 1
- UNH (all campuses): 454
- White Mountains Community College: 28

NCDs (Non-College Degree schools): 374

- Commercial Driving School: 8
- Dover School of Technology: 2
- Empire Beauty School (all campuses): 4
- Granite State Emergency Medical Service: 3
- Heavy Construction Academy: 233
- Michaels School of Hair Design: 2
- NH EMS Institute: 8
- NH School of Barbering: 6
- NH Department of Safety - Fire Standards and Training: 4
- New Hampshire Police Standards and Training: 27
- NH School of Mechanical Trades: 9
- Paul Mitchell School: 3
- SOLO/Stonehearth Open Learning Opportunities: 16

Apprenticeships:

- All apprenticeships: 20

On the Job Training:

- All OJTs: 26

Flight Schools:

- All Flight Schools: 2

Total: 12,947

Note: This information is based on the Veterans Benefits Administration Facilities Count Report for New Hampshire, May 2022. Current numbers may vary.

Please direct any questions regarding these activities to Jeffrey Newman at (603) 271-8508 or by e-mail at Jeffrey.Newman@doe.nh.gov.

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

October 11, 2022: Commission Meeting
2023-2024 Commission Meeting Dates



2023-2024 Commission Meeting Dates:			
Date:	Day:	Time:	Location:
February 14, 2023	Tuesday	2:00pm	25 Hall St. Concord, NH 03301
May 9, 2023	Tuesday	2:00pm	25 Hall St. Concord, NH 03301
October 10, 2023	Tuesday	2:00pm	25 Hall St. Concord, NH 03301
February 13, 2024	Tuesday	2:00pm	TBD
May 7, 2024	Tuesday	2:00pm	TBD
October 11, 2024	Tuesday	2:00pm	TBD

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