

SUPPLEMENTAL MATERIALS

Committee on Academic and Workforce Success

AGENDA ITEM V-V (2)

Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed amendments to Chapter 5, Subchapter D, Sections 5.71, 5.72, 5.73, 5.76, and 5.78 of Board rules concerning the approval and operation of off-campus educational units

RECOMMENDATION: Approval

Background Information:

The intent of the amendments is to clarify and streamline rules to reflect current statute, rule references, policies, and practices regarding the approval and operation of off-campus educational units.

Dr. Rex Peebles, Assistant Commissioner for Academic Quality and Workforce, is available to answer questions.

Date approved by the Commissioner for publication in the *Texas Register*: August 1, 2016

Date Published in the *Texas Register*: August 12, 2016

The 30-day comment period with the *Texas Register* ends on: September 12, 2016

Comments were received regarding these proposed rules. Coordinating Board staff responses to the comments will be provided as supplemental materials prior to the meeting.

Comment: The Texas Tech University System, The University of Texas System, and the Texas A&M University System expressed their objection to language in section 5.76(b) that provides the Commissioner the authority to establish policies to designate off-campus educational units.

Staff Response: The rule to which the system offices are referring was adopted in 2003 as section 5.76(i). The rule was not changed, only reorganized and renumbered in the proposed rules. No change was made in the proposed rules as a result of these comments.

Comment: The Texas Tech University System, The University of Texas System, The University of North Texas System, and the Texas A&M University System expressed their objection to language in section 5.76(c) that provides the Board the authority to withdraw the approval of an off-campus educational unit. Their opinion is that withdrawing the approval of the off-

campus educational unit would, in effect, constitute the elimination of degree programs and would be in conflict with statute.

Staff Response: In section 5.76 (c), the word "recognition" was replaced with "approval" in the proposed rule. Staff has reverted the rule back to its original language giving the board authority to withdraw the recognition of an off-campus educational unit, instead of the approval of an off-campus educational unit.

Comment: The Texas Tech University System expressed their objection to language in section 5.76(d) that prohibits off-campus educational units from requesting legislative funding separate from their parent institutions.

Staff Response: The rule to which the system offices are referring was adopted in 2003 as section 5.76(h). The rule was not changed, only reorganized and renumbered in the proposed rules. No change was made in the proposed rules as a result of these comments.

Comment: The Texas A&M University System requested that staff revisit the policy requiring an institution to notify other public institutions within a 50-mile radius of the off-campus teaching site of its intention to offer new programs at the site 60 days prior to proposed first day of instruction.

Staff Response: No time frame is specified in the proposed rules regarding area notification to institutions within a 50-mile radius of off-campus educational units relating to new program delivery. This rule does not apply to notification of planning related to new sites. No change was made in the proposed rules as a result of this comment.

Comment: The Texas A&M University System requested that staff eliminate the repeated definition of multi-institution teaching center from section 5.73(4) and 5.73(5)(C).

Staff Response: The language in the proposed rules serves the purpose of defining the multi-institutional teaching center and how it relates to an off-campus educational unit. No change was made in the proposed rules as a result of this comment.

Comment: The Texas A&M University System expressed their objection to the revision in the language of the University System Center definition in section 5.73(5)(g) that specifies the partners of the center to be two or more of the system's parent institutions. It believes that this language discourages collaboration between community colleges and universities in the operation of the center.

Staff Response: The language in the proposed rules does not prohibit or restrict collaboration with community college partners within a University System Center. No change was made in the proposed rules as a result of this comment.

Comment: The Texas A&M University System expressed their objection to language in section 5.76(e)(1) that requires research at the center be limited to that necessary for the courses and programs offered.

Staff Response: The rule to which the system offices are referring was adopted in 2003 as section 5.76(c)(1). The rule was not changed, only reorganized and renumbered in the proposed rules. No change was made in the proposed rules as a result of these comments.

Chapter 5
Rules Applying to Public Universities, Health-Related Institutions, and/or Selected Public
Colleges of Higher Education in Texas

Subchapter D
Operation of Off-Campus Educational Units of Public Senior Colleges, Universities and Health-
Related Institutions

- 5.71 Purpose
- 5.72 Authority
- 5.73 Definitions
- 5.76 General Principles for Off-Campus Educational Units
- 5.78 Supply/Demand Pathway

Note: There is not a section 5.74, 5.75, and 5.76

5.71 Purpose

The provisions of this subchapter define off-campus educational units, establish criteria and procedures applicable to the classification, authorization, operation, and reclassification of these units ~~[and establish the supply/demand pathway as a developmental approach to providing access which allows for the gradual increase of resources as demand grows]~~. The provisions of this subchapter are applicable to all units of public senior colleges, universities and health-related institutions which offer instruction for credit but are geographically separate from their institutions' main campuses.

5.72 Authority

The authority for this subchapter is Texas Education Code, Section 61.051 and Section 61.0512(g).

5.73 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Board--The Texas Higher Education Coordinating Board.

~~[(2) Branch campus--A major, secondary location of an institution offering multiple programs, usually with its own administrative structure and usually headed by a Dean. A branch campus must be established by the Legislature or approved by the Coordinating Board.]~~

(2) ~~[(3)]~~ Commissioner--The Commissioner of Higher Education.

~~[(4) FICE--Identification number assigned to each institution by the Federal Interagency Committee on Education for reporting and other purposes.]~~

~~[(5) FTSE—The full-time student equivalent is determined by dividing the number of semester credit hours (SCH) generated at each level by a full-time standard for the level. For example: undergraduate SCH are divided by 15 (fall or spring semester) or 30 (annual); master's or first-professional SCH are divided by 12 (fall or spring semester) or 24 (annual); and doctoral SCH are divided by 9 (fall or spring semester) or 18 (annual).]~~

~~[(6) Higher education center—A Multi-Institutional Teaching Center, University System Center, or single institution center established by the Legislature or approved by the Coordinating Board for the specific purpose of offering academic credit courses and programs from the parent institution(s). Higher education centers are of a larger size and offer a broader array of courses and programs than higher education teaching sites. They have minimal administration and (usually) locally provided facilities.]~~

~~[(7) Higher education teaching site—An off-campus teaching location that promotes access in an area not served by other public universities. Teaching sites offer a very limited array of courses and/or programs and do not entail a permanent commitment for continued service. Teaching sites may not own facilities, nor are they eligible for state support to acquire or build facilities. Teaching sites do not require Board approval or recognition.]~~

(3) Memorandum of Understanding (MOU)—Formal Agreement between two or more public institutions of higher education that define their roles in the establishment and operation of a multi-institutional teaching center. One or more private institutions may be included in the memorandum of understanding.

(4) [(8)] Multi-Institution Teaching Center (MITC)—An off-campus educational unit [A higher education center] administered under a memorandum of understanding (MOU) [formal agreement] between two or more public higher education institutions. It may also involve one or more private institutions. It has minimal administration and locally provided facilities.

(5)[(9)] Off-campus educational unit--A subdivision under the management and control of a [an existing public university, university system, health-related institution or a combination of these units, hereinafter referred to as the] parent institution(s), in a separate geographic setting with varying degrees of dependence in academic, administrative and fiscal matters. [separate from the parent institution(s).] Off-campus education units include: [teaching sites, higher education centers, university system centers, Multi-Institutional Teaching Centers, regional academic health centers, branch campuses, and all other off-campus educational endeavors.]

(a) Branch campus--A major, secondary location of an institution offering multiple programs, usually with its own administrative structure and usually headed by a Dean. A branch campus must be established by the Legislature or approved by the Board.

(b) Higher education teaching site--An off-campus teaching location that promotes access to a very limited array of courses and/or programs. Teaching sites may not own facilities, nor are they eligible for state support to acquire or build facilities, and do not entail a permanent commitment for continued service. See rule 5.76 (i). While higher education teaching sites do not require Board approval or recognition, institutions must notify the Board and institutions within a 50-mile radius of the teaching site and/or Higher Education Regional Council(s) prior to offering courses and/or programs. Issues and concerns must be resolved following Board policy related to approval of distance education off-campus courses and programs.

(c) Multi-Institution Teaching Center (MITC)—An off-campus educational unit administered under a memorandum of understanding (MOU) between two or more public higher education institutions. It may also involve one or more private institutions. It has minimal administration and locally provided facilities.

(d) Regional Academic Health Center (RAHC)--A special purpose campus of parent health-related institution(s) that may be used to provide undergraduate clinical education, graduate education, including residency training programs, or other levels of medical education in specifically identified counties.

(e) Single institution center-- An off-campus educational unit administered by a single parent institution. It has minimal administration and locally provided facilities.

(f) Special Purpose Campus--A major, secondary location of an institution offering programs related to specific and limited field(s) of study, usually with its own administrative structure and usually headed by a Dean. Regional Academic Health Centers are considered special-purpose campuses. Special Purpose Campuses must be established by the Legislature or approved by the Board.

(g) University System Center (USC)-- An off-campus educational unit administered by a single university system comprised of two or more of the system's parent institutions. A memorandum of understanding must be established between all parties that governs the operations of the USC. It has minimal administration and locally provided facilities.

~~(6)[(10)] Parent institution—General academic teaching institution, medical or dental unit, or university system as defined in TEC §61.003 [The general academic institution or health-related institution] that offers its courses, programs or training at an off-campus educational unit. Credit hours are reported by the parent institution and degrees are awarded in the name of the parent institution.~~

~~[(11) Pathway Education Center (PEC)—A higher education center that is on the Supply/Demand Pathway.]~~

~~[(12) Recognized higher education teaching site—A higher education teaching site that is recognized by the Coordinating Board and is included in the Coordinating Board's inventory of statewide teaching sites.]~~

~~[(13) Regional Academic Health Center (RAHC)—A special purpose campus of parent health-related institution(s) that may be used to provide undergraduate clinical education, graduate education, including residency training programs, or other levels of medical education in specifically identified counties.]~~

~~[(14) Special Purpose Campus—A major, secondary location of an institution offering programs related to specific and limited field(s) of study, usually with its own administrative structure and usually headed by a Dean. Regional Academic Health Centers are considered special purpose campuses. Special Purpose Campuses must be established by the Legislature or approved by the Coordinating Board.]~~

~~[(15) Supply/Demand Pathway (SDP)—The Supply/Demand Pathway is a developmental approach to providing access which allows for the gradual increase of resources as demand grows, operating under the principle of avoiding over-commitment as well as under-commitment of state resources.]~~

~~[(16) Texas CIP Classification System—The Texas adaptation of the Classification of Instructional Programs taxonomy developed by the National Center for Education Statistics. The CIP system is used to classify instructional programs and report educational data.]~~

~~[(17) University System Center (USC)—A higher education center administered by a university system or individual institution in a system. It has minimal administration and locally provided facilities.]~~

5.76 General Principles for Off-Campus Educational Units

~~[(a) An off-campus educational unit is not a separate general academic institution and therefore is not independent as regards academic, administrative, and fiscal matters, but has varying degrees of dependence upon the parent institution in such matters.]~~

~~(a)~~~~[(b)]~~ The general purpose of off-campus educational units of all sizes is to meet the education needs of the people of Texas with a level of service that is appropriate for the area and cost effective to offer. Their specific purpose is directly related to the teaching of courses for academic credit from the parent institution(s) and/or for health professions' medical training.

(b) The Commissioner shall establish policies concerning how a location receives designation as a specific type of off-campus educational unit and how to expand educational activities.

(c) The type and name of all off-campus educational units, with the exception of higher education teaching sites, must be approved by the Board. **Recognition [Approval]** of an off-campus educational unit may be withdrawn by the Board.

(d) An off-campus educational unit is financially dependent upon its parent institution(s) and is supported by the budget of the institution(s). It is not eligible to request separate legislative funding. Off-campus educational units should use locally provided facilities, where possible.

(1) Degree programs offered at off-campus educational units must be offered by and in the name of the parent institution(s).

(2) The parent institution must commit to providing a program long enough for a student to have a reasonable opportunity to graduate before the resource is withdrawn or to make other reasonable arrangements for students to complete programs that they have started.

(3) The Board must be notified of programs offered or discontinued at off-campus educational units. The Board shall maintain a list of these degree programs and make that list readily available to the public.

(4) Courses offered at off-campus educational units must be reported separately and accurately in required Board reports. Semester credit hours completed at the unit must be reported appropriately by the parent institution(s) and shall be funded as determined by the Legislature.

(5) The facilities of off-campus educational units shall comply with Chapter 17 of this title, relating to Resource Planning.

~~(e)~~~~[(e)]~~ Off-campus educational units are not intended to duplicate the full array and types of offerings available at regular general academic campuses. Their specific purpose is to: ~~[The intent is to:]~~

(1) Focus on teaching and on delivery of high demand courses and programs for academic credit from the parent institution(s) and/or for health professions' training. Research conducted at off-campus educational units should be limited to that necessary for the courses and programs offered.

(2) Develop articulation agreements with community colleges in the area for provision of lower-division courses. In general, off-campus educational units are not intended to offer lower-division courses. Lower-division courses can only be offered in accordance with Chapter 4, subchapter Q [4.101—4.108] of this title, relating to Approval of Off-Campus and Self-Supporting Courses and Programs for Public Institutions~~[Approval of Distance Education and Off-Campus Instruction for Public Colleges and Universities]~~, and related Board procedures.

~~[(3) Make extensive use of technology to limit the number of faculty required for the location and take full advantage of technological advances that promise to improve quality of learning, access to programs, and efficient use of existing resources. An off-campus educational unit shall meet the Board's technology standards.]~~

~~[(4) Make extensive and effective use of technology in libraries, including full utilization of TexShare electronic resource sharing efforts.]~~

~~[(f)]~~[(d)] Degree programs offered at off-campus educational units must be offered by and in the name of the parent institution(s).

~~[(1) No program may be offered at an off-campus educational unit that does not have prior approval to be offered at the parent institution, except under unusual and approved circumstances.]~~

~~—[(2) The Board must be notified of programs offered or discontinued at off-campus educational units. The Board shall maintain a list of these degree programs and make that list readily available to the public.]~~

~~[(3) The parent institution must commit to providing a program long enough for a student to have a reasonable opportunity to graduate before the resource is withdrawn or to make other reasonable arrangements for students to complete programs that they have started.]~~

~~[(g)]~~[(e)] Off-campus educational units shall adhere to quality and approval criteria regarding courses, programs, student services and other academic matters contained in §§4.101 - 4.108 of this title (relating to Approval of Distance Education and Off-Campus Instruction for Public Colleges and Universities), and in the Approval of Distance Education, including Off-Campus Courses and Programs located in Board policies~~[(Notification and Approval Procedures for Distance Education and Off-Campus Programs and Courses and Guidelines for Institutional Plans for Distance Education and Off-Campus Instruction located in Board policies)]~~.

~~[(h)]~~[(f)] [Off-campus educational units shall use locally provided facilities, where possible. Except where specifically authorized by the Legislature or the Board, nothing in these sections is to be interpreted as permitting the acquisition by gift or purchase of real property for the purpose of establishing or operating an off-campus educational unit.] The facilities of off-campus educational units shall comply with Chapter 17 of this title, relating to Resource Planning.

~~[(g) The following faculty-related provisions apply to all off-campus educational units:~~

~~—(1) The majority of faculty members at an off-campus educational unit must, by some means, have significant involvement with the parent institution.~~

~~—(2) Faculty must comply with the provision of §4.277 of this title and related Board policies.~~

~~—(3) Faculty must be hired and evaluated by the same processes and with the same criteria as faculty performing similar duties at the parent institution.~~

~~—(4) The parent institution should not make a permanent commitment to faculty exclusively working at a teaching site or center, unless the faculty will be transferred to the parent institution should their program be eliminated or consolidated.~~

~~—(5) Programs offered by an off-campus educational unit's own faculty should have enrollments sufficient to support efficient operations.]~~

~~[(h) An off-campus educational unit is financially dependent upon its parent institution(s) and supported within the budget of the institution(s). It is not eligible to request separate legislative funding. Institutions should not overcommit resources to a geographic area before a sufficient and sustained level of demand is achieved. Formula-generated funds earned at an off-campus educational unit are expected to be applied to financing its operation.]~~

~~[(i) The Commissioner shall establish policies concerning how a location receives designation as a specific type of off-campus educational unit and how to expand educational activities.]~~

~~[(j)]~~ [(j)] Courses offered at off-campus educational units must be reported separately and accurately in required Board reports. Semester credit hours completed at the unit must be reported appropriately by the parent institution(s) and shall be funded as determined by the Legislature.

~~[(k) An off-campus educational unit shall be headed by an appropriate administrator whose title does not suggest that the unit is an independent institution. The number of local administrators and faculty shall be less than that at a free-standing general academic institution of comparable size. Additional administrative and academic program support shall be provided by the parent institution(s) and the system(s).]~~

~~[(l) Approval [A higher education center's name must be approved by the Board, and may not be changed without prior Board approval. Recognition] of a higher education center may be withdrawn by the Board.]~~

5.78 Supply/Demand Pathway

(a) The Board has developed the Supply/Demand Pathway (SDP) as a particular way to address anticipated large-scale enrollment demand in a specified region. The SDP [Supply/Demand Pathway] shall be used as the model to address higher education needs in areas without ready geographic access to existing public higher education institutions. The general principles set forth in §5.76 of this title (relating to General Principles for Off-Campus Educational Units) are even more significant in regard to the larger scale efforts designated as SDP [Supply/Demand Pathway] initiatives.

(b) An off-campus educational unit is on the "Pathway" when it is awarded that designation by the Board.

(c) The SDP [supply/demand pathway] consists of three categories:

(1) Category A. Institutions temporarily test the market both in terms of demand and staying power by providing off-campus courses and/or programs by one or more institutions. Should demand decrease or not materialize, courses and programs can be discontinued and resources moved to areas of greater demand.

(2) Category B. As demand increases, offerings may be organized through a multi-institution teaching center or as a university system center as a Pathway Education Center (PEC). A group of institutions may request that the Board authorize the establishment of a MITC. Alternatively, a university system may request that the Board authorize the establishment of a university system center. In either case, a lead institution shall be designated to provide leadership for the center and facilitate the provision of programs and resources from other institutions.

(3) Category C. After an entity in Category B has attained a full-time equivalent upper-level and graduate enrollment of 3,500 for one fall semester, the parent institution(s) and Board(s) of Regents may request that the Board review the status of the center and recommend that the Legislature reclassify the unit as an upper-level general academic institution--a university. The 3,500 FTSE standard approximates the headcount enrollment included in the current university funding formula as the minimum size needed to achieve economies of scale.

(d) Counting. The following general criteria and standards will be used to determine enrollments applicable to the SDP [~~Supply/Demand-Pathway~~] thresholds.

(1) Upper-division and graduate semester credit hours generated in academic courses delivered by the parent universities or by other institutions to on-site students at a PEC [~~Pathway Education Center (PEC)~~] shall be counted towards the relevant SDP [~~Supply/Demand Pathway (SDP)~~] threshold.

(2) Upper-division and graduate semester credit hours generated in academic courses delivered electronically to students on-site at a PEC [~~Pathway Education Center~~] shall be counted towards the SDP threshold. For interactive video courses that originate at a PEC, only students taking the course at the PEC shall be counted.

(3) Upper-division and graduate semester credit hours generated in academic Internet-based courses and other courses offered in non-traditional formats that do not require the physical presence of the student at a PEC for a normal number of contact hours shall not be counted.

(4) Lower-division semester credit hours generated in academic courses offered at PECs shall not be counted towards the thresholds except when:

(A) the courses are required at the lower-division level for degree programs offered at the PEC,

(B) the courses are not offered by community colleges in the vicinity of the Center,

(C) the courses have been reviewed by Higher Education Regional Councils as described in Chapter 4.107(b) of this title, relating to Approval of Distance Education and Off-Campus Instruction for Public Colleges and Universities, and related Board procedures, and

(D) the [~~Coordinating~~] Board has granted permission to teach the courses at the PEC.

(5) Enrollments in extension courses, continuing education and non-formula funded courses shall not be counted towards the thresholds.

(6) Semester credit hours generated in courses that do not receive formula funding (e.g., military science, theology and religious vocations, some basic skills, personal awareness) shall not be counted toward the thresholds.