

TITLE 281 - COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION

CHAPTER 10 - RULES AND REGULATIONS CONCERNING OFF-CAMPUS PROGRAMS IN THE STATE OF NEBRASKA

001 Statutory Authority

001.01. 85-1402 - Relating to pertinent definitions.

001.02. 85-1413(5)(f) - Relating to the Commission's responsibility to designate geographic/programmatic service areas for public institutions.

001.03. 85-1413(5)(h) - Relating to guiding development of instructional delivery systems employing telecommunications and establishment of policies to ensure that the objectives of quality and efficiency are met in the delivery of telecommunications-aided instruction.

001.04. 85-1414(8) - Relating to authority for the Commission to establish specific criteria for review, approval or disapproval of participation by public institutions in education centers.

001.05. 85-1418 - Relating to the authority for the Commission to issue orders and to the procedures for parties to appeal final orders of the Commission.

002 Scope, Application. and Related Provisions

002.01. This rule shall apply to the Coordinating Commission for Postsecondary Education's review of public institution off-campus programs and participation in education centers, including off-campus centers, off-campus sites and cooperatives of institutions.

002.02. Provisions of this rule relating to Education Centers shall apply to a public institution's participation in Education Centers approved by governing board action after November 6, 1990, except those programs for which funds were specifically earmarked by the Legislature for fiscal year 1990-1991.

002.03. This rule shall apply to off-campus centers approved by governing board action after July 1, 1994. Approval for an off-campus center by the Commission shall remain in effect until the terms and conditions of such approval are substantially changed. At that time the approval shall be reconsidered by the Commission.

002.04. Institutional role and mission authorizations are designated in state statute as well as in the Commission's Comprehensive Statewide Plan for Postsecondary Education. Geographic/programmatic service area assignments are designated in the Commission's Comprehensive Plan.

002.05. Provisions related to review of new or existing instructional programs, to review of budgets as applicable to specific budget requests for off-campus instructional programs, to review of capital construction projects, and to public service activities may be found in other rules and procedures approved by the Commission.

003 Purpose and Intent

003.01. The purposes of this rule are to coordinate public institution off-campus instructional courses and programs and to coordinate public institution participation in Education Centers, including off-campus centers and cooperatives of institutions. The Commission supports coordinated and distinct roles for various institutions and supports collaboration and partnerships to avoid unnecessary duplication.

003.02. The Commission finds that responsive and flexible off-campus instruction can provide efficient access to postsecondary education for place-bound students. The Commission intends to facilitate and guide effective fiscal planning and efficient, cooperative delivery of off-campus instructional programs needed to meet the needs of Nebraskans for reasonably accessible, quality postsecondary education.

003.03. The Commission endorses and encourages inter-institutional cooperative planning of off-campus courses and programs, both within and outside the service area, to maximize sharing of resources needed for student registration and advising, facilities, equipment and libraries. Off-campus courses and programs shall, where possible, be housed in facilities made available without cost or in rented facilities rather than facilities owned by the institution.

003.04. The Commission finds that telecommunications-based off-campus instruction can be an efficient means to provide access to postsecondary education for place and time-bound students without the need for a public institution to employ notable numbers of additional professional staff or incur substantial travel expense.

004 Definitions

004.01. Commission shall mean the Coordinating Commission for Postsecondary Education.

004.02. Executive Director shall mean the Executive Director of the Coordinating Commission for Postsecondary Education or the Executive Director's designee.

004.03. Public Institution shall mean any of the following: University of Nebraska-Lincoln, University of Nebraska at Omaha, University of Nebraska at Kearney, University of Nebraska Medical Center, Nebraska College of Technical Agriculture, Chadron State College,

Peru State College, Wayne State College, Central Community College Area, Metropolitan Community College Area, Mid-Plains Community College Area, Northeast Community College Area, Southeast Community College Area, Western Nebraska Community College Area, including any other campus administered as a separate unit by a governing board, or any other public postsecondary educational institution which may be established by the Legislature after January 1, 1992.

004.04. Principal Campus shall mean the main campus or campuses of University of Nebraska-Lincoln, in Lincoln; of the University of Nebraska at Omaha, in Omaha; of the University of Nebraska at Kearney, in Kearney; of the University of Nebraska Medical Center, in Omaha; of the Nebraska College of Technical Agriculture, in Curtis; of Chadron State College, in Chadron; of Peru State College, in Peru; of Wayne State College, in Wayne; of Central Community College in Grand Island, Hastings, and Columbus; of Metropolitan Community College in Omaha and Elkhorn; of Mid-Plains Community College in North Platte and McCook; of Northeast Community College in Norfolk; of Southeast Community College in Beatrice, Lincoln, and Milford; and of Western Nebraska Community College in Scottsbluff.

004.05. Branch campus shall mean a new campus of a public institution, established after the effective date of this rule, which houses a full range of instruction, research, and public service, as appropriate to institutional role and mission assignment, as well as administrative and support services.

004.06. Education Center, as statutorily defined, shall mean an off-campus center of a public institution or a cooperative of either public or public and private postsecondary educational institutions which offers instructional programs to students.

004.06.a. Off-Campus Center shall mean a facility at which a public institution either i) offers a complete degree program or ii) offers 50% or more of the courses leading to a complete degree program at the site and enrolls 100 or more students (unduplicated headcount) in an academic year; and which is not a principal campus or a cooperative education center of that institution.

004.06.b. Cooperative Education Center shall mean a facility used by two or more postsecondary educational institutions for the delivery of off-campus programs. A cooperative education center facility is not owned by a postsecondary education institution.

004.07. Off-Campus Site shall mean a facility used by a public institution for off-campus programs other than as herein defined as a cooperative education center, an off-campus center, or facilities of a cooperating Institution.

004.08. Cooperating Institution shall mean a postsecondary educational institution which permits another institution to use its facilities for off-campus program instruction.

004.09. Institution shall mean a Nebraska postsecondary educational institution.

004.10. Off-Campus Courses or Programs shall mean one or more college credit courses or degree programs, including telecommunications-based courses or degree programs, offered by a public institution at a location other than at its principal campus. Off-campus courses or programs exclude credit courses offered where a business or agency has entered into an agreement with the credit-granting public institution to provide specified instruction solely for those who are employees of the business or agency.

004.11. Telecommunications shall mean electronic communication media and includes, but is not limited to, communications satellites, terrestrial microwave, television, radio, telephone, fiber optics, and computer communications.

004.12. Telecommunications-based courses or programs shall mean off-campus courses or programs emanating from a sending institution by telecommunications. The receiving site may be at a principal campus or branch campus, or at an off-campus center, cooperative education center, off-campus site, or cooperating institution. Excluded from Commission review under this rule are: 1) Courses or programs offered completely or primarily through on-line computer technologies; 2) courses or programs provided by telecommunications to the personal residence of individual students; 3) courses or programs provided by employers to employees at their workplace via telecommunications, and not offered to the public; and 4) courses using telecommunications primarily to enhance or supplement instruction.

004.13. Sending institution shall mean a postsecondary education institution which has principal responsibility to provide the instruction and which transmits such instruction to a receiving site or sites via telecommunications.

004.14. Receiving institution shall mean the postsecondary education institution which participates in telecommunications-based courses provided by the sending institution. An institution sending telecommunications-based courses to its own off-campus receiving site(s) is both the sending and the receiving institution.¹

¹ When two or more institutions jointly offer the same course, where control of the course essentially is equal, an institution can be both the sending and receiving institution. If there is an objection, the Commission may determine which shall serve as the sending institution for application and reporting purposes.

004.15. Sending site shall mean a facility from which the sending institution emanates the instruction for students at receiving sites.

004.16. Receiving site shall mean a facility in which students assemble to participate in telecommunications-based courses provided by a sending institution. A receiving site may be a principal campus, branch campus, off-campus center, cooperative education center, off-campus site, or cooperating institution.

005 Pre-Authorized Off-Campus Courses or Programs and Facilities Arrangements

In the following cases, off-campus courses or programs and facilities arrangements of public institutions are pre-authorized and do not require prior notification or Commission approval.

005.01. A public institution may offer telecommunications-based courses or programs that emanate in Nebraska for use exclusively outside the State of Nebraska.

005.02. Except for courses offered at an off-campus center described in section 007.02, a public institution may deliver off-campus courses within its geographic service area as assigned by the Commission.

005.03. A public institution may deliver off-campus courses or programs at cooperative education centers when the institution has received authorization from the Commission to participate in the cooperative education center.

005.04. A public institution may offer a course or program outside its geographic service area at the principal campus of another public institution under the same governing board if the course or program is not offered regularly by a public institution assigned to the service area in which the proposed course or program would be offered.

005.05. A public institution may make lease or other use arrangements for a term of one year or less for use of buildings at a cooperating institution, at an off-campus center, or at an off-campus site without prior Commission approval.

006 Prior Notification; Out-of service area courses; Inventory

006.01. Public institutions shall make prior notification to the Commission and other public institutions within the geographic service area where the following activities are proposed:

006.01.01. Establishing an off-campus center.

006.01.02. Offering one or more complete degree programs at a cooperating institution.

006.02. A public institution may deliver off-campus courses at locations outside its geographic service area as assigned by the Commission, if the institution:

006.02.01. Provides notification, under Commission procedures, to all public institutions assigned to the geographic service area in which the course or courses will be offered. The Commission shall specify the notification procedure, which will allow for communication by mail, fax or e-mail, and a deadline for submitting an objection to the Commission: and

006.02.02. Receives written approval, communicated via the mail, fax, or e-mail, from the Executive Director of the Commission or from the Executive Director's designee prior to inception of the course or courses.

An institution may appeal a decision of the Executive Director to the Commission.

The Executive Director may refer a proposed course or proposed courses to the Commission for action. The Executive Director shall report to the Commission at each regular meeting on all proposals received and actions taken under this section.

006.03. The Commission may authorize a public institution to offer specified courses or types of courses at a specified location or locations outside its geographic service area and may extend that authority until such time as it is revoked by the Commission.

006.04. The Commission will maintain a current inventory of off-campus centers, cooperative education centers, and degree programs offered at cooperating institutions and public institutions under the same governing board. Public institutions will provide information to the Commission regarding such off-campus activities.

007 Off-Campus Instructional and Facility Arrangements Requiring Prior Commission Approval

Prior approval of the Commission shall be required in the following situations:

007.01. Establishing a branch campus.

007.02. Establishing an off-campus center within 30 miles, by the most direct route on a hard-surfaced roadway, of a principal campus of another public institution on which are offered courses or degree programs comparable in content and intended student outcomes to those offered at the off-campus center.

Prior to Commission review and approval of an off-campus center pursuant to this subsection, representatives of the public institution establishing such off-campus center shall notify, and are encouraged to meet and consult with, representatives of public institutions maintaining a principal campus within the distance parameter specified in this section to discuss coordination of program offerings. A representative of the institution planning to establish the off-campus center may make a written report to the Commission of the results of such consultation. The Commission may also initiate and facilitate meetings of representatives of public institutions impacted by a proposed off-campus center and may expedite its review for approval of the off-campus center if issues of unnecessary duplication have been addressed.

The provisions of this subsection shall also apply when a public institution plans to offer one or more complete degree programs at a cooperating institution located within 30 miles, by the most direct route on a hard-surfaced roadway, of a principal campus of another public institution on which are offered courses or degree programs comparable in content and intended student outcomes to those offered at the off-campus center.

007.03. Participating in a cooperative education center.

007.04. Making a commitment to facilities for longer than one year at a cooperating institution, an off-campus center, or off-campus site.

008 Criteria for Review of Off-Campus Courses or Programs and Facilities

When prior approval of the Commission is required pursuant to section 007 of this rule, or when action of the Commission is required pursuant to subsection 006.0136, the Commission will use the following criteria to review proposed off-campus courses or programs and facilities:

008.01. Evidence of need and demand, which shall include, but not be limited to, recognized needs by employers and potential students for the off-campus courses or programs and sufficient projected student enrollment in off-campus courses or programs.

008.02. Consistency with authorized institutional role and mission pursuant to state statute and the Commission's Comprehensive Statewide Plan for Postsecondary Education and consistency with institutional program service area authority approved by the Commission.

008.03. Avoidance of unnecessary duplication of similar course or program offerings by another institution in the same service area.

008.04. Adequacy of resources for instruction which shall include:

008.04.a. Adequate and appropriate physical facilities and instructional equipment for the off-campus courses or program and for the targeted student population.

008.04.b. Adequate and appropriate library, information resources, and other student support services for the off-campus courses or program and for the targeted student population consistent with the scope and nature of the program.

008.04.c. Adequate and appropriate faculty and faculty-related academic resources for the off-campus courses or program.

008.05. Avoidance of long-term commitments unless there is substantial evidence of continuing need and demand.

009 Commission Review and Determination

Commission review of applications submitted under this rule shall be based on criteria in section 008 and in accordance with procedures established by the Commission. Applications submitted under this rule must be approved by the appropriate governing board or by institutional officials to whom the board has delegated the authority to submit applications.

009.01. The Commission may make such determinations as are necessary to assure compliance with this rule and applicable statutes. The Commission may review authorized or preauthorized activities if circumstances so warrant.

009.02. Upon receipt of a proposal for an off-campus course, program or facility requiring prior Commission approval pursuant to section 007 of this rule, the Commission shall hold a public hearing on the proposal, following notice to the public institution making such proposal and those impacted by such proposal. The Commission shall either approve or disapprove such proposal at a regularly scheduled meeting following such public hearing.

009.02. If the Commission receives a written complaint or objection regarding an off-campus program of an institution or receives a written appeal of a decision made by the Executive Director under section 006.02 communicated via the mail or electronically, the Commission shall review and take appropriate action with consideration as to the impact on affected students.

009.03. Pursuant to Section 85-1418 R.R.S. the Commission may issue orders to public institutions to cease activities not in compliance with this rule. Parties wishing to appeal final orders of the Commission shall proceed as provided in Section 85-1418 R.R.S.

010 Notification

Notification of proposed off-campus programming and/or facilities arrangements by an institution required under Commission procedures shall be specific to that request. Public institutions shall not waive notification or provide blanket approval to another institution's proposed off-campus programming or facilities arrangements.

011 Reporting and Other Considerations

011.01. Public institutions shall annually report information to the Commission concerning all off-campus courses or programs pursuant to procedures established by the Commission.

011.02. The Commission shall provide such procedures and timelines as are necessary to implement this rule.