

## **Chapter 5. Rules Applying to Public Universities and/or Health-Related Institutions of Higher Education in Texas**

### **Subchapter C. Approval of New Academic Programs and Administrative Changes at Public Universities and/or Health-Related Institutions**

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#### **§5.41 Purpose**

The purpose of this subchapter is to describe the criteria and approval processes for degree and certificate programs and for administrative changes involving academic units.

**Source Note:** *The provisions of this §5.41 adopted to be effective May 28, 2003, 28 TexReg 4125*

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#### **§5.42 Authority**

Texas Education Code, §61.051 (e) provides that no new department, school, degree program, or certificate program may be added at any public institution of higher education except with specific prior approval of the Board. Texas Education Code, §61.055 requires a written certification of adequate financing be made before the Board approves any new department, school, or degree or certificate program.

**Source Note:** *The provisions of this §5.42 adopted to be effective May 28, 2003, 28 TexReg 4125*

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#### **§5.43 Definitions**

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

- (1) Academic administrative unit--A department, college, school, or other unit at a university or health-related institution, which has administrative authority over degree or certificate programs.
- (2) Administrative change request--A request that involves the creation of or changes to an academic administrative unit at a university or health-related institution.
- (3) Board--The Texas Higher Education Coordinating Board.
- (4) Commissioner--The Commissioner of Higher Education.
- (5) Certificate Program--Any grouping of subject-matter courses which, when satisfactorily completed by a student, shall entitle him to a certificate or documentary evidence, other than a degree, of completion of a post-secondary course of study at a university or health-related institution.
- (6) Degree program--Any grouping of subject matter courses which, when satisfactorily completed by a student, shall entitle him or her to a degree from a public university or health-related institution.
- (7) Graduate-level certificate program--A certificate program at a university or health-related institution that consists primarily of graduate-level courses.
- (8) Lower-division degree or certificate program--A degree or certificate program offered at a university or health-related institution that consists of lower-division courses and is equivalent to a program offered at a community or technical college.
- (9) Upper-division certificate program--A certificate program at a university or health-related institution that consists primarily of upper-division undergraduate courses.

**Source Note:** The provisions of this §5.43 adopted to be effective May 28, 2003, 28 TexReg 4125

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#### **§5.44 Presentation of Requests and Steps for Implementation**

(a) Requests for new degree programs, certificate programs, and administrative units shall be made following procedures specified by the Commissioner.

(b) Requests for new degree and certificate programs and for administrative changes require:

(1) Approval by the Board of preliminary authority, if needed prior to Board consideration; all requests for doctoral programs require preliminary authority prior to Board consideration.

(2) Approval by the governing board of the institution concerned;

(3) Certification of adequate funding by the institution; and

(4) Final approval by the Board, or by the Commissioner if permitted under §5.50 of this title (relating to Approvals by the Commissioner).

**Source Note:** The provisions of this §5.44 adopted to be effective May 28, 2003, 28 TexReg 4125; amended to be effective May 12, 2005, 30 TexReg 2662

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#### **§5.45 Criteria for New Baccalaureate and Master's Degree Programs**

New baccalaureate and master's degree programs must meet all of the following criteria:

(1) Role and mission. The program must be within the existing role and mission of the institution as indicated by its table of programs or the Board must make the determination that the program is appropriate for the mission of the institution.

(2) Unnecessary duplication. The program must not unnecessarily duplicate a program at another institution serving the same regional population. The offering of basic liberal arts and sciences courses and degree programs in public senior institutions is not considered unnecessary duplication.

(3) Faculty resources.

(A) Faculty resources must be adequate to provide high program quality. With few exceptions, the master's degree should be the minimum educational attainment for faculty teaching in baccalaureate programs. In most disciplines, the doctorate should be the minimum educational attainment for faculty teaching in graduate programs. Faculty should meet the qualitative and quantitative criteria of the Southern Association of Colleges and Schools, and the appropriate accrediting body, if a professional program. There should be sufficient numbers of qualified faculty dedicated to a new program. This number shall vary depending on the discipline, the nature of the program, and the anticipated number of students.

(B) In evaluating faculty resources for proposed degree programs, the Board shall consider only those degrees held by faculty that were issued by:

(i) United States institutions accredited by accrediting agencies recognized by the Board or,

(ii) institutions located outside the United States that have demonstrated that their degrees are equivalent to degrees issued from an institution in the United States accredited by accrediting agencies recognized by the Board. The procedures for establishing that equivalency shall be consistent with the guidelines of the National Council on the Evaluation of Foreign Education Credentials, or its successor.

(4) Library and IT resources. Library and information technology resources must be adequate for the program and meet the standards of the appropriate accrediting agencies.

(5) Facilities, equipment, and clinical placements. Facilities and clinical placements must be adequate to initiate the program. Adequate classroom and laboratory space, equipment, and office space should be available for the proposed program. Arrangements for any essential clinical placements should be made before program approval.

(6) Curriculum design. The curriculum should be up-to-date and consistent with current educational theory. Professional programs and those resulting in licensure must be designed to meet the standards of appropriate regulatory bodies.

(7) Program administration. Administration of the program should not be unduly cumbersome or costly. Ideally, the program should fit into the current administrative structure of the institution. If administrative changes are required, they should be consonant with the organization of the institution as a whole and should necessitate a minimum of additional expense in terms of personnel and office space.

(8) Workforce need. There should be a demonstrated or well-documented need for the program in terms of meeting present and future workforce needs of the state and nation. There should be a ready job market for graduates of the program, or alternatively, it should produce students for master's or doctoral-level programs in fields in which there is a demonstrated need for professionals.

(9) Critical mass of students. In addition to a demonstrated workforce need, a critical mass of qualified students must be available to enter the program and there must be evidence that the program is likely to have sufficient enrollments to support the program into the future. The size of an institution, the characteristics of its existing student body, and enrollments in existing programs should be taken into account when determining whether a critical mass of students shall be available for a proposed new program.

(10) Adequate financing. There should be adequate financing available to initiate the program without reducing funds for existing programs or weakening them in any way. After the start-up period, the program must be able to generate sufficient semester credit hours under funding formulas to pay faculty salaries, departmental operating costs, and instructional administration costs for the program. Three years should be sufficient time for the program to meet these costs through semester credit hour production. If the state funding formulas are not meeting these costs for the program after three years, the institution and the Board should review the program with a view to discontinuance.

**Source Note:** The provisions of this §5.45 adopted to be effective May 28, 2003, 28 TexReg 4125; amended to be effective February 22, 2005, 30 TexReg 835

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#### **§5.46 Criteria for New Doctoral Programs**

New doctoral programs must meet all of the following criteria:

(1) Design of the Program. A doctoral-level program is designed to prepare a graduate student for a lifetime of teaching creative activity, research, or other professional activity. The administration and the faculty of institutions initiating doctoral-level programs should exhibit an understanding and commitment to the long tradition of excellence associated with the awarding of the traditional doctorate degrees and of the various doctoral-level professional degrees.

(2) Freedom of Inquiry and Expression. Doctoral programs must be characterized by complete freedom of inquiry and expression.

(3) Strong Programs at the Undergraduate and Master's Levels. Doctoral programs, in most instances, should be undergirded by strong programs in a wide number of disciplines at the undergraduate and master's levels. Quality programs in other related and supporting doctoral areas must also be available.

(4) Need for the Program. There should be a demonstrated and well-documented need for doctorally prepared professionals in the discipline of the proposed program both in Texas and in the nation. It is the responsibility of

the institution requesting a doctoral program to demonstrate that such a need exists, preferably through an analysis of national data showing the number of PhD's being produced annually in the area and comparing that to the numbers of professional job openings for PhD's in the discipline in question as indicated by sources such as the main professional journal(s) of the discipline.

(5) Faculty Resources.

(A) There must be a strong core of doctoral faculty, at least four or five, holding the doctor of philosophy degree or its equivalent from a variety of graduate schools of recognized reputation. Professors and associate professors must be mature persons who have achieved national or regional professional recognition. All core faculty must be currently engaged in productive research, and preferably have published the results of such research in the main professional journals of their discipline. They should come from a variety of academic backgrounds and have complementary areas of specialization within their field. Some should have experience directing doctoral dissertations. Collectively, the core of doctoral faculty should guarantee a high quality doctoral program with the potential to attain national prominence. The core faculty members should already be in the employ of the institution. Proposed recruitment of such faculty shall not meet this criterion. No authorized doctoral program shall be initiated until qualified faculty are active members of the department through which the program is offered.

(B) In evaluating faculty resources for proposed degree programs, the Board shall consider only those degrees held by the faculty that were issued by:

- (i) United States institutions accredited by accrediting agencies recognized by the Board or,
- (ii) institutions located outside the United States that have demonstrated that their degrees are equivalent to degrees issued from an institution in the United States accredited by accrediting agencies recognized by the Board. The procedures for establishing that equivalency shall be consistent with the guidelines of the National Council on the Evaluation of Foreign Education Credentials, or its successor.

(6) Teaching Loads of Faculty. Teaching loads of faculty in the doctoral program should not exceed two or three courses per term, and it must be recognized that some of these shall be advanced courses and seminars with low enrollments. Adequate funds should be available for attendance and participation in professional meetings and for travel and research necessary for continuing professional development.

(7) Critical Mass of Superior Students. Admission standards and enrollment expectations must guarantee a critical mass of superior students. The program must not result in such a high ratio of doctoral students to faculty as to make individual guidance prohibitive.

(8) On-Campus Residency Expectations.

(A) Institutions which offer doctoral degrees must provide through each doctoral program:

- (i) significant, sustained, and regular interaction between faculty and students and among students themselves;
- (ii) opportunities to access and engage in depth a wide variety of educational resources related to the degree program and associated fields;
- (iii) opportunities for significant exchange of knowledge with the academic community;
- (iv) opportunities to broaden educational and cultural perspectives; and
- (v) opportunities to mentor and evaluate students in depth.

(B) Institutions are traditionally expected to meet these provisions through substantial on-campus residency requirements. Proposals to meet them in other, non-traditional ways (e.g., to enable distant delivery of a doctoral program) must provide persuasive and thorough documentation as to how each provision would be met and evaluated for the particular program and its students. Delivery of doctoral programs through distance education and/or off-campus instruction requires prior approval of the Board as specified in §4.104(c)(3) of this title (relating to Approval of Distance Education and Off-Campus

(9) Adequate Financial Assistance for Doctoral Students. There should be adequate financial assistance for doctoral students so as to assure that most of them can be engaged in full-time study. Initially, funds for financial assistance to the doctoral students usually must come from institutional sources. As the program develops and achieves distinction, it increasingly shall attract support from government, industry, foundations, and other sources.

(10) Carefully Planned Program of Study. There should be a carefully planned and systematic program of study and a degree plan which is clear, comprehensive, and generally uniform but which permits sufficient flexibility to meet the legitimate professional interests and special needs of doctoral-level degree candidates. There should be a logical sequence of stages by which degree requirements shall be fulfilled. The plan should require both specialization and breadth of education, with rules for the distribution of study to achieve both, including interdisciplinary programs if indicated. The plan should include a research dissertation or equivalent requirements to be judged by the doctoral faculty on the basis of quality rather than length.

(11) Physical Facilities. There should be an adequate physical plant for the program. An adequate plant would include reasonably located office space for the faculty, teaching assistants, and administrative and technical support staff; seminar rooms; laboratories, computer and electronic resources; and other appropriate facilities.

(12) Library Resources. There should be an adequate library for the proposed program. Library resources should be strong not only in the doctoral program field but also in related and supporting fields.

(13) Program Evaluation Standards. Proposed programs should meet the standards of the Southern Association of Colleges and Schools, and the accrediting standards and doctoral program criteria of appropriate professional groups and organizations, such as the Council of Graduate Schools in the United States, the Modern Language Association, the American Historical Association, the Accreditation Board for Engineering and Technology or other bodies relevant to the particular discipline. Out-of-state consultants may be used by the institution or the Board to assist in evaluating the quality of a proposed doctoral level program.

(14) First Doctoral Program. When an institution has not previously offered doctoral level work, notification to the executive secretary of the Commission on Colleges, Southern Association of Colleges and Schools, is required at least one year in advance of program implementation.

**Source Note:** The provisions of this §5.46 adopted to be effective May 28, 2003, 28 TexReg 4125; amended to be effective February 22, 2005, 30 TexReg 835

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#### **§5.47 Criteria for Administrative Change Requests**

(a) The administrative overhead of universities and health-related institutions should be kept low to insure that most of the funds appropriated for higher education go toward the costs of instruction.

(b) The administrative costs of new academic units, particularly colleges and schools, should not be so high as to detract from the quality of the programs the administrative unit contains.

**Source Note:** The provisions of this §5.47 adopted to be effective May 28, 2003, 28 TexReg 4125

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#### **§5.48 Criteria for Certificate Programs at Universities and Health-Related Institutions**

(a) Universities and health-related institutions are encouraged to develop upper-division and graduate certificate programs of less than degree length to meet the needs of students and the workforce. These rules are intended to provide a streamlined process for approval of those programs.

(b) Certificate programs for which no academic credit is granted are exempt from the provisions of this section.

(c) Certificate programs for which academic credit is granted at universities and health-related institutions must meet the following criteria:

(1) They must meet identified workforce needs or provide the student with skills and/or knowledge that shall be

useful for their lives or careers.

(2) They must be consistent with the standards of the Commission on Colleges of the Southern Association of Colleges and Schools.

(3) They must meet the standards of all relevant state agencies or licensing bodies which have oversight over the certificate program or graduate.

(4) Adequate financing must be available to cover all new costs to the institution five years after the implementation of the program.

(d) The following certificate programs do not require Board approval:

(1) certificate programs for which no collegiate academic credit is given,

(2) certificate programs in areas and at levels authorized by the table of programs of the institution with curricula of the following length:

(A) at the undergraduate level of 20 semester credit hours or less,

(B) at the graduate and professional level of 15 semester credit hours or less.

(e) The following certificate programs require only Board notification and are automatically approved, subject to review:

(1) upper-level undergraduate certificates of 21-36 hours in disciplinary areas where the institution already offers an undergraduate degree program.

(2) graduate-level and professional certificates of 16 - 29 hours in disciplinary areas where the institution already offers a graduate program at the same level as the certificate.

(f) Lower-division certificate programs.

(1) One and two-year, post-secondary workforce education programs should be delivered primarily by community, state, and technical colleges. These institutions are uniquely suited by virtue of their specialized mission, local governance, and student support services to provide such opportunities in an efficient and economical manner. For that reason, new lower-division certification programs shall not generally be approved at public universities and health-related institutions.

(2) Universities and health-related institutions should not develop certificate programs at the upper or graduate level that are equivalent to lower-division certificate programs offered at community, state, and technical colleges.

**Source Note:** *The provisions of this §5.48 adopted to be effective May 28, 2003, 28 TexReg 4125*

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#### **§5.49 Certification of Adequacy of Financing for New Academic Programs and Administrative Changes**

(a) Under Texas Education Code, §61.055, each request submitted to the Board for a new department, school, degree or certificate program or administrative change shall be accompanied by a statement regarding the adequacy of funding from the chief executive officer of the requesting institution.

(b) When submitting documentation of costs and sources of funds, sources of funds shall be identified on forms provided by the Division of Universities and Health-Related Institutions as:

(1) Specific legislative appropriations, where such appropriations can be clearly identified as being appropriated to start a new program for which funds from other sources are not available;

(2) Funds allocated by the Board;

(3) Re-allocated funds (funds appropriated by the Legislature for an existing academic program but which are now declared by the institution to be available for the new degree program).

(4) Other funds provided by the Legislature;

(5) Anticipated formula funding to be generated by anticipated new enrollments in the program; and/or

(6) Funds from other sources (e.g., gifts, grants, etc.). The specific source of such funds shall be identified, the reasons for their availability shall be stated, and the length of time such funds shall be available shall be indicated.

(c) The request for a new department, school, degree or certificate program, or administrative change shall also include a statement by the chief executive officer of the requesting institution certifying that the requested program or change shall not reduce the effectiveness or quality of existing programs, departments or schools.

**Source Note:** *The provisions of this §5.49 adopted to be effective May 28, 2003, 28 TexReg 4125*

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#### **§5.50 Approvals by the Commissioner**

(a) The Commissioner may approve proposals from the public universities and health-related institutions for new baccalaureate or master's degree programs and academic administrative change requests, and, in very limited circumstances, new doctoral programs, on behalf of the Board in accordance with the procedures and criteria specified in this section.

(b) To be approved by the Commissioner, a proposal for a new degree program must include certification in writing from the Board of Regents of a proposing institution, in a form prescribed by the Commissioner, that the following criteria have been met:

(1) The proposed degree program is within the Table of Programs previously approved by the Board for the requesting institution.

(2) The curriculum, faculty, resources, support services, and other components of a proposed degree program are comparable to those of high quality programs in the same or similar disciplines offered by other institutions.

(3) Clinical or in-service placements, if applicable, have been identified in sufficient number and breadth to support the proposed program.

(4) The program is designed to be consistent with the standards of the Commission on Colleges of the Southern Association of Colleges and Schools, and with the standards of other applicable accrediting agencies; and is in compliance with appropriate licensing authority requirements.

(5) The institution has provided credible evidence of long-term student interest and job-market needs for graduates; or, if proposed by a university, the program is appropriate for the development of a well-rounded array of basic baccalaureate degree programs at the institution where the principal faculty and other resources are already in place to support other approved programs and/or the general core curriculum requirements for all undergraduate students.

(6) The program would not be unnecessarily duplicative of existing programs at other institutions.

(7) Implementation and operation of the program would not be dependent on future Special Item funding.

(8) New costs to the institution over the first five years after implementation of the program would not exceed \$2,000,000.

(c) In addition to the requirements listed in subsection (a) and (b) of this section, a new doctoral program may only be approved by the Commissioner if:

(1) the institution already offers a doctoral program or programs in a closely related disciplinary area,

(2) those existing doctoral programs are productive and offered at a high level of quality,

(3) the core faculty for the proposed program are already active and productive faculty in an existing doctoral program at the institution,

(4) no other university or health-related institution objects to the program during the 30-day comment period during which the request is posted on the web, and

(5) there is a very strong link between the program and workforce needs or the economic development of the state.

(d) A proposal for a new degree program or administrative change must include a statement from the institution's chief executive officer certifying adequate financing and explaining the sources of funding to support the first five years of operation of the program or administrative change.

(e) If a proposal meets the criteria specified in this section, the Commissioner may either approve it or forward it to the Board for consideration at an appropriate quarterly meeting.

(f) If a proposal does not meet the criteria specified in this section, the Commissioner may deny approval or forward it to the Board for consideration at an appropriate quarterly meeting. Institutions may appeal the decision to deny approval to the Board.

(g) If a proposed program is the subject of an unresolved grievance or dispute between institutions, the Commissioner must forward it to the Board for consideration at an appropriate quarterly meeting.

(h) At the beginning of each month, the Commissioner shall make available to the public universities, health-related institutions, community/technical colleges, and Independent Colleges of Texas, Inc. a list of all pending proposals for new degree programs and administrative changes. If an institution wishes to provide the Commissioner information supporting a concern it has about the approval of a pending proposal for a new degree program at another institution, it must do so within one month of the initial listing of the proposal, and it must also forward the information to the proposing institution.

(i) The authority given to the Commissioner to approve proposals from public universities and health-related institutions for new degree programs (and other related duties given under this section) may be delegated by the Commissioner to the Assistant Commissioner for Academic Affairs and Research.

(j) Each quarter, the Commissioner shall send a list of his approvals and disapprovals under this section to Board members. A list of the approvals and disapprovals shall also be attached to the minutes of the next quarterly Board meeting.

**Source Note:** *The provisions of this §5.50 adopted to be effective May 28, 2003, 28 TexReg 4125; amended to be effective May 12, 2005, 30 TexReg 2662*