



UTAH SYSTEM OF
HIGHER EDUCATION

MEMORANDUM

TAB K

October 30, 2020

Academic Program Approval and Review

In its 2017 session, the Utah State Legislature passed [S.B. 238, Higher Education Governance Revisions](#), and the bill was subsequently signed into law by the Governor. The new law shifted the authority to approve changes to an institution's academic programs from the State Board of Regents to institutional boards of trustees. In response to that state law, in July 2017, the State Board of Regents approved changes to [Board Policy R401, Approval of New Programs, Program Changes, Discontinued Programs, and Program Reports](#), to allow for each institutional Board of Trustees to approve new academic programs within its institutional role and specified program level.

In its 2020 session, the legislature added additional modifications to higher education governance through [S.B. 111, Higher Education Amendments](#), which the Governor also signed into law. That state law replaced the former State Board of Regents and the Utah System of Technical Colleges Board of Trustees with the new Utah Board of Higher Education. The law specified that the newly formed Board had responsibility to:

- “participate in the establishment and review of programs of instruction” (2709) by
- “establish[ing] and defin[ing] the roles of various institutions of higher education” (4937) and by
- “prescrib[ing] the general course of study to be offered” at institutions of higher education based on their primary role (4940), including by
- “clarifying the level of program that the institution of higher education may generally offer; the broad fields that are within the institution of higher education’s mission; and any special characteristics of the institution” (4970-4974).

In compliance, on August 21, 2020, the Utah Board of Higher Education [established and defined those institutional roles, missions, and general courses of study](#).

The state law also requires the Board to “establish criteria for whether an institution of higher education may approve a new program of instruction, including criteria related to whether:

- the program of instruction meets identified workforce needs;
- the institution of higher education is maximizing collaboration with other institutions to provide for efficiency in offering the program of instruction;

- the new program of instruction is within the institution of higher education’s mission and role; and
- the new program meets other criteria determined by the board” (4993-5000).

Those criteria are embedded in the Utah System of Higher Education’s program review and approval process outlined below. There are two routes to program approval, depending on whether the proposed academic program fits within the institution’s role, mission, and service region. Institutions must provide the Commissioner’s office with notice of any proposed new academic programs through an online template. The Commissioner’s office then determines whether the program falls within or outside of the institutional role and geographic service region. If the program is within mission, it follows an approval track through the institutional Board of Trustees; programs that are out-of-mission or service region must be approved by the Utah Board of Higher Education.

The Program Review and Approval Process: Within Institutional Mission and Service Region

If the program is within the institutional mission and the approved geographic service region, it undergoes the following process:

- The Commissioner’s office organizes a peer review of the new program through the Council of Chief Academic Officers, who send the proposal to related academic departments for feedback, assessment of program quality, transferability to their programs, and an evaluation of possibilities for collaboration with existing programs in the state.
- The Commissioner’s office staff also evaluates the program, including the institution’s assessment of workforce demand, student demand, projected enrollments, need for new faculty, staff, or resources, budget projections of anticipated program expenses and revenues, the proposed curriculum, student standards of performance, required credits, collaboration with and impact on other USHE institutions, special accreditation requirements, compliance with transfer policies, and other factors.
- The Commissioner’s office compiles its evaluation and the peer review from other USHE institutions into a report that the Commissioner sends to the institution’s secretary of the Board of Trustees, president, and Chief Academic Officer. The report will include the Commissioner’s recommendation for the proposed program, which the Board of Trustees will use in its consideration.
- Should the Board of Trustees approve the program, the institution notifies the Commissioner’s office, and the program is placed on the general consent calendar of the Utah Board of Higher Education.

- The program must also receive approval from the regional accrediting agency, the Northwest Commission on Colleges and Universities.

Board of Higher Education Approval of Academic Programs Outside an Institutional Role or Service Region:

Proposed programs that fall outside of the institution's specified role or geographic service region must be approved by the Utah Board of Higher Education, rather than the institutional Board of Trustees. The Board must also approve the establishment of any branch, extension, college, or professional school. These programs undergo a more extensive review:

- The Commissioner's office provides a detailed assessment of workforce and student demands, fiscal considerations, duplication of programming across the System, possibilities of partnering with other institutions to avoid an out-of-mission program or encroachment on another institution's service region, projected student enrollments, need for new faculty, staff, or resources, the proposed curriculum, student standards of performance, required credits, special accreditation requirements, compliance with transfer policies, and other factors.
- The Commissioner's office coordinates a peer review through the Council of Chief Academic Officers who solicit feedback from academic departments at their institutions. The program will also be forwarded to institutional presidents so they can address concerns about institutional role, partnership possibilities, possible saturation of the market, etc.
- The Commissioner's office prepares a report, including its evaluations and the peer review from other USHE institutions, which the Commissioner forwards to the Academic Education Committee of the Utah Board of Higher Education.
- The Academic Education Committee determines whether the out-of-mission and/or out-of-region proposal is justified by statewide needs and should be forwarded to the full Board for consideration. The committee may also send the proposal back to the institution for revision or more detailed analysis.
- Following approval by the Board, the program must also be approved by the regional accreditor, the Northwest Commission on Colleges and Universities.

Periodic Program Review, Modification and Termination of Programs:

[S.B. 111, Higher Education Amendments](#), also requires the Board of Higher Education to "conduct a periodic review of all new programs of instruction, including those funded by gifts, grants, and contracts, no later than two years after the first

cohort to begin the program of instruction completes the program of instruction” (5029-5038). It also allows the Board to “conduct a periodic review of any program of instruction at an institution of higher education, including a program of instruction funded by a gift, grant, or contract.” The law gives the Board the authority to “recommend that the institution of higher education modify or terminate the program of instruction” (5029-5038). These provisions are included in [Board Policy R411, Cyclical Institutional Program Reviews](#). The policy requires that:

- Programs will be reviewed first by the institutional Board of Trustees. As part of that review, institutional Chief Academic Officers provide a program description, faculty/student data, financial data, and a program assessment that includes a minimum of two external reviews from experts in the discipline, or one external reviewer and one internal reviewer not affiliated with the program. Those reviewers shall be individuals holding positions as academic administrators and/or faculty. The institutional evaluation may also include Program Advisory Committee members or other external industry experts and special accreditation letters or reports prepared for an organization recognized by the Council for Higher Education Accreditation or the U.S. Department of Education.
- The Board of Trustees forwards its recommendations to the Commissioner of Higher Education for review and recommendation to the Board as a general consent calendar item.

The new state law allows the Board of Higher Education to require modification or termination of an institution’s program(s), but specifies that the Board must provide adequate opportunity for a hearing first.

The schedule of periodic review is also established in [Board Policy R411, Cyclical Institutional Program Reviews](#):

- The Board of Higher Education is required to review any new programs no later than two years after the first cohort to begin the program has completed it.
- All continuing programs at degree-granting institutions that offer doctoral and master’s degrees will be reviewed at least once every seven years, except where the specialized accreditation cycle for a program may be different. Programs at all other degree-granting institutions will be reviewed at least once every five years, except where the specialized accreditation cycle for a program may be different.

Commissioner’s Recommendation

This is an information item only; no action is required.

Attachment:



New Academic Degree Program Approval Process

*Time: varies by institution
from 2-12 months*

Institution: 1) drafts new program proposal; 2) submits new program through institutional review processes (i.e., curriculum committees); 3) submits proposal to the Office of the Commissioner of Higher Education.

Time: 1-2 days

Commissioner's staff reviews proposal to determine whether it falls within institutional mission.

Within institutional mission

Commissioner's staff 1) works with institution, as needed, to clarify questions and issues and 2) organizes peer institutions' feedback.

Chief Academic Officers of other USHE institutions provide peer-review of the proposal.

Commissioner's staff prepares Peer Review and Commissioner's Office Report; conveys report to the institution's Secretary of the Board of Trustees, President, and Chief Academic Officer.

Institution's Board of Trustees takes action on the proposal using criteria provided by the Utah Board of Higher Education. Board of Trustees may approve, defer, or not approve a proposal.

If Board of Trustees approves, the institution: 1) submits the proposal to the Northwest Commission on Colleges and Universities for accreditation review and 2) notifies Commissioner's office of the Board of Trustees approval date.

Outside institutional mission

Commissioner's staff: 1) works with institution, as needed, to clarify questions and issues; 2) performs an in-depth workforce development, economic impact, and academic analysis to determine whether an out-of-mission approval would serve the workforce needs of the state; and 3) organizes peer institutions' feedback and consideration of whether partnership with existing programs would be preferable to an out-of-mission program.

Chief Academic Officers of other USHE institutions provide peer-review of the proposal. Council of Presidents has the opportunity to review the program.

Commissioner's staff prepares Peer Review and Commissioner's Office Report and conveys report and proposal to the Utah Board of Higher Education's Academic Education Committee (AEC). AEC considers the proposal and provides a recommendation to the Board of Higher Education. OCHE staff conveys proposal, Peer Review and Commissioner's Office Report, and AEC recommendation to the Board of Higher Education for consideration.

Board of Higher Education takes action on the proposal; the Board may approve, defer, or not approve a proposal.

If Board of Higher Education approves, institution submits proposal to Northwest Commission on Colleges and Universities for accreditation review.

*Time:
one
month*

*Time
1-6
months*