TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 300 Department or Agency Alabama Commission on Higher Education
Rule No. 300-2-1-.11
Rule Title: Evaluation of Changes to Instructional Role and Academic Units.
X New ______ Amend ______ Repeal ______ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? ______ NO______

Is there a reasonable relationship between the state’s police power and the protection of the public health, safety, or welfare? ______ YES______

Is there another, less restrictive method of regulation available that could adequately protect the public? ______ NO______

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? ______ NO______

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? ______ NA______

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? ______ YES______

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? ______ NO______

Does the proposed rule have an economic impact? ______ NO______

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Date 7/19/2023
NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Commission on Higher Education

RULE NO. & TITLE: 300-2-1-.11 Evaluation of Changes to Instructional Role and Academic Units

INTENDED ACTION: The Alabama Commission on Higher Education proposes to add a new rule to Chapter 300-2-1, which would become 300-2-1-.11, to be titled, "Evaluation of Changes to Instructional Role and Academic Units."

SUBSTANCE OF PROPOSED ACTION: The proposed new rule will fill a policy need around instructional role change. The proposed rule defines instructional role and lays out a process for expanding the role to a higher degree level. This section is also an appropriate place to address changes to academic units within an institution’s existing instructional role.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present views on these amended rules by contacting Dr. Robin McGill, Deputy Director for Academic Affairs, Alabama Commission on Higher Education, PO Box 302000, Montgomery, Alabama 36130-2000 (robin.mcgill@ache.edu, 334-242-2104) between 8:30am and 5:00pm CT each business day up to and including September 4, 2023.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: All views must be received by 5:00pm CT on September 4, 2023. A final version of the proposed rules, with any amendments, will be voted on by the Commission at its meeting on September 8, 2023 at 10am.

CONTACT PERSON AT AGENCY:
Dr. Robin McGill, Deputy Director for Academic Affairs
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(Signature of officer authorized to promulgate and adopt rules or his or her deputy)
300-2-1-.11 Evaluation of Changes to Instructional Role and Academic Units.

(1) **Purpose.** The purpose of evaluating changes to instructional role and academic units is to ensure that institutions expand their academic offerings in line with their institutional missions and maintain academic rigor without generating unnecessary duplication of offerings.

(2) **Commission Responsibility.** The Commission is responsible for evaluating requests from public institutions regarding changes in their classification or role and scope, including expansion of instructional offerings to higher or lower degree levels. In cases where the expansion of offerings would exceed the role recognized for the institution in the Code of Ala. 1975, approval must be sought from the Legislature prior to Commission review.

(3) **Scope.** The following policy applies to all public postsecondary institutions.

(4) **Definitions related to Instructional Role.**

(a) Instructional Role: Instructional role is defined as the degree levels for which an institution is approved to award degrees and does not automatically include approval to offer degrees at a lower degree level. The Commission recognizes the following instructional roles, organized from lowest to highest:

1. Associate degree granting
2. Baccalaureate degree granting
3. Master’s degree granting
4. Education Specialist degree granting
5. Practice-focused doctorate degree granting, where “practice-focused doctorate” is defined as a doctoral course of study whose primary emphasis is on the application of research. This includes those degrees categorized by IPEDS as Level 18 (Professional Doctorates), as well as the Doctor of Education (EdD), Doctor of Business Administration (DBA), and other similar offerings.
6. Research-focused doctorate degree granting,
where "research-focused doctorate" is defined as a doctoral course of study that incorporates substantial research preparation, including the production of original research. This includes the Doctor of Philosophy (PhD) and similar degrees.

(b) Role Expansion: Role expansion is defined as the ability to develop and implement academic programs at a higher or lower degree level than previously awarded. Once a role expansion is approved, the institution may bring forward new program proposals at the expanded level without needing to demonstrate strategic benefit for each, as described in §300-2-1-.03.

(5) Eligibility for Expansion to a Higher Degree Level up to Practice-Focused Doctorate Granting.

(a) To be considered for any expansion of instructional role to a higher level, the request must be aligned with applicable state statute recognizing the institution. If the Code of Ala. 1975 defines an institution’s role more narrowly, the institution must secure approval from the Legislature for the expansion of instructional role.

(b) The institution shall attain three successful single discipline program implementations at the higher degree level before it may request an expansion of institutional instructional role to a higher degree level.

(6) Instructional Role to Include Research-Focused Doctorates.

(a) The following institutions are recognized by the Commission as having an instructional role that includes research-focused doctoral degrees:

1. Alabama Agricultural and Mechanical University
2. Alabama State University
3. Auburn University
4. University of Alabama
5. University of Alabama at Birmingham
6. University of Alabama in Huntsville

7. University of South Alabama

(b) If an institution other than those named above seeks to expand its instructional role to include research-focused doctorates, the following criteria must be met:

1. The institution must demonstrate that it has legislative approval to expand its instructional role.

2. The institution must successfully implement three research-focused doctoral degree programs before it may request an expansion of institutional instructional role to include research-focused doctorates. Successful implementation is defined as two years of acceptable post-implementation information including enrollment data, assessment results of the program learning objectives, as well as survey results of faculty and student feedback regarding each program’s efficacy, and documentation of ongoing steps that have been implemented to facilitate graduates’ employment. The Commission realizes that some data measures may have limited availability or determination within a two-year time frame.

3. An institution shall not seek a fourth (4th) research-focused doctoral program implementation before an expansion of institutional instructional role has been approved by the Commission.

(c) Institutions approved to grant research-focused doctorates will receive differential consideration in the development of the Commission’s consolidated budget recommendation.

(7) Evaluation of Instructional Role Expansion.

(a) To be considered for any expansion of instructional role to a higher level, the request must be aligned with applicable state statute recognizing the institution.

(b) The Commission will use all of the following criteria to evaluate and approve or disapprove requests for expansion of institutional role to a higher instructional level:
1. Successful implementation of three academic programs at the target degree level

2. The institution's mission

3. Institutional readiness (defined as faculty credentials, financial resources, and institutional commitment)

4. Rationale for the expansion to a higher instructional level

5. Relationship of the requested role expansion to the state's strategic needs

6. No substantive needless role duplication with other Alabama Public Universities (also refer to Code of Ala. 1975, §16-5-8[b])

7. Justification of having no anticipated/projected adverse influence on enrollments at public institution(s) already having that role, particularly those within 50 miles of the proposing institution or within that service area

8. Priority consideration being accorded to institution(s) with role seniority in that service area (also refer to Code of Ala. 1975, §16-5-10)

9. Accreditation considerations

10. Peer and other feedback

(8) Implementation of Collaborative Programs at a Higher Degree Level. The Commission strongly encourages collaborative programs between/among Alabama public institutions where feasible and when in the best strategic interests of the State. To foster collaboration and cooperation to meet significant identified needs, the Commission may approve institutions without an independent doctoral or master's role to participate in joint, shared, and cooperative doctoral or master's programs if the partner institution meets all requirements and has the commitment at that higher level. Participation in such joint and shared programs will not give such institutions an independent doctoral or master's role.
(9) **Definitions Related to Academic Units.**

(a) Academic Unit: Organizational structure that includes individuals with faculty appointments or has a reporting relationship to the institution's chief academic officer, usually the Provost. Academic units can be instructional or non-instructional:

1. **Unit of Instruction:** An organizational structure which offers instructional courses or other activities for academic credit. There are two types:

   (i) **Major Instructional Unit:** Division, college, or school that comprises several minor units of instruction.

   (ii) **Minor Instructional Unit:** Department or other unit offering degree programs, cross-disciplinary or multi-disciplinary consortium offering coursework but no degree programs.

2. **Non-Instructional Academic Unit:** An academic unit that does not offer credit-bearing coursework or degree programs, including the following:

   (i) **Unit of Research:** An organizational structure for those activities intended to produce one or more research outcomes, including the creation of new knowledge, the organization of knowledge, and the application of knowledge. These may include such entities as research divisions, bureaus, institutes, centers, and experiment stations.

   (ii) **Unit of Public Service:** An organizational structure established to make available to the public the various unique resources and capabilities of an institution for the specific purpose of responding to local, regional, or statewide needs or problems.

   (iii) **Unit of Administration:** An academic unit whose function is primarily administrative in nature, such as the Office of the Provost or Academic Success Center.

(b) **Non-Academic Unit:** An organizational structure that does not meet the definition of academic unit, including, but not limited to, student services, facilities/operations, financial affairs, information.
technology, advancement, and auxiliaries. Administrative changes to non-academic units do not have to be reported to the Commission.

(10) Changes to Academic Units.

(a) Changes to Major Units of Instruction: If the administrative change creates a more prominent unit of instruction, such as a division or school, Commission approval as a new unit is may be required. Specifically, changes to major instructional units that entail additional expenditures will need Commission approval prior to implementation. ACHE staff will determine whether the proposed change needs approval.

(b) Changes to Minor Units of Instruction: Administrative changes at the department level, such as establishing a new department, combining two or more departments into a single department, or dividing a department into two or more departments, will require prior notification only, unless the change will entail additional expenditures.

(c) Changes to Non-Instructional Academic Units: Addition, elimination, or modification of non-instructional academic units will require prior notification only.

(d) Relationship to Instructional Role: Changes to academic units must be consistent with an institution’s instructional role as recognized by the Commission.

Author: Robin McGill
History: New Rule: Filed XXX