

STATE BOARD OF COMMUNITY COLLEGES Public Comments



Proposed Amendment to 1D SBCCC 400.6 – “Curriculum Program Approvals and Terminations” Comment Period Ending 17 July 2020

	Respondent	Page and Line #	Public Comment	System Office Response
1.	South Piedmont CC Dr. Maria Pharr, President	Page 1 lines 14-16	<p><i>(a) (1): Lines 14, 15, 16:</i> <i>The State Board may, in its discretion, grant a college approval or conditional approval to award the associate in applied science degree, diploma, or certificate.</i></p> <p>Comment: There does not seem to be a valid reason for conditional approval. The process of program application is to ensure due diligence when a college applies for a new program. If objections exist, there are other areas in this rule to address those concerns. The questions that arise when considering conditional approval are: 1) what are the criteria that would result in a conditional approval, 2) who decides those criteria, and 3) why wouldn't the criteria result in a full approval? This concept seems to undermine the very process this rule outlines by circumventing due process. In addition, colleges earning conditional approval would begin to invest in the program by hiring instructors, purchasing equipment and supplies, and assigning or renovating spaces. How would conditional approval be revoked after such investments, should complete review of the program not warrant approval by the SBCC?</p>	Policy question for the State Board

	Respondent	Page and Line #	Public Comment	System Office Response
2.	South Piedmont CC Dr. Maria Pharr, President	Page 2 Lines 14-17	<p><i>(a)(1)(F): Lines 14-17</i></p> <p><i>Impact assessment of the program and documentation of any objections from other colleges approved to offer the same or similar programs in a contiguous service area or any colleges with the same or similar programs which contain a clinical site;</i></p> <p>Comment: This should be clarified. Documentation from opposing colleges should be submitted by the opposing college rather than by the applying college. An applying college could summarize objections to their advantage or not submit all of the documentation offered to explain the opposition.</p>	Policy question for the State Board
3.	South Piedmont CC Dr. Maria Pharr, President	Page 2, Lines 30-31 & Page 3 Line 1	<p><i>(a)(1)(G)(II):</i></p> <p><i>...the request for mediation shall be sent to all objecting colleges and the President of the North Carolina Community College System, who will serve as the mediator.</i></p> <p>Comment: This is an area worthy of further exploration. A more feasible mediation would be conducted by a team of the President's Association comprised of individuals who understand the complexities of the program and the colleges. The team could be determined by the Co-Chairs of the Program Committee.</p>	Policy question for the State Board

	Respondent	Page and Line #	Public Comment	System Office Response
4.	South Piedmont CC Dr. Maria Pharr, President	Page 3 Line 16-18	<p><i>(a)(1)(G)(V):</i> <i>the State Board, in its discretion, may allow the applying college and objecting colleges to appear before it to explain their respective positions.</i></p> <p>Comment: It should be a requirement to have the State Board hear the issues of both the applying and opposing colleges so that they can adequately consider the details and have the ability to ask questions. As in any dispute, having both parties present for questions or further explanation is the most accurate way for the arbitrator(s) to seek information directly to help better understand the complexities of the programs, community, or economic landscape of the colleges that underly each college's convictions.</p>	Policy question for the State Board
5.	South Piedmont CC Dr. Maria Pharr, President	Page 3 Lines 18-19	<p><i>(a)(1)(G)(V):</i> <i>The State Board may decide to approve the application, approve the application with conditions, deny the application, or table the application.</i></p> <p>Comment: Conditions that the State Board may define would change the application. Any conditions determined by the State Board may not be feasible or appropriate. Instead, a denial should result if the applying college and the opposing college(s) do not have resolution. If conditions existed where the applying and opposing colleges are in agreement, then a resolution would have been made.</p>	Policy question for the State Board

	Respondent	Page and Line #	Public Comment	System Office Response
6.	South Piedmont CC Dr. Maria Pharr, President	Page 3 Line 28-29	<p><i>The State Board may, in its discretion, grant a college approval or conditional approval to award the Associate in Engineering degree.</i></p> <p>Comment (same as (a)(1)): There does not seem to be a valid reason for conditional approval. The process of program application is to ensure due diligence when a college applies for a new program. If objections exist, there are other areas in this rule to address those concerns. The questions that arise when considering conditional approval are: 1) what are the criteria that would result in a conditional approval, 2) who decides those criteria, and 3) why wouldn't the criteria result in a full approval? This concept seems to undermine the very process this rule outlines by circumventing due process. In addition, colleges earning conditional approval would begin to invest in the program by hiring instructors, purchasing equipment and supplies, and assigning or renovating spaces. How would conditional approval be revoked after such investments, should complete review of the program not warrant approval by the SBCC?</p>	Policy question for the State Board
7.	Beaufort County CC. David R. Loope, President		<p>I recommend that the State Board of Community Colleges <u>strike</u> the following proposed language in the revisions to 1D SBCC 400.6:</p> <p>“a.1 The State Board may in its discretion grant a college approval or conditional approval to award the associate in applied science degree, diploma, or certificate.” [Italics added.]</p>	Policy question for the State Board

	Respondent	Page and Line #	Public Comment	System Office Response
			<p>The term “conditional approval” is vague and provides inappropriately broad authority to the State Board for academic program approval. Under current code the State Board possesses the authority to approve or disapprove an academic degree proposal from a college. Providing “conditional approval” unnecessarily blurs this authority.</p> <p>Thank you for your consideration...</p>	
8.	McDowell Tech CC Dr. John Gossett, President	Multiple	<p>Please consider the following comments from McDowell Technical Community College regarding the above proposed changes to the State Board Code 400.6: Curriculum Program Approvals and Terminations.</p> <p>(a)(1) The phrase "conditional approval" does not seem to be defined herein. How long will the "condition" last? What would happen to students who may awarded a degree, diploma or certificate under the "condition" if, at a later date, the "condition" is rescinded? What is needed to move from "conditional" to full approval?</p> <p>(F) While the Southern Association of Colleges and Schools Commission on Colleges begins affirmation and reaffirmation of participating schools with the Principle of Integrity, I have always thought it troublesome that the applying institution should relay to the State Board any</p>	Policy question for the State Board

	Respondent	Page and Line #	Public Comment	System Office Response
			<p>objections or other comments from surrounding schools. Perhaps those objecting schools could/should voice their concerns directly to the State Board.</p> <p>(G) The same argument for (F) above holds true in (G). If there is a resolution, then the neighboring school could/should co-author an accompanying memo or author a memo under their own name documenting the objection, articulating and agreeing to any resolution reached by the two schools.</p> <p>(G)(II) Do we really want the President of the System choosing winners and losers in such a case? Would mediation be better served through the Programs Committee of the Presidents Association and then, if agreement could not be reached, the Programs Committee of the State Board?</p> <p>(G)(IV) In the case of an unresolved mediation, then the door seems to be open for Presidents and local Board of Trustee members to exert influence on members of the State Board and/or General Assembly to become involved. This should be avoided at all costs.</p> <p>(G)(V) I feel this meeting would be best served in committee rather than the full State Board. "Approve with</p>	

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			<p>conditions" is the same as "approve". Whatever conditions that may come from the State Board may or may not be workable solutions unless and until the two schools have an appropriate amount of time to consider said "condition."</p> <p>(a)(2) "conditional approval" comes up again. Without knowing exactly what that means in terms of time limits, limitations, ability to move to full status, etc., it is my suggestion that the language be removed.</p> <p>(a)(4) Does the delegation to the President of the NCCCS the authority to grant a college the approval to award degrees, diplomas and certificates based upon a widespread immediate need for the job training and minimal impact upon other colleges supersede the process herein? It sounds like this section would give Presidents the boldness to go straight to the President of the system under the umbrella of "widespread and immediate need" to fast-track programs without going through the due process of examining the true needs of the region and working with their neighbors to address said need.</p>	

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9.	Presidents Association (from Dr. Amanda K. Lee, President of Bladen CC, on behalf of the Presidents Association)		<p>The current code 1D SBCC 440.6 (a), (1) states that the State Board shall grant approval when specified conditions have been met. Under (a), (1), as written, the conditional statement provides ten collectively sufficient conditions (A-J) prompting necessary approval. In the event than any of those aforementioned conditions are not met, no mandate exists. In other words, no specific action is required of the Board when some or all of those conditions are not met. Consequently, under that scenario, it is within the Board’s authority to take any action deemed appropriate including approval, disapproval, tabling, or no action.</p> <p>The President’s Association respectfully requests that the State Board Program Committee not pursue the changes that have been presented to you regarding the proposed amendment to the section addressing program application in the code. We have discussed the above interpretation and determined that this interpretation is an appropriate and effective policy to guide the colleges. Further, this interpretation aligns with the discussions you have had during previous committee meetings. These proposed changes as currently written were not approved nor supported by the President’s Association. The Presidents would prefer to work with the System Office staff to review the program application processes and, if necessary, revise the code at a later date. In light of the disruptions experienced by the presidents, the colleges, and the System</p>	Policy question for the State Board

	Respondent	Page and Line #	Public Comment	System Office Response
			Office, there has not been adequate time to work on verbiage that we are all comfortable with supporting and presenting to you.	



1 **State Board of Community Colleges Code**

2 **TITLE 1. COMMUNITY COLLEGES**

3
4 **CHAPTER D. EDUCATION PROGRAMS**

5
6 **SUBCHAPTER 400. CURRICULUM**

7
8 **1D SBCCC 400.6 Curriculum Program Approvals and Terminations**

9 (a) Curriculum Program Approvals. ~~Community colleges shall issue degrees, diplomas,~~
10 ~~and certificates to individuals who satisfactorily complete course and program~~
11 ~~requirements. The approval of a college to award degrees, diplomas, or certificates~~
12 ~~shall be by individual curriculum program title.~~

13 (1) ~~The approval of a college to award the associate degree, diploma, or certificate~~
14 ~~shall be by individual curriculum program title. The State Board may, in its~~
15 ~~discretion, shall grant a college the approval or conditional approval to award the~~
16 ~~associate in applied science degree, diploma, or certificate. A program application~~
17 ~~from a when the college has must provide provide the following:~~

18 ~~(A) Notification to all colleges of intent to apply for the program;~~

19 ~~(A) (B) Evidence that the program will provide graduates with opportunities for~~
20 ~~employment;~~

21 ~~(C) Program of study which is in compliance with the curriculum standard of the~~
22 ~~proposed program;~~

23 ~~(D) Local Board of Trustee meeting minutes documenting discussion and approval~~
24 ~~of addition of the program;~~

25 ~~(B) (E) Local board of trustees' signed certification of the following:~~

26 ~~(i) The program will enhance the workforce of North Carolina;~~

- 1 (ii) The program will provide educational and training opportunities consistent
2 with the mission of the college, and will not duplicate the opportunities
3 currently offered by the college;
- 4 (iii) The college has assessed the need for the program and the resources
5 required to maintain a viable program;
- 6 (iv) The college can operate the program efficiently and effectively within the
7 resources available to the college; and
- 8 (v) The college shall will provide an Accountability Report ~~consistent with 1D~~
9 ~~SBCCC 400.6(a)(1)(J)~~ to the State Board documenting student enrollment,
10 completion rates, employment, program outlook, and address any
11 conditions imposed by the State Board as part of the program approval ~~to~~
12 ~~the State Board of Community Colleges~~ three years after implementation of
13 the program;
- 14 ~~(C) Program of study which is in compliance with the curriculum standard of the~~
15 ~~proposed program;~~
- 16 ~~(D) Local Board of Trustee meeting minutes documenting discussion and approval~~
17 ~~of addition of the program;~~
- 18 ~~(E) Notification to all colleges of intent to apply for the program;~~
- 19 (F) Impact assessment of the program addition and documentation of any objections
20 from other colleges approved to offer the same or similar programs in a
21 contiguous service area or any colleges with the same or similar programs which
22 contain a clinical site;
- 23 (G) Documentation of Resolution resolution or attempted resolution of any ~~negative~~
24 ~~impact assessments~~ objections from the colleges described in (F). ~~approved to~~
25 ~~offer the same or similar programs in a contiguous service area or any colleges~~
26 ~~with the same or similar programs which contain a clinical site~~

1 (i) An applying college must proceed through the following steps in order to
2 properly document its attempts to resolve objections:

3 (I) The applying college shall work in good faith with objecting colleges to
4 resolve objections. If all objections are resolved, the applying college shall
5 document the resolution in the program application and the application will
6 be moved forward for State Board consideration.

7 (II) If objections remain unresolved after working in good faith and the applying
8 college still wants to move its program application forward, the applying
9 college must request a mediation with the objecting colleges. The request
10 for mediation shall be sent to all objecting colleges and the President of the
11 North Carolina Community College System, who will serve as the mediator.
12 The request shall document the efforts made to resolve outstanding
13 objections. The mediator shall schedule the mediation no later than 90
14 calendar days after receiving the request.

15 (III) If the parties to the mediation reach a resolution at the mediation, the
16 objections shall be considered resolved. The mediator shall document the
17 resolution in the program application and the application shall be moved
18 forward for consideration by the State Board.

19 (IV) If the parties to the mediation do not reach a resolution at the mediation,
20 the mediator shall document the impasse in the program application. The
21 applying college shall notify the mediator in writing within ten business days
22 as to whether it wants to move its program application forward for
23 consideration by the State Board. If no notification is received or is received
24 after the ten-day period, the application will be considered withdrawn.

25 (V) If the applying college decides to move its application forward after a
26 mediation impasse, the State Board, in its discretion, may allow the applying

1 college and objecting colleges to appear before it to explain their respective
2 positions. The State Board may decide to approve the application, approve
3 the application with conditions, deny the application, or table the application.

4 (H) The application signed by the college president and the chairman of the college's
5 board of trustees upon authority of the full board of trustees.

6 ~~(I) The President of the North Carolina Community College System shall~~
7 ~~recommend action on the college's curriculum program application to the State~~
8 ~~Board of Community Colleges.~~

9 ~~(J) An Accountability Report documenting student enrollment, completion rates,~~
10 ~~employment and program outlook shall be provided to the State Board of~~
11 ~~Community Colleges three years after implementation of the program.~~

12 (2) The State Board shall may, in its discretion, grant a college the approval or
13 conditional approval to award the Associate in Engineering program degree. A
14 program application from when a college has must provided provide the following:

15 (A) Program of study which is in compliance with the Associate in Engineering
16 curriculum standard.

17 (B) Local Board of Trustee meeting minutes documenting discussion and approval
18 of addition of the Associate in Engineering degree.

19 ~~(A)~~(C) Local Board of Trustees' signed certification that:

20 (i) The program will enhance the workforce of North Carolina;

21 (ii) The program will provide educational and training opportunities consistent
22 with the mission of the college;

23 (iii) The college has assessed the need for the program and the facilities and
24 resources required to maintain a viable program and can operate the
25 program efficiently and effectively within the resources available to the
26 college;

- 1 (iv) The college has evidence of sufficient student demand to offer the program;
2 and
3 (v) The college will provide master's credentialed faculty for each course
4 provided under the Associate in Engineering degree.
- 5 ~~(B) Program of study which is in compliance with the Associate in Engineering~~
6 ~~curriculum standard.~~
- 7 ~~(C) Local Board of Trustee meeting minutes documenting discussion and approval~~
8 ~~of addition of the Associate in Engineering degree.~~
- 9 (3) ~~Colleges shall obtain approval from~~ The State Board delegates to the President of
10 the North Carolina Community College System the authority to add grant a college
11 approval to award an associate in arts, associate in science, and associate in fine
12 arts degrees, associate in general education, associate in general education
13 nursing, health science: therapeutic and diagnostic services program majors, and
14 the general occupational technology curriculum programs.
- 15 (4) The State Board delegates to the President of the North Carolina Community
16 College System the authority to grant a college the approval to award the
17 associate degree, diploma, or certificate for program titles that have been
18 approved for this delegation by the State Board of Community Colleges based
19 upon a widespread immediate need for the job training and minimal impact upon
20 other colleges.
- 21 (5) The State Board delegates to the President of the North Carolina Community
22 College System the authority to grant a college the approval to award a curriculum
23 program which is classified as a concentration if the applying college already has
24 approval to offer the parent program.
- 25 (b) Curriculum Program Terminations. The college shall terminate a curriculum program
26 when there has been no enrollment for two consecutive years or if the college has not

1 offered the program or has not had enrollment in the program within two years of the
2 date the program was approved by the State Board of Community Colleges. A college
3 may request a one-year extension of a curriculum program upon justification of the
4 potential for employment opportunities and student enrollment. Each college planning
5 to terminate a curriculum program shall inform the President of the North Carolina
6 Community College System by submitting a termination notice. The President of the
7 North Carolina Community College System shall have the program removed from the
8 college's program approval list. Program terminations shall be reported to the State
9 Board of Community Colleges a minimum of twice a year.

10
11 *History Note: Authority G.S. 115D-5; 115D-20(6); S.L. 1995, c. 625;*

12 *Eff. February 1, 1976;*

13 *Readopted January 5, 1978;*

14 *Amended Eff. September 1, 1993; January 1, 1988; August 17, 1981;*
15 *July 1, 1979;*

16 *Temporary Amendment Eff. June 1, 1997;*

17 *Amended Eff. _____; [November 1, 2017](#); August 1, 2004; July*
18 *1, 1998.*



July 15, 2020

To: State Board of Community Colleges

From: Scott Ralls, President, Wake Technical Community College

Re: Public Comments, Program Approvals and Terminations

Thank you for the opportunity to submit public comments regarding the program approval and termination process and policies. I currently serve as President of Wake Technical Community College and am a President Emeritus of the North Carolina Community College System. I have worked within the NCCCS for over 20 years in roles as Vice President of Economic and Workforce Development for NCCCS, President of Craven Community College (2002 – 2008), System President (2008-2015), and now as President of Wake Tech, the largest college in the NCCCS.

My two specific recommendations for the State Board in considering policy changes and processes for approval and termination for curriculum programs are as follows:

- 1) To maintain the unique NCCCS responsiveness in addressing state and local workforce development needs, the State Board of Community Colleges should serve, as it previously has, as the final arbiter should disagreements between colleges regarding program impacts not be resolved at the college level, or with the mediation of the System President; and
- 2) The State Board should not consider Conditional Approvals as an intermediate program approval step.

Let me address those two recommendations in more detail:

To maintain the unique NCCCS responsiveness in addressing state and local workforce development needs, the State Board of Community Colleges should serve, as it previously has, as the final arbiter should disagreements between colleges regarding program impacts not be resolved at the college level, or with the mediation of the System President.

In the history of our System, most disagreements between colleges on program impact statements regarding new program approvals have been resolved at the college level. Since returning to NCCCS as President of Wake Tech a little over the year ago, I have been able to work collaboratively with my colleagues in resolving initial disputes of program impact for two of our recent program applications. When I served as System President, I was able to help mediate on more than one occasion, disputes between colleges regarding initiation of new college programs when there were disagreements regarding program impact. In a system marked by collaboration, those are the best ways for disputes to be resolved.



However, I believe, it is very important for the State Board of Community Colleges to maintain its traditional role as the final arbiter between colleges if there are disputes, and be the final decision maker regarding approval of new curriculum programs. If it were to relinquish this role as previously played by the State Board, a single college protesting another college application has the power in essence to be that decision maker regarding the start of another college's program, regardless of the merit of the application. That is the potential practical outcome if the State Board does not entertain college applications if another college is in dispute through the program application process. Such a policy shift from previous practice would not only threaten the ability of applicant colleges to grow their programs to meet changing local employment conditions, but also threaten the responsiveness of our overall system colleges to meet changing workforce demands.

The roots of much of our current program approval process dates back over 20 years ago when at a time there was a Legislative push for more programs to be regional in nature, which also led colleges to use employment out of their specific program areas to justify new programs. The regional goal for new programs created a couple of problems as I observed at the time: 1) most community college students are working students so even though a program may be within a statewide geographic region, it prevented accessibility for many of our place-bound working students, and 2) the regional focused approval caused some colleges to go beyond their service areas in claim staking new programs, and then in turn seek protection for those programs when other college service areas grew and when new employers moved into a community and sought to work with the local college. As NCCCS Vice President of Economic and Workforce Development at the time, I saw the very practical challenges the approval process created by restricting colleges to grow and serve emerging industry sectors and employment bases within their own service areas – frustrating not only the colleges but particularly our new and growing employers.

Later as President of Craven Community College, I also observed that the approval process at the time sometimes motivated some colleges to attempt to initiate new programs in a way that would be more aggressive than natural, because they felt the pressure to initiate programs prior to other colleges that could potentially block them. In other cases, colleges would work around the process by creating programs that were in many ways similar to other programs, but just different enough and with different sounding names so as not to require the normal approval process. This resulted in a confusing proliferation of similar sounding, but slightly different programs throughout the system.

A few years after becoming President of Craven Community College, I became Chair of the Programs Committee for the North Carolina Association of Community College Presidents and our committee and the Association addressed the challenges of program approval as part of its agenda that year. The recommendation was that colleges should be cautious in initiating new programs if they required employment outside their service area to be sustained, and if they did so, should stand down in disputes when colleges in the other areas developed the employment base to



support new programs locally. In other words, it was a “buyer beware” statement that colleges should not seek protection through the program approval process if they created new programs that could not be sustained through the employment of their own local service areas. Later when I became System President, I encouraged a change to the program approval process that the requirement for impact statements be limited to those from contiguous colleges, or those programs that involved clinical sites. Prior to this change by the State Board, colleges from opposite sides of the state could and sometimes did submit negative impact statements, even though they were hundreds of miles away from the applicant college. This resulted in needless hours of negotiation and mediation when the negative impact statements from colleges were unmerited.

I provide all of this information as a history as I observed it of our program approval process, which has evolved over time. Throughout all of the subtle changes, most of the disputes between colleges regarding the negative impact statements have been resolved at the college level or with the mediation of the System President, as they should. However, on occasion, both when I was System President and in at least a few cases I recall prior that time, the final decision had to be made by the State Board when a disputing college was unwilling to remove its negative impact statement and that statement was unmerited. In those few cases, it was typically when the protesting college was in my opinion being overly fearful of losing a few potential students when a nearby college had both the employer support and the economic and employment justification to initiate a new program. In several of those cases, the students that the protesting college was fearful of losing were residents of the service area of the applying college.

I am aware that sometime after I left the System Presidency, there was perhaps a legal interpretation of the administrative code that the State Board could not entertain new program applications if a negative impact statement came from a disputing college. If so, that is not the process that was followed in the previous years of the System’s recent history, and such an interpretation takes the decision power away from the State Board and places it in the hands of a single disputing college. I believe this to be a potentially very dangerous precedent because it can prevent colleges from growing as their communities grow and evolve, and restrict our System’s ability to respond at the *community* level with the programs necessary to support economic and workforce development. At worst, it could also lead to a dangerous tit for tat in our System where colleges may give a negative impact to one college’s program application because they received a negative impact on a previous application.

Over the years, our college leaders have demonstrated that they can rise above these program protectionist instincts to in most cases collaboratively work with other colleges as they strive to meet their community’s workforce development needs. However in those rare cases when a college has a very strong rationale for a new program in the face of a weak negative impact rationale from another college, and the disputing college is unwilling to relinquish from its



position, I believe it is very important that the policies and processes of the State Board of Community Colleges allow it to consider the arguments and make the ultimate judgment.

The State Board should not consider Conditional Approvals as an intermediate approval step.

While understanding potential reasons why the State Board may wish to award Conditional Program Approvals, I do not believe this would be a sound policy because community colleges are not in a position to practically initiate programs on a conditional basis. Requirements from SACSCOC require program leadership and faculty to be in place prior to initiating a program, and for most career and technical programs, colleges have to make upfront investments in new facilities and equipment. In other words, the significant college investments required on the front end are similar whether a program may be deemed conditionally approved or regularly approved. Further, our students going into programs must have the expectation that the programs they initiate can be completed, and this is also a SACSCOC requirement. Thus, I personally believe that the value at the State Board level of having a conditional approval step is outweighed by the practical challenges at the local level of “conditionally” initiating programs, and adding conditional approval to the program approval process would create more problems than benefits.

In conclusion, I appreciate the opportunity to express my personal opinions and have them considered by the State Board of Community Colleges through the Public Comment process. I have had the unique perspective to practically experience the policies and processes being considered as a local community college president of two North Carolina community colleges, a previous System President, and the System Office leader responsible for statewide economic and workforce development. I respectfully offer my opinions based on my experience in those roles, and I trust the State Board of Community Colleges will ultimately make its final conclusions based on what is not only in the best interest of our colleges and the North Carolina Community College System, but most importantly based on the economic and workforce development mission to our communities and our state.

Sincerely,

A handwritten signature in black ink, appearing to read 'SRalls', is positioned above the printed name.

Scott Ralls
President, Wake Technical Community College



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

Peter Hans
President

Memorandum

To: Dr. Kim Gold, Chief Academic Officer
From: Jonathan Harris, General Counsel
Subject: Unresolved Objections Under the Program Approval Rule
Date: July 6, 2020

Status of the Program Approval Rule

The State Board is currently considering amendments to the Program Approval Rule (1D SBCCC 400.6). One issue that has generated discussion with the State Board and the Presidents' Association is how the State Board handles unresolved negative impact assessments (commonly referred to as "unresolved objections") in program applications. The part of the rule addressing unresolved objections is copied below as it reads now:

(a)(1) The approval of a college to award the associate degree, diploma, or certificate shall be by individual curriculum program title. The State Board shall grant a college the approval to award the associate in applied science degree, diploma, or certificate when the college has provided the following:

(G) Resolution of any negative impact assessments from colleges approved to offer the same or similar programs in a contiguous service area or any colleges with the same or similar programs which contain a clinical site;

The rule does not address what happens if there is an unresolved objection with a program application.

How the State Board Addressed an Unresolved Objection in Spring 2019

A program application with an unresolved objection came to the State Board in the spring of 2019. Central Piedmont Community College wanted to start a medical sonography program. It submitted a program application to the State Board. South Piedmont Community College objected to Central Piedmont's application.

It appears from a review of the minutes that the Programs Committee of the State Board first discussed the issue in March 2019. At this meeting, System Office Chief Academic Officer Dr. Lisa Chapman reported that the colleges were not able to come to a resolution amongst themselves or with System Office staff assistance. At the same meeting, the Chair of the

Committee, Dr. Powell, asked representatives from South Piedmont and Central Piedmont to present their positions and to answer questions from committee members.

At the April 2019 State Board meeting, the item came before the full Board.¹ Dr. Powell presented the item and stated that the Board had the responsibility to act within 1D SBCCC 400.6, which states that programs should be approved if there is a resolution of any negative impacts from colleges already approved to offer the same or similar programs. He went on to state that in this case, the negative impacts have not been resolved.

The minutes report that Mr. Johnson then made a motion to deny Central Piedmont's application, seconded by Mr. Sullivan. It appears from the minutes that the motion was not voted on at that time. The minutes reflect the Board continuing to debate the application. The Board also called on the presidents of both institutions to address the Board. The Board then voted to deny the program application.

Letter from the State Board to Central Piedmont

On April 12, 2019, the State Board sent a letter to President Deitemeyer explaining the basis for its decision to deny Central Piedmont's program application.² The letter states:

CPCC did not provide evidence of resolution of the negative impact assessment from South Piedmont Community College. This is the basis upon which the State Board denied CPCC's curriculum program application for Medical Sonography.

State Board's Current Position on Unresolved Objections

Based on the letter the State Board sent to Central Piedmont, it appears the State Board's interpretation of the rule last year was the Board will not consider a program application if there is an unresolved objection. It is worth noting that the position put forth in the letter differs from the Curriculum Procedures Reference Manual, which states the following:

C. Impact Assessment Conflict Resolution Appeals Process

If the college presidents cannot reach agreement on the impact of the proposed program, the Senior Vice President and Chief Academic Officer will refer the issue to the System President. If a meeting with the System President does not resolve the issues, the presidents may request a hearing before the Program Committee of the State Board. The Program Committee will make a recommendation to the State Board on the disposition of the proposed program. The State Board's decision regarding resolution of the matter is final.

Whether the State Board wants to revisit its interpretation and consider program applications that have unresolved objections is a policy question for the Board to decide.

¹ The Programs Committee did not meet in April 2019. The State Board met as a committee of the whole.

² Letter is attached



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

Peter Hans

President

April 12, 2019

Dr. Kandi Deitemeyer
Central Piedmont Community College
P O Box 35009
Charlotte, NC 28235

Dear Dr. Deitemeyer:

Central Piedmont Community College ("CPCC") submitted a completed curriculum program application for Medical Sonography (A45440) on March 8, 2019. On April 4, 2019, the State Board of Community Colleges ("State Board") voted to deny CPCC's March 8, 2019 curriculum program application request. The State Board Code provides that "The State Board shall grant a college the approval to award the associate in applied science degree, diploma, or certificate when the college has provided the following: . . . [r]esolution of any negative impact assessments from colleges approved to offer the same or similar programs in a contiguous service area or any colleges with the same or similar programs which contain a clinical site." 1D SBCCC 400.6(a)(1)(G). CPCC did not provide evidence of resolution of the negative impact assessment from South Piedmont Community College. This is the basis upon which the State Board denied CPCC's curriculum program application for Medical Sonography (A45440).

Please feel free to contact me if you have questions or need additional information.

Sincerely,

Peter Hans

PH/gr

c: Mr. Richard Zollinger
Mr. Wesley Beddard
Dr. Lisa Eads
Dr. Lori Byrd

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