

MINUTES OF THE MEETING
of the
South Carolina Commission on Higher Education
1333 Main Street, Suite 200
Columbia, SC 29201

March 7, 2002

MEMBERS PRESENT

Mr. Dalton B. Floyd, Jr., Chairman
Ms. Margaret M. Addison
Ms. Rosemary H. Byerly
Ms. Dianne Chinnes
Ms. Lorraine Dimery
Ms. Cathy Harvin
Dr. Larry Jackson
Dr. Vermelle Johnson
Dr. Harry Lightsey, Jr.
Gen. Thomas R. Olsen
Mr. Dan Ravenel
Mr. Carl Solomon

MEMBERS ABSENT

Ms. Susan Cole
Dr. David E. Shi

STAFF PRESENT

Mr. Michael Brown
Ms. Julie Carullo
Ms. Joellen Cook
Ms. Lorinda Copeland
Ms. Renea Eshleman
Ms. Betsy Gunter
Ms. Yolanda Hudson
Dr. Lynn Kelly
Ms. Lynn Metcalf
Dr. Gail Morrison
Dr. Mike Raley
Mr. John Smalls
Ms. Jan Stewart
Ms. Edna Strange
Dr. Lovely Ulmer-Sottong
Dr. Karen Woodfaulk

GUESTS

Dr. Corey Amaker
Ms. Betty Boatwright
Dr. Dianne Bradstadter
Mr. Bill Bragdon
Dr. Janet Brown
Ms. Kay Coleman

Mr. Daniel Dukes
Ms. Suzie Edwards
Mr. David Fleming
Mr. Bud Ferrillo
Ms. Linda Floyd
Ms. Margaret Foster
Ms. Sally Glover
Mr. Stan Godshall
Mr. Eddie Gunn
Dr. Tom Higerd
Col. Curt Holland
Dr. Sally Horner
Ms. Fern Howell
Dr. David Hunter
Ms. Lynn Huntley
Dr. B. Ging Joseph-Collins
Dr. Judith E. Kalb
Dr. Frankie Keels-Williams
Ms. Star Kepner
Ms. Dorcas Kitchings
Mr. Jerry Knighton
Mr. Rod Kruz
Dr. Carol Lancaster
Dr. Sandra Lindsey
Mr. Russell Long
Mr. Scott Ludlow
Dr. Harry Matthews
Mr. Gary McCombs
Mr. Bob Mellon
Col. Spike Metts
Dr. Bob Mignone
Dr. Bob Miles
Mr. Tom Nelson
Dr. Jerry Odom
Ms. Jackie Olsen
Dr. Charlie Parker
Dr. Stephen Parker
Ms. Ann Patterson
Ms. Rose Pellot
Dr. Blance Premo-Hopkins
Dr. Judy Prince
Mr. Howard Rawlings
Mr. Ted Riley

Mr. Charles Shawver
Dr. John South
Mr. Steve Suetts
Mr. Jonathan Trail
Dr. Jane Upshaw
Dr. Carolyn West
Mr. Bryan Wiley
Dr. Angela Williams

Dr. Cecilia Willis
Ms. Judith Winston
Members of the Press
Ms. Nina Brook
Mr. Gene Crowder
Ms. Jennifer Holland

For the record, notification of the meeting was made to the media as required by the Freedom of Information Act.

1. **Introductions**

The meeting was called to order at 10:30 a.m. by Chairman Floyd. He welcomed everyone to the meeting and Mr. Charlie FitzSimons was then asked to proceed with the introduction of guests.

2. **Approval of Minutes**

Chairman Floyd called for a motion from the floor to approve the minutes as submitted. The **motion** was made (Harvin), **seconded** (Jackson) and **carried** to approve the minutes as submitted.

Chairman's Report

-Chairman Dalton Floyd

The Palmetto Fellows Reception has been scheduled for May 15 at the capital, with Governor Hodges planning to participate. It will begin with a gathering of the Palmetto Fellows inside the State House and the reception on the State House grounds in the afternoon. The times have not yet been finalized.

The South Carolina Law Enforcement Association (SCLEA) has requested that we approve the resolution found under Tab 4 of the agenda books; this will be addressed under Other Business.

Pursuant to action by the University of South Carolina Board of Trustees, a request was received from the University of South Carolina Beaufort to change USC Beaufort's mission from a two-year regional campus to a four-year teaching sector institution. This request has been assigned to the Planning, Assessment and Performance Funding Committee, since it is a change in mission. It also entails Academic, Finance and Student Services questions as well; Planning, Assessment and Performance Funding staff will work with staff from the other committees to take the necessary steps in that request. Chairman Olsen of the Planning and Assessment Committee has been asked to conduct a public hearing on this issue in Beaufort sometime in April. All Commissioners are encouraged to attend. Notification of time and place will be distributed when finalized.

The Executive Committee convened by teleconference on January 24 and endorsed research centers and endowed chairs as second highest priority for funding from the lottery proceeds immediately behind higher education student scholarships. This resolution will be forwarded to the sponsors of the bill.

The Access and Equity Conference, co-sponsored by the SC Professional Association for Access and Equity and the Commission on Higher Education, is scheduled for March 13-15 at the Beach Cove Resort in North Myrtle Beach.

The Campus Safety Forum was held at Winthrop University February 24-26 and was well attended. There were about 300 participants. This year the conference included K-12 participants. Fifteen states were represented. There were 78 participants from K-12, 112 from higher education, 27 student delegates, representatives from law enforcement, school resources and others. Coastal Carolina has offered to host the conference next year.

3. Committee Reports

3.01 Report of the Executive Committee **-Chairman Dalton Floyd**
(No Report)
See Chairman's Report re conference call.

3.02 Report of the Committee on Academic Affairs and Licensing
(No Report) **-Ms. Dianne Chinnes**

A. Program Approvals

1. B.A., Russian, USC-Columbia
2. B.A., Special Education, USC-Aiken
3. M.Ed., Educational Technology, USC-Aiken and USC-Columbia
4. M.Ed., Special Education, Visual Impairment, USC-Spartanburg

Ms Chinnes explained that there were four program proposals (listed above), all of which have been approved at the appropriate institutional level and are being brought before the Commission on the recommendation of the Advisory Committee on Academic Affairs and the Committee on Academic Affairs.

The first motion concerns the first three programs: On behalf of the Committee on Academic Affairs, a **motion** (Chinnes) was made, **seconded** (Ravenel) and **carried** to approve the first three programs listed above.

Program 4 was discussed at length as to the uniqueness of the program, the need for the program and the collaboration among USC Spartanburg, SC School for the Deaf and Blind and the South Carolina Commission for the Blind. They have all worked together for the planning and implementation of this program. On behalf of the Committee on Academic Affairs, a **motion** (Chinnes) was made, **seconded** (Ravenel), and **carried** to approve the program for implementation in the summer of 2002, provided the University receives the special appropriation it is seeking from the general assembly. **(ATT I)**

B. Consideration of Initial License Requests

Springfield College, Springfield, MA, at Charleston: B.S., Human Services; M.S., Human Services

On behalf of the Committee on Academic Affairs, a **motion** (Chinnes) was made,

seconded (Olsen) and **carried** to approve initial licensure for five years of Springfield College to offer in Charleston the Bachelor of Science degree in Human Services and Master of Science degree in Human Services. The staff will inspect the facilities when completed and issue the license at that time.

Lehigh University, Bethlehem, PA, at Trident Technical College, Charleston:
M.Engr., Chemical Engineering; M.Engr., Polymer Science and Engineering; M.S.,
Quality Engineering; M.S., Polymer Science and Engineering; M.S., Chemistry;
M.S., Molecular Biology; M.S., Pharmaceutical Chemistry

On behalf of the Committee on Academic Affairs, a **motion** (Chinnes) was made, **seconded** (Olsen) and **carried** to approve initial licensure for five years of Lehigh University to offer the programs leading to the M.Engr in Chemical engineering; M.Engr. in Polymer Science and Engineering, MS in Polymer Science and Engineering; MS in Quality Engineering; MS in Chemistry; MS in Molecular Biology; and MS in Pharmaceutical Chemistry by satellite at Trident Technical College, Charleston. (**ATT II**)

C. Consideration of License Renewal Requests

Nova Southeastern University, Ft. Lauderdale, FL: MBA and M.S., Human Resources Management, Aiken; Ed.D. Program for Educational Leaders, Columbia; Ed.D. Program for Higher Education, Greenwood; Ed.D., Child and Youth Studies, Anderson

On behalf of the Committee on Academic Affairs, the **motion** (Chinnes) was made, **seconded** (Byerly) and **carried** to approve the renewal of Nova Southern University's license for five years. (**ATT III**)

D. Consideration of Proposed Changes to Licensing Procedures and Regulations

Ms. Chinnes summarized the process as follows: This began with the Committee on Academic Affairs, came to the full Commission, and a task force was appointed. The task force was co-chaired by Commissioners Harvin and Lightsey, with a business representative, a public institution representative, two private institution representatives, a State Board for Technical and Comprehensive Education representative, and a representative from each of the standing committees of the Commission. Three meetings were held with lengthy discussions. It was then referred back to the Committee on Academic Affairs. Commissioner Harvin was asked to report the final results of this process and the recommendation of the Committee on Academic Affairs.

Commissioner Harvin referred to material in Attachment IV and stated that the purpose of the task force was to make recommendations to the Committee on Academic Affairs to refine policy already in place regarding licensing criteria for the delivery of Associate Degree Programs, Bachelor Degree Programs, Graduate Programs and also to refine what requirements are in place for how catalog requirements might be listed, and give some guidance on how fees might be adjusted. The task force reported to the Committee and the Committee approved the recommendations as set forth by the task force. It was also recommended that alteration be made to a set fee schedule that is now established in the

regulation and rather defer to a flexible fee schedule so that the Commission, over time, would be in a position to be able to adjust fees to cover costs as might be variable in view of different legislation that would require additional review for implementation of programs.

A **motion** (Harvin) was made and **seconded** (Lightsey) to accept the changes recommended by the Committee on Academic Affairs and Licensing.

During the discussion phase, Commissioner Ravenel asked if these regulations were simply being pulled together from various areas, or is this new material? Are we creating a new set of regulations for this procedure? Commissioner Harvin explained that changes are being made to policy (not regulations) – how we choose to implement regulations that are already in place, giving greater clarification and making minor changes.

Commissioner Ravenel summarized his understanding by saying that all this is in place now, it is just essentially being brought out in a different form. Commissioner Harvin responded by saying that they were giving further clarification to policies for implementing regulations that are already in place.

Dr. Lightsey was then recognized and stated that the Commission needs to strongly consider the fact that we have begun to see some private programs fail without adequate provision to protect the records for the students. The Commission staff has had to undertake that task. It is important to realize that what is involved in these regulations is an effort to protect younger students in the state from inadequate programs. These recommendations are designed to attempt to provide some quality assurances and not require out-of-state institutions to do more than is required for in-state institutions. There is certainly no intent of discrimination against any out-of-state programs. The one area that seemed to cause concern was the recommendation of a policy that would address the issue of public notice. This was not written in as a regulation, but Commission should adopt a policy along those lines. Dr. Lightsey proposed one amendment, which would provide a general authority to the Commission to adopt a policy as part of the regulation and then allow the Commission to set the details as to length of time of notice at a later time.

Attachment IV is the original documentation and recommendations to the Commission. After lengthy discussion, it was decided that there needed to be an amendment to the recommendation concerning regulation changes before making the motion to approve.

John T. South, III, Chancellor of South University requested to speak and was recognized. After introducing himself, he explained that he represents a four-campus, four-state, accredited university with a main campus in Savannah, GA. They have 1600 students and 350 faculty and staff. The four-year degree programs are centered in business, information technology and health care.

Also present were President of the Columbia Campus Anne Patton, Ted Riley handling governmental affairs, Wade Mullins of the law firm of Brenner and Powell, and David Kirby, who is a middle school student shadowing Mr. Mullins today.

Mr. South discussed the rationale given for the 60-day comment period. He pointed out that the public colleges and universities are held to a different standard. They are held accountable to the taxpayers while the private institutions that are held accountable to the consumer. The private colleges and universities must offer viable programs in order to survive. It was also stated that other states have implemented a comment period as a basis for determining need and whether or not there may be duplication of effort. There are only two states in the country (after our state) that have implemented a comment period. In this state, not all private institutions have a comment period. Exempt private non-profit institutions (whom you do not oversee) have a comment period. In New Jersey, all private institutions have a 30-day comment period. In the state of Washington, private institutions submit a letter of intent that is posted on their web site for 14 days.

Dr. Lightsey assured Mr. South that the intent of the motion before the Commission is to try to protect the students in the state. The statute that provides the licensing specifically requires the Commission to consider the financial viability of any proposed program. Public notice allows the Commission to receive comments from neighboring institutions as to whether or not there are similar programs being offered in order that sound judgments can be made. The presumption is going to likely be in favor of the institution offering the program if it is financially sound. The questions about the length of time and how the notices are distributed are the reasons for not including the specifics in the resolution. The institutions will have an opportunity to comment and make recommendations and suggestions as to how long the comment period should be and how the notices should be distributed. What this regulation proposes is that the concept of public notice be adopted by the Commission in order to allow other institutions and the public to comment, both pro and con. It would also allow groups that want to support an application to know of the process.

Commissioner Chinnes added that, during the task force review item by item, Commissioner Harvin asked if institutions outside of South Carolina were being asked to do anything that institutions within South Carolina are not asked to do. Item by item, the welfare of the students of South Carolina was considered first and foremost in these recommendations.

Dr. Lightsey brought to the attention of the Commission that the statute exempts most in-state private institutions. Those established before 1953 are exempt from licensure. He would support a provision that they also get licensed as they offer new programs.

Ms. Chinnes commented that no institution ever called her or put any pressure on her about licensure of institutions.

Mr. Solomon commented that this is not a perfect world and the Commission does not control everyone. He supports the proposed provisions, because they provide increased consumer protection. The term and process of public notice will not be decided today. Mr. South and others will have an opportunity to propose a shorter or longer period, but the first thing is to protect students and second is to make it as least cumbersome as possible.

A motion was made (Lightsey), seconded (Ravenel), and carried to add to the proposed changes in the regulations the following provision: *The Commission shall adopt*

procedures requiring institutions to submit a letter of intent outlining basic information about the institution and the need for the proposed program(s) and a procedure under which such letter of intent shall be distributed to the public.

Chairman Floyd then returned discussion to the original motion.

Ms. Chinnnes restated that the motion on the floor, as amended, to approve the proposed changes to the regulations as summarized in the memorandum to be forwarded to the general assembly.

Chairman Floyd asked if there was any further discussion.

Mr. Ravenel asked if this means that if an institution meets all criteria set out by regulation, the license will be approved pro forma or whether the Commission has the power to deny a license to an institution. He stated that it seemed to him that the substance of previous questions was as to whether CHE has the power to stop an institution from presenting a program.

Commissioner Harvin explained that she didn't think that was where the issue really lay but in giving the Commission more specific written instruction on how to proceed with program review. This is really a clarification document. She called on Dr. Morrison to give additional information.

Dr. Morrison explained that once the proposed changes become regulations they would apply to every licensure request. If an institution complies with all the regulations, the Commission would approve the program. If it did not comply, then that would be grounds for CHE to deny a license.

Commissioner Ravenel asked whether any institution that comes forward under these criteria would be approved regardless of competition. Dr. Morrison stated that competition in and of itself would not constitute grounds for denial. However, need and viability might be influenced by availability of other programs.

Dr. Lightsey stated that he does not view the criteria as the basis for a final decision. The Commission has some authority to judge adequacy and accuracy of information submitted and also some provisions of statute contain some requirements not totally captured by regulation. There is no intent to exclude programs based on the existence of other programs, but the statute requires fiscal soundness, and existing programs may affect whether new programs would attract enough students to be fiscally viable.

Chairman Floyd summarized the discussion, pointing out that the staff evaluates compliance with the licensing regulations and makes a recommendation. CHE may disagree with the staff's interpretation of the data or may know other data. The Commission can still approve or disapprove. The regulations set up the procedure, but the Commission does not have to approve just because staff recommends approval.

Commissioner Harvin articulated that one challenge to the Commission is adapting to changing times, changing policy, subsequently changing regulations, and assisting the staff to do the job they've been given to do by the legislature.

Chairman Floyd asked whether anyone else had any other comments. There were none. The motion carried.

E. Consideration of Follow-Up Reports to Consultants' Evaluations of Existing Programs

Performing and Visual Arts, Clemson University
Business, USC-Columbia

On behalf of the Committee on Academic Affairs, a **motion** was made (Chinnes), **seconded** (Olsen) and **carried** to approve the designations for the art programs at Clemson University:

BFA Fine Arts Clemson University – Provisional Approval Continued
MFA Visual Art, Clemson University – Full Approval.

As program enhancements are made, follow-up reports should be submitted to staff for re-evaluation and program approval status would be reconsidered in light of additional progress made. (ATT V)

On behalf of the Committee on Academic Affairs, a **motion** was made (Chinnes), **seconded** (Olsen) and **carried** to grant full approval to the degree program leading to the Doctor of Philosophy in Business Administration degree at USC Columbia, provided that the University agree to provide the Commission with a report on the placement of graduates at research universities no later than June 1, 2005. (ATT VI)

*At this point, Dr. Steve Parker, President of Johnson & Wales University, requested time to speak and after being recognized, introduced himself and stated that he misunderstood how the agenda was going to work. He stated that, at the time Mr. South addressed the issue of the 60-day comment period, it was his understanding that after finishing that issue, there would be an opportunity given to address other items in the regulations being discussed, and that had not happened. Chairman Floyd stated that the motion had already passed, but recognized Mr. Parker for comment.

In Dr. Parker's remarks, he said he would like to address a section of the regulation concerning the fact that a branch campus is not allowed to offer a particular program unless the main campus offers the same program. He pointed out that, for instance, their main campus located 500 miles away should not limit the branch campus from offering a program justifiable here in South Carolina because it was not in demand in the area served by the main campus. He explained that the immediate issue is a catering course, for which he can produce justification in the Charleston area, but it is not offered on the main campus. His opinion is that the campus in Charleston should not be denied the opportunity to offer this course because it is not offered on the main campus in Rhode Island, where there is not a demand for this type of study. This is the area he would request the Commission reconsider. Johnson & Wales staff have done the studies and demonstrated all necessary criteria for initiating a new program, but have not been allowed to present this information because the program is not offered on the main campus. His point is that with this process in place, the institution (in this case Johnson & Wales) is not being allowed to meet the needs of the local community and the state of South Carolina. Chairman Floyd informed Dr. Parker that the motion concerning this issue had already been

passed and suggested that he may want to address this issue at another time.

F. Consideration of Report on South Carolina Research Initiative Grants, FY 1999-2000

On behalf of the Committee on Academic Affairs, a **motion** was made (Chinnes), **seconded** (Harvin), and **carried** that a follow-up report on the first round of SCRIG grants be prepared in a year to assess the further significance which SCRIG-funded projects might have had for both economic development in the state and for bringing additional grant funding to the state. **ATT VII** is the full report

3.03 Committee on Finance and Facilities

-Ms. Rosemary Byerly

A. Interim Facilities Projects

The Citadel

Padgett Thomas Barracks/Leadership Lab	\$16,036,000	increase
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Coastal Carolina

Multi-purpose Athletic Facility	\$ 4,200,000	increase
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School of Humanities and Fine Arts	<u>800,000</u>	increase
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Sub-total	<u>\$ 5,000,000</u>	
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Medical University of SC

Institute of Psychiatry Wind Damage Prevention	\$ 651,777	establish
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Children’s Research Institute Construction	<u>2,000,000</u>	increase
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	<u>\$ 2,651,777</u>	
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Technical College of the Low Country

Renovations of Buildings 6 and 8	\$ 1,524,000	Increase
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TOTAL INTERIM PROJECTS	<u>\$ 25,211,777</u>	
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Ms Byerly presented the six interim projects listed above. Complete details of the projects are presented in **Attachment VIII**. These projects were approved at the Committee level and on behalf of the Committee on Finance and Facilities, a **motion** (Byerly) was made, **seconded** (Jackson), and **carried** to approve the projects as submitted.

B. Consideration of the Task Force on Regulatory Relief Recommendations

There were three recommendations that directly concerned the Commission.

Item 6, dealing with the procurement cap increase from \$250,000 to \$500,000, was acted on in August of '98 when the Commission made the revision so that there was staff approval authority of up to \$500,000. Therefore, no action on CHE’s part is required.

Item 10 asked for a single-audit program for State Aid Funds. There appeared to be a little confusion as to exactly what the Task Force was asking, so that item is deferred until the May meeting. The Committee referred **Item 14** to the Planning and Assessment Committee. (**ATT IX**)

3.04 Report of Committee on Planning, Assessment and Performance Funding

- Gen. Tom Olsen

(No Report)

**3.05 Report of the Committee on Access, Equity
& Student Services**

-Ms. Sue Cole

Dr. Jackson acted as chair in Ms. Cole's absence and turned the program over to Dr. Woodfaulk to present the *Miles to Go Report*. Ms. Lynn Huntley, President of the Southern Educational Foundation and Representative Dell Rawlings of the Maryland House of Representatives gave the report and discussed methods of improvement.

A **motion** was made (Jackson) to accept this report as information and to follow up on progress made in one year with regard to the recommendations contained in the report. The motion was **seconded** (Ravenel) and **carried**.

6. Other Business

Chairman Floyd discussed the resolution written by the South Carolina Campus Law Enforcement Association with regard to campus safety (**ATT X**) and called for a motion to endorse this resolution. The **motion** (Ravenel) was made, **seconded** (Olsen) and **carried** to approve the resolution as stated in Attachment X.

Dr. Jackson asked if we had any information about free tuition for the technical schools. Several months ago, Dr. Hudgins said that the schools themselves were not in favor of this. Dr. Jackson asked if anyone knew the status of this question. There was discussion on the matter, but it appears there are no concrete guidelines so far.

There was also further discussion of need-based grants and questions as to what, if anything, the Commission might be able to do to increase funding for need-based grants. Dr. Barton, Mr. FitzSimons and Mr. Floyd have all met with the governor and other legislative members attempting to increase funding for need-based grants. There doesn't seem to be anything further the Commission can do toward that end.

Chairman Floyd commended Dr. Ulmer-Sottong on the success of the FIPSE Conference and Dr. Woodfaulk on the success of the Campus Safety Conference.

Adjournment: There being no other business, the meeting was adjourned at 12:15 p.m.

Respectfully submitted,

Betsy R. Gunter
Recording Secretary

Attachments I-X

*Attachments are not included in this mailing, but will be filed with the permanent file of these minutes and are available for review upon request.