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CHAPTER 31. GENERAL PROVISIONS

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Authority

The provisions of this Chapter 31 issued under section 1319 of The Administrative Code of 1929 (71 P. S. § 369); The Nonprofit Corporation Law of 1933 (15 P. S. §§ 7001—8103); act of June 17, 1963 (P. L. 143, No. 94) (71 P. S. § 62); the Public School Code (24 P. S. § 1-101); and the Indiana University of Pennsylvania Act (24 P. S. §§ 2510-101—2510-110), unless otherwise noted.

Source

The provisions of this Chapter 31 adopted March 14, 1969, unless otherwise noted.

Cross References

This chapter cited in 22 Pa. Code § 11.8 (relating to definitions); 22 Pa. Code § 35.1 (relating to scope); 22 Pa. Code § 40.1 (relating to scope); 22 Pa. Code § 40.26 (relating to agreements); 22 Pa. Code § 40.33 (relating to agreements); 22 Pa. Code § 40.51 (relating to approval of an independent junior college, college, university or foreign corporation); 22 Pa. Code § 40.53 (relating to approval of State System, State-related or State-aided status); 22 Pa. Code § 42.1 (relating to scope); 22 Pa. Code § 42.47 (relating to approval); and 22 Pa. Code § 42.71 (relating to recodification).

PRELIMINARY PROVISIONS**§ 31.1. Purpose and scope.**

(a) This chapter provides protection for students and citizens of this Commonwealth, guides the orderly development of postsecondary education in this Commonwealth and offers direction to those intending to establish new institutions of postsecondary education in this Commonwealth.

(b) This chapter does not apply to Chapter 35 (relating to community colleges), except for the following:

- (1) Section 31.6 (relating to information).
- (2) Section 31.23 (relating to program database).
- (3) Section 31.24(e) (relating to faculty).
- (4) Section 31.52 (relating to accreditation).
- (5) Sections 31.61—31.63 (relating to honorary degrees).
- (6) Section 31.71 (relating to notification).
- (7) Section 31.72 (relating to obligations).
- (8) The definition of “major corporate change” under § 31.2 (relating to definitions).
- (9) Section 31.21(a) and (b) (relating to curricula).

(c) Exclusive of community colleges, this chapter applies to an institution of postsecondary education, domestic or foreign, including both out-of-State and out-of-country, legally authorized to award college credits or grant degrees in this Commonwealth, and to an institution or chartering group applying for authorization. An entity is required to be approved as a postsecondary institution under this chapter to award college credits or grant degrees in this Commonwealth. An institution is prohibited by law to operate in this Commonwealth and award college credits or grant degrees unless legally authorized to do so. Provisions of

Board regulations in this part that are in conflict with this chapter do not affect the applicability of this chapter unless specified by another provision of Board regulations in this part.

(d) This subpart establishes the minimum standards for achieving and maintaining approval of institutions and programs.

(e) Only a postsecondary degree-granting institution having more than 50% of its degree programs consisting of resident-based instruction may be established or operate in this Commonwealth. For combination programs, the residential portion of the program shall be offered on a regularly scheduled basis. An approved postsecondary degree-granting institution that has operated for 10 years within this Commonwealth, or a private licensed school offering AST or ASB degrees that has operated for 10 years within this Commonwealth, may petition the Department to be established to operate as a college or university with more than 50% of its degree programs offered through distance education, if it has demonstrated the following:

(1) Accreditation by a regional accreditation agency approved by the United States Department of Education.

(2) Graduated a minimum of 25 students each from 10 degree programs in place at the time of petitioning for approval.

(3) Is not in corrective action status.

(4) The Department has not initiated the process to revoke its approval of the institution.

(f) Except as specifically provided in this chapter, this chapter does not apply to private licensed schools or other proprietary institutions of postsecondary education that do not offer degrees. These institutions are governed by the Private Licensed Schools Act (24 P. S. §§ 6501—6518) and Chapters 42 and 73 (relating to program approval; and private licensed schools—general provisions).

Authority

The provisions of this § 31.1 amended under sections 2603-B and 2604-B of the Public School Code (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.1 adopted March 14, 1969; amended August 10, 1973, effective August 11, 1973, 3 Pa.B. 1501; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended January 29, 1988, effective January 30, 1988, 18 Pa.B. 455; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650. Immediately preceding text appears at serial pages (307727) to (307728).

§ 31.2. Definitions.

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

ASB—Associate in Specialized Business.

AST—Associate in Specialized Technology.

CEC—*Community Education Council*—A nonprofit educational organization as defined in Article XIX-D of the School Code (24 P. S. §§ 19-1901-D—1905-D).

Chartered status—Classification of a 2-year college, college, seminary or university established under one of the following:

- (i) 15 Pa.C.S. Part II, Subpart B (relating to Business Corporation Law of 1988).
- (ii) 15 Pa.C.S. Part II, Subpart C (relating to Nonprofit Corporation Law of 1988).
- (iii) Section 2601-H of the School Code (24 P. S. § 26-2601-H).
- (iv) 24 Pa.C.S. Chapter 65 (relating to private colleges, universities and seminaries).

College—An institution which, in accordance with its charter or articles of incorporation, offers 2-year, 4-year or 5-year postsecondary educational programs or their equivalent and which grants associate, baccalaureate or first professional degrees. In some instances, a 4-year college may offer graduate programs culminating with graduate degrees when it has the appropriate approval under Chapter 42 (relating to program approval).

Combination program—An academic degree program that uses both distance learning and classroom instruction to deliver instructional content.

Community college—A college or technical institute which offers 2-year, secondary and postsecondary, transfer, college parallel, terminal-general, terminal-technical, out-of-school youth or adult education programs or a combination of these; grants certificates and associate degrees; and is established and operated in accordance with Article XIX-A of the School Code (24 P. S. §§ 19-1901-A—19-1918-A). A community college also may offer upper-division programs not culminating in a baccalaureate degree when it has the appropriate approval under Chapter 42.

Corrective action status—A period during which an institution is required by the Department to correct deficiencies identified during the Department's institutional review. Corrective action status begins upon receipt of written notification from the Department. Corrective action status ends upon receipt of written notification from the Department that the institution has resolved all deficiencies.

Distance education—An alternate format to resident-based instruction for offering education courses or series of courses by an approved postsecondary educational institution, consortium of institutions or educational enterprise, for which credit is offered or awarded toward a certificate, diploma or degree, which has as its primary mode of delivery one or more of the following:

- (i) Correspondence.
- (ii) Television.
- (iii) Videocassette or disk.

- (iv) Film.
- (v) Radio.
- (vi) Computer.
- (vii) Devices built upon an audio-video format.
- (viii) Other supportive devices using current or future technology.

Education enterprise—An educational activity in this Commonwealth that is sponsored by a foreign corporation and for which college credits or continuing education units are awarded, continuing professional education is offered (culminating in awards such as Continuing Education Unit (CEU), Continuing Medical Education (CME) or Continuing Professional Education (CPE)), or tuition or fees are charged or collected.

Employment area—A geographic area wherein persons who complete vocational education programs are most likely to be employed.

Foreign corporation—A corporation, entity or institution that is incorporated or authorized by other means in a state other than this Commonwealth and is approved and authorized to operate an education enterprise in this Commonwealth under 15 Pa.C.S. Part II, Subparts B or C, and 24 Pa.C.S. Chapter 65.

Graduate program—A program which is beyond the baccalaureate level from the master's to the postdoctoral levels and which provides advanced study and exploration in a particular discipline or the application of knowledge to professional ends.

Independent status—Classification of an institution which is legally authorized to grant degrees but which is not statutorily established as an instrumentality of the Commonwealth.

Licensed status—Classification of a school or classes providing resident instruction in the skilled trades, industry or business, or systematic instruction by correspondence or telecommunication, which school, classes or systematic instruction are established and licensed or registered under the Private Licensed Schools Act (24 P. S. §§ 6501—6518).

Long-range vocational education plan—A plan for directing resources toward the improvement of vocational education programs and services to meet labor market needs, which plan is based upon data compiled on the supply of and demand for trained workers in business and industry.

Major corporate change—A restructuring of the postsecondary institution's corporation, including, but not limited to, the following:

- (i) Merger.
- (ii) Federation.
- (iii) Consolidation.
- (iv) Sale of assets.
- (v) Change of sponsorship.
- (vi) Division.
- (vii) Dissolution or closure.
- (viii) Bankruptcy.

Physical presence—The operation of an entity that offers courses, programs, or degrees or maintains a campus, or an administrative, corporate or other address, including a post office box, telephone number, recruiters, instructors, advertising in local media and publications at a location in this Commonwealth.

Professional program—A program which culminates with a baccalaureate, first professional or graduate degree; provides preparation for practice in professions, including medicine, allied health, dentistry, law, engineering, architecture, ministry and teaching; and educates persons in the field of study.

Professional school—An organized administrative unit of a school, college, university or seminary offering one or more professional programs.

Resident-based instruction—A course or series of courses or programs offered by a postsecondary educational institution and taught by faculty at a specific physical location where students physically attend the courses or programs.

School Code—The Public School Code of 1949 (24 P. S. §§ 1-101—27-2702).

Seminary—An institution which offers one or more professional programs to candidates for the priesthood, ministry or rabbinate.

Specialized associate degree program—A program culminating in an occupational degree, either an ASB degree or AST degree, that is designed to prepare a student for employment in an area requiring specialized instruction beyond secondary education.

State-aided status—Classification of a nonprofit institution which is legally authorized to grant degrees; offers needed, specified higher education services in the public interest of the Commonwealth; and receives a direct Commonwealth appropriation.

State-related status—Classification of a nonprofit institution which is legally authorized to grant degrees; offers needed, specified higher education services in the public interest of the Commonwealth; is statutorily established as an instrumentality of the Commonwealth; and receives a direct annual Commonwealth appropriation.

State System—Classification of universities established under Article XX-A of the School Code (24 P. S. §§ 20-2001-A—20-2019-A).

State System status—Classification of a nonprofit institution which is legally authorized to grant degrees; offers needed, specified higher education services in the public interest of the Commonwealth; and receives a direct annual Commonwealth appropriation.

Two-year college—An institution that offers full 2-year postsecondary educational programs culminating with associate degrees. A 2-year college also may offer upper-division programs not culminating in a baccalaureate degree when it has the appropriate approval under Chapter 42.

University—A multiunit institution with a complex structure and diverse educational functions, including instruction, promotion of scholarship, preservation and discovery of knowledge, research and service. A university meets the following criteria:

- (i) Consists of a minimum of three units.
 - (A) The first unit provides for study of the arts and sciences at the undergraduate level.
 - (B) The second unit provides advanced degree programs through the doctorate in the arts and sciences, with an adequate number of majors in the various disciplines.
 - (C) The third unit provides a minimum of five professional programs at the graduate level.
- (ii) Has a broad foundation in the arts and sciences, which is instilled in the philosophy and implementation of the undergraduate and graduate education curriculum.
- (iii) Provides access to cultural facilities and opportunities to the community and utilizes similar assets of the community.

Vocational education—Programs which provide an organized process of learning experience designed to develop skills, knowledge, attitudes, work habits and leadership skills for entry into and advancement within various levels of employment in current or emerging occupational areas.

Authority

The provisions of this § 31.2 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369); sections 5 and 9 of the Indiana University of Pennsylvania Act (24 P. S. §§ 2510-105 and 2510-109); and sections 2002-A and 2421 of the Public School Code of 1949 (24 P. S. §§ 20-2002-A and 24-2421); amended under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.2 adopted March 14, 1969; amended April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended June 17, 1984, effective September 1, 1984, 14 Pa.B. 2057; amended May 23, 1986, effective May 24, 1986, 16 Pa.B. 1808; amended January 29, 1988, effective January 30, 1988, 18 Pa.B. 455; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650. Immediately preceding text appears at serial pages (307728), (244523) to (244524) and (252453) to (252454).

Notes of Decisions

As the Department of Transportation failed to prove that Carnegie Mellon University was a “state-aided” university, a campus police officer was not defined as a “police officer” with legal authority to make an arrest of a motorist. Therefore, the 1 year suspension of operating privileges by the Department due to the refusal to submit to chemical testing requested by said campus police officer was improper. *Snyder v. Commonwealth*, 640 A.2d 490 (Pa. Cmwlth. 1994).

Cross References

This section cited in 22 Pa. Code § 31.1 (relating to purpose and scope); 22 Pa. Code § 36.2 (relating to corporate commitment); and 22 Pa. Code § 40.51 (relating to approval of an independent junior college, college, university or foreign corporation).

§ 31.3. [Reserved].**Source**

The provisions of this § 31.3 adopted March 14, 1969; reserved April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389. Immediately preceding text appears at serial page (19630).

§ 31.4. [Reserved].**Source**

The provisions of this § 31.4 adopted March 14, 1969; reserved April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389. Immediately preceding text appears at serial page (19630).

§ 31.5. [Reserved].**Source**

The provisions of this § 31.5 adopted March 14, 1969; reserved April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389. Immediately preceding text appears at serial page (19630).

§ 31.6. Information.

(a) To plan for the orderly development of postsecondary education in this Commonwealth and to comply with Federal and State information needs and reporting requirements, the Department will from time to time request information from postsecondary institutions regarding students, faculty and staff, programs, degrees, tuition and other student charges, finances, structure and governance.

(b) In seeking the information under subsection (a), the Department will be sensitive to other data reporting requirements of institutions and will attempt to minimize the time, resources and paperwork required to comply.

(c) Postsecondary institutions shall comply with information reporting requirements of the Department under this section.

Authority

The provisions of this § 31.6 issued under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.6 adopted February 7, 1992, effective February 8, 1992, 22 Pa.B. 578.

Cross References

This section cited in 22 Pa. Code § 31.1 (relating to scope).

GOVERNANCE**§ 31.11. Private initiative.**

The principle of local control and private initiative shall be supported in the administration of the institution, except that the administration of the institution shall be in accordance with applicable Board regulations in this subpart and standards which may from time to time be approved by the Board and established by the Department.

Authority

The provisions of this § 31.11 amended under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.11 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578. Immediately preceding text appears at serial page (123862).

§ 31.12. President and board or council of trustees.

(a) For an institution, the minimum and maximum number of trustees shall be stated in the articles of incorporation of the institution. The composition, selection, term of office, and the like, of the board or council of trustees shall be stated in the bylaws of the corporation. The composition of the board or council must include members of the professions, business, industry and other organizations or lay persons. The board of trustees shall have as its main function the legal operation of the institution. The primary areas of responsibility of the board are:

- (1) Formulation of basic institutional policy.
- (2) Selection of the president and maintenance of constructive relationships with the president and the administrative staff.
- (3) Conservation, use and development of the resources of the institution.

(b) For a State System university subject to the authority of the Board of Governors, the chancellor, the president, together with the council of trustees, shall give overall policy direction to the institution. The president shall administer and manage the institution under Article XX-A of the School Code (24 P. S. §§ 20-2001-A—20-2019-A).

Authority

The provisions of the § 31.12 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369); sections 5 and 9 of the Indiana University of Pennsylvania Act (24 P. S. §§ 2510-105 and 2510-109); and sections 2002-A, 2421 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 20-2002-A, 24-2421 and 26-2603-B).

Source

The provisions of this § 31.12 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended May 23, 1986, effective May 24, 1986, 16 Pa.B. 1808; amended January 29, 1988, effective January 30, 1988, 18 Pa.B. 455; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650. Immediately preceding text appears at serial pages (244527) to (244528).

Cross References

This section cited in 22 Pa. Code § 40.11 (relating to mission and governance).

§ 31.13. Administrative organization.

(a) The administrative organization of the institution should reflect the relationships among appropriate constituent groups and indicate their involvement in the institution's governance. Institutional charts shall be maintained which show the structure of administrative organization.

(b) Policies relating to the organization of the institution must indicate the groups within the institution responsible for the policy development and implementation. Copies of the policies shall be available for distribution to constituent groups.

(c) For a State System university appropriate provisions of the School Code, The Administrative Code of 1929 (71 P. S. §§ 51—732), and policies of the Board of Governors shall apply to administrative organization and supervision.

Authority

The provisions of this § 31.13 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369); sections 5 and 9 of the Indiana University of Pennsylvania Act (24 P. S. §§ 2510-105 and 2510-109); and sections 2002-A and 2421 of the Public School Code of 1949 (24 P. S. §§ 20-2002-A and 24-2421); amended under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.13 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended May 23, 1986, effective May 24, 1986, 16 Pa.B. 1808; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650. Immediately preceding text appears at serial page (244528) to (244529).

Cross References

This section cited in 22 Pa. Code § 40.11 (relating to mission and governance).

§ 31.14. Financial records.

(a) The budget of an institution must provide for necessary expenditures, including library and learning resources, faculty, student services, noninstructional staff and other operating costs.

(b) For a university having State System status, the following apply:

- (1) Financial records shall be maintained which are in accordance with generally accepted accounting principles and procedures for educational institutions.
- (2) Records shall be audited as provided by Article XX-A of the School Code (24 P. S. §§ 20-2001-A—20-2019-A).
- (c) For an institution having State-related or State-aided status, the following shall apply:
 - (1) Financial records shall be maintained which are in accordance with generally accepted accounting principles and procedures for educational institutions. The institution shall apply State appropriated moneys only for the purposes as are permitted in the applicable appropriation act and shall at all times maintain proper records showing the application of the moneys.
 - (2) After the close of the fiscal year and in accordance with the provisions of an applicable statute or appropriation act, the institution shall file with the Secretary and the Auditor General of the Commonwealth a statement setting forth the amounts and purposes of all expenditures made during the fiscal year. If there is no applicable provision in a statute or appropriation act, then the statement shall be filed not later than 120 days after the close of the fiscal year. The Auditor General shall have the right to review expenditures and to audit the expenditures made from appropriated moneys.
- (d) For an institution having independent status, financial records shall be maintained which are in accordance with generally accepted accounting principles and procedures for educational institutions. For business (for-profit) corporations offering academic programs leading to an academic degree, the financial records shall be maintained separately for the portion of the corporation constituting the Pennsylvania institution offering the academic programs. The financial records for for-profit corporations must show that the required minimum protective endowment of \$500,000 is maintained.
- (e) For an institution having licensed status and approval for at least one specialized associate degree program, financial records shall include a detailed statement covering the past 3 fiscal years or statements which the institution has submitted to the Internal Revenue Service for the past 3 fiscal years.
- (f) For an institution having foreign corporation status, separate financial records shall be maintained for each enterprise operating in this Commonwealth and shall be in accordance with generally accepted accounting principles and procedures for educational institutions.
- (g) For CECs, funding is allocated through an annual grant award. Financial and performance reporting requirements of the Department are specified in the annual contract. The Department will provide oversight of the expenditures and activities undertaken by the community education councils during the grant period. The CECs shall maintain records, documents and files so that they will be available for inspection for a period specified in the grant agreement.

Authority

The provisions of the § 31.14 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369); sections 5 and 9 of the Indiana University of Pennsylvania Act (24 P. S. §§ 2510-105 and 2510-109); sections 2002-A and 2421 of the Public School Code of 1949 (24 P. S. §§ 20-2002-A and 24-2421); amended under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.14 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended May 23, 1986, effective May 24, 1986, 16 Pa.B. 1808; amended January 29, 1988, effective January 30, 1988, 18 Pa.B. 455; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650. Immediately preceding text appears at serial pages (244529) to (244530).

Cross References

This section cited in 22 Pa. Code § 40.11 (relating to mission and governance); 22 Pa. Code § 40.26 (relating to agreements); and 22 Pa. Code § 40.33 (relating to agreements).

ACADEMIC PROGRAM**§ 31.21. Curricula.**

(a) The curricula must provide the opportunity for the achievement of the stated objectives of the institution, as related to its statement of philosophy and mission, and must be structured in a group of coherent, integrated degree programs.

(b) Degree requirements stated in this section may be stated in terms of semester credit hours or quarter credit hours, as determined by the institution and conforming to generally accepted academic practices. General education, as defined in this section, refers to the curricular inclusion of humanities, arts, communications, social sciences, mathematics, technology and science courses in support of the mission of the institution. A semester credit hour represents a unit of curricular material that normally can be taught in a minimum of 14 hours of classroom instruction, plus appropriate outside preparation or the equivalent as determined by the faculty. A quarter credit hour represents a unit of curricular material that normally can be taught in a minimum of 10 hours of classroom instruction, plus appropriate outside preparation or the equivalent as determined by the faculty.

(1) An associate degree exclusive of a specialized associate degree must require the satisfactory completion of a minimum of 60 semester credit hours, which includes a minimum of 20 semester credit hours of general education, or a minimum of 90 quarter credit hours, which must include a minimum of 30 quarter credit hours of general education.

(2) A specialized associate degree must require the satisfactory completion of at least 60 semester credit hours or a minimum of 1,500 clock hours or a

minimum of 90 quarter credit hours. At least 70%, but no more than 80%, of the program must consist of specialized instruction that bears directly upon the employment objectives of the program; and at least 20% of the program must consist of general education.

(3) A baccalaureate degree must require the satisfactory completion of a minimum of 120 semester credit hours or a minimum of 180 quarter credits. Of the total baccalaureate degree program course requirements, at least 40 semester credit hours or 60 quarter credit hours must be in general education and represent a broad spectrum of disciplines in general education.

(4) A first professional degree, except those for the preparation of professional educators, must require the satisfactory completion of a minimum of 60 semester credit hours or 90 quarter credit hours for admission to the degree program and the satisfactory completion of a total minimum of 150 semester credit hours or 225 quarter credit hours for the program. Professional educator preparation programs must comply with Chapter 354 (relating to preparation of professional educators).

(5) A master's degree must require the satisfactory completion of a minimum of 30 semester credit hours or 45 quarter credit hours beyond the baccalaureate level.

(6) The number of semester or quarter credit hours for a degree beyond a first professional or master's degree shall be determined by the faculty and reflect the recommendations of professional associations or National learned societies.

(c) An institution may enter into agreements with other institutions, individuals or other providers of educational services to provide all or part of certain programs on behalf of the institution. A course offered for institutional credit shall be operated directly by or under the control of the institution granting the credit.

(d) To assure academic integrity, an institution shall provide students in a distance education program access to academic and student services, including textbooks, study guides, library and other learning resources, personal interaction with faculty, tutors or other educational personnel by computer, telephone, mail or face-to-face meetings. The institution shall assure integrity of student work and provide opportunity for student assessment. These programs must comply with the regulations that apply to resident-based programs as prescribed in this chapter and Chapters 35, 36, 40 and 42 and conform to generally accepted academic practices for delivery of instruction through distance education.

Authority

The provisions of this § 31.21 amended under the Public School Code of 1949 (24 P. S. §§ 1-101—27-2702); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.21 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended January 29, 1988, effective January 30, 1988, 18 Pa.B. 455; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650; amended May 3, 2013, effective May 4, 2013, 43 Pa.B. 2436. Immediately preceding text appears at serial pages (320325) to (320327).

Cross References

This section cited in 22 Pa. Code § 31.1 (relating to purpose and scope); 22 Pa. Code § 31.22 (relating to academic year); 22 Pa. Code § 31.33 (relating to student records and services); and 22 Pa. Code § 403.2 (relating to definitions).

§ 31.22. Academic year.

(a) An academic year shall consist of instructional sessions for a minimum of 28 weeks exclusive of registration, examinations and holidays.

(b) An innovative calendar arrangement of less than 28 weeks shall be permitted provided that credits and degrees awarded under the arrangement satisfy the minimum requirements as specified in § 31.21 (relating to curricula).

Source

The provisions of this § 31.22 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

§ 31.23. Program database.

(a) Periodically, the Department will provide to each institution a copy of the institution's complete list of degree and certificate programs as contained in the Department's program database. The institution shall verify the list or correct or amend it by indicating additions, deletions or changes and return the copy to the Department by the requested date.

(b) In addition to the requirements of subsection (a), if an institution adds, deletes or changes a program as listed in the Department's program database, the institution shall report the addition, deletion or change to the Department when it becomes effective.

Authority

The provisions of this § 31.23 amended under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.23 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650. Immediately preceding text appears at serial page (295070).

Cross References

This section cited in 22 Pa. Code § 31.1 (relating to purpose and scope).

§ 31.24. Faculty.

(a) To provide for the achievement of stated institutional objectives, the faculty shall be sufficient in number to meet instructional needs and provide student advisement appropriate to the level of instruction.

(b) Both full-time and part-time faculty members shall be employed and qualified to teach in their fields of specialization. At a college or university, a majority of the faculty members shall hold a master's degree or a doctorate or an equivalent, in the field in which they are teaching. Faculty members offering graduate and professional instruction shall, in most instances, have experience or professional accomplishment supplementing the attainment of the highest degree.

(c) Full-time faculty members shall constitute a majority of the total number of full-time-equivalent faculty employed by the institution. Care shall be taken to ensure that total commitments of part-time faculty do not impair the quality of the program.

(d) Faculty development must be in accordance with the institution's faculty development plan. The institution's faculty development plan must include policies for providing levels of support for all faculty ranks and status levels. The institution should encourage publication, travel, attendance at professional seminars and conferences, research and similar developmental activities when feasible by the granting of reduced teaching loads, the purchase of needed equipment, and the granting of or assistance in obtaining needed funds.

(e) Each institution of higher education operating in this Commonwealth shall comply with the English Fluency in Higher Education Act (24 P. S. §§ 6801—6806), by filing the certification required by the act by September 1 of each year in the form requested by the Department. Failure to comply with the act and with this subsection shall subject the institution to the penalties under the act.

Authority

The provisions of this § 31.24 amended under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.24 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650. Immediately preceding text appears at serial pages (295070) and (244533).

Cross References

This section cited in 22 Pa. Code § 31.1 (relating to purpose and scope).

§ 31.25. Teaching load.

(a) The teaching load shall be arranged so that the faculty member, in addition to normal instructional responsibilities, shall participate, as appropriate, in cooperative academic planning and the performance of student advisement functions necessary in the institution.

(b) The teaching load of faculty members offering graduate instruction shall further allow adequate time for involvement in research, scholarly endeavors and thesis supervision.

Source

The provisions of this § 31.25 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

§ 31.26. Research.

The research program of an institution offering graduate instruction shall be manifested in sponsored, institutional and individual faculty research. The institution shall vigorously and actively support and encourage both the basic and applied research activities of graduate faculty members and graduate students.

Source

The provisions of this § 31.26 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

ADMISSIONS AND STUDENT SERVICES**§ 31.31. Admissions requirements.**

(a) Published admissions standards shall be so structured that they result in the selection, admission and retention of those qualified to accomplish work at the level at which the program is offered.

(b) Admission to undergraduate or advanced degree programs shall require a high school diploma or its equivalent.

(c) For graduate programs, institutions shall establish appropriate maximum periods of candidacy so that time spent in pursuit of a graduate degree may not be unduly prolonged.

Source

The provisions of this § 31.31 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

Cross References

This section cited in 22 Pa. Code § 36.6 (relating to admissions requirements).

§ 31.32. Catalog and announcements.

(a) An institution's current catalog and official publications, as appropriate, must describe accurately the institution's policies, including the institution's policy of nondiscrimination, grievance procedures, regulations and programs affecting students, and include the academic expectations and responsibilities of students.

(b) The catalog shall make explicit tuition costs and fees for which students will be charged and shall include a statement of the institution's refund policy.

(c) Each institution shall file its current official catalog with the Department in print or electronic format.

(d) Each institution shall provide each student a copy of the current catalog, in print or electronic form, upon enrollment.

Authority

The provisions of this § 31.32 amended under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.32 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended January 29, 1988, effective January 30, 1988, 18 Pa.B. 455; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650. Immediately preceding text appears at serial page (244534).

Cross References

This section cited in 22 Pa. Code § 40.42 (relating to evaluation for approval as a junior college, college or university).

§ 31.33. Student records and services.

(a) An academic record, including credits or courses completed under § 31.21 (relating to curricula) and grades earned, shall be maintained on a current transcript for each student. Institutions shall adopt a plan for the collection, maintenance and dissemination of student academic, counseling, health and other records. Copies of the plan shall be maintained by the institution and updated periodically to ensure compliance with all Federal, State and local laws. The plan for student records must conform to applicable Federal, State and local laws, regulations and directives identified in guidelines issued by the Department. Student records shall be maintained in a readily accessible format. Appropriate standards of confidentiality for the records shall be defined in the college policies and official publications and administered accordingly. Students shall be granted the right of access, under the requirements of law, to their official records.

(b) There shall be a program of student services to provide for the following:

- (1) Health protection and emergency health care.
- (2) Personal, social and academic counseling.
- (3) Remedial or developmental programs, when required, for adjustment to collegiate demands.
- (4) Career counseling, follow-up services for graduates and professional placement.
- (5) Financial aid and orientation programs.
- (6) Student activities, extracurricular programs and recreational programs.

(7) Reasonable accommodation for students with special needs in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213) and with 34 Pa. Code Chapter 47, Subchapter D (relating to facilities for handicapped).

Authority

The provisions of this § 31.33 amended under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.33 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended January 29, 1988, effective January 30, 1988, 18 Pa.B. 455; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650. Immediately preceding text appears at serial pages (244534) to (244535).

Cross References

This section cited in 22 Pa. Code § 31.72 (relating to obligations).

§ 31.34. Credit card marketing.

Each institution of higher education shall establish a policy that regulates the marketing of credit cards on campus in accordance with Article XXIII-A of the School Code (24 P. S. §§ 23-2301-A—23-2303-A).

Authority

The provisions of this § 31.34 issued under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

Source

The provisions of this § 31.34 adopted July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650.

FACILITIES

§ 31.41. Library and learning resources.

(a) An institution shall maintain adequate library and learning resources for all programs offered. The adequacy shall be determined by the appropriateness of print, electronic and other collections for the achievement of the stated objectives of the institution, as related to its statement of philosophy and mission.

(b) An institution developing or offering graduate instruction shall maintain for each program a variety and depth of needed specialized material, including planned library expansion as necessary with suitable commitment of institutional funds. The library shall be adequate to provide a base for the research activities of both graduate faculty members and graduate students.

(c) Institutional consideration shall be given to cooperative endeavors among institutions for the purpose of sharing library collections, to computerized library information retrieval systems, and to the proximity of other educational libraries when a harmonious relationship can be developed and demonstrated as functional. The sharing arrangements shall be used only to supplement the basic library services provided by the institution.

Authority

The provisions of this § 31.41 amended under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.41 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650. Immediately preceding text appears at serial pages (244535) to (244536).

§ 31.42. Laboratories.

(a) Laboratories shall be equipped for work on the part of each student to the extent required to meet the educational objectives of the curriculum.

(b) Financial support for laboratories shall be sufficient to provide the necessary experimentation and demonstration equipment appropriate to the level of the programs offered.

(c) At an institution developing or offering graduate instruction, laboratories shall further be sufficient to provide the faculty with opportunities for experimentation, research and instruction.

Source

The provisions of this § 31.42 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

§ 31.43. Buildings and equipment.

Classrooms, laboratories, faculty offices, related academic buildings, student living facilities and recreational facilities are governed by 34 Pa. Code Chapter 47, Subchapter D (relating to Department of Labor and Industry—miscellaneous provisions—facilities for handicapped), and Chapters 49—59 and must be adequate to provide an integrated academic and nonacademic program consistent with the stated objectives of the institution as related to its statements of philosophy, mission and need.

Authority

The provisions of this § 31.43 amended under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.43 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650. Immediately preceding text appears at serial page (244536).

MAINTENANCE OF QUALITY**§ 31.51. Academic program audit.**

An institution shall conduct a rotating audit of academic programs so that each program is audited at least every 5 years to determine whether the program should be continued, revised or discontinued in accordance with the need for the program and the stated objectives of the institution as related to its statement of philosophy and mission. The procedures utilized by an institution for its academic audit and the results of its most recent audit shall be submitted to the Department on request.

Source

The provisions of this § 31.51 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended January 29, 1988, effective January 30, 1988, 18 Pa.B. 455; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578. Immediately preceding text appears at serial page (123871).

§ 31.52. Accreditation.

(a) Institutions which grant degrees, including private licensed schools which grant specialized associate degrees under §§ 42.11—42.14 (relating to specialized associate degree programs approval procedure), shall maintain total institutional accreditation from appropriate accrediting agencies recognized by the Federal Government and acceptable to the Department and the Board. An institution failing to maintain total institutional accreditation shall be subject to proceedings under § 40.51(b), § 40.53(b) or § 42.14 (relating to approval of an independent junior college, college, university or foreign corporation; approval of State System, State-related or State-aided status; and revocation of the degree-granting privilege).

(b) Except for specialized associate degree-granting institutions, new institutions approved to offer degrees shall have 3 years after commencing operations to obtain candidacy status for total institutional accreditation.

(c) Notwithstanding the requirements of subsection (a), a seminary which chooses for religious reasons not to obtain total institutional accreditation from an appropriate accrediting agency as indicated in subsection (a) will be evaluated by the Department on a scheduled 5-year cycle. Documentation necessary for the evaluation shall be submitted to the Department prior to the scheduled evaluation.

Authority

The provisions of this § 31.52 amended under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.52 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650. Immediately preceding text appears at serial pages (244537) to (244538).

Cross References

This section cited in 22 Pa. Code § 31.1 (relating to purpose and scope); and 22 Pa. Code § 32.3 (relating to assurances).

§ 31.53. Visitation.

In order to assure the maintenance of the quality of institutions, the institution shall be subject to visitation and inspection by the Department and action, when appropriate, as specified in §§ 40.51(b) and 40.53(b) (relating to approval of an independent junior college, college, university or foreign corporation; and approval of State System, State-related or State-aided status).

Authority

The provisions of this § 31.53 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369); sections 5 and 9 of the Indiana University of Pennsylvania Act (24 P. S. §§ 2510-105 and 2510-109); and sections 2002-A and 2421 of the Public School Code of 1949 (24 P. S. §§ 20-2002-A and 24-2421).

Source

The provisions of this § 31.53 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended May 23, 1986, effective May 24, 1986, 16 Pa.B. 1808. Immediately preceding text appears at serial page (69399).

HONORARY DEGREES**§ 31.61. Restrictions.**

(a) No degree given in course by an institution of postsecondary education in this Commonwealth legally authorized to grant degrees may be given as an honorary degree.

(b) Honorary degrees may not be awarded to active board of trustee members, administrators or faculty members except in extraordinary cases meriting special consideration. Honorary degrees should not be awarded to former trustees, administrators or faculty members until at least 1/2 year after association with the institution has elapsed. The institution shall use discretion in the number of honorary degrees awarded at any one ceremony or in 1 academic year.

Source

The provisions of this § 31.61 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389.

Cross References

This section cited in 22 Pa. Code § 31.1 (relating to purpose and scope).

§ 31.62. Approval procedure.

(a) An institution that desires to award honorary degrees and does not have legal authorization allowing this privilege may petition the Secretary for approval to award the degrees. In the petition, the institution shall set forth the degrees to be awarded and the procedures for the selection of candidates and be prepared to support awards of honorary degrees on the basis of meritorious service to mankind.

(b) An institution approved to award honorary degrees under subsection (a) is not required to submit complete petitions to award additional honorary degrees, but shall apply to the Secretary to be permitted to award types of honorary degrees not previously approved.

Authority

The provisions of this § 31.62 amended under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.62 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650. Immediately preceding text appears at serial page (244539).

Cross References

This section cited in 22 Pa. Code § 31.1 (relating to purpose and scope); and 22 Pa. Code § 31.63 (relating to revocation).

§ 31.63. Revocation.

Abuse of the privilege granted under § 31.62 (relating to approval procedure) shall be cause for the Secretary to revoke honorary degree-granting privileges after investigation and appropriate hearing as provided in 24 Pa.C.S. § 6506 (relating to visitation of institutions and revocation of authority).

Authority

The provisions of this § 31.63 amended under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.63 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578. Immediately preceding text appears at serial page (135551).

Cross References

This section cited in 22 Pa. Code § 31.1 (relating to purpose and scope).

MAJOR CORPORATE CHANGE**§ 31.71. Notification.**

An institution, whether or not chartered in this Commonwealth, proposing to discontinue operation for a temporary period other than a customary vacation period, or considering some form of major corporate change, shall notify the Department in writing of its intent immediately after its board or council of trustees or directors has approved the temporary closing or the major corporate change.

Source

The provisions of this § 31.71 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended January 29, 1988, effective January 30, 1988, 18 Pa.B. 455. Immediately preceding text appears at serial page (108446).

Cross References

This section cited in 22 Pa. Code § 31.1 (relating to purpose and scope); and 22 Pa. Code § 36.8 (relating to evaluation and approval).

§ 31.72. Obligations.

The institution shall work with the Department to ensure the following, if necessitated by the corporate change:

- (1) Students near graduation at the time of closing may complete their graduation requirements at other institutions and receive their degrees.
- (2) Students needing to transfer to other institutions are able to do so in the most effective manner.
- (3) The academic records of students under § 31.33 (relating to student records and services) are completed and in good order.
- (4) By the time of closing, student academic records shall have been converted to a usable and retrievable form and placed with a readily accessible depository.
- (5) The students and alumni have been notified of the location of their permanent records.
- (6) By the time of closing, institutional records, such as faculty and administration employment and personnel records, records of contributions to the institution for verification for Internal Revenue Service purposes, trustee minutes and other corporate records as deemed necessary shall have been converted to a usable and retrievable form and placed with a readily accessible depository.
- (7) A plan for the distribution of the institution's assets has been prepared and, when necessary, contact has been made with the appropriate court.
- (8) The institution's legal authorization to award college credits or grant degrees is revoked.

(9) Applicable statutes found at 15 Pa.C.S. Part II, Subpart B (relating to Business Corporation Law of 1988) or Subpart C (relating to Nonprofit Corporation Law of 1988); section 2601-H of the School Code (24 P. S. § 26-2601-H); and 24 Pa.C.S. Chapter 65 (relating to private colleges, universities and seminaries), regarding the type of corporate change being effected have been addressed.

Authority

The provisions of this § 31.72 amended under sections 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 26-2603-B and 26-2604-B); and section 1 of the act of August 13, 1963 (P. L. 698, No. 372) (24 P. S. § 2421) (Repealed).

Source

The provisions of this § 31.72 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; amended January 29, 1988, effective January 30, 1988, 18 Pa.B. 455; amended February 7, 1992, effective February 8, 1992, 22 Pa.B. 578; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3650. Immediately preceding text appears at serial pages (244540) to (244541).

Cross References

This section cited in 22 Pa. Code § 31.1 (relating to purpose and scope); 22 Pa. Code § 36.8 (relating to evaluation and approval); and 22 Pa. Code § 40.54 (relating to approval of a closed institution to reopen).

§ 31.81. [Reserved].

Source

The provisions of this § 31.81 adopted April 30, 1982, effective May 1, 1982, 12 Pa.B. 1389; reserved January 29, 1988, effective January 30, 1988, 18 Pa.B. 455. Immediately preceding text appears at serial page (108447).

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