



Objections

Guidance Issued October 1, 2020

Four Criteria

1. Inconsistency of the proposed program with the institution's approved mission
2. Not meeting a regional or Statewide need consistent with the State Plan
3. Unreasonable program duplication which would cause demonstrable harm to another institution
4. Violation of the State's equal educational opportunity obligations under State and federal law

Inconsistency with institutional mission

Not meeting regional or statewide need

Duplication that would cause demonstrable harm

Violation of equal educational opportunity obligations

“Justified Objection”

...be based on one of the four criteria.

...be accompanied by detailed data and information supporting the reasons for the objection.

Guidance in 2020 was provided.

A justified objection is different from the duplication analysis.

1.1 Background

Inconsistency with institutional mission

Not meeting regional or statewide need

Duplication that would cause demonstrable harm

Violation of equal educational opportunity obligations

COMAR 13B.02.03.07 requires that a proposed program be central to the institution's mission. The proposed program must be:

- ✓ related to the program emphasis as outlined in the mission statement,
- ✓ be an institutional priority for program development consistent with the institution's strategic planning process, and
- ✓ be adequately funded for at least the first 5 years of program implementation.

1.2 Evidence

Inconsistency with institutional mission

Not meeting regional or statewide need

Duplication that would cause demonstrable harm

Violation of equal educational opportunity obligations

- ❑ Information that argues that the proposed program is not central to the proposing institution's mission, including specific information regarding existing and current institutional strategic planning related to academic program development and expansion.

2.1 Background (1 of 2)

Inconsistency with institutional mission

Not meeting regional or statewide need

Duplication that would cause demonstrable harm

Violation of equal educational opportunity obligations

COMAR 13B.02.03.08 provides the criteria for a program proposal to demonstrate need. Four kinds of needs may be considered:

1. The need for the advancement and evolution of knowledge.
2. Societal needs, including expanding educational opportunities and choices for minority and educationally disadvantaged students at institutions of higher education.
3. Occupational and professional needs relative to upgrading vocational/technical skills or meeting job market requirements.
4. The need to strengthen and expand the capacity of historically black institutions to provide high quality and unique educational programs.

2.1 Background (2 of 2)

Inconsistency with institutional mission

Not meeting regional or statewide need

Duplication that would cause demonstrable harm

Violation of equal educational opportunity obligations

Market demand can be an indicator of regional or Statewide need, as measured by:

- ✓ Employment projections prepared by the Maryland Department of Labor, Bureau of Labor Statistics, Census Data, and the Maryland Department of Commerce, as well as professional and trade associations and other regulatory agencies or entities (e.g., Maryland Department of Health, program accreditors)
- ✓ Market surveys that clearly provide quantifiable and reliable data from prospective employers on the educational and training needs and the anticipated number of vacancies expected over the next 5 years
- ✓ Data showing the current and projected supply of prospective graduates

2.2 Evidence (1 of 2)

Inconsistency with institutional mission

Not meeting regional or statewide need

Duplication that would cause demonstrable harm

Violation of equal educational opportunity obligations

- Evidence that existing programs meet the regional or Statewide need. Title, degree level, and HEGIS and CIP codes for existing programs must be included.
- Evidence that there is no need for the advancement and evolution of knowledge in the domain or field of study related to the proposed program.
- Evidence that there is no societal need for the proposed program.
- Evidence that the proposed program does not expand educational opportunities and choices for minority and educationally disadvantaged students at institutions of higher education.

2.2 Evidence (2 of 2)

Inconsistency with institutional mission

Not meeting regional or statewide need

Duplication that would cause demonstrable harm

Violation of equal educational opportunity obligations

- Evidence that the proposed program does not meet occupational and professional needs relative to upgrading vocational/technical skills or meeting job market requirements.
- Evidence that the proposed program does not strengthen and expand the capacity of historically black institutions to provide high quality and unique educational programs.
- Evidence that there is stable or declining employment growth for graduates for the proposed program.
- Evidence that there is no supply of prospective graduates for the proposed.

3.1 Background

Inconsistency with institutional mission

Not meeting regional or statewide need

Duplication that would cause demonstrable harm

Violation of equal educational opportunity obligations

COMAR 13B.02.03.09 provides the requirements for determining program duplication.

- Ordinarily, proposed programs in undergraduate core programs consisting of basic liberal arts and sciences disciplines are not considered unnecessarily duplicative.
- Unreasonable duplication is a more specific concern in vocational/technical, occupational, graduate, and professional programs which meet special manpower needs.
- “Unreasonable” and “unnecessary” are used interchangeably.

3.2 Evidence (1 of 4)

Inconsistency with institutional mission

Not meeting regional or statewide need

Duplication that would cause demonstrable harm

Violation of equal educational opportunity obligations

- Evidence that there is an existing program with similar curriculum and program objectives. The title of the program, degree level, area of specialization (if applicable), and HEGIS and CIP code must be provided in the objection.
- Evidence of current student enrollment in an existing program.
- Evidence that the purpose or objective of the proposed program is duplicative of an existing program.

3.2 Evidence (2 of 4)

Inconsistency with institutional mission

Not meeting regional or statewide need

Duplication that would cause demonstrable harm

Violation of equal educational opportunity obligations

- Evidence and thorough analysis that an existing program has similar curriculum and course offerings. A side-by-side comparison of courses and course objectives must be included in the objection.
- Evidence and analysis that existing program(s) currently meet market demand.
- Evidence that tuition costs (including fees), admission requirements, and graduation requirements of the proposed program is duplicative of an existing program.

3.2 Evidence (3 of 4)

Inconsistency with institutional mission

Not meeting regional or statewide need

Duplication that would cause demonstrable harm

Violation of equal educational opportunity obligations

- Evidence that the implementation of the proposed program would cause demonstrable harm to another institution. Demonstrable harm may include:
 - the transition of enrollment from one institution to another such that enrollment in an existing program would decline in light of the addition of a similar or duplicative program.
 - the saturation of experiential learning placement sites required by formal entities (e.g., accreditors, licensing boards) should a duplicative program be authorized.

3.2 Evidence (4 of 4)

Inconsistency with institutional mission

Not meeting regional or statewide need

Duplication that would cause demonstrable harm

Violation of equal educational opportunity obligations

- ☐ This evidence shall be substantiated on the basis that the proposed program to be offered is not unreasonably duplicative of existing programs in a specific geographically proximate location in the State.

4.1 Evidence

Inconsistency with institutional mission

Not meeting regional or statewide need

Duplication that would cause demonstrable harm

Violation of equal educational opportunity obligations

- Evidence that the proposed program excludes from participation in, denies the benefits of, or otherwise subjects to discrimination any of the State's citizens on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, disability, or genetic information.
- Evidence that the proposed program unnecessarily duplicates programs being offered at the State's Historically Black Colleges and Universities (HBCUs) absent a sound educational justification for the dual operation of broadly similar programs, or otherwise impacts the competitiveness of the State.

Justified Objection → Negotiations

- The Secretary may request additional information from the proposing or objecting institutions.
- If the Secretary determines that an objection is justified, the Secretary shall negotiate with the proposing institution's governing board and president, or designees, to modify the proposed program in order to resolve the objection.
- The Secretary may invite representatives of the objecting institution to any negotiations.

Pre-negotiations and Collaborations

- The proposing institution is expected to reach out to relevant institutions to resolve any potential conflicts *before* submitting a proposal to MHEC.
- An objecting institution is strongly encouraged to contact the proposing institution prior to submitting an objection to the MHEC to discuss the objection and concerns.
 - It is greatly beneficial when an objection letter includes potential resolutions (other than a denial of the program) for the proposing institution and the Secretary to consider.
- The institutions should discuss any opportunity for collaboration.

Comments v Objections

Institutions are also welcome to submit comments or a commentary regarding a proposed program. However, a comment letter will not be considered an objection. An objection letter must clearly state that the institution is objecting to the proposed program and which of the four criteria applies.

Comments and objections must be received within the 30-day circulation period. We will not consider comments or objections received outside of that timeframe.