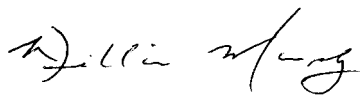


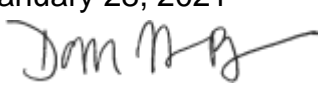
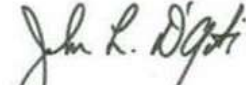



**TO:** Higher Education Committee

**FROM:** William P. Murphy 

**SUBJECT:** Proposed Amendment to Section 50.1(l) of the Regulations of the Commissioner of Education Relating to the Definition of "University"

**DATE:** January 28, 2021

**AUTHORIZATION(S):**   

#### **SUMMARY**

#### **Issue for Discussion**

Should the Board of Regents adopt the proposed amendment to Section 50.1(l) of the Regulations of the Commissioner of Education relating to the definition of "university"?

#### **Reason(s) for Consideration**

Review of Policy.

#### **Proposed Handling**

The proposed amendment will be presented to the Higher Education Committee for discussion at its February 2021 meeting. A copy of the proposed amendment is attached.

#### **Procedural History**

A Notice of Proposed Rule Making will be published in the State Register on February 24, 2021. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

#### **Background Information**

Use of the term "university" is generally restricted in New York State. See Education Law §224(1)(a); 8 NYCRR 3.29. In 1969, the Board of Regents adopted the current definition of "university" in section 50.1(l) of the Commissioner's regulations, and

only institutions of higher education that meet this definition are permitted to use the word “university” in the title of the institution:

*“University means a higher educational institution offering a range of registered undergraduate and graduate curricula in the liberal arts and sciences, degrees in two or more professional fields, and doctoral programs in at least three academic fields.”*

Over the last few years, several New York State colleges have requested that the Board of Regents consider revising the definition of “university” in New York State. Suggestions have ranged from broadening and clarifying which doctoral programs meet the current definition of “doctoral programs in at least three academic fields,” to eliminating the requirement for any doctoral programs, to revising the definition to state that any institution that offers at least one master’s degree program can use “university” in its name, etc. Colleges have raised several issues to support their request for a regulatory revision, including confusion caused by the word “college” when recruiting international students and the fact that other states have broader definitions of “university” and, in some cases, draw no distinction between “colleges” and “universities.”

At the November 2020 meeting of the Board of Regents, members of the Board expressed interest in considering a revision to the regulatory definition of “university” to address the issues raised by some colleges while, at the same time, maintaining the Board’s high standards for institutions of higher education. Members also expressed interest in receiving input on this matter from New York State institutions of higher education. The Department has received letters from several institutions that outline their continued interest in revising the current definition. Those letters are available upon request from the Secretary to the Board of Regents.

In developing its recommendation on this matter, the Department balanced the interests of institutions of higher education with the Regents’ interest in maintaining high standards and ensuring breadth and depth of academic offerings by institutions that use the word “university” in their names.

The Department recommends that the definition of “university” be amended to read as follows:

*“University means a higher educational institution offering a range of registered undergraduate and graduate curricula in the liberal arts and sciences and doctoral programs registered in at least three of the following discipline areas: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences, and social sciences.”*

To assure depth and breadth of academic offerings by a “university” in New York State, this proposed definition maintains the requirement for a range of undergraduate and graduate programs in the liberal arts and sciences, as well as a requirement for doctoral-

level programs in at least 3 of the 10 discipline areas used in the NYS Taxonomy of Academic Programs: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences, and social sciences. In response to requests from institutions, the revised definition clarifies that all doctoral degrees (e.g., D.N.P., Ed.D., Pharm.D., etc.), not just the Ph.D., could satisfy this definition. Consistent with the intent to broaden the definition, this proposal also eliminates the requirement for “degrees in two or more professional fields.”

This proposed definition provides an opportunity for those institutions that offer a broad range of academic programs – determined by both degree level and discipline area – to petition the Board of Regents to amend their charters to use the word “university” in their names.

### **Related Regents Items**

November 2020: Definition of “University” in New York State  
(<https://www.regents.nysed.gov/common/regents/files/1120hed1.pdf>)

May 2019: Definition of “University” in New York State  
(<https://www.regents.nysed.gov/common/regents/files/519hed5.pdf>)

### **Recommendation**

Not applicable.

### **Timetable for Implementation**

Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its June 2021 meeting. If adopted at the June 2021 meeting, the proposed amendment will become effective on June 23, 2021.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 201, 205, 207, 224, 250, 211, 215, 305, and 6506 of the Education Law.

Paragraph (l) of section 50.1 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(l) *University* means a higher educational institution offering a range of registered undergraduate and graduate curricula in the liberal arts and sciences[, degrees in two or more professional fields,] and doctoral programs registered in at least three [academic fields] of the following discipline areas: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences, and social sciences.