

STATE OF MAINE

20-A

CHAPTER 409

Sections 10701-10714

CHAPTER 409

DEGREE-GRANTING INSTITUTION

§ 10701. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Academic credit. “Academic credit” means credit hours or some equivalent measure which may be awarded and which are applicable toward a degree.

2. Coordinated program. “Coordinated program” means a course/program offered by an out-of-state institution in collaboration with a Maine degree-granting institution that has been approved by the State Board.

3. Degree. “Degree” means a document of achievement at the associate level or higher conferred by a postsecondary educational institutional authorized to confer that degree in its home state. It includes educational, academic, literary, or professional degrees. It also includes associate, baccalaureate, masters, certificate of advanced graduate studies, first professional, or doctoral degrees.

4. Educational institution. “Educational institution” means any person, partnership, board, association, institution, or corporation other than the University of Maine System, the Maine Community College System, and the Maine Maritime Academy that offers academic, educational, literary or professional courses or programs.

5. State Board. “State Board” means the Maine State Board of Education.

§ 10702. Use of name “college,” “community college” or “university”

An educational institution may use the term “college” or “university” in connection with its operation or use any other name, title or descriptive matter which might tend to indicate that it is an

institution of higher learning with the authority to confer degrees, only if it:

1. Temporary approval. Is operating under a license or certificate of temporary approval from the State Board in accordance with section 10703; or

2. Authorization. Has authorization to confer degrees in accordance with sections 10704 and 10704-A.

§ 10703. Temporary approval to use the name “college,” “community college”, or university”

1. Power. The State Board may grant an applicant a certificate of temporary approval, permitting use of the term “college”, “community college”, or “university” in its name until the earlier of:

- A.** The expiration of the academic year; or
- B.** The applicant is authorized by the Legislature to grant degrees in accordance with the section 10704

2. Extensions and renewals. The State Board may extend or renew a certificate of temporary approval for not more than two years.

§ 10704. Initial authority to confer certain degrees

An educational institution may confer certain degrees if it has been granted initial authority under an Act of the Legislature.

§ 10704-A. Authority to confer additional degrees

An educational institution initially authorized by the Legislature to offer certain degrees under section 10704 may offer additional degrees with the approval of the State Board.

§ 10705. Course for Credit

An educational institution may offer courses or programs for academic credit leading to degree completion requirements only if:

1. Authority. It has been authorized under sections 10704 and 10704-A to grant degrees;

2. State Board authority. It has been given temporary authority by the State Board to use the name “college”, “community college”, or “university;” or

3. Out-of-state institution. It is:

- A.** Located outside the State of Maine; and
- B.** Authorized by the Maine State Board of Education to offer courses for academic

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credit leading to degree completion requirements.

§ 10706. Coordinated programs

An educational institution may offer courses or programs for academic credit which are coordinated with a Maine degree-granting educational institution and which have been approved by the State Board of Education.

§ 10707. Applications

1. Degree-granting authority. Applications for authority to grant degrees shall be made on application to the State Board on forms provided by the commissioner.

2. Temporary use of name. Applications for temporary State Board authority to use the name “college”, “community college” or “university shall be made to the State Board on forms provided by the commissioner.

3. Courses for academic credit. Applications by out-of-state educational institutions to offer courses for academic credit shall be made to the State Board on forms provided by the commissioner.

4. Coordinated programs. Applications by an out-of-state institution to offer coordinated programs shall be made to the State Board on forms provided by the commissioner.

5. Exempt status. Applications for exempt status under section 10708, subsection two, shall be made to the commissioner.

§ 10708. Exemptions.

This chapter does not apply to educational institutions which:

1. Prior to September 18, 1981. Have specific undergraduate and graduate levels of degree-granting authority granted to them by the Legislature or the State Board prior to September 18, 1981;

2. Federal reservations. Offer programs or courses which are conducted solely on a federal reservation over which the Federal Government has exclusive jurisdiction. The commissioner shall authorize exempt status under this subsection; and

3. Noncredit courses. Offer courses¹, or programs which do not carry academic credit.

§ 10709. Penalties.

Any educational institutions conferring degrees within the State or offering courses or programs within the State that carry academic credit without being authorized or approved to do so in accordance with this chapter is subject to a civil

penalty of not more than \$5,000, payable to the State, to be recovered in a civil action.

§ 10710. Rules.

The State Board shall, in accordance with section three, adopt rules necessary to carry out the purposes of this chapter.

§ 10711. Prohibition

The authority of an educational institution to confer degrees may not be sold, transferred, assigned or given as collateral. Any purported sale, transfer, assignment or encumbrance of this authority is void.

§ 10712. Termination of degree-granting authority

The authority of an educational institution to confer degrees terminates upon determination by the State Board that any of the following has occurred:

1. Discontinuance of instruction. The substantial discontinuance of instruction by the educational institution;

2. Sale of stock. The sale, exchange or other transfer of all or a substantial part of the voting stock of an educational institution;

3. Sale or lease of assets. The sale, exchange, lease or other transfer of all or a substantial part of the assets of an educational institution; or

4. Merger; consolidation; reorganization. The merger or consolidation of the educational institution with any other external entity; or the reorganization of the educational institution, including, but not limited to, reorganization in bankruptcy. This provision does not apply to the merger, consolidation or reorganization of internal program entities unique to the educational institution.

Upon termination of its degree-granting authority pursuant to this section, an educational institution may apply to the State Board pursuant to section 10703 for a certificate of temporary approval to use the term “college”, “community college”, or “university” in its name.

§ 10713. Investigations; hearings

1. Investigations. Whenever the State Board believes that an event, transaction or condition within the scope of section 10712 may have occurred or may exist, it may conduct an investigation which may include, but is not limited to, an examination of the educational institution by a visiting committee convened by the State Board for that purpose. As part of an investigation conducted under this subsection, the State Board of Education has the power to subpoena and examine under oath

educational institutions their trustees, directors, officers and employees, lenders, creditors and investors, together with their records, books and accounts. The State Board may also require the educational institution to provide other written information relevant to the subject matter of the investigation in the format prescribed by the State Board. The Superior Court has jurisdiction upon complaint filed by the State Board to enforce and subpoena or request for other written information issued under this subsection.

2. Hearings. Before making any of the determinations authorized by section 10712, the State Board shall give the educational institution an opportunity for a hearing pursuant to Title 5, chapter 375, subchapter IV.

§ 10714. Application; retroactivity

1. Application. Sections 10711 to 10713 apply to all educational institutions having degree-granting authority on or after the effective date of those sections, except that sections 10711 to 10713 do not apply to any educational institution if the action taken under those sections constitutes an impairment of contract that violates the United States Constitution, Article 1, Sections 10, Clause 1.

2. Retroactivity. Any transaction described in section 10711 or 10712 occurring on or after December 4, 1990, is subject to sections 10711 to 10713.