

**TITLE 95: NORTHERN MARIANAS COLLEGE BOARD OF REGENTS**

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**CHAPTER 95-20  
NORTHERN MARIANAS COLLEGE POLICIES**

**SUBCHAPTER 95-20.1  
GENERAL POLICIES**

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Subchapter Authority: PL 3-43 § 203(a) and (b) (repealed by PL 4-34 § 20); 3 CMC § 1316.

Subchapter History: \*Proposed 27 Com. Reg. 23982 (Feb. 17, 2005); \*Proposed 27 Com. Reg. 23838 (Jan. 17, 2005); \*Proposed 27 Com. Reg. 23864 (Jan. 17, 2005); Amdts Adopted 8 Com. Reg. 4221 (Apr. 18, 1986); 8 Com. Reg. Amdts Proposed 8 Com. Reg. 4171 (Jan. 17, 1986); Adopted 7 Com. Reg. 3974 (Sept. 16, 1985); Proposed 7 Com. Reg. 3879 (July 22, 1985); Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985); Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984); Adopted 6 Com. Reg. 2943 (July 16, 1984); Proposed 6 Com. Reg. 2736 (Apr. 15, 1984). \* These proposed regulations were not adopted.

Commission Comment: Executive Order No. 25 (effective March 12, 1981) revoked an earlier Executive Proclamation dated August 23, 1976, entitled "Proclamation Establishing the Northern Marianas Community College," and established the Northern Marianas Community College within the Department of Education under the control and supervision of the Board of Education, acting as a Board of Regents for the college. See Executive Order 25 § 1, reprinted at 3 Com. Reg. 1218 (Mar. 30, 1981). Executive Order 25 § 4(a) authorized the Board to establish rules, regulations, and policies for the operation of the college.

PL 3-43, a comprehensive revision of the CNMI education laws, took effect January 19, 1983. PL 3-43 § 105 repealed PL 1-8, tit. 1, ch. 14 and re-established the Northern Mariana College Board of Regents as a part of the Board of Education. See PL 1-8, tit. 1, ch. 14 (effective August 10, 1978) as repealed and reenacted by PL 3-43 (effective Jan. 19, 1983) (formerly codified at 1 CMC §§ 2281-2286); see also the commission comment to 3 CMC § 1101. PL 3-43 § 106 also repealed Executive Order 25.

PL 4-34 (effective March 28, 1985), the "Post-secondary Education Act of 1984," codified as amended at 3 CMC §§ 1301-1331, created the Northern Marianas College as a nonprofit public corporation, under the general control and direction of the Board of Regents of the Northern Marianas College. See 3 CMC § 1304; see also 3 CMC § 1311. PL 4-34 § 20 repealed former 1 CMC §§ 2281-2286. PL 4-34 § 19 provided for the transition of duties and policies from the Board of Education to the Board of Regents. 3 CMC § 1316 defines the duties of the Board of Regents and provides the Board the authority to adopt rules and regulations for the implementation of the act and its duties thereunder.

These regulations were formerly codified as Chapter 95-20. They were re-designated as Subchapter 95-20.1 upon the enactment of Subchapter 95-20.3 in 2006.

### **Part 001 - General Provisions**

[Reserved.]

### **Part 100 - Financial Information**

#### **§ 95-20.1-101 Tuition and Fees**

Tuition and fee schedules are subject to change. All required tuition and fees must be paid at the time of registration. Students in need of financial aid may be assisted through the financial aid program of the college, or in unusual cases by short term emergency

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loans if available.

(a) Tuition

Students enrolling for 15 credits or less will pay \$48.00 per credit hour. Students enrolling for more than 15 credit hours will pay the consolidated fee of \$720.00.

(b) Other Fees

(1) Registration	\$5.00	
(2) Late Registration	10.00	
(3) Course Activity Fees: Bowling, Scuba Diving, Swimming, Construction Trade/Computer, Agriculture	Variable	
(4) Student Activity Fees:		
(i) Full-time	5.00	
(ii) Part-time	\$.50/credit	
(5) Laboratory Fees (Science)	8.00	
(6) Graduation Fee (includes diploma, cap and gown rental)	20.00	
(7) Transcript Fee	2.00	
(8) Returned Check Charge	10.00	
(9) Credit by Examination	\$15.00	per semester hour
(10) College Catalog	2.00	
(11) Application for Admission	10.00	
(12) Audit (per credit)	23.00	

(c) Admission Fee

A fee of \$10.00 shall be paid at the time an application for admission to Northern Marianas College is submitted. This is a non-refundable fee. This fee includes one free copy of the catalog.

(d) Student Activity Fee

A student activity fee is charged according to this schedule: \$.50 per credit for part-time students; and \$5.00 full-time students.

(e) Late Registration Fee

There is a specified cut-off date for registration each semester. Students registering after that date shall pay a late registration fee of \$10.00. This fee is refundable only in the event all classes for which the student registered are canceled.

(f) Add/Drop Fee

An additional fee of \$2.00 will be paid for each transaction after the start of late registration. This fee will not be levied when changes are necessitated by college cancellation of courses or college rescheduling of classes.

(g) Credit by Examination Fee

A fee of \$15.00 per semester hour will be charged for credit by examination. Students must complete all application materials.

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(h) Laboratory or Material Fees

In addition to standard course fees, laboratory or material fees may be charged in some courses. These charges are listed in the class schedules.

(i) Books, Supplies, and Tools

The cost of books and supplies for full-time students usually ranges around \$200 per semester. Students in certain occupational programs are additionally required to purchase personal hand tools which range from \$35 to \$625, depending upon the major. Students in need of financial assistance to absorb this cost may be assisted through the financial aid program of the college.

(j) Graduation Fee

A \$20.00 fee is payable at the time an application for graduation is submitted. This fee includes the cost of diploma, and cap and gown rental.

(k) College Catalog

The college catalog may be purchased at the college bookstore for \$2.00. Postage must be added for mail orders.

(l) Financial Obligations

The college reserves the right to withhold transcripts, diplomas, or final grade reports from students who have not paid all financial obligations. If a student is delinquent in payment of any amount due to the college, registration for succeeding semesters may be withheld.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 8 Com. Reg. 4221 (Apr. 18, 1986); 8 Com. Reg. Amdts Proposed 8 Com. Reg. 4171 (Jan. 17, 1986); Amdts Adopted 7 Com. Reg. 3796 (July 22, 1985); Amdts Proposed 7 Com. Reg. 3682 (May 21, 1985). Adopted 6 Com. Reg. 2943 (July 16, 1984); Proposed 6 Com. Reg. 2736 (Apr. 15, 1984).

Commission Comment: The original paragraphs of subsection (b) were not designated. The Commission designated subsections (b)(1) through (b)(12). The 1985 amendments added a new subsection (b)(3) and amended subsections (b)(4) and (e). The 1986 amendments readopted subsections (a) and (b) in their entirety with numerous amendments. The 1986 amendments did not address subsections (c) through (l), and therefore, the Commission has retained them. The Commission changed subsections (d), (g) and (j) to reflect the amended fees set forth in subsection (b).

### § 95-20.1-105 Tuition Refunds

(a) To be eligible for a tuition refund, a student must officially withdraw from school through the Registrar's Office, and must complete a "request for refund" form.

(b) "Class day" is defined as any day a college class meets. Class days are computed beginning the first day of classes for the semester. The number of times a particular class meets does not affect the refund computation.

(c) In the event of a student's official withdrawal or reduction of hours carried,

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tuition and fees (lab and/or course activities) are refundable on the following basis:

(1) Total Withdrawals

(i) Fall and Spring Semesters:

Prior to the first class day	100%
During the first five class days	80%
During the second five class days	70%
During the third five class days	50%
During the fourth five class days	25%
After the fourth five class days	None

(ii) Summer Semesters:

Prior to the first class day	100%
During the first three class days	80%
During the second three class days	50%
After the second three class days	None

(2) Partial Withdrawals

(i) Fall and Spring Semesters:

During the first twelve class days	100%
After the twelfth class day	None

(ii) Summer Semesters:

During the first four class days	100%
After the fourth class day	None

(d) Tuition and fees paid directly to the Northern Mariana College by a sponsor, donor, or scholarship shall be refunded to the source rather than directly to the student.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 8 Com. Reg. 4221 (Apr. 18, 1986); 8 Com. Reg. Amdts Proposed 8 Com. Reg. 4171 (Jan. 17, 1986); Adopted 6 Com. Reg. 2943 (July 16, 1984); Proposed 6 Com. Reg. 2736 (Apr. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d). The Commission inserted a comma after the word “donor” in subsection (d) pursuant to 1 CMC § 3806(g). The 1986 amendments replaced this section in its entirety.

### **Part 200 - Admissions** **§ 95-20.1-201 General Admission Requirements**

The Northern Marianas College (NMC) programs are designed for students who have received their high school diploma or equivalency certificate (G.E.D.), for high school students who choose to participate in the college early admissions program, and for adults not in high school who are 18 or older.

(a) Non High School Graduates

Any Northern Marianas resident at least 18 years of age who has not graduated from high school or been awarded a high school diploma on the basis of GED and has not completed any previous college level work may be admitted. Such a student will become an associate degree candidate after completion of not fewer than 15 college semester

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hours of credit with at least a 2.0 (C) average.

(b) High School Graduates

Any person who has earned a high school diploma or its equivalent is eligible for admission to an associate degree program. A specific GPA in previous high school or college work is not required.

(c) High School Students

Any high school student possessing a GPA of 3.0 or above who wishes to be admitted to the college shall obtain written permission from his/her parent or guardian, and a letter of recommendation from the student's high school counselor or high school principal attesting to the student's ability to perform at college level. All precollege students who are accepted for general admission will receive grades and a transcript and will be treated as other college students.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

### **§ 95-20.1-205 Formal Admission to Degree or Certificate Program**

(a) Students may enroll in any course for which they meet the requirements; however, to be admitted to a degree or certificate program, and before they receive a degree, they must be formally admitted. To accomplish this formal admission process, students should complete the following steps:

- (1) Submit a completed application for admission and a \$10.00 fee to the Office of Admissions and Records; and
- (2) Arrange to have an official transcript from the high school or college previously attended submitted to the Office of Admissions and Records.

(b) Testing and Placement

Students applying for admission to a degree program who have not yet met their written communications and mathematic computational requirements must take a placement examination. Students performing below a minimum level in one or more of these tests will be advised to take the equivalent preparatory course to improve performance in the deficient area. Students must have the placement results prior to registering for communications or mathematics courses.

(c) Academic Advisor

When students are admitted to degree or certificated programs, they will be assigned an academic advisor. The advisor will help plan the student's program.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The first paragraph was not designated. The Commission designated it subsection (a).

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### **§ 95-20.1-210 Admission with Transfer Credit**

(a) Northern Marianas College will accept a total of 45 credits toward an associate degree from other accredited institutions.

(b) Transfer credit evaluations are performed for students who have been formally admitted to a degree program. The college may accept, by transfer, credits from other accredited institutions when the grades of courses completed are “C” or above. Where possible, transfer credit will be equated with NMC courses. The college reserves the right to reject work of doubtful quality or to require an examination before credit is allowed.

(c) Non-resident credit for a student will not be posted on a student’s transcript unless each of the following criteria are met:

- (1) The student must be currently enrolled, or have completed at least one semester in residence at the Northern Marianas College;
- (2) The student must complete an application for admission, pay the \$10.00 admission fee, and be accepted for formal admission to a degree program;
- (3) The student must submit official transcripts from schools previously attended;
- (4) The student may be requested to furnish a college catalog from each school previously attended.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

### **§ 95-20.1-215 Readmission Procedures**

(a) Students previously enrolled in the college planning to return after an absence of one or more semesters must file a new application for admission.

(b) Transcripts of the record of any work completed in the interim are required.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

## **Part 300 - Academic Information**

### **§ 95-20.1-301 General Degree Requirements**

For the Associate of Arts, Science or Applied Science Degree the student must:

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- (a) Complete at least 15 of the final 30 credits at NMC;
- (b) Earn at least 60 credit hours including transfer credits;
- (c) Have a grade point average of a least 2.0 (“C” average).

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

### § 95-20.1-305 Grading Policy

Letter Grade	Definitions	Grade Points
A	Superior/Excellent	4.0
B	Above Average	3.0
C	Average	2.0
D	Minimal Passing	1.0
F	Less than Minimal Passing	0.0
W	Official Withdrawal	
I	Incomplete	
P	Passing: For courses challenged or approved workshops. Counts (if applicable) towards a degree but not computed into student’s grade point average (GPA).	
NC	No Credit: Means credit has not been earned and no grade point given.	
AU	Audit: No grade points given.	

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

### § 95-20.1-310 Incompletes

An “I” indicates that the student has yet to complete a small but important part of the work in a course. The “I” will revert to an “F” grade if not made-up by the end of one calendar year from the last day of the semester in which the student received the “I.”

Modified, 1 CMC § 3806(g).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The Commission moved the final period inside of the closing quotation mark.

### § 95-20.1-315 Auditing

A student wishing to enroll in one or more courses for informational instruction only may register as an auditor. An auditor does not receive academic credit or have laboratory privileges and may not submit papers for grades and correction. Audit courses are not included in the computation of the study load for a full-time/part-time determination or for overload status. No credit is received for audited courses. Auditors must pay one half the total tuition rate.



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History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

### **§ 95-20.1-320 Change of Grades**

Grades are submitted upon the completion of a course or at the end of the term. They are assumed to be the student's permanent record and may not be changed unless a calculation error has been made by the instructor. Changes must be in writing, and filed within 45 days after the grade has been submitted, and be approved by the Academic Vice-President.

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

### **§ 95-20.1-325 Credit by Examination**

Students presenting evidence that through experience and/or training they have learned the equivalent of a course but have not received college credit for it may apply for credit by examination. (Department chairman determines which courses may be credited by examination). If the department chairman grants approval, the student must enroll in the course during the regular registration period, then during the first week of the semester take the examination from an instructor appointed by the department chairman.

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

### **§ 95-20.1-330 Conference Course**

A conference course is a regular course not listed on the current semester's schedule. A student may enroll in a conference course and study with the instructor on an individual basis if the enrollment is approved by the instructor and chairman of the department.

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

### **§ 95-20.1-335 Independent Study**

All independent study courses must meet established criteria. The responsibility for registering for an independent study course rests with the student. Each independent study must be recorded in the Office of Admissions and Records and must contain the approval of the department chairman.

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

### **§ 95-20.1-340 Official Transcript**

An official transcript contains the seal of the Northern Marianas College and the signature of the Director of Admissions and Records. Official transcripts of credits earned at other institutions, high school transcripts, and other supporting documents which have been presented for admission and evaluation of credit become the property of

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the Northern Marianas College and are not reissued or copied for distribution.

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

### § 95-20.1-345 Class Standing

Class standing is determined on the basis of total credits earned. For Northern Marianas College students, the following indicates student classification:

Freshman	0-30 credits
Sophomore	31-60 credits

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

### § 95-20.1-350 Full-time/Part-time Status, Study Load

(a) Students who register for 12 or more semester hours of credit will be classified as full-time, and a study load of less than 12 hours is considered part-time.

(b) The maximum study load allowable is 18 credits per semester. If a student desires to take more than 18 semester hours, he/she must obtain the approval of the Academic Vice-President. Non-credit courses are not included with credit courses when computing a study load.

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

### § 95-20.1-355 Satisfactory Academic Progress Policy

(a) General: Federal law governing the administration of federal student aid provides that: "In order to receive any grant, loan, or work assistance, a student must be maintaining satisfactory progress in the course of study the student is pursuing according to the standard and practices of the institution at which the student is in attendance." (Sec. 484, the Higher Education Act of 1965, as amended).

(b) Definitions:

(1) Satisfactory Academic Progress: Satisfactory academic progress is defined as the enrollment for and successful completion of the minimum required number of semester hours of credit which applies toward the student's declared degree objective with a cumulative grade-point average as follows:

Total Credits Completed	Minimum Cumulative GPA
0 – 15	1.5
16 – 30	2.0
31 – 45	2.0
46 – 60	2.0

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2.0

(2) Successful Completion: Successful completion of a course of study requires a grade of pass, “D” or above. Grades of “NC,” “W,” “I,” or “F” do not constitute successful completion of a course.

(c) If a regular student is required to enroll in the Fundamentals of English (EN 100R, W) or in Basic Mathematics (090), then three credits will be counted as earned for each “P” grade earned for the purpose of determining satisfactory academic progress.

(d) The maximum time frame for completion of a degree or certificate for a full-time student who is making satisfactory academic progress is:

(1) Associate Degree: Three years, divided into six one-term increment.

(2) Certificate: Two years, divided into four one-term increment.

(e) For a part-time student, the maximum time frame for completion of a degree or certificate is twice the number of years of a full-time regular student.

(f) A regular student is considered to be making satisfactory academic progress if he/she completed a minimum of twenty credit hours per academic year.

(g) A student’s satisfactory academic progress is reviewed every semester for counseling purposes. The Financial Aids Office evaluates the student’s progress at the end of the academic year. A student, if he/she does not meet the satisfactory academic progress during the regular academic year, may attend the summer session, at the student’s own expense, in order to meet the satisfactory academic progress requirements.

(h) If a student is required to enroll in the Fundamentals of English (EN 100R, W) and/or in Basic Mathematics (090), then that student may be permitted a maximum of two additional terms to complete his/her degree or certificate requirements.

(i) Certain courses may continue from one semester to the next until the student completes the requirements for the course. While the course is in progress, the student receives an incomplete (I); this is not counted as a passing grade. A student enrolling for such course (e.g., Fundamentals of English R, W) should plan on having enough additional credit hours to allow for an incomplete so that there is less danger of falling below the minimum number of credits passed for that semester.

(j) Students who fail to meet the satisfactory academic progress requirements are subject to financial aid probation or financial aid suspension. Financial aid probation occurs when the student has passed at least half of the required hours for the term but fewer than the minimum necessary credits to retain good standing for financial aid purposes.

(k) Financial aid suspension occurs when the student fails to earn the minimum number of hours for two semesters or passes fewer than half the required hours for any one semester. Students under financial aid suspension will be denied for a minimum of

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one academic year from the point of financial aid suspension unless they make up the academic deficiencies before the term of suspension has expired.

(l) Students suspended from financial aid must submit an appeal petition thirty days prior to the beginning of the semester for which they are eligible to be reconsidered for aid. This form may be obtained from the Financial Aids Office. The appeal will be reviewed by the Financial Aid Review Committee (FARC) which consists of the Director of Financial Aids Office, Director of Admissions and Records, and a number of the teaching staff.

(m) Students on financial aid probation have full access to any aid for which they are eligible but are cautioned that a second violation will result in suspension of their aid.

(n) Any student has the right to appeal his/her placement on academic probation or suspension from the college as a regular student. Any appeal must be in writing and should contain all pertinent facts together with documentation.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (n).

In subsection (b)(2), the Commission moved the commas inside of the closing quotation marks.

### **§ 95-20.1-360 Graduation Requirements**

A student may be awarded the Associate of Arts Degree, Associate of Science Degree, Associate of Applied Science, or Certificate of Proficiency upon the completion of the appropriate curriculum. Students must comply with the following:

- (a) Program Requirements: The student must complete a prescribed program.
- (b) Residency Requirements: A minimum of 15 credits must be taken at Northern Marianas College.
- (c) Scholarship: A cumulative grade point average of 2.0 or better in sixty or more credits is required for graduation.
- (d) Application for Graduation: Degree candidates must formally apply for graduation. The application form and graduation fee of \$15.00 must be submitted to the Office of Admissions and Records no later than the specified deadline date for the May commencement.
- (e) Graduation with Honors: Students who obtain a grade point average of 3.5 will graduate cum laude, 3.8 GPA will graduate magna cum laude, and 4.0 GPA will graduate summa cum laude, provided they meet the honors as well as the general residence credit

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requirements (see subsection (b)).

(f) Commencement Attendance: Degrees are awarded only at the annual commencement exercises. After applying for and being admitted to candidacy, it is expected that candidates will attend the commencement. Students can request an official excuse from the ceremony by writing to the Dean of Student Affairs. Students who receive official written permission may receive their degrees in absentia.

Modified, 1 CMC § 3806(c), (d), (f).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

### **§ 95-20.1-365 Student Responsibilities**

(a) The academic community, by its very nature, places emphasis on individual responsibilities. The necessity to maintain an environment which is conducive to learning and to the free exchange of ideas is commonly accepted. Students attending Northern Marianas College are expected to behave in such a way as to:

- (1) Show respect for the rights of others;
- (2) Preserve a social and academic atmosphere which promotes the college's goals;
- (3) Show care and respect for college property and for property of others;
- (4) Show responsibility for all material covered in each course for which he/she is registered. In no instance does absence from class relieve the student of the responsibility for the performance of any of the course work;
- (5) Comply with any special attendance regulations specified by the instructor;
- (6) Initiate any request to make up work missed because of a class absence. The decision to assist the student with make-up work rests with the instructor.

(b) Students who interfere with the personal rights or privileges of others or with the educational process of the college are subject to immediate disciplinary action. Acts specifically prohibited include possession, use or sale of alcohol, narcotics or illicit drugs on school property or at school functions; destruction of property; stealing; assault or vulgarity, and continued willful disobedience.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

### **§ 95-20.1-370 Student Rights Regarding Their Records**

- (a) Students have a right to their "education records."
- (b) Students have a right to inspect and review the content of their records. Inspection and review may be done with an appointment during regular business hours.

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- (c) Students have a right to obtain copies of their educational records at cost.
- (d) Students have a right to a hearing to challenge the content of educational records maintained by the college.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

### § 95-20.1-375 Student Appeals

(a) An Appeal Committee serves any student who wishes to seek redress of grievance occurring in his/her relationship with the college, its faculty, or its staff. A grievance may concern a grade which is felt to be unjust or an action of the college which the student wishes to protest.

(b) To initiate an appeal the student must register a written complaint within thirty days after the occurrence of the action being protested. The written complaint must be received by the Office of the President and dated and signed by both the receiver and the student. The appeal must state what action is being appealed and the reason the student has for the appeal.

(c) The Appeal Committee, appointed by the President, consists of five people selected from the faculty, administrators, related agencies, and the community, who will be most qualified to consider the issue.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

### § 95-20.1-380 Withdrawal from a Course

(a) A student is expected to complete the courses in which enrolled. The student may, if circumstances warrant, withdraw from one or more classes by completing an add/drop form. Courses dropped in the first two weeks of the semester will not appear on the student's permanent record; thereafter a mark of "W" will be entered on the record. A student who fails to withdraw formally from a course will receive a "F" on his/her permanent record.

(b) Withdrawals are subject to add/drop fees.

(c) The deadline for withdrawal is the end of the thirteenth week after classes begin, except in the summer session, when the deadline is as indicated on the academic calendar.

(d) A student wishing to withdraw from all classes should follow the procedure for

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withdrawing from the college.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

### **§ 95-20.1-385 Withdrawal from the College**

(a) Withdrawal from the college is the official discontinuance of attendance prior to the end of a semester or session. An official withdrawal procedure must be completed according to the regulations of the college.

(b) Students withdrawing from the institution are not charged add/drop fees.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

### **§ 95-20.1-390 Course Numbering System**

Northern Marianas College uses the following approach to identify its courses:

001-049	Continuing Education Courses
050-099	Preparatory Courses. These are usually intended to upgrade basic skills to the level required for college degree programs
100-299	Courses counting toward a degree
-90	Individual or independent study
-93	Special topics – offered only during one academic year
-97	Seminars
-98	Practicum.

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

## **Part 400 - Programs**

### **§ 95-20.1-401 Degree Programs and Requirements**

(a) Associate of Arts/Science and Associate of Applied Science Degree

(1) The Associate of Arts (A.A.), Associate of Science (A.S.) and the Associate of Applied Science (A.A.S.) are offered at Northern Marianas College. The A.A./A.S. require a greater number of general education courses from the areas of behavioral science, humanities and fine arts, and science. These degrees are designed for students who intend

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to continue their education in pursuit of a bachelor's degree. They are generally considered as fulfilling the first two years of a traditional college education.

(2) The Associate of Arts program includes degrees in Elementary Education, Business and Public Administration, and Liberal Arts. Liberal Arts degrees can be earned with emphasis in humanities, social science, or science.

(3) The Associate of Science program includes degrees in Agriculture and Office Administration.

(4) The Associate of Applied Science requires more course work in the area of specialty and is an occupation-oriented degree.

(b) All degree programs offered by the college consist of the following four components:

(1) Required Core Courses

All degree programs require successful completion of five core courses (17 credits). These are:

English:	EN 101 & 102	6 credits
NMI History:	HI 255	3 credits
Mathematics:	MA 112 or higher	3 credits
Physical Education/Health:		2 credits
Speech:	CO 210	3 credits

(2) General Education Requirements

In addition, degree programs require successful completion of selected courses from each of the three areas of behavioral and social science, fine arts and humanities, and science. Specific general education requirements are spelled out in the sections that follow.

(3) Degree Specific Requirements

Degree specific requirements vary according to the requirements of the particular degree. Requirements are spelled out under each separate degree listing in the sections that follow.

(4) Electives

Courses to fulfill the elective requirement must be chosen from courses eligible for degree credit. There are no subject/area restrictions on elective courses.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

### § 95-20.1-405 Agriculture

(a) Agriculture and its related fields have been the foundation of island cultures for centuries. More and more emphasis has been placed on the tropical and subtropical regions of the world, including the insular areas of the Pacific, for production of the world's food and fiber.

(b) Associate of Science Agriculture The Associate of Science Degree is designed to



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include the fundamental principles in the science of agriculture. This degree program includes the education basics of reading, writing, and mathematics, and introductory courses in agriculture in order to prepare for advanced instruction. The degree requires a minimum of 60 credit hours selected from the following:

(1)	Core Courses		17 credits
(2)	General Education		24-26 credits
(i)	Behavioral and Social Sciences and Law	Anthropology/ Behavioral Science/ Psychology/ Sociology/ Economics/ Geography/ Law/ Political Science	9 credits
(ii)	Fine Arts and Humanities	Music/ Art/ Drama/ Philosophy/ Literature/ Modern Languages/ History	9 credits
(iii)	Science	Agriculture/ Biology/ Chemistry/ Natural Science/ Physical Science/ Health	6-8 credits
(3)	Specific Agriculture Requirements		14-19 credits
	AG 101	Introduction to Agriculture	3 credits
	AG 111	Principles of Animal Science	4 credits
	AG 181	Principles of Crop Production	3 credits
	AG 231	Agriculture Economics	3 credits
	AG 298	Practicum/ Research/ Internship	1-6 credits
(4)	Electives		1-3 credits

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

### § 95-20.1-410 Associate of Applied Science Agriculture

The Associate of Applied Science Degree is designed for students already employed or interested in entering the profession upon completion of their degree. This vocationally oriented program emphasizes hands-on experience in agriculture while allowing additional training in specific areas. This degree requires a minimum of 60 credit hours selected from the following:

(a)	Core Courses		17 credits
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(b)	General Education		9-10 credits
(1)	Behavioral and Social Sciences and Law	Anthropology/ Behavioral Science/ Psychology/ Sociology/ Economics/ Geography/ Law/ Political Science	3 credits
(2)	Fine Arts and Humanities	Music/ Art/ Drama/ Philosophy/ Literature/ Modern Languages/ History	3 credits
(3)	Science	Agriculture/ Biology/ Chemistry/ Natural Science/ Physical Science/ Health	3-4 credits
(c)	Specific Agriculture Requirements		21-26 credits
	AG 101	Introduction to Agriculture	3 credits
	AG 111	Principles of Animal Science	4 credits
	AG 181	Principles of Crop Production	3 credits
	AG 220	Plant Propagation & Seed Technology	3 credits
	AG 230	Farm Management	3 credits
	AG 231	Agriculture Economics	3 credits
	AG 232	Farm Equipment Operation	1 credit
	AG 298	Practicum/ Research/ Internship	1-6 credits
(4)	Electives		7-8 credits
	AG 135	Irrigation Principles & Design	3 credits
	AG 141	Agricultural Mechanics	3 credits
	AG 212	Principles of Animal Nutrition	3 credits
	AG 223	Plant Pathology	3 credits
	AG 240	Pest Management Methods	3 credits
	AG 245	General Entomology	4 credits
	AG 260	Livestock Management	3 credits
	AG 261	Selection, Evaluation and Processing of Meats	3 credits
	AG 262	Agriculture Marketing	3 credits
	AG 270	Forage Crops and	3 credits

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AG 280	Pasture Management Principles of Soil Science 4 credits
BI 201	Natural History of the Marianas 3 credits

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

### § 95-20.1-415 Business and Public Administration

(a)(1) The Business and Public Administration Department offers a broad selection of courses to students interested in administration. Programs are oriented toward preparing students to assume management positions in business and governmental agencies in the Northern Mariana Islands.

(2) An Associate of Arts Degree in Business and Public Administration and an Associate of Science Degree in Office Administration are offered.

(b) Associate of Arts Business and Public Administration

This degree program prepares the student for advanced instruction. This degree requires a minimum of 62 credit hours selected from the following:

(1)	Core Courses	17 credits
(2)	General Education	24-26 credits
	(i) Behavioral and Social Sciences and Law	9 credits
	(A) Anthropology/ Behavioral Science/ Psychology/ Sociology	3 credits
	(B) Economics	3 credits
	(C) Law	3 credits
	(ii) Fine Arts and Humanities	9 credits
	Music/ Art/ Drama/ Philosophy/ Literature/ Modern Languages/ History	
	(iii) Science	6-8 credits
	Agriculture/ Biology/ Chemistry/ Natural Science/ Physical Science/ Health	
(3)	General Business Requirements	8-11 credits
	CS 101	Introduction to Computers & Data Processing 3 credits
	MG 231	Introduction to Business 3 credits
	MG 232	Introduction to Case 1 credit

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	ID 190	Analysis Special Projects or ID290 Internship	1-4 credits
(4)	Specific Business Requirements		
(i)	Accounting (LW106 Prerequisite) AC 221a AC 221b MG 250	Accounting I Accounting II Small Business Management	9 credits
(ii)	Agriculture Management (EC211a Prerequisite) AC 221a AG 101  AG 111  AG 181	Accounting I Introduction to Agriculture Principles of Animal Science or Principles of Crop Production	9-10 credits
(iii)	Computer Literacy (CS102 Prerequisite) AC 221a CS 101  CS 104	Accounting I Introduction to Computers and Data Processing BASIC and Business Applications	9 credits
(iv)	Personnel Administration (BE 101 or PY101 or SO101 and LW106 Prerequisites) OA 207 OA 208 MG 250	Report Writing Personnel Supervision Small Business Management	9 credits
(v)	Small Business Management- Entrepreneurship (EC211a or EC211b and LW106 Prerequisites) AC 221a OA 207 MG 250	Accounting I Report Writing Small Business Management	9 credits
(vi)	Travel Industry Management (LW106 and EC211b Prerequisites) AC 221a TS 200  TS 210  TS 220	Accounting I Menu Analysis and Culinary Technology Transportation Services & Management Hospitality Management	10 credits

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(vii)	Public Administration (EC211a and LW106 Prerequisites) AC 221a PA 210  PA 233	Accounting I Public Administration & Management Government Regulatory Admin. on Bus.	9 credits
(viii)	Public Personnel Administration (BE101 or PY101 or SO101 and LW106 Prerequisites) OA 207 OA 208 PA 210	Report Writing Personnel Supervision Public Administration & Management	9 credits  9 credits

(c) Associate of Science Office Administration

This degree program is designed for students already employed or interested in entering the profession upon completion of their degree. This degree requires a minimum of 61 credit hours selected from the following:

(1)	Core Courses		17 credits
(2)	General Education		10 credits
	(i) Behavioral and Social Sciences and Law	Anthropology/ Behavioral Science/ Psychology/ Sociology/ Economics/ Geography/ Law/ Political Science	6 credits
	(ii) Science		4 credits
(3)	General Business Requirements		10 credits
	CS 102 MG 231  MG 232  ID 190 / 290	Computer Operations Introduction to Business Introduction to Case Analysis Special Projects or ID298 Internship	
(4)	Specific Business Requirements (to be selected from the following)		24 credits
	OA 101 a-b OA 103 OA 105 OA 201	Typing Filing Systems Calculating Machines Machine Transcription/ Word Processing	3-3 credits 3 credits 3 credits 3 credits
	OA 203 OA 204	Records Management Fundamentals of Bookkeeping and	3 credits 3 credits

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OA 206	Accounting Business	3 credits
OA 207	Correspondence Report Writing	3 credits
OA 208	Personnel Supervision	3 credits

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

### § 95-20.1-420 Education

(a) The Education Program is designed to provide initial preparation and continuing education to teachers and other professional personnel engaged in educational activities in the Northern Marianas.

(b) Associate of Arts; Elementary Education

The Associate of Arts in Education degree is designed to provide the first two years of post secondary work leading towards a Bachelor of Arts degree in Education, and to provide a means by which teachers can obtain certification as defined by the Board of Education. The specific requirements of the Associate of Arts Degree in Education are as follows:

(1)	Core Courses	17 credits
(2)	General Education	24-26 credits
	(i) Behavioral and Social Sciences and Law	9 credits
	(ii) Fine Arts and Humanities	9 credits
	(iii) Science	6-8 credits
(3)	Specific Education Requirements	16 credits
	ED 110	Introduction to Teaching 3 credits
	ED 201	Human Growth and Development 3 credits
	ED 280	Introduction to Bilingual/ Bicultural Edu. 3 credits

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	ED 293	TESL Methods	3 credits
	ED 299	Teaching Methods	4 credits
(4)	Electives		3 credits

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

### § 95-20.1-425 Liberal Arts

(a) The Liberal Arts program seeks to prepare students for citizenship and leadership in the community. The general objectives are to gain an understanding of intellectual traditions in the humanities, to develop objectivity, to make inquiry into current problems of society and the individual, to provide information for further inquiry and study. Areas of concentration within this program are literature, language, art, music, drama, and philosophy.

(b) Associate of Arts; Liberal Arts

The Associate of Arts Degree in Liberal Arts requires a minimum of 61 credits selected from the following:

(1)	Core Courses	17 credits
(2)	General Education	24-26 credits
	(i) Behavioral and Social Sciences and Law	Anthropology/ Behavioral Science/ Psychology/ Sociology/ Economics/ Geography/ Law/ Political Science 9 credits
	(ii) Fine Arts and Humanities	Music/ Art/ Drama/ Philosophy/ Literature/ Modern Languages/ History 9 credits
	(iii) Science	Agriculture/ Biology/ Chemistry/ Natural Science/ Physical Science/ Health 6-8 credits
(3)	Specific Liberal Arts Requirements, Electives	18 credits
	Selected in collaboration with academic advisor.	

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

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**§ 95-20.1-430 Certificate Programs and Requirements**

(a) Certificate programs are designed to provide a student with a maximum of course work in a specialized area and a minimum of general requirements. A certificate requires between 25 to 30 credits, depending on the program, and offers students opportunities to:

- (1) Upgrade their skills in a specialized field of study;
- (2) Participate in college level course work for credit; and
- (3) Enroll in a continuing education program that offers recognition of educational achievements and selected work experience.

(b) The college offers several certificated programs in Business Administration, Construction Trades, and Adult Education Teaching.

(c) Business and Public Administration certificates of proficiency include:

- Accounting
- Bank Management
- Computer Literacy
- Fire Science
- Health Services Management
- Insurance Management
- Personnel Administration
- Police Science
- Public Administration
- Real Estate Management
- Small Business Management
- Travel Industry Management

Requirements:

(1)	Core Course Requirements		12 credits
	English		3 cr
	Math		3 cr
	BE 101 or PY 101 or SO 101		3 cr
	HI 255	Northern Marianas History	3 cr
(2)	General Business Requirements		7 credits
	CS 102	Computer Operations	3 cr
	MG 231	Introduction to Business	3 cr
	MG 232	Introduction to Case Analysis	1 cr
(3)	Areas of Concentration		6 credits

(d) Construction Trades certificates of proficiency include:

- Carpentry



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Electricity  
Masonry  
Plumbing

Requirements:

(1)	Core Course Requirements		9 credits
	English		3 cr
	Mathematics		3 cr
	HI 255	Northern Marianas History	3 cr
(2)	General Construction Trades Requirements		10 credits
	CT 101	Basic Carpentry	3 cr
	CT 120	Basic Masonry	2 cr
	CT 130	Basic Plumbing	2 cr
	CT 150	Basic Electricity	3 cr
(3)	Areas of Concentration		9-12 credits

(e) Adult Education Teaching certificate of proficiency

Requirements:

(1)	Core Course Requirements		3 cr
	HI 255	History of NMI	3 cr
(2)	General Adult Education Teaching Requirements		6 credits
	ED 110	Introduction to Teaching	3 cr
	ED 201	Human Growth & Development	3 cr
(3)	Areas of Concentration		13 credits
	AE 101	Introduction to Adult Education	3 cr
	AE 220	Adult Psychology	3 cr
	AE 233	Methods of Teaching Adult Learners	3 cr
	ID 298	Internship	4 cr

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3143 (Sept. 15, 1984); Proposed 6 Com. Reg. 2948 (July 16, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (e).

**Part 500 - Financial Aid Policy**

**§ 95-20.1-501 Purpose**

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There is hereby established by the Board of Regents a post-secondary education financial assistance fund for the purposes of aiding eligible applicants who desire postsecondary education within and without the Commonwealth through grants, loans and/or scholarships. In providing such financial assistance, it is the intent of the Board to supplement, not re-place, other sources of financial assistance which may be available to the student.

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

Commission Comment: Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 211:

### Section 211. Scholarships.

(a) All functions of the Northern Marianas College Board of Regents relating to student scholarships, except those donated, bequeathed, or granted to the College by parties outside the Commonwealth Government, are transferred to the Office of the Governor.

(b) There is hereby established in the Office of the Governor a Scholarship Advisory Board consisting of nine members who shall be appointed by and serve at the pleasure of the Governor. At least two of the members shall be from Tinian, and at least two from Rota. Not more than five of the board members shall be associated with a single political party. The Board shall review applications for scholarships and make recommendations to the Governor with respect thereto. The Board shall also recommend objective standards for the award of scholarships. The provisions of [PL 8-41] shall not apply to the Board.

(c) As used in this section, the term “scholarships” includes student grants, student loans, and other programs of student financial assistance.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

The Northern Marianas College Board of Regents first proposed a Financial Aid Policy in 1983. See 5 Com. Reg. 2458 (Oct. 20, 1983). A notice of adoption for the 1983 policy was never published. Prior to the creation of the Scholarship Advisory Board and the promulgation of the 1999 regulations, the Northern Marianas College Board of Regents administered a “Financial Aid for Off-island Students Policy” pursuant to the authority of 3 CMC § 1316(d). The history of the Financial Aid for Off-island Students Policy is as follows: Adopted 15 Com. Reg. 10718 (July 15, 1993); Proposed 15 Com. Reg. 10593 (May 15, 1993).

### § 95-20.1-505 Definitions

The following terms whenever used in this policy shall be the meanings given below, except when the context clearly requires otherwise:

(a) “Board” means the Board of Regents.

(b) “Committee” means the Financial Aid Committee which shall be comprised of four voting members: one to represent Tinian, one to represent Rota, one to represent Saipan and the Chairman of the Fiscal Affairs Committee of the Board. In addition, the

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College's Financial Aid Specialist will serve as an ex-officio member. The Chairman of the Board in consultation with the President will appoint the members to represent Rota, Tinian and Saipan.

(c) "Scholarship" means financial assistance awarded to students on the basis of superior academic ability and scholastic achievement: a minimum grade point average of 3.25 is required.

(d) "Grant" means financial assistance awarded to students who maintain a minimum cumulative grade point average of 2.0.

(e) "Loan" means financial assistance awarded to students with an obligation by the recipients to repay under the terms and conditions established by the Board: a minimum cumulative grade point average of 2.0 is required.

Modified, 1 CMC § 3806(f).

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

Commission Comment: The Commission inserted a comma after the word "Tinian" in subsection (b) pursuant to 1 CMC § 3806(g).

### **§ 95-20.1-510 Responsibilities of the Committee**

The responsibilities of the Committee are:

- (a) To determine the levels and types of financial assistance.
- (b) To review and take action on financial assistance applications compiled by the Financial Aid Office.
- (c) To report to the Board its actions after each regular and special meeting.

Modified, 1 CMC § 3806(f).

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

### **§ 95-20.1-515 By-laws of the Committee**

The Committee shall operate as follows:

- (a) The presence of at least three members shall constitute a quorum.
- (b) All acts of the Committee shall be voted for by at least a simple majority.
- (c) Regular meetings shall be called in August and December annually. Special meetings may be called by the Fiscal Affairs Committee Chairman as needed.

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- (d) The Committee may adopt or amend any by-laws as they see necessary.

Modified, 1 CMC § 3806(f).

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

### **§ 95-20.1-520 Financial Aid Office**

A section within the Financial Aid Office of the Northern Marianas College is established for the following purposes:

- (a) To provide financial assistance to eligible applicants who are or will be attending a post-secondary institution within or without the Commonwealth.
- (b) To process applications and recommend applicants.
- (c) To maintain accurate and up-to-date files on students.
- (d) To prepare reports on the status of funds and students receiving financial assistance for submission to the Board.

Modified, 1 CMC § 3806(f).

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

### **§ 95-20.1-525 Funding**

The Financial Aid Office will receive funds through appropriations by the Legislature, gifts, bequests, donations or other lawfully made contributions to the Commonwealth and the Northern Mariana Islands Student Financial Assistance Program. Unless otherwise specified, these funds shall be divided into three categories:

- (a) Grant Program.
- (b) Loan Program.
- (c) Scholarship Program.

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

### **§ 95-20.1-530 Maintenance of Funds**

- (a) Funds received through appropriations by the Legislature will be kept in a trust fund of the College. The Financial Aid Specialist, CNMI and the Director of Financial Aid will have access to the fund. A memorandum of request for payment will be forwarded to the Dean of Administration and Business Affairs. The memorandum of request for payment will include the names of recipients, amount and type(s) of aid the recipient is to receive and the account(s) to be charged.

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(b) Funds received through gifts, bequests, donations, etc., will be kept under separate accounts at the Business Office of the Northern Marianas College. The Director of Financial Aid will have access to the fund. A memorandum of request for payment will be submitted to the Dean, Administration and Business Affairs when appropriate. The memorandum of request for payment will include the names of recipients, amount and type(s) of aid the recipient is to receive and the account(s) to be charged.

Modified, 1 CMC § 3806(f).

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

### **§ 95-20.1-535 Eligibility Criteria for Financial Assistance**

No person shall receive a grant, loan, scholarship or a combination award unless they meet the following criteria:

- (a) **Citizenship:** The person shall not be an alien as defined in § 3(a) of PL 3-105.
- (b) **Residency:** The person shall be a resident of the Commonwealth as defined herein:
  - (1) A dependent student is a resident of the state or territory where his parents reside.
  - (2) Dependency is defined as a student who lived with the parents for more than six weeks in a calendar year, whose parents claimed the student as a U.S. income tax exemption, and who received more than \$750 worth of support from the parents.
  - (3) An independent student must have five years of actual continuous residence in the CNMI prior to the leaving of the Commonwealth for purposes of going to school.
  - (4) Independent students who come to the CNMI for the purpose of pursuing higher education must be in continuous residence for 12 months to be considered CNMI residents.
- (c) **Applied for Federal Financial Assistance:** Any person who applies for CNMI financial assistance shall provide proof that he has applied first for federal financial assistance.
- (d) **Enrollment:** An applicant must be admitted or enrolled in an accredited or CNMI government funded post-secondary institution. The applicant must maintain a full-time course of study (as defined by that institution) during the academic school year except those students attending a CNMI government funded post-secondary institution.
- (e) **Minimum Scholastic Achievement:**
  - (1) An applicant must have a cumulative grade point average of 2.0 on a 4.0 system.
  - (2) **Exceptions:**
    - (i) New Incoming Freshmen.

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An applicant who will be attending a post-secondary institution or program will be considered for financial assistance even if his/her grade point average (GPA) is below the 2.0 GPA requirement. The applicant is given two semesters or three quarters to raise his/her GPA to the 2.0 GPA requirement.

(ii) Returning Student:

(A) An applicant who is returning after being away from school for at least one academic year and has a GPA of less than 2.0 will be considered for financial assistance. He/she will have two semesters or three quarters to raise his/her GPA to the 2.0 GPA requirement.

(B) If the recipient, after the two semesters or three quarters, failed to raise his/her cumulative GPA to 2.0, financial assistance for subsequent quarters/semesters will be discontinued.

(f) Limited Duration: Eligible students may receive CNMI financial assistance for no more than 4.5 years except when enrolled in a 5-year program as undergraduate students, or for 2 years when enrolled as graduate students.

(g) Prohibited Courses of Study: Eligible students may not major in a course of study leading to degrees in divinity, theology, or religious education.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

Commission Comment: The original paragraphs of subsection (e) were not designated. The Commission designated subsections (e)(1) and (e)(2).

### **§ 95-20.1-540 Conditions of Receipt of Award**

No grant, loan, scholarship or combination thereof shall be provided unless:

(a) The student first obligates himself to reside within the CNMI and apply the skills/knowledge acquired for a period equal to that for which financial assistance was provided.

(b) The student shall sign a “statement of educational purpose” affirming that any funds received will be used solely for expenses related to attendance at the institution.

(c) The student shall not be in default on any CNMI educational loan.

Modified, 1 CMC § 3806(f).

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

### **§ 95-20.1-545 Application Process**

The following procedures must be followed to apply for a grant, loan, scholarship or combination thereof:

(a) New applicants must submit:

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- (1) Application,
- (2) Recent official transcript mailed directly to the NMC Financial Aid Office from the Registrar's Office at last institution attended,
- (3) An official letter as proof of admission,
- (4) Proof of application for federal financial assistance, and
- (5) Copy of documents establishing citizenship status as defined in § 95-20.1-535(a).

(b) Continuing applicants must submit:

Up-to-date official transcript or grade reports for prior term postmarked no later than January 20th.

(c) Applications for the fall semester must be postmarked by July 15th and applications for the spring semester must be postmarked by November 15th.

(d) For those students who are able to attend school for the summer term only due to the nature of employment within the CNMI may be eligible for financial assistance.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

### **§ 95-20.1-550 Procedure for Review**

- (a) A completed application shall be processed by the Financial Aid Office.
- (b) The completed application shall be transmitted to the Committee for final review.

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

### **§ 95-20.1-555 Appeal**

An applicant may appeal a disapproval to the Board of Regents. The following procedure must be followed:

- (a) Application consists of:
  - (1) Letter of grievances; the reasons for petitioning the Board for special consideration must be stated;
  - (2) Documents supporting the petition for special consideration; a letter from a doctor, instructor, or other school officials;
  - (3) Remedial course of action the student plans to take in order to meet any of the requirements that were not met and which led to the denial of financial assistance.

(b) Application for an appeal must be made within 14 days of the receipt of the notification of the disapproval. It must be submitted to the Chairman of the Board of Regents.

(c) The Board must decide on the appeal within 15 working days of receipt of the

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appeal application by the Chairman.

Modified, 1 CMC § 3806(f).

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

### § 95-20.1-560 Scholarship Awards

(a)(1) An award based upon scholarship will be in the following amounts per semester throughout the award period dependent upon the student's grade point average (GPA) on a 4.0 scale.

(i) 3.51 - 4.00 GPA \$375.00

(ii) 3.25 - 3.50 GPA \$250.00

(2) However, a student with the minimum number of hours per semester for full-time attendance who has a pass or credit for a course rather than an A through F or numerical grade will not be eligible to receive a scholarship based on that semester.

(b) In the case of students attending a school on the quarter system the same rules apply, however, awards will be based only upon the performance during the fall and spring quarters.

Modified, 1 CMC § 3806(f).

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

Commission Comment: The original paragraphs of subsection (a) were not designated. The Commission designated subsections (a)(1) and (a)(2).

### § 95-20.1-565 Grant Awards

(a) Definition: A grant means financial assistance awarded to students who maintain a minimum cumulative grade point average of 2.0.

(b) Amount: Grants shall be the following per semester (or per half year for students on quarter system):

Undergraduate \$700

Graduate 1,000

Professional 1,000

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

### § 95-20.1-570 Loans

(a) Students may be eligible to receive loans up to the following amount per semester (or per half year for students on quarter system):

Undergraduate \$500

Graduate 1,500

Professional 2,000



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- (b) Loan recipients are required to execute a promissory note before release of loan check.
- (c) Loan repayments are subject to the following conditions:
- (1) A student who returns to the CNMI and is gainfully employed will receive a 10% cancellation against their principle\* amount of loan per each year employed.
  - (2) A student who is not employed within CNMI must repay the loan at the rate of 10% of the principle per year.
  - (3) A student who is in default must pay the entire loan at 3% interest per year he is in default.
- (d) Loan becomes due and payable one year after the date of actual termination of formal studies.
- (e) In the event of the borrower's death or total and permanent disability, the unpaid indebtedness hereunder shall be cancelled.
- (f) Upon the occurrence of default, the holder of the note shall have the right, at its option, and without notice, to declare the whole sum of principal and interest and any other indebtedness or obligation, immediately due and payable together with interest at the rate of 3% per annum on the total amount due, and no waiver of this right shall be effective unless in writing and signed by the holder.

\* So in original.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

### **§ 95-20.1-575 Change in Funding Levels**

The Committee may change the award levels for loans, grants, and scholarships based on availability of funding upon filing of a notice of emergency regulation with the Registrar of Corporations in compliance with the CNMI Administrative Procedure Act [1 CMC §§ 9101, et seq.]. However, loans, grants, and scholarships already awarded shall not be affected.

History: Adopted 7 Com. Reg. 3796 (July 22, 1985); Proposed 7 Com. Reg. 3682 (May 21, 1985).

Commission Comment: The Commission changed "Procedures" to "Procedure" to correct a manifest error. The Commission inserted a comma after the word "grants" pursuant to 1 CMC § 3806(g).

### **Part 600 - Retention and Promotion of Faculty**

#### **§ 95-20.1-601 Review of Proposed Promotions**

All proposed promotions should be reviewed by the College Personnel Committee. The

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Committee has the responsibility for insuring that each retention and promotion file is complete, that is, it contains the necessary documentation of teaching performance, of student guidance-advisement activities, and of community service/educational leadership activities before submission to the President. The Committee's recommendation will be forwarded to the President for the Board of Regents action.

History: Adopted 7 Com. Reg. 3974 (Sept. 16, 1985); Proposed 7 Com. Reg. 3879 (July 22, 1985).

Commission Comment: This part was promulgated as a three paragraph policy entitled "Retention and Promotion of Faculty." For clarity and consistency in the administrative code, the Commission divided it into sections and created the section titles in part 600.

### **§ 95-20.1-605 Disapproval of Promotion**

In case of disapproval of such a promotion, the President will inform the faculty member in writing and notify the Academic Vice-President. If promotion is denied, a faculty member may be retained in the same position for a period not to exceed six years. After six years, promotion must be granted or non-renewal notice must be given.

History: Adopted 7 Com. Reg. 3974 (Sept. 16, 1985); Proposed 7 Com. Reg. 3879 (July 22, 1985).

### **§ 95-20.1-610 Notification of Non-renewal**

Notification of non-renewal shall be given six months in advance of the expiration date written on the contract agreement.

History: Adopted 7 Com. Reg. 3974 (Sept. 16, 1985); Proposed 7 Com. Reg. 3879 (July 22, 1985).

## **Part 700 - Professional Staff Running for Political Office**

### **§ 95-20.1-701 Professional Staff Running for Political Office**

Professional staff, officers, and instructors employed by the college shall tender their resignation to the President within fourteen calendar days after being certified by the Board of Elections as an official candidate for political office.

History: Adopted 7 Com. Reg. 3974 (Sept. 16, 1985); Proposed 7 Com. Reg. 3879 (July 22, 1985).

Commission Comment: The Commission inserted a comma after the word "officers" pursuant to 1 CMC § 3806(g).

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## **SUBCHAPTER 95-20.2 FACILITIES MANAGEMENT POLICY**

Subchapter Authority: 3 CMC § 1316.

Subchapter History: Proposed 27 Com. Reg. 23864 (Jan. 17, 2005).\*

\*Notice of adoption was not published.

Commission Comment: For a complete history of the authority of the Northern Marianas College Board of Regents see the general comment to chapter 10 of this title.

PL 4-34 (effective March 28, 1985), the “Post-secondary Education Act of 1984,” codified as amended at 3 CMC §§ 1301-1331, created the Northern Marianas College as a nonprofit public corporation, under the general control and direction of the Board of Regents of the Northern Marianas College. See 3 CMC § 1304; see also 3 CMC § 1311. 3 CMC § 1316 defines the duties of the Board of Regents and provides the Board the authority to adopt rules and regulations for the implementation of the act and its duties thereunder.

In January 2005, the Northern Marianas College Board of Regents published a notice proposing a “Facilities Management Policy” See 27 Com. Reg. 23864 (Jan. 17, 2005). A notice of adoption was not published. 27 Com. Reg. 23838 (Jan. 17, 2005); 27 Com. Reg. 23982 (Feb. 17, 2005).

[Reserved for future facilities management regulations]

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## SUBCHAPTER 95-20.3 POSTSECONDARY EDUCATION LICENSING POLICY

### **Part 001 General Provisions**

§ 95-20.3-001 Constitutional and Statutory Authority  
§ 95-20.3-005 Definitions  
§ 95-20.3-010 Required License  
§ 95-20.3-015 Exclusions  
§ 95-20.3-020 Declaration of Intent

### **Part 100 License Application**

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§ 95-20.3-205 Physical Presence in the CNMI  
§ 95-20.3-210 Defined-Mission; Suitable Purposes; and Identified Target Population  
§ 95-20.3-215 Institutional Governing Capacity  
§ 95-20.3-220 Financial Stability and Integrity  
§ 95-20.3-225 Educational Programs of Acceptable Quality, Content, and Length  
§ 95-20.3-230 Quality Teaching Faculty  
§ 95-20.3-235 Sufficient Library and Learning Resources  
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### **Part 300 Licensing Decisions, Terms, Extensions; Supplemental Applications; Performance Bond; Complaints**

§ 95-20.3-301 Need for Additional Information  
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§ 95-20.3-310 Reconsideration  
§ 95-20.3-315 Provisional License  
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§ 95-20.3-325 Requirements for Extension of License  
§ 95-20.3-330 Supplemental Application/Substantive Application Modification  
§ 95-20.3-335 Performance/Surety Bond  
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### **Part 400 Revocation or Suspension of Licenses**

§ 95-20.3-401 Causes for Revocation or Suspension  
§ 95-20.3-405 Procedure for Revocation or Suspension  
§ 95-20.3-410 Emergency Suspension

### **Part 500 Miscellaneous Provisions**

§ 95-20.3-501 Student Records  
§ 95-20.3-505 Accreditation Status  
§ 95-20.3-510 Hold Harmless; Indemnity  
§ 95-20.3-515 Investigation

Subchapter Authority: 3 CMC § 1316(k).

Subchapter History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: For a complete history of the authority of the Northern Marianas College Board of Regents see the general comment to chapter 10 of this title.

PL 4-34 (effective March 28, 1985), the "Post-secondary Education Act of 1984," codified as amended at 3

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CMC §§ 1301-1331, created the Northern Marianas College as a nonprofit public corporation, under the general control and direction of the Board of Regents of the Northern Marianas College. See 3 CMC § 1304; see also 3 CMC § 1311. 3 CMC § 1316 defines the duties of the Board of Regents and provides the Board the authority to adopt rules and regulations for the implementation of the act and its duties thereunder. 3 CMC § 1316(k) authorizes the Board of Regents “to serve as the official coordination agency of the Commonwealth for all postsecondary education within the Commonwealth, with power to license, limit, and otherwise regulate any postsecondary educational activities offered by any public or private agency.”

The regulations in this subchapter set forth the requirements and procedures for licensure of postsecondary educational institutions in the Commonwealth.

### **Part 001 - General Provisions**

#### **§ 95-20.3-001 Constitutional and Statutory Authority**

The CNMI Constitution, Article XV, Section 2(a) establishes that the Board of Regents “shall formulate policy relating to the higher education needs of the Commonwealth of the Northern Mariana Islands (CNMI).” 3 CMC § 1316(k) authorizes the Board of Regents “to serve as the official coordination agency of the Commonwealth for all postsecondary education within the Commonwealth, with power to license, limit, and otherwise regulate any postsecondary educational activities offered by any public or private agency.” Therefore, in accordance with its constitutional and statutory mandates, the Board of Regents sets forth the following policies, regulations, and procedures regarding the licensing of postsecondary educational institutions to operate in the CNMI.

Modified, 1 CMC § 3806(g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The Commission moved the period inside the quotation marks in the first and second sentences.

#### **§ 95-20.3-005 Definitions**

(a) “Board” shall mean the Board of Regents (BOR), which is the official coordinating agency for all postsecondary educational activities in the Commonwealth of the Northern Mariana Islands.

(b) “License” shall mean the granting of permission, by the Board of Regents, for a postsecondary educational institution to operate in the CNMI for a period to be determined by the BOR.

(c) “Provisional License” shall mean the initial granting of permission, by the Board of Regents, for a postsecondary educational institution to operate in the CNMI for a period of one year, during which time outstanding requirements for obtaining a license must be met:

(1) Provided that if the applicant states it will begin registering and providing classes for students, the applicant be in all respects qualified, capable, and have all necessary

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personnel, facilities, support staff, and other resources to provide the quality of academic and other services stated in the catalog and curriculum, and be so certified by the BOR; and,

(2) Provided that no tuition, room and board, registration, or other fees and costs be collected from any student until the applicant meets § 95-20.3-005(c)(1). The applicant may conduct public awareness activities and recruitment activities subject to § 95-20.3-005(c)(2).

(d) “Postsecondary institution” shall mean a public or nonpublic (not-for-profit or for-profit) postsecondary educational institution offering courses or programs beyond high school leading to a certificate or a degree. This includes, but is not limited to, vocational organizations e.g. “Saipan Institute of Jet Engine Maintenance.” This may also include, but is not limited to, institutions which use terms such as “school” in their title e.g. “Saipan Business School.”

(e) “College” shall mean an institution of higher education offering instruction and granting degrees, a bachelor’s degree after a four-year course of study, or an associate degree after a two-year course of study, in any of several specialized courses in some academic area, profession, or occupation.

(f) “University” shall mean a postsecondary educational institution with one or more undergraduate colleges, together with a program of graduate studies and a number of professional schools, and authorized to confer various degrees, as the bachelor’s, master’s, and doctor’s.

(g) “Out-of-state institution” shall mean any college, university, community college, technical institute, or the equivalent that awards a certificate, an associate or higher degree and is controlled by a public or private body organized outside the CNMI.

(h) “Distance education” shall mean that there is physical separation of the instructor and student. The means of communication can be in many forms including, but not limited to, paper correspondence, video, audio, teleconference, internet or any combination thereof.

(i) “Catalog” shall mean a published accurate document which includes but is not limited to the mission and philosophy statements of the applicant institution; a detailed list with appropriate description of each degree, certificate, or certification offered along with details of each course to be taught; a description of the institution facilities and services, academic support services; details of application processes and costs for services to be provided; a list of teaching faculty with appropriate titles and qualifications information, and a list of administrative and other support personnel with their titles and qualifications; how students are to be graded; and other information commonly found in a U.S. postsecondary institution.

(j) “Course” shall mean a college-level course offered for credit with specific curriculum, educational objectives, course requirements; and the appropriate

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accompanying academic, faculty, and other educational support services.

(k) “Certificate or degree program” shall mean a sequence or combination of courses which, upon satisfactory completion thereof, leads to the award of an educational certificate, diploma, or degree.

(l) “Physical presence in the Northern Mariana Islands” shall be evidenced by securing all legal permits and documents required for operating in the CNMI and showing proof of arrangements for use of physical facilities which will house the institution, including its educational activities.

Modified, 1 CMC § 3806(c), (f), (g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: In subsection (b), the Commission inserted “of” between “Board” and “Regents.” The Commission moved the periods inside the quotation marks in subsection (d). The Commission removed the semi-colon after the first occurrence of “and” in subsection (j) to correct a manifest error.

### **§ 95-20.3-010 Required License**

A license is required for any postsecondary education provider, except as provided for under § 95-20.3-015, that:

- (a) Offers or conducts one or more courses or certificate/degree programs; or
- (b) Offers or conducts training toward a vocational end; or
- (c) Offers an educational credential, and whose required length of study is one semester or more.

A license is also required for any out-of-state institution (including any distance education provider) that has a physical presence in the Northern Mariana Islands, except as provided for under § 95-20.3-015(f).

Modified, 1 CMC § 3806(c).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

### **§ 95-20.3-015 Exclusions**

The license requirements laid out herein shall not apply to:

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- (a) Offering of a short course in which instruction for the segment takes no more than twenty classroom hours;
- (b) Offering of courses or programs on a military installation solely for military personnel or civilians employed on such installation;
- (c) Offering of courses or programs towards professional certification, taught by instructors who are professionally certified in their respective fields, by a nationally or internationally recognized body, including but not limited to, dive instruction, skydiving instruction, driving school, firearms training, CPR certification, and first aid instruction.
- (d) Training that is exclusively for self-improvement or personal or professional enrichment and is non-vocational and not for credit toward a certificate or degree;
- (e) Training that is offered free to certain select groups of students, such as closed enrollment classes for a company's or government employees and arranged through private contracts; or
- (f) Offering, by an accredited out-of-state institution, of one or more courses or programs in partnership with a college in the CNMI that has been licensed by the Board of Regents.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The Commission made "field" plural and changed "fire-arms" to "firearms" in subsection (c) to correct manifest errors.

### **§ 95-20.3-020 Declaration of Intent**

Any institution of higher education planning to offer any credit-bearing course or degree program in the Northern Mariana Islands, except as provided for under § 95-20.3- 015, shall inform the Board of Regents of such intent by letter. This declaration of intent shall at the minimum include the following:

- (a) Proposed name of the institution planning to deliver such educational offerings;
- (b) Brief description of the scope of the institution's proposed educational offerings;
- (c) Date the institution plans to begin instruction;
- (d) Names, telephone numbers, and addresses of principal contact persons/organizations for use by the Board for communication purposes during the application phase;



- (e) Date the institution expects to submit its application with accompanying required documentation;
- (f) A certified financial statement of the planned institution, and,
- (g) A detailed description of the proposed facilities in which academic, administrative, housing, and other student and institution services will take place, including a detailed description of the proposed library.

Modified, 1 CMC § 3806(c), (f), (g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The Commission designated subsection (c), which was not designated in the original.

## **Part 100 - License Application**

### **§ 95-20.3-101 License Application**

Prior to offering any credit-bearing course or degree program at the postsecondary level in the Northern Mariana Islands, except as provided for under § 95-20.3-015, the institution shall apply to the Board of Regents for, and receive, a license to operate in the CNMI.

Modified, 1 CMC § 3806(c).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

### **§ 95-20.3-105 Application Process**

- (a) The application materials may be obtained from the Office of the Board of Regents on Saipan. The application/licensing process includes:
  - (1) Submitting the application to the Office of the Board according to established deadlines;
  - (2) Securing required official documents, certifications and bond(s);
  - (3) Paying all applicable fees; and
  - (4) Meeting all requirements laid out in § 95-20.3-020 and § 95-20.3-201.
- (b) All applications are reviewed in a three-tier process, first by Board staff, second by a Committee designated by the Board, and finally by the Board of Regents. Final approval of the application by the Board is required before the applicant may begin:
  - (1) Officially registering students into the proposed institution;

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- (2) Collecting any costs or fees related to attendance from any students who have been preliminarily registered;
- (3) Collecting or causing to be collected of any recruitment or related fees from students from applicant officials or their agents either directly or indirectly;
- (4) Bringing students from outside the CNMI into the CNMI; and,
- (5) Conducting marketing or recruitment activities in or outside of the Commonwealth of the Northern Mariana Islands (CNMI).

(c) The application must be submitted according to established deadlines to be considered at one of the Board's quarterly meetings. Applicants may contact the Office of the Board to obtain a current list of filing deadlines.

(d) The program committee of the Board will not commence its review of the application until the applicant submits all required documentation to the Office of the Board, as certified by the Board or their designee.

(1) Such certification shall be not later than two months prior to a regularly scheduled Board meeting in January, April, July, or October.

(2) Should such deadline not be met, the application review will not commence; and, the applicant may not begin operations including but not limited to, official registration of students, collection of costs and fees from potential students, or bringing potential students into the CNMI, until prior to the next quarterly meeting and shall be in accordance with the schedule laid out in the license application process and timeline.

(e) The Board shall make a determination regarding the application at its quarterly meeting applicable for the date of submission of the application.

Modified, 1 CMC § 3806(c), (f), (g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The Commission changed the commas at the end of subsections (a)(1)-(3) to semi-colons. The Commission removed the "of" before "any" in subsection (b)(3) to correct a manifest error. Some of the original paragraphs in this section were not designated. The Commission designated subsections (a), (b), (c), (d), (d)(1), (d)(2), (e).

### **§ 95-20.3-110 Application Fee**

(a) A nonrefundable application fee to cover administrative costs shall be submitted to the Board with each application. Resubmission of the application following its withdrawal by an applicant requires an additional application fee. Refer to § 95-20.3-330 of this subchapter. The nonrefundable fees are established as follows:

- (1) \$10,000 for credit bearing course offerings of degree programs or the like (refer to § 95-20.3-005 Definitions);
- (2) \$5,000 for programs of 40 hours or more, but less than degree requirements, of training courses and/or certification of completion programs or the like; and,
- (3) \$2,500 for programs of 20 hours or more of training courses/\* or certification of

completion programs or the like.

(b) Exclusion. In the event that the Board denies the applicant a license, the Board may, at the time of the denial, determine that the application fee may be waived for resubmission of an application, in whole or in part, provided that the resubmission occurs within three months of the date of denial.

\* So in original.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The Commission designated subsections (a) and (b), which were not designated in the original.

## **Part 200 - License Requirements**

### **§ 95-20.3-201 License Requirements**

In order to obtain a license to operate as a postsecondary educational institution in the CNMI, an entity must meet the following requirements:

- (a) Appropriate and adequate physical institutional facilities in the CNMI necessary to carry out their stated mission, programs, and services;
- (b) Defined mission, suitable purposes, and identified target population;
- (c) Institutional governing capacity;
- (d) Financial stability and integrity;
- (e) Educational programs of acceptable quality, content, and length;
- (f) Quality teaching faculty;
- (g) Sufficient library, learning, and other educational resources;
- (h) Adequate support services and resources; and,
- (i) Adequate administrative services and resources.

All of these criteria but not limited to, § 95-20.3-005 including § 95-20.3-005(i), must be detailed in a printed catalog provided to the Board of Regents with the application, provided to each potential student prior to registration, and available to the public.

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Modified, 1 CMC § 3806(c), (f).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The Commission inserted a comma after the word “programs” in subsection (a) pursuant to 1 CMC § 3806(g).

### **§ 95-20.3-205 Physical Presence in the CNMI**

(a) Evaluation criteria:

- (1) The institution has the required legal documents to operate in the CNMI;
- (2) The institution has sufficient and adequate facilities to serve its educational purposes.

(b) Required documentation and verification:

- (1) Sole proprietorship:
  - (i) CNMI business license;
  - (ii) CNMI taxpayer ID number and tax clearance certification from the CNMI Department of Revenue and Taxation;
  - (iii) Identification and description of physical facilities to be used by the institution, with designation of principal use of each facility or portion of facility (e.g., administrative, instructional, library);
  - (iv) Copies of the deed, lease, and/or rental agreements, the length of which shall be for a minimum of three years, for all property, buildings and other facilities to be used by the applicant to provide academic and support services described in the letter of intent, application, and catalog;
  - (v) Once licensed the licensee must notify the BOR when there is a material change in a rental, lease, or other agreement which affects the buildings, facilities, or contractual support for the institution within 5 working days of such change to include but not be limited to e.g. a rental or lease agreement being terminated for whatever reason (refer to §§ 95-20.3-340, 401 and 405);
  - (vi) Any change which in the opinion of the BOR or its designee affects adversely the ability of the licensee to provide educational and/or support services required under the license shall be required to be rectified, to the satisfaction of the BOR within 5 working days of the adverse situation. Failure to do so may result in suspension of the license by the BOR (refer to §§ 95-20.3-340, 401 and 405);
  - (vii) A site visit by the program committee or their designee to compare what is described in the applicant submission documents for licensure, with actual physical and related institution facilities; and,
  - (viii) A prescreening background check shall be conducted of applicants to include but not be limited to criminal record, credit report, and reference reviews and checks.
- (2) Partnership:
  - (i) CNMI business license;
  - (ii) CNMI taxpayer ID number and tax clearance certification from the CNMI Department of Revenue and Taxation;
  - (iii) Partnership agreement;

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- (iv) Identification and description of physical facilities to be used by the institution, with designation of principal use of each facility or portion of facility (e.g., administrative, instructional, library);
  - (v) Copies of the deed, lease, and/or rental agreements, the length of which shall be for a minimum of three years, for all property, buildings and other facilities to be used by the applicant to provide academic and support services described in the letter of intent, application, and catalog;
  - (vi) Once licensed the licensee must notify the BOR when there is a material change in a rental, lease, or other agreement which affects the buildings, facilities, or contractual support for the institution within 5 working days of such change to include but not be limited to e.g. a rental or lease agreement being terminated for whatever reason;
  - (vii) Any change which in the opinion of the BOR or its designee affects adversely the ability of the licensee to provide educational and/or support services required under the license shall be required to be rectified, to the satisfaction of the BOR within 5 working days of the adverse situation. Failure to do so may result in suspension of the license by the BOR (refer to §§ 95-20.3-340, 401 and 405);
  - (viii) A site visit by the program committee or their designee will compare what is described in the applicant submission documents for licensure, with actual physical and related institution facilities; and,
  - (ix) A prescreening background check shall be conducted of applicants to include but not be limited to criminal record, credit report, and reference reviews and checks.
- (3) Corporation:
- (i) CNMI business license;
  - (ii) CNMI incorporation documents certified by the Registrar of Corporations if incorporated in the CNMI;
  - (iii) CNMI certificate of authority from the Registrar of Corporations if a foreign corporation;
  - (iv) Corporate articles and by-laws;
  - (v) CNMI taxpayer ID number and tax clearance certification from the CNMI Department of Revenue and Taxation;
  - (vi) Identification and description of physical facilities to be used by the institution, with designation of principal use of each facility or portion of facility (e.g. administrative, instructional, library);
  - (vii) Copies of the deed, lease, and/or rental agreements, the length of which shall be for a minimum of three years, for all property, buildings and other facilities to be used by the applicant to provide academic and support services described in the letter of intent, application, and catalog;
  - (viii) Once licensed the licensee must notify the BOR when there is a material change in a rental, lease, or other agreement which affects the buildings, facilities; or contractual support for the institution within 5 working days of such change to include but not be limited to e.g. a rental or lease agreement being terminated for whatever reason;
  - (ix) Any change which in the opinion of the BOR or its designee affects adversely the ability of the licensee to provide educational and/or support services required under the license shall be required to be rectified to the satisfaction of the BOR within 5 working days of the adverse situation. Failure to do so may result in suspension of the license by the BOR (refer to §§ 95-20.3-340, 401 and 405);

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- (x) A site visit by the program committee or their designee to compare what is described in the applicant submission documents for licensure, with actual physical and related institution facilities; and,
  - (xi) A prescreening background check shall be conducted of applicants to include but not be limited to criminal record, credit report, and reference reviews and checks, including background checks of the stockholders, directors, and officers of the corporation.
- (4) Limited Liability Company (LLC):
- (i) CNMI business license;
  - (ii) CNMI incorporation documents certified by the Registrar of Corporations if incorporated in the CNMI and if one or more members of the LLC are corporations;
  - (iii) CNMI certificate of authority from the Registrar of Corporations if a foreign corporation and if one or more members of the LLC are corporations;
  - (iv) The partnership agreement or limited partnership agreement if one or more members of the LLC are partners;
  - (v) LLC articles of organization, and operating agreement, if any;
  - (vi) CNMI taxpayer ID number and tax clearance certification from the CNMI Department of Revenue and Taxation;
  - (vii) Identification and description of physical facilities to be used by the institution, with designation of principal use of each facility or portion of facility (e.g. administrative, instructional, library);
  - (viii) Copies of the deed, lease, and/or rental agreements, the length of which shall be for a minimum of three years, for all property, buildings and other facilities to be used by the applicant to provide academic and support services described in the letter of intent, application, and catalog;
  - (ix) Once licensed the licensee must notify the BOR when there is a material change in a rental, lease, or other agreement which affects the buildings, facilities, or contractual support for the institution within 5 working days of such change to include but not be limited to e.g. a rental or lease agreement being terminated for whatever reason;
  - (x) Any change which in the opinion of the BOR or its designee affects adversely the ability of the licensee to provide educational and/or support services required under the license shall be required to be rectified, to the satisfaction of the BOR within 5 working days of the adverse situation. Failure to do so may result in suspension of the license by the BOR (refer to §§ 95-20.3-340, 401 and 405);
  - (xi) A site visit by the program committee or their designee to compare what is described in the applicant submission documents for licensure, with actual physical and related institution facilities; and,
  - (xii) A prescreening background check shall be conducted of applicants to include but not be limited to criminal record, credit report, and reference reviews and checks, including background checks of the stockholders, directors, and officers of the LLC.
- (c) Ancillary agreements and contracts
- In the case of § 95-20.3-205(b)(1)-(b)(4), the applicant, prior to registering students, must have signed contracts, which must include but are not limited to educational facilities, faculty, student, and other support services which must include but is not limited to:
- (1) Facilities and maintenance and cleaning of dorms;

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- (2) Utilities and communication services including phone and internet; and
- (3) Administrative staff.

Modified, 1 CMC § 3806(c), (d), (f), (g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The Commission inserted a semi-colon at the end of subsection (b)(1)(i). The Commission removed the apostrophe after “documents” in subsection (b)(3)(x).

### **§ 95-20.3-210 Defined-Mission; Suitable Purposes; and Identified Target Population**

- (a) Evaluation criteria:
  - (1) The institution has a clearly defined mission appropriate for a postsecondary educational institution and for its intended constituency;
  - (2) The institution’s purposes are suitable to the public interest of the CNMI; and,
  - (3) The institution’s target population is identified.
- (b) Required documentation:
  - (1) Statement of mission for the institution;
  - (2) List of purposes for the institution; and
  - (3) Description of the population to be served by the institution.

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

### **§ 95-20.3-215 Institutional Governing Capacity**

- (a) Evaluation criteria:
  - (1) The institution has a governing entity whose responsibilities are clearly stated;
  - (2) Among the governing entity’s responsibilities are those that ensure institutional integrity and that the institution is engaged in activities designed to carry out its stated mission and purposes;
  - (3) The governing entity is sufficient in size and composition to meet its stated responsibilities;
  - (4) The institution has a chief executive officer with defined responsibilities and sufficient qualifications to meet those responsibilities;
  - (5) The institution has an organizational structure sufficient to manage its affairs.
- (b) Required documentation:
  - (1) Governing entity articles and by-laws (for a corporation) and statement of board responsibilities;
  - (2) Biographical information for members of the governing entity of educational institution and business owners, which shall include academic achievements and previous experience appropriate for a member, and also including the primary home address of

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each member and country of residence; in the case where a member's domicile or primary residence is not in the CNMI, a statement as to how the member(s) will effectively meet their governing, oversight, and guidance responsibilities; and,

(3) Biographical information and responsibility of the chief executive officer of the institution, including academic achievement and educational experience, as well as documentation of domicile in the CNMI:

(i) In the case where degrees are awarded by a non U.S. postsecondary institution(s) of higher education documentation must be provided as to the degree awarding credentials and authority of the non U.S. institution; and,

(ii) Table of organization, including names and biographical information of those who will fill the positions.

Modified, 1 CMC § 3806(f).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

### § 95-20.3-220 Financial Stability and Integrity

(a) Evaluation criteria:

(1) The institution's proposed budgets, financial resources, and funding base are adequate to support its mission, purposes, and programs; and,

(2) The institution ensures its financial integrity by making provision for timely and regular external fiscal audits of

(i) Its financial records, and

(ii) Its financial management system.

(b) Required documentation:

(1) A thorough business plan which covers all aspects of the institution and its operations, which might use as its outline the sections of this application, especially part 200 of this subchapter;

(2) A financial statement of the entity under which this application is submitted, compiled and signed by a U.S. certified public accountant;

(3) Proposed line item budgets for the first three years of operation which provide details of anticipated revenues and expenditures;

(4) Documentation of any external foundation or other financial support, reviewed by the CPA in the financial statement;

(5) Documentation of funding base, reviewed by the CPA in the financial statement;

(6) Description of plans for timely and regular annual fiscal audits of the institution's financial records and financial management system to be conducted by a U.S. certified public accountant (CPA);

(7) Copies of corporate/institution bank statements from an FDIC bank doing business within the CNMI;

(8) Proof of performance/surety bond from a company or corporation legally established to provide such services in the CNMI, in an amount equal to 25% of the total tuition and fees, including room and board charges, and return plane fare for all students



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officially registered by the institution. See § 95-20.3-335 of this subchapter:

- (i) In lieu of a surety bond, an amount in cash equal to the 25% requirement placed in a trust account with an FDIC bank located in the CNMI, the principle of which cannot be withdrawn without 30 days prior notice to the BOR;
  - (ii) A combination of a performance/surety bond and cash placed in a trust account with an FDIC bank located in the CNMI shall be equal to 25% of the total tuition and fees, and other charges as provided by § 95-20.3-220(b)(8);
  - (iii) When a performance/surety bond is canceled for any reason whatsoever, the licensee must notify the BOR within five working days of such cancellation or termination; the licensee shall then have 10 working days to either obtain a replacement performance/surety bond from a company authorized to provide such an instrument in the CNMI or establish a cash trust account or a combination;
  - (iv) Failure to meet these requirements is grounds for suspension of the license or other action by the BOR, including revocation of the license.
- (9) A written guarantee that the applicant institution shall not collect tuition and fees from students while outside of the CNMI, but only collect applicable tuition and other fees outlined in the institution catalog from students physically within the CNMI. The institution may require a promissory note be signed by the student when registered outside of the CNMI but only after, and so long as, the institution license granted by the BOR is legally in force;
- (10) A written guarantee that all of the tuition and other fees collected from registered students be deposited in an FDIC bank within the CNMI; and,
- (11) The BOR will monitor compliance through the annual audit requirement, and review of bank statements required under this application and the license requirements.

Modified, 1 CMC § 3806(c), (d), (f), (g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The Commission changed “Failure to meet these requirements are” to “Failure to meet these requirements is” in subsection (b)(8)(iv) to correct a manifest error.

### **§ 95-20.3-225 Educational Programs of Acceptable Quality, Content, and Length**

- (a) Evaluation criteria:
  - (1) The institution has policies that specify the requirements and qualifications for students entering
    - (i) The institution and
    - (ii) Its certificate and degree programs;
  - (2) The institution’s catalog clearly describes its certificate and degree programs, including expected student learning outcomes, and specifies the requirements to be met for the award of each certificate and degree offered, including general education courses and academic standards which shall include but not be limited to class attendance, behavior, due process and grading standards policies;
  - (3) The institution’s instructional program offerings are
    - (i) Consistent with its mission and

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- (ii) Are of sufficient depth, breadth, and rigor to provide the knowledge and skills expected of program graduates and to merit award of the proposed certificate or degree;
  - (4) The institution's degree programs include a defined education component of the breadth and depth appropriate for a postsecondary degree;
  - (5) The institution's catalog contains course descriptions and prerequisites, when appropriate, for all offered courses;
  - (6) The institution has stated criteria for awarding academic credits;
  - (7) Generally accepted standards for hours of instruction per academic credit awarded are manifested in the institution's proposed class schedule;
  - (8) The proposed class schedule identifies, for each class, hours of classroom/laboratory instruction, and credits to be awarded;
  - (9) If course or program offerings are affiliated with a U.S. accredited institution, the quality of such offerings is adequate to meet the needs of the courses or programs offered in the CNMI;
  - (10) Appropriate and accurate student and staff recruitment information, public awareness materials including written advertisements; and,
  - (11) A procedure to survey students to determine their evaluation of the quality of instruction, facilities, and institutional activities.
- (b) Required documentation and verification:
- (1) Statement of requirements for student admission into the institution;
  - (2) Statement of requirements for student admission into a specific program of study;
  - (3) Names of certificates and degrees, with expected student learning outcomes for each;
  - (4) Specific requirements for each certificate and degree offered (e.g. required courses, including general education requirements, and academic standards);
  - (5) Catalog as defined in § 95-20.3-005(i) must be printed and provided to the Board of Regents and to each potential student prior to registration, and made available to the public;
  - (6) A student handbook or other similar document detailing student rights, due process, institution policies which affect students, expected behavior, disciplinary and student grievance procedures and other policies commonly found in student handbooks;
  - (7) A copy of the curriculum for each course to be taught listed in the catalog, or schedule of courses to be taught each semester (or quarter) must be provided to the BOR prior to the course being taught, this shall include but not be limited to goals, objectives, content, activities, teaching methods, materials, and other support services needed e.g. library and reference, research facilities, laboratory or other appropriate hands-on items;
  - (8) Statement of criteria for awarding of credits;
  - (9) A schedule of classes for the first semester of operation;
  - (10) Appropriate academic, vocational and/or other facilities which may include but not limited to\* housing, library, are fully equipped with appropriate collateral equipment, including but not limited to books, supplies, and materials;
  - (11) A site visit by the program committee or their designee to the institution facilities, including library, housing, or other support facilities identified by the applicant to determine that these facilities are ready for occupancy and use in all respects as described and required in the application, the license, and the catalog; and, in compliance with all

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applicable local and federal health, safety, and other requirements set forth in CNMI and federal regulations;

(12) Copies of all public recruitment materials, ads, pamphlets, information about the institution provided to students and personnel which describe the institution facilities, courses of study, costs and fees and other related information;

(13) A copy of the student survey designed to evaluate institutional instruction, facilities, and support services, and copies of student survey results at the end of each academic year; and,

(14) A copy of all documents which students are required to sign, including but not limited to, applications, promissory notes, student awareness of rules and regulations documents, promises by the institution and/or student; and a detailed schedule of all institutional charges, tuition and fees, and deposit requirements; a statement of a schedule of refunds of all institutional charges, tuition and fees, and deposits in accordance with the institution's refund policy; and, a statement of the institution's financial aid policy including but not limited to financial aid available to students and associated conditions.

\* So in original.

Modified, 1 CMC § 3806(c), (f), (g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The Commission changed "institutions refund" to "institution's refund" in subsection (b)(14).

### **§ 95-20.3-230 Quality Teaching Faculty**

(a) Evaluation criteria:

(1) The institution's teaching faculty is sufficient in number and qualifications to support the institution's educational programs;

(2) The institution's teaching faculty is qualified to teach those courses which they are assigned to teach;

(3) The appropriate number of qualified teaching faculty or instructors and support services professionals, such as but not limited to librarian and counselor, have been hired, through contracts which must be provided to the BOR, prior to collection of student tuition and fees for each semester;

(4) The institution has a clear statement of faculty responsibilities; and,

(5) Faculty evaluation of the institution.

(b) Required documentation:

(1) Roster of full-time and part-time faculty, including degrees, qualifications, and experience;

(2) In the case where degrees are awarded by a non U.S. postsecondary institution(s) of higher education or U.S. institutions not accredited by a nationally recognized accrediting authority, documentation must be provided as to the degree awarding credentials and authority of the non U.S. and/or non accredited institution;

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- (3) A copy of the contract for each faculty and student support services personnel e.g., librarian, technical instructor, counselor must be made available for review by the BOR or their designee;
- (4) Statement of faculty responsibilities;
- (5) Schedule of classes, which identifies the faculty responsible for each class;
- (6) A personnel policies handbook, or similar document shall be provided to the BOR or its designee, which clearly states policies with respect to hiring, due process, grievance procedures, disciplinary procedures, and other issues commonly found in personnel policies; and,
- (7) A copy of a faculty evaluation survey in which faculty and support services personnel are asked to evaluate institutional policies, academic and instruction programs, student services, facilities and related issues, and a copy of the survey results at the end of each academic year.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The Commission inserted the hyphens in “full-time” and “part-time” in subsection (b)(1). The Commission changed “faculty are qualified” to “faculty is qualified” in subsection (a)(2) to correct a manifest error.

### **§ 95-20.3-235 Sufficient Library and Learning Resources**

- (a) Evaluation criteria:
  - (1) The institution’s library and learning resources are sufficient in breadth, depth, and quantity to support the courses and instructional programs offered at the institution and to meet the needs of students enrolled in such courses and/or programs;
  - (2) The institution shall have the capacity to provide professionally trained and competent library, research, and/or reference personnel to serve the needs of the students as stated in the mission and in their program and curriculum descriptions
- (b) Required documentation and verification:
  - (1) Description and quantity of library holdings and learning resources including, but not limited to, number and titles of books by category, periodicals, reference books, instruction technology equipment including multimedia equipment e.g. computers, power point\*, microfilm;
  - (2) Copies of agreements for access to external learning resources including but not limited to appropriate library, reference, and research resources;
  - (3) A plan to expand, update and improve library holdings and support services; and,
  - (4) A site visit by the program committee or its designee to determine if the materials, equipment and supplies identified as being available to support student academic, vocations, and/or professional instruction, and faculty and student reference, research, and resource needs are in place and operation prior to the beginning of registering students, collection of student tuition and fees, and the beginning of course/class instruction.

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Modified, 1 CMC § 3806(f), (g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The Commission inserted a comma between “including” and “but” in subsection (b)(1).

### **§ 95-20.3-240 Adequate Student Support Services**

- (a) Evaluation criteria:
  - (1) Support services for students are adequate and appropriate for meeting the needs of students and are consistent with student characteristics and the institution’s mission; and,
  - (2) The institution has a clear description of
    - (i) How it will maintain student records and
    - (ii) How students may obtain academic records if the institution closes.
  - (b) Required documentation and verification:
    - (1) Title and job description of non-instructional personnel whose responsibilities are to provide student support;
    - (2) Description of how student records will be maintained;
    - (3) Description of how students may obtain academic records if the institution closes; and,
    - (4) A site visit to be by the program committee or its designee to review and evaluate the student support services identified by the institution in its application and supporting documents.

Modified, 1 CMC § 3806(f).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

### **§ 95-20.3-245 Adequate Administrative Services**

- (a) Evaluation criteria:
  - (1) The institution has sufficient staff with appropriate qualifications and experience to provide the administrative services necessary to support the institution’s mission and educational programs.
  - (b) Required documentation:
    - (1) Title and job description of administrative personnel; and,
    - (2) Names and biographical information of administrative staff, proposed (and so identified) current or proposed (and so identified).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

**Part 300 - Licensing Decisions, Terms, Extensions; Supplemental Applications; Performance Bonds; Complaints**

**§ 95-20.3-301 Need for Additional Information**

It is in the applicant's best interest to provide as much relevant information as possible to enable the Board of Regents to make a decision regarding the applicant's eligibility to establish and operate an institution of higher education within the CNMI. The Board of Regents reserves the right to ask the applicant for any additional information it deems necessary for it to make a determination in authorizing the applicant to operate as a postsecondary educational institution in the CNMI.

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The Commission created the title for part 300.

**§ 95-20.3-305 Notification of Decision**

The Board's staff shall issue notification of the Board's decision regarding the applicant's application by telephone within two working days following the Board's decision regarding the application. The license authorizing the applicant to operate a postsecondary educational institution within the CNMI will be sent to the applicant by registered mail within five working days following the Board's decision. In the event that an applicant is denied a license, a letter stating the reasons for such denial shall be sent to the applicant by registered mail within ten working days following the Board's decision.

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

**§ 95-20.3-310 Reconsideration**

(a) Should its application be denied by the Board, an applicant has the right to file for reconsideration when:

- (1) Such applicant can show that the Board's staff or others
  - (i) Have misrepresented its application in whole or in part;
  - (ii) Acted in excess of the prescribed requirements; or
  - (iii) Did not observe procedures prescribed herein
- (2) And such applicant can show that it complied with all of the requirements prescribed herein.

(b) Procedure.

(1) A request for reconsideration must be made to the Chairperson of the Board no later than 20 days after the applicant's receipt of the letter from the Board stating the reasons for the denial of a license.

(2) The Chairperson shall appoint a special committee of not less than three Board

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members to review such request.

(3) The committee shall consider the request and make recommendations to the Board within 10 working days after appointment;

(4) The Board shall make a decision regarding the request for reconsideration no later than 20 days after the Chairperson of the Board has received the committee's recommendation, and the applicant shall be informed about the decision by registered mail within ten working days following the decision.

(5) Should the Board grant the request for reconsideration, the applicant shall have 20 days to submit its written argument on why the license should be granted.

(6) The Board shall make its final decision within 20 days of applicant's written submission.

(c) Institution Operations Prior to License Approval.

Under no circumstances may the applicant market, recruit, register, collect fees and tuition or other costs from prospective students prior to receiving notice of the approval of the license application, and until all conditions contained in the license approval are met and approved in writing by the BOR.

Modified, 1 CMC § 3806(f).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

### **§ 95-20.3-315 Provisional License**

(a) The Board of Regents recognizes that when an entity applies for a license to establish a postsecondary educational institution in the CNMI or for a license to establish an extension of an out-of-state institution of higher education in the CNMI, some requirements may not be fully met at the time of the application. The Board, by majority vote, may grant a provisional license for a period to be determined by the BOR so that such remaining requirements may be met.

(b) A statement from the Board shall accompany the provisional license and shall specify those requirements which have not been met, along with a timeline for meeting the requirements. Documentation showing how the institution has subsequently met such requirements, and a non-refundable fee of \$1,500.00 to cover administrative costs, must be submitted to the Board not less than three months from the date the provisional license is approved with conditions.

(c) Under no circumstances shall students be registered, tuition and fees collected, students brought to the CNMI, or instructional operations commenced until the provisional licensee has received written approval to begin such activities either in the provisional license or in follow up approval after the applicant has met any conditions required by the BOR.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: In the original, the first paragraph was not designated. The Commission designated subsection (a). The Commission changed “non-fundable” to “non-refundable” in subsection (b) to correct a manifest error.

**§ 95-20.3-320 Term of License**

(a) Non-Accredited Institutions

For those postsecondary educational institutions operating in the CNMI which are not accredited by an accrediting body recognized by a U.S. government agency, the term of the license shall be for a period not to exceed three years. The license may be extended for additional periods, determined by the BOR based upon licensee performance, provided that the institution meets those requirements specified in § 95-20.3-325; and, all documentation and evaluation criteria stated in part 200 of this subchapter. The provisional license described in § 95-20.3-315 shall count as one of the operational years for purposes of this section.

(b) Accredited Institutions

When a postsecondary educational institution operating in the CNMI becomes accredited by an accrediting body recognized by a U.S. government agency, the term of the license shall be for the duration of its accreditation period. The term for each extension of the license shall coincide with the institution’s reaffirmation of accreditation.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

**§ 95-20.3-325 Requirements for Extension of License**

(a) Three months prior to the expiration of the institution’s license, the institution shall submit to the Office of the Board a report certifying continued compliance with the requirements specified in part 200 of this subchapter and §§ 95-20.3-325 and 95-20.3-330 as appropriate; and, a nonrefundable renewal fee of \$5,000.

(b) The report shall contain a statement describing how the institution continues to meet each of the nine requirements.

(c) The report shall also update its business plan, plans for improved programs and



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services, notify the BOR of any material changes anticipated in the future, including but not limited to, copies of student and faculty surveys, and copies of rental and lease agreements for facilities and services.

(d) The report shall also certify compliance with an additional license requirement, operational status, the evaluation criterion being that the institution is operational, with students enrolled in its courses and actively pursuing its degree programs. Documentation related to this requirement is to be included in the report and shall consist of, but not limited to the following:

(1) Number of students enrolled in the institution each instructional term of each year during the current term of its license to operate.

(2) The names of degrees the institution awarded during the current term of its license to operate and the number of students awarded each degree each year.

(e) The president and the chair of the governing entity shall sign the report submitted for an extension of its license.

(f) The program committee or its designee shall review and evaluate the report and conduct a site visit which will include inspection of facilities, meetings with students, faculty, and administrative and support services personal. Based upon the results of the report review and site visit, the program committee or its designee shall then make a recommendation to the full BOR with respect to a request by the institution for a new or extended license.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The original paragraphs in this section were not designated. The Commission designated all subsections in this section.

### **§ 95-20.3-330 Supplemental Application/Substantive Application Modification**

(a) In the case where a licensee, or provisional licensee, has been granted by the BOR the applicant having met all of the conditions in this subchapter, makes a substantive change defined below, a nonrefundable fee of \$1,000.00 to cover administrative costs shall accompany the notification of supplemental information and/or substantive change to an existing license.

(b) A supplemental application shall be required to be submitted 30 calendar days prior to a substantive change, or when the change makes meeting this deadline impossible, within five days of the change. Matters that are considered to be “substantive” include but are not limited to:

(1) A change in the name of the institution.

(2) A change in the principal location, or an addition of a facility at another location of the institution of either direct or support facilities.

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- (3) A change in ownership or governance of an institution.
- (4) Proposed changes, additions or deletions, of degree programs or course offerings.
- (5) Establishment of an additional instructional site away from the main campus.
- (6) Action by an accrediting agency which results in an institution being placed in a probationary status for more than six months, or which results in the loss of the institution's accreditation.

Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The Commission changed the "is" found before "not limited to" to "are" and "changes makes" to "change makes" in subsection (b) to correct manifest errors. The Commission designated subsections (a) and (b), which were not designated in the original.

### **§ 95-20.3-335 Performance/Surety Bond**

(a) The applicant shall obtain a performance/surety bond, in an amount equal to 25% of the total tuition, fees and other student costs, and the cost of return airfare for each student, or a cash amount placed in a trust account as provided by § 95-20.3-220(b)(8). Failure to meet these requirements is grounds for suspension of the license by the BOR, including revocation of the license.

(b) Exemption. For those applicants who can demonstrate through such means as a CPA audit that the institution's income from tuition and fees is less than \$10,000 per annum, the performance/surety bond shall be \$10,000.

Modified, 1 CMC § 3806(c), (f), (g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The Commission changed "Failure to meet these requirements are" to "Failure to meet these requirements is" in subsection (a) to correct a manifest error.

### **§ 95-20.3-340 Filing of Complaints**

(a) When any person, persons, agency, or institution desires to file a formal complaint regarding an institution's violation of any part of this subchapter or any part of the licensing conditions, with such complaint possibly resulting in the suspension or revocation of the license of an institution as provided for in part 400 of this subchapter, the following procedures shall apply:

- (1) All complaints must be presented in writing, be signed by the complainant, and detail the nature and particulars of the complaint;
- (2) The Board shall inform the concerned institution and shall provide a copy of the complaint;

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(3) The concerned institution shall have the right to respond to the complaint, providing it does so within 20 days after receiving notification of such a complaint.

(b) The Board may initiate its own complaint, at its discretion, that relates to institutional violation of the requirements laid out in part 200 and elsewhere in this subchapter or to conditions leading to possible suspension or revocation of an institution's license to operate a postsecondary educational institution in the CNMI as laid out in part 400 of this subchapter. The Board will comply with the procedure stated herein.

Modified, 1 CMC § 3806(c), (d), (f), (g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The Commission made condition plural in subsection (a) to correct a manifest error.

### **Part 400 - Suspension or Revocation of License**

#### **§ 95-20.3-401 Causes for Revocation or Suspension**

(a) The license issued to an institution is granted based upon the conditions laid out in the required documentation submitted with the license application. Non-adherence to such conditions shall be cause for suspension or revocation of the institution's license to operate a postsecondary educational institution within the CNMI, at the discretion of the BOR.

(b) Anyone\* of the following shall be cause for suspension or revocation of an institution's license to operate in the CNMI:

- (1) Misrepresentation in the documentation submitted with the license application; or
- (2) Failure on the part of the institution to maintain the standards and conditions set forth by the institution in its license application; or
- (3) Failure to operate in accordance with its stated mission and purposes;
- (4) Failure to maintain a performance/surety bond or trust account, or combination thereof;
- (5) Failure to meet financial obligations; and,
- (6) Failure to maintain facilities, personnel, and/or services as required and stated in its approved application for the license.

\* So in original.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

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Commission Comment: The original paragraphs of this section were not designated. The Commission designated subsections (a) and (b) and created the title for this section. In subsection (b)(6), the Commission changed “approve” to “approved” to correct a manifest error.

The original version of this section as published in the Commonwealth Register is out of order. The Commission inserted part of this section from 28 Com. Reg. 25878 (June 19, 2006) rather than from the consecutive page (28 Com. Reg. 25877 (June 19, 2006)). In the original (Policy 017), this section and § 95-20.3-405 comprised one section. The Commission separated § 95-20.3-401 and created the section title.

### **§ 95-20.3-405 Procedure for Revocation or Suspension**

When the Board determines that a complaint, filed as provided for under § 95-20.3-340, may warrant suspension or termination of the institution’s license to operate in the CNMI, the following procedures, including those in § 95-20.3-305, shall apply:

- (a) The Board chair shall notify the affected institution of the possible suspension or revocation of its operating license and the reasons for such determination;
- (b) The Board chair shall appoint a review team of not less than three members to conduct a review of the institution relative to the complaint, with such review to take place not more than 15 working days after appointment of the review team. The institution shall be given written notification of the institutional review, with such notification stating the purpose of the review, the names of the review team members, and the dates during which the review will be conducted;
- (c) The review team shall review institutional documents and interview faculty, staff, and students relative to the complaint;
- (d) Within 5 working days after completion of the institutional review, the review team shall submit to the program committee of the Board a written report containing the results of its findings and its recommended action;
- (e) Within 5 working days of the review team’s submission of its written report to the program committee, the program committee shall consider the review team’s report and determine its own recommendation to be made to the Board. The program committee shall provide the affected institution a copy of its recommendation, with supporting justification;
- (f) Within 10 working days after the program committee has determined its recommendation, the Board shall hold a session to make a final decision regarding the revocation or suspension of the institution’s license to operate. The affected institution shall be notified of the Board session and shall be provided an opportunity to present its position regarding the action to be taken;
- (g) The Board shall meet in executive session to make its final decision regarding the institution and shall notify the institution of its decision by registered mail within 5 working days following the executive session.

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Modified, 1 CMC § 3806(c), (f), (g).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (May 19, 2006) (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The original version of this section as published in the Commonwealth Register is out of order. The Commission inserted part of this section from the previous page (28 Com. Reg. 25877 (June 19, 2006)) rather than from the consecutive page.

In the original (Policy 017), this section and § 95-20.3-401 comprised one section. The Commission separated this section from § 95-20.3-401 and created the section title. The Commission removed the extra comma found after “recommendation” in the first sentence of subsection (f).

### **§ 95-20.3-410 Emergency Suspension**

(a) The Chairperson of the BOR, based upon documented evidence of gross serious problems within the licensed institution identified in § 95-20.3-401, which present an immediate concern for the welfare of the students and/or staff of the licensee, may issue a temporary suspension of license and operations letter to the chief operations officer or person immediately exercising administrative authority over the institution. The letter is to be delivered by hand and a receipt obtained.

(b) The letter must state exactly what serious problems have caused the suspension, provide copies of documentation or other evidence which led to the issuance of the letter and provide the institution 3 working days in which to provide adequate evidence for the Chairperson to rescind the letter or take other action. The Chairperson shall notify all BOR members of its action on the same day the temporary suspension of license and operations letter is delivered to the licensee.

(c) If the institution disputes the problem or problems cited for suspending operations then the timelines stated in § 95-20.3-405 shall begin. However, unless compelling evidence to the contrary exists, the suspension shall remain in force during the § 95-20.3-405 process.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The original paragraphs in this section were not designated. The Commission designated subsections (a) – (c). The original version of this section as published in the Commonwealth Register is out of order. The Commission inserted part of this section from 28 Com. Reg. 25879 (June 19, 2006)) rather than from the consecutive page.

## **Part 500 - Miscellaneous Provisions**

### **§ 95-20.3-501 Student Records**

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- (a) The institution shall make adequate provision for the maintenance of all academic records, financial aid information, and other student records in original document or hard copy in a permanent form, for example, original paper copy or compact disc.
- (b) The Board will not be responsible for student records if an institution decides to close.
- (c) A closing institution is expected to make arrangements with another college or university or with the CNMI archives to preserve student records, and to inform the Board about such arrangements. Prior to closure, the institution shall attempt to notify every current and past student by mail about the closure, where the academic records are being stored, and how students can access those records. The same information shall be placed in advertisements in all local newspapers for a period of not less than one week.
- (d) To the extent possible and practical, a copy of a student's academic record should also be forwarded to the individual student.

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: The original paragraphs in this section were not designated. The Commission designated subsections (a) – (d). The Commission created the title for part 500.

### **§ 95-20.3-505 Accreditation Status**

The CNMI Board of Regents is not an accrediting body. Therefore, the Board's issuance of a license to establish an institution of higher education in the CNMI does not constitute accreditation of the institution. Within three years, all institutions receiving a license are expected to seek accreditation from the Western Association of Schools and Colleges or from some other appropriate accrediting body recognized by a U.S. government agency; and, the BOR may at its discretion require the licensee to do so.

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

### **§ 95-20.3-510 Hold Harmless; Indemnity**

(a) **Hold Harmless**

The applicant will hold harmless the Board of Regents (BOR), its staff, consultants, and other personnel from any liability whatsoever resulting from the assessment of the material provided to the BOR for purposes of deciding whether or not to issue a license to the applicant for purposes of operating a postsecondary educational institution in the CNMI. This provision will, in no way, derogate from, detract or limit the immunity of Northern Marianas College, the Board of Regents, its staff, consultants, and other personnel under law.

(b) Indemnity

The applicant upon being licensed by the BOR will indemnify, defend and hold harmless the BOR, its staff, consultants, and other personnel from and against any and all claims, demands, liabilities, damages, losses, costs and expenses, including without limitation, reasonable attorneys' fees in connection with any claim, action, or proceeding brought by any third party resulting from or arising out of any breach by the licensee for any reason whatsoever.

Modified, 1 CMC § 3806(f).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

**§ 95-20.3-515 Investigation**

Nothing in this licensing policy shall affect the ability of the Division of Immigration to investigate and/or determine whether a licensed institution is in compliance with Immigration Regulation § 5-40.1-646 concerning foreign student attendance.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 28 Com. Reg. 26129 (Aug. 24, 2006); Proposed 28 Com. Reg. 25829 (June 19, 2006); Emergency and Proposed 28 Com. Reg. 25640 (effective for 120 days from May 19, 2006); Proposed 27 Com. Reg. 23982 (Feb. 17, 2005).

Commission Comment: PL 17-1 (March 22, 2010) eliminated the Division of Immigration. The administrative regulations pertaining to immigration were repealed on March 22, 2010, through 32 Com. Reg. 30094 (Apr. 19, 2010).

**SUBCHAPTER 95-20.4  
STUDENT DEVELOPMENT POLICY**

Subchapter Authority: 3 CMC § 1316.

Subchapter History: Proposed 27 Com. Reg. 23838 (Jan. 17, 2005).\*

\*Notice of adoption was not published.

Commission Comment: For a complete history of the authority of the Northern Marianas College Board of Regents see the general comment to chapter 10 of this title.

PL 4-34 (effective March 28, 1985), the “Post-secondary Education Act of 1984,” codified as amended at 3 CMC §§ 1301-1331, created the Northern Marianas College as a nonprofit public corporation, under the general control and direction of the Board of Regents of the Northern Marianas College. See 3 CMC § 1304; see also 3 CMC § 1311. 3 CMC § 1316 defines the duties of the Board of Regents and provides the Board the authority to adopt rules and regulations for the implementation of the act and its duties thereunder.

In January 2005, the Northern Marianas College Board of Regents published a notice proposing a “Student Development Policy” See 27 Com. Reg. 23838 (Jan. 17, 2005). A notice of adoption was not published.

[Reserved for future student development regulations]