



Memorandum to Presidents

Vol. 13, No. 4

Date: July 31, 2013

From: Office of the Provost and Executive Vice Chancellor for Academic Affairs

Subject: *Policy and Guidance: Out-of-State, Credit-bearing Academic Degree and Certificate Programs*

To: Presidents, State-Operated Campuses
Presidents, Community Colleges
Statutory College Contacts

This memorandum provides guidance for campuses on the implementation of the State University Board of Trustees' Resolution 2011-021, *State University Board of Trustees Policy on Out-of-State, Credit-bearing Academic Degree and Certificate Programs*. The full text of the resolution appears in Appendix A.

The guidance was developed in consultation with Presidents and Chief Academic Officers in all sectors of the University as well as with the University Faculty Senate and the Faculty Council of Community Colleges. Questions about this memorandum should be addressed to the SUNY Provost at: program.review@sysadm.suny.edu.

Attachment

Copy: Chief Academic Officers, All Campuses
Chief Business Officers, All Campuses
Campus Assessment Contacts, All Campuses
Campus Institutional Research Officers, All Campuses
Campus Senior International Officers, All Campuses
Campus Registrars, All Campuses
President, University Faculty Senate
President, Faculty Council of Community Colleges

Guidance on SUNY Out-of-State, Credit-bearing Academic Degree and Certificate Programs

I. Board Policy

The State University has long had policies and procedures that govern study abroad and out-of-state exchange programs for both students and faculty, including Document 1550 issued on October 26, 1979, addressing International Programs in Sensitive Areas. Guided by “SUNY and the World,” a pillar of the University’s strategic plan, and the increasing interest of SUNY campuses in strengthening their academic engagements outside New York State, SUNY continues to expand its programmatic reach across the nation and around the globe. In response to these growing out-of-state activities, the SUNY Board of Trustees has clarified its policy regarding the offering of academic programs beyond New York State’s borders to ensure quality whenever and wherever SUNY has a presence. On March 22, 2011, the Board passed Trustees Resolution 2011-021 on the delivery of credit-bearing academic degree and certificate programs to students in locations outside New York State. The resolution establishes the expectation that such programs will be reviewed and approved by SUNY in a process similar to SUNY’s review of academic programs offered in New York State, except that out-of-state programs will not be subject to review and registration by the New York State Board of Regents.

In the development and delivery of such programs, Trustees Resolution 2011-021 calls for all campuses to:

- Adhere to all SUNY policies and procedures governing academic programs;
- Adhere to Middle States Commission on Higher Education policies and guidelines regarding branch operations, other instructional locations and international activities;
- Submit proposals for new, revised and deactivated/discontinued programs to the SUNY Provost for review and approval, following standard procedures and guidelines;
- Develop programs that are consistent with campus mission, that meet demonstrated market need, and that offer academic quality comparable to that of programs delivered in New York State;
- Endeavor to build on institutional strength by offering programs in disciplinary areas where there is demonstrable expertise and experience;
- In cases where the proposed academic program involves a partnership with an entity in another state or country, provide clear evidence of the quality and reputation of said entity (e.g., institutional accreditation and academic program accreditation that is recognized by the country/state and/or territory in which the entity operated);
- Describe how the proposed academic program will advance SUNY’s overall reputation as well as that of the individual SUNY campus;
- Provide for ongoing, systematic program assessment, applying the highest standards of quality and accountability, including [as appropriate] applicable specialized accreditation; and
- Provide appropriate documentation of authorization/clearance to offer such programs in another state or country, where required [or evidence that no such authorization is needed].

II. Implementation Policies and Procedures

A. Scope. Trustees' Resolution 2011-021 pertains to academic programs that:

1. Are credit-bearing;
2. Provide instruction in a location outside of New York State; and
3. Reflect a registered degree or certificate program offered by the campus in New York State.

This Board policy applies to academic programs that are standalone programs as well as programs offered through partnerships with other institutions, such as multi-institution programs, dual-degree programs, certain articulation agreements, and other partnership arrangements that deliver SUNY credit at a location outside New York State and result in the award of an academic degree or certificate. If the same program is offered at multiple locations, each location is considered a separate program.

Trustees Resolution 2011-021 does not apply to study abroad programs that are already approved by SUNY, to articulation agreements with domestic institutions where no SUNY credit is delivered at the out-of-state location, or to academic programs registered in New York State that are delivered entirely by distance education to individual students who are not enrolled as part of an out-of-state or international partnership agreement.

As a general rule, institutions should not expand out-of-state/internationally if a program is:

1. Seeking initial specialized/programmatic accreditation; or
2. Registered with restrictions or progress reports due to the New York State Education Department.

B. Approval Procedures. Campuses shall neither advertise nor enroll students in an out-of-state or international program until the proposed program is approved by the SUNY Provost unless an out-of-state or international program is otherwise exempted by this Memorandum. Approvals should follow one of the following three approval pathways depending on the nature of the program.

1. Programs that deliver SUNY Credit at out-of-state/international locations:

If 50% or more of the credit toward the degree or certificate program is delivered by SUNY at the out-of-state/international location, including the delivery of SUNY credit through distance education methods, the following procedures apply:

- a. Campus Chief Academic Officers (CAOs) shall submit an Out-of-State Program Announcement (PA) for undergraduate programs or an Out-of-State Letter of Intent (LI) for graduate programs to the SUNY Provost for each new out-of-state or international program it proposes to offer, listing each location, using the form at: http://www.suny.edu/provost/academic_affairs/ProgramProposalGuide.cfm. All submissions are to be sent to: program.review@sysadm.suny.edu. The PAs and LIs will be announced in the weekly Academic Programs Update issued by the Provost's office each Friday.

- b. Once the SUNY comment period for a PA/LI has elapsed, and once SUNY approves the PA/LI, a campus CAO may submit a full proposal for each out-of-state and international academic program to the SUNY Provost at: program.review@sysadm.suny.edu for review and approval by the Provost's Office and the Office of International Programs. The proposed program shall adhere to the principles established in Trustees Resolution 2011-021 and the instructions on the *Out-of-State and International Academic Program Proposals Form* at: http://www.suny.edu/provost/academic_affairs/ProgramProposalGuide.cfm. (As it is anticipated that the form will evolve over time, it will be dated so that campuses are able to determine if they have the most current version.)
- c. If the same international program is offered at multiple locations, each location is considered a separate program requiring a separate submission. All submissions are to be sent to: program.review@sysadm.suny.edu.

2. Articulated Programs with International Partners:

SUNY institutions engaging with an international partner to deliver a credit-bearing academic degree or certificate program in an articulated sequence, whereby 50% or more of the total number of credits toward degree are transferred to the SUNY institution from an overseas entity, must submit such programs for review using the *International Academic Program Proposal for Articulation Agreements with Partner Institutions* (Short Form) at: http://www.suny.edu/provost/academic_affairs/ProgramProposalGuide.cfm.

- a. The Articulated Program Form applies only to articulation arrangements with international partner institutions, including dual degree, dual diploma, 2+2, and other such joint or articulated program formats, where no SUNY credit is delivered at the international location. Such programs do not require registration by the New York State Board of Regents, but are subject to review by the SUNY Board of Trustees under Trustees Resolution 2011-021.
 - b. Articulation agreements with out-of-state, domestic entities are not subject to review or approval under this memorandum.
- C. Policy Transition. Prior to the adoption of Trustees Resolution 2011-021 dated March 22, 2011, some campuses were offering out-of-state and international programs that are now subject to SUNY's review and approval. In such cases, the campuses were required to submit a complete list of such programs to the SUNY Provost and the Office of International Programs. At the time this MTP was issued, SUNY was conducting its review, on a campus-by-campus basis, of all preexisting programs submitted by the campuses. Each campus may continue offering a program until SUNY review of the program is completed. However, if a preexisting program requires the authorization of one or more political/regulatory jurisdictions in which it is offered, campuses shall take immediate action to secure that authorization if it is not already in place.
- D. Approval Criteria. Campuses may only offer an out-of-state/international academic program that is the same as a registered program offered in New York State by the campus. In the case of degree programs offered completely out-of-state, the design of the program must remain comparable to that of the registered program, but may be adapted, as appropriate to meet the needs of the local environment where it is offered. The rationale for such changes

must be evidenced in the proposal. Each program shall be reviewed based on the same standards that apply to programs offered in New York State and the principles in Trustees Resolution 2011-021. For example:

1. Degrees and certificates awarded shall be New York State-recognized awards based on section 3.50 of Title 8 of New York Codes, Rules and Regulations.
2. Admissions criteria shall be comparable to those used in New York State, and student academic and support services comparable to on-campus services shall be provided to enrolled students wherever and whenever instruction occurs.
3. Campuses shall submit all required data for out-of-state and international students and programs to the SUNY Institutional Research Information System (SIRIS).

SUNY campuses have used model practices in administration of programs offered outside of New York State. However, there has been inconsistency in practices and in some cases, lack of knowledge of the legal considerations for programs offered at out-of-state and international locations. In providing a framework for risk management of these programs, the following criteria apply to out-of-state and international programs:

1. Student enrollment in programs conducted outside of New York State must never be reported in enrollment reports as eligible for State support; these enrollments are ineligible for State support.
2. All academic programs delivered outside of New York State should comply with home campus policies and procedures for approval of new academic programs.
3. All academic programs delivered outside of New York State shall comply with all local applicable laws, regulations, and policies in the location where the program is offered. Such compliance shall be subject to confirmation by SUNY's Office of General Counsel.
4. If the program involves a partnership with another entity, the partnership shall be formalized with a written, legally binding agreement or contract that shall be subject to SUNY's Office of General Counsel through the campus's review and approval, conducted by the campus's local counsel, before becoming effective. In no event may responsibility for the academic offerings that lead to the awarding of SUNY degree, certificate or academic credit be ceded to an external entity.
5. All academic programs delivered outside of New York State, and the degree or certificate awarded upon completion of the program, should be recognized by the local authorities in the location where the program is offered. If the award or program format (e.g., distance education) is not officially recognized, students must be informed prior to their enrollment.
6. Campuses must develop an exit strategy including a framework for a teach-out plan to provide the campus with a smooth transition in the event of political disruption, breach of contract, low enrollment or other matters leading to dissolution of the partnership or cessation of the academic program. This should delineate matters for which the campus is and is not responsible and might include delivering a teach-out option locally or bringing students back to the home campus for the duration of their degree program. Provision must also be made for those students who may not be able to obtain a visa to study in the United States; such as sending them to another international site, online instruction, or

- working with local institutions to facilitate student transfer to a similar academic program.
7. All programs must include an appropriate risk management plan that provides for the health and safety of all affiliated students and staff, particularly providing for a plan to extract students and staff should the local environment become dangerous due to a natural disaster, political unrest, or some other extreme event.
 8. The use of SUNY and campus logos, branding, and other trademarked material must comply with applicable system and campus policies and procedures. Partners may not use SUNY trademarked material without expressed written consent from SUNY System Administration through the Office of the Provost. Unauthorized use of these materials may result in immediate nullification of the program and/or partnership.
 9. Campuses shall take all appropriate measures to ensure academic freedom is protected within the international program as dictated by relevant SUNY and campus policy.
 10. Ownership of intellectual property developed by students and/or staff affiliated with the out-of-state/international program shall be determined by relevant SUNY and campus policy.
 11. Information from records, files, or other data that is directly related to a student participating in an out-of-state/international program, other than public information, shall be released to individuals and/or organizations only with written consent of the student or as otherwise allowed by relevant laws, policies, or regulations of SUNY, New York State, and the United State of America.
 12. Employment contracts for faculty, staff and independent contractors overseas may be subject to labor regulations in the country of employment. Hiring decisions must be made accordingly, under the authority and consent of the SUNY campus.
 13. Faculty teaching in the program must hold degrees that are comparable to degrees required for faculty at the “home” campus in New York State and should demonstrate comparable experience and scholarly endeavors.
 14. Campuses should seek approval of the Middle States Commission on Higher Education (MSCHE) for all additional locations as described in MSCHE policy for substantive change at: <http://www.msche.org/?Nav1=POLICIES&Nav2=INDEX> and approval by appropriate programmatic or specialized accrediting agencies if the registered program is accredited by such bodies. Campuses should make budgetary allowances for required site visits by accreditation representatives as appropriate.
 15. In addition, these programs are subject to the financial and legal criteria specified in the *Financial Guidelines for Out-of-State and International Programs* and the *State University Tuition Reimbursable Account (SUTRA) Guidelines* at: <http://www.suny.edu/sunypp/>.
- E. Academic Program Revisions, Deactivations or Discontinuances. Campuses shall use the forms and guidelines at: http://www.suny.edu/provost/academic_affairs/ProgramProposalGuide.cfm to seek approval for out-of-state and international program revisions, deactivations or discontinuances, just as they do for programs offered in New York State. The forms should be emailed to: program.review@sysadm.suny.edu.

III. Resources for Campuses

- SUNY Board of Trustees' Resolution 2011-021
<http://www.suny.edu/Board_of_Trustees/webcastdocs/Out-of-State%20Academic%20Degree%20and%20Cert%20Programs.pdf>
- SUNY Out-of-State and International Academic Program Proposal Form
<http://www.suny.edu/provost/academic_affairs/acadprogdevrev.cfm>
- SUNY Board of Trustees Adopted Five-Year Tuition Rate Schedule for Out-of-State Students at State-Operated Institutions
<http://www.suny.edu/Board_of_Trustees/webcastdocs/Five%20Year%20Tuition%20Plan.pdf>
- Examinations of English Language Proficiency
 - *Test of English as a Foreign Language (TOEFL)*
<<http://www.ets.org/toefl>>
 - *International English Language Testing System (IELTS)*
<<http://www.ielts.org>>
- Higher Education Authorizing Agencies in the State in the U.S.
 - *U.S. Department of Education List*
<http://wdcrocolp01.ed.gov/Programs/EROD/org_list.cfm?category_cd=SHE>
 - *SHEEO Directory of State Authorizing Agencies*
<<http://www.sheeo.org/stateauth/stateauth-home.htm>>
- Middle States Commission on Higher Education
 - *Section V: International Programs Offered by Accredited Institutions Located Outside the United States*
<<http://www.msche.org/?Nav1=POLICIES&Nav2=INDEX>>
- Council on Higher Education Accreditation (CHEA) Resources on International Education
 - *International Quality Review Resources*
<<http://www.chea.org>>
- NASFA: Association of International Educators
<<http://www.nafsa.org/>>
- The International Network for Quality Assurance Agencies in Higher Education (INQAAHE) <<http://www.inqaahe.org/>>
 - *Guidelines of Good Practice*
<<http://www.inqaahe.org/main/professional-development/guidelines-of-good-practice-51>>
- Association of International Education Administrators
<<http://www.aieaworld.org/>>

Appendix A
Full Text of Trustees Resolution 2011-021



The State University
of New York

Office of the Chancellor

State University Plaza
Albany, New York 12246

www.suny.edu

MEMORANDUM

March 22, 2011

To: Members of the Board of Trustees

From: Nancy L. Zimpher, Chancellor

**Subject: State University Board of Trustees Policy on Out-of-State,
Credit-bearing Academic Degree and Certificate Programs**

Action Requested

The Proposed resolution approves and adopts revised policy on Out-of-State, Credit-bearing Academic Degree and Certificate Programs.

Resolution

I recommend that the Board of Trustees adopt the following resolution:

Whereas the State University Board of Trustees possesses broad authority over the curriculum of its institutions, including the planning, general supervision and coordination of facilities and programs, pursuant to Sections 355(1)(a),(c), 355(2)(h) and 6303(4) of the Education Law; and

Whereas the Board of Trustees academic policies apply to all academic offerings, regardless of the location of instruction and/or learning; and

Whereas the University is committed to core values of broad-based access and opportunity and to the highest standards of academic excellence; and

Whereas the University and its campuses have been at the forefront of assessment and quality assurance for over three decades, and have been a national model of best practice; and

To Learn
To Search
To Serve



Whereas, in addition to meeting the assessment standards of the State University of New York, the University's campuses must meet the assessment standards of regional and programmatic accreditation; and

Whereas the Middle States Commission on Higher Education and programmatic accrediting bodies require institutions to report "branch" campus and other off-campus instructional activity, regardless of location, and demonstrate comparable quality assurance across location; and

Whereas the University seeks to be a transnational enterprise of the highest order and expand its programmatic reach across the globe; now, therefore, be it

Resolved, that in considering the development of academic programs to be delivered outside New York State, including those to be offered internationally, State-operated, statutory and community college campuses will:

1. adhere to all SUNY policies and procedures governing academic programs;
2. adhere to Middle States Commission on Higher Education policy and guidelines regarding branch operations and international activities;
3. submit proposals for new, revised and discontinued programs to the SUNY Provost for review and approval, following standard procedures and guidelines;
4. develop programs that are consistent with campus mission, demonstrated market and need, and evidence of academic quality;
5. endeavor to build on institutional strength by offering programs in disciplinary areas where there is demonstrable expertise and experience;
6. in cases where the proposed academic program involves a partnership with an entity in another state or country, provide clear evidence of the quality and reputation of said entity (e.g., institutional accreditation and academic program accreditation that is recognized by the country, state and/or territory in which the entity operates);

7. describe how proposed academic programs will enhance SUNY's overall reputation as well as that of the individual SUNY campus;
8. provide for ongoing, systematic program assessment, applying the highest standards of quality and accountability, including applicable specialized accreditation; and
9. provide appropriate documentation of authorization/clearance to offer such programs in another state or country, where required; and, be it further

Resolved, that the Provost of the State University of New York will consult with campus leadership and faculty governance to implement this resolution, consistent with the University's Strategic Plan. The Provost will advise the Board of Trustees of any additional steps that may need to be taken to ensure the smooth implementation of this resolution in a fashion that enhances access and quality at the State University.

Background

The State University of New York has well-developed and highly accessible procedures and guidance for the development of new and revised campus academic programs, including those offered via alternative modes such as on-line synchronous or asynchronous formats. All campus proposals for academic (credit-bearing degree or certificate) programs undergo a two-stage review, beginning with SUNY System Administration (on behalf of the Board of Trustees) followed by New York State Education Department (on behalf of the Board of Regents) review and registration. While the Regents' purview is strictly limited to programs offered within New York State, SUNY Board of Trustee authority extends to all State University programs regardless of location.

In recent years, there has been growing pressure on SUNY campuses to expand programmatic offerings beyond New York State's borders. SUNY campuses have responded accordingly. At the same time, reporting requirements and accreditation standards have become more stringent. Typically, those requirements and standards apply to academic activity regardless of location or mode of delivery. To that end, the University must ensure that its academic policies and procedures are broadly applied to include both on-campus and off-campus instruction, regardless of location of instruction and/or learning, and it must provide the necessary infrastructure to support excellence and accountability.