



Middle States Negotiated Rulemaking

**Conversations with Program Reviewers (CPR)
August 18, 2020**

Academic Programs Team

Campus Reviewer Contact Information:

<https://system.suny.edu/academic-affairs/acaproplan/app/find-your-campus-reviewer/>

Negotiated Rulemaking:

- Federal process
- Multiple subcommittees
 - Accreditation and Innovation
 - Learning and Educational Innovation
 - TEACH grants
 - Faith Based Entities
- Accreditation implications
- Changes effective July 1, 2020

Key Takeaways

General:

- Regional Accreditation is being replaced by Institutional Accreditation.
- Each Commission will decide whether to operate regionally or to expand their scope of operations.
 - Middle States will expand the acceptance of domestic applications beyond its current boundaries effective immediately.
 - The Commission will lift its moratorium on international applications beginning January 1, 2021.

General Takeaways (cont'd)

Website Requirements:

- Institutional accreditation status must be listed on the institution's website, including date of last re-affirmation, accreditation phase and status as well as geographic scope, as well as any substantive changes. (All of this is on the MSCHE website on the landing page under each individual institution.)
- The full name and contact information for MSCHE must also be included.

General Takeaways (cont'd)

Website Requirements:

- Non-compliance actions (warning, probation, and show cause) must be disclosed to all current and prospective students **within seven business days of receiving notification of the action**. This may be done by posting the information on the institution's website.

Teach Out Plans and Agreements

- Teach out plans and agreements will be required for more situations including placement of the institution on probation for non-compliance. They may also be required for institutions on warning depending on the nature and severity of the non-compliance.

Substantive Change

- Substantive Changes are not approved retroactively. Prior approval is required.
- There are now 18 types of substantive change.
- Free Workshops will be held virtually on October 9 “How to complete a Substantive Change” and November 6 “Complex Substantive Change, Who, what, when, and How.”

Types of Substantive Change

1. A substantial change in Mission or Objectives: Not just a change in mission statement or goals, but, for example, a change from a community college to an institution offering graduate degrees.
2. Change in Legal Status, Form of Control or Ownership: This would be a complex substantive change for issues such as mergers.
3. Significant departure from Existing Educational Programs: this would be similar to our Master Plan Amendment (MPA) for degree programs in HEGIS areas not previously authorized.

Types of Substantive Change

4. Alternative Delivery Method (distance education or correspondence education): Now requires substantive change for only the first program delivered in the alternative format.

N.B. The current COVID 19 waiver for distance ed programs continues through December 31. If programs are to continue via distance ed past this date, and the institution is not already fully approved, the usual substantive change process must be employed. Approval for this format is listed on each institution's Statement of Accreditation Status (SAS).

Types of Substantive Change

5. Direct Assessment Programs: Competency based programs based not on credit or clock hours but on student achievement of program learning outcomes determined by direct assessment of those competencies.
6. Increase of credential level: Approval is needed to add a **higher** credential level than the ones the institution is already approved for. Approval for credential levels are listed on each institution's Statement of Accreditation Status (SAS). The Commission still requires the first two programs at that level to be submitted before the credential level is included within the institution's scope of accreditation.

Types of Substantive Change

7. Change in Measures of Student Progress: For example, change from semesters to trimesters or quarters.
8. Substantial increase in number of clock or credit hours awarded: 25% or more increase in clock or credit hours in a program.
Decreases no longer need approval under this type.

Types of Substantive Change

9. Written Arrangements (Domestic and International) formerly Contractual Arrangements: Substantive change is required for domestic written agreements outsourcing between 25% and up to and including 50 % of credit bearing educational programs to a third party which is not authorized to participate in Federal Title IV programs. The Commission also requires substantive change for international written arrangements. Because of the complexity of international written arrangements, these need to be reviewed by legal counsel and approval may take longer.

Types of Substantive Change

10. Establishment, Relocation, Reclassification or Closure of Additional Locations.
11. Establishment, Relocation, Reclassification or Closure of Branch Campuses.
12. Establishment, Relocation, Reclassification or Closure of Main Campus.
13. Institutional Closures – the institution will cease operations entirely and legally dissolve.
14. Experimental Sites Initiatives as required by USDE.
<https://experimentalsites.ed.gov/exp/index.html>
<https://experimentalsites.ed.gov/exp/approved.html>

Types of Substantive Change

Required Notifications vs Prior Approval

- The new regulations require that institutions notify the Commission of the following types of changes. These types may be addressed by notification within 30 days (in the Substantive Change Screening Form in the Institution Portal) unless the institution has been under a non-compliance action within the past three years. Those institutions are required to submit a substantive change request and get prior approval for these categories.
- **The Commission will waive the fees for required notifications for the 2020-21 fiscal year.** The Commission staff have the option to forward any of these requests that require prior approval for peer review. If peer review is required, the established fee applies and it will not be waived.

Types of Substantive Change Notifications

1. Change in an existing program's method of delivery (Sub-category of #4): Notification must be sent to Middle States of all programs adding distance education format after July 1, 2020. This applies when the institution will convert the program to a new delivery method and will no longer offer the face-to-face option **and** when the institution will continue to offer both options.
- The institution will then submit a notification or request form for each subsequent change to a program's method of delivery to the Commission under this type.

Types of Substantive Change Notifications

2. An aggregate change of 25% or more of the clock hours, credit hours, or **content** of a program since the most recent Commission action (subcategory of #8). Because most of these changes are covered in category number 8, this change focuses on curricular changes resulting in a **decrease** of clock or credit hours.

It is unclear how the content question will be determined. MSCHE is working with USDE to clarify the expectation. The institution should contact the Commission staff at substantivechange@msche.org to discuss the requirements for substantive change if the institution is planning any significant changes to a program's curriculum.

Types of Substantive Change Notifications

3. The development of customized pathways or abbreviated or modified programs to:
 - Accommodate and recognize a student's existing knowledge, such as knowledge attained through employment or military service; and
 - Close competency gaps between demonstrated prior knowledge or competency and the full requirements of a particular course or program.

This requirement is when the institution creates a modified or abbreviated program that is established or created by the institution and goes through curriculum review. It applies to an abbreviated program that is designed to address certain skill areas.

Types of Substantive Change

4. Entering into a domestic written agreement under which an institution or organization not certified to participate in Title IV offers up to 25% of one or more of the institution's educational programs. (subcategory of #9)

Credential Levels

Report Lower credential levels as of July 1, 2020

Credential levels lower than those currently included within the institution's scope of accreditation no longer require prior approval through the substantive change process but these credential levels may still be included within the institution's scope of accreditation and listed on the Institution's Statement of Accreditation Status (SAS). The institution will report lower credential levels through the Substantive Change Screening Form in the Institutional Portal, which is available at any time.

Accreditation Review Cycle Policy

- The non-compliance period for institutions to come into good standing after being placed on Warning, Probation, or Show Cause has been **extended from two to three years**. This may also be augmented in two one year periods for good cause if additional time is needed and deserved. Show Cause may be invoked at any time during this period if insufficient progress is made.
- As a part of the self-study process the institution **must solicit third party comments** from its constituencies. In the past these have been made to MSCHE and investigation of them has been included in the evaluation team visit.
- Procedures for peer evaluators to request additional evidence are clarified.
- Appropriate content for the Institutional Response is clarified.



The State University
of New York

Transfer of Credit Policy

- Transfer of Credit policies must be posted on the website and readily available to both current and prospective students.
- Credits from candidate institutions must be treated as the same as credit from accredited institutions.
- Regional accreditation of the sending institution cannot be the sole consideration in accepting transfer credit. Content and learning outcomes should also be considered.
- The principles for good practice in transfer of credit apply to both undergraduate and graduate programs.
- Statement of Principles on Acceptance of Credit may be found on the MSCHE website at [https://www.msche.org/2020/05/01/msche-endorses-statement-of-principles-on-acceptance-of-credit/#:~:text=MSCHE already calls for its institutions to possess, accreditation%2C requirements of affiliation%2C and policies and procedures](https://www.msche.org/2020/05/01/msche-endorses-statement-of-principles-on-acceptance-of-credit/#:~:text=MSCHE%20already%20calls%20for%20its%20institutions%20to%20possess%2C%20requirements%20of%20affiliation%2C%20and%20policies%20and%20procedures)



Other Information

- All accreditation visits will be virtual through the fall semester.
- Delayed visits from 2020 will take place between January 1 through June 30 if a virtual visit is not feasible.
- Institutions are being given a choice to have a virtual visit or to postpone.
- Reports which would normally be due September 1 or October 1 will be due December 1 instead, unless the nature of the report necessitates an earlier due date.
- Verification visits, which must by regulation occur sometime after a virtual visit, will be to verify the physical facilities. These will not be a replication of the virtual visit by a full team.

Save the Date

- **Sept. 15:** [Virtual President-Provost Meeting](#) (by invitation only/no fee)
- **Sept. 17:** [MPPR Training for Peer Evaluators](#) (by invitation only/no fee)
- **Sept. 18:** [MPPR Training for Peer Evaluators](#) (by invitation only/no fee)
- **Sept. 21:** [Virtual Town Hall](#) (no fee)
- **Sept. 29:** [Self-Study Institute Kick-Off](#) (by invitation only/fee based)
- **Oct. 9:** [Save the Date: How to Complete a Substantive Change](#) (no fee)
- **Oct. 13:** [Save the Date: Data Workshop](#) (fee based)
- **Oct. 14:** [Introduction to the ALO Roles and Responsibilities](#) (by invitation only/no fee)
- **Nov. 1:** [Applications Open for Peers Evaluators](#)
- **Nov. 3:** [Save the Date: Assessment, Planning, and Back](#) (fee based)
- **Nov. 4:** [Verification of Compliance with Accreditation-Relevant Federal Regulations Live Q&A](#) (by invitation only/no fee)
- **Nov. 6:** [Save the Date: Complex Substantive Change, Who, What, When, and How](#) (no fee)
- **Nov. 10:** [Save the Date: Navigating Follow-up Reports and Visits](#) (no fee)
- *All events, workshops, and training are being held in a virtual format.*

Resources

- This link includes the policies, forms and pricing structures as well as guidelines with examples.

<https://www.msche.org/substantive-change/>



Questions?

My next call with Middle States is August 26. If you have additional questions not covered in this presentation or need more clarity on anything presented here, send them in and I will work to get some more answers.

Written guidance summarized in this presentation will be forthcoming after that call.

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Questions Asked During Session

(Note: these are the questions, not the answers; before providing answers, we will be verifying with Middle States)

Website Disclosures

- New website requirements are effective January 1, correct?
- Do we need to disclose specific program level accreditation related non-compliance actions as well as Middle States non-compliance on the website?

Substantive Change

- Distance Education: Can we submit the forms to SUNY, or be in the process of approval from the state and submit these concurrently or do we need SED approval first?
- Approval for Credential Levels: If we are currently approved to offer Bachelor and Master level programs, would a post-baccalaureate certificate be a substantive change or just a notification of a lower credential level?
- Written Agreements: Articulations with international institutions where we agree to accept their credit, but are not having them teach our courses under our name, wouldn't constitute a written agreement, correct, just an articulation?
- Accelerated Programs:
 - So would this be an example of a LPN-RN Bridge program where credit is granted toward a current RN degree for LPNs?
 - Do microcredentials fall in this category?
 - Does Developmental education, since it addresses a skills gap?
 - Our Law Enforcement degree grants course work for up to 32 credits for police officers. Would that count?

Notification of Lower Credential Level

- Is it correct that there is no charge for this notification?

Accreditation Review Cycle

- Third Party Comments must be solicited from constituents: What exactly constitutes an institution's constituencies?