

Verification of Compliance with Accreditation-Relevant Federal Regulations

Implementation for 2017



Middle States Commission on Higher Education

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Institutional and reviewer report templates are available for download on the Commission website at www.msche.org/publications.asp

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Introduction

The Middle States Commission on Higher Education, as a federally recognized accreditor, is obligated to ensure that its candidate and member institutions comply with the accreditation-relevant federal regulations developed by the U.S. Department of Education in the Higher Education Opportunity Act of 2008. Further, the Commission is required to review candidate and member institutions' continued compliance with Title IV program responsibilities. Commission policy regarding federal compliance requirements for institutions was revised and enacted in January 2013, indicating that institutions must meet these federal regulations to be accredited by the Commission.

In response to this, it is assumed that the institution will provide documentation of policies and procedures that are (1) in writing, (2) approved and administered through applicable institutional processes, and (3) published and accessible to those affected.

This document is focused on the Commission's verification of institutional compliance in several areas:

1. Student identity verification in distance and correspondence education
2. Transfer of credit policies and articulation agreements
3. Title IV program responsibilities
4. Institutional records of student complaints
5. Required information for students and the public
6. Standing with state and other accrediting agencies
7. Contractual relationships
8. Assignment of credit hours

In the event that one or more of these regulations do not apply to an institution, that institution shall indicate that fact in the compliance document. Otherwise, all accredited and candidate institutions must respond with regard to each of the areas.

These areas will be reviewed as part of the accreditation process, especially as they relate to the MSCHE Standards and applicable Requirements of Affiliation. Failure to comply with the areas of verification listed above will result in follow-up.

Please note that as additional guidance is received from the U.S. Department of Education, these guidelines may be modified without prior notice.

Institutional and reviewer report templates are available for download on the Commission website, www.msche.org. When submitting your report, please note that reports must be uploaded to MyCHE according to the dates below:

Self-Study Visit falls between. . .	Report on federal compliance is due no later than. . .	Reviewer's Report is due. . .
September–January	July 1	August 15
February–March	December 1	January 15
April–May	January 15	March 1
PRR review begins. . .	Report on federal compliance is due no later than. . .	Reviewer's Report is due. . .
June 1	June 1	August 1

Institutional reports and additional appendices should be prepared using current PDF software and combined into a single, bookmarked, file. Hard copies of reports will not be accepted.

Documents and policies listed under each area as “examples of evidence” are meant as a guide, and may not fully reflect the documentation or processes available on your campus; all evidence provided by the institution must reflect current practices. Please be sure to read the guide thoroughly and provide evidence that would best show your institution’s compliance with the federal regulations.

1. Student Identity Verification in Distance and Correspondence Education

In accordance with 34 CFR 602.17(g), the Commission must verify that institutions have effective policies and procedures in place to ensure that the students who register in a distance or correspondence education course are the same students who participate in and complete the course, and receive the academic credit.

In verifying the identity of students who participate in distance or correspondence education, 34 CFR 602.17 (g)...

- (1) Requires institutions to verify the identity of a student who participates in class or coursework by using, at the option of the institution, methods such as—
 - (i) A secure login and pass code;*
 - (ii) Proctored examinations; and*
 - (iii) New or other technologies and practices that are effective in verifying student identity; and**
- (2) Makes clear in writing that institutions must use processes that protect student privacy and notify students of any projected additional student charges associated with the verification of student identity at the time of registration or enrollment.*

34 CFR 602.3: Definitions of Distance and Correspondence Education

Correspondence Education

- (1) Education provided through one or more courses by an institution under which the institution provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructor.
- (2) Interaction between the instructor and the student is limited, is not regular and substantive, and is primarily initiated by the student.
- (3) Correspondence courses are typically self-paced.
- (4) Correspondence education is not distance education.

Distance Education

Education that uses one or more of the technologies listed in items (1) through (4) of this definition to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously. The technologies may include—

- (1) The internet;
- (2) One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;
- (3) Audio conferencing; or
- (4) Video cassettes, DVDs, and CD-ROMs, if the cassettes, DVDs, or CD-ROMs are used in a course in conjunction with any of the technologies listed in (1) through (3) of this definition.

Examples of evidence:

- Policy on student identity verification for distance and correspondence education;
- Policy/policies on protection of student privacy (FERPA), including password verification;
- Notifications to students regarding fees associated with identity verification.

2. Transfer of Credit Policies and Articulation Agreements

In accordance with Commission policy and 34 CFR 602.24(e), the Commission must confirm that an “institution has transfer of credit policies that: (1) are publicly disclosed in accordance with section 668.43(a)(11); and (2) include a statement of criteria established by the institution regarding the transfer of credit earned at another institution of higher education.”

Further, section 668.43(a)(11) states:

- (a) Institutional information that the institution must make readily available to enrolled and prospective students under this subpart includes, but is not limited to—
 - (11) A description of the transfer of credit policies established by the institution which must include a statement of the institution’s current transfer of credit policies that includes, at a minimum—
 - (i) Any established criteria the institution uses regarding the transfer of credit earned at another institution; and
 - (ii) A list of institutions with which the institution has established an articulation agreement.

Examples of Evidence:

- Transfer of Credit policy/policies;
- *Student Right to Know* webpage, or other public location(s) of Transfer policy/policies;
- *Student Right to Know* webpage, or other public location(s) of Articulation Agreement list, including names of programs.

3. Title IV Program Responsibilities

In accordance with 34 CFR 602.16(a)(1)(x), the Commission must review the institution's record of compliance with its Title IV program responsibilities. Institutions must provide a record of compliance with the institution's program responsibilities "based on the most recent student loan default rate data provided by the Secretary, the results of financial or compliance audits, program reviews, and any other information that the Secretary may provide to the agency."

Examples of Evidence:

- 3-yr Title IV Cohort Default Rate for the most recent three years;
- Default reduction plan, if applicable;
- Composite Ratios for the most recent three years (Private and Proprietary institutions only);
- Notification from state or other governmental agency confirming status as public institution (Public institutions only);
- OMB Circular A-133 audit on federal programs, for the most recent three years;
- Most recent U.S. Department of Education report on review of Title IV program, including institutional response;
- Any U.S. Department of Education Action to limit, suspend, or terminate the institution's Title IV program, including institutional response.

4. Institutional Record of Student Complaints

In accordance with Commission Policy and 34 CFR 602.16(a)(1)(ix) and 34 CFR 668.43(b), the Commission must confirm that institutions have effective policies and procedures for tracking and resolving student complaints within a reasonable time frame. Further, the institution must also show evidence of a process for making modifications and improvements to the institution as a result of information obtained in handling student complaints.

Examples of Evidence:

- Policy/policies on student complaints;
- Procedures for timely handling of student complaints;
- Public location of student complaints policy/policies and process;
- If pattern(s) of complaints exist, description of process of resolving relevant issues.

5. Required Information for Students and the Public

In accordance with 34 CFR 602.16(a)(1)(i), the Commission must confirm that institutions are in compliance with 34 CFR 668.43 which requires that they make available to students and the general public fair, accurate and complete information in catalogs, handbooks and other publications regarding the institution's calendar, grading, admissions, academic program requirements, tuition and fees, and refund policies.

In addition, the Commission must verify that institutions collect and post information on their websites concerning student performance in academic programs and their successful completion. Information should also be available regarding student employment after graduation and performance on licensing exams, as appropriate.

Institutions that participate in Title IV programs, with students who receive federal financial aid, must be in compliance with 34 CFR 668.41(d) and 668.45 and are responsible for disclosure of certain information to current and prospective students, including but not limited to retention rates, completion/graduation rates, and placement/employment rates. The revised requirements for disclosure of consumer information were effective July 1, 2010 (the effective date of the final regulations). A guide from the National Postsecondary Education Cooperative on information that should be included is available at <http://nces.ed.gov/pubs2010/2010831rev.pdf> for reference purposes.

Many institutions have a single portal page on the institution's web site that provides hyperlinks to disclosure information. Some institutions call this the Consumer Information Page, Student Right to Know, HEOA, Fast Facts, At A Glance, etc. This is the recommended approach as it consolidates the information in one place and meets multiple accountability requirements at one time. For some information, institutions may provide a link to College Navigator from their own site.

The Student Right to Know or Consumer Information page should have the following qualities:

- The link must be active, accessible to the public, and should not require a password;
- The page must originate from the institution's own website;
- The page should be easy to locate and clearly labeled as consumer information, student right to know, HEOA, or student outcomes, etc.;
- The page should post student outcomes data (e.g. graduation rates, retention rates, employment rates, normal time to completion, etc. as applicable to the mission of the institution) and should be as timely and up to date as possible.

Finally, in accordance with 34 CFR 602.23(d), the Commission must verify that institutions provide clear and accurate information in their advertising and recruiting material about their accreditation status with the Middle States Commission on Higher Education.

Examples of Evidence:

- Student Right to Know/Consumer Information URL;
- Graduation and completion data;
- Process for collecting and reviewing student outcomes and licensure pass rate data;
- Recruitment or advertising material, if it notes accreditation by MSCHE.

6. Standing with State and Other Accrediting Agencies

In accordance with 34 CFR 602.28, the Commission must verify that an institution is properly authorized or licensed to operate and is in good standing with each state in which it is authorized or licensed to operate. In addition, if the institution has status with a specialized, programmatic, or institutional accrediting agency recognized by the U.S. Department of Education, the Commission must verify that the institution is in good standing with the agency or agencies.

Examples of Evidence:

- Names of other accreditor, program(s) they accredit, and year of next review;
- Report from State or other accreditor if institution has been found noncompliant (including institutional response) within the last five years;
- Student Right to Know or other public location(s) documenting relationship with state or other accreditor.

7. Contractual Relationships

In accordance with the Commission policy, *Contracts by Accredited and Candidate Institutions for Education-Related Services*, and 34 CFR 602.22(a)(2)(vii), the Commission is required to review and approve any contractual arrangements an institution enters into with an organization that is not certified to participate in the Title IV, HEA programs, and offers more than 25 percent of one or more of the accredited institution's educational programs. Any institution accredited by the Middle States Commission on Higher Education is held responsible for all activities carried out under the institution's name.

Further, in accordance with 34 CFR 668.43 (a) (12) and 668.5(c), the institution must make readily available a description of the written arrangements the institution has entered into with an organization that is not certified to participate in the Title IV, HEA programs, and offers more than 25 percent of one or more of the accredited institution's educational programs.

Examples of Evidence:

- List of current contractual agreements, including educational program(s) involved;
- Documentation of Commission approval;
- Student Right to Know or other public location(s) documenting required disclosures.

8. Assignment of Credit Hours

In accordance with the Commission policy, *Credit Hour*, and 34 CFR 602.24(f), the Commission “must conduct an effective review and evaluation of the reliability and accuracy of the institution’s assignment of credit hours.” Specifically, the Commission must review the institution’s policies and procedures for determining the credit hours awarded as well as the application of the institution’s policies and procedures to its programs and coursework, and make a “reasonable determination of whether the institution’s assignment of credit hours conforms to commonly accepted practice in higher education” (34 CFR 602.24 f, 1, ii).

The U.S. Department of Education defines “credit hour” as:

“...an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than—

- (1) One hour of classroom or direct faculty instruction and a minimum of two hours of out of class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time; or,*
- (2) At least an equivalent amount of work as required in paragraph (1) of this definition for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours.” (34 CFR 600.2)*

Examples of evidence:

- Credit Hour policy/policies (all modes of delivery as applicable);
- Course or program approval documentation, as they relate to credit hour;
- Course or program review procedures, as they relate to credit hour;
- Academic calendar (including length of academic periods);
- Schedule of classes.



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