



Verification of **Compliance with** **Accreditation-Relevant** **Federal Regulations**

Updated June 2020

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The *Verification of Compliance with Accreditation-Relevant Federal Regulations* is subject to change. The website will be updated when changes are necessary, and members will be notified.

Introduction

The Middle States Commission on Higher Education (herein after MSCHE or the Commission), as a federally recognized accreditor, verifies institutional compliance with accreditation-relevant federal regulations developed by the United States Department of Education (USDE) at the time of self-study evaluation and at any other time required by the Commission.

The Commission requires verification of institutional compliance in the following 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 record of student complaints
5. Required information for students and the public
6. Standing with State and other accrediting agencies
7. Written arrangements
8. Assignment of credit hours

Institutions must use the *Institutional Federal Compliance Report* for submission, which is available at www.msche.org. Institutions should provide evidence that will best demonstrate the institution's compliance. Documentation of policies and/or procedures must be (1) in writing, (2) approved and administered through applicable institutional processes, (3) accessible to constituents, and (4) reflect current practice. In the event one or more of these regulations do not apply to an institution, the institution shall indicate that fact and provide an explanation in the *Institutional Federal Compliance Report*. Otherwise, all applicant, candidate, and accredited institutions are expected to provide documentation for each of the areas.

The *Institutional Federal Compliance Report* and supporting evidence should be combined into a single, bookmarked PDF file. A hard copy of the report is not required and will not be accepted. The *Institutional Federal Compliance Report* should be uploaded in conjunction with the submission of all other accreditation materials according to established deadlines.

If the Commission is unable to verify compliance with accreditation relevant federal regulations, the Commission will take action in accordance with its *Accreditation Actions Policy*.

Questions?

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1. Student Identity Verification in Distance and Correspondence Education

Federal regulations, in accordance with 34 CFR §602.17(g), require institutions that offer **distance education** or **correspondence education** to have processes in place through which the institution establishes that the student who registers in any course offered via distance education or correspondence is the same student who academically engages in the course or program. Please refer to 34 CFR §600.2 for definitions of distance education and correspondence course.

Institutions can elect to use a variety of methods to verify the identity of students who participate in distance or correspondence education. Examples may include a secure login and pass code, proctored examinations, and new or other technologies and practices that are effective in verifying student identity.

In accordance with 34 CFR §602.17(h), institutions must use processes that protect student privacy and notify students at the time of registration or enrollment of any projected additional student charges associated with the verification of student identity including any required travel to campus.

Evidence to Demonstrate Compliance:

- Policies and/or procedures used to ensure student identity verification in distance or correspondence education courses.
- Policies and/or procedure(s) regarding the protection of privacy (i.e., FERPA) for students enrolled in distance education and correspondence courses.
- Procedure(s) for notifying students at the time of registration or enrollment about any projected additional charges associated with student identity verification including any required travel to campus.

2. Transfer of Credit Policies and Articulation Agreements

In accordance with the Commission's *Transfer Credit, Prior Learning and Articulation Policy* and federal regulation 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 34 CFR §668.43(a)(11); and (2) include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.

Further, 34 CFR §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 any types of institutions or sources from which the institution will not accept credits;

(ii) A list of institutions with which the institution has established an articulation agreement; and

(iii) Written criteria used to evaluate and award credit for prior learning experience including, but not limited to, service in the armed forces, paid or unpaid employment, or other demonstrated competency or learning.

Evidence to Demonstrate Compliance:

- Policies and procedures for making decisions about the transfer of credits earned at other institutions (regardless of modality) including any types of institutions or sources from which credits are not accepted. Demonstrate public disclosure of policy by URL, catalog, or other public location.
- Public disclosure of the list of institutions with which the institution has established an articulation agreement demonstrated by URL and other public locations, if any.
- Policies and procedures for making decisions about credit for prior learning experience including service in the armed forces, paid or unpaid employment, or other demonstrated competency or learning. Demonstrate public disclosure of policy by URL, catalog, or other public location.

3. Title IV Program Responsibilities

Federal regulations, in accordance with 34 CFR §602.16(a)(1)(x), require the Commission to review the institution's record of compliance with its program responsibilities under title IV of the Act, based on the most recent Student Loan Cohort 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. The institution is responsible for ascertaining the complete institutional requirements under title IV.

Evidence to Demonstrate Compliance:

- The most recent three-year Official Cohort Default Rate. If applicable, submit reports on compliance from the USDE in regard to the Cohort Default Rate, including any default reduction plans.
- Financial Responsibility Composite Scores for the three most recent fiscal years (private and proprietary institutions only).
- Letter or notification confirming the institution's status as a public institution from an appropriate official from a state or other governmental agency with the legal authority to make such a designation (public institutions only).
- Final Program Review Determination Letter or Expedited Determination Letter and any major correspondence from the most recent program review since the institution's last Verification of Compliance Review. If a program review is in process or an audit is underway, provide major documentation that is available such as Notification for the Program Review or Preliminary Findings. The institution should provide status reports or documentation if it has requested an extension or filed an appeal.
- Single Audit (OMB Circular A-128; OMB Circular A-133, 2 CFR 200 Subpart F; Uniform Guidance) on federal programs for the most recent three fiscal years available (non-profit institutions only).
- Relevant correspondence from the USDE, since the institution's last Verification of Compliance Review, such as any actions to limit, suspend, or terminate the institution's eligibility to participate in title IV programs, including institutional response, if applicable.

4. Institutional Record of Student Complaints

In accordance with the Commission's *Public Disclosures Policy and Procedures, the Standards for Accreditation and Requirements of Affiliation* (Standard II), and federal regulations 34 CFR §602.16(a)(1)(ix) and 34 CFR §668.43(b), the Commission must confirm that institutions have policies and/or procedures regarding student complaints and provide students or prospective students with contact information for filing complaints with its accreditor and with its State approval or licensing entity and any other relevant State official or agency that would appropriately handle a student's complaints.

Evidence to Demonstrate Compliance:

- Policy and/or procedures for student complaints, including the URL and any other location where students and the public can access these documents.
- Public location of contact information that the institution provides enrolled and prospective students for filing complaints with the institution's accreditor and with its State approval or licensing entity and any other relevant State official or agency that would appropriately handle a student's complaint.

5. Required Information for Students and the Public

In accordance with the Commission's *Public Disclosures Policy and Procedures, the Standards for Accreditation and Requirements of Affiliation*, and federal regulation including 34 CFR §602.16, the Commission must confirm that institutions make available to enrolled and prospective students and the general public in catalogs, handbooks, and other publications, fair, accurate and complete information in the following areas.

- Academic calendar
- Grading
- Admissions
- Academic program requirements, including required sequence of course offerings explicitly stated
- Program completion requirements, including length of time normally required to obtain a credential
- Any unique requirements for career paths
- Any relevant and applicable national and/or state requirements for eligibility for licensure or entry into the occupation or profession related to those degrees or programs
- Program completion eligibility to meet national and/or State licensure requirements to take required professional examinations in the field or to practice regulated professions, including states for which the curriculum meets and does not meet State eligibility requirements, and for which eligibility has not been determined
- Cost of attendance, including tuition, fees, and expenses
- Availability of student financial assistance for those who qualify and the process for disbursements, repayment, and refunds
- Withdrawal policies
- Student refund policies
- Satisfactory Academic Progress (SAP)
- Retention rates
- Completion and graduation rate information
- Performance on licensing exams
- Placement rates and student employment after graduation

Further guidance to institutions on related federal reporting requirements is stated in 34 CFR §668.43 and 34 CFR §668.45.

In accordance with federal regulation 34 CFR §602.23(d) and the Commission's *Public Disclosures Policy and Procedures*, the Commission must verify that the institution accurately represents its accreditation phase and accreditation status with the Middle States Commission on Higher Education.

Evidence to Demonstrate Compliance:

- URLs, catalogs and student handbooks, and other public locations of any alternative institutional website documenting required disclosures of graduation, completion, licensure pass rate and other data required by Student Right to Know, as well as policies on Satisfactory Academic Progress, withdrawal, leave of absence, and attendance.
- URLs, catalogs and student handbooks, and other public locations of any alternative institutional website documenting disclosure of program completion eligibility to meet state

Required Information for Students and the Public Continues

Required Information for Students and the Public Continued

licensure requirements including states for which the curriculum meets and does not meet state eligibility requirements, and for which eligibility has not been determined.

- Documents and URLs for clear and accurate information wherever accreditation is referenced available to current and prospective students that show the accreditation phase and accreditation status with the Middle States Commission on Higher Education as well as contact information for the Commission.
- The institution should provide an explanation for how the institution verifies that the posted student outcomes data are accurate.

6. Standing with State and Other Accrediting Agencies

In accordance with the Commission's *Consideration of Actions Taken by Regional, National, and Specialized Accrediting Associations Policy, Substantive Change Policy and Procedures, the Standards for Accreditation and Requirements of Affiliation*, and federal regulation 34 CFR §602.28, the Commission must verify that an institution is legally authorized to provide a program of education beyond the secondary level 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 USDE, the Commission must verify that the institution is in good standing with the agency or agencies.

Evidence to Demonstrate Compliance:

- Names of other accreditors, program(s) it accredits, and year of next review.
- Documents and/or URLs available to current and prospective students that show the most recent updated degree granting authority, charter, or license with an appropriate jurisdiction and the current accreditation status with the state or other USDE approved agencies.
- Report from state or other accreditor if institution has been found noncompliant (including institutional response) within the last five years.

7. Written Arrangements

In accordance with the Commission's *Substantive Change Policy and Procedures, Substantive Change Guidelines*, and *Contracts by Accredited and Candidate Institutions for Education-Related Services Policy* and with federal regulation 34 CFR §602.22(a)(1)(ii)(J), the Commission is required to review and approve any written arrangements an institution enters into with an organization that is not certified to participate in the title IV, HEA programs, and provides at least 25 percent and up to and including 50 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 federal regulations 34 CFR §668.43(a)(12) and §668.5(c), the institution must make readily available to enrolled and prospective students a description of these written arrangements.

As stated in 34 CFR §668.43 (a)(12):

(a) Institutional information that the institution must make readily available to enrolled and prospective students under this subpart includes, but is not limited to -

- (12) A description in the program description of written arrangements the institution has entered into in accordance with section 668.5, including, but not limited to, information on -
 - (i) The portion of the educational program that the institution that grants the degree or certificate is not providing;
 - (ii) The name and location of the other institutions or organizations that are providing the portion of the education program that the institution that grants the degree or certificate that the institution is not providing;
 - (iii) The method of delivery of the portion of the educational program that the institution that grants the degree or certificate is not providing; and
 - (iv) Estimated additional costs students may incur as the result of enrolling in an educational program that is provided, in part, under the written arrangement.

Evidence to Demonstrate Compliance:

- List of current written arrangements, including name of third-party and educational program(s) involved, and date of Commission approval.
- Documents and/or URLs available to current and prospective students that describe written arrangements including:
 - The name of educational program(s) involved;
 - The portion of the educational program not provided by the institution;
 - The name and location of the other unaccredited or ineligible third-party providers;
 - The method of delivery and estimated additional costs of that portion of the program.

8. Assignment of Credit Hours

In accordance with the Commission's *Credit Hour Policy, Public Disclosures Policy and Procedures, the Standards for Accreditation and Requirements of Affiliation* and federal regulation 34 CFR §668.8(k) and (l), the Commission conducts an effective review and evaluation of the reliability and accuracy of the institution's assignment of credit hours. Specifically, the Commission reviews 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 makes a reasonable determination of whether the institution's assignment of credit hours conforms to commonly accepted practice in higher education.

Evidence to Demonstrate Compliance:

- Policy and procedures for assignment of credit hour for all types of courses, disciplines, programs, credential levels, formats, regardless of modality, including the URL and any other location where students and the public can access these documents.
- Course or program review procedures and sample approval documentation, as they relate to the credit hour.
- Process the institution utilizes to verify length of academic period and compliance with credit hour requirements through course scheduling.

Questions?

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