

# Verification of Compliance with Accreditation-Relevant Federal Regulations



**Middle States Commission on Higher Education**

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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.

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# Verification of Compliance with Accreditation-Relevant Federal Regulations

## 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) in the Higher Education Opportunity Act of 2008 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 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

Institutions must use the *Institutional Federal Compliance Report* for submission, which is available at [www.msche.org](http://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 all other self-study materials, no later than six weeks prior to the scheduled on-site Evaluation Visit.

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*.

# 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 a distance education or correspondence education course or program is the same student who participates in and completes the course or program and receives the academic credit. Please refer to 34 CFR §602.3 for definitions of distance education and correspondence education.

In verifying the identity of students who participate in distance or correspondence education, 34 CFR §602.17 (g), institutions have the option of using methods such as:

- (1) A secure login and pass code;
- (2) Proctored examinations; and
- (3) New or other technologies and practices that are effective in verifying student identity;

Institutions must make clear in writing that they 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.

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 and correspondence courses or programs, including password verification;
- Procedure(s) for notifying students about any projected additional charges associated with student identity verification. Evidence should include URLs, catalogs, student handbooks, and other locations of any alternative institutional website documenting required disclosures.

## 2. Transfer of Credit Policies and Articulation Agreements

In accordance with Commission policy *Transfer Credit, Prior Learning and Articulation* 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
  - (ii) A list of institutions with which the institution has established an articulation agreement.

### Evidence to Demonstrate Compliance:

- Policies and procedures for making decisions about the transfer of credits earned at other institutions (regardless of modality). Demonstrate public disclosure of policy by URL, catalog, or other public location.
- Demonstrate public disclosure of the list of institutions with which the institution has established an articulation agreement by URL and other publication locations, if applicable.

## 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.

### Evidence to Demonstrate Compliance:

- Title IV Student Loan Cohort Default Rates for the most recent three years. If applicable, submit reports on compliance from the USDE in regard to the Cohort Default Rate, including any default reduction plans.
- 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*);
- Most recent USDE report on review of Title IV program, including institutional response;
- OMB Circular A-133 audit on federal programs for the most recent three years;
- Relevant correspondence from the USDE, such as any actions to limit, suspend, or terminate the institution's eligibility to participate in Title IV program, including institutional response, if applicable.

## 4. Institutional Record of Student Complaints

In accordance with Commission policy *Published Information*, the *Standards for Accreditation and Requirements of Affiliation*, 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.

### Evidence to Demonstrate Compliance:

- Policy and/or procedures for student complaints
- 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 Commission policy *Published Information*, the *Standards for Accreditation and Requirements of Affiliation*, and federal regulation including 34 CFR §602.16, 34 CFR §668.41, 34 CFR §668.43, and 34 CFR §668.45, the Commission must confirm that institutions make available to students and the general public in catalogs, handbooks, and other publications, fair, accurate and complete information in the following areas:

- calendar
- grading
- admissions
- academic program requirements
- cost of attendance
- refund policies
- withdrawal policies
- student performance in academic programs
- completion and graduation rate information
- student employment after graduation
- performance on licensing exams



- retention rates
- placement and employment rates

In accordance with federal regulation 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.

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 Student Academic Progress, withdrawal, leave of absence, and attendance.
- Documents and URLs for advertising and recruitment materials that are available to current and prospective students that show the accreditation status with the Commission and any other USDE approved agencies.

In addition, 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 Commission’s *Policy for the Consideration of Actions Taken by Regional, National, and Specialized Accrediting Associations, Substantive Change Policy*, and the *Standards for Accreditation and Requirements of Affiliation*, and federal regulation 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 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 licensing or 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. Contractual Arrangements

In accordance with the Commission policy, *Contracts by Accredited and Candidate Institutions for Education-Related Services*, and federal regulation 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 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 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.

### Evidence to Demonstrate Compliance:

- List of current contractual 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 contractual arrangements/written arrangements.

## 8. Assignment of Credit Hours

In accordance with the Commission's *Credit Hour Policy* and the *Standards for Accreditation and Requirements of Affiliation* and federal regulation 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)).

### 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;
- 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.



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