# Applying for a Change in Scope of Accreditation Due to “Substantive Change”

**Overview**

Section 4-1.5(d) of Regents Rules defines actions that require a change in the scope of an institution’s accreditation. It also describes the process for considering such substantive changes.

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| ***Important***:  These Rules address Regents institutional accreditation requirements; they are designed to comply with Federal requirements for accrediting agencies. Accreditation definitions and standards are distinct from, ***and may differ from***, State requirements for institutional authorization and program registration.  For example, Regents Rules on institutional accreditation define the term “additional location.” (section 4-1.2) This is ***not*** the same as the off-campus locations defined for institutional authorization and program registration purposes (section 50.1 of Commissioner’s Regulations). |

**What Constitutes a Substantive Change?**

For purposes of institutional accreditation, “substantive change” means the following:

1. any change in the established mission or objectives of the institution;
2. any change in the legal status, form of control, or ownership of the institution;
3. the addition of courses or programs that represent a significant departure from the existing offerings of educational programs, or method of delivery, from those that were offered when the department last evaluated the institution for accreditation;
4. the addition of courses or programs of study at a degree or credential level different from that which is included in the institution's current accreditation;
5. a change from clock hours to credit hours;
6. a substantial increase in the number of clock hours or credit hours awarded for successful completion of a program;
7. the establishment of an additional location or branch campus, as such terms are defined in section 4-1.2 of Regents Rules;
8. if the accreditation granted to the institution enables the institution to seek eligibility to participate in title IV, HEA programs, the entering into a contractual agreement with an entity not certified to participate in title IV, HEA programs, that offers more than 25 percent of one or more of the institution's program of study;
9. the establishment of an additional location at which the institution offers at least 50 percent of an educational program;
10. the acquisition of any other institution or any program or location of another institution; or
11. the addition of a permanent location at a site at which the institution is conducting a teach out for students of another institution that has ceased operating before all students have completed their program of study.

**Requirement to Apply for Change in Scope of Accreditation**

A Regents-accredited institution that initiates a substantive change is required to apply to the State Education Department for a change in the scope of its accreditation.

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| ***Important***:  State authorization and program registration actions do ***not*** constitute notification of or application for a change in scope of institutional accreditation. State authorization and Regents institutional accreditation processes are separate and distinct, in keeping with Federal requirements. |

**State Authorizations Must Occur First**

Under Regents Rules 4-1.3(a)(1), “The institution shall be in compliance with State standards prescribed in this Title, including but not limited to section 3.47, and Parts 50, 52, 53 and 54 of this Title...."

These "State authorization" references encompass the State institutional authorization and program registration requirements under which New York institutions of higher education operate, regardless of institutional accreditation status. ***This stipulation requires that any relevant State authorizations/registrations occur BEFORE Regents institutional accreditation actions.***

**No Retroactive Approvals**

The effective date of any substantive change shall be the date of the commissioner and Board of Regents determination of an approved accreditation substantive change. By Regents Rule and Federal requirement, such changes may not be retroactive.

**Site Visit**

The department may conduct a site visit in connection with the review of any proposed substantive change. Site visits are ***required*** to establish branch campuses; additional locations; and changes in ownership that effect a change in control of the institution.

**Application Content**

Consistent with requirements in Regent Rules, an application for a change in scope of accreditation should focus on demonstrating that the proposed change does not adversely affect the institution’s capacity to meet accreditation standards. Frame your responses to the application items in those terms. You may find it useful to consider the examples of compliance associated with each standard in the self‑study guide (found in the Accreditation Handbook).

**Draft Substantive Change Review Report**

The department shall prepare a draft report on the substantive change assessing compliance and provide a copy to the institution. The institution shall be given the opportunity to respond in writing to the draft report within 30 days of the date it was transmitted by the department.

**Substantive Change Review Report**

The department shall send to the institution the determination by the deputy commissioner concerning the change in the scope of accreditation, together with the substantive change review report. Such determination and report shall address whether the institution has met the standards set forth in this Subpart, and any comments by the institution concerning the draft review report.

**Approval of Change in Scope of Accreditation**

The Commissioner and Board of Regents make the determination concerning approval or disapproval of the institution's application for a change in the scope of accreditation, and shall provide the institution with written notification indicating the approval and inclusion of the substantive change in the institution's grant of accreditation. As noted previously, the effective date of any substantive change shall be the date of the Commissioner and Board of Regents’ determination of an approved substantive change. Under Regents Rules, that date may not be retroactive.

**Denial of Change in Scope of Accreditation**

Decisions to deny a change in the scope of accreditation may be appealed in keeping with section 4‑1.5(d)(8) of Regents Rules.

# Application for a Change in Scope of Institutional Accreditation

(for institutions accredited by the Board of Regents and Commissioner of Education)

Name of Institution:

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| *Answer:* |

**Reason(s) for Proposed Change in Scope of Accreditation**

Check all that apply:

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| ✓ | **Type of Substantive Change** |
|  | any change in the established mission or objectives of the institution; |
|  | any change in the legal status, form of control, or ownership of the institution; |
|  | the addition of courses or programs that represent a significant departure from the existing offerings of educational programs, or method of delivery, from those that were offered when the department last evaluated the institution for accreditation; |
|  | the addition of courses or programs of study at a degree or credential level different from that which is included in the institution's current accreditation; |
|  | a change from clock hours to credit hours; |
|  | a substantial increase in the number of clock hours or credit hours awarded for successful completion of a program; |
|  | the establishment of an additional location or branch campus, as such terms are defined in section 4-1.2 of this Subpart; |
|  | if the accreditation granted to the institution enables the institution to seek eligibility to participate in title IV, HEA programs, the entering into a contractual agreement with an entity not certified to participate in title IV, HEA programs, that offers more than 25 percent of one or more of the institution's program of study; |
|  | the establishment of an additional location at which the institution offers at least 50 percent of an educational program; |
|  | the acquisition of any other institution or any program or location of another institution; or |
|  | the addition of a permanent location at a site at which the institution is conducting a teach out for students of another institution that has ceased operating before all students have completed their program of study. |

**Effect of Proposed Change(s) on Institutional Capacity**

Regulatory reference: Regents Rules 4-1.5(d)(4)(i)

***The institution shall document to the department that the proposed substantive change does not adversely affect its capacity to meet the standards set forth in sections 4-1.3 and 4-1.4 of this Subpart.***

Provide evidence that the change does not adversely affect the institution’s capacity to meet the following standards. Evidence may include citations from external reviews, materials prepared for related State authorizations, financial data and analyses, and other sources as relevant. The institution may note and attach appendices that provide evidence of continuing compliance with the noted standard.

A Department finding of noncompliance with the noted standards may result in a recommendation of a denial of a change in scope of accreditation.

1. **Selected Standards Under Section 4-1.3 of Regents Rules**

The Department may request additional information related to its assessment of the following items, which are noted here for your information.

The institution shall be in compliance with State standards prescribed in this Title, including but not limited to section 3.47, and Parts 50, 52, 53 and 54 of this Title. The institution shall be authorized to confer at least one degree and have at least one program that is registered pursuant to Part 52 of this Title.

The institution shall meet the standards of quality for institutional accreditation as prescribed in section 4‑1.4 of this Subpart.

The institution shall meet all other requirements of this Subpart, including but not limited to the requirements of this section and the procedural requirements set forth in section 4-1.5 of this Subpart.

Information obtained by the department pursuant to an institutional accreditation review may be used by the department for State actions, including but not limited to program registration actions as prescribed in Part 52 of this Title.

Information obtained by the department in relation to such State actions may be used by the department for purposes of institutional accreditation.

Information provided to the department by the secretary concerning the institution's compliance with its HEA title IV program responsibilities, including but not limited to annual student default rate data, financial or compliance audits conducted annually by the secretary, and program reviews conducted periodically by the secretary, shall be a consideration in a review for accreditation or renewal of accreditation, or in an enforcement review.

The Department will assess if the institution has submitted all reports required by the Regents accreditation action, including annual reports.

If the commissioner and the Board of Regents learn that an accredited institution, or an institution that offers a program it accredits, is the subject of an adverse action by another recognized accrediting agency or has been placed on probation or an equivalent status by another recognized agency, the commissioner and the Board of Regents shall promptly review its accreditation through the compliance review procedure in section 4-1.5 of this Subpart to determine if it should also take adverse action or place the institution on probation.

**Actions taken by other nationally recognized accrediting agencies**

1. Has another nationally recognized accrediting agency made a determination of denial, withdrawal, suspension, revocation or termination of accreditation or pre-accreditation?

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| *Answer:*  If ***yes***, describe the action, the date of action, and the date of the institution’s notification of that action to the State Education Department: |

1. Describe any ***pending*** action brought by a nationally recognized accrediting agency to suspend, revoke, withdraw, or terminate the institution's accreditation or preaccreditation.

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| *Answer:* |

1. Describe pending or final action against the institution or a program at the institution by a ***state agency*** to suspend, revoke, withdraw, or terminate the institution's legal authority to provide postsecondary education in the state.

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| *Answer:* |

1. Describe any ***probation*** or an equivalent status imposed by a state agency or nationally recognized accrediting agency.

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| *Answer:* |

1. **Standards Under Section 4-1.4 of Regents Rules** *(excerpts)*
2. **Institutional mission.**

*The institution shall have a clear statement of purpose, mission, and goals that shall be reflected in the policies, practices, and outcomes of the institution. The statement of mission may include but need not be limited to: the academic purposes of the institution and the institution's commitment to the social and economic context in which the institution operates; the relative roles of teaching, creation and preservation of knowledge, and service; the nature of constituents to be served; and the basis for setting priorities.*

Describe how the proposed change(s) will affect the institution’s mission:

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| *Answer:* |

1. **Assessment of student achievement.**

*The institution shall prepare and implement a plan for the systematic assessment of its effectiveness in promoting the quality of student achievement and development. The assessment plan shall include but need not be limited to: graduation rates, retention rates and, as pertinent to institutional mission and programs, State licensing examination results and job placement rates. The plan may include other information important to the institution's achievement of its mission, such as transfer rates and the subsequent educational success of its graduates. The institution shall provide to the department on request and in all applications for accreditation and renewal of accreditation, evidence of its implementation of the plan and its effects on the quality of student achievement in relation to its mission and goals….*

Describe how the proposed change(s) will affect the institution’s plan for the assessment of student achievement, including the institution’s capacity to sustain acceptable performance as measured by such metrics as graduation rates, retention rates, State licensing examination results, job placement rates, and other measures relevant to the mission and goals of the institution:

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| *Answer:* |

1. **Programs of study.**

*(1) Integrity of credit.*

*(i) Each course offered for credit by an institution shall be part of a general education requirement, a major requirement, or an elective in a program of study leading to a degree or certificate.*

*(ii) Credit toward an undergraduate degree shall be earned only for college-level work. Credit toward a graduate degree shall be earned only through work designed expressly for graduate students. Enrollment of secondary school students in undergraduate courses, of undergraduates in graduate courses, and of graduate students in undergraduate courses shall be strictly controlled by the institution.*

*(iii) The institution, in offering coursework through distance education or correspondence education, must have processes in place to verify 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 and receives the academic credit for the course, using methods that may include but are not limited to a secure login and pass code; proctored examinations; and other technologies and practices that are effective in verifying student identity. Institutions must also 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.*

*(iv) Learning objectives for each course shall be of a level and rigor that warrant acceptance in transfer by other institutions of higher education.*

*(v) The institution shall assure that credit is granted only to students who have achieved the stated objectives of each credit-bearing learning activity.*

*(2) Programs of study goals and objectives.*

*(i) The goals and the objectives of each program of study and the competencies expected of students completing the program shall be clearly defined in writing.*

*(ii) Each program of study shall show evidence of careful planning. The content and duration of programs of study shall be designed to implement their purposes.*

*(iii) Course syllabi shall clearly state the subject matter, the learning objectives, and requirements of each course and shall be provided to the students in the course.*

*(3) Assessment of success in achieving the goals and objectives. There shall be a written plan to assess, no less than every five years, the effectiveness of faculty and students in achieving goals and objectives and to promote improvement. Such assessment shall include systematic collection, review and use of quantitative and qualitative information about programs of study, including information that directly addresses learning outcomes, and shall document actions taken to improve student learning and development.*

*(4) Program length, credit, and other requirements for degrees. For each program of study, the institution shall assure that courses will be offered with sufficient frequency to enable students to complete the program within the minimum time for degree completion….*

Describe the steps taken in light of the proposed change(s) to ensure integrity of credit, appropriate program goals and objectives, and program assessment (as defined in the noted Regents Rules):

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| *Answer:* |

1. **Faculty.**

*(1) Competence and credentials.*

*(i) In support of the mission of the institution, all members of the faculty shall have demonstrated by training, earned degrees, scholarship, experience, and by classroom performance or other evidence of teaching potential, their competence to offer the courses and discharge the other academic responsibilities which are assigned to them.*

*(ii) Faculty members who teach in a program leading to a certificate or undergraduate degree shall hold at least a master's degree in the field in which they teach or a related field, or shall be actively pursuing graduate study in such field or a related field, or shall have demonstrated, in other widely recognized ways, such as completion of relevant education, training and/or experience, their competence in the field in which they teach. Upon request, institutions shall provide documentation to the commissioner confirming that faculty members who do not hold such master's degree or are not pursuing such graduate study have demonstrated competence in the field in which they teach.*

*(iii) At least one faculty member teaching in each program of study culminating in a baccalaureate degree shall hold an earned doctorate in an appropriate field, unless the commissioner deems that the program is in a field of study in which other standards are appropriate.*

*(iv) All faculty members who teach within a program of study leading to a graduate degree shall possess earned doctorates or other terminal degrees in the field in which they are teaching or shall have demonstrated, in other widely recognized ways, their special competence in the field in which they direct graduate students. Upon request, institutions shall provide documentation to the commissioner confirming that the faculty members who do not hold such doctorate or terminal degrees have demonstrated special competence in the field in which they direct students.*

*(2) Adequacy to support programs and services.*

*(i) The faculty shall be sufficient in number to assure breadth and depth of instruction and the proper discharge of all other faculty responsibilities.*

*(ii) To foster and maintain continuity and stability in academic programs and policies, there shall be in the institution a sufficient number of faculty members who serve full-time at the institution.*

*(iii) For each program of study the institution shall designate a body of faculty who, with the academic officers of the institution, shall be responsible for setting curricular objectives, for determining the means by which achievement of objectives is measured, for evaluating the achievement of curricular objectives, and for providing academic advice to students.*

*(iv) The ratio of faculty to students in each course shall be sufficient to assure effective instruction.*

*(3) Evaluation and professional responsibilities.*

*(i) The teaching and research of each faculty member, in accordance with the faculty member's responsibilities, shall be evaluated periodically by the institution. Members of the instructional staff new to the institution shall receive special supervision during the initial period of appointment.*

*(ii) The institution shall ensure that each member of the faculty is allowed adequate time, in accordance with the faculty member's responsibilities, to broaden professional knowledge, prepare course materials, advise students, direct independent study and research, supervise teaching, participate in institutional governance and carry out other academic responsibilities appropriate to his or her position, in addition to performing assigned teaching and administrative duties.*

Describe the steps taken in light of the proposed change(s) to ensure faculty competence and credentials, adequacy to support programs and services, and evaluation and professional responsibilities (as defined in the noted Regents Rules):

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| *Answer:* |

1. **Resources.**

*(1) Facilities, equipment, and supplies.*

*(i) The institution shall provide classrooms, administrative and faculty offices, auditoria, laboratories, libraries, audio-visual and computer facilities, clinical facilities, studios, practice rooms, and other instructional resources sufficient in number, design, condition, and accessibility to support its mission, goals, instruction, programs, and all other educational activities.*

*(ii) The institution shall provide equipment sufficient in quantity and quality to support administration, instruction, research, and student performance.*

*(2) Library and information resources.*

*(i) The institution shall provide libraries that possess, maintain, and provide access to print and non-print collections and technology sufficient in depth and breadth to support the mission of the institution and each program of study.*

*(ii) Libraries shall be administered by professionally trained staff supported by sufficient personnel. Library services and resources shall be available for student and faculty use with sufficient regularity and at appropriate hours and shall support the mission of the institution and its programs of study.*

*(iii) The institution shall ensure that all students receive instruction in information literacy.*

*(3) Fiscal capacity. The institution shall possess the financial resources necessary for the consistent and successful accomplishment of its mission and objectives at the institutional, program and course levels.*

Describe the steps taken in light of the proposed change(s) to ensure appropriate resources (as defined in the noted Regents Rules):

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| *Answer:* |

1. **Administration.**

*(1) Responsibilities.*

*(i) Responsibility for the administration of institutional policies and programs shall be clearly established.*

*(ii) Within the authority of its governing entity, the institution shall provide that overall educational policy and its implementation are the responsibility of the institution's faculty and academic officers. Other appropriate segments of the institutional community may share in this responsibility in accordance with the norms developed by each institution.*

*(iii) Academic policies applicable to each course, including learning objectives and methods of assessing student achievement, shall be made explicit by the instructor at the beginning of each term.*

*(iv) The institution shall provide academic advice to students through faculty or appropriately qualified persons. The institution shall assure that students are informed at stated intervals of their progress and remaining obligations in the completion of the program.*

*(v) The institution shall maintain for each student a permanent, complete, accurate, and up-to-date transcript of student achievement at the institution. This document will be the official cumulative record of the student's cumulative achievement. Copies shall be made available at the student's request, in accordance with the institution's stated policies, or to agencies or individuals authorized by law to review such records.*

*(vi) The institution shall not be in violation of State and/or Federal statute, where such violation demonstrates incompetence and/or fraud in the management of the institution in the judgement of the commissioner.*

*(2) Published policies. The institution shall establish, publish and enforce explicit policies with respect to:*

*(i) academic freedom;*

*(ii) the rights and privileges of full-time and part-time faculty and other staff members, working conditions, opportunity for professional development, workload, appointment and reappointment, affirmative action, evaluation of teaching and research, termination of appointment, redress of grievances and faculty responsibility to the institution; and*

*(iii) requirements for admission of students to the institution and to specific programs of study, requirements for residence, graduation, awarding of credit, degrees or other credentials, grading, standards of progress, payment of fees of any nature, refunds, withdrawals, standards of conduct, disciplinary measures and redress of grievances.*

Describe the steps taken in light of the proposed change(s) to support sound administration of the institution (as defined in the noted Regents Rules):

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| *Answer:* |

1. **Support services.**

*(1) The institution shall assure that whenever and wherever the institution offers courses as part of a program of study it shall provide adequate support services, taking into account its mission and the needs of its students.*

*(2) Institutions that admit students with academic deficiencies shall provide sufficient supplemental academic services to enable them to make satisfactory progress toward program completion.*

Describe the steps taken in light of the proposed change(s) to provide adequate support services to students (as defined in the noted Regents Rules):

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| *Answer:* |

1. **Admissions.**

*(1) The admission of students shall be determined through an orderly process using published criteria consistent with the institution's mission that shall be uniformly applied.*

*(2) Admissions shall take into account both the capacity of the student to undertake a course of study and the capacity of the institution to provide the instructional and other support the student needs to complete the program.*

*(3) Among other considerations and consistent with its mission, the institution shall take measures to increase enrollment in academic programs at all degree levels by persons from groups historically underrepresented in such programs.*

*(4) An institution shall not refuse a student's request for transfer of credit based solely upon the source of accreditation of the sending institution, where the sending institution is institutionally accredited for title IV purposes by an accrediting agency recognized by the U.S. Secretary of Education for such purposes.*

Describe the steps taken in light of the proposed change(s) to sustain admissions processes, as required in Regents Rules:

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| *Answer:* |

1. **Consumer information.**

*(1) The following information shall be included in all catalogs of the institution:*

*(i) Information shall be provided on financial assistance available to students, costs of attending the institution, the refund policy of the institution, and the instructional programs and other related aspects of the institution. Information shall include programs of financial assistance from State, Federal, institutional and other sources. Information on the institution's standards of progress shall be disclosed, if different from those utilized for State student financial aid programs.*

*(ii) Cost of attending the institution for each of the cost categories listed below shall be provided. Estimates, so indicated, may be used where exact figures are unavailable or inappropriate. Where summary information is provided, an institutional office where detailed information can be obtained shall be identified.*

*(a) Tuition and fees. Information shall be provided on all assessments against students for direct educational and general purposes. A brief description of the purpose of any mandatory fee shall be included if the purpose of such fee is not apparent from its name. Course fees and lab fees shall be clearly identified. Conditions under which nonmandatory fees need not be paid shall be clearly stated.*

*(b) Books and supplies. Estimated costs of textbooks, books, manuals, consumable supplies and equipment, which a student should possess as a necessary corollary to instruction, shall be provided. Separate estimates shall be provided for major program categories for which such costs vary more than 25 percent from the average for the entire institution.*

*(c) Room and board. Costs of housing and food services operated by the institution shall be provided where such services are available. Estimated costs of similar accommodations available in the community shall also be provided. These figures shall be consistent with estimated student budgets prepared by the institution's financial aid office.*

*(d) Other living expenses. Estimated cost of personal expenses applicable to students devoting primary efforts to pursuit of educational objectives shall be provided. This estimate shall be consistent with similar figures defined by the institution's financial aid office.*

*(iii) The institution shall state its policy and requirements on student withdrawal from the institution and its policy and requirements concerning refunds due to failure of students to complete an academic term for any reason. The policy shall include the percentage or amount of tuition, fees, institution-operated room and board, and other assessments to be refunded after specified elapsed periods of time.*

*(iv) The instructional programs of the institution shall be described accurately.*

*(a) Degree, certificate and diploma programs. A list of degree, certificate and diploma programs shall be provided. The list shall be consistent with the inventory of registered degree and certificate programs maintained by the department. The list shall contain at least the official approved program title, degree, HEGIS code number, and shall be preceded by a statement that enrollment in other than registered or otherwise approved programs may jeopardize a student's eligibility for certain student aid awards.*

*(b) Program descriptions. Each degree, certificate or diploma program shall be described in terms of program objectives, prerequisites and requirements for completion.*

*(c) The academic year in which each instructional offering (course) is expected to be taught shall be indicated.*

*(d) Program-related facilities. A general description of instructional, laboratory and other facilities directly related to the academic program shall be provided, in addition to general information describing the total physical plant. Narrative and/or statistical information shall be provided about library collections and facilities, student unions, and institution-operated eating-places. Hours of operation, including holiday and vacation schedules, shall be provided.*

*(e) Faculty and other instructional personnel. Regular resident faculty shall be listed by rank, with the highest degree held by the faculty member and the institution by which such degree was granted, full-time or part-time status, and department or major program area to which such member is assigned. An estimated number of adjunct faculty and teaching assistants in each department or major program area shall be provided.*

*(f) Recruiting and admission practices. The process and criteria for the recruitment and admission of students to the institution and to specific programs of study, as required by subparagraph (f)(2)(iii) of this section and by subdivision (h) of this section, shall be published.*

*(g) Transfer of credit. The process and criteria for accepting transfer of credit from other institutions shall be publicly disclosed and include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education and a list of the institutions with which the institution has established articulation agreements.*

*(h) Academic calendar. The academic calendar of the institution, and of specific programs of study, if different, shall be published.*

*(i) Grading. The grading policy of the institution, and of specific programs of study, if different, shall be published.*

*(j) Student retention and graduation. Information on student retention and graduation rates shall be provided based on a summary of the most recent cohort survival statistics (e.g., percentages of those students enrolled at the end of the spring term, percentages of freshman classes that graduate in four, five and six years) available to the institution for at least full-time undergraduates. Statistics shall be computed in a manner consistent with data reported to the department through its higher education data system.*

*(k) Outcomes for former students. Summaries of employment outcomes, advanced study, and student professional and occupational licensing examination results compiled by or provided to the institution shall be provided. The student cohort year or years, or date of examinations shall be included. Data displays on employment outcomes shall be by major or discrete curricular area.*

*(v) Information shall be provided on the institution's code of conduct for students and any disciplinary measures that may be applied to a student for a violation of such conduct, with a description of the institution's student disciplinary process.*

*(2) Institutions that produce a multi-year catalog may use an annual printed addendum to update the information in the catalog or, if the catalog is also online, a website update. All print and online catalogs shall be archived annually, and archived copies shall be retained permanently.*

*(3) The institution shall demonstrate that it continuously assesses the effectiveness of its efforts to provide students and prospective students with timely, accurate, and complete consumer information.*

*(4) Advertising.*

*(i) Advertising conducted by or on behalf of an institution shall not be false, misleading, deceptive, or fraudulent and shall be consistent with the provisions of article 22-A of the General Business Law. Advertising and promotional material shall not leave false, misleading, or exaggerated impressions of the institution, its personnel, its facilities, its courses and services, or the occupational opportunities of its graduates.*

*(ii) The primary emphasis of all advertisements and promotional literature shall be the educational services offered by the institution. Such advertising and promotional literature shall clearly indicate that education, not employment, is being offered by the institution.*

*(iii) Statements and representations in all forms of advertising and promotion shall be clear, current, and accurate. To the extent that statements of facts are made, such statements shall be restricted to facts that can be substantiated. Materials to support statements and representations in advertising and promotion shall be kept on file and shall be available for review by the department.*

*(iv) Any endorsement or recommendation shall include the author's identity and qualifications and shall be used only with the author's consent. No remuneration of any kind for any such endorsement or recommendation shall be paid for such endorsement or recommendation.*

*(v) References to the New York State Board of Regents in any advertisement or promotional literature shall comply with the requirements of section 13.11 of this Title and subdivision (m) of this section.*

Describe the steps taken in light of the proposed change(s) to provide the required consumer information and ensure appropriate content of advertisements, as required in Regents Rules:

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| *Answer:* |

1. **Student complaints.**

*(1) The institution shall establish, publish, and consistently administer internal procedures to receive, investigate, and resolve student complaints related to the standards prescribed in this Subpart.*

*(2) The institution may have informal means by which students can seek redress of their complaints.*

*(3) The institution shall have a formal complaint procedure that shall include, but need not be limited to: steps a student may take to file a formal complaint; reasonable and appropriate time frames for investigating and resolving a formal complaint; provision for the final determination of each formal complaint to be made by a person or persons not directly involved in the alleged problem; and assurances that no action will be taken against the student for filing the complaint.*

*(4) The institution shall maintain adequate documentation about each formal complaint and its disposition for a period of at least six years after final disposition of the complaint. Assessment of the disposition and outcomes of complaints shall be a required component of any self-study required by this Subpart and shall be a consideration in any review for accreditation or renewal of accreditation.*

Please affirm that the institution will continue to sustain the process for handling student complaints, as required in Regents Rules:

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| *Answer:* |

1. **HEA title IV program responsibilities.**

*(1) An institution shall have a procedure in place to ensure that it is in compliance with its program responsibilities under title IV of the HEA and shall maintain a record describing such procedure.*

*(2) An institution shall maintain a record of its compliance with its program responsibilities under title IV of the HEA over the previous 10 years, unless the department determines that there is good cause for a shorter records retention period. This record shall include: student default rate data provided annually to the secretary by the institution; financial or compliance audits conducted annually by the secretary; and program reviews conducted periodically by the secretary. The institution shall submit information from this record of compliance to the department on a periodic basis as determined by the department.*

Please affirm that the institution will continue to sustain procedures for ensuring its compliance with responsibilities under title IV of HEA, as required in Regents Rules:

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| *Answer:* |

1. **Teach-out plans and agreements.**

*(1) Institutions are required to submit for approval to the accrediting agency a teach-out plan upon the occurrence of any of the following events:*

*(i) the Board of Regents receives notification by the Secretary of Education that the secretary has initiated an emergency action against an institution, or an action to limit, suspend, or terminate an institution participating in any title IV program of the Higher Education Act, and that a teach-out plan is required;*

*(ii) the Board of Regents acts to withdraw, terminate, or suspend the accreditation of the institution;*

*(iii) the institution notifies the Board of Regents that it intends to cease operations or close a location that provides one hundred percent of at least one program; or*

*(iv) another state's licensing or authorizing agency notifies the Board of Regents that an institution's license or legal authorization to provide an educational program has been or will be revoked.*

*(2) An institution's teach-out plan must ensure that it provides for the equitable treatment of students pursuant to criteria established by the commissioner and the Board of Regents and that the plan specifies additional charges, if any, and provides for notification to the students of any additional charges.*

*(3) As part of its teach-out plan, the institution must submit any teach-out agreement that an institution has entered into with another institution or institutions for approval. To be approved, such agreement shall:*

*(i) be between or among institutions that are accredited or pre-accredited by a nationally recognized accrediting agency;*

*(ii) ensure that the teach-out institution(s) has the necessary experience, resources, and support services to provide an educational program that is of acceptable quality and reasonable similar in content, structure and scheduling to that provided by the closed institution;*

*(iii) ensure that the institution will remain stable, carry out its mission, and meet all obligations to existing students; and*

*(iv) ensure that the teach-out institution(s) can provide student access to the program and services without requiring them to move or travel substantial distances.*

Please acknowledge the institution’s responsibilities for teach-out plans and agreements, as defined in Regents Rules:

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| *Answer:* |

1. **Public disclosure of accreditation status.**

*An institution that elects to disclose its accreditation status shall disclose such status accurately and identify in its disclosure the specific academic and instructional programs covered by that status and information identifying the New York State Board of Regents and the New York State Commissioner of Education as its institutional accrediting agency. Such information shall include the address and telephone number of the department. The disclosure shall be consistent with the requirements of section 13.11 of this Title.*

Please acknowledge the institution’s responsibilities for public disclosure of its accreditation status, as defined in Regents Rules:

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| *Answer:* |

1. **Evidence of Required State Authorizations**

Regulatory reference: The institution shall document that all necessary State approval actions, including but not limited to program registrations, master plan amendments, and charter actions, have been completed favorably. (Section 4-1.3(a)(1) of Regents Rules)

Provide evidence of any required State approvals.

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| *Answer:* |

1. **Branch Campuses, Additional Locations, and Changes in Ownership**

Additional review requirements apply to substantive changes concerning branch campuses; additional locations; and changes in ownership that effect a change in control of the institution. Please note the following requirements and provide the noted information if applicable to the proposed change(s). For branch campuses and additional locations, please list the relevant location(s).

1. **Branch campuses.**

***Important***: for purposes of institutional accreditation, “branch campus” means “a location of an institution that is geographically apart and independent of the main campus of the institution, meaning that the location is permanent in nature, offers courses in educational programs leading to degrees or certificates authorized by the department, has its own faculty and administrative or supervisory organization, and has its own budgetary and hiring authority.”

(a) For instances in which the institution seeks to extend its scope of accreditation to a branch campus, as defined in section 4-1.2 of this Subpart, the institution shall submit a business plan for the branch campus, prior to such establishment. The business plan shall include, but need not be limited to, the educational program or programs to be offered, the projected revenues and expenditures and cash flow, and the operations, management and physical resources at the branch campus.

(b) The department shall conduct a site visit to the branch campus within six months of its establishment.

(c) The commissioner may extend accreditation to the branch campus only after the department evaluates the business plan and determines that the branch has sufficient educational, financial, operational, management and physical resources to meet the standards prescribed in section 4-1.4 of this Subpart.

1. **Additional locations.**

***Important***: for purposes of institutional accreditation, “additional location” means “a location of an institution geographically apart from the main campus, other than a branch campus, at which the institution offers at least 50 percent of an educational program.”

(a) For instances in which the institution seeks to extend the scope of accreditation to additional locations, as defined in section 4-1.2 of this Subpart, the institution shall submit an application for the extension of the scope of accreditation to include such locations prior to their establishment. The department shall conduct a review, which shall include but not be limited to, determining whether the institution has the fiscal and administrative capacity to operate the additional location.

(b) Site visits.

(1) Such review shall include a site visit within six months of establishment of the additional location, if the institution: has a total of three or fewer additional locations; or has not demonstrated to the department's satisfaction that it has a proven record of effective educational oversight of additional location; or has been placed on probationary accreditation or is subject to some limitation by the department on its accreditation.

(2) The department shall conduct a site visit of additional locations when the department has evidence that a location or locations has experienced rapid enrollment growth or that the institution has experience rapid growth in the number of additional locations.

(3) The department shall visit all locations as part of a site visit for accreditation or renewal of accreditation.

1. The purpose of the site visits prescribed in this clause shall be to verify that an additional location has the personnel, facilities and resources the institution stated that it had in its application for approval of the additional location.
2. **Change in ownership effecting change in control.**

For instances in which the substantive change is caused by a change in ownership, which effects a change in control of the institution, the department shall conduct a site visit within six months of the change in ownership.