

Application for Approval to Offer Distance Education in New York State

For Out-of-State Institutions

June 2018

Introduction

All degree-granting institutions located outside of New York State seeking to offer credit-bearing post-secondary instruction through distance education, with no physical presence in New York State, must obtain approval from the New York State Education Department (NYSED).

Institutions participating in the [State Authorization Reciprocity Agreement](http://nc-sara.org/sara-states-institutions) (SARA) are considered to be approved to offer distance education programs in New York State and are not required to submit an application.

This application is for non-SARA institutions, with no physical presence in New York, seeking approval to offer distance education to students located in New York State.

The following activities constitute a physical presence in New York and therefore will require additional approvals beyond the scope of this application:

* The operation of an instructional site in New York State. An instructional site is a physical location at which a group of students receives instruction from a faculty member, regardless of whether the instruction is delivered in person or remotely.
* The placement of students in clinical internships or field experiences related to New York State’s licensed professions.

Institutions seeking approval to operate with a physical presence in New York should email [IHEauthorize@nysed.gov](mailto:IHEauthorize@nysed.gov) for more information.

Institutions offering programs related to New York State’s licensed professions should contact the [NYSED Office of Professions](http://www.op.nysed.gov/prof/) before proceeding.

This application is current as of the date identified on the cover page. NYSED reserves the right to update and revise the application as needed, and the contents and required responses will be subject to change.

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Application Instructions

Requirements for Participation

A non-SARA institution applying to NYSED for approval to offer distance education in New York State must:

* be legally domiciled in a state other than New York and hold proper authorization from such state to offer degree-granting programs and confer degrees in such state;
* be a U.S. degree-granting institution that holds institutional accreditation from an accrediting association recognized by the U.S. Secretary of Education with distance education within its scope of recognition;
* agree to abide by the Interregional Guidelines for the Evaluation of Distance Education (Appendix A); and
* agree to fulfill the requirements identified in the Requirements and Terms for Approval Form.

In addition, institutions must possess a Financial Responsibility Index Score that is 1.5 or higher. If the applicant institution is a subsidiary, then, consistent with United States Department of Education methodology, its ultimate domestic parent organization (highest level of ownership) must have a score of 1.5 or higher.

Submission and Review Process

1. To begin the application process institutions must first complete the Notification of [Intent to Apply for Approval to Offer Distance Education in New York State Form](http://www.nysed.gov/higher-ed-authorization/colleges/distance-education-application).
2. NYSED will acknowledge receipt of the Intent to Apply Form and provide a link to the institution’s online application submission folder.
3. Application files must be uploaded within 60 days from the date the submission folder information is provided to the institution. **Do not submit a paper copy of the application.**
   * Applications that are not complete or properly submitted within this time frame will be withdrawn from further consideration, and the application will not be retained by NYSED.
4. Institutions will have 60 days from the date the application submission folder information is provided to send their application fee to NYSED.
   * The annual application review fee ($7,000) is non-refundable. Should NYSED disapprove an application, the annual approval fee ($10,000) will be refunded.
   * The fee payment submission must include:

a check for $17,000 made out to the New York State Education Department, and,

a NYSED payment form.

* + Payments should be mailed to:

New York State Education Department

ATTN: OUT OF STATE APPLICATIONS

Office of College and University Evaluation

89 Washington Avenue, Room 960 EBA

Albany, NY 12234

1. NYSED will notify applicants once the fee payment has been processed and review of the application has begun.
   * Application review will not commence before the fee payment has been processed.
   * NYSED retains the right to request additional information or ask clarifying questions throughout the application review process.
   * NYSED may contact other state or federal regulatory agencies, or other organizations such as accrediting bodies, for any information it deems necessary to make a determination on an application.
2. At the conclusion of the review, NYSED will notify applicants in writing that their application is either approved or disapproved. If an application is disapproved, NYSED will provide reasons for the disapproval in writing.

Formatting Requirements

Please use the following guidelines when preparing an application for submission:

* + Each file should be labeled as specified in the Document Checklist.
  + All files should have page numbers.
  + All files should include the filename in the page footer.
  + All narrative responses should be in a 12-point sans-serif font (e.g., Calibri).
  + Files should be in Adobe Acrobat® PDF or, if needed, MS® Excel format.
  + Responses to requests that do not apply to the institution should state “Request is not applicable.”

Document Checklist

Each application shall include narrative responses, completed forms, and supplemental documents.

|  |  |  |
| --- | --- | --- |
|  | Filename | Response Type |
| □ | 1a-Institution Overview | NYSED Form |
| □ | 1b-Approval Terms | NYSED Form |
| □ | 1cde-Structure and Oversight | Narrative Response |
| □ | 1f-Authorization | Documentation |
| □ | 1g-Accreditation | Documentation |
| □ | 1h-Financials | Documentation |
| □ | 2abc-NYS Plans and Programs | Narrative Responses |
| □ | 2d-Proposed Online Program Forms | NYSED Form |
| □ | 3-Complaints Policy | Narrative Response |
| □ | 4-Closure-Discontinuance | Narrative Responses |
| □ | 5-Payment Form | NYSED Form |

Post Approval Overview

This section highlights several key post-approval requirements that may be useful for applicants to know prior to application submission. The information contained herein is not exhaustive, and approved institutions will be held to all applicable laws, regulations, and policies guiding the offering of distance education in New York State.

Term of Approval

The term of approval is 12 months, beginning on the date of approval notification by NYSED. Approval status may be renewed annually, provided the institution continues to meet eligibility requirements and the terms of its approval. Institutions that are disapproved or lose their eligibility must wait 180 days before reapplying.

Renewal Requirements

Institutions must submit a renewal application and fee to extend their approval for additional 12 month terms. Institutions may submit their application and payment to NYSED no earlier than 90 days, and no later than 30 days, before the expiration of the current approval term. Institutions that have not renewed their status before the end of their current term will no longer be eligible to enroll New York based students in their online programs.

NYSED’s renewal application review shall consider the institution’s continued capacity to meet the requirements for approval, including but not limited to the institution’s past compliance with reporting requirements and other terms of previous approvals.

Reporting Requirements

Approved institutions will be required to submit reports to NYSED at minimum on an annual basis. In addition to providing audited financial statements and 990s forms, reporting requirements may include, but not be limited to, the following information **disaggregated by course, program, and** **New York students**:

* full-time and part-time enrollment;
* course and program completion rates;
* student retention;
* time to degree;
* graduation rates;
* average student debt by program;
* student loan default rates; and,
* student complaints.

If at any point during the approval term NYSED has reason to believe that the institution is out of compliance with the Requirements and Terms of Approval, or with other applicable regulatory or legal requirements, NYSED may implement additional monitoring and require additional reports from the institution.

Loss of Eligibility

An institution that does not apply for renewal or pay the renewal application fee within the required timeframe will lose its eligibility to enroll New York students in its distance education programs at the end of its approval term.

An institution that loses its eligibility may reapply no sooner than 180 days after the expiration of its current term. An institution that has their approval revoked will not receive a refund of application fees paid to NYSED.

Revocation

The Department may revoke an institution’s approval based on a finding that the institution no longer meets regulatory or legal requirements, or based on one or more complaints that raise a substantial question as to the institution’s ability to offer distance education programs to students located in New York State. An institution whose approval is revoked during a term of approval will not receive a refund of any application fee paid to NYSED.

Application for Approval to Offer Distance Education in New York State

Application Requirements

1. Institution Information
   1. Complete the Institution Overview Form.
   2. Complete the Requirement and Terms of Approval Form.
   3. Provide the names and professional titles of members of the leadership team, identifying those with critical roles in the development and management of distance education programs. Additionally, provide the institution’s organizational management chart, including specific names and lines of reporting.
   4. Identify any related corporate entities with which the applicant institution has parent or affiliate relationships and describe the nature of the relationships. Provide all the names/DBAs under which this institution operates.
   5. Identify and provide the contact information for the state agency, and office within that agency, that provides oversight and supervision of the applicant institution in the state in which the institution’s main campus is legally domiciled.
   6. Attach documentation demonstrating the applicant institution has state authorization granting the institution the authority to offer degree-granting programs and to confer degrees in the state in which the institution is legally domiciled.
   7. Attach proof of institutional accreditation by an accreditor recognized by the United States Department of Education. Include documentation that the institution is approved to offer distance education programs within the scope of its accreditation.
   8. Provide signed audited financial statements, including Independent Auditor’s Reports, USDE EZ-Audit submissions, and Form 990s (if applicable) for the most recent three years for the parent organization and for each branch campus hosting an online program or course that will be offered in New York State.

What to Submit

|  |  |
| --- | --- |
| Filename | Response Type |
| 1a-Institution Overview | NYSED Form |
| 1b-Approval Terms | NYSED Form |
| 1cde-Structure and Oversight | Narrative Responses |
| 1f-Authorization | Documentation |
| 1g-Accreditation | Documentation |
| 1h-Financials | Documentation (Parent and Subsidiaries) |

1. Current and Proposed Programs
   1. Provide a narrative overview of the institution’s plans for offering distance education programs in New York State over the next five years*. (Maximum length: 1,000 words)*
   2. List all the programs leading to adegree, certificate, credential, or other academic award that the institution proposes to offer in New York State over the next three years.
   3. Provide the direct web address for the official catalogue descriptions and requirements for all the programs being proposed in this application.
   4. Complete a Proposed Online Program Form for each program listed in (b).

What to Submit

|  |  |
| --- | --- |
| Filename | Response Type |
| 2abc-NYS Plans and Programs | Narrative Responses |
| 2d-Proposed Online Program Forms | NYSED Form |

1. Complaints
   1. Describe the methods and strategies the institution will use to communicate and make available to its distance education students, the procedures for registering complaints (maximum length: 1,000 words).
   2. Provide a weblink to the institution’s complaint policies.

What to Submit

|  |  |
| --- | --- |
| Filename | Response Type |
| 3-Complaints Policy | Narrative Response |

1. Closure or Discontinuance Plans

In the event that the institution discontinues a program, or ceases to operate before all enrolled students have completed their program of study, describe the policies and procedures that would:

* 1. Ensure that students have on-going access to their academic records; and,
  2. Provide for the return of any pre-paid tuition and/or other deposits for which instruction time was not provided;

State whether these policies and procedures are compelled by statute or regulation in other states; and specify whether such policies apply to students in New York State (maximum length: 1,500 words).

What to Submit

|  |  |
| --- | --- |
| Filename | Response Type |
| 4-Closure-Discontinuance | Narrative Responses |

Application for Approval to Offer Distance Education in New York State

Forms

NOTE: Fillable forms are available for download from the NYSED Higher Education Authorization [Distance Education](http://www.nysed.gov/higher-ed-authorization/application-submission) website.

Application for Approval to Offer Distance Education in New York State

Institution Overview

NOTE: Fillable forms are available for download from the NYSED Higher Education Authorization [Distance Education](http://www.nysed.gov/higher-ed-authorization/application-submission) website.

Institution Information

|  |  |
| --- | --- |
| Institution Name: |  |
| Institution Address: |  |

|  |
| --- |
| Name and address of the principal campus or central administrative unit, if different from above: |
|  |
| United States Department of Education (USDE) Recognized Institutional Accrediting Body: |
|  |
| List the homepage URLs of all websites this institution uses to represent itself: |
|  |

|  |  |  |  |
| --- | --- | --- | --- |
| Institution Type: | Choose an item. | Current FTE Enrollment: |  |
| OPEID: |  | Employer Identification Number: |  |

Primary Contact Information

|  |  |  |  |
| --- | --- | --- | --- |
| First Name: |  | Last Name: |  |
| Title: |  | Telephone: |  |
| E-mail: |  |  |  |

Secondary Contact Information

|  |  |  |  |
| --- | --- | --- | --- |
| First Name: |  | Last Name: |  |
| Title: |  | Telephone: |  |
| E-mail: |  |  |  |

State Authorization Reciprocity Agreement (SARA)

|  |
| --- |
| If the institution is legally domiciled in a state that is participating in SARA, explain why the institution is not participating in SARA: |
|  |

Signature

I hereby certify that I am the applicant institution’s Chief Administrative Officer and I attest on behalf of the institution that the information contained in this application is complete and accurate.

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Chief Administrative Officer Signature | Print Name | Date |

Application for Approval to Offer Distance Education in New York State

Requirements and Terms of Approval

NOTE: Fillable forms are available for download from the NYSED Higher Education Authorization [Distance Education](http://www.nysed.gov/higher-ed-authorization/application-submission) website.

An institution applying to the New York State Education Department (NYSED) for approval to offer credit-bearing post-secondary distance education in New York State must meet the following requirements. The Chief Administrative Officer of the applicant organization must initial each item. NYSED reserves the right to request further information or conduct additional review for the purposes of evaluating the validity of the information provided herein.

**By initializing each item below, the signatory attests that the out-of-state higher education institution seeking authorization to provide distance education programs in New York:**

|  |  |
| --- | --- |
|  | Is legally domiciled in a state other than New York or a United States territory, and hold proper authorization from such state/territory to offer degree-granting programs and confer degrees in such state/territory. |
|  | Is accredited, with distance education approval, by a USDE recognized institutional accrediting body. |
|  | Possesses a financial responsibility index score from U.S. Department of Education that is 1.5 or above. |
|  | Affirms that the institution and its program meet and will continue to abide by the Interregional Guidelines for the Evaluation of Distance Education as defined in §49-2.2(f) of Commissioner’s Regulation (see Appendix A). |
|  | Agrees to be responsible for the actions of third-party providers used by the institution to offer distance education to New York State residents. |
|  | Agrees to notify NYSED of any adverse actions by its accreditor or any negative changes to its accreditation status. |
|  | Agrees to provide any data requested by NYSED for the purposes of periodic monitoring activities and/or responding to complaints. |
|  | Agrees to work with NYSED, other state agencies, and accreditors to resolve any complaints, and abide by the decisions of NYSED or other state agencies regarding complaint resolution, including but not limited to paying any refunds or fines and addressing any required corrective actions. |
|  | Agrees to notify all prospective and enrolled students in a course or program that customarily leads to professional licensure or certification, or which a student could reasonably believe leads to licensure or certification, that the institution is not able to recommend graduates for professional licensure in New York State, does not know whether the course or program leads to licensure requirements in New York State, and to provide the student with the contact institution for the appropriate state licensing or certification boards. |
|  | Agrees in cases where the institution cannot fully deliver the instruction for which a student has contracted, to provide a reasonable alternative for delivering instruction or reasonable financial compensation for the education the student did not receive. |
|  | Agrees to pay a non-refundable fee of $7,000 for the review and processing of the institution's application, and an annual administrative fee of $10,000 ($17,000 due upon initial application submission). |
|  | Agrees to cease and desist all operations, including offering any distance education programs to New York State residents, upon notification from NYSED that the institution has lost eligibility. |

**I hereby certify that I am the applicant institution’s Chief Administrative Officer, and on behalf of the institution I agree to the requirements and terms of approval.**

|  |  |  |  |
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| *Chief Administrative Officer Signature* | *Printed Name* | *Title* | *Date* |

Application for Approval to Offer Distance Education in New York State

Proposed Online Programs

NOTE: Fillable forms are available for download from the NYSED Higher Education Authorization [Distance Education](http://www.nysed.gov/higher-ed-authorization/application-submission) website.

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|  |  | | | | | | | | | | | | | | | | | | | |
| *Institution Name* | | | | | Current NY Enrollment | | Projected FT NY Enrollment | | | Projected PT NY Enrollment | | |  | TOTAL PROGRAM COST TO STUDENT | | | | |  | |
| Total Percent Program Title CIP Code Degree Credits Online | | | | | Full Part- Time Time | | Y1: Y2: Y3: | | | Y1: Y2: Y3: | | | NY Licensed Profession? | Median   Academic Other Student  Tuition Fees Resources Costs Loan Debt | | | | | URLs of Recruitment Websites for this Program | SUPPLEMENTAL INFORMATION |
| *Sample Program Name* | *00.000*  *0* | *BACCALAUREATE* | *150* | *100%* | *50* | *30* | *20* | *25* | *30* | *15* | *20* | *25* | *Y/N* | *$30,000* | *$3,000* | *$500* | *$50* | *$5,000* | [*www.abddefg.edu*](http://www.abddefg.edu/) |  |
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Application for Approval to Offer Distance Education in New York State

Payment Form

NOTE: Fillable forms are available for download from the NYSED Higher Education Authorization [Distance Education](http://www.nysed.gov/higher-ed-authorization/application-submission) website.

Please include this form with your institution’s check when applying to NYSED for approval to offer distance education programs in New York State.

|  |  |
| --- | --- |
| INSTITUTION |  |
| Name: |  |
| OPEID: |  |
| FISCAL CONTACT |  |
| Name: |  |
| Telephone Number: |  |
| E-mail Address: |  |
| PAYMENT |  |
| Payable to: | New York State Education Department |
| Check Number: |  |
| Check Amount: | $17,000 |

Remit payment to: New York State Education Department

ATTN: Out of State Distance Ed

Office of College and University Evaluation

89 Washington Avenue, Room 960 EBA

Albany, NY 12234

NYSED review of your application will commence once payment is processed.

Application for Approval to Offer Distance Education in New York State

Appendix

Interregional Guidelines for the Evaluation of Distance Education 2011[[1]](#endnote-1)

Council of Regional Accrediting Commissions (C-RAC)

1. Online learning is appropriate to the institution’s mission and purposes.

Analysis/Evidence:

* The mission statement explains the role of online learning within the range of the institution’s programs and services;
* Institutional and program statements of vision and values inform how the online learning environment is created and supported;
* As appropriate, the institution incorporates into its online learning programs methods of meeting the stated institutional goals for the student experience at the institution;
* The recruitment and admissions programs supporting the online learning courses and programs appropriately target the student populations to be served;
* The students enrolled in the institution’s online learning courses and programs fit the admissions requirements for the students the institution intends to serve;
* Senior administrators and staff can articulate how online learning is consonant with the institution’s mission and goals.

1. The institution’s plans for developing, sustaining, and, if appropriate, expanding online learning offerings are integrated into its regular planning and evaluation processes.

Analysis/Evidence:

* Development and ownership of plans for online learning extend beyond the administrators directly responsible for it and the programs directly using it;
* Planning documents are explicit about any goals to increase numbers of programs provided through online learning courses and programs and/or numbers of students to be enrolled in them;
* Plans for online learning are linked effectively to budget and technology planning to ensure adequate support for current and future offerings;
* Plans for expanding online learning demonstrate the institution’s capacity to assure an appropriate level of quality;
* The institution and its online learning programs have a track record of conducting needs analysis and of supporting programs.

1. Online learning is incorporated into the institution’s systems of governance and academic oversight.

Analysis/Evidence:

* The institution’s faculty have a designated role in the design and implementation of its online learning offerings;
* The institution ensures the rigor of the offerings and the quality of the instruction;
* Approval of online courses and programs follows standard processes used in the college or university;
* Online learning courses and programs are evaluated on a periodic basis;
* Contractual relationships and arrangements with consortial partners, if any, are clear and guarantee that the institution can exercise appropriate responsibility for the academic quality of all online learning offerings provided under its name.

1. Curricula for the institution’s online learning offerings are coherent, cohesive, and comparable in academic rigor to programs offered in traditional instructional formats.

Analysis/Evidence:

* The curricular goals and course objectives show that the institution or program has knowledge of the best uses of online learning in different disciplines and settings;
* Curricula delivered through online learning are benchmarked against on-ground courses and programs, if provided by the institution, or those provided by traditional institutions;
* The curriculum is coherent in its content and sequencing of courses and is effectively defined in easily available documents including course syllabi and program descriptions;
* Scheduling of online learning courses and programs provides students with a dependable pathway to ensure timely completion of degrees;
* The institution or program has established and enforces a policy on online learning course enrollments to ensure faculty capacity to work appropriately with students;
* Expectations for any required face-to-face, on-ground work (e.g., internships, specialized laboratory work) are stated clearly;
* Course design and delivery supports student-student and faculty-student interaction;
* Curriculum design and the course management system enable active faculty contribution to the learning environment;
* Course and program structures provide schedule and support known to be effective in helping online learning students persist and succeed.

1. The institution evaluates the effectiveness of its online learning offerings, including the extent to which the online learning goals are achieved, and uses the results of its evaluations to enhance the attainment of the goals.

Analysis/Evidence:

* Assessment of student learning follows processes used in onsite courses or programs and/or reflects good practice in assessment methods;
* Student course evaluations are routinely taken and an analysis of them contributes to strategies for course improvements;
* Evaluation strategies ensure effective communication between faculty members who design curriculum, faculty members who interact with students, and faculty members who evaluate student learning;
* The institution regularly evaluates the effectiveness of the academic and support services provided to students in online courses and uses the results for improvement;
* The institution demonstrates the appropriate use of technology to support its assessment strategies; The institution documents its successes in implementing changes informed by its programs of assessment and evaluation;
* The institution provides examples of student work and student interactions among themselves and with faculty;
* The institution sets appropriate goals for the retention/persistence of students using online learning, assesses its achievement of these goals, and uses the results for improvement.

1. Faculty responsible for delivering the online learning curricula and evaluating the students’ success in achieving the online learning goals are appropriately qualified and effectively supported.

Analysis/Evidence:

* Online learning faculties are carefully selected, appropriately trained, frequently evaluated, and are marked by an acceptable level of turnover;
* The institution’s training program for online learning faculty is periodic, incorporates tested good practices in online learning pedagogy, and ensures competency with the range of software products used by the institution;
* Faculty are proficient and effectively supported in using the course management system;
* The office or persons responsible for online learning training programs are clearly identified and
* have the competencies to accomplish the tasks, including knowledge of the specialized resources and technical support available to support course development and delivery;
* Faculty members engaged in online learning share in the mission and goals of the institution and its programs and are provided the opportunities to contribute to the broader activities of the institution;
* Students express satisfaction with the quality of the instruction provided by online learning faculty members.

1. The institution provides effective student and academic services to support students enrolled in online learning offerings.

Analysis/Evidence:

* The institution’s admissions program for online learning provides good web-based information to students about the nature of the online learning environment, and assists them in determining if they possess the skills important to success in online learning;
* The institution provides an online learning orientation program;
* The institution provides support services to students in formats appropriate to the delivery of the online learning program;
* Students in online learning programs have adequate access to student services, including financial aid, course registration, and career and placement counseling;
* Students in online learning programs have ready access to 24/7 tech support;
* Students using online learning have adequate access to learning resources, including library, information resources, laboratories, and equipment and tracking systems;
* Students using online learning demonstrate proficiency in the use of electronic forms of learning resources;
* Student complaint processes are clearly defined and can be used electronically;
* Publications and advertising for online learning programs are accurate and contain necessary information such as program goals, requirements, academic calendar, and faculty;
* Students are provided with reasonable and cost-effective ways to participate in the institution’s system of student authentication.

1. The institution provides sufficient resources to support and, if appropriate, expand its online learning offerings.

Analysis/Evidence:

* The institution prepares a multi-year budget for online learning that includes resources for assessment of program demand, marketing, appropriate levels of faculty and staff, faculty and staff development, library and information resources, and technology infrastructure;
* The institution provides evidence of a multi-year technology plan that addresses its goals for online learning and includes provision for a robust and scalable technical infrastructure.

1. The institution assures the integrity of its online offerings.

Analysis/Evidence:

* The institution has in place effective procedures through which to ensure that the student who registers in a distance education course or program is the same student who participates in and completes the course or program and receives the academic credit. The institution makes clear in writing that these processes protect student privacy and notifies students at the time of registration or enrollment of any projected additional costs associated with the verification procedures. (Note: This is a federal requirement. All institutions that offer distance education programs must demonstrate compliance with this requirement.);
* The institution’s policies on academic integrity include explicit references to online learning;
* Issues of academic integrity are discussed during the orientation for online students;
* Training for faculty members engaged in online learning includes consideration of issues of academic integrity, including ways to reduce cheating.

1. Interregional Guidelines for the Evaluation of Distance Education 2011 are available at [www.msche.org/publications/Guidelines-for-the-Evaluation-of-Distance-Education-Programs.pdf](https://www.msche.org/publications/Guidelines-for-the-Evaluation-of-Distance-Education-Programs.pdf) [↑](#endnote-ref-1)