

Application for Permission to Operate in New York State

FOR OUT-OF-STATE INSTITUTIONS

July 2021

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Introduction

The New York State Education Department (NYSED), on behalf of the New York State Board of Regents, is responsible for coordinating statewide resources and programs, evaluating quality, and promoting equity and access in education. The Office of College and University Evaluation assesses the quality of public, independent, and proprietary degree-granting institutions, and their programs of study, according to the standards set forth in law, rule, and regulation.

Out-of-state institutions that seek to offer credit-bearing instruction or field experiences with a physical presence in New York State must be authorized by the New York State Board of Regents[[2]](#footnote-2) pursuant to Title 8, §3.56 of the New York Codes, Rules, and Regulations (permission to operate) ([8 NYCRR §3.56](https://govt.westlaw.com/nycrr/Document/Iec9db25cc22111dd97adcd755bda2840?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))). The following activities constitute a physical presence in New York:

* Operating an instructional site at which students receive 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.

This application is for out-of-state institutions seeking permission to operate an instructional site in New York State.

This application is not for institutions seeking to offer a program leading to professional licensure, or to place students in clinical internships or field experiences related to New York State’s licensed professions. These institutions should contact the NYSED Office of Professions at: OPPROGS@nysed.gov or (518) 474-3817, ext. 360.

Institutions seeking to offer instruction only via distance education should use the [Application for Approval to Offer Distance Education in New York State](http://www.nysed.gov/higher-ed-authorization/colleges/distance-ed-application-instructions).

Institutions seeking approval to offer a program in New York State both via distance education and with a physical presence should contact IHEauthorize@nysed.gov for more information.

Prospective applicants should note that submission of an application for permission to operate in New York State does not in itself guarantee that permission will be granted. Any expenses related to an institution’s application, including but not limited to space or site acquisition, will be incurred with the risk of not obtaining permission to operate.

Eligibility

To be eligible for permission to operate pursuant to 8 NYCRR §3.56, applicants must:

* Be a United States degree-granting institution, with its principal location and central administrative unit domiciled in the United States, and authorized to confer degrees by that state, and holding institutional accreditation by an accrediting body recognized by the United States Department of Education (USDE); or,
* If incorporated outside of the United States, be authorized to confer degrees in the state, country, or territory in which the organization is principally located, under the regulatory oversight of a body that is substantially equivalent to that of a U.S. authorizer, and hold institutional accreditation by an accrediting body that is substantially equivalent to a United States Department of Education Regional Accreditor. (“Substantially equivalent” is determined at the sole discretion of the New York State Commissioner of Education (“the Commissioner”).

Limitations on the Scope of Permission to Operate

Out-ot-state institutions applying for approval may only hold permission to operate one program at one location in New York State.

For the purposes of this application *program* shall mean courses or instructional experiences that are offered by the institution on-ground in New York for purposes of earning credit, a degree, certificate, credential, or other academic award.

In rare circumstances and upon receipt of evidence satisfactory to the Commissioner that the educational needs in New York will be addressed by allowing an institution to offer more than one program or offer a program at more than one location in New York, the institution may apply for a waiver of the one-program limitation.

NYSED Review Process

|  |
| --- |
| Application Submission and Review Process Diagram |

The following steps describe the process used to review Applications for Permission to Operate in New York State[[3]](#footnote-3):

1. Completion Check. Applications are screened during intake to ensure that they are complete; for example, all forms, fees, narrative responses, and attachments are included, and the application is substantively responsive to the information requests. Applications that are materially incomplete will not be reviewed.
2. Institutional and Programmatic Review. NYSED will review the application in relation to the requirements set forth in 8 NYCRR §3.56(a). If after initial review, NYSED has additional questions or identifies a need for more information or clarification, NYSED may issue a Request for Information (RFI). Applicants are typically given 30 days to provide the additional information or clarification requested in the RFI. NYSED reserves the right to issue as many separate RFI’s as are needed for NYSED to come to a determination about the application. Additionally, NYSED may elect to conduct an on-site review at the applicant’s proposed location.

After the institutional and programmatic review, if NYSED determines that the applicant institution does not meet the requirements set forth in 8 NYCRR §3.56(a), the application will be disapproved and NYSED will notify the applicant of the reasons in writing. If after review, NYSED determines that the applicant institution has initially met the requirements of 8 NYCRR §3.56(a), NYSED will notify the applicant that NYSED will begin the process of Regional Consultation.

1. Regional Consultation. For applications that NYSED determines initially meet the requirements set forth in 8 NYCRR §3.56(a), NYSED will provide a copy of the application executive summary to New York State degree-granting institutions within the geographic region in which the applicant institution seeks to operate. New York State degree-granting institutions within the region will be given a time-period (typically 30 days, or as otherwise determined by NYSED) to provide NYSED with comments on the need for the proposed program and any impact it would have on their operations. If institutions raise objections to, or identify concerns with, an application for permission to operate, the applicant institution will be required to attempt to work with the institutions to resolve the issues.

Once all objections have been removed and issues resolved, or once the applicant’s attempts to resolve issues have been exhausted (in the determination of NYSED), NYSED will re-evaluate whether the applicant institution continues to meet the requirements set forth in 8 NYCRR §3.56(a). If NYSED determines that the applicant institution does not meet the requirements set forth in 8 NYCRR §3.56(a), the application will be disapproved and NYSED will notify the applicant of the reasons in writing.

If after review, NYSED determines that the applicant institution has met the requirements of 8 NYCRR §3.56(a), NYSED will notify the applicant that it will recommend to the New York State Board of Regents, that it grant permission to operate.

At any time throughout the regional consultation process, New York State institutions within the region may elect to request a public hearing to discuss the application.

1. Determination. If NYSED determines that the applicant institution meets the requirements of 8 NYCRR §3.56(a), NYSED will recommend to the New York State Board of Regents that the it be granted permission to operate. At a regularly scheduled public meeting, the New York State Board of Regents shall consider the Department’s recommendation, and a summary of comments provided by New York State institutions resulting from the regional consultation process.

If the Board of Regents votes to grant permission to operate, the term of approval shall begin on the date of Regents approval.

If the Board of Regents does not grant permission to operate, the application shall be considered permanently closed.

Application Submission Instructions

1. Notification of Intent. To begin the application process institutions must first complete the [Intent to Apply for Permission to Operate in New York State form](http://www.nysed.gov/higher-ed-authorization/form/intent-apply-approval-offer-distance-education-new-york-state).
2. Online Submission Registration. NYSED will acknowledge receipt of the Intent to Apply form and provide a link to register for access to the institution’s online application submission folder.
3. Application Submission. Do not submit a paper copy of the application. Once an application is ready for submission, files should be uploaded to the application submission folder and a formal notice of application submission should be sent to IHEauthorize@nysed.gov.
4. Fees. A check for $15,000, made payable to the New York State Education Department will be due upon submission of the application. This includes a non-refundable review fee of $10,000 and $5,000 fee for the first annual administrative period (if approved). If an applicant institution is not granted permission to operate, the $5,000 annual administrative fee will be refunded.
5. Payment Submission. The application payment submission must be mailed to the address below and include:
	* A check made out to the New York State Education Department, and,
	* A NYSED payment form (See the PTO Application Forms MS Excel file).

New York State Education Department

ATTN: PERMISSION TO OPERATE APPLICATIONS

Office of College and University Evaluation

89 Washington Avenue, Room 960 EBA

Albany, NY 12234

NYSED will notify applicants once the application and payment have been received. Application review will not commence before the fee payment has been processed.

Formatting Requirements

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

* + All files must be submitted in English.
	+ All files should have page numbers.
	+ All narrative responses should be in a 12-point sans-serif font (e.g., Calibri).
	+ Files should be Adobe Acrobat® PDF, MS® Word, or 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. Application files must be named as presented below. Application files must be either MS Word©, MS Excel©, or Adobe Acrobat© PDF documents.

| Filename | Response Type |
| --- | --- |
| 1. EXECUTIVE SUMMARY
 | Narrative Response |
| 1. ORGANIZATIONAL STRUCTURE
 | Narrative Response |
| * 1. Incorporation
 | Documentation |
| * 1. Authorization
 | Documentation |
| * 1. Accreditation
 | Documentation |
| * 1. Related Entities
 | Narrative Response or Documentation |
| 1. PROGRAM
 | Narrative Response |
| * 1. Course List
 | Narrative Response or Documentation |
| * 1. Descriptions
 | Narrative Response or Documentation |
| * 1. Schedule
 | Narrative Response or Documentation |
| 1. OVERSIGHT
 | Narrative Response |
| * 1. Org Management
 | Narrative Response or Documentation |
| 1. FACULTY-STAFF
 | Narrative Response |
| * 1. Faculty CVs
 | Documentation |
| 1. RESOURCES
 | Narrative Response (Budget Narrative) |
| * 1. USGAAP-Financials YYYY
 | Documentation |
| * 1. USGAAP-Financials YYYY
 | Documentation |
| * 1. USGAAP-Financials YYYY
 | Documentation |
| 1. CONSUMER PROTECTION
 | Narrative Response |
| * 1. Discontinuance Protocol
 | Documentation |
| 1. PTO Application Forms
 | PTO Application Forms.xls File  |
| 1. Application Terms
 | Documentation (see page 19) |

Approved Institutions’ Responsibilities

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 higher education in New York State.

Term of Approval

A typical term of approval is five years, unless amended by the Board of Regents, and begins on the date of Regents action. Permission to operate may be renewed for successive terms at the discretion of the Board of Regents, provided the institution continues to meet eligibility requirements and the terms of its approval.

Reporting Requirements

Approved institutions will be required to submit reports to NYSED at minimum on an annual basis. In addition to providing financial statements prepared and audited in accordance with U.S. generally accepted accounting principles and Form 990 (as applicable), 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;
* Student loan repayment and 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 terms of approval, or with other applicable regulatory or legal requirements, NYSED may implement additional monitoring and require additional reports from the institution.

Renewal Requirements

Institutions seeking to renew their permission to operate must submit a renewal application and fee to NYSED no earlier than 180 days, and no later than 90 days, before the expiration of their current term. An institution that has not renewed its status before the end of its current term will lose its eligibility to enroll students in New York at the end of its current term.

The renewal application fee of $2,500 per program, plus an annual administrative fee of $5,000, ($7,500 in total) is due when the renewal application is submitted.

Revocation

The Department may revoke an institution’s approval and/or prohibit the institution from enrolling new students in New York State at any time based on a failure to pay the required fees or on a finding that the institution no longer meets the requirements for permission to operate. An institution whose approval is revoked will not receive a refund of any fee paid to NYSED. An institution has the right to appeal a revocation in a timeframe and manner prescribed by the Commissioner.

Application for Permission to Operate in New York State

For Out-of-State Degree-Granting Institutions

APPLICATION

July 2021

Executive Summary

Provide a clear and cogent overview of the applicant institution and its proposed operations in New York State. If the application proceeds to the regional consultation review stage, the executive summary will be distributed for comment to existing New York State degree-granting institutions that would potentially be impacted by the proposed program. (Maximum 3 pages)

1. Proposed Program. Summarize the proposed program to be offered in New York State including:
	1. Its purpose, goals, scope of credits to be earned, award to be received, and any unique characteristics;
	2. The relationship of the program to the stated mission of the applicant institution;
	3. Its proposed location/region; and
	4. Evidence of need for the program.
2. Institutional Quality. Summarize evidence of institutional quality and track-record, and evidence that the institution has the capacity and experience to meet the desired program outcomes.
3. Student Body. Provide a summary profile of students likely to participate in the proposed program, including demographic, geographic, and career stage information. Identify any admissions requirements that are specific to the proposed program.
4. Enrollment. Provide the projected (full- and part-time) enrollment in the program’s first and fifth year of operation in New York State;
5. Costs. Describe the proposed program’s annual tuition, fees, and living expenses, as well as its total student cost, and discuss these costs in relation to evidence of students’ prospects for gainful employment.

Institutional / Corporate Structure

The purpose of this section is to establish an accurate and complete profile of the applicant institution’s identity and operating environment. Institutions that are based outside of the United States should describe their country’s oversight environment, provide contact information for the relevant entities, and documentation of their authority and track record as a degree-granting institution.

1. Submit the Cover and Institution ID forms in the “PTO Application Forms” MS Excel file.
2. Provide all the names/DBAs under which this institution operates or has operated within the past five years.
3. Provide evidence of the date and state in which the institution is incorporated.
4. Provide the contact information for the state agency and office that provides oversight of the applicant institution in the state in which the institution’s main campus is legally domiciled. Describe its current authorization status and provide up-to-date evidence of state authorization.
5. Identify institutional accreditor(s) and the original date of accreditation. State the institution’s current accreditation status and discuss any conditions, comments, or limitations placed on the accreditation. Attach proof of accreditation dated within three months of the application submission date.
6. Provide a chart of all related corporate entities with which the applicant institution has an affiliate relationship, and identify the nature of the relationship. For each entity provide (as applicable):
	1. Corporate control (public, non-profit, publicly traded for-profit, private for-profit)
	2. Office of Postsecondary Education Identification (OPEID) number
	3. Institution IPEDS unit identification number
	4. Employer identification Number (EIN)
	5. Security and Exchange Commission Central Index Key (CIK)
	6. State and date of incorporation
7. For the most recent three years, identify any on-going or closed investigation or consumer-protections-related litigation conducted by a government agency or regulatory body in which the applicant institution, or any of its affiliated organizations, is named.

ATTACHMENTS

Evidence of incorporation

Evidence of state authorization

Evidence of accreditation

Related entities information

Program

1. Identify the goals for the proposed program and describe how they relate to the institution’s mission.
2. Identify the proposed degree-level and explain how the curriculum is equivalent to New York State requirements for degree-level credit hours (8 CRR-NY 52.2(c)). Use a chart to identify the courses that would be offered and their method of delivery. Provide course descriptions.
3. Describe the need for the proposed program in relation to student and/or employer demand, to broader social or economic needs, and availability of substantively similar programs in the proposed location. Complete and submit the Projected FTE Enrollment worksheet in the “PTO Application Forms” MS Excel file.
4. Outline the library resources that would be available to the New York-based students and explain how those resources would adequately support the academic program.
5. Describe the academic advising framework that will support the New York-based students, including how it will be delivered. Explain how this approach is appropriate for the anticipated students.
6. If any of the institution’s similar programs were included in the U.S. Department of Education’s Gainful Employment database[[4]](#footnote-4), summarize which programs were reviewed, their ratings, and if applicable, any changes the institution implemented in response.
7. Identify any third-party providers involved in developing and/or implementing the proposed academic program, and describe the nature of their involvement. Outline the procedures used to ensure the academic integrity of the courses and program.
8. Provide a schedule illustrating how a student could complete the program objectives on time, considering prerequisites, course availability, and full- or part-time status.
9. Describe the methods and strategies to be used to assess student success in the proposed program. Discuss the academic support needs anticipated for students at the New York location, as well as plans for addressing them.
10. Explain how the course and degree requirements would be communicated. Describe when and how students would be informed of their degree progress.

ATTACHMENTS

Course list

Course descriptions

Course schedule

Projected enrollment

Leadership and Administrative Oversight

1. Describe the form/structure of any person or entity providing oversight of the applicant institution, for example a board of directors/trustees. Provide the name, title, and contact information of the chair/primary officer.
2. If the organization is a privately owned for-profit company, identify parties with ownership interests in the institution, and their relative percentage of ownership. Provide the name and contact information for the principal owners.
3. Provide the names and titles of the institution’s president/chief executive officer and the members of his/her cabinet.
4. Provide the names and titles of the individuals with a leadership role in the proposed New York State operation.
5. Provide an organizational management chart, with names and titles, that illustrates lines of authority and decision making between the program leadership and the institutional leadership.

ATTACHMENTS

Organizational management chart(s)

Faculty and Staff

1. Using the Staffing Plan template in the “PTO Application Forms” MS Excel file, provide information about anticipated faculty and staff requirements for the New York State program.
2. Provide the curricula vitae of faculty in currently staffed positions.
3. Summarize the required qualifications for each position.

ATTACHMENTS

Staffing plan

Faculty curricula vitae

Resources

1. Financial
	1. Describe how the applicant institution intends to financially support the proposed New York operation during start-up and over the approval term, particularly in the event of hardship such as lower-than-anticipated enrollment.
	2. Use the template in the “PTO Application Forms” MS Excel file to provide a clear, transparent, and comprehensive five-year budget for start-up and operation of the proposed program. Include a budget narrative that explains the line items of the budget rationale and assumptions.
	3. For the most recent three years:
		1. Provide the institution’s official, signed, and complete financial statements prepared and audited in accordance with U.S. generally accepted accounting principles, including auditors’ reports. Title IV institutions should provide their Single Audits or other federal award compliance reports as applicable.
		2. If the institution is majority or wholly owned by another organization, provide that entity’s official, signed, financial statements prepared and audited in accordance with U.S. generally accepted accounting principles, including independent auditors’ reports.
		3. If the institution is a privately held limited liability corporation, provide a copy of its current, executed operating agreement.
		4. If the institution is a not-for-profit entity, provide its Forms 990.
	4. Discuss the status of institution’s Title IV eligibility over the most recent three years, including, if applicable, whether the U.S. Department of Education has ever placed the institution on provisional status and/or Heightened Cash Monitoring, the reason for the status change, and its outcome. If the institution is currently provisionally approved to offer Title IV aid, explain why and provide the amount and terms of the letter of credit required by the U.S. Department of Education.
2. Facility

Discuss where and how the institution plans to secure a location in New York State.[[5]](#footnote-5)

ATTACHMENTS

Budget Overview

U.S. GAAP audited financial statements

If applicable:

Related entity U.S. GAAP audited financial statements

Executed operating agreement

Form 990s

Consumer Protection

1. Describe the institution’s procedures for receiving and responding to consumer complaints. Provide the link to this information on the institution’s website.
2. Describe and provide evidence of the processes the institution would employ in the event of closure or program discontinuance to:
	1. Ensure that students have the opportunity to complete their degree;
	2. Ensure that students have on-going access to their academic records; and
	3. Provide for the return of any pre-paid tuition and/or other deposits for which instruction time was not provided.

ATTACHMENTS

Evidence of closure or discontinuance student protections

Application for Permission to Operate in New York State

For Out-of-State Degree-Granting Institutions

TERMS AND REGULATORY REQUIREMENTS

APPLICATION Terms

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

By initialing each item below, the signatory, on behalf of the applicant institution:

|  |  |
| --- | --- |
|   | Agrees to notify NYSED of any adverse actions by its accreditor or negative changes to its accreditation status. |
|   | Agrees to be responsible for the actions of third-party providers used by the institution to provide education services to New York State residents. |
|   | 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 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 cease and desist all operations upon notification from NYSED that the institution no longer has permission to operate in New York State. |
|   | Attests that this is an original application submission and includes no plagiarized content. |
|   | Agrees to respond to all information requests fully and in good faith. |
|   | Agrees to identify all matters that could impact the institution’s ability to deliver the proposed program. |
|   | Agrees, in conformance with 8 NYCRR §52.2 and §53.3, to implement and document the policies and practices identified in the Regulatory Requirements and to make such documentation available upon request.  |

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 to the best of my knowledge. I understand that any misrepresentation could result in disqualification from the application process or revocation of approval.

|  |  |
| --- | --- |
|   |   |
| *Chief Administrative Officer Signature*  | *Title* |

Disclosure Authorization and Waiver of Liability

I hereby authorize any federal agency, state agency, accrediting body, or other non-governmental agency or organization, to provide the New York State Education Department (NYSED) with any and all information related to the institution’s quality, performance, capacity to operate effectively and in compliance with law, and track record of consumer protections, thereby releasing and discharging said agencies or organizations from any claims, liabilities, or damages whatsoever incurred in furnishing such information to NYSED. This includes, but is not limited to, information as to ongoing, current, or past reviews or investigations, and any information pertinent to the quality and character of the applicant institution, its governing officers, and its academic programs.

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

Policies and Practices

The applicant institution will implement and document the policies and practices described in this section and make such documentation available upon request.

Consumer Information

In conformance with Title 8, §52.2 and §53.3 of the New York Codes, Rules, and Regulations, the information described below shall be provided to students and prospective students.

Admission and completion. Policies outlining the admission requirements for the institution and for specific curricula, 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.

Course requirements. 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.

Financial assistance. Information on financial assistance available to students for state, federal, and local institutional programs for which students at the institution may be eligible. The information shall include: application procedures, method of selection of recipients and allocation of awards, award schedule, and rights and responsibilities of recipients, standard current descriptions of state and federal financial assistance programs, along with current procedures and definitions related to emancipated student status. Where summary information is provided, an institutional office where detailed information can be obtained shall be identified.

Costs of attendance. Costs of attending the institution, including tuition and fees, books and supplies, room and board, and other living expenses 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.

Refunds. The policy 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.

Programs. The instructional programs of the institution shall be accurately described, including degree certificate and diploma program descriptions, program- and non-program-related facilities, and library collections and facilities.

Calendar. The academic year in which each instructional offering (course) is expected to be taught shall be indicated, as well as the hours of operation, including holiday and vacation schedules, of campus facilities.

Faculty. Regular resident faculty shall be listed by rank, as well as their department or major program area. An estimated number of adjunct faculty and teaching assistants in each department or major program area shall be provided.

Student outcomes. 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).

Post-graduation outcomes. Summaries of job placement and graduate school placement statistics compiled by the institution shall be provided where available.

Academic Oversight

In conformance with Title 8, §52.2 of the New York Codes, Rules, and Regulations, the institution shall implement the policies and practices identified below.

Student admissions. The admission of students shall be determined through an orderly process using published criteria which shall be uniformly applied. Among other considerations, the admissions process shall encourage the increased participation in collegiate programs at all levels of persons from groups historically under-represented in such programs.

Promotion. The institution shall assure that credit is granted only to students who have achieved the stated objectives of each credit-bearing learning unit. 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.

Student records. 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.

Academic support. The institution shall assure that whenever and wherever the institution offers courses as part of a registered curriculum it shall provide adequate academic support services.

Faculty. The institution shall establish, publish and enforce explicit policies with respect to: academic freedom; and 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.

Within the authority of its governing board, 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.

1. 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. [↑](#footnote-ref-1)
2. See <http://www.nysed.gov/college-university-evaluation/education-law-rules-and-regulations> for an outline of New York State laws and regulations relevant to higher education. [↑](#footnote-ref-2)
3. Given the wide variation in type of applicant institution and scope of proposed programs, and due to the nature and complexity of the review process, NYSED cannot specify a set timeline for each review stage. [↑](#footnote-ref-3)
4. <https://studentaid.ed.gov/sa/about/data-center/school/ge/data> [↑](#footnote-ref-4)
5. Expenses related to space or site acquisition will be incurred with the risk of not obtaining permission to operate. [↑](#footnote-ref-5)