



March 28, 2023

Mr. Stockwell Day
Interim President
56 Broadway
New York, NY 10004-0026

Dear Mr. Day:

Notification of Non-Compliance Action

On behalf of the Middle States Commission on Higher Education, I am writing to inform you that on March 27, 2023, the Commission acted as follows:

To reject the supplemental information report. To require the institution to show cause, by April 17, 2023, to demonstrate why its accreditation should not be withdrawn because of insufficient evidence that the institution is in compliance with Standard VI (Planning, Resources, and Institutional Improvement) and Requirements of Affiliation 2 and 11. To note that the institution remains accredited while on show cause. To note further that federal regulations limit the period during which an institution may be in non-compliance. To require a show cause report, due April 17, 2023, documenting evidence that the institution has achieved and can sustain ongoing compliance with Commission's standards, requirements, policies and procedures, and federal compliance requirements. The show cause report must include evidence that the institution: (1) is operational, with students actively enrolled in its degree programs (Requirement of affiliation 2); (2) has sufficiency of resources to fulfill its mission and goals and to support its educational purposes and programs (Standard VI and Requirement of Affiliation 11); and (3) uses planning, processes, and resources to fulfill its mission and goals, and to support its educational purposes and programs (Standard VI and Requirement of Affiliation 11).

To reject the teach-out plan because the institution failed to provide sufficient information required by the Commission's Teach-Out Plans and Agreement(s) Policy and Procedures. To require that the institution complete and submit for approval, by April 17, 2023, a comprehensive, implementable teach-out plan, with teach-out agreements (Teach-Out Plans and Agreement(s) Policy and Procedures). In accordance with Commission policy and federal regulations, the teach-out plan must provide for the equitable treatment of students to complete their education, if the Commission were to withdraw accreditation, and include any teach-out agreements that the institution has entered into or intends to enter into with another institution. To direct a show cause visit following submission of the report. The purpose of the show cause visit is to verify the information provided in the show cause report and the institution's ongoing and sustainable compliance with the Commission's standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements. To direct a prompt Commission liaison guidance visit to discuss the Commission's expectations. To note that the institution will be invited to present before the Commission when it meets to consider

the institution's show cause report. The date of the next evaluation will be determined upon reaffirmation of accreditation.

This action is a non-compliance action. An explanation of this type of action is provided in the Commission's *Accreditation Actions Policy and Procedures*. If any of the information contained within the action appears to be factually incorrect, please send an email within 60 calendar days of the date of the action to actions@msche.org.

Pursuant to the Commission's *Communication in the Accreditation Process Policy and Procedures*, this letter serves as the Commission's official notification of this action. This accreditation action will be publicly available on the Commission's website within 24 hours of informing the institution. In accordance with policy and federal regulation, the Commission provides notification of non-compliance actions to the United States Secretary of Education, the appropriate state or other licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution, but no later than 30 days after it takes the action.

Commission policy and procedures allow for the submission of an optional institutional statement, which will be posted on the Commission's website, in response to the above non-compliance action. Any institutional statement must be on institutional letterhead, signed by an authorized representative of the institution, and submitted as a PDF document. Because the institutional statement will be posted publicly, it is important that the institutional statement address the accreditation issue and avoid issues that are not relevant to the action. Hyperlinks are not permitted to be used. The submission of an optional institutional statement must be sent to actions@msche.org within 60 calendar days from the date of the action.

The institution is invited to make a presentation to the Commission when the Commission considers the institution's show cause report. The *Show Cause Appearance Before the Commission Prior to Withdrawal of Accreditation* describes the procedures. Please note that the institution is required to inform the Commission of its intent to appear before the Commission at least fourteen (14) calendar days prior to the Commission meeting at which the adverse action will be considered. Additional communications will be sent from the President's Office relating to this process.

Pursuant to the Commission's *Public Disclosures Policy and Procedures* and federal regulation 34 CFR § 602.26(b), the institution is required to publicly disclose an accurate representation of its current accreditation phase and accreditation status with the Commission, which you will find on the institution's Statement of Accreditation Status (SAS) at the Commission's website. The institution is required to publicly disclose non-compliance and adverse actions. The Commission provides procedures and a sample statement for this disclosure in the *Public Disclosures Policy and Procedures* which must be implemented within seven calendar days of this notification where accreditation is referenced on the institution's website and wherever accreditation is referenced in publications.

It is critical for the institution to review and understand the Commission's policies and procedures which will explain the Commission's actions and the institution's accreditation status:

[Accreditation Actions Policy and Procedures](#)

[Accreditation Review Cycle and Monitoring Policy and Procedures](#)

[Communication in the Accreditation Process Policy and Procedures](#)

[Public Disclosures Policy and Procedures](#)

[Standards for Accreditation and Requirements of Affiliation](#)

[Teach-out Plans and Agreements Policy and Procedures](#)

For questions about the Commission's actions, please contact the institution's assigned Commission staff liaison. Questions from the public about the institution's accreditation phase or accreditation status can be directed to communications@msche.org. For additional information, visit www.msche.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather F. Perfetti", with a stylized flourish at the end.

Heather F. Perfetti, J.D., Ed.D.
President