

Substantive Change Procedures

Effective Date: July 1, 2023

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I. Purpose

The Middle States Commission on Higher Education (MSCHE or the Commission) seeks to ensure that member institutions sustain ongoing compliance with Commission standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements while undergoing institutional changes that are considered substantive. The purpose of these procedures is to implement the *Substantive Change Policy* for changes that are not considered complex. See the *Complex Substantive Change Procedures* for any change that may be considered complex. See also the Commission's *Teach-Out Plans and Agreements Policy and Procedures* as some substantive changes require a separate teach-out plan review in conjunction with the substantive change request. The *Substantive Change Guidelines* contain definitions for each type of substantive change and provide case scenarios and examples.

II. Procedures for Early Notification

- A. The institution will notify the Commission staff or the designated Commission staff liaison (Vice President) if it is unclear if a planned institutional change constitutes a substantive change. This initial communication can occur informally (via phone call or email). The Commission staff will advise the institution about whether to submit a substantive change request.
- B. The institution will notify the designated Commission staff liaison of any potential substantive change, complex or not, which may require a teach-out plan in accordance with the Commission's *Teach-Out Plans and Agreements Policy and Procedures*.
- C. The institution will notify the designated Commission staff liaison, at any time, of revisions or amendments to a substantive change throughout or after the review process.

III. Procedures for the Submission of Substantive Change Requests

- A. Prior to implementation, the institution will submit a substantive change request form for all changes that are considered substantive as delineated in the *Substantive Change Policy* and in federal regulation *34 CFR § 602.22(a)(1)(ii)(A-K)*. The *Substantive Change Guidelines* contain definitions for each type of substantive change and provide case scenarios and examples.

Types of Substantive Change by Tier	
Tier I	Reclassification from Additional Location to Other Instructional Site (OIS) Closure of Additional Location (no enrollment and/or no teach-out) Closure of Prison Education Program (PEP) Additional Location (no enrollment and/or no teach-out) Reclassification from Branch Campus to Other Instructional Site (OIS)
Tier II	New Additional Location Relocation of Additional Location Reclassification to Additional Location Second Chance Pell Experimental Sites Initiative (revised SCP ESI)
Tier III	Substantial Change in Mission or Objectives Significant Departure from Existing Educational Programs Alternative Delivery Method Direct Assessment Programs Higher Credential Level Change in Measures of Student Progress Substantial Increase in the Number of Clock or Credit Hours Written Arrangements Domestic 25-50% Acquisition of any Additional Location of another institution Acquisition of Additional Location for teach-out Closure of Additional Location (with teach-out) New Branch Campus Relocation of Branch Campus Reclassification to Branch Campus Closure of Branch Campus (no teach-out) Closure of Branch Campus (with teach-out) Relocation of Main Campus Reclassification to Main Campus Experimental Sites Initiatives (ESI) New Prison Education Program (PEP) Additional Location First Additional Prison Education Program (PEP) New Method of Delivery Closure of Prison Education Program (PEP) Additional Location (with teach-out)
Tier IV	Written Arrangements International Institutional Closures
Tier V	Complex Substantive Changes
Required Notifications or Prior Approvals	<p><i>The institution will submit required notifications for the additional changes listed below that are initiated after July 1, 2020 pursuant to the procedures provided in Section IV of this document. All of the additional changes are defined and case scenarios are provided in the Substantive Change Guidelines.</i></p> <ol style="list-style-type: none"> 1. Change in Existing Program's Method of Delivery 2. Aggregate Change of 25 Percent or More of Program's Curriculum 3. Customized Pathways or Modified Programs 4. Written Arrangements for the Provision of 1-24 Percent of an Educational Program
Lower Credential Levels	<p><i>The institution will report the initiation of lower credential levels through the Substantive Change Screening Form in the Institutional Portal, which is available at any time. Credential levels that are lower than those currently included within the institution's scope of accreditation do not require prior approval through substantive change but these credential levels will still be included within the institution's scope of accreditation and listed on the Institution's Statement of Accreditation Status (SAS).</i></p>

B. The Commission will accept substantive change requests according to the following timetable:

Submission deadline	for Commission review by the end of:
January 1	February
March 1	April
May 1	June
July 1	August
September 1	October
November 1	December

- C. The institution will submit the online *Substantive Change Screening Form* in the secure MSCHE Institution Portal which is accessible at all times.
1. The *Substantive Change Screening Form* may assist the institution in determining which kind(s) of substantive change are relevant.
 2. The *Substantive Change Screening Form* will provide a hyperlink to the appropriate substantive change request form on the MSCHE website.
 3. The submission of the *Substantive Change Screening Form* will initiate a review in the secure MSCHE portal and notify staff.
- D. The institution will download the appropriate Substantive Change Request Form for the specific type of substantive change from the MSCHE website. Certain types of substantive change also require the submission of a teach-out plan and teach-out agreements which should be submitted at the same times as the substantive change in accordance with the *Teach-Out Plans and Agreements Policy and Procedures*.
- E. The institution must demonstrate to the satisfaction of the Commission, that the change does not adversely affect the institution's ability to sustain ongoing compliance with the standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements in accordance with federal regulation *34 CFR § 602.22(a)(i)*.
- F. The institution will develop a substantive change request that is thorough, analytical, and complete pursuant to the directions provided in the form.
1. The institution will begin to prepare the request in advance so that the submission deadline is *at least* 3 months before the proposed change is scheduled for implementation to allow sufficient time for review.
 2. If a submission is materially incomplete, the schedule for Commission review and action may be delayed.
 3. The institution must demonstrate, in the request form, that any affiliation with a related entity or partner institution does not adversely affect the institution's capacity to sustain ongoing compliance.
 4. The institution will compile all required attachments, which clearly and concisely provide documentation and evidence to support the institution's request. The institution will use appropriate excerpts or isolate specific pages rather than provide lengthy documents.
 5. The institution will specifically reference all required attachments within the narrative so

- that the relevance of the attachment is explicit.
6. The institution will label all attachments exactly as stated in the *Substantive Change Request Form*.
 7. The institution will create one single PDF document combining the form and all attachments together.
 8. The institution's Accreditation Liaison Officer (ALO) will verify and certify the submission.
- G. If the substantive change involves changing primary accreditor or multiple accreditations, the Commission must have written documentation in the substantive change request form that the institution has obtained the approval of the United States Department of Education before it will include the change within the institution's scope of accreditation.
- a. The institution must follow the requirements of 34 CFR. § 600.11(a) and (b) and the Department's procedures and obtain approval prior to submitting an application to a new accrediting agency.
 - b. The institution can find more information in the Department's Dear Colleague Letters DCL ID GEN-22-10 and DCL ID GEN-22-11, both dated July 19, 2022.
- H. If the institution is currently in a non-compliance status (warning, probation, or show cause), is subject to an adverse action, or is otherwise subject to any limitation on its accreditation or candidate for accreditation status, the institution will also prepare a brief, persuasive justification for why the substantive change request should be considered. The justification will be reviewed by the Executive Committee of the Commission to determine if the request may proceed. The schedule for review may be delayed.
1. The institution will upload the brief justification to the secure MSCHE portal as a single PDF document.
 2. The Commission staff liaison assigned to the institution will review the justification and add comments to the justification.
 3. The Commission staff liaison for the institution may waive the requirement if they determine that review by the Executive Committee is not necessary. This determination depends on the context and nature of the proposed change and is at the discretion of the Commission staff.
 4. If the requirement is not waived, the Commission staff will forward the justification to the Executive Committee for review.
 5. The Executive Committee will take an accreditation action in accordance with *Accreditation Actions Policy and Procedures*.
 6. The institution will be notified of the action taken by the Executive Committee and the next steps in the review process.
- I. In accordance with the Commission's *Teach-Out Plans and Agreements Policy and Procedures* and federal regulation 34 CFR § 602.24(c), the institution will develop and submit a separate teach-out plan and/or agreements for any substantive change that requires a teach-out plan. The institution will upload the teach-out plan and agreements as applicable to the type of change into the appropriate review in the secure MSCHE portal at the same time as the substantive change.
- J. The institution's ALO will upload all required documents into the review in the secure MSCHE

portal.

1. The ALO must click “complete.”
2. The ALO will receive a confirmation email that the form(s) have been uploaded.

- K. The Commission will invoice the institution for fees upon submission of each individual substantive change request, in accordance with the Commission’s *Dues and Fees Policy and Procedures*.
- L. If, after submission, the request is determined to be a complex substantive change rather than a regular substantive change, then the institution must resubmit the request under the Commission’s *Complex Substantive Change Procedures*.
- M. The institution must wait until the substantive change request is submitted before advertising, marketing, or recruiting for the planned substantive change. Until the change is included within the scope of the institution’s accreditation, the institution must include a written notification on all relevant advertising, marketing, or recruiting materials that a proposed substantive change is “pending approval by the Middle States Commission on Higher Education.”

IV. Procedures for the Submission of Required Notifications or Prior Approvals

- A. Federal regulation *34 CFR § 602.22(b)* requires institutions to notify the Commission of additional changes initiated after July 1, 2020. Definitions and case scenarios of each type of additional change are provided in the *Substantive Change Guidelines*. The additional changes are as follows:
1. Change in Existing Program's Method of Delivery
 2. Aggregate Change of 25 Percent or More of a Program’s Curriculum
 3. Customized Pathways or Modified Programs
 4. Written Arrangements for the Provision of 1-24 Percent of an Educational Program (Domestic Only)
- B. The method for submission depends on the accreditation status of the institution as follows:
1. If the institution has had any non-compliance action when the Commission issued or continued warning, probation, or show cause in the past three years or is under a provisional certification for participation in title IV, HEA programs, the institution will submit the substantive change request form available on the website for the appropriate type of change prior to implementation.
 - a. Institutional representatives should verify if any non-compliance action was taken in the past three years by reviewing the accreditation actions posted in the Institution Directory or Statement of Accreditation Status (SAS). The institution should count back three years from the current date and determine if any non-compliance action was taken during that time period.
 - b. Institutional representatives should verify the level of certification on its Program Participation Agreement (PPA) or by contacting the United States Department of Education (USDE) Office of Federal Student Aid (OFSA).
 - c. The request will be reviewed and acted upon by the Commission in accordance with these procedures in Section V.
 2. If the institution has not had any non-compliance action (when the Commission issues or

continued warning, probation, or show cause) in the past three years and is not under a provisional certification with Title IV, the institution will submit required notifications through the *Substantive Change Screening Form* in the Institution Portal within 30 days of the change (start or launch date of the program). The Commission will record those notifications in the institutional record.

V. Procedures for Commission Review and Action

- A. The Commission, through a multi-level accreditation decision-making process, will review the substantive change request prior to implementation in accordance with federal regulation *34 CFR § 602.22(a)(1)(i)*.
- B. The Commission will not include a substantive change within the scope of accreditation if the change will adversely affect the institution's compliance with the Commission standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements in accordance with federal regulation *34 CFR § 602.22(a)(1)*.
- C. The Commission staff will review all substantive change request forms to ensure they are materially complete and submitted according to established procedure.
 1. Prior to the assignment of peer evaluators, the Commission staff have the authority to determine whether or not a substantive change request is complete.
 2. The Commission staff may request additional information from the institution before proceeding with the review process.
 3. If requested additional information is not yet available, the review may be delayed or the institution may withdraw the substantive change request and re-submit when the information is available.
 4. If requested additional information is not provided, the Commission staff may consider the submission incomplete and reject the substantive change request.
- D. The Commission will take an accreditation action within 90 calendar days of receipt of a materially complete substantive change request submission.
 1. For a domestic written arrangement, the Commission will take an action within 90 calendar days unless the Commission staff determine significant circumstances related to the substantive change that require a review by the Commission, which will occur within 180 calendar days from the date of a materially complete request in accordance with federal regulation *34 CFR § 602.22(a)(2)(i-ii)*.
 2. It will take longer for the Commission to complete its review for international written arrangements and complex substantive changes.
 3. The Commission will complete its review of a complex substantive change within one year of the submission of a materially complete complex substantive change request form.
- E. The Commission staff will assign peer evaluators in accordance with the Commission's *Peer Evaluators Policy and Procedures*.
 1. Peer evaluators selected for substantive change have specialized training related to the type of substantive change and/or relevant experience.
 2. The Commission will assign an evaluator who will be responsible for handling some

- logistics, communicating with the institution and the Commission staff, and finalizing and uploading reports to the secure MSCHE portal.
3. Each peer evaluator must complete or update an Evaluator Data Form (EDF), disclose any conflicts of interest and verify they have no conflict of interest with the specific assignment, agree to the *Statement of Ethical Conduct*, and complete the *Antitrust Certification of Compliance*, in order to serve.
 4. The Commission will make available to the institution the proposed team roster with a list of the peer evaluators.
 5. The institution will have the opportunity to affirm that there is no conflict of interest with the proposed team roster within 10 calendar days.
 6. The Commission will reassign a peer evaluator if a conflict of interest is identified in accordance with Commission policy and procedures.
- F. Peer evaluators may request additional information that is required to clarify information or verify compliance.
1. Peer evaluators will formally request specific documents that are required to clarify information or verify compliance.
 2. Peer evaluators will create a list of specific documents and forward the list to the institution according to established deadlines.
 3. All additional information that is requested must be documented by peer evaluators in the *Substantive Change Review Report*.
 4. The institution will upload all requested additional information into the secure MSCHE portal according to the established deadlines. All additional information that is requested must be documented and uploaded to the secure MSCHE portal.
 5. If requested additional information is not yet available, the review may be delayed or the institution may withdraw the substantive change request and re-submit when the information is available.
 6. If requested additional information is not provided, peer evaluators may consider the submission incomplete and recommend that the Commission reject the substantive change request.
- G. Peer evaluators will review the request form and all documentation to determine whether the institution appears to demonstrate that it has the capacity to implement the substantive change and the change will not adversely affect the institution's compliance with the Commission's standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements.
- H. Upon the completion of the review, the peer evaluator(s) will complete the *Substantive Change Review Report*, summarizing their findings. The report includes the action that the peer evaluators are proposing to the Commission.
- I. The evaluator will upload the *Substantive Change Review Report* to the secure MSCHE portal according to established deadlines.
- J. The evaluator will summarize the substantive change request and report the findings at the next level of accreditation decision-making. The evaluator will receive instruction from the

Commission staff about this process.

- K. The Commission, through its multi-level decision making process, will analyze all of the accreditation materials and any other appropriate and substantiated information available to it.
- L. The Commission will take an accreditation action in accordance with its *Accreditation Actions Policy and Procedures*.
 - 1. The accreditation action will specify the effective date of the change as well as the impact on the institution's existing scope of accreditation.
 - 2. The accreditation action may require the institution to report certain data to the Commission, such as the date a location opened or closed.
 - 3. The institution will report this data through the secure MSCHE portal as soon as it is confirmed.
 - 4. The accreditation action will require the institution to provide written evidence of any outstanding approvals from all necessary licensing, regulatory, or other legal entities to the Commission as soon as it obtains them.
 - 5. The accreditation action may request a follow-up report and/or follow-up team visit to monitor the implementation of the substantive change.
 - 6. The accreditation action will direct a substantive change site visit for the types of changes identified in Section VI.B.
- M. The Commission will provide notification of accreditation actions in accordance with *Communication in the Accreditation Process Policy and Procedures* and federal regulation *34 CFR § 602.26*.
- O. The institution is responsible for ascertaining and completing any required activities related to federal Title IV funding (student financial aid programs) as applicable.
 - 1. The substantive change must be reviewed and included within the institution's scope of accreditation by the Commission prior to implementation.
 - 2. The inclusion of a substantive change within the institution's scope of accreditation by the Commission does not guarantee Title IV eligibility.
 - 3. An institution is required to report certain substantive changes to USDE/FSA through the E-application, and some of these changes require the Department's written approval before the school may disburse the FSA program funds.
 - 4. If an institution does not obtain USDE approval for a new location, branch, program, or increase in credential, the institution is liable for all FSA program funds it disburses to students enrolled at that location or branch or in that program.
 - 5. The institution is required to provide written documentation to the Commission with evidence that the change has been reported to the E-Application, approved by USDE if required, and reflected in the Eligibility and Certification Approval Report (E-CAR), as noted in the Commission's accreditation action.

VI. Procedures for Substantive Change Site Visits

- A. The Commission will include a new location within the institution's scope of accreditation only after it verifies that the institution appears to have the fiscal and administrative capacity to operate

the additional location and the change will not adversely affect the institution's compliance with standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements in accordance with federal regulation *34 CFR § 602.22(a)(1)(ii)(I)*.

- B. The Commission will conduct a substantive change site visit for certain types of substantive changes no later than six months after the commencement of instruction at the additional location or branch campus in accordance with federal regulation *34 CFR § 602.22(f)(1)* and *§ 602.24(b)*.
- C. The Commission will require a substantive change site visit for the following:
1. A relocation of a main campus or reclassification of any location to a main campus;
 2. Each domestic and international branch campus established by the institution (including relocations and reclassifications to a branch campus);
 3. First three domestic additional locations established by the institution in accordance with federal regulation *34 CFR § 602.22(f)(1)(i)*;
 4. First international additional location, regardless of the number of domestic sites that have been established;
 5. Any international additional location established as part of an international written arrangement;
 6. Any new Prison Education Program (PEP) additional location;
 7. Any new additional location if the institution has not demonstrated to the Commission that it has a proven record of effective oversight of additional locations in accordance with federal regulation *34 CFR § 602.22(f)(1)(ii)*;
 8. Any new additional location if the institution is in a non-compliance status, is subject to an adverse action, or is otherwise subject to any limitation by the Commission on its accreditation or candidate for accreditation status), in accordance with federal regulation *34 CFR § 602.22(f)(1)(iii)*;
 9. A new additional location if the institution has opened five or more additional locations in the fiscal year (July 1 – June 30) which the Commission defines as rapid growth in the number of additional locations in accordance with *34 CFR § 602.22(f)(3)*.
 - i. If the institution meets the definition of rapid growth in the number of additional locations and submits requests for multiple additional locations at the same time (same submission due date), the Commission will visit a representative sample (one-third) of the number of new additional locations being submitted, including at least one international location.
 - ii. The Commission will round up to determine the number to be visited and the Commission will make the final determination as to which locations will be visited.
 10. Complex substantive changes as described in *Complex Substantive Change Procedures*.
- D. The purpose of the visit is to verify the information submitted in the substantive change request and confirm that the institution appears to have sufficient personnel, facilities, resources, fiscal, and administrative capacity as described in the institution's substantive change request in accordance with federal regulation *34 CFR § 602.22(g)*. The Commission will also verify that the changes does not appear to adversely affect the institution's compliance with the Commission's standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements.

- E. The institution must notify the Commission of the date that instruction has commenced at a location by entering in the open date in the secure MSCHE portal.
- F. The substantive change site visit to an international location may be waived under extraordinary circumstances (such as concerns about the welfare and safety of Commission representatives), at the discretion of the Commission staff.
 - 1. The Commission staff may substitute a virtual visit if appropriate.
 - 2. The Commission action will note that the site visit to an international location was waived and the reason the visit could not take place in-person.
- G. The substantive change site visit may be conducted by Commission representative(s) (including Commission staff) or by peer evaluators selected by the Commission in accordance with the *Peer Evaluators Policy and Procedures*. If there is more than one Commission representative, the Commission will assign a lead site visitor who is responsible for handling some logistics, communicating with the institution and the Commission staff, and finalizing and uploading documents to the secure MSCHE portal.
- H. The Commission staff will provide the Commission representative(s) with the following information:
 - 1. Institutional information, including institutional contact(s)
 - 2. Sample Visit Schedule
 - 3. Substantive Change Request Form
 - 4. Substantive Change Review Report
 - 5. Substantive Change Site Visit Report template
 - 6. Substantive Change Site Visit Deadlines
- I. The Commission representative(s) will schedule the visit in consultation with the institutional contact. The lead site visitor will inform the Commission staff of the date of the visit.
- J. The Commission representative(s) will develop a proposed visit schedule in consultation with the institution. The visit schedule should include time to interview institutional constituencies such as students, faculty, and staff (including the site administrator) and complete a tour of the facilities. The visit schedule may be modified based on circumstances.
- K. The Commission representative(s) will make travel arrangements independently in accordance with the Commission's *Travel Policy and Procedures*.
- L. The Commission representative(s) will review the *Substantive Change Request Form* and the *Substantive Change Review Report* prior to the visit.
- M. The Commission representative(s) may request additional information that is required to clarify information or verify compliance prior to arriving on-site.
 - 1. Commission representatives will formally request specific documents that are required to clarify information or verify compliance.
 - 2. Commission representatives will create a list of requested additional information and forward the list to the institution according to established deadlines.
 - 3. Commission representatives must make this request in a timely manner according to

established deadlines.

4. All additional information that is requested must be documented by Commission representatives in the *Substantive Change Site Visit Report*.
- N. The institution will upload all requested additional information into the secure MSCHE portal according to the established deadlines. All additional information that is requested must be documented and uploaded to the secure MSCHE portal.
 - O. The institution will host the substantive change site visit at the location.
 - P. The Commission representative(s) will complete the *Substantive Change Site Visit Report* summarizing the findings of the site visit.
 - Q. The Commission representative will upload the *Substantive Change Site Visit Report* to the secure MSCHE portal in PDF format according to established deadlines.
 - R. The Commission staff will make the *Substantive Change Site Visit Report* available to the institution.
 - S. If any concerns are identified, the institution will have the opportunity to respond to the *Substantive Change Site Visit Report* in writing through an *Institutional Response*. The institution will upload the *Institutional Response* to the secure MSCHE portal according to established deadlines.
 - T. The Commission representative(s) will submit travel expenses in accordance with the Commission's *Travel Policy and Procedures*.
 - U. Once the Commission representatives have submitted travel expenses, the Commission will invoice the institution in accordance with the Commission's *Dues and Fees Policy and Procedures*.
 - V. The Commission, through its multi-level decision making process, will analyze all of the accreditation materials and any other appropriate and substantiated information available to it.
 - W. The Commission will take an accreditation action in accordance with its *Accreditation Actions Policy and Procedures*.
 - X. The Commission will provide notification of accreditation actions in accordance with *Communication in the Accreditation Process Policy and Procedures* and federal regulation 34 CFR § 602.26.

VII. Procedures for Ongoing Monitoring Activities

- A. The Commission will monitor substantive change through any of the ongoing monitoring activities described in *Accreditation Review Cycle and Monitoring Policy and Procedures*.
 1. Annual Institutional Update (AIU)
 2. Recommendations Responses
 3. Follow-Up Reports and Visits
 4. Out of Cycle Monitoring
- B. As part of the AIU, the Commission will collect and analyze key data and indicators on an annual

basis, which include but are not limited to financial indicators, enrollment, and student achievement in accordance with federal regulation *34 CFR § 602.19(b-c)* and *§ 602.22(f)(3)*.

- C. As part of the AIU or whenever changes occur, the institution will enter or update institutional data or information in the secure MSCHE portal.
1. Institutional data are used to convey information to the public about the institution's scope of accreditation.
 2. The data are used in other accreditation activities for ongoing monitoring and for the calculation of dues and fees so it is important that the institution keep the information up to date.
 3. The institution will continually review and update all data to ensure accuracy.
- D. At any time, the institution may report institutional data or information related to a substantive change, such as the date instruction commenced or ceased at a location, as applicable, and as required in a previous accreditation action.
1. The location status is updated based on information reported by the institution and is used in the calculation for site dues.
 - a. **Approved.** The location is included within the institution's scope of accreditation and the institution has notified the Commission that instruction has commenced at the location by entering the actual open date into the secure MSCHE portal. The institution will be invoiced for annual site dues for all approved locations.
 - b. **Approved to Open.** The location is included within the institution's scope of accreditation, but the institution has not yet notified the Commission that instruction has commenced at the location by entering the actual open date into the secure MSCHE portal. The institution will be invoiced for annual site dues for all approved to open locations.
 - c. **Approved to Close.** The site closure has been reviewed by the Commission and the substantive change is included within the institution's scope of accreditation. However, the institution has not yet notified the Commission that instruction has ceased at the location by reporting the actual close date in the secure MSCHE portal.
 - d. **Closed.** The site closure was reviewed by the Commission and the substantive change was included within the institution's scope of accreditation. The institution has also notified the Commission that instruction has ceased at the location by entering the actual close date into the secure MSCHE portal. The Commission will take an action to remove the site from the institution's scope of accreditation. The institution will not be invoiced for annual site dues for closed locations.
 - e. **Never Opened.** The location was reviewed by the Commission and was included within the institution's scope of accreditation but instruction did not commence within the required time frame, all required approvals were not received, or the institution decided not to open the location. The Commission will rescind the action and remove the location from the institution's scope of accreditation.
 2. The Commission will display information about the institution's scope of accreditation, including credential levels, alternative delivery methods, and locations on its website.
- E. The Commission will require the institution to respond to a request for information based on substantive

changes or data obtained by the Commission as part of ongoing monitoring activities, including but not limited to when an institution experiences significant overall enrollment growth in accordance with the Commission's *Accreditation Review Cycle and Monitoring Policy and Procedures* and federal regulation *34 CFR § 602.19(c)*. The Commission may also be required to provide notification to the United States Department of Education (USDE) based on substantive changes or data obtained by the Commission.

- F. The Commission will require the institution to submit sufficient and verifiable documentation of any outstanding required approvals from all necessary licensing, regulatory, or other legal entities.
 - 1. The Commission staff will send reminders at regular intervals to the CEO and ALO that required approvals must be submitted.
 - 2. The institution will submit all required documentation in the secure MSCHE portal as soon as they are obtained.
 - 3. The Commission staff may contact other government agencies or accreditors to verify approvals.
 - 4. The Commission staff will take an administrative action to acknowledge receipt of documentation of approvals.
 - 5. The Commission staff will take an administrative action to rescind the substantive change if required approvals are not received.

- G. The Commission may require the institution to submit written follow-up reports and host follow-up visits to monitor substantive changes.
 - 1. The accreditation action will specify the type(s) of follow-up reports and visits. Descriptions of reviews, reports, and visits can be found in *Accreditation Activities Guidelines*.
 - 2. The institution will provide a written report and evidence to demonstrate that it can implement the substantive change and maintain ongoing compliance with the Commission's standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory requirements.
 - 3. The institution will submit written follow-up report(s) as directed in the accreditation action.
 - 4. The institution will follow all instructions provided by the Commission staff and as indicated in *Follow-Up Reports and Visits Procedures* and *Follow-Up Reports Guidelines*.

- H. For all complex substantive changes, the Commission will, at the time of the substantive change action, direct the institution to conduct a new comprehensive evaluation in accordance with and the *Complex Substantive Change Procedures* and federal regulation *34 CFR § 602.22(h)*.

- J. On the Secretary of Education's request, the Commission will conform its designations of an institution's branch campuses and additional locations with the Secretary's if it learns its designations diverge in accordance with federal regulation *34 CFR § 602.24(f)(2)*.

- K. The Commission will ensure it does not accredit or preaccredit an institution comprising fewer than all of the programs, branch campuses, and locations of an institution as certified for title IV participation by the Secretary of Education, except with notice to and permission from the Secretary, in accordance with federal regulation *34 CFR § 602.24(f)(3)*.

1. The Commission will request information, such as the Eligibility and Certification Approval Report (ECAR), to verify that the programs and/or locations that are certified for title IV participation are included within the institution's scope of accreditation.
 2. The institution will provide appropriate documentation as necessary to verify that a program or location is certified for title IV participation.
 3. If the Commission learns that any offerings, locations, or modes of delivery are not currently included within the scope of accreditation but are certified for title IV participation, the Commission may require the institution to submit a substantive change request.
- L. Upon review of these monitoring activities, the Commission may take any action available to it in the *Accreditation Actions Policy and Procedures*.
- M. The Commission will provide notification of accreditation actions in accordance with *Communication in the Accreditation Process Policy and Procedures* and federal regulation 34 CFR § 602.26.
- N. The Commission reserves the right to rescind a substantive change action when:
1. Appropriate and substantiated information comes to light that would have affected the Commission's decision.
 2. Conditions identified in the Commission's action have not been met, including but not limited to:
 - a. Required approvals from all necessary licensing, regulatory, or other legal entities are not received by the Commission;
 - b. A required substantive change site visit does not take place;
 - c. Instruction does not commence at a branch campus or additional location;
 - d. The institution decides not to open a location;
 - e. The substantive change is not implemented within one calendar year from the date of the Commission's action and/or the date of the transaction, whichever is later.
 - i. The institution may request, in writing, an extension to the one-year stipulation when there is evidence that a required approval is in progress and there is a delay on the part of the approving agency that is beyond the institution's control.
 - ii. The extension time may not exceed 3 months under any circumstance.
 - iii. The Commission staff, at their discretion, will approve a request for an extension.

VIII. Definitions

The following definitions are used or inferred in this policy and/or procedures:

- A. Accreditation materials.** All documentation related to accreditation activities including but not limited to the institution's written reports to the Commission, submitted evidence, team reports, institutional responses, confidential briefs, complaints or third-party comments, action notifications, substantive change requests, transcripts of proceedings, team rosters, and any correspondence of record. Accreditation materials are treated as confidential by

Commission representatives, become part of the institutional record, and are retained in accordance with the Commission's *Maintenance and Retention of Commission Records Policy and Procedures*.

- B. Additional location.** A domestic or international physical facility or location that is geographically separate from the main campus and within the same ownership structure of the institution, at which the institution offers at least 50 percent of the requirements of an educational program. An additional location participates in Title IV programs only through the certification of the main campus. A federal, state, or local penitentiary, prison, jail, reformatory, work farm, juvenile justice facility, or other similar correctional facility is considered to be an additional location even if a student receives instruction primarily through distance education or correspondence courses at that location. The Commission utilizes the federal definition of additional location in *34 CFR § 600.2* and will conform its designation to match the Secretary of Education's if it learns its designations diverge in accordance with federal regulation *34 CFR § 602.24(f)(1-3)*.
- C. Branch campus.** A domestic or international physical facility or location of an institution that is geographically apart from the main campus of the institution, and within the same ownership structure of the institution, and that is also (1) approved by the Secretary as a branch campus, and (2) independent from the main campus. The branch campus is considered independent of the main campus if it is permanent in nature; offers credit bearing and/or Title IV eligible courses in educational programs leading to a degree, certificate, or other recognized educational credential; has its own faculty and administrative or supervisory organization; and has its own budgetary and hiring authority. The Commission utilizes the federal definition of branch campus in *34 CFR § 600.2* and will conform its designation to match the Secretary of Education's if it learns its designations diverge in accordance with federal regulation *34 CFR § 602.24(f)(1-3)*.
- D. Change of ownership or control.** A transaction or modification of the ownership or governing body of the institution that changes or has the potential to change the control of the institution or its fundamental structure or organization. Examples include but are not limited to, the types of transactions reflected in *34 CFR § 600.31* and described in the *Substantive Change Guidelines*.
- E. Clock hour.** A period of time consisting of: (i) A 50- to 60-minute class, lecture, or recitation in a 60-minute period; (ii) A 50- to 60-minute faculty-supervised laboratory, shop training, or internship in a 60-minute period; (iii) Sixty minutes of preparation in a correspondence course; or (iv) in distance education, 50-60 minutes in a 60 minute period of attendance in a synchronous class, lecture, or recitation where there is opportunity for direct interaction between the instructor and students. (*federal definition in 34 CFR § 602.3*)
- F. Commission representative.** Any individual who represents or serves the Commission, including peer evaluators, Commission staff, and Commissioners.
- G. Competency Based Education (CBE).** A program that organizes content according to what a student knows and can do, often referred to as a "competency." CBE programs also

generally have very clear claims for student learning, stress what students can do with the knowledge and skills they acquire and have assessments that provide measurable evidence of competency. Student progress is determined by mastery of each competency. Because CBE focuses on whether students have mastered these competencies, there is a focus on learning outcomes rather than time spent in a classroom.

- H. Complex substantive change.** Complex substantive changes are defined as a proposed change which requires more in-depth review and/or requires the Commission to assign or engage a peer evaluator with specialized professional expertise (e.g., accounting, legal, etc.). Changes in legal status, form of control, or ownership are always considered complex. In addition, any of the types of substantive change may be considered “complex” at the discretion of the Commission staff. Examples depend on the nature and scope of the change and include but are not limited to a change in the status of multiple locations, multiple types of change that are submitted simultaneously, and some institutional closures. See the *Complex Substantive Change Procedures*.
- I. Control.** Control (including the terms controlling, controlled by, and under common control with) means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of an institution, corporation, partnership, other entity, or individual, whether through the ownership of voting securities, by contract, in governance documents, or otherwise (*federal definition in 34 CFR § 600.31(b)*). The indirect power to direct or cause the direction of management of an institution means the right of another entity to appoint a majority of the governing board representatives or the reservation by another entity of the right to decide or to approve certain fundamental decisions of an institution.
- J. Correspondence course.** A course provided by an institution under which the institution provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructors. Interaction between instructors and students in a correspondence course is limited, is not regular and substantive, and is primarily initiated by the student. If a course is part correspondence and part residential training, the course is considered to be a correspondence course. A correspondence course is not distance education. (*federal definition in 34 CFR § 602.3*)
- K. Credit hour.** An amount of student work defined by an institution, as approved by the institution’s accrediting agency or State approval agency, that is consistent with commonly accepted practice in postsecondary education and that reasonably approximates not less than (i) One hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different period of time; or (ii) At least an equivalent amount of work as required in (i) of this definition for other academic activities as established by the institution, including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours; and permits an institution, in determining the amount of work associated with a credit hour, to take into account a variety of delivery methods, measurements of student work, academic calendars, disciplines, and degree levels. (*federal*

definition in 34 CFR § 602.3)

- L. Direct assessment program.** An instructional program that, in lieu of credit hours or clock hours as a measure of student learning, utilizes direct assessment of student learning, or recognizes the direct assessment of student learning by others and meets the conditions of 34 CFR § 668.10. Direct assessment of student learning means a measure of a student's knowledge, skills, and abilities to provide evidence of the student's proficiency in the relevant subject area. (*federal definition in 34 CFR § 602.3*). Direct assessment is a subset of competency-based education (CBE).
- M. Distance education.** Education that uses one or more of the following technologies to deliver instruction to students who are separated from the instructor or instructors and to support regular and substantive interaction between students and the instructor or instructors, either synchronously or asynchronously: (i) the internet; (ii) one-way or two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices; (iii) audio conferencing; or (iv) Other media used in a course in conjunction with any of the technologies listed above. Please see the complete federal definition of distance education, including substantive interaction in the *Substantive Change Guidelines*. (*federal definition in 34 CFR § 602.3*)
- N. Educational program.** A legally authorized postsecondary program of organized instruction or study that: (i) Leads to an academic, professional, or vocational degree, or certificate, or other recognized educational credential, or is a comprehensive transition and postsecondary program, as described in 34 CFR part 668, subpart O; and (ii) May, in lieu of credit hours or clock hours as a measure of student learning, utilize direct assessment of student learning, or recognize the direct assessment of student learning by others, if such assessment is consistent with the accreditation of the institution or program utilizing the results of the assessment and with the provisions of § 668.10. (*federal definition in 34 CFR § 600.2*). The Commission may also use the terms certificates and/or degree levels (Standard III – Design and Delivery of the Student Learning Experience).
- O. Family member.** (1) Parent or stepparent, sibling or step-sibling, spouse, child or stepchild, or grandchild or step-grandchild; (2) Spouse's parent or stepparent, sibling or step-sibling, child or stepchild, or grandchild or step-grandchild; (3) Child's spouse; and (4) Sibling's spouse. (*federal definition in 34 CFR § 600.21(f)*)
- P. Institution of higher education.** A postsecondary educational institution that awards postsecondary degrees and is authorized or licensed from an appropriate jurisdiction in which the institution is physically located (34 CFR § 600.3) and an institution is physically located in a state if it has a campus or other instructional site in that state (34 CFR § 600.5(ii)(b)).
- Q. Location status.** A status assigned to each additional location and branch campus by the Commission to monitor substantive change; it is also used for billing purposes and to determine which locations will be visited during the self-study evaluation (self-study site visits).

- R. Main campus.** The primary physical facility at which the institution offers eligible programs, within the same ownership structure of the institution, and certified as the main campus by the Department and the Commission. The institution's primary administration, classroom buildings, residence halls, library, and other buildings are housed within the same reasonably contiguous geographic area or parcel of land of the main campus. For an institution that only offers distance education programs, the main campus is where its administrative offices are located.
- S. Other Instructional Site (OIS).** Any off-campus site, other than those meeting the definition of a main campus, branch campus, or additional location, at which the institution offers one or more credit-bearing or Title IV eligible courses, including dual enrollment courses at high schools.
- T. Peer evaluator.** An individual who is selected and assigned to an accreditation activity by the Commission staff. This individual is part of the multi-level accreditation decision-making process and will participate in the proposal of an accreditation action. Peer evaluator is not intended to include a Commissioner serving in an official Commissioner capacity on a committee or the Commission. Peer evaluator is not intended to include an assistant or any other observer of an accreditation activity.
- U. Reclassification.** When educational offerings at an existing site change enough to move the site into a new category (see definitions of main campus, branch campus, additional location, and other instructional site).
- V. Relocation.** When an institution moves an existing approved main campus, branch campus, or additional location to a new physical location.
- W. Scope of accreditation.** The institution's accreditation status covers a defined scope of educational offerings, including but not limited to credential levels, delivery methods, and locations (additional locations, branch campuses, and other instructional sites) which have been reviewed by the Commission during accreditation activities. Any changes proposed by a member institution that are considered substantive must be reviewed through the substantive change review process prior to implementation in order to be included within the institution's scope of accreditation by the Commission.
- X. Site closure.** A site or location (main campus, branch campus, or additional location) at which instruction has ceased or will cease and the institution has no plans to use the location to offer instruction any longer. The location will be removed from the institution's scope of accreditation. If the site provides 100 percent of at least one program, the institution must also submit a teach-out plan describing how any students remaining in the program will be assisted with the completion of a credential in accordance with *34 CFR § 602.24(c)(1)(iii)*.
- Y. Teach-out.** A process during which an institution or institutional location that provides 100 percent of at least one program engages in an orderly closure or when, following the closure of an institution or campus, another institution provides an opportunity for the students of the closed school to complete their program, regardless of their academic progress at the time of

closure. (*federal definition in 34 CFR § 600.2, slightly modified to remove the word “program”*)

- Z. Teach-out agreement.** A written agreement between two or more institutions that provides for the equitable treatment of students and a reasonable opportunity for students to complete their program of study if an institution, or an institutional location that provides 100 percent of at least one program offered, ceases to operate before all enrolled students have completed their program of study. (*federal definition in 34 CFR § 600.2*)
- AA. Teach-out plan.** A written plan developed by the institution that provides for the equitable treatment of students to complete their education, including any teach-out agreements that the institution has entered into or intends to enter into with another institution. (*federal definition in 34 CFR § 600.2*)
- BB. Written arrangement.** A written arrangement wherein an institution outsources some portion of one or more of its educational programs or educational business operations to a third-party provider. For purposes of substantive change, the institution is outsourcing more than 25 percent of credit-bearing educational programs to another institution or organization that is not certified to participate in Title IV, HEA programs. Formerly referred to as a contractual arrangement. See the Commission’s *Third-Party Providers Guidelines* and *Contracts by Accredited and Candidate Institutions for Education-Related Services*.

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Federal Regulations: 34 CFR Part §600.2 Definitions; 34 CFR §602 The Secretary’s Recognition of Accrediting Agencies, §602.22 Substantive change and §602.24(b) Change in ownership; 34 CFR Part §668: Student Assistance General Provisions; and 34 CFR Part §600