



September 25, 2023

Dr. Michael Brophy  
President  
Hilbert College  
5200 South Park Avenue  
Hamburg, NY 14075-1597

### **Notification of Non-Compliance Action**

Dear Dr. Brophy:

On behalf of the Middle States Commission on Higher Education, I am writing to inform you that on September 25, 2023, the Commission acted as follows:

To acknowledge receipt of the supplemental information report. To rescind the action of May 18, 2023, because the institution completed the acquisition of another institution without Commission review and approval. To note that the institution was informed by the Commission that the transaction required review and approval under Commission policy and procedures and federal regulation 34 CFR 602.22(a)(1)(ii)(B) and 600.31. To warn the institution that its accreditation may be in jeopardy because of insufficient evidence that the institution is currently in compliance with: Standard II (Ethics and Integrity), Standard VI (Planning, Resources, and Institutional Improvement), and Standard VII (Governance, Leadership, and Administration); Related Entities Policy and Procedures; Substantive Change Policy, Procedures, and Guidelines; and Complex Substantive Change Procedures. To note that the institution remains accredited while on warning. To note further that federal regulations limit the period during which an institution may be in non-compliance, which starts on September 25, 2023. To request a monitoring report due October 23, 2023, demonstrating evidence that the institution has achieved and can sustain ongoing compliance with Standard II, Standard VI, and Standard VII; Related Entities Policies and Procedures; Substantive Change Policy, Procedures, and Guidelines; and Complex Substantive Change Procedures, including evidence of 1. honesty and truthfulness in public relations announcements, as it relates to the transaction (Standard II); 2. the avoidance of conflict of interest or the appearance of such conflict in all activities and among all constituents (Standard II); 3. compliance with all applicable Commission policies and procedures, including substantive changes affecting institutional mission, goals, programs, operations, sites, and other material issues which must be disclosed in a timely and accurate fashion, included but not limited to written arrangements (Standard II; Substantive Change Policy,

Procedures, and Guidelines; and Complex Substantive Change Procedures); 4. approvals for the transaction from all necessary licensing, regulatory, or other legal entities, including copies of documentation submitted by the institution to request such approvals (Complex Substantive Change Procedures); 5. documented financial resources, funding base, and plans for financial development, including those from any related entities adequate to support its educational purposes and programs and to ensure financial stability (Standard VI); 6. a clearly articulated and transparent governance structure that outlines roles, responsibilities, and accountability for inclusive decision making by each constituency, including the institution's legally constituted governing body, administration, faculty, staff, and students, as well as any related entities (Standard VII); 7. a governing body that has sufficient independence and expertise to ensure the integrity of the institution and has primary responsibility to the accredited institution (Standard VII, Related Entities Policies and Procedures); 8. a governing body that makes freely available to the Commission accurate, fair, and complete information on all aspects of the institution and its operations and ensures the institution describes itself in comparable and consistent terms to all of its accrediting and regulatory agencies (Standard VII). To request that the monitoring report also include evidence of post-acquisition activities (Complex Substantive Change Procedures). To require the institution to submit by October 23, 2023, a complex substantive change request for a change in legal status, form of control, or ownership (Complex Substantive Change Procedures). To direct a follow-up team visit following submission of the monitoring report. To direct a prompt Commission liaison guidance visit to discuss the Commission's expectations. Upon reaffirmation of accreditation, the next evaluation visit is scheduled for 2024-2025.

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](mailto: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](mailto:actions@msche.org) within 60 calendar days from the date of the action.

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\*](#)

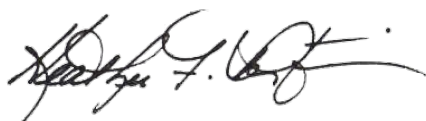
[\*Communication in the Accreditation Process Policy and Procedures\*](#)

[\*Public Disclosures Policy and Procedures\*](#)

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

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](mailto:communications@msche.org). For additional information, visit [www.msche.org](http://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