

# **Interim Guidelines for the Consent by the Board of Regents to the Transfer of Authority to Confer Degrees upon the Change of Ownership of a Proprietary College**

Revised, April 4, 2008

## Introduction

**In New York, approval of a transfer of ownership or control of a proprietary college is not required. However, New York State Education Law specifies that degree-granting authority cannot be transferred via the sale of a proprietary college without the consent of the Board of Regents. In addition, §3.58 of the Rules of the Board of Regents includes provisions requiring that the Board consent to the transfer of degree powers to a prospective owner of a degree-granting proprietary college prior to the purchase and following demonstration to the State Education Department of the new owner's capacity to meet the education and fiscal standards to operate the institution before ownership is established.**

Cited below are pertinent sections of the Education Law and of the Rules of the Board of Regents and links to other pertinent documents.

## Regulatory Context

Section 224(1)(b) of Education Law prohibits individuals, associations, partnerships, or corporations operating educational institutions on a for-profit basis and holding degree-granting powers conferred by the Regents from conveying, assigning, or transferring such degree powers through a change of ownership. Degree powers may be conveyed only with the consent of the Board of Regents.

Section 3.58(e)(6)(ii) of the Rules of the Board of Regents requires that the prospective owner must apply to the State Education Department for degree-conferring authority and submit documentation that substantiates the prospective owner's capacity to operate the college. In instances where there is a change of ownership within a family, the Department will tailor the request for evidence to meet the circumstances of the change in ownership. The specific provisions of this section are as follows:

**(a)** evidence confirming the prospective owner's capacity to operate the institution in compliance with the Education Law, program registration standards set forth in Part 52 of this Title, other Rules of the Board of Regents and Regulations of the Commissioner of Education, other State statutes and regulations, and Federal statutes and regulations, relevant to the operation of degree-granting institutions;

**(b)** evidence confirming that the prospective owner has sufficient financial resources to ensure satisfactory conduct of degree programs and achievement of the institution's stated educational goals;

(c) evidence of the prospective owner's experience operating an educational institution or other business or enterprise in an effective manner which demonstrates the prospective owner's capacity to operate a degree-granting institution;

(d) evidence that postsecondary education institutions that the prospective owner operates in New York State or elsewhere, if any, are in compliance with Federal and state statutes and regulations and accreditation requirements relevant to the operation of such institutions; and

(e) evidence that the prospective owner has not engaged in fraudulent or deceptive practices.

Section 3.58(e)(4) provides that the Board of Regents may limit or condition the degree-conferring authority of the proprietary college based upon the prospective owner's capacity to meet the standards.

Section 3.58(e)(3) provides that the Department may expedite the time for the review of the transfer of degree-conferring authority in instances where the change of ownership or control of the institution is between family members, upon adequate showing of good cause. Evidence of good cause will include but not be limited to evidence satisfactory to the Department that the change of ownership will not materially affect the management of the institution and that the change is in the best interest of students at the institution.

Section 3.58(e)(7)(i) provides that the Regents may consent to a temporary transfer of degree-conferring authority after the change of ownership or control of the institution has been made upon an adequate showing of good cause by the institution. The good cause shall include but not be limited to evidence that conditions outside the new owner's control caused the transfer of ownership or control of the institution prior to the institution obtaining the consent of the Regents for the transfer of degree-granting authority and that it is in the best interest of students to permit the institution to continue to offer degree programs.

#### Pertinent Links

**Excerpts from the Regulations of the Commissioner of Education.** Parts 50, 52, and 53 of these Regulations set out the quality standards for colleges and college programs in New York State.

#### **Law Pamphlet 9 – Education Corporations**

#### Protocols

Review protocols. The information in support of consent to the transfer of degree authority that must be submitted by the prospective owner and the other protocols that

may be required depend not only on the specific provisions of quality assurance in §3.58 of the Rules of the Board of Regents but also on such factors as whether there are ongoing or unresolved concerns about the institution, familiarity or lack of familiarity with or concerns about the prospective owner and the educational enterprises/activities with which the prospective owner has been associated, and the magnitude and/or types of institutional changes the prospective owner may wish to make.

**Change of Ownership of an Existing Proprietary College Between Family Members.**

- A. At least 180 days prior to the proposed date for the change of ownership or control (as defined in §3.58[a]) of a proprietary college, the prospective owner should undertake the following activities relating to consent to the transfer of degree-granting authority:
  - 1. Send a signed letter of application to the Associate Commissioner for the Office of Higher Education. When the institution offers programs leading to professional licensure by the Board of Regents under Title VIII of the Education Law, the Office of the Professions will participate in the review of the application.
  - 2. Submit an application that includes the following information:
    - a. A written statement that the change of ownership between family members will not materially affect the management of the institution or the registered programs offered by the institution, and that the expedited review is in the best interest of students at the institution. This evidence should include a letter indicating the basis of the transfer of ownership and where appropriate, a statement that the new owner has no plans to change the mission, programs of study, staff, or faculty of the institution. If the new owner intends to make substantive changes, evidence should be submitted, including a list of the registered programs that will be continued, and lists of current faculty and administrators that will be retained by the prospective owner. Any proposed changes in the mission, goals, or objectives of the college should be described.
    - b. A written statement of any felony convictions, or charges pending, in any court that could be related to the proposed owner(s), officers, directors of the institution, or of debarment from participation in federal programs, or a statement that they have no such convictions, pending charges, or debarments.
    - c. The credit rating of the prospective owner from Experian, Equifax, or Trans Union, or their successors.
    - d. In order to ensure the financial health of the institution under the prospective owner, the Department may, in some circumstances, request the Federal income tax returns (1040 plus schedules) of the prospective owner for the most recent three years. The information need not be a part of the Initial

application unless the prospective owner has been informed by the Department that the returns should be submitted.

3. Schedule a meeting with the Office of Higher Education (OHE) and/or the Office of the Professions (OP), as appropriate.
- B. Whether or not the Department will conduct an evaluative site visit to the institution, and the scope of the visit following review of the application submitted, will depend on such factors as whether there are ongoing or unresolved concerns about the institution or about the prospective owner. If a visit is determined to be necessary, it will take place within no more than six months of the receipt of an application found by the Department to be complete.
- C. The Department will present a recommendation to the Board of Regents regarding consent to the transfer of degree authority to the prospective owner.
- D. The Regents may limit or condition the degree-conferring authority of the proprietary college under the prospective owner based upon the review of the owner's capacity to meet standards.
- E. During the first five years following receipt of degree-conferring authority, the institution must notify OHE or OP, as appropriate, of any change in senior management of the institution.

#### **Change of Ownership Not Between Family Members.**

- A. At least 180 days prior to the proposed date for consummation of a change of ownership or control (as defined in §3.58[a]), an appropriate official of the proprietary college must notify the Associate Commissioner for the Office of Higher Education in writing of the proposed change and inform the prospective owner in writing (with a copy to the Associate Commissioner) that the Regents must approve the transfer of degree-granting authority prior to the change of ownership and that degree-granting authority is not transferred upon purchase or other change of ownership or control. When the institution offers programs leading to professional licensure by the Board of Regents under Title VIII of the Education Law, the Office of the Professions will participate in the review of the application.
- B. Schedule a meeting with OHE and/or OP, as appropriate.
- C. At least 150 days prior to the proposed date for the change of ownership or control of a proprietary college, the prospective owner must submit to the Department the following materials in support of a request for consent to a transfer of degree-granting authority:

1. A letter of application signed by the prospective proprietor or senior partner or, if a corporation, chief executive officer (not an attorney or other representative) of the proprietary institution that would have a change of ownership or control.
  2. Part I of the “Application by a Prospective Purchaser of a Proprietary College for Authority to Award Degrees” and certification of Part II.
- D. Within approximately three months of the finding by the Department that an application is complete, the Department will conduct a site visit to one or more degree-granting institutions owned by the applicant, if there are any such institutions. The visit will include one or more staff members from OHE and/or OP, together with peer reviewers, as appropriate. The purpose of the visit is to verify the information provided by the prospective owner in the Application and to assess the operation of the institution(s) in relation to the quality standards in Commissioner’s Regulations; and the administrative, fiscal, and academic competence of the prospective owner.

Following the visit, the Department will provide a draft report of the findings and recommendations of the visit to the institution. The institution will then have an opportunity to respond to the findings and recommendations in the report and to request factual corrections in the draft report. The Associate Commissioner for the Office of Higher Education or the Associate Commissioner for the Professions, as appropriate, will issue a final report that encompasses the draft report, the institution’s response, and provides the determination of the Department with respect to a recommendation to the Regents on consent to the transfer of authority to confer degrees.

- E. Following the issuance of the final report, the Department will present a recommendation to the Board of Regents regarding the consent to the transfer of degree authority to the prospective owner.
- F. The Regents may limit or condition the degree-conferring authority of the proprietary college under the prospective owner based upon the review of the owner’s capacity to meet standards.
- G. During the first five years following receipt of degree-conferring authority, the institution must notify OHE or OP, as appropriate, of any change in senior management of the institution.

#### **Temporary Transfer of Degree Authority.**

The Board of Regents may grant consent to a temporary transfer of degree-conferring authority in cases where the change of ownership or control of the institution has already been made upon an adequate showing of good cause by the institution and that the transfer would be in the best interests of the institution’s students. The transfer of stock to an owner’s estate upon the owner’s death is not a change of ownership; the change of ownership occurs when title to the stock passes to the beneficiary or

beneficiaries or is sold by the estate. Temporary transfers are granted consent for an initial period not to exceed 180 days.

A. Such an institution must apply for consent to a temporary transfer of degree-conferring authority as quickly as possible but in no case within more than two weeks following the change of ownership or control (as defined in §3.58[a]). The application to be submitted to the Associate Commissioner for the Office of Higher Education should include:

1. A letter of application signed by the proprietor or senior partner or, if a corporation, chief executive officer (not an attorney or other representative) of the proprietary institution.
2. Evidence of consummation of the transfer of ownership or control.
3. Evidence that conditions outside of the new owner's control caused the transfer of ownership or control prior to obtaining the consent of the Regents to the transfer of degree authority and that the transfer is in the best interests of students.
4. The information requested in Questions 1 through 13 of Part I of the "Application by a Prospective Owner of a Proprietary College for Authority to Award Degrees."

When the institution offers programs leading to professional licensure by the Board of Regents under Title VIII of the Education Law, the Office of the Professions will participate in the review of the application.

B. Before action by the Board of Regents on the application for consent to temporary transfer, the applicant must complete the remainder of Part I of the Application by a Prospective Owner for Authority to Award Degrees and complete the certification of Part II.

C. The Department may request other information about the institution during its review and before making a recommendation to the Board of Regents.

D. As soon as possible following receipt of an application found by the Department to be complete, the Department will conduct a site visit to the college. The visit will include one or more staff members together with peer reviewers, as appropriate. The purpose of the visit is to verify the information provided by the prospective owner in the Application and to assess: the operation of programs as registered; compliance with all of the quality standards in Commissioner's Regulations; and administrative and fiscal capacity and academic competence. Following the visit, the Department will provide a draft report of the findings and recommendations of the visit to the institution. The institution will then have an opportunity to respond to the findings and recommendations in the report and to request factual corrections in the draft report. The Associate Commissioner for the Office of Higher Education or

the Associate Commissioner for the Office of the Professions, as appropriate, will issue a final report that encompasses the draft report and the institution's response.

- E. The Department will notify the institution about its decision to present a recommendation to the Board of Regents concerning the temporary transfer of degree authority within 30 days of the finding by the Department that an application is complete.
- F. When the Department determines that it is in the best interests of students of the institution, it may require the institution to have a teach-out agreement with other institution(s) before making a positive recommendation to the Regents. Such agreement provides for the continuity of educational services to students in the event that the Regents do not consent to the transfer of degree authority.
- G. The Regents consent to a temporary transfer may limit or condition the degree granting authority of the institution. Temporary transfers are granted consent for an initial period not to exceed 180 days, but may be extended for additional periods by the Regents.
- H. The Regents may limit or condition the degree-conferring authority of the proprietary college under the new owner based upon the review of the owner's capacity to meet standards.
- I. Following favorable action by the Board of Regents on the application for temporary transfer of authority to confer degrees, the new owner and the Department will complete steps D through F under Change of Ownership Not between Family Members, above.

### **Other Protocols for All Degree-Authority Requests.**

Commissioner's consent. Proprietary colleges that are New York business corporations have certificates of incorporation (C of I) on file with the Department of State. In the case of a sale, if the prospective owner wishes to change the corporate purposes of the college or the college's name, the C of I would need to be amended and submitted for the consent of the Commissioner of Education. The sale of the college, in and of itself, does not require an amendment of the C of I. The "Frequently Asked Questions" of the Department's Office of Counsel's website describes the protocol for applying for Commissioner's consent to a proposed amendment of a C of I.

### **Limitation on New Initiatives.**

No major initiatives may be undertaken within two years of the new owner's receipt of degree authority unless the change of ownership was between family members and did not materially affect the management of the institution or its registered programs. The major initiatives are defined as expansion of degree programs to new discipline areas, new degree levels, or new extension centers or branch campuses.

**APPLICATION BY A PROSPECTIVE OWNER OF A PROPRIETARY COLLEGE FOR  
AUTHORITY TO AWARD DEGREES-- INTERIM GUIDELINES**

Pursuant to §3.58(e) of the Rules of the Board of Regents

***PART I***

***Applicant Information***

**A. General Information**

1. If the applicant is a corporation, list the officers, directors, and principal stockholders (holding ten percent or more of the voting stock), with the number of shares controlled by each or, if the applicant is a partnership, list the partners.
2. If the applicant is a corporation, provide the most recent annual report to stockholders.
3. Provide the names and locations of all other degree-granting institutions and nondegree schools operated by the prospective owner(s), or that were operated in the past, if any, and copies of all licenses to operate degree-granting or nondegree institutions granted by other states.
4. Provide a written assurance that the applicant intends long-term ownership of the institutions (defined as a minimum of ten years in duration).
5. As appropriate, provide written statements that there are no outstanding concerns about the applicant or any institution operated by the applicant from:
  - the Bureau of Proprietary School Supervision of the State Education Department, with respect to any non-degree schools operated by the prospective owner and licensed by that Bureau.
  - New York State Higher Education Services Corporation,
  - Office of the State Comptroller,
  - U.S. Education Department,
  - Securities and Exchange Commission,
  - agencies accrediting the institution, and
  - state education or higher education agencies in states in which the applicant operates educational institutions, as appropriate.
6. Provide the latest institutional accreditation review report by the accrediting agency or agencies used to establish eligibility of degree-granting or nondegree institutions owned by the prospective owner to participate in HEA Title IV programs.
7. Provide verified default rates on Title IV loans, as applicable, for present and formerly owned institutions.
8. Provide a written statement of any felony convictions, or charges pending, in any court that could be related to the prospective owner(s), partners, officers, directors, and/or principal stockholders operation of the institution, or of debarment from participation in federal programs, or a statement that they have no such convictions, pending charges, or debarments.
9. Provide a written statement disclosing all outstanding or pending litigation.
10. Provide a copy of any proposed sales agreement or contract.

**B. Financial Information**

11. Provide certified audited financial statements of the entity proposing the purchase for the past three years. If the prospective owner is an individual rather than an entity, federal income tax returns (1040 plus schedules) for the most recent three years.

12. Provide the credit rating of the prospective owner. If the prospective owner is a corporation, provide a credit rating from A.M. Best, Dun & Bradstreet, Moody's, or Standard & Poor's, or their successors. If the prospective owner is an individual person or a partnership, provide a credit rating or ratings from Experian, Equifax, or Trans Union, or their successors.
13. Provide current operating budgets and year-to-date figures for any colleges operated by the entity outside New York State and of any nondegree proprietary schools operated by the prospective owner.

### **C. Prospective Owner's Plan for Operation of the Institution over Five Years**

14. Provide a copy of the current catalog or bulletin of the institution to be purchased.
15. Provide a one-page abstract of the plan for operation.
16. Describe proposed changes to the mission, goals, or objectives of the institution during the first five years of operation by the prospective owner.

#### **a. Resources [§52.2(a)]**

17. Provide a five-year projection of revenues and expenditures of the college to be purchased, with operating assumptions regarding enrollments, including cash flow, return on investment, and annual gross profits.
18. List all locations at which instruction is offered away from the main campus, including extension and interinstitutional sites, extension and interinstitutional centers, and branch campuses and interinstitutional programs; include locations exempt from approval under Part 54 of the Commissioner's Regulations.
19. Describe plans during the five-year period for new/additional space, with the proposed square footage and floor plans, layout and use of rooms, and date of occupancy; sources of capital; and include copies of new and existing leases and/or construction contracts.
20. List any new computers with date(s) of installation, copies of maintenance/repair contracts, type, location and use.
21. List the scientific, medical, and technical equipment needed to support any proposed programs, with the type, location and use.
22. Describe any new management software systems dealing with such operations as admissions, assessment of student outcomes, and management of student records.

#### **b. Faculty [§52.2(b)]**

23. Describe qualifications for all faculty, including degrees earned, major and minor fields of study, and courses to be taught.
24. Define full-time employment. Describe any plans to change, add to, and/or upgrade the full-time faculty, with degree expectations, teaching assignments, and anticipated semester of employment. State the maximum credit hour teaching load permitted in an academic term and the policy and control of teaching load for individuals also working outside the institution.
25. Describe the faculty's role in academic advising, including the number of advisees per faculty member and required office hours.
26. Describe the role of full-time faculty in the academic governance at the departmental and institutional level, including membership on committees.
27. Describe faculty development support that includes local workshops, support for graduate study, and support for professional research and publication.

28. List the names of proposed faculty who have prior experience teaching at degree-granting institutions, with the name of the institution, the courses taught, the dates, the full-time or part-time nature of the assignment, and the name and telephone number of the individual's supervisor. If no faculty changes have occurred or are planned, so state.
29. List institutions that have master's and doctoral programs that prepare faculty to teach in the type of programs that are proposed. If no new programs are proposed, so state.

c. Curricula [§52.2(c)]

30. Describe the system used to assess the success of faculty and students in achieving the stated objectives of each curriculum and all courses.
31. List proposed credit-bearing degree and certificate programs to be introduced in each of the first five years of operation under the proposed owner, with exact titles, degree designation, and total credits required, and the relation of each program to the mission, goals, and objectives of the institution.
32. Identify and provide details about any programs or courses to be offered in a format other than the traditional classroom model.
33. Provide details on any field work or internship offered, with credit values, whether the work is required or optional, placement information, supervision, and evaluation.
34. Describe the academic calendar that will be used and what constitutes a full-time schedule in a term.
35. Specify the number of hours of classroom instruction and amount of out-of-class work required for each credit of work in a term.
36. Provide syllabi for proposed courses, including learning objectives, topics covered, reading and writing assignments, grading methods and criteria, and the name(s) of the individuals preparing the syllabi.
37. Provide evidence of a need for graduates from any proposed programs with any employment data showing that salaries in the field justify the cost of the education.
38. Provide evidence that the demand for any proposed programs is not already being met by other institutions in the region.

d. Students [§52.2(d)]

39. Describe strategies for recruitment of students.
40. Describe the proposed admissions procedures and criteria, such as high school diploma, GED, or test scores with names of any tests that are used, the names and locations of the proposed test-scoring contractor, and the specific cut-off scores.
41. Specify diagnostic or placement tests to be used, with specific cut-off scores, the names and locations of the proposed test-score contractor, required or recommended remediation, credit value of remedial work, and the exit requirement. Include ESL work in this response if required by the institution.
42. Specify projected amounts of institutionally funded student scholarships, grants, and loans for the first five years of operation under the proposed owner, with detail on the planned financial aid programs.
43. Project full-time and part-time enrollment for each proposed program, and for the institution as a whole, for the next five years.

e. Administration [§52.2(e)]

44. Provide the organizational structure of the institution under the prospective owner.

45. List the major administrators (not support or clerical staff) supported by resumes of each that include the academic work and prior experience that has prepared them for their assignments, and their compensation, and provide any anticipated changes in administration over the first five years of operation under the proposed owner.

**I declare, affirm, and certify that the statements made in this application, including accompanying documents, are true, complete and correct.**

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Signature of Applicant

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Date

## **PART II**

### ***Certification of Continued Compliance of the Institution to be Acquired***

The prospective owner must certify that the institution is now, and will continue to be, in compliance with all relevant requirements of the Education Law, the Rules of the Board of Regents (including but not limited to Sections 3.47 and 3.50), and the Regulations of the Commissioner of Education (including but not limited to Parts 50, 52, 53, and 54). ***In site visits to evaluate compliance, the Department expects to examine information that includes, but is not limited to, the following:***

**§52.2(a) Resources (Facilities, Equipment, and Library):** The institution shall:

(1) possess the financial resources necessary to accomplish its mission and the purposes of each registered curriculum;

(2) provide classrooms, faculty offices, auditoria, laboratories, libraries, audiovisual and computer facilities, clinical facilities, studios, practice rooms, and other instructional resources sufficient in number, design, condition, and accessibility to support the curricular objectives dependent on their use;

(3) provide equipment sufficient in quantity and quality to support instruction, research, and student performance; and

(4) provide libraries that possess and maintain collections sufficient in depth and breadth to support the mission of the institution and each registered curriculum. Libraries shall be administered by professionally trained staff supported by sufficient personnel. Library services and resources shall be available for student and faculty use with sufficient regularity and at appropriate hours to support the mission of the institution and the curricula it offers.

## **Examples of Information Used in Evaluation**

### **Financial Information**

- Certified audited financial statements for at least the past three years.
- Current year institutional operating budget.
- Analysis of monthly cash flow for the preceding fiscal year.
- Documentation of expenditures supporting the institution's mission, goals, and objectives, and its registered curricula.

### **Facilities and Equipment**

- Descriptions of existing space with the address of the location, the square footage, the layout, and use of rooms (e.g., classroom, laboratory, faculty and other offices, academic support and administrative services), including seating capacity as appropriate).
- Certificates of occupancy, and of compliance with the New York State Uniform Fire Code and with safety, sanitary or health, and other codes.
- Report of most recent fire inspection.
- Accessibility of institutional programs and services by persons with disabilities.
- Lists of existing computers, with, type, location, and use and copies of maintenance/repair contracts.
- Scientific, medical, or technical equipment needed to support the programs, with the type, location and use.

### **Library**

- Evidence of support for the institution's mission in the library's holdings and services.
- Summary of library holdings and resources, by major curricula program area, acquisitions in the last year by program area; collection development plan and budget.
- Analysis of library holdings cited under the bibliographic resources in course syllabi.
- Library materials placed on reserve for courses in the last regular term.
- Descriptions of the library space, including square footage, shelf space, desk and workspace for librarians, and seating facilities for students.
- Library hours and times a professional librarian is present.
- Number and type of computers in the library and databases students can access.
- Expenditures in each of the past three years on the acquisition of books, periodicals, software, or other materials such as technical manuals and slides.
- The names and resumes of all professional librarians employed by the institution, with their assignment(s) and copies of any reports or recommendations they have submitted, and of all library consultants employed by the institution, with their assignment(s) and copies of any reports or recommendations they have submitted.
- Copies of agreements with other institutions or libraries for the use of their collections, indicating what services will be provided to students and faculty, what material will be ordered that supports program offerings, what fiscal contributions the institution provides for these services, and the name and telephone number of the contact person at each cooperating library.
- Documentation of training provided to students in information literacy.

**§52.2(b) Faculty:** (1) All members of the faculty shall have demonstrated by training, earned degrees, scholarship, experience, and by classroom performance or other evidence of teaching

potential, their competence to offer the courses and discharge the other academic responsibilities which are assigned to them.

(2) To foster and maintain continuity and stability in academic programs and policies, there shall be in the institution a sufficient number of faculty members who serve full-time at the institution.

(3) For each curriculum the institution shall designate a body of faculty who, with the academic officers of the institution, shall be responsible for setting curricular objectives, for determining the means by which achievement of objectives is measured, for evaluating the achievement of curricular objectives and for providing academic advice to students. The faculty shall be sufficient in number to assure breadth and depth of instruction and the proper discharge of all other faculty responsibilities. The ratio of faculty to students in each course shall be sufficient to assure effective instruction.

(4) At least one faculty member teaching in each curriculum culminating in a bachelor's degree shall hold an earned doctorate in an appropriate field, unless the commissioner determines that the curriculum is in a field of study in which other standards are appropriate.

(5) All faculty members who teach within a curriculum leading to a graduate degree shall possess earned doctorates or other terminal degrees in the field in which they are teaching or shall have demonstrated, in other widely recognized ways, their special competence in the field in which they direct graduate students.

(6) The teaching and research of each faculty member, in accordance with faculty member's responsibilities, shall be evaluated periodically by the institution. The teaching of each inexperienced faculty member shall receive special supervision during the initial period of appointment.

(7) Each member of the faculty shall be allowed adequate time, in accordance with the faculty member's responsibilities, to broaden professional knowledge, prepare course materials, advise students, direct independent study and research, supervise teaching, participate in institutional governance and carry out other academic responsibilities, appropriate to his or her position, in addition to performing assigned teaching and administrative duties.

### ***Examples of Information Used in Evaluation***

#### **General**

- Faculty handbook, employment agreement and contracts, and other documents for current full-time faculty and part-time faculty that indicate criteria for employment, retention, promotion, and tenure; teaching and other professional expectations; evaluation process and standards; professional development expectations and support; the term of the contract; and the compensation.
- Advertisements for faculty positions.
- Descriptions of the role of full-time faculty in the academic governance at the departmental and institutional level, including membership on committees and minutes of committee and general faculty meetings, for the last two years.

### **Faculty Competence and Credentials**

- Curricula vitae or resumes of current core full-time faculty and a list showing the courses they have taught in the past two years, and of part-time and adjunct faculty with a list showing the courses they have taught in the past two years.
- Administrative, peer, and student evaluations of the first eight full-time and first ten part-time faculty (based on the alphabetical listing of their last names) for the previous academic year.
- Names of faculty with prior experience teaching at degree-granting institutions, with the name of the institution, the courses taught, the dates, the full-time or part-time nature of the assignment, and the name and telephone number of the individual's supervisor.

### **Adequacy to Support Programs and Services**

- Number of full-time faculty and part-time faculty, and the change in the numbers over the past five years, by department or program.
- Statements of the maximum credit hour teaching load permitted in an academic term and of policy and control of teaching load for individuals also working outside the institution.
- List of courses offered in the last full term showing number of students in each class.
- Self-studies of optimal class size for effective instruction, teaching effectiveness, and/or faculty workload in relation to student achievement.
- Lists of individuals who have taught more than 15 semester hours in any term in the past two years, with course assignments and enrollment.
- The faculty's role in academic advising, including the number of advisees per faculty member and required office hours.

### **Faculty Evaluation, Professional Development, and Professional Involvement**

- Descriptions of faculty development support that includes local workshops, support for graduate study, support for professional research and publication, and examples of specific individuals with dates and level of support.
- Institutional self-study of the educational program and its components, and their effect on staffing.

**§52.2(c) Curricula and Awards:** (1) In addition to the requirements of section 53.3 of this Subchapter, the objectives of each curriculum and its courses shall be well defined in writing. Course descriptions shall clearly state the subject matter and requirements of each course.

(2) For each curriculum, the institution shall assure that courses will be offered with sufficient frequency to enable students to complete the program within the minimum time for completion, in accordance with paragraphs (6)-(10) of this subdivision.

(3) 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.

(4) A semester hour of credit may be granted by an institution for fewer hours of instruction and study than those specified in subdivision (o) of section 50.1 of this Subchapter only:

- (i) when approved by the commissioner as part of a registered curriculum; or

(ii) when the commissioner has granted prior approval for the institution to maintain a statement of academic standards that defines the considerations which establish equivalency of instruction and study and such statement has been adopted by the institution.

(5) The institution shall assure that credit is granted only to students who have achieved the stated objectives of each credit-bearing learning activity.

(6) Associate degree programs shall normally be capable of completion in two academic years of full-time study, or its equivalent in part-time study, with an accumulation of not less than 60 semester hours.

(7) Baccalaureate degree programs shall normally be capable of completion in four academic years of full-time study, or, in the case of five-year programs, five academic years of full-time study, or their equivalent in part-time study, with an accumulation of not less than 120 semester hours.

(8) Master's degree programs shall normally require a minimum of one academic year of full-time graduate level study, or its equivalent in part-time study, with an accumulation of not less than 30 semester hours. Research or a comparable occupational or professional experience shall be a component of each master's degree program. The requirements for a master's degree shall normally include at least one of the following: passing a comprehensive test, writing a thesis based on independent research or completing an appropriate special project.

(9) The master of philosophy degree shall require completion of all requirements for the degree of doctor of philosophy except the dissertation, and shall require that the student has been admitted to candidacy in a doctor of philosophy curriculum offered by the institution conferring the master of philosophy degree.

(10) Doctoral programs shall require a minimum of three academic years of full-time graduate level study after the baccalaureate degree, or their equivalent in part-time study. Doctoral studies shall include the production of a substantial report on original research, the independent investigation of a topic of significance to the field of study, the production of an appropriate creative work, or the verified development of advanced professional skills.

(11) In addition to the requirements of this section, a program desired to fulfill in part the requirements for licensure in a profession regulated by title VIII of the Education Law shall also meet such requirements as may be established by statute, by the rules of the Regents, or by any other section of this Part.

(12) All registered programs intended to satisfy the educational requirements for professional licensure as identified in paragraph a of subdivision 3 of section 6507 of the Education Law or intended to satisfy the educational requirements for certification or licensure as a teacher, pupil personnel services professional, school administrator and supervisor, or school district administrator shall include two hours of approved coursework or training regarding the identification and reporting of child abuse and maltreatment. Such coursework or training shall include information concerning the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in Social Services Law, sections 413 through 420, including, but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report.

## ***Examples of Information Used in Evaluation***

### **General**

- List of the college's degree and credit-bearing certificate programs, with exact registered program titles, award, and total credits required for program completion.
- Descriptions in catalogs, other printed materials and Web sites of current programs, including requirements and model schedules, and of courses, including frequency of offering and any prerequisites, and descriptions of institutional policies and procedures to control enrollment in courses.

### **Level of Study and Integrity of Credit**

- The number of hours of classroom instruction and amount of out-of-class work required for each credit of work in a term.
- Schedule of courses offered in the last full term.
- For graduate programs, records of institutional reviews of theses, dissertations, projects, and/or comprehensive examinations for sufficiency of depth, breadth, and quality to warrant award of graduate degrees.
- Syllabi of courses, including topics covered, reading/writing assignments, grading criteria, and the name(s) of the individuals preparing the syllabi.
- Details about any programs or courses offered in a format other than the traditional classroom model.

### **Coherence of Curricula**

- The number of credits of liberal arts and science work in each proposed program and list the courses that can fulfill this expectation.
- Details on any field work or internship offered, with credit values, whether the work is required or optional, placement information, supervision, and evaluation.
- Course evaluations by students and peers.
- Recent self-studies or external assessments of programs, departments, and/or general education, with descriptions of the reviewing systems.

### **Length to Completion of Program**

- Description of the calendar term system that will be used and what constitutes a full-time schedule in a term.
- Institutional self-study of frequency of offering of courses for the preceding two years confirming that courses are offered with sufficient frequency to enable full-time students to complete their programs within the minimum time required.
- Institutional self-study of its use of substitute courses and/or independent study as an alternative to offering specific courses.

**§52.2(d) Admissions:** (1) 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.

(2) Admissions shall take into account the capacity of the student to undertake a course of study and the capacity of the institution to provide the instructional and other support the student needs to complete the program.

### ***Examples of Information Used in Evaluation***

#### **Admission and Placement Requirements and Procedures**

- Admissions procedures and criteria, such as high school diploma, GED, or test scores with names of any tests that are used, the specific cut-off scores, and the name and location of the test-scoring contractor.
- Numbers of persons from historically underrepresented groups recruited by, applying to, and accepting and enrolling at the institution, with a discussion of policies and strategies used.
- Diagnostic or placement tests used, with specific cut-off scores and the location of the test-scoring contractor, required or recommended remediation, credit value of remedial work, and the exit requirement. Include ESL work in this response if required by the institution.
- Policies on opportunities for advanced placement and/or course challenge by students.
- Forms for admissions and financial aid.

#### **Admission Services and Staff**

- Number of full-time, part-time, and volunteer admission or recruitment representatives on staff in the last academic year.
- Job descriptions and minimum qualifications of admission and recruitment staff, with copies of employment advertisements.

**§52.2(e) Administration:** (1) Responsibility for the administration of institutional policies and programs shall be clearly established.

(2) 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.

(3) The institution shall establish, publish and enforce explicit policies with respect to:

- (i) academic freedom;
- (ii) 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; and
- (iii) requirements for admission of students to the institution and to 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.

(4) 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.

(5) The institution shall provide academic advice to students through faculty or appropriately qualified persons. The institution shall assure that students are informed at stated intervals of their progress and remaining obligations in the completion of the program.

(6) 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.

### ***Examples of Information Used in Evaluation***

#### **Responsibilities**

- Organizational charts and descriptions of responsibilities of senior administrators.
- Description of responsibilities of committees responsible for assuring institutional effectiveness.
- Policies and procedures for allocation of resources.
- Policies and procedures concerning curriculum development, evaluation, and revision.
- Self-studies of academic and/or administrative services, and their outcomes.
- Descriptions of any training or development provided for administrators in the past two years.

#### **Student Policies and Services**

- Student handbook.
- Policies relating to student records, including recording student progress and retention of records.
- Copies of completed (names deleted) transcripts now used.
- Record of degree audits for students in the preceding academic year.
- Institutional standard(s) of academic progress.
- For the five most recent years, the number of first-year students returning for the second year, with a description of the procedures used for making the calculations.
- For the five most recent years, the number of full-time, first-time students completing their programs of study within 150 percent of the minimum time required for the program (e.g., three years from entry for an associate degree program, six years from entry for a baccalaureate program), with a description of the procedures used for making the calculations.
- For the five most recent years, pass rates on professional licensure examinations (if any).
- Description of placement services provided for graduates.
- For the five most recent years, the record of placement of graduates in civilian and military occupations or of continued education; describe the procedures used for making this calculation.
- Record of written student complaints in the last six academic years, with their resolutions.

**§52.2(f) Other Requirements:** The institution shall assure:

(1) that all educational activities offered as part of a registered curriculum meet the requirements established by statute, the rules of the Regents or this Part; and

(2) that whenever and wherever the institution offers courses as part of a registered curriculum it shall provide adequate academic support services.

***Examples of Information Used in Evaluation***

- Policies on academic assistance for students needing remediation, with documentation of implementation.
- Descriptions of special strategies and programs to strengthen student persistence, and their outcomes, including the number of tutors or mentors, if applicable
- Evidence of the effectiveness of remedial and/or developmental programs and information on the success/failure of students completing remedial courses.

**§53.1 Publications.**

***Examples of Information Used in Evaluation***

- Copies of catalogs, advertisements, Web site pages, and marketing material.

**I declare, affirm, and certify that the institution will continue to comply with all relevant requirements of the Education Law, the Rules of the Board of Regents (including but not limited to Sections 3.47 and 3.50), and the Regulations of the Commissioner of Education (including but not limited to Parts 50, 52, 53, and 54).**

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Signature of Applicant

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Date