

## **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