



COMMISSION ON INSTITUTIONS OF HIGHER EDUCATION

NEW ENGLAND ASSOCIATION OF SCHOOLS AND COLLEGES

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Policy on Contractual Arrangements Involving Courses and Programs

Preamble

This policy is based on the statement of Good Practices on Contractual Arrangements Involving Courses and Programs developed by and endorsed by the regional accrediting commissions in 1997. The policy speaks to matters that govern institutions engaged in or planning to engage in contractual arrangements either to receive or to deliver credit-bearing courses and programs. The principles on which this policy is based reflect a national consensus among regional accrediting associations on good practices in contractual arrangements.

This document addresses a wide range of contractual arrangements through which an accredited institution might share in the development and delivery of courses/programs, might purchase or use courses/programs developed by accredited or non-accredited entities, and/or might contract to provide its courses/programs through an international entity.

This policy, outlining good practices in contractual arrangements involving courses and programs, is based on the following basic assumptions:

1. An accredited institution is responsible for any activities conducted in its name.
2. Unless exceptions are stated explicitly, these Good Practices supplement but do not supplant the accrediting commission's stated criteria, standards, and requirements for accreditation.
3. The accredited institution bears the responsibility to assure that a non-accredited party to the contract does not claim for itself or infer any accredited status other than that held by the accredited institution.
4. In implementing any contractual relationship, the accredited institution complies with the accrediting commission's policies on substantive institutional change.

Good Practices in Contractual Arrangements

1. *Good Practices in Writing the Contract.*

- 1.a. The contract is executed by the duly designated officers of the contracting parties, each legally qualified to commit the contracting entity to a binding contract.
- 1.b. The contract clearly establishes
 - the nature of the services to be performed by each party
 - the period of the agreement
 - the conditions under which the contract will be reviewed
 - the conditions under which the contract can be renewed
 - the conditions under which the contract can be terminated, including appropriate protection for enrolled students in such situations
 - the venue(s) for addressing perceived breaches of the contract
 - the entity students can hold legally liable for failure to deliver what is promised
- 1.c. The contract clearly states financial arrangements
 - that reflect appropriate distribution of income for the services provided by each of the parties
 - that assure each entity's capacity to give a full, accurate accounting for all revenue and expenditures involved in the contractual relationship
 - that meet all legal requirements for federal and state student aid programs that might be used by students or the accredited contracting entities
- 1.d. The contract explicitly defines
 - the educational courses/program(s) included in the contract
 - how the faculties of accredited entities will periodically review the courses and programs
 - how student support services necessary to the courses/program(s) will be delivered
 - how student access to the learning resources requisite for the course/program(s) will be assured

- 1.e. The contract is
- filed with the Commission for approval as required by Commission policy and/or federal or state regulations
 - available on request by the Commission and its teams
2. ***Contractual arrangements for provision of courses/programs by organizations not accredited by a regional institutional accrediting association***
- 2.a. The contract follows the good practices outlined above.
- 2.b. The courses/programs are consistent with the accredited institution's stated educational mission and purposes.
- 2.c. The accredited institution has faculty whose credentials meet requirements of the accrediting commission and who are qualified by experience and/or training to review the content of the courses/programs.
- 2.d. The accredited institution follows all of procedures established by its governance and its accrediting commissions for approval of the courses/programs.
- 2.e. The accredited institution not only has the contractual obligation for but also has the capacity to and maintains control over:
- advertising and recruitment,
 - admissions,
 - appointment of faculty,
 - content and rigor of courses/program(s),
 - evaluation of student work,
 - award of credits/certificates/degrees.
3. ***Additional contractual good practices for provision of courses/programs through international entities.***
- 3.a. The contract follows the good practices outlined above.
- 3.b. The contract is in English and the primary language of the international contracting entity.
- 3.c. The contract specifically provides that the U.S. institution controls the international program in conformity with the Policy on Good Practice in Overseas International Education Programs for Non-U.S. Nationals and the requirements of the U.S. institution's accreditation(s).
- 3.d. The contract specifies the appropriate legal jurisdiction for redress of grievances by the contracting parties and by students, faculty, administrators, and staff.

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