

GOOD PRACTICES IN CONTRACTUAL ARRANGEMENTS INVOLVING COURSES AND PROGRAMS

PREAMBLE

This statement of good practices regarding contractual arrangements has been developed by the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools. Mindful of the increasingly diverse nature of contractual relationships in U.S. higher education, the Commission provides this document to speak to matters that deserve the scrutiny of affiliated institutions—both accredited or holding candidacy status—engaged in or planning to engage in contractual arrangements either to receive or to deliver credit-bearing courses and programs.

The Commission expects that institutions will enter into contractual relationships after giving careful attention to the scope of the arrangement and to the appropriateness of the contractual partner(s). It also expects that the goal of such arrangements is to preserve and enhance the quality of the institution's academic offerings to students. Therefore, these good practices signify the Commission's flexibility in reviewing a wide range of contractual relationships useful to the maintenance and strengthening of the quality of educational programs.

The document is structured to address first contractual arrangements among accredited entities, then adds to those other good practices to be considered in contractual arrangements with non-regionally accredited institutions, and provides yet more good practices to be followed in contractual arrangements with international entities. This document can provide guidance to institutions engaging 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. Similarly, the document should assist evaluation teams in determining the appropriateness of such contractual relationships. The Commission understands that many collaborative arrangements do not require formal contracts; these good practices can inform the development and evaluation of appropriate documents for those relationships.

The Good Practices are based on the following basic assumptions:

- A.** The courses/programs involved in any contractual arrangements are consistent with the accredited institution's stated educational mission and purposes and augment the institution's mission if offered under the name of the contracting institution.
- B.** The accredited institution is responsible for any activities conducted in its name.
- C.** These statements of Good Practice supplement but do not supplant the Commission's stated criteria and requirements for accreditation unless exceptions are stated explicitly.

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- D. The accredited institution bears the responsibility to assure that a non-accredited party to the contract does not claim for itself or imply any accredited status other than its negotiated association with the accredited institution.
- E. In developing any contractual relationship, the accredited institution also follows the Commission's policies that require prior approval of specific institutional changes.

1. Good Practices in Writing A Contract between Accredited Institutions Concerning Educational Courses/Programs.

- 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; and
 - the venue(s) for addressing perceived breaches of the contract.
- 1.c. The contract explicitly defines
 - educational courses, program(s), and services included in the contract;
 - the institution(s) awarding the credit;
 - how the faculties of the accredited entities will periodically review the courses and programs;
 - how student support services necessary to the courses/program(s) will be delivered; and
 - how student access to the learning resources requisite for the course/program(s) will be assured.

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- 1.d The contract explicitly states financial arrangements
- that specify the compensation and other considerations for the services provided by each of the parties;
 - that set forth a mechanism to account for the services provided by each of the parties; and
 - that meet all legal requirements for federal and state student aid programs that might be used by students or the contracting accredited entities.
- 1.e. The contract is
- submitted to federal and state agencies when required by regulations;
 - submitted to the Commission for approval when required by federal or state regulations;
 - submitted, when appropriate, to the Commission as part of a request for approval of institutional change; and
 - available on request by the Commission and its teams.

2. Additional Good Practices for Contractual Arrangements with Organizations not Accredited by a Regional Institutional Accrediting Association.

- 2.a. The accredited institution's faculty has the responsibility to review and approve the content of the courses/programs, and those faculty have credentials that meet requirements of the Commission and are qualified by experience and/or training.
- 2.b. The accredited institution follows all of the procedures established by its governance structure and by the Commission for approval of the courses/programs.
- 2.c. The accredited institution not only has the contractual obligation for but also has systematic processes to assure its capacity to carry out its responsibility for oversight of:
- advertising and recruitment,

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- admissions,
- appointment of faculty,
- content and rigor of courses/program(s),
- evaluation of student work, and
- award of credit/certificates/degrees.

3. *Additional Good Practices for Contractual Arrangements with 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 exercises appropriate oversight for the international program in conformity with the Principles of Good Practice in Overseas International Education Programs for Non-U.S. Nationals and the requirements of the Commission.

Adopted by the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools, August 7, 1998