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AGENDA

Welcome and introductions – Teresa Lubbers, Chair

Agenda Item I (ACTION): Approval of minutes of the May 5-6, 2020 meeting

Agenda Item II: Update on NC-SARA progress
   a) Lori Williams, National Council for State Authorization Reciprocity Agreements (NC-SARA)
   b) Susan Heegaard, Midwestern Higher Education Compact (MHEC)
   c) Michael Thomas, New England Board of Higher Education (NEBHE)
   d) Stephen Pruitt, Southern Regional Education Board (SREB)
   e) Demarée Michelau, Western Interstate Commission for Higher Education (WICHE)

Agenda Item III: Small Group Discussions

Agenda Item IV (ACTION): Report and recommendations of the Executive Committee – Teresa Lubbers, Chair

Agenda Item V: (ACTION): Finance Committee Report – Leroy Wade, Treasurer

Agenda Item V: (ACTION): Modifications to the SARA Manual

Agenda Item VI (ACTION): Executive session

Agenda Item VII (ACTION): Questions, comments, reflections from Board members

Adjourn
NC-SARA BOARD MEMBERS

Please note that the current term for each Board member ends after the final board meeting of the specified year next to each name. Compact presidents are not term limited.

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Welcome and introductions — Teresa Lubbers, Chair

Action Item:  ☐ Yes  ☒ No
NC-SARA AGENDA ITEM

Agenda Item I: Approval of Minutes of the May 6, 2020 Meeting

Action Item: ☑ Yes     ☐ No
MINUTES OF THE NC-SARA BOARD MEETING

MAY 6, 2020

VIRTUAL MEETING

DENVER, COLORADO

NOTICE OF MEETING
Notice of the time and place of the NC-SARA Board Meeting was posted on the NC-SARA website and given to the Board members, regional compact SARA staff, and other interested parties.

An agenda is maintained in the NC-SARA office at 3005 Center Green Drive, Suite 130, Boulder, Colorado, 80301 and online at www.nc-sara.org.

Welcome and introduction:
Teresa Lubbers, Chair

Board members in attendance:
Rob Anderson
Chris Bustamante
John Cavanaugh
Art Coleman
Kathryn Dodge
Laurie Dodge
Dianne Harrison
Susan Heegaard
Paul Lingenfelter
Teresa Lubbers
Leah Matthews
Demaree Michelau
Stephen Pruitt
Pamela Quinn
Edward Ray
George Ross
Paul Shiffman
Peter Smith
Michael Thomas
Larry Tremblay
Leroy Wade
Belle Wheelan

Board members not in attendance:
Barbara Ballard

NC-SARA staff present:
Raymond Audett
Marianne Boeke
Lauren Brunell
Mary Larson
Nick Ortiz
Richard Parker
Lori Williams
Jeannie Yockey-Fine

Regional Compact Staff:
Sara Appel, MHEC
Wanda Barker, SREB
Emily Jacobson, MHEC
Elisa Jaden, SREB
Shelley Plutto, WICHE
Christina Sedney, WICHE
Rachael Stachowiak, WICHE

Guests:
Michael Brainard
Alan Contreras
Mike Goldstein
Jessica Montenegro
Catherine Richards
Alex Sollberger
Meeting was called to order at 9:00 AM (Mountain Standard Time)

**MINUTES OF THE NC-SARA BOARD MEETING**

**MAY 6, 2020**

**Agenda Item I (ACTION):** Approval of minutes of the October 29-30, 2019 meeting

  - Motion to approve – Ed Ray
  - Seconded – Kathryn Dodge
  - Approval passed unanimously, with no suggested revisions.

**Agenda Item II:** Update on NC-SARA Progress

a) Lori Williams, NC-SARA
   NC-SARA President and Chief Executive Officer Lori Williams shared about the Strategic Plan and the need for focus on improving communications and a formal training program on NC-SARA requirements for states and institutions. There was also a discussion about the four resulting strategic planning objectives and the completed analysis NC-SARA’s gaps in staff and personnel needs. These needs have been filled by hiring new staff members in the IT, a new Finance Director, and an Administrative Assistant. She also shared about NC-SARA’s need for two more staff in the coming months to focus on communications and training, and research and data analysis. Lori also shared about improvements made with respect to investment of reserve funds, working to ensure openness and transparency regarding policy review and revision, working collaboratively with compact staff, and working in partnership with consultants and other organizations to promote the work of NC-SARA.

b) Susan Heegaard, President, Midwestern Higher Education Compact (MHEC)
   President Susan Heegaard of MHEC expressed gratitude to Lori for improving communication and transparency and partnerships with the four compacts. She noted that MHEC includes eleven states and all members of SARA, with MHEC sharing North Dakota and South Dakota, and with 580 participating institutions in the region. She reported that the MHEC Regional Steering Committee has a gifted new chair, Gretchen Bartelson, and they have also added a vice-chair role to that committee. MHEC will hold their regional steering committee meeting virtually in July. Susan also talked about their revised strategic plan, with a mid-point reflection and shift.
c) Michael Thomas, President, New England Board of Higher Education (NEBHE)

President Michael Thomas of NEBHE shared warm greetings to all in this time of the pandemic, thanking Rachael Stachowiak for her hard work, his fellow compact presidents, and Lori and the NC-SARA staff. He shared that NEBHE has six states and 285 participating institutions, with 21 additional just in March and April, likely owing to the need to move online in the pandemic. He called attention to the great amount of work done by the compacts, the states, and NC-SARA staff that resulted in the policy modifications before the board. He again expressed appreciation to all those working for and with NC-SARA who were making online learning possible in an unprecedented time.

d) Stephen Pruitt, President, Southern Regional Education Board (SREB)

President Stephen Pruitt of SREB thanked Wanda Barker and Elisa Jaden for all of their SARA work on behalf of SREB. He shared that SREB includes 16 states and 951 participating institutions. SREB is experiencing an increase in online learning, SARA questions, and participation in SARA. Stephen described two new task forces with one dedicated to K-12 and the other to postsecondary recovery. He also shared about an issue with a new law in the state of Maryland, created to better provide consumer protection and through the work of SREB and NC-SARA staff, were able to come to a satisfactory conclusion for all.

e) Demarée (Demi) Michelau, President, Western Interstate Commission for Higher Education (WICHE)

President Demarée Michelau thanked the NC-SARA staff for all of their collaborative work and the increased efforts at transparency. She also thanked Christina Sedney and Shelley Plutto. Demi discussed some changes to the WICHE board and the governing practices of their SARA Regional Steering Committee such that it is more democratic and less WICHE staff directed. WICHE includes 13 states and 253 SARA participating institutions. She explained that Lori and Christina and Shelley are all working with California stakeholders to share the steps the state will need to take to consider NC-SARA membership. She also mentioned that WICHE has been engaged in serious conversations with the Commonwealth of the Northern Marianas Islands about joining SARA.
Chair Lubbers invited questions and discussion about what the Presidents shared and a brief discussion ensued regarding the quick and massive shift to remote instruction in the midst of the pandemic, with stories shared by many board members. The presidents shared that they agreed that while the composite scores are not ideal without a replacement it makes sense to keep this requirement. They also emphasized the need to consider taking the time to partner with those who wish to create a new means to determine financial viability.

**Agenda Item III:** Report and recommendations of the Executive Committee – Teresa Lubbers, Board Chair

a) **(ACTION)** Temporary action response to COVID-19 regarding use of Federal Financial Responsibility Composite Scores for participating SARA institutions

After sharing some background on this item, Chair Lubbers invited President Williams to describe more and the results of a survey of the State Portal Entities that review the financial stability of participating institutions. Chair Lubbers also asked for the compact presidents to share about the use of the federal financial composite score. Following some discussion about how to modify the wording on this proposal, Chair Lubbers called for a motion to approve the following statement:

*Since the impact of COVID-19 will not show in the scores for two years, and since NC-SARA permits states to provide a degree of flexibility in considering additional financial information in decision making, NC-SARA reaffirms its reliance on the use of the federal financial responsibility scores. In the meanwhile, NC-SARA urges the U.S. Department of Education to act promptly to complete its review of and improve its standards and procedures for assessing financial stability and responsibility and make improvements for both the short and long term.*

Motion to approve – Michael Thomas
Seconded – Dianne Harrison
Motion passed unanimously.

b) **(ACTION)** Approval of Draft Strategic Plan

Chair Lubbers invited President Williams and Michael Brainard to share a presentation of the process and objectives of the new, first ever NC-SARA strategic plan. Four primary objectives, nine associated goals, and twenty-four key performance indicators to measure progress toward achievement of the goals and objectives. Chair Lubbers then turned to the board members of the Strategic Planning Steering Committee to invite them to share about their experiences. They shared about the comprehensiveness of the process, the large amount of data used to ensure strategic focus, and the extent of
widespread involvement of stakeholders. Following additional discussion, Chair Lubbers called for a motion to approve the new strategic plan.

Motion to approve – Kathryn Dodge  
Seconded – Belle Wheelan  
Motion passed unanimously.

c) Update on Succession Planning for Board Members 2021

Chair Lubbers directed the board members to turn to their Board Handbook to refer to a chart showing the board members’ terms and then led a discussion about the need for succession planning given that seven founding board members would be cycling off the board at the end of 2021. She then asked President Williams to share about the nomination process. Paul Lingenfelter talked about how it would be helpful for a couple of members to consider leaving the board in 2020 to permit new members to join earlier and provide smoother continuity. The discussion turned to the requests from consumer protection advocates and the offices of attorneys general to have a place on the board. Board members then considered how best these voices could be heard and Chair Lubber expressed gratitude for the good guidance.

Agenda Item IV: Finance Committee Report – Leroy Wade, Treasurer

a) (ACTION) NC-SARA Financial Reserves Policy

Treasurer Leroy Wade described the work of the Finance Committee to create a new Financial Reserves Policy for NC-SARA, such that one year’s operating budget, or 100% be invested in reserve. This meant an increase of 50%, with the current reserves set at 6 months or 50%. He explained that the Committee reviewed the reserves policies of other comparable nonprofit organizations in coming to this recommendation. Treasurer Wade called for a motion to approve the NC-SARA Financial Reserves Policy.

Motion to approve – Leah Matthews  
Seconded – Belle Wheelan  
A discussion ensued regarding the potential for litigation and the need for appropriate reserves to mitigate against this possibility, with input from NC-SARA’s external counsel Mike Goldstein.  
Motion passed unanimously.
b) **ACTION** NC-SARA Financial Investment Policy

Treasurer Leroy Wade described the work of the Finance Committee to create a new Financial Investment Policy for NC-SARA. In a similar manner to the Reserves Policy, he explained that the Committee reviewed the reserves policies of other comparable nonprofit organizations in coming to this recommendation. Treasurer Wade also explained the differences in short- and long-term investment funds and the new use of a financial advisor, Colorado Financial Management to assist investment decisions. Treasurer Wade called for a motion to approve the NC-SARA Financial Investment Policy.

Motion to approve – Leroy Wade  
Seconded – John Cavanaugh  
Motion passed unanimously.

c) Third-quarter FY 2020 Finance Report

Treasurer Wade directed attention to the third-quarter finance report and shared that revenues continue to exceed expenses and the organization is financially strong. In response to a question from Belle Whelan about investment losses, Treasurer Wade said there were no losses since the only investments had been in certificates of deposit which generated a small return, but no losses. With the new investment policy, this will change.

d) **ACTION** NC-SARA Budget FY 2021

Treasurer Wade shared some key points in the proposed budget. These included that the reserves would be increased to 100% of the operating budget, that the allocations to the four regional compacts would increase by 2.5% (the average of the higher education price index and the consumer price index) as well as increase the compacts’ reserves to 100%. Following a discussion about the potential for a decrease in revenue owing to the possibility of a decrease in the number of participating institutions and other aspects of the budget, Chair Lubbers called for a motion to approve.

Motion to approve – Leroy Wade  
Seconded – Peter Smith  
Motion passed unanimously.
Agenda Item V: Federal Higher Education Landscape Impact on NC-SARA -- Mike Goldstein Senior Counsel, Cooley LLP

Chair Lubbers invited Mike Goldstein, NC-SARA’s external legal counsel, to share his thoughts on the current higher education landscape and its impact on NC-SARA. His presentation touched on these themes: the impact of the CARES Act, the temporary waiver of statutory provisions of the Higher Education Act, and the work of the USED’s Diane Auer-Jones, payroll protection program loans, and the shrinking of the for-profit sector in the U.S.

Agenda Item VI: Communications Plan – Alexandra Sollberger, Stones River Group

Alexandra shared that she worked for a firm called the Stones River Group and would be presenting the NC-SARA communications plan in collaboration with her firm’s design partner, Catherine Richards. She tied the need for more proactive communications identified in the strategic planning process to the communication plan’s focus on ramping up work with media on stories about NC-SARA. Alex shared about the materials she has created with and for NC-SARA describing its value, projects, and priorities, as well as plans for the coming months with newsletters and social media. Next, Catherine Richards shared the new branding, look and feel and logos for NC-SARA. She also shared a new set of brand guidelines for the compacts and others who use NC-SARA’s logos and materials in their work. Alex finished with some comments about the web refresh underway with Mary Larson and Nick Ortiz to highlight new, fresh content and the new branding. Chair Lubbers opened up the floor for comments with included multiple accolades for the new brand’s look and the communications plan. The discussion notably resulted in a recommendation to design a newsletter not just for the compacts, but for the compacts and the states.

Agenda Item VII: (ACTION) Modifications to the SARA Manual

After explaining that there were eleven proposed modifications for board consideration, discussion, and vote, Chair Lubbers invited President Williams and her team to explain the rationale for the modifications.

Modifications to Align with Federal Regulations

a) (ACTION) Approve Section 2.5 (h.1) adjustment to align with Federal Regulations that were inadvertently left out of the SARA Manual

No board discussion followed the explanation for this modification.
b) **(ACTION)** Approve Section 5.2 regrading programs leading to Professional Licensure correlate to new Federal Regulations

Board members expressed concern about the proposal given that in the alignment with federal regulations, institutions would no longer be expected to share contact information for state licensing boards for programs for which they are not certain if these programs will lead to licensure. It was determined that rather than try to wordsmith the new language in the board meeting, President Williams, Jeannie Yockey-Fine, and Mike Goldstein would work to include this component in with the new federal regulation regarding professional licensure disclosures and bring the language back to the board for an electronic vote.

**Modifications to Clarify Processes**

c) **(ACTION)** Approve Section 2.5(c) clarification on the need for all states to have a process to review institutions with a Federal Financial Responsibility Composite Score between 1.0 and 1.5.

No questions or discussion followed the explanation of this proposed modification.

d) **(ACTION)** Approve Section 2.5(e) clarification of language regarding to which agency or body an institution may appeal a decision regarding participation in SARA

No questions or discussion followed the explanation of this proposed modification.

e) **(ACTION)** Approve Section 2.5(i)(7) clarification of SARA student complaint venue if attending an out-of-state branch campus

The Compact Presidents, as a group, requested that this modification, along with the other proposed modifications pertaining to branch campuses be tabled to permit time for more discussion with the compacts and states to address concerns. As a result, this modification and modifications e, f, h, and j below were tabled and left out of the package of modifications for vote. Mike Goldstein later said that it was clear that these items are not being voted, down, or up; they’re being tabled and simply removed from the agenda and tabled for further action.

f) **(ACTION)** Approve Section 2.5(o) clarification of regulation of online/Distance Education activities by Host State.

See note at e) above.
g) **(ACTION)** Approve Section 2.5(q) addition of this sentence, “States shall have a process for considering applications for provisional status.”

No questions or discussion followed the explanation of this proposed modification.

h) **(ACTION)** Approve Section 4.4(d) modification of treatment of SARA student complaints from a branch campus.

See note at e) above.

i) **(ACTION)** Approve Section 5.3 clarification of policy regarding field trips and seasonal residential activity with adjustment of language in Explanatory Note: SARA covers class field trips that do not involve multi-night residency.

No questions or discussion followed the explanation of this proposed modification.

j) **(ACTION)** Approve Section 5.7(a) to align with SARA policy, add, “and the provisions of section 2.5, subsection n and o.”

See note at e) above.

k) **(ACTION)** Approve Section 6.1(b) and (c) modification to reflect data policy and remove process information.

No questions or discussion followed the explanation of this proposed modification.

l) **(ACTION)** Approve Section 6.2 modification to reflect data policy and remove process information.

No questions or discussion followed the explanation of this proposed modification.

Chair Lubbers called for a motion to approve modifications a, c, d, g, i, k, and l.

Motion to approve – Michael Thomas
Seconded – Peter Smith
Motion passed unanimously.

Chair Lubbers then called for a motion to approve tabling modifications b, e, f, and j.

Motion to approve – John Cavanaugh
Seconded – Susan Heegaard
Motion passed unanimously.
**Agenda Item VIII:** Information Items – Lori Williams

a) Update on response on COVID-19

b) Enrollment and experiential learning placement report

President Williams asked Marianne Boeke to give an update. Marianne explained that the institutions experiencing issues with data reporting owing to COVID-19 issues would fill out a form seeking permission for an extension and that she did not anticipate a major disruption to the usual data reporting.

c) Update on Salesforce and other system updates, changes to the website, student and institution support, searchable catalog of academic programs offered by SARA participating institutions, and the “State Authorization Guide.”

President Williams asked Mary Larson to give an update. Mary shared about exciting changes to Salesforce including a state portal entity dashboard and the implementation of a new knowledge base. She also shared that with progress on these and other IT projects she will be able to turn again to the student searchable catalog of academic programs project that had been put on hold.

d) Update on personnel changes and staff activities

**Agenda Item IX:** Executive Session

**Agenda Item X:** Questions, comments, reflections from Board Members

**Adjourn**

Meeting was adjourned following a private executive session.
October 27-29, 2020

**Agenda Item II:** Update on NC-SARA Progress

**Action Item:** □ Yes ☒ No


Lori Williams will provide an overall assessment. Regional compacts will focus on SARA developments within their regions.

a) Lori Williams, National Council for State Authorization Reciprocity Agreements (NC-SARA)
   a. Update on Strategic Plan Process
   b. Enrollment and experiential learning placement reporting
   c. Federal regulations update impacting NC-SARA
   d. New staff introductions
   e. IT and Programs
      i. Website refresh
      ii. Searchable catalog
      iii. State Authorization Guide

b) Susan Heegaard, Midwestern Higher Education Compact (MHEC)
   a. Branch Campus Working Group

c) Michael Thomas, New England Board of Higher Education (NEBHE)
d) Stephen Pruitt, Southern Regional Education Board (SREB)
e) Demarée Michelau, Western Interstate Commission for Higher Education (WICHE)

**Agenda Item III:** Small Group Discussions - Multiple Topics

**Action Item:** □ Yes ☒ No

a) What is the role of NC-SARA in Quality Assurance Distance Education?
b) How do you see the evolution of governance at NC-SARA?
c) What is the current and future role of the regional steering committees?
d) What should the action be for NC-SARA, post-COVID when accreditor, federal, and state waivers of distance education regulation expire?
**Agenda Item IV (ACTION):** Report and recommendations for the Executive Committee – Teresa Lubbers, Chair

**Action Item:** ☒ Yes ☐ No

a) (ACTION) NC-SARA FY 2020 audit  
b) Board self-evaluation update  
c) (ACTION) Recommendations for the election of Board members  
d) (ACTION) Recommendation for the election of a new Finance Committee Member  
e) (ACTION) Modification of the NC-SARA Bylaws – Catherine Guttman-McCabe  
f) Discussion of NC-SARA Bylaws Issues– Mike Goldstein

**Agenda Item V (ACTION):** Finance Committee report - Leroy Wade, Treasurer

**Action Item:** ☒ Yes ☐ No

a) Committee Report  
b) FY 2020 Year End Report  
c) Investment of Reserves

**Agenda Item VI (ACTION):** Modifications to the SARA Manual

**Action Item:** ☒ Yes ☐ No

*Policy Change Modification*

a) (ACTION) Approve Section 3.2 change to add one additional reason that a state might put an institution on provisional status.

*Policy Clarification Modifications*

b) (ACTION) Approve Section 1 modification to add a phrase regarding non-credit bearing courses to the definition of “Operate.”

c) (ACTION) Approve Section 2.6(c) modification to replace the word “it” with “the Compact” for clarity of reference.

d) (ACTION) Approve Section 3.1(b)(6) modification to language to align with application requirements for all institutions when programs are no longer offered.

e) (ACTION) Approve Section 4.4(g) modification to delete the word “issues” in the context of the section regarding mandatory arbitration.
f) **(ACTION)** Approve Section 8.2(a) modification to add a phrase to specifically indicate that input on policy is expected from institutions and other key stakeholders and brought to the attention of NC-SARA.

### Proposed Modifications to the SARA Manual

Six proposed modifications are described below. One is a policy change recommended by states, and five are modifications to clarify policy.

**Recommendation:** Approve the proposed modifications.

**Background.** The SARA Manual is issued periodically by NC-SARA; the current version is Version 20.2, issued June 30, 2020, following the spring 2020 meeting. Successive versions incorporate policy changes made by the NC-SARA Board and clarifications provided by the staff of NC-SARA. The recommended modifications that follow, if approved, will result in a new Version 20.3, which will go into effect immediately following an affirmative board vote and will be released on the NC-SARA website within 30 days.

#### Policy Change Modification

a) **(ACTION)** Approve Section 3.2 change to add one additional reason that a state might put an institution on provisional status.

**Background.** This modification was proposed by states seeking greater leverage to put institutions on provisional status specifically for lack of compliance with one or more of the requirements specified and agreed to at the time of renewal of an application to participate in SARA. At the suggestion of states in the WICHE region, we used language from Section 3.8(c) which outlines that an institution can be removed at any time by its Home State for violation of, or noncompliance with SARA policies and also applied that to provisional status.

**Alternatives Considered and Rationales**

1) **Do Nothing Scenario – Not Recommended**

When institutions choose to participate in SARA, they agree in writing on the application to adhere to NC-SARA requirements. States specifically asked for there to be greater alignment in *SARA Manual* policy with the language in the applications. Continuing this lack of alignment is not recommended.

2) **List out all of the requirements on the application in Section 3.2 – Not Recommended**
Some of the application requirements are already included in Section 3.2, whereas others are not. Adding a summary sentence regarding all requirements in the application to this policy section will retain the weight of the serious issues already listed as grounds for states to place institutions on provisional status.

3) Add the summary sentence regarding adherence to application requirements to Section 3.2 – **Recommended**

This modification will grant greater leverage to states seeking to place institutions on provisional status for lack of compliance with application requirements. It provides a means for states to respond to institutions that are not in compliance with application and policy requirements, rather than move immediately to removing them from participation. It permits flexibility in seeking to learn more about the unique circumstances at the institution, the institution’s willingness to come into compliance, and to allow time for the state to work with the institution to come into compliance.

See red lined version of recommended modification below.

Section 3.2 Provisional admission or renewal of an Institution

a) A State, at its discretion, may approve an Institution applying for initial or renewal participation in SARA to participate on Provisional Status in any of the following circumstances:

1) The Institution is on provisional or probationary status or the equivalent with its institutional Accrediting Agency;

2) The Institution is currently required by the U.S. Department of Education to post a letter of credit or is under a cash management agreement with the U.S. Department of Education (such institutions must still have a Federal Financial Responsibility Composite Score of 1.0 or above);

3) The Institution has a Federal Financial Responsibility Composite Score between 1.0 and 1.5;

4) The Institution is the subject of a publicly announced investigation by a government agency, and the investigation is related to the institution’s academic quality, financial stability or student consumer protection;

5) The Institution is the subject of a current investigation by its Home State related to the institution’s academic quality, financial stability or student consumer protection;

6) A third-party action such as a private lawsuit or news story does not by itself establish a government investigation. (If such a third-party event results in an investigation by a government agency as set forth in subsections 3 and 4 above, these subsections become applicable. Lawsuits by government entities are considered to have resulted from a governmental
investigation and can be the basis of a determination of Provisional Status);
7) Lack of compliance with SARA policies related to data reporting;
8) The Institution has a change of ownership as determined by the Home State; or
9) The participating Institution is in violation of, or noncompliance with SARA policies.

**Policy Clarifications**

b) **(ACTION)** Approve Section 1 modification to add a phrase regarding non-credit bearing courses to the definition of “Operate.”

**Background.** This modification was proposed by institutions to provide clarity that non-degree programs operated by a SARA participating institution include both credit bearing and non-credit bearing courses.

**Alternatives Considered and Rationales**

1) **Do Nothing Scenario – Not Recommended**

   Institutions are confused at times regarding whether non-degree programs that are not offered for credit are covered by SARA. Because of this confusion, is not recommended to do nothing by not making this clarification

   c) **Add a phrase regarding non-credit bearing courses to the definition of “Operate.” – Recommended**

   This clarification will help states, regional compact SARA staff, and NC-SARA staff who are asked frequently about noncredit bearing distance offerings coverage under SARA. Much like with institutional accreditors (formerly known as regional and national) that accredit an entire institution including all of its programs, NC-SARA “covers” all of an institution’s programs too. This was an assumption that was shared since NC-SARA’s inception, and has been in our definition of “operate” with language intended to include all programs. This will add additional clarity to the intent that all programs are included in an institution’s SARA participation. Participation is not on a programmatic level.

   See red lined version of recommended modification below.

   Section 1, Definitions
“Operate” means: activities conducted by an Institution in support of offering Distance Education degree or non-degree courses or programs, and non-credit bearing courses in a State, including but not limited to instruction, marketing, recruiting, tutoring, Supervised Field Experiences, experiential learning placements, Out-of-State Learning Placements and other student support services.

**d) (ACTION) Approve Section 2.6(c) modification to replace the word “it” with “the Compact” for clarity of reference.**

**Background.** This modification was recommended by NC-SARA staff to provide clarity that it is the regional compact that decides whether a state joins or renews its membership in SARA.

**Alternatives Considered and Rationales**

1) **Do Nothing Scenario – Not Recommended**

   The word “it” has no clear reference in this sentence. To leave the ambiguous word “it,” without clear referent, is not recommended.

2) **Replace the word “it” with “the Compact” in Section 2.6(c) – Recommended**

   This clarification is needed to state clearly that it is the regional compact that decides whether a state joins or renews its membership in SARA.

See red lined version of recommended modification below.

By July 1, 2020, each Regional Compact shall develop and implement a means to hear and themselves resolve appeals from States for which it the Compact denies membership or renewal of membership in SARA. During any such appeal the State’s status as a SARA Member (or non-Member) State remains unchanged.

**e) (ACTION) Approve Section 3(b) modification to language to align with application requirements for all institutions when programs are no longer offered.**

**Background.** This modification was recommended by NC-SARA staff to better align NC-SARA policy with application requirements for institutional participation in SARA.
Alternatives Considered and Rationales

1) **Do Nothing Scenario – Not Recommended**

There is concern that although institutions must adhere to the requirement that they provide for an alternative program or financial compensation for programs that are discontinued, this requirement is not codified in policy. Therefore, not making this change is not recommended.

2) Add language to Section 3(b) to articulate clearly that to protect students as consumers, when institutions discontinue programs, they need to ensure that students are taught out, or are offered reasonable alternatives or provided financial compensation for having lost time, credits and tuition. – **Recommended**

See red lined version of recommended modification below.

**Institution application**

1) Teach-out plan or refund

The institution agrees that in cases where the institution cannot fully deliver the instruction for which a student has contracted, to provide a reasonable alternative for delivering the instruction or reasonable financial compensation for the education the student did not receive.

*SARA Manual Currently State responsibility*

Section 2.5(h)(2)
The state has laws, regulations, policies and/or processes in place to deal with the unanticipated closure of an institution and will make every reasonable effort to assure that students receive the services for which they have paid or reasonable financial compensation for those not received. Such laws, regulations, policies and/or processes may include tuition assurance funds, surety bonds, teach-out provisions or other practices deemed sufficient to protect consumers.

*SARA Manual Suggested Revision*

Section 3.1(b)(6)
The institution agrees that, in cases where the institution cannot fully deliver the instruction for which a student has contracted, it will provide a reasonable alternative for delivering the
instruction or reasonable financial compensation for the education the student did not receive.

f) **ACTION** Approve Section 4.4(g) modification to delete the word “issues” in the context of the section regarding mandatory arbitration.

**Background.** This modification was proposed by NC-SARA staff in response to a recent letter from five consumer advocacy groups ahead of the spring 2020 board meeting asking NC-SARA not to accept mandatory arbitration as a solution to disputes between students and academic institutions. This very minor revision takes the word “issues” out for clarity.

**Alternatives Considered and Rationales**

1) **Do Nothing Scenario – Not Recommended**

NC-SARA policy, per Section 4.4(g) already states that mandatory arbitration has no place in SARA policy, but the word “issues” introduces a lack of clarity on the meaning of the sentence. Leaving “issues” in there is not recommended.

2) **Revise the language in section 4.4(g) – Recommended**

Taking the word “issues” out makes it clear that per SARA policy, mandatory arbitration is not permitted in the resolution of SARA-related matters.

See red lined version of recommended modification below.

Mandatory arbitration agreements do not pertain to SARA policy issues. Disputes between students and institutions on SARA-related matters are to be resolved by the Institution’s State Portal Entity or through other means. A student may, however, bring to the Institution Home State Portal Entity any issue that potentially involves a violation of SARA policies. Institutions that choose to operate under SARA accept a student’s right to bring complaints about violation of SARA policies through the SARA process.

g) **ACTION** Approve Section 8.2(a) modification to add a phrase to specifically indicate that input on policy is expected from institutions and other key stakeholders and brought to the attention of NC-SARA.

**Background.** This modification was recommended by institutions and regional compact staff to better describe the intention to include institutions as stakeholders in seeking input into the decision-making process regarding SARA policy.
Alternatives Considered and Rationales

1) Do Nothing Scenario – Not Recommended

Because institutions have been clear about wanting to ensure that, as participants in SARA, they have a voice in policy making as stakeholders. To not add this phrasing leaves ambiguity.

2) Modify language at Section 8.2(a) more substantially – Not Recommended

NC-SARA staff and regional compact staff discussed the possibility of more substantially revising this section of the SARA Manual to describe the current more open process of seeking input from states and institutions regarding policy review and revision. This new process is still in an iterative stage of development, during which we are testing the new processes, so we are not yet confident that it will not need to change again. We also want more time to determine which portions pertain more to process and which to policy. Therefore, a more substantial revision of this section, at this time, is not recommended.

3) Modify language at Section 8.2(a) to specifically mention consideration of institution feedback and to make it clear that feedback can be sent to NC-staff as well as others listed in policy–Recommended

This clarification is needed to ensure institutions know that they too are important stakeholders in the process of policy review and revision. It has also always been the process that institutions may share input and feedback to NC-SARA staff, so this should be added to this policy language as well.

See red lined version of recommended modification below.

Section 8.2(a)
Process: Questions, comments, or suggested modifications to SARA policies, from Institutions and other key stakeholders, may be brought to the attention of:

- SARA Portal Entity directors in SARA states;
- SARA directors in the Regional Compacts;
- Regional SARA steering committees; or
- The President or staff of the National Council for State Authorization Reciprocity Agreements (NC-SARA) or appointed staff.
**Agenda Item VII (ACTION):** Executive session

**Agenda Item VIII (ACTION):** Questions, comments, reflections from board members
## Appendix A

**Staff Meetings and Presentations**  
May-October 2020

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<thead>
<tr>
<th>DATE</th>
<th>EVENT</th>
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<tbody>
<tr>
<td>Quarterly</td>
<td>NC-SARA Executive Committee Meeting</td>
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<td>Quarterly</td>
<td>NC-SARA Finance Committee Meeting</td>
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<td>Quarterly</td>
<td>NC-SARA Senior Directors, Regional Compact Presidents and Regional Compact Directors Call</td>
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<tr>
<td>Monthly</td>
<td>WICHE Cooperative for Educational Technologies State Authorization Network (WCET SAN) Open Forums</td>
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<td>Monthly</td>
<td>WCET SAN Monthly Calls and Webinars</td>
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<td>Monthly</td>
<td>NC-SARA Director Calls</td>
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<td>Biweekly</td>
<td>NC-SARA Regional Compact Staff Calls</td>
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<tr>
<td>May 5, 2020</td>
<td>NC-SARA Director Meeting (Virtual)</td>
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<td>May 6, 2020</td>
<td>NC-SARA Board Meeting (Virtual)</td>
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<td>May 14-18, 2020</td>
<td>*WSCUC Workshop - Building Relevant and High Quality Competency-based Programs</td>
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<td>May 19-20, 2020</td>
<td>*Arizona SARA Statewide Meeting</td>
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<td>May 28, 2020</td>
<td>NC-SARA Webinar: NC-SARA Board Actions (Virtual)</td>
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<td>June 3, 2020</td>
<td>SREB Meeting (Virtual)</td>
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<td>June 8-10, 2020</td>
<td>Fast Track to Success 2020 Fourth Annual Conference: (Virtual)</td>
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<td>June 15-26, 2020</td>
<td>OLC Innovate 2020 (Virtual)</td>
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<td>July 8-10, 2020</td>
<td>*ECS - National Forum on Education Policy (Virtual)</td>
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<td>July 23, 2020</td>
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<td>August 27, 2020</td>
<td>West Virginia SARA Meeting (Virtual)</td>
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<td>September 1, 2020</td>
<td>NC-SARA Webinar: Potential Policy Changes (Virtual)</td>
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<td>September 9-11, 2020</td>
<td>SAN Workshop (Virtual)</td>
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<td>September 15-18, 2020</td>
<td>NC-SARA State Portal Entity Conference (Virtual)</td>
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<td>September 20-23, 2020</td>
<td>*SACCR 48th Annual Conference</td>
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<tr>
<td>September 21-22, 2020</td>
<td>President’s Forum (Virtual)</td>
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<td>September 24 - October 8, 2020</td>
<td>ASU+GSV 2020 Virtual Summit (Virtual)</td>
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<tr>
<td>September 29-October 2, 2020</td>
<td>2020 TxDLA Virtual Conference (Virtual)</td>
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<td>October 6-15, 2020</td>
<td>WCET Annual Conference (Virtual)</td>
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<td>October 23, 2020</td>
<td>Nevada SARA Meeting (Virtual)</td>
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<td>NC-SARA Data Advisory Committee Meeting (Virtual)</td>
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<td>October 27, 2020</td>
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<td>October 28, 2020</td>
<td>Quality Matters Conference (Virtual)</td>
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<tr>
<td>October 27-29, 2020</td>
<td>NC-SARA Fall Board Meeting (Virtual)</td>
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*This event was either cancelled or postponed.*