

NEW ENGLAND BOARD
of HIGHER EDUCATION



**New England
State Authorization
Reciprocity Agreement
Procedure Handbook**

Updated July 2020

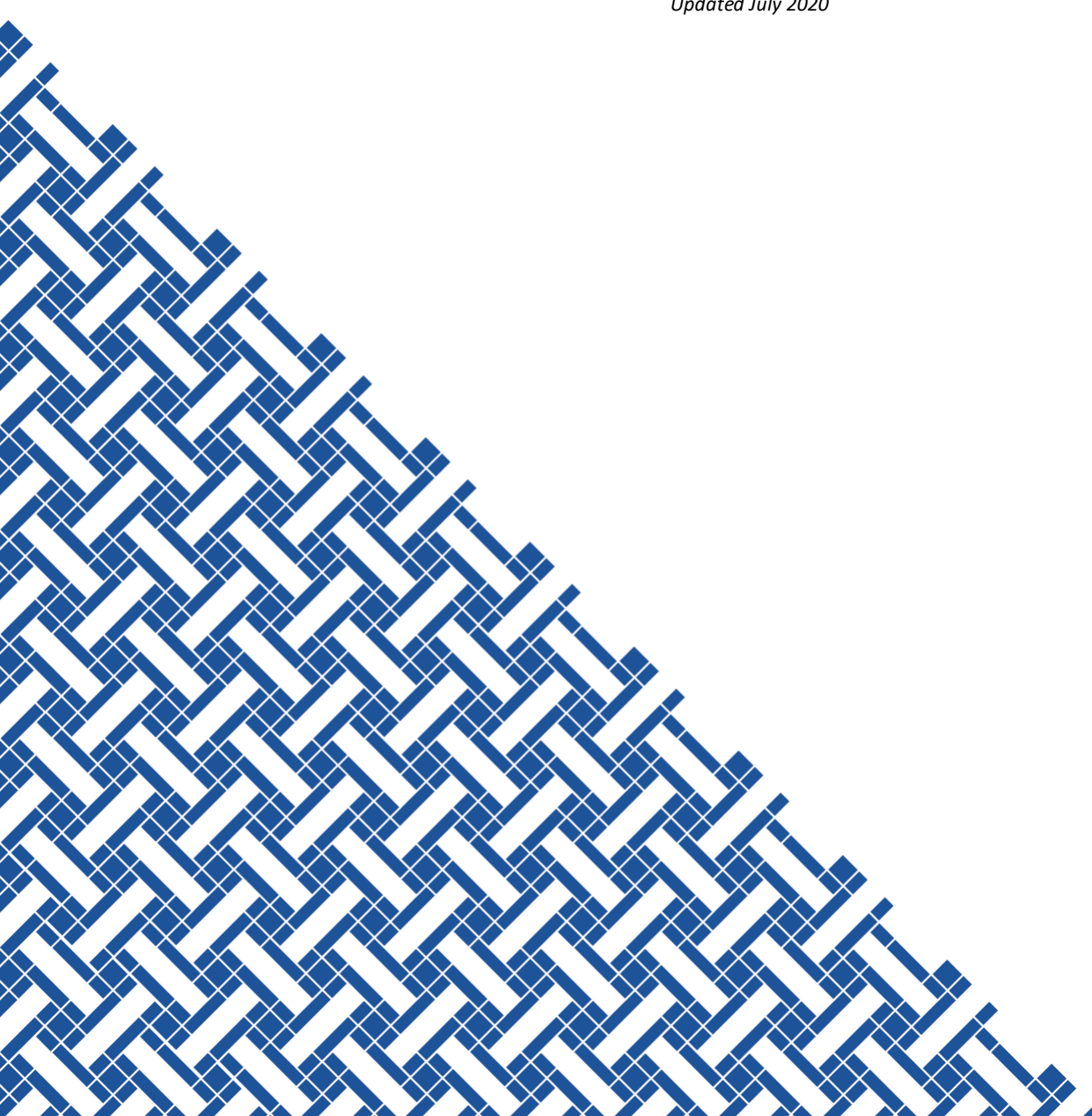


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(*this section only updated in December 2022)

Introduction

The State Authorization Reciprocity Agreements (SARA) provide a streamlined, reciprocity-based process for participating postsecondary institutions to gain approval to offer interstate distance education to students in SARA Member States without individually applying to each state for such approval, subject to certain limitations.

SARA is voluntary in nature. States may join through a biennial application process overseen by its Regional Education Compact. Institutions located in SARA Member States may choose to participate through the submission of an annual application to a State's designated SARA State Portal Entity.

The National Council for State Authorization Reciprocity Agreements (NC-SARA) is the national organization and network which works in coordination with the Regional Education Compacts and issues the agreement's policies and standards, housed in the *SARA Manual*. The *SARA Manual* is published and maintained by the National Council for State Authorization Reciprocity Agreements (NC-SARA) on its website: www.NC-SARA.org

The current version of the *SARA Manual* is the authoritative source of the policies and procedures employed to implement the Agreement. SARA policy citations provided in this document are cited in v. 20.2, published June 30, 2020.

Each Regional Education Compact oversees the implementation and execution of SARA in their respective region. Each operates the agreement under its bylaws and in a manner consistent with the programs and activities under its control. Each Regional Compact constitutes and operates its own Regional Steering Committee.¹

This handbook provides processes to assist the New England Board of Higher Education (NEBHE) and its SARA stakeholders' in fulfilling its obligations under the SARA agreement, in addition to the definitions and national policies specified in the *SARA Manual*. NEBHE reserves the right, at its discretion, to change or modify the content provided in this document.

¹ Foundational document: <https://nc-sara.org/resources/sara-unified-agreement>; please note that the *SARA Manual* serves as the authoritative source of the policies and procedures employed to implement the agreement.

NEBHE SARA Regional Steering Committee Purpose

The Regional Steering Committee (RSC) serves as an important regional platform for the discussion and consideration of emerging State Authorization Reciprocity Agreements (SARA) matters and distance-education related issues.

The primary responsibility of the RSC is to evaluate and determine whether states that apply to participate demonstrate adequate capacity and sufficient standards for authorization and oversight of institutions under SARA. In collaboration with National Council for State Authorization Agreements (NC-SARA), the RSC will establish and disseminate criteria for state participation and will review and amend such criteria, as appropriate, over time.

A state, seeking to participate in SARA through NEBHE, will submit an application and supporting materials demonstrating how it will meet the criteria for participation. The RSC will review the application and work iteratively with the state until it can fully demonstrate its compliance and the RSC is able to recommend approval by NEBHE Executive Committee.

In addition to the evaluation of State Membership, the RSC will:

- Recommend sanctions and outline corrective actions for states that fail to meet the requirements for participation.
- Hear or take action on institutional appeals brought to NEBHE.
- Consult on unresolved questions, comments, concerns or proposed modifications presented by the Regional Compact, NC-SARA and/or other key stakeholders.

NEBHE will draw upon its SARA State Portal Entities for their consideration and recommendations in tandem with the RSC.

The Charter and composition of the NEBHE RSC may be found by [clicking here](#).

Grounds for Institutional Appeals

The Regional Compact, through its Regional Steering Committee, can hear and act on appeals from an institution under the following circumstances per SARA policy:

Section 3.7 b: Renewals, Process

Decisions related to Provisional Status

7. The State Portal Entity shall monitor the Institution to ensure compliance with SARA policies and movement toward full renewal status. State Portal Entities may only use the circumstances listed in SARA Manual, Subsection 3.2(a) as rationale for determining Provisional status. An Institution may appeal, within 30 calendar days of notice of its Home State's decision providing Provisional Status, to its Regional Compact to ensure SARA policies were upheld during the review process.

Decisions related to denial of renewal application

9. If institutional participation renewal is denied, the State Portal Entity will provide to the applicant Institution a written reason for the denial. The institution may appeal the denial of its renewal application within 30 calendar days to its Regional Compact to ensure SARA policies were upheld by its Home State during the review process.

Section 3.8 c: Loss of institutional eligibility or withdrawal under SARA

An Institution can also be removed at any time by its Home State for violation of, or noncompliance with SARA policies.

Until in-State appeal processes proposed in Version 19.2 are approved, developed and implemented², there is no "appeal" of such a decision made by the Home State, though an Institution can always present new information and request reconsideration. An aggrieved Institution has the option of asking its Regional Compact through the Compact's normal procedures to determine whether the Institution's Home State continues to meet the requirements of SARA, but the Regional Compact cannot direct the State to make a different determination regarding the specific case.

Process for an institution to appeal a decision by its home state

1. Upon receipt of notice of an adverse decision from the State, per the above NC-SARA policies, an institution may request a review within 30 days of the Home State decision by the compact's Regional Steering Committee to ensure the State has abided by SARA policy and procedures.

Institution appeals regarding denial of participation after January 1, 2021 must first

² SARA Policy 2.5(e) By January 1, 2021 SARA Member States shall develop and implement a means to hear and internally resolve appeals from Institutions for which they deny initial participation or renewal of participation in SARA. During any such appeal the Institution's status as a SARA participating (or non-participating) Institution remains unchanged.

exhaust the appeal process provided by the SARA Member State.

The request must include:

- A copy of the State's notice to the institution
 - A letter from the institution discussing the actions of the State as they pertain to SARA requirements and policy.
 - Supporting documentation from the institution related to the Home State's determination of SARA eligibility. The Regional Compact may request additional documentation or a response to additional questions prior to presenting materials to its Regional Steering Committee.
2. The Regional Compact will confirm receipt and specify a date when the Regional Steering Committee will review the appeal and respond with its determination.
 3. The Regional Compact will notify the State of the appeal and provide the State Portal Entity an opportunity to submit a written response.
 4. The Regional Steering Committee may take three actions:
 - An affirmation of the decisions and actions of the State, including the relevant SARA policy considerations;
 - An explanation of how the State made an error, as well as a request to the State to address actions which conflict with the requirements of the SARA agreement;
 - The Regional Steering Committee may request additional information or a hearing to be scheduled at a later date.
 5. If no further information or hearing is requested by the Regional Steering Committee, the committee shall make its determination and consider the matter closed. The Regional Compact will send a notice to the institution and Home State regarding the committee's findings.
 6. In the event the State's actions prevent the institution from continuing its participation in SARA, the institution will follow the process, under the oversight of its State Portal Entity, outlined in SARA Manual *Section 3.8 Loss of institutional eligibility or withdrawal under SARA*.

Adverse state actions

Per Section 4.3 of the Unified State Authorization Reciprocity Agreement, Regional Compact will monitor participating states' compliance with SARA, and in the event of issue, may:

- *Expel a State from the agreement;*
- *Sanction and outline corrective actions for states that fail to meet the requirements for participation;*
- *Dismiss any states that fail to respond to concerns and plans for improvement;*
- *Provide a process for appeal in the event that a state disagrees with the compact's decisions regarding state action under SARA policies.*

State Sanction

- A. The Regional Compact, or upon the recommendation of its Regional Steering Committee, may bring corrective actions for States.
- B. The Regional Compact will provide notice to the State Portal Entity:
 - a. The notice shall provide a clear statement of the issue(s), disclose any institution or system involved, and request a confirmation of understanding.
 - b. If necessary, a plan of corrective action as to how the State will address the issue(s) will be requested.
 - c. If individual students are involved, the plan must include a strategy to address their concern.
 - d. The Regional Compact's President, Steering Committee Chair, NC-SARA Board Chair and NC-SARA President will be copied on the notice. The Regional Steering Committee will be forwarded a copy of the notice.
- C. The Regional Compact will consult with its Regional Steering Committee to determine if the response is adequate. If an adequate response is received, the Regional Compact may consider the matter resolved and provide written confirmation of such.
- D. Should the plan require communication or action from the State Portal Entity, the Regional Compact will require confirmation of those actions.
- E. If the state fails to resolve the issue(s), the Regional Compact will alert the Regional Steering Committee and NC-SARA for discussion and action. The Regional Steering Committee may formulate a recommendation of action to the Regional Compact Executive Committee.
- F. A sanction falling in between renewal periods will be considered during the Regional Compact's state renewal process.
- G. Should the Regional Steering Committee, under item E. (above), recommend State expulsion from the SARA agreement, it may request that NEBHE circulate a notice to SARA institutions approved in the SARA State in question and post a period for their

comment. The Regional Compact would present comments for consideration and discussion to the Regional Steering Committee. The Regional Steering Committee would vote to affirm or reverse their recommendation to remove the State. Comments would be presented to the NEBHE Executive Committee for consideration and final vote on the Regional Steering Committee's recommendation.

Grounds for State Appeal

The Regional Compact can hear and act on appeals from a Member State under the following circumstances:

Section 2.2 b: State and Membership, Application

By July 1, 2020, each Regional Compact shall develop and implement a means to hear and themselves resolve appeals from States for which 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.

Process to Appeal State Expulsion by its Regional Compact

- A. In the event the Regional Compact determines that a SARA Member State be expelled from the agreement, the State in question may request a review of that decision. A written request from the SARA State Portal Entity, to the Regional Compact President & CEO, must be received within 30 days of the date on the notice from the Regional Compact.

The request must include:

- a. A letter from the State discussing its actions and the response by the Regional Compact as it pertains to SARA requirements and policy.
 - b. Supporting documentation from the State
- B. The Regional Compact President & CEO must notify its Regional Steering Chair, Board of Delegates Chair, Members of its Executive Committee, the NC-SARA President and the NC-SARA Board Chair.
- C. The SARA Director will send a communication to the State acknowledging receipt and outline its subsequent action and timeline to all recipients. The communication will copy its President & CEO, Regional Steering Chair and Board of Delegates Chair.
- D. The Regional Compact President & CEO and SARA Director will appoint an appeal body of qualified representatives no fewer than 5, but no larger than 7 in size.

Composition will include Members of the Regional Steering Committee and NEBHE's Board of Delegates. Representatives from NEBHE's Board of Delegates will comprise the majority of the appeal body's membership.

Members of the Executive Committee, SARA State Portal Entities, or any representative of the State in question may not be appointed to the appeal body.

A copy of NEBHE's Conflict of Interest policy will be provided to members of the appeal body and must be signed with confirmation of their service.

- E. The SARA Director will convene the appeal body to outline parameters for its review. The appeal body may request at that time:
 - a. that the NC-SARA President and/or NC-SARA Board Chair serve in an advisory capacity; and/or
 - b. require any further information from the State or Regional Compact.
- F. The SARA Director will notify the State to specify a date when its appeal body will review the appeal. The communication will include the names and organizational affiliation of members serving on the appeal body, outline the appeal body's process to conduct its review and request any additional information. The State Portal Entity will be offered an opportunity to appear before the appeal body.
- G. Upon the determination to remove the State from SARA membership, the Regional Compact will notify the state of its effective expulsion date. The Regional Compact will also notify NC-SARA and its counterpart organizations, MHEC, SREB and WICHE.

The Regional Compact and State will operate under SARA policies 2.3 and 2.4.
- H. The determination made by the NEBHE appeal body will be final.

Requests for consideration of modifications to SARA policy

Note – this section only updated December 2022

Summary

On June 27th, 2022 the NC-SARA Board unanimously approved a revised process for policy changes. This process, developed by an interregional group of regional steering leaders and with feedback and final endorsement from the four compact RSCs and inclusive of a period of public comment, includes a strong state voice and requires that any policies to be adopted must secure the approval of each regional compact and the NC-SARA board. The most up to date SARA policy manual as well as updates on the process and link to submit a proposal, can be found on the NC-SARA website: <https://www.nc-sara.org/sara-policy-overview>

To represent the NEBHE region's vote in approving or rejecting SARA policy proposals, the N-SARA RSC considers and votes on all policy proposals. The RSC is also responsible for making related decisions, providing feedback, and receiving updates on developments throughout the process.

N-SARA Policy Proposal Review Process

- A. The annual policy review cycle is expected to take place from January to October of each calendar year. In anticipation, the N-SARA RSC (ensuring engagement from our region's states via the State Portal Entity (SPE) representatives, whether or not they are members of the RSC), should begin considering and discussing priorities and potential regional proposals by fall of the previous year. While the region may or may not decide to endorse and submit their own proposal(s) in each cycle, these preliminary discussions and considerations should help when their feedback is needed throughout each annual cycle.
- B. With the commencement of the new policy cycle, all N-SARA regional leaders (RSC and SPEs) will be sought for frequent and collective meetings for the purpose of focusing on policy proposals and discussions therein. Discussions, decisions, feedback, and general updates on the cycle will consistently be sought and/or provided to N-SARA leaders from the beginning to the end of each cycle (from the NEBHE SARA staff and from regional representatives involved in the process).
- C. The annual policy cycle, in general, will commence with a proposal period at the beginning of a given calendar year, followed by a period of merging similar proposals, two rounds of broader public feedback, public comment period, and ongoing interregional dialogue throughout. This will culminate in a period for RSCs in each region separately and together discussing and seeking consensus on policy proposals that could gain approval from all four regions for the proposal to move forward to final consideration of the NC-SARA Board at their annual Fall meeting.
- D. To formally endorse or approve any proposal(s), to either submit on behalf of the region during the annual proposal period as well as making a final decision as a region on a proposal that would then go to the NC-SARA Board the N-SARA RSC will vote.

Affirmative support of the N-SARA RSC is gained by a majority vote of present members so long as a quorum of 50% + 1 of the membership is in attendance.

- E. The N-SARA RSC Chair and RSC Vice Chair, as well as other select members as needed, will be asked to serve on various NC-SARA and/or interregional (I-RSC) committees for the purpose of discussion and decisions on developments, gathering feedback, and generally representing the region in advance of and throughout the annual process. The NEBHE SARA staff will also be regularly involved and represent the region when and how necessary.
- F. The N-SARA Compact President and CEO, as an ex-officio member of the RSC and as an NC-SARA Board member, may request broader feedback from other NEBHE region leaders (ex: NEBHE Board members) on policy proposals in sensitive, significant, or potentially controversial matters. In turn, N-SARA regional leaders may decide to ask for the input or feedback from broader NEBHE region stakeholders, as can refine and enhance a given proposal.