

Out of State Authorization, 7.03(a)
Chapter 7: General Administrative

Procedure: The Out of State Authorization Procedure below address requirements for in and out-of-state institutions who offer postsecondary education (face-to-face or online) to a state's residents. Institutions must comply with applicable state approval and/or licensure requirements and be "authorized by name." The following is an excerpt of the regulation:

"If an institution is offering postsecondary education through distance or correspondence education to students in a State in which it is not physically located, the institution must meet any State requirements for it to be legally offering postsecondary distance or correspondence education in that State. We are further providing that an institution must be able to document upon request by the Department that it has the applicable State approval." (Oct. 29, 2010 Amendments to the Higher Education Act, Program Integrity Issues, State Authorization, §600.9; <http://edocket.access.gpo.gov/2010/pdf/2010-26531.pdf>.)

In addition, the regulation requires institutions that: proctor students in other states, have students participating in clinicals, externships, practicums, or work-based learning experiences in other states, faculty and/or staff residing in other states, conduct marketing/recruiting activities in another state, and/or may trigger physical presence based upon the individual states' laws; must abide by the federal regulations.

To ensure compliance with federal and state regulations Rhodes has established the Out of State Authorization Policy 7.03 which coincides with the procedure.

I. Definitions

- a. **Complaint:** A formal assertion in writing that the terms of an agreement or of laws, standards, or regulations, incorporated are being violated by a person, institution, state, agency or other organization or entity operating under the terms of the agreement.
- b. **Distance Education:** Instruction offered by any means where the student and faculty member are in separate physical locations. It includes but is not limited to online, interactive video or correspondence courses or programs.
- c. **Midwestern Higher Education Compact (MHEC):** One of four statutorily-created interstate compacts, was founded in 1991 and is a nonprofit regional organization serving Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. The purpose of the Midwestern Higher Education Compact is to provide greater higher education opportunities and services in the Midwestern region, with the aim of furthering regional access to, research in and choice of higher education for the citizens residing in the several states which are parties to the compact.

II. Periodic Monitoring

- a. State Authorization Reciprocity Agreement (SARA) Requirements – Rhodes will annually review the Requirements for Institutional Participation in SARA to ensure compliance with both state and national requirements. In addition, the College will monitor the following: students and employees for out-of-state

residency; all off-campus learning experiences across state lines; and triggers for physical presence (i.e. marketing activities occurring outside the state of Ohio).

- b. College Website Update – Prior to NC-SARA renewal and data reporting the Office of Academic Affairs, Student Affairs and Workforce Development & Innovation (AASAWD) in collaboration with the Office of Institutional Effectiveness Planning will review the College webpages where out-of-state authorization information is referenced to ensure the State Authorization information is current.

III. Student Identification

- c. During fall term the Registrar's Office will run a student information system (SIS) enrollment report, prior to the first day of class, for all out-of-state (OOS) students.
 - i. The SIS enrollment report will identify: (1) all out-of-state students; (2) number of out-of-state students who are only taking online coursework by comparing the registered hours with the online registered hours; and (3) "flagged" students in non-SARA states.
 - ii. IEP and AASAWD will review to determine: (1) exemption status (i.e. military exemption in some states); (2) implication on students' financial aid awards; and (3) whether or not a student resides in a non-SARA state.
- d. If an online student resides in a non-SARA state, the student will be identified for the purpose of tracking and reporting compliance.

IV. Human Resources Requirements for SARA Compliance

- e. Employee Hiring and Address Change Requests
 - i. Upon initial hire the Director of Human Resources (HR) or their designee will monitor all employees for out-of-state residency and ensure that the proper documentation has been completed and filed.
 - ii. When an existing employee moves out-of-state, specifically faculty and/or adjuncts who may be teaching distance education courses, HR will notify the Offices of AASAWDI and IEP to ensure compliance with NC-SARA.

V. Clinical/Experiential Learning and SARA Compliance

- f. To ensure SARA compliance academic programs must track their students who will engage in clinical or experiential learning courses. This information must be reported to the Office of IEP at the end of spring term.
- g. Clinicals
 - i. Prior to a student registering for a clinical course or requesting to engage in a clinical experience outside Ohio, the program Chair must refer to the Rhodes, Out-of-State Authorization webpage to determine whether or not the clinical site is located in a SARA state. The Offices of AASAWDI and/or IEP will address questions or concerns.
 - ii. The Dean/Chair must confirm and maintain documentation of a signed memorandum of understanding/clinical agreement between the site and the College. [NOTE: Students may not register for a clinical course prior to verification of appropriate documentation.]

- h. Experiential Learning (i.e. Co-op, Internship, Practicum, etc.)
 - i. Prior to a student registering for an experiential learning course or requesting to engage in experiential learning outside Ohio, the program Dean/Chair must refer to the Rhodes, Out-of-State Authorization webpage to determine whether or not the clinical site is located in a SARA state. The Offices of AASAWDI and/or IEP will address questions or concerns.
 - ii. The Dean/Chair must confirm and maintain documentation of a signed memorandum of understanding between the site and the College.
[NOTE: Students may not register for an experiential learning experience prior to verification of appropriate documentation.]

VI. Rhodes State College Student Complaint Process

- i. Online students residing outside Ohio who desire to resolve a grievance, will be initially directed to the College's Grade Appeal and Student Complaint/Grievance Policies
- j. If an issue cannot be resolved internally to the College through the Office of Student Affairs, students may file a complaint with their state of residence. Rhodes State provides contact information and/or links on the College's website.
[Note: The grievance process for various state approving agencies involvement is only applicable to students taking online course work through Rhodes State College].

VII. Professional Licensure

- k. To ensure NC-SARA compliance, all academic programs leading to professional licensure must inform students it is the student's responsibility to ensure the professional licensure they are obtaining meets the criteria for licensure in their state of residence.
- l. Information that speaks to professional licensure must appear: (1) in the College catalog; (2) on all program marketing materials; (3) on program specific webpages and (4) on the CDIL webpage.

Related Policies and Procedures:

Out of State Authorization Policy 7.03

Compliance References:

Higher Education Reauthorization Act 34 CFR 600 Amendment(s) published October 29, 2010:
75 FR 66946 [Higher Education Reauthorization Act](#)

HLC Policy FDCR.A.10.090 - Standing with State and Other Accreditation Agencies; Related Commission Requirements: Assumed Practice A.7, C.4.

Higher Learning Commission Federal Compliance Packet

<https://www.hlcommission.org/Accreditation/federal-compliance-program.html>

Higher Learning Commission Assumed Practices

<http://policy.ncahlc.org/Policies/assumed-practices.html>

NC-SARA Resources <https://nc-sara.org/resources>

SHEEO <https://sheeo.org>

History:

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This policy and / or procedure provides operating principles for Human Resources issues at Rhodes State College. It supersedes any prior policy covering specific subject. This policy and / or procedure may be suspended, modified or cancelled as determined by the College. This policy and / or procedure does not create a contract of employment, nor is it a condition of employment between the College and its employees.