
COLLEGE GUIDANCE - Montgomery College

Written Arrangements with Third-Party Providers Subject to MSCHE Oversight

I. Overview and Purpose

This College Guidance establishes the College's process for the review, approval, oversight, assessment, and disclosure of Written Arrangements with Third-Party Providers that are subject to the accreditation requirements of the Middle States Commission on Higher Education (MSCHE).

MSCHE requires accredited institutions to maintain appropriate oversight of certain Written Arrangements through which Third-Party Providers perform educational or institutional functions on their behalf. Through the processes established in this Guidance, the College maintains responsibility for the quality, integrity, effectiveness, and compliance of the programs, services, and operations provided through such arrangements.

II. Scope and Applicability

- A. This Guidance apply to contractual arrangements with any entity, institution, or organization that has a formal agreement to deliver the following types of services on behalf of the College and that constitute Written Arrangements subject to applicable accreditation requirements:
 - 1. The delivery of student learning opportunities, including credit, non-credit, and workforce development courses and programs.
 - 2. Student support services, including advising, counseling, tutoring, English language support, international student services, recruitment, marketing, advertising, campus safety, food and dining services, or similar services.
 - 3. Services for the assessment of student learning.
 - 4. Operational or business functions of the institution such as information technology, human resources, or other operational services which otherwise are or could be carried out internally.
- B. This Guidance does not apply to contracts or agreements that are outside the scope of MSCHE's requirements for Written Arrangements, including:
 - 1. Contracts solely for the purchase or licensing of goods, books, supplies, equipment, or software that do not involve the outsourcing of educational programs, services, or institutional functions.
 - 2. Articulation agreements, transfer agreements, or similar academic pathway agreements that do not involve the provision of services.
 - 3. Most clinical, internship, practicum, or student teaching placement agreements (see appendix for more and contact the College's Accreditation Liaison Officer for any needed clarification).

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- C. This Guidance does not supersede or replace other College policies, procedures, guidance, and processes including those related to procurement, information security, or accessibility.

III. Definitions

Contract Owner: The College employee designated as responsible for overseeing a contract or agreement on behalf of the College. The Contract Owner serves as the primary point of contact for the agreement and is responsible for monitoring performance, ensuring compliance with contractual requirements, coordinating required reviews and approvals, addressing issues that arise during the term of the agreement, and evaluating the effectiveness of the arrangement. The Contract Owner does not have authority to modify contractual terms or otherwise bind the College unless separately authorized to do so.

Third-Party Provider: An entity, institution, or organization that has a contract or written arrangement to provide services to the College.

Written Arrangement (otherwise known as contract or agreement): An arrangement wherein the College outsources some portion of one or more of its educational programs or educational business operations to a Third-Party Provider that is not an accredited institution of higher education.

IV. Review and Oversight

- A. The decision to enter into a Written Arrangement with a Third-Party Provider shall be made by the sponsoring office in consultation with the appropriate Senior Vice President and in accordance with College procurement requirements.
- B. Written Arrangements with Third-Party Providers shall be reviewed, approved, and executed in accordance with applicable College policies, procedures, and review processes, including:
 - 1. 63001: Procurement, Consultant Services, and Contracts.
 - 2. 76004: Information and Communication Technology Accessibility.

Additional reviews, including information security, risk management, financial, insurance, or other reviews, shall be completed as required based on the nature of the services provided.

- C. The sponsoring office should designate a Contract Owner responsible for oversight of the arrangement, including coordinating required reviews and approvals, maintaining required records, monitoring provider performance, conducting periodic assessments, and ensuring that required documentation is maintained in accordance with this Guidance.
- D. The Contract Owner shall ensure that material modifications, renewals, extensions, and termination of a Third-Party Provider arrangement are documented and reported in accordance with this Guidance and applicable College policies, procedures, and records management processes.

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- E. Written approval from MSCHE shall be obtained through the substantive change process whenever required by applicable MSCHE requirements before the arrangement is implemented.

V. MSCHE Required Contract Provisions

The following provisions represent the minimum requirements under this Guidance. Additional terms and conditions may be required by applicable College policies, procedures, procurement requirements, legal requirements, or the nature of the services being provided.

- A. Description of the services provided by the College.
- B. Description of the services provided by the Third-Party Provider, including how such services will be delivered.
- C. The period of the agreement.
- D. Institution that will award credit and degree(s), if applicable.
- E. Compensation for services by each party, including faculty.
- F. Terms of evaluation and conditions under which the contract may be terminated and/or renewed.
- G. Protections for students if contract is terminated or amended, if applicable.
- H. Protections for the secure maintenance of student records, if applicable.
- I. Procedures for addressing grievances.
- J. Venue(s) for addressing perceived breach of contract, including appropriate legal jurisdictions.
- K. Compliance with applicable federal, state, and local laws governing the services provided.

VI. Records

The College shall maintain a central repository of Third-Party Provider arrangements and associated records. The repository shall include, as applicable:

- A. A list of Third-Party Providers.
- B. The educational program, service, function, or operation supported by the Third-Party Provider.

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- C. A description of the services provided by the Third-Party Provider.
- D. The percentage of an educational program delivered by the Third-Party Provider, if applicable.
- E. The Written Arrangement with the Third-Party Provider.
- F. Documentation of assessments and evaluations of the Third-Party Provider.

VII. Disclosure

The College will provide disclosures when a portion of an educational program is delivered by a Third-Party Provider, via website and program publication, including the following information, at a minimum:

- A. A description of the Written Arrangement, in clear, concise, student-focused language.
- B. Information related to the portion of the educational program that the other entity will provide.
- C. Method of delivery for the portion of the program that the College does not provide.
- D. Estimated additional costs that students may incur as a result of enrolling in a program offered through the Written Arrangement.

VIII. Assessment

- A. The College shall regularly assess and evaluate Third-Party Providers and the services, programs, functions, or activities they provide on behalf of the College to ensure compliance with contractual obligations, applicable accreditation standards, legal requirements, and College policies and procedures.
- B. The sponsoring office, under the direction of the Contract Owner, shall conduct an assessment of the Third-Party Provider at least once during each contract term and, when practicable, prior to renewal of the agreement. Additional assessments may be conducted as warranted by the nature of the services provided or identified concerns regarding performance or compliance.
- C. Assessment activities shall be tailored to the nature, scope, risk, and complexity of the arrangement and may include, as appropriate, review of service quality and effectiveness, performance measures, contractual compliance, stakeholder feedback, student outcomes, operational outcomes, and other relevant indicators.

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- D. Assessments shall be conducted by College employees with appropriate expertise and knowledge of the services being provided and applicable College policies, procedures, and accreditation requirements.
- E. Assessment findings shall be documented and used to inform decisions regarding continuation, renewal, modification, corrective action, or termination of the arrangement. When deficiencies or concerns are identified, the sponsoring office shall document and monitor appropriate corrective actions.

Administrative Approval and Issuance:

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Frequently Asked Questions

Question: Do all internship, clinical placement, practicum, or student teaching agreements fall under this Guidance?

Answer: Routine placement agreements used to provide students with internships, clinical experiences, practica, or student teaching opportunities are generally not subject to the same level of review as agreements in which a third party is providing significant operational, instructional, recruitment, or student support services on behalf of the College. In most cases, these arrangements primarily provide a supervised placement site while the College retains responsibility for curriculum, academic oversight, and student evaluation.

However, additional review may be required when an external organization assumes a more substantial role in the delivery or administration of an educational program or service. Examples may include arrangements in which a third party delivers instruction, evaluates student performance independently, provides extensive student support services, accesses sensitive student data, recruits students, or otherwise performs functions that are central to the College's educational or operational responsibilities. In such cases, the arrangement may fall within the scope of this Guidance and require additional institutional review and approval.

Question: When is written approval from MSCHE through the substantive change process required for using a Third-Party Provider?

Written approval from MSCHE through the substantive change process may be required in several circumstances involving Third-Party Providers. At the time this Guidance was adopted, examples included:

- When a Third-Party Provider delivers 25 percent or more of an educational program.
- When the College outsources some portion of one or more educational programs or educational business operations to a Third-Party Provider that is not accredited by a U.S. Department of Education-recognized accreditor and does not participate in Title IV federal student aid programs.
- When an Online Program Manager (OPM) delivers 25 percent or more of a credit-bearing educational program.

MSCHE requirements may change over time. Therefore, the Accreditation Liaison Officer should be consulted when an arrangement may trigger MSCHE substantive change requirements or when there is uncertainty regarding their applicability.