



SUBSTANTIVE CHANGE POLICY

POLICY NO:
6-003

Responsible Unit: Institutional Accountability and Accreditation	Effective Date: July 19, 2021
Responsible Official: Vice Chancellor for Institutional Accountability & Accreditation	Last Reviewed Date: July 19, 2021
Policy Classification: Governance	Last Revised Date: July 19, 2021
	Origination Date: February 19, 2014

I. POLICY PURPOSE

The purpose of this substantive change policy is to establish the requirements and procedures to ensure that Southern University Law Center notifies the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) and the American Bar Association (ABA) of all substantive changes in a timely fashion, and when required, seeks approval prior to the initiation of the substantive change.

II. POLICY SCOPE

This policy applies to all SULC faculty and staff members who have the authority to initiate, review, approve, or allocate resources to changes that may be considered a substantive change. Academic and support units, committees, or administrators proposing and/or approving changes that are substantive in nature must receive prior approval from both the Chancellor and the Vice Chancellor for Institutional Accountability and Accreditation.

III. POLICY COMPLIANCE

Failure to comply with this substantive change policy and the required policies and procedures of either SACSCOC or the ABA may result in the loss of SULC's title IV funding, or SULC may be required to reimburse the U. S. Department of Education for any money it received for programs related to the unreported substantive change. In the event of non-compliance, SULC's accreditation may be revoked, it may be placed on probation through the ABA Rule 13 procedure, or SULC could have its approval or membership revoked or may be subject to

sanctions by either the SACSCOC Board of Trustees or the ABA Council.

In addition, SULC may not apply for acquiescence for a substantive change under the ABA Standards if SULC (1) is on probation; (2) has received a finding of significant non-compliance with one or more Standards under Rule 11(a)(4); (3) has been subject to such action by the ABA Council over the prior three academic years; or (4) is under a provisional certification under Title IV Of the Higher Education Act of 1965, unless SULC can show that the substantive change will assist it in making progress toward achieving full compliance.

The foregoing notwithstanding, SULC is compelled to maintain compliance at all times with the standards and procedures of both accrediting bodies. (i.e., SACSCOC Standard 14.2 (Substantive Change) of the *Principles of Accreditation* and with *Substantive Change Policy and Procedures* and with all Standards of the American Bar Association for the Approval of Law Schools).

IV. POLICY DEFINITIONS

Under this Policy, a substantive change will be sub-divided into three specific categories encompassing either notification and approval from SACSCOC before implementation, notification only to SACSCOC prior to implementation, or acquiescence from the Council of the ABA Section on Legal Education and Admission to the Bar.

A. NOTIFICATION AND APPROVAL FROM SACSCOC

- Changing SULC's governance.
- Substantially changing SULC's established mission or objectives or its programs.
- Changing SULC's legal status, form of control, or ownership.
- Merging / consolidating SULC with two or more institutions or entities.
- SULC acquiring another institution or any program or location of another institution, which requires a substantive change committee visit.
- Relocating SULC to an off-campus instructional site (including a branch campus).
- Offering courses or programs at a higher or lower degree level than currently authorized.
- Adding graduate programs to SULC's curriculum although SULC was authorized to only offer a professional law degree program (including degrees, diplomas, certificates, and other for-credit credentials).
- Changing SULC's method of measuring student progress, whether in clock hours or credit-hours; semesters, trimesters, or quarters; or time-based or non-time-based methods or measures.

- Adding a program to SULC's curriculum that is a significant departure from the existing programs, or method of delivery, from those offered when SULC was last evaluated.
- Initiating programs by distance education or correspondence courses.
- Entering into a written arrangement under 34 C.F.R. §668.5 under which an institution or organization not certified to participate in the Title IV Higher Education Act (HEA) programs offers over 25% but less than 50% of SULC's program's content.¹
- Substantially increasing or decreasing the number of clock hours or credit hours awarded or competencies demonstrated, or an increase in the level of credential awarded, for successful completion of one or more programs.
- Adding a competency-based program whereby 50% or more of the program may be earned through direct assessment.
- Adding programs with completion pathways that recognize and accommodate a student's prior or existing knowledge or competency.
- Adding a new off-campus instructional site/additional location including a branch campus.
- Adding a permanent location at a site at which an institution is conducting a teach-out program for students of another institution that has ceased operating before all students have completed their program of study.
- Closing an institution, a program, a method of delivery, an off-campus instructional site, or a program at an off-campus instructional site.

B. NOTIFICATION ONLY FROM SACSCOC BEFORE IMPLEMENTATION

- Entering into a cooperative academic arrangement.
- Off-Campus Institutional Site Name or Address Change
- Adding an additional method of delivery to a currently offered program.
- Entering into a cooperative academic arrangement with a Title IV entity.
- Off-campus Instructional Site Closure Re-Opening.
- Joint academic award with a SACS approved institution.

¹ A cooperative agreement whereby the non-Title IV institution/entity will offer more than 50% of SULC's program content is prohibited by federal regulation (i.e., 34 C. F. R. §668.5).

- Awarding a dual academic award.
- Adding a competency-based education program in which 25% to 49% of the program may be earned through direct assessment.
- Entering into a written arrangement under 34 C.F.R. §668.5 under which the institution or organization not certified to participate in the Title IV Higher Education Act (HEA) programs will offer less than 25% of SULC's program's content.

C. ACQUIESCENCE FROM THE COUNCIL OF THE ABA SECTION ON LEGAL EDUCATION & ADMISSION TO THE BAR

- Acquiring another law school, program, or educational institution.
- SULC acquiring or merging with another university where it appears that there may be substantial impact on SULC's operation.
- Transferring all, or substantially all of SULC's program of legal education or assets to another law school or university.
- SULC's merger or affiliation with one or more approved or unapproved law schools.
- SULC's merger or affiliation with one or more universities.
- SULC's material modification of its legal status or institutional relationship with the Southern University System.
- A change in control of SULC's ownership or contractual arrangement.
- A change in the location of SULC's campus that could result in substantial changes in SULC's faculty, administration, student body, or management.
- SULC's establishment of a branch campus or separate location.
- A significant change in SULC's mission or objectives.
- The addition of courses or programs that represent a significant departure from existing offerings or method of delivery for SULC since the latest evaluation including instituting a new full-time or part-time division, instituting a Distance Education J.D. Program, or establishing a new or different program leading to a certificate or degree other than a J.D. degree.
- The addition of a permanent location at which the law school is conducting a teach-out program for students at another law school that has ceased operating before all students have completed their program of study.
- Contracting with an educational entity that is not certified to participate in Title IV, HEA programs, that would permit a student to earn 25% or more of the course credits required for graduation from SULC.

- Adding a program to SULC's curriculum that is a significant departure from the existing programs, or method of delivery, from those previously offered.
- A change in program length measurement from clock hours to credit hours.
- A substantial increase in the number of clock or credit hours required for graduation.
- The addition of each direct assessment program.

V. POLICY AND APPLICABLE PROCEDURES

Specific requirements are addressed by substantive change type, organized by institutional changes, off-campus instructional site/additional location changes, and program changes. All substantive changes must conform to the following procedures and deadlines:

A. SUBMISSION DEADLINES:

1. AMERICAN BAR ASSOCIATION

The deadlines for applications for Acquiescence in a Substantive Change from the American Bar Association is dependent on when the Council of the ABA Section on Legal Education and Admission to the Bar is scheduled to hold its meetings. The Council meets every February, May, August, and November. Applications are due approximately three months before its scheduled meetings. The schedule for ABA Council meetings is updated annually and posted on the ABA website. The Vice Chancellor for Institutional Accountability and Accreditation must be consulted at least 60 days before the scheduled application deadline for any matters requiring an application for Acquiescence in a Substantive Change from the American Bar Association.

2. SACSCOC

Substantive change prospectus, application, and notification submission deadlines depend on (1) the type of SACSCOC Board of Trustees review, if required; and (2) the intended implementation date of the substantive change. The SACSCOC substantive change procedures, as well as the requisite approval instructions can be accessed at: <https://sacscoc.org/app/uploads/2019/08/SubstantiveChange.pdf#page=63>.

For a substantive change requiring approval by the full Board of Trustees (which meets biannually), to be implemented after the date of the Board meeting, the submission deadlines are:

- **March 15** for review at the Board's biannual meeting in June of the same calendar year, and
- **September 1** for review at the Board's biannual meeting in December of the same calendar year.

For a substantive change requiring approval by the Executive Council of the Board of Trustees (which meets year-round), the submission deadlines are:

- **January 1** for changes to be implemented July 1 through December 31 of the same calendar year, and

- **July 1** for changes to be implemented January 1 through June 30 of the subsequent calendar year.

For a substantive change requiring notification only, said notification can be submitted any time before implementation. Once SULC has submitted notification, it may implement before receiving a response from SACSCOC. If there are deficiencies or additional information needed about the notification, the Vice Chancellor for Institutional Accountability and Accreditation will be contacted by SACSCOC at the time of review for resolution and before action is taken. This applies to notifications only, not to approvals: changes requiring approval cannot be implemented until approved by the SACSCOC Board of Trustees.

- For a substantive change to close a program, site, program at a site, or method of delivery, a teach-out plan should be submitted as soon as possible after the decision is made to close (i.e., stop admitting students).

B. ACCREDITATION CYCLE: Some types of substantive changes will affect SULC's reaffirmation of accreditation cycle such as:

1. a merger/consolidation, acquisition of an institution, or change of ownership normally affects the reaffirmation cycle.
2. a change of governance, means of control, or legal status or form may affect the reaffirmation cycle.
3. acquiring a program or site from another institution normally will not affect the reaffirmation cycle.
4. all other types of substantive change normally will not affect the reaffirmation cycle.
5. extensive substantive changes may affect the reaffirmation cycle.

For this reason, all faculty or staff members who have the authority to initiate, review, approve, or allocate resources to changes that may be considered a substantive change must immediately inform both the Chancellor and the Vice Chancellor for Institutional Accountability and Accreditation before the substantive change is implemented to preserve SULC's accreditation status and to maintain its continued compliance with all SACSCOC and ABA Standards.

C. SUBSTANTIVE CHANGE DECISION:

If SULC's substantive change application or its application for acquiescence in a substantive change has been approved, it will receive either:

- a. An approval letter stating that the application has been granted by the SACSCOC Board of Trustees; or
- b. A decision letter from the Managing Director over the review process for the ABA Council.

Neither the ABA nor SACSCOC can accept notification or approve changes not identified and required in its policies or standards. No action will be taken for matters that are not in accordance with ABA Standards or SACSCOC Standards and/or policies.

1. AMERICAN BAR ASSOCIATION

If the ABA Council denies an application for acquiescence in a substantive change, or if an application for acquiescence in a substantive change is withdrawn by SULC, SULC shall not reapply until it is able to certify in its application that it has addressed the reasons for the denial or withdrawal, explains how it has done so, and is able to demonstrate that it is operating in compliance with the Standards. Under no circumstances is the ABA Council's decision retroactive. However, if the ABA Council approves SULC's application for acquiescence, then SULC would continue to be reported as an ABA-approved law school.

2. SACSCOC

A substantive change application that is denied approval by the SACSCOC Board of Trustees is not appealable. All actions are final. Should the application be granted, SULC must implement those substantive changes within two (2) years of the approval date for the substantive change. If the implementation is not enacted within two years, SULC will be required to submit a new prospectus or application to the SACSCOC Board of Trustees. SULC may, however, revise and resubmit a prospectus or application without prejudice. SULC may also seek an extension for cause for the implementation of the substantive change from the SACSCOC Board of Trustees.

B. APPEAL, LITIGATION, AND ARBITRATION:

1. SACSCOC

A denial of approval of a substantive change decision is final and should SULC engage in the appeals process, in litigation or in arbitration with SACSCOC, it *will not* be eligible for a substantive change.

2. AMERICAN BAR ASSOCIATION

SULC may appeal the decision of the ABA Council within 10 days of receiving the decision letter from the Managing Director. However, SULC may appeal the decision if it is either (1) arbitrary and capricious and not supported by the evidence in the record; or (2) inconsistent with the rules and procedures and the inconsistency is prejudicial to SULC. SULC maintains the burden of proof for the appeal. A decision shall, however, be rendered within 130 days of the appellate hearing.

- C. **INSTITUTIONAL TEACH-OUT PLANS:** Should SULC's application for a substantive change involve an imminent institutional closure of SULC's campus or of one of its branch locations, then SULC will be required to submit an institutional contingency teach-out plan, or an institutional closure teach-out plan as described in policy materials on the SACSCOC and the ABA websites.

D. APPROVAL DATE:

1. SACSCOC

The approval date of a substantive change is the date of the SACSCOC response letter, and said approval is dependent on compliance with SACSCOC policies. A substantive change is included in the scope of the institution's accreditation as of the approval date.

2. AMERICAN BAR ASSOCIATION

Once a decision has been made by the ABA Council, the Managing Director will promptly inform the SULC Chancellor and the Southern University System President of the decision in writing. The application will only be considered if it follows Rule 24 of the ABA Standards & Rules of Procedure for Approval of Law Schools, and SULC must demonstrate that the change will not detract from SULC's ability to remain in compliance with ABA Standards. Finally, the approval date will be the date of the notification from the Managing Director.

BOARD REVIEW PATHWAYS: Approval, or denial of approval, of a proposed substantive change is granted:

- a. by the full SACSCOC Board of Trustees, or
- b. by the Executive Council of the SACSCOC Board of Trustees on behalf of the full Board, or
- c. by the Managing Director from the ABA Council.

E. DEFERRAL: A substantive change submission reviewed by SACSCOC, or the ABA Council may be deferred for additional information or for an explanation from SULC.

1. AMERICAN BAR ASSOCIATION

The ABA Council or the Managing Director may appoint a fact finder and defer its decision as to SULC's application for acquiescence in a substantive change until after the fact finder has completed its inquiry into SULC's compliance with ABA Standards. Failure to comply with the appointed fact finder or with the request for additional information could result in a hearing before the ABA Council to determine whether to impose sanctions or specific remedial action against SULC.

2. SACSCOC

If SACSCOC staff believes, after review and two deferrals, that it does not have a sufficient basis to accept notification or to recommend approval, then the staff, in its sole discretion, may refer the notification, prospectus or application to the full Board of Trustees at its earliest possible regularly scheduled biannual meeting. SULC will then have a maximum of 180 days to respond to said deferral; otherwise, the submission is rejected. SULC may, however, elect to revise and resubmit at its discretion.

F. DISCLOSURE:

1. SACSCOC

At the time a substantive change application is submitted for approval, SULC is required to disclose on the Substantive Change Cover Sheet (which must accompany each submission) whether SULC

- a. is currently on sanction (Warning, Probation, or Probation for Good Cause),
- b. has been on sanction within the last three academic years,
- c. is currently under provisional certification for participation in federal financial aid programs as defined in defined in 34 C.F.R. § 668.13, or
- d. is currently on reimbursement for title IV federal student aid programs.

The above information determines if SULC is on SUBSTANTIVE CHANGE RESTRICTION or if approvals are subject to review only by the full SACSCOC Board of Trustees at its biannual meetings (rather than the Executive Council of the Board).

2. AMERICAN BAR ASSOCIATION

If SULC elects to make a public disclosure of the ABA Report from the Managing Director on its application for acquiescence on a substantive change, it must first notify the Managing Director before the intended disclosure date. However, a release to the SULC faculty, to the Southern University System or to the Board of Directors does not constitute a public release or disclosure of the ABA Report.

G. MAINTAINING OFF-CAMPUS INSTRUCTIONAL SITE / ADDITIONAL LOCATIONS ACCURACY AND COMPLETENESS:

1. SACSCOC

SULC is obligated to maintain an accurate record with SACSCOC and the ABA Council of off-campus instructional site names and addresses. A site name or address change is submitted to SACSCOC as a substantive change notification. Updating site names, addresses, or closures on the Institutional Summary Form submitted as part of reaffirmation or fifth-year interim reviews is insufficient; SULC remains responsible for submitting a substantive change to maintain site records. If SULC identifies an error in a site record, the SACSCOC staff will work with SULC to resolve the error. An address change is not the same as a relocation, and all inquiries for site changes must be routed through the Vice Chancellor for Institutional Accountability and Accreditation.

2. AMERICAN BAR ASSOCIATION

Pursuant to ABA Standard 106, SULC, in offering a separate location, must provide sufficient data to the ABA that it has: (1) adequate full-time faculty to support the curriculum offered; (2) sufficient library resources and staff that is accessible to the student body; (3) sound academic advising, career and student services; (4) access to co-curricular activities and other educational benefits; and (5) appropriate physical facilities and technological capacities—all of which is to support the curriculum and the student body at the separate location. In addition, SULC is expected to provide a reliable,

showing that its branch campus has achieved substantial compliance with ABA Standards and is reasonably likely to achieve full compliance within 3 years of the effective date of acquiescence as required in Rule 25 of the ABA Rules of Procedure for Approval of Law Schools.

H. NON-ENUMERATED CHANGES:

1. SACSCOC

SACSCOC reserves the right to consider an institutional change, or a group of changes, as constituting a substantive change even though such change is not specifically enumerated in the Substantive Change Policy and Procedures. SACSCOC may require SULC to submit materials related to the change(s) for review by staff and for possible review and action by the SACSCOC Board of Trustees. SACSCOC may also authorize a substantive change committee to conduct a site visit to the SULC campus.

2. AMERICAN BAR ASSOCIATION

Either the ABA Council or the Managing Director may appoint a fact finder if it determines that additional information or materials are needed in its assessment of SULC's compliance with ABA Standards while evaluating the application for acquiescence in a substantive change pursuant to Rule 8 of the Rules and Procedures for Approval of Law Schools.

- I. POSSIBLE NON-COMPLIANCE:** If the review of a substantive change notification, prospectus, or application for acquiescence suggest that the materials are not in compliance with any of the Principles of Accreditation for SACSCOC policies or with any of the ABA Standards, both the ABA and SACSCOC reserves the right to conduct a further review. SULC may be required to submit materials related to the possible non-compliance for review by both accrediting bodies. Further review may be warranted even if the related prospectus or application is withdrawn or if the substantive change is denied approval.
- J. SYSTEMS:** Because SACSCOC accredits institutions and does not accredit systems, SULC must be the entity that submits the substantive change application. Neither the Southern University System nor any state coordinating boards may submit a substantive change application on SULC's behalf. The Southern University System may coordinate with SULC where practicable, but SULC is ultimately responsible for its substantive change submissions. The ABA Council mandates SULC as the responsible entity for filing an application for acquiescence in a substantive change.
- K. SUBMISSION AUTHORITY:** The Vice Chancellor for Institutional Accountability and Accreditation must receive the approval of the Chancellor before submitting a substantive change application to SACSCOC or an application for acquiescence in a substantive change to the ABA Council.
- L. WITHDRAWAL:** According to SACSCOC policies, SULC may withdraw a substantive change application, prospectus, or notification at any point during the review process. However, if a substantive change has been approved or notification accepted, it cannot be

withdrawn. The ABA does not have a specific standard to address how SULC may or should withdraw an application for acquiescence in a substantive change.

V. POLICY HISTORY AND REVIEW CYCLE

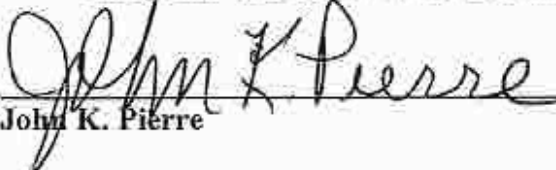
The Chancellor and the Vice Chancellor for Institutional Accountability and Accreditation shall be the responsible parties for implementation of the Substantive Change Policy, and this policy shall be subject to approval by the Southern University Law Center faculty. This Policy is subject to a five-year policy review cycle unless changes in ABA Standards or SACSCOC Policies require an earlier review.

VI. PUBLICATION OF POLICY

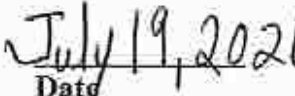
The Policy is published on the SULC website at www.sulc.edu.

VII. POLICY APPROVAL

This policy was approved by the Faculty on July 19, 2021.



John K. Pierre



Date