



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
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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

