

Marywood University

Policies and Procedures

Third-Party Providers Policy

Policy Statement:

As a member institution of the Middle States Commission on Higher Education ("MSCHE" or the "Commission"), Marywood University is responsible for ensuring the quality, ethics, integrity, and transparency of all activities conducted in its name, including services and educational programming which third-party providers ("TPP") deliver. Marywood is committed to the thorough review of the quality and integrity of institutional services and programs delivered through partnerships with TPP. The purpose of this policy is to outline Marywood's expectations for its work with TPP. Marywood engages third-party providers, not individual faculty or staff.

Definitions:

Accreditation activities- All activities, including but not limited to reviews, reports, visits, which Commission representatives conduct related to Marywood's accreditation phase, accreditation status, or scope of accreditation occurring throughout the accreditation review cycle and during monitoring activities.

Articulation agreement- An agreement between or among institutions of higher education that specifies the acceptability of courses in transfer toward meeting specific degree or program requirements. The Commission does not need to approve these agreements prior to implementation.

Educational program- A legally authorized postsecondary program of organized instruction or study that leads to an academic, professional, or vocational degree, or certificate, or other recognized educational credential, or is a comprehensive transition and postsecondary program, as described in 34 CFR part 668, subpart O; and (ii) in lieu of credit hours or clock hours as a measure of student learning, utilize direct assessment of student learning, or recognize the direct assessment of student learning by others, if such assessment is consistent with Marywood's accreditation utilizing the results of the assessment and with the provisions of § 668.10(as defined in 34 CFR § 600.2).

Learning Management Systems (LMS). Software application designed to support and manage the delivery of educational content and services to learners, faculty, and staff in higher education institutions.

Online program manager (OPM). Online providers that generally provide technology related support or services to assist Marywood with the delivery of online or distance education programs. Such services may include, but are not limited to, the learning management system (LMS), instructional design, market research, marketing and student recruiting, enrollment management, and/or student retention services. (definition adapted from Government Accountability Office, or GAO)

Third-Party Provider. An entity, institution, or organization with which Marywood University has a written arrangement and/or contract to provide services to the institution. A TPP is considered ineligible if it is not accredited by a United States Department of Education (USDE) accreditor and is not certified to participate in Title IV programs.

Examples of the services which TPP may provide to Marywood include: (1) educational services such as teach/instruction; (2) student support services such as tutoring/advising/counseling, international student management, marketing, recruitment, advertising, Campus Safety, food or dining services; (3) services for the assessment of student learning; (4) operations or business functions of the institution such as procurement, information technology, human resources.

An employee of Marywood is not considered a third-party servicer, so long as they are not employed by or associated with a third-party servicer for an outside organization (34 CFR 668.2)

Transfer agreement. An agreement typically between institutions in the same system or between institutions of higher education within the same service area. The determinations for transfer of credit will be based on local/campus equivalencies and without reference to fulfillment of specific requirements for a degree or credential. These types of agreements do not require Commission approval prior to implementation.

Written arrangement. A written arrangement wherein an institution outsources some portion of one or more of its educational programs or educational business operations to a third-party provider that is not accredited. For purposes of substantive change, the institution is outsourcing more than 25 percent of credit-bearing educational programs to another institution or organization that is not certified to participate in Title IV, HEA programs.

Types of Arrangements Covered

This policy covers arrangements with a TPP, which is an entity, institution, or organization that has a contract or written arrangement to provide services to Marywood. The covered arrangements include the following:

1. Delivery of student learning opportunities such as non-credit, workforce development, internships, clinical experiences, student teaching and/or credit bearing educational programs (MSCHE Standards III & IV);
 2. Student support services such as advising, counseling, tutoring, international student management (such as English as a Second Language (ESL) support), marketing, recruitment, advertising, campus safety, food or dining services (MSCHE Standard IV);
 3. Services for the assessment of student learning (MSCHE Standard V);
- and
4. Operational or business functions of the institution such as procurement, information technology, or human resources (MSCHE Standard VI).

Arrangements with third-party providers can be in different forms, such as written arrangements, contracts, articulation and transfer agreements. The Commission does not need to approve articulation agreements and transfer agreements with other accredited institutions of higher education prior to implementation but will review them during accreditation activities in accordance with *Standards for Accreditation and Requirements of Affiliation (Fourteenth Edition)*, *Learning, and Articulation Agreements Policy and Procedures*.

The Commission's review of third-party providers does not include contracts that are solely for goods, books, supplies, products, equipment, or software programs.

General Responsibilities

- A. Any contract, articulation agreement, or transfer agreement with a TPP must ensure that Marywood University retains responsibility for management, assessment, oversight and support of the third parties that deliver services and programs on its behalf.
- B. At a minimum, all such contracts must address the following:
 - a) Description of the service which Marywood will provide;
 - b) Description of the services which the TPP will provide including how such services will be delivered and what percent, if any, of credit-bearing educational programs the third party will deliver.
 - c) Period of agreement,
 - d) Institution that will award credit and degree, if applicable;
 - e) Compensation for services by each party, including compensation of faculty;
 - f) Terms of evaluation;
 - g) Conditions under which the contract may be terminated and/or renewed;
 - h) Protections for students if a contract is terminated or amended, if applicable;
 - i) Procedures for addressing grievances;
 - j) Venue for addressing perceived breach of contract, including appropriate legal jurisdiction.
- C. Contract owners shall ensure that all necessary internal and external approval requirements for written arrangements, contracts, and/or agreements with third-party providers are obtained before any agreement can be formalized, including but not limited to, working with Marywood's Office of Information Technology for any needed data requirements. Marywood is responsible for the accurate representation of the TPP's role and must ensure all required disclosures are made in clear, concise, student-focused language. The roles and titles of staff from the TPP must be accurately represented.
- D. Any agreement should ensure that Marywood University retains responsibility and oversight, including regular evaluation, of the following functions:
 - a) Marketing, advertising, and recruitment materials;
 - b) Admissions criteria;

- c) Tuition and fees;
 - d) Enrolled student records, including measures for privacy and security of such records;
 - e) Faculty qualifications and appointment;
 - f) Curriculum planning;
 - g) Course/ program content and rigor, including any intellectual property;
 - h) Outcomes assessment for student learning;
 - i) Academic advising and support services;
 - j) Awarding of course credit or degrees;
 - k) Transcripts
- E. Marywood University must obtain internal and external approvals for any TPP arrangements as set out in the University's policies, or as otherwise required by the University's Board of Trustees, Pennsylvania Department of Education, United States Department of Education, MSCHE, or other accrediting body:
- a. In any case where the University plans to outsource 100% of its key business operations or functions (e.g., IT, maintenance, security, etc.), the President must expressly approve the contract.
 - b. In any case where the University plans to enter into a contract with an institution, whether a state-run, private for-profit or non-profit organization, to administer any aspect of the University's participation in any Title IV HEA program, the President must expressly approve the contract.
- F. Marywood must obtain prior written permission, in the form of a substantive change request, from MSCHE in the following scenarios:
- a. When a TPP will deliver 25% or more of an educational program; or
 - b. When the institution outsources some portion of one or more of its

educational programs or educational business operations to a TPP that is not accredited (meaning it is not accredited by a United State Department of Education recognized accreditor and is not certified to participate in Title IV programs); or

- c. When an online program manager (OPM) will deliver 25% or more of a credit-bearing educational program. Such written arrangements for "delivery of the educational program" include any of the following: teaching, instruction, curriculum development, instructional design, online delivery of courses, assessment of student learning, marketing/recruitment, student support services, tutoring and/or advising; or
- d. The University must provide required notifications or obtain prior approvals from MSCHE in cases where less than 25% of a credit-bearing educational program is provided by a TPP; or
- e. All domestic and international written arrangements require a substantive change when the TPP or non-accredited entity delivers 25 percent or more of an educational program. The Commission must approve before implementation. All legal contractual documents must be in English and the translation must be a certified legal translation and accompanied by a Certificate of Translation Accuracy.

G. Assessing and Reporting TPP's

Marywood University will regularly conduct assessment and evaluation of all TPPs, as appropriate, by an appropriately credentialed representative of the institution. Such assessment may include: student feedback, observations from Marywood staff, ease of planning and scheduling, adequate completion of contracted key performance milestones, and partner institutions' capacity to support Marywood students.

Marywood's independent internal auditor shall conduct periodic reviews to ensure compliance of all aspects of the policies and

procedures relating to approval and administration of contracts with TPPs.

As appropriate, Marywood will disclose when a portion of an educational program is delivered by a third-party. Such disclosure will be made on the website and in the University catalog and will include:

- a) Description of the arrangement;
- b) Information related to the portion of the educational program provided by the TPP;
- c) Method of delivery, and
- d) Estimated additional costs (if any) that students may incur as a result of such enrollment.

Record-Keeping

Marywood will maintain all TPP agreements in a central database for Marywood or a Commission representative to conduct a regular review. At a minimum, the University will maintain the following:

- a. Complete list of third-party providers delivering student learning opportunities,
- b. Name of educational program, percent of program, and description of services (for agreements related to IV.B.);
- c. Written arrangement with the TPP, and
- d. Evidence of evaluation of the TPP

Policy History:

12/16/2024- The President of the University approved this policy as recommended by the Policy Committee of the University at their December 13, 2024 meeting.

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**Mary Theresa Gardier Paterson, Esquire
Secretary of the University and General Counsel**

