



October 27, 2017

Dr. Guy Bailey
President
The University of Texas Rio Grande Valley
1201 West University Drive
Edinburg, TX 78539

Dear Dr. Bailey:

Thank you again for the hospitality and helpfulness extended to the Special Committee during its recent **October 16 - 19, 2017**, visit to your institution. Enclosed is the final report prepared by the Committee.

The report represents the professional analysis and judgment of the Committee made in accordance with the *Principles of Accreditation: Foundations for Quality Enhancement* and is subject to review by SACSCOC Board of Trustees and its standing review committees—the Committees on Compliance and Reports. Some parts of the report are directly related to the requirements of the *Principles*, while others may represent advisory comments offered by the Committee in a spirit of helpfulness. A formal recommendation is included when a visiting committee judges that the institution is not in full compliance with a standard of the *Principles*. All recommendations included in the Report represent the collective professional judgment of the Committee. The Special Committee made no recommendations.

The Report of the Special Committee will be reviewed by the SACSCOC Board of Trustees at its December 2017 meeting. Final decisions on accreditation are posted on the SACSCOC website with public announcements regarding official actions made at the SACSCOC Annual Meeting in December.

If the institution elects to submit a response, a copy of that response will be forwarded to the SACSCOC Board of Trustees if received by November 6, 2017. *Guidelines for the response are enclosed and it is critical that they be followed when developing your institutional response.* Please submit **six copies** of your response **to the attention of Dr. Patricia Donat** at the office of the SACS Commission on Colleges.

Whether or not a response is submitted, please forward **six copies** of the additional documents provided to the Special Committee as outlined on the page Dr. Johnson shared with you at the at the exit conference. The Compliance and Reports Committee of the SACSCOC Board of Trustees will receive the Report of the Special Committee, your original monitoring report, these additional documents, and if submitted, your response.



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The Southern Association of Colleges and Schools Commission on Colleges endeavors to maintain a cooperative and constructive relationship with officials in system and state offices. However, because of the institutional nature of the accreditation process, it is preferable that these committee reports be furnished to the system or state offices by the institution rather than directly by the Commission office. Therefore, you will also find enclosed a second copy of the report.

An institution may publicly release its Special Committee Report; however, release of this report in its entirety or in part must be accompanied by the following statement: "The findings of the Special Committee represent a preliminary assessment of the institution at this time; final action on the report rests with SACSCOC Board of Trustees." If the institution releases part of its report, that part must contain a note stating: "A copy of the entire report can be obtained from the institution."

Please express my sincere appreciation to all members of your faculty and staff for their cooperation and assistance during the review process. As you develop your responses to the report, please feel free to call upon me if I can be of any assistance.

Sincerely,

A handwritten signature in cursive script that reads "Michael S. Johnson".

Michael S. Johnson, Ph.D.
Vice President
SACSCOC

MSJ/PLD:ecr

cc: Dr. Patricia L. Donat, SACSCOC Vice President

Enclosures



Southern Association of Colleges and Schools Commission on Colleges

REPORT OF THE SPECIAL COMMITTEE

Statement Regarding the Report

The Commission on Colleges will make its determination on the accreditation of an institution based on the findings contained in this committee report, the institution's response to issues contained in the report, other assessments relevant to the review, and application of the Commission's policies and procedures. Final interpretation of the Principles of Accreditation and final action on the accreditation status of the institution rest with the Commission on Colleges.

Name of the Institution: The University of Texas Rio Grande Valley

Date of the Review: October 16-19, 2017

SACSCOC Staff Member: Dr. Patricia Donat (not attending);
Dr. Michael S. Johnson (attending)

Chair of the Committee: Mr. Jonathan R. Alger
President, James Madison University
Harrisonburg, VA

Part I. Overview and Introduction to the Institution:

The University of Texas Rio Grande Valley (UTRGV) is a public, Level VI institution of 27,841 students (unofficial), headquartered in Edinburg, Texas.

By state legislation in 1991, a partnership was established between The University of Texas at Brownsville (UTB), then an upper-level institution, and Texas Southmost College (TSC), a community college, to provide a complete higher education experience for residents of the lower Rio Grande Valley. The partnership operated under the name The University of Texas at Brownsville/Texas Southmost College (UTB-TSC), and was accredited as a single institution in 1995 by SACSCOC. Due to issues related to complications in governance by two governing boards, the University of Texas (UT) System Board of Regents and the TSC Board of Trustees voted to terminate the partnership in late 2010 and early 2011, respectively. The Texas Legislature in 2011 formalized the termination of this partnership agreement on or before August 31, 2015, depending on TSC's being awarded separate accreditation by SACSCOC independent of the UTB-TSC partnership.

In 2012, the UT System Board of Regents approved a plan to establish a new university in South Texas to expand educational opportunities in this relatively impoverished part of the state, along the U.S.-Mexican border. Under the plan, The University of Texas-Pan American (UTPA) in Edinburg and UTB would be combined to provide sufficient financial and physical resources and facilities for this new institution. A legislatively established new institution would enable that institution to access needed financial support from The Permanent University Fund (PUF), the largest endowment for public institutions in the United States. Such access was not permissible under the Texas Constitution for pre-existing institutions in the UT System.

In June 2013, then-Texas Governor Perry signed into law a bill to establish the planned institution within the UT System, expressly stipulating that the university was "created at a later date" for purposes of the Texas Constitution so as to enable access to the PUF. This 2013 law mandated that the abolitions of UTPA and UTB were to occur when the UT System Board of Regents determined it would be "appropriate to achieve the maximum operating efficiency of the system." This legislatively created institution was named UTRGV by the UT System Board of Regents.

Planning and development of UTRGV's mission, goals, curriculum and academic programs, and organizational and administrative structures began in August 2013 and continued throughout 2014. In May 2014, UT System leadership discussed several options with SACSCOC leadership for the accreditation of UTRGV, and ultimately selected the merger of UTB and UTPA under the SACSCOC "Mergers, Consolidations, Change of Ownership, Acquisitions, and Change of Governance, Control, Form, or Legal Status" Policy with the intent for the merger to take place by July 2015. This plan depended on TSC first receiving separate accreditation from SACSCOC. In February 2015, UTRGV learned that TSC was not going to receive this approval from SACSCOC

at its June 2015 Board of Trustees meeting, and that a new course of action would thus be necessary.

At a meeting between UTRGV leaders and SACSCOC staff in February 2015, an option was selected to “[r]ename UTPA as UTRGV and continue UTB/TSC as a separately accredited institution until TSC became separately accredited.” The items discussed during that meeting were summarized in letter dated March 6, 2015 from SACSCOC to the institution. That letter did not include information regarding the process for establishing UTB-TSC as an off-campus instructional site for UTRGV. SACSCOC was notified in March 2015 that UTPA would be renamed UTRGV effective August 31, 2015. This notification was accepted by SACSCOC on March 27, 2015.

On May 5, 2015, UTPA notified SACSCOC of a new off-campus instructional site where students could earn less than 25% of credit for any one program effective August 31, 2015, on the UTB-TSC campus. Notification was accepted by SACSCOC on May 14, 2015. On August 26, 2015 UTPA notified SACSCOC that students could earn 25-49% of credit for several degree programs effective in the fall 2015 semester at the UTB-TSC off-campus site. Notification was accepted by SACSCOC on November 20, 2015.

In moving from the consolidation plan to the name change plan, UTRGV did not properly assess and determine whether it needed to reverse actions or seek SACSCOC approval of actions already taken in support of its originally planned fall 2015 consolidation. These actions included entry of UTB student records in the UTRGV student information system as continuing rather than transfer students, and a winding down of UTB operations such that UTB was left without faculty, staff, and students in fall 2015. The institution further failed to comply with SACSCOC substantive change requirements by offering 50% or more of a degree program at UTRGV's Brownsville off-campus teaching site effective fall 2015.

UTRGV, however, did not submit a prospectus to SACSCOC of its intent to offer 50% or more of credit for any one program on the UTB-TSC off-campus instructional site until September 14, 2015, with an effective date of January 2016.

Meanwhile during the fall 2015 semester, SACSCOC staff contacted UTRGV and requested information regarding the institution's representation of its status with the Commission. These requests were based upon misleading and inaccurate information included in the UTRGV website, UTRGV press releases, media reports, and correspondence with other accrediting agencies. During that time, SACSCOC also received several phone calls from accreditors and the U.S. Department of Education expressing confusion regarding the status of UTRGV and UTB-TSC. Following each communication, language was removed or revised, and corrective communications were disseminated, resulting in the closing of the SACSCOC inquiries.

On December 6, 2015, the SACSCOC Board of Trustees granted initial accreditation as a separate entity to Texas Southmost College.

On April 8, 2016, UTRGV and UTB submitted a merger and consolidation prospectus to SACSCOC for consideration at its June 2016 meeting. Following staff review of the

prospectus, SACSCOC submitted letters to both UTRGV and UTB requesting additional information regarding the current status of each institution as a separately accredited entity in continuous operation. The letter noted that UTRGV had effectively implemented consolidation with UTB in most, if not all, operational areas and may not have followed SACSCOC's policy and process regarding "Mergers, Consolidations, Change of Ownership, Acquisitions, and Change of Governance, Control, Form, or Legal Status." At the request of the President of SACSCOC, UTRGV contacted SACSCOC staff to seek counsel regarding a proposal to close UTB and to withdraw its prospectus for a UTRGV merger with UTB. On May 9, 2016, SACSCOC sent a letter to UTRGV summarizing recommended steps in light of telephone conversations and staff review of the prospectus. The letter recommended that UTRGV and UTB request that the prospectus be withdrawn and submit notification of the closure of UTB. In addition, a revised UTRGV Institutional Summary Form was requested. SACSCOC sent a letter confirming withdrawal of the prospectus on May 11, 2016.

On June 28, 2016, SACSCOC sent a letter to UTRGV requesting information regarding concerns raised by the withdrawn prospectus and Institutional Summary Form. Following staff review of the information, SACSCOC sent a second letter to UTRGV requesting additional information related to significant accreditation-related issues and notified the institution that the materials would be referred to the SACSCOC Board of Trustees' Committee on Compliance and Reports in December 2016.

Action was taken by the SACSCOC Board of Trustees on December 4, 2016, and the institution was placed on probation for 12 months following review of the institution's response to unsolicited information addressing compliance with the following standards: Principle 1.1 (Integrity), Comprehensive Standard ("CS") 3.4.4 (Acceptance of academic credit), CS 3.4.7 (Consortial relationships/contractual agreements), CS 3.5.2 (Institutional credits for a degree), CS 3.6.3 (Institutional credits for a graduate degree), CS 3.10.2 (Financial aid audits), CS 3.12.1 (Substantive change), CS 3.13 (Policy compliance: "Advertising, Student Recruitment, and Representation of Accredited Status"), CS 3.14.1 (Publication of accreditation status), and Federal Requirement 4.6 (Recruitment materials) of the *Principles of Accreditation*. On January 11, 2017, SACSCOC sent a letter to UTRGV notifying the institution of the Board's action and of its authorization of a Special Committee to visit the institution to review the institution's compliance with the *Principles of Accreditation*.

On February 24, 2017, UTRGV submitted a letter requesting a waiver of CS 3.5.2 and CS 3.6.3 relative to the teach-out plan for former students of UTB. A waiver was requested for degrees awarded fall 2015, during which time UTRGV did not have SACSCOC approval to offer 50% or more of an educational program on the Brownsville campus. A second waiver also was requested for degrees awarded spring through fall 2016 during which time UTRGV had received SACSCOC approval (on February 8, 2016) to offer 50% or more of an educational program.

On March 20, 2017, SACSCOC notified UTRGV that the Executive Council of the SACSCOC Board of Trustees had reviewed and approved the institution's request for the waiver of CS 3.5.2 and CS 3.6.3 relative to the teach-out for degrees awarded by UTRGV to former UTB students for the following academic terms: fall 2015, spring

2016, summer 2016, and fall 2016. The Executive Committee also noted in the letter that this action in no way addressed any of the other standards cited in the January 11, 2017 letter.

On September 7, 2017, UTRGV submitted a Monitoring Report to SACSCOC, responding to each of the cited standards noted above from the January 11, 2017 letter from SACSCOC.

The institution was well prepared for the Special Committee, and extended gracious hospitality throughout the visit. They provided extensive written materials describing actions and information covering the period since the Monitoring Report was completed, and organized by each relevant standard under review. They also provided additional documents and information as requested by the Special Committee. Finally, they provided ready access to administrators, faculty, staff, students, and UT System officials as needed for interviews.

Part II. Assessment of Compliance

A. Assessment of Compliance with Section 1: The Principle of Integrity

1.1 The institution operates with integrity in all matters. (Integrity)

UTRGV's response in the Monitoring Report, as well as the interviews with senior leaders at the institution such as the President and the Interim Provost, confirmed that UTRGV understands and has owned up to its previous errors related to accreditation standards as they apply to recent events. In the Monitoring Report, UTRGV acknowledges that upon receiving SACSCOC approval to rename UTPA to UTRGV, activities related to UTB (including the transition of faculty, staff, and students) should not have been implemented until TSC received separate accreditation. Interviews revealed that staff transitions at both the institutional and the system office levels added to the failure to recognize the problems with the planned approach already underway to absorb faculty, staff and students from UTB into UTRGV. The institution has worked closely with SACSCOC staff throughout the process of addressing the issues discussed in the January 11, 2017, Action Letter. The system office is building capacity to assist system campuses in working with SACSCOC in future accreditation processes.

Evidence in the Monitoring Report that was corroborated in interviews with the President and his team suggests that the President and his team took the lead in rapidly and effectively communicating the accurate accreditation status of UTRGV to each stakeholder group.

Among the actions taken by the UTRGV administration to correct misinformation were:

- A comprehensive website review, surveying 12,300 webpages and resulting in corrections to the accreditation status, the institution's history and other representations of the university on approximately 2,000 webpages.
- Correcting transcript information regarding the status of former UTB-TSC students, and also correcting errors on the back of the transcript regarding the history of the institution (in consultation with SACSCOC staff).
- Personal conversations with Rio Grande Valley state legislators and the Governor's office.
- Presidential communications to the university community via email and the UTRGV website starting December 6, 2016.
- Monthly updates on accreditation status and mitigation efforts to the Academic Affairs Executive Committee and the Academic Affairs Leadership Program, including the executive committee of the faculty senate.
- Presentations to the University Leadership Council and the Executive Leadership Council (seven in total).
- Notification to all program accreditors.
- Outreach to school districts, including high school counselors.
- Presentation to the Student Government Association leadership.
- Presentations to Cameron County stakeholders.
- Interview of the President by the campus paper, *The Rider*.

From interviews of internal stakeholders, including students, faculty and administrators, it is evident that the internal communications were effective and opportunities to ask questions were ample. The FAQ link on the institution's Accreditation webpage proved to be an effective tool for providing consistent answers to common questions.

The transition had significant consequences for some UTB-TSC students. Nonetheless, once the institution began addressing its initial error of treating former UTB-TSC students as legacy UTRGV students instead of classifying them as transfer students, the institution operated in good faith, both in terms of notifying students of the issue and in providing additional coursework with tuition waivers. Several impacted students interviewed indicated that while their graduation was delayed by the residency requirement, they received clear communications and advising, and financial support that allowed them to graduate, albeit some months after they had originally planned.

Internal procedures for reviewing and approving public release of institutional information are clear, with designated administrators responsible for approvals; these procedures are published on the institution's Marketing and Communications website. For example, the Associate Vice President for

University Marketing and Communications, who is the official university spokesperson, handles all inquiries seeking an official university response. The Web Communications Manager is responsible for assuring that all webpages present accurate institutional information.

C. **Assessment of Compliance with Section 3: Comprehensive Standards**

- 3.4.4** The institution publishes policies that include criteria for evaluating, awarding, and accepting credit for transfer, experiential learning, credit by examination, Advanced Placement, and professional certificates that are consistent with its mission and ensure that course work and learning outcomes are at the collegiate level and comparable to the institution's own degree programs. The institution assumes responsibility for the academic quality of any course work or credit recorded on the institution's transcript. **(Acceptance of academic credit)**

UTRGV incorrectly classified the students that were brought over from UTB-TSC as continuing students in its student system. The institution also recorded the courses brought over from UTB-TSC as UTRGV institutional credit rather than transfer credit, even though UTB-TSC was never a part of UTRGV. The data in the UTRGV student system related to the UTB-TSC transfer students has since been corrected. The UTB-TSC students are now classified as transfer students, and their coursework is correctly classified as transfer credit. The committee reviewed transcripts of multiple UTRGV students, including random samples of several transfer students from UTB-TSC, to verify that the data on these students is accurate.

The Monitoring Report outlines appropriate policies and procedures that are in place for the evaluating, awarding, and accepting of credit. The Committee reviewed and discussed those policies and procedures with various administrators, including the Registrar, the Associate Registrar, the Director of the Student Service Center and Undergraduate Admissions, and the Graduate College Dean. The policies and procedures for evaluating, awarding, and accepting transfer credit are consistent with good educational practice. Undergraduate coursework presented for transfer to UTRGV that is not a part of the Texas Common Course Numbering System (TCCNS) is evaluated using CollegeSource's online Transfer Evaluation System (TES). Coursework that cannot be validated through TCCNS or TES is sent to the appropriate academic department to determine if there is an equivalent UTRGV course. Graduate courses presented for transfer must be approved by the chair of the appropriate academic department, the College Dean, and the Graduate College Dean. The administrators interviewed have a clear understanding of those policies and procedures, and also understand why the UTB-TSC data that was brought over should have been classified differently.

The Committee also interviewed relevant administrators regarding the actions taken by UTRGV as a part of the process of correcting the UTB-TSC student data. The UTRGV Registrar's Office sent every student that was transferred over from UTB-TSC a corrected copy of their transcript. A copy of the cover letter that accompanied those transcripts was included in the Monitoring Report and provided to the committee for review.

UTRGV is also the custodian of record for former UTB-TSC students. The transcript is produced on legacy transcript paper so that transcripts for those students accurately reflect that the coursework was taken at UTB-TSC and not at UTRGV. The committee also reviewed examples of those transcripts and discussed with the Registrar and the Associate Registrar the decision to maintain those records separately, which is consistent with the American Association of Collegiate Registrars and Admissions Officers' recommendations.

- 3.4.7** The institution ensures the quality of educational programs and courses offered through consortial relationships or contractual agreements, ensures ongoing compliance with the *Principles*, and periodically evaluates the consortial relationship and/or agreement against the mission of the institution. **(Consortial relationships/contractual agreements)**

UTRGV acknowledges in the Monitoring Report that the Memorandum of Understanding between UTRGV and UTB-TSC, dated June 16, 2016, has been abandoned and is no longer in effect, and the institution acknowledges the serious error in initially enrolling students from UTB-TSC as continuing students. UTRGV has reclassified all former UTB-TSC students as transfer students and established a new procedure for developing educational partnership agreements.

The Chief Legal Officer and Deputy Provost confirmed that the MOU is no longer in effect and that the other party to the agreement, UTB-TSC, no longer exists.

The institution provided additional evidence related to several articulation agreements. The committee found these agreements to not fall under the scope of Comprehensive Standard 3.4.7. Interviews confirmed that the institution currently has no other consortial or contractual agreements that fall under this standard.

- 3.5.2** At least 25 percent of the credit hours required for the degree are earned through instruction offered by the institution awarding the degree. **(Institutional credits for an undergraduate degree).**

UTRGV incorrectly classified the coursework brought over from UTB-TSC as UTRGV institutional credit rather than transfer credit. As a result of that incorrect data, UTRGV awarded degrees in fall 2015 to students on the Brownsville campus using credits previously earned at UTB-TSC, and UTRGV was unable to provide evidence that the minimal requirements for institutional instruction (25%

of credits towards the undergraduate degree) was met for degrees awarded to former UTB-TSC students in the spring, summer, and fall 2016 terms. As part of the teach-out of UTB-TSC students, the SACSCOC Executive Council granted waivers to UTRGV for the degrees awarded in fall 2015, and spring, summer, and fall of 2016, that did not meet the institutional credit requirements of CS 3.5.2 and CS 3.6.3.

The coursework for the (undergraduate) transfer students from UTB-TSC is now accurately coded as transfer work in the UTRGV student system, and the Special Committee verified this by reviewing multiple transcripts of the former UTB-TSC students. Because the coursework from UTB-TSC is now accurately coded as transfer work, in the future it will not be used to meet the 25 percent standard set forth in CS 3.5.2.

The Committee interviewed various administrators, including the Registrar, the Associate Registrar, and the Director of Student Data Analysis & Projects to gain a better understanding of the systems and processes that are in place to verify that students who graduate meet the 25 percent standard set forth in CS 3.5.2. The DegreeWorks system provides a robust degree audit that is appropriately utilized to ensure compliance.

Additionally, all transfer students (undergraduate and graduate) who were enrolled at UTRGV in spring 2017 or after were sent letters explaining the 25 percent requirement for undergraduate students and the 33 percent requirement for graduate students. A copy of this letter was provided to the Special Committee for review. All transfer students who enroll in the future will be provided with information on residency requirements in their admissions letter. A sample admissions letter to a transfer student was provided in the Monitoring Report.

3.6.3 At least one-third of credits toward a graduate or a post-baccalaureate professional degree are earned through institution offered by the institution awarding the degree. **(Institutional credits for a graduate degree)**

UTRGV incorrectly classified the coursework brought over from UTB-TSC as UTRGV institutional credit rather than transfer credit. As a result of that incorrect data, UTRGV awarded degrees in fall 2015 to students on the Brownsville campus using credits previously earned at UTB-TSC, and UTRGV was unable to provide evidence that the minimal requirements for institutional instruction (one-third of credits towards the graduate degree) was met for degrees awarded to former UTB-TSC students in the spring, summer, and fall 2016 terms. The SACSCOC Executive Council granted waivers to UTRGV for the teach-out degrees awarded in fall 2015, and spring, summer, and fall of 2016, that did not meet CS 3.5.2 and CS 3.6.3.

The coursework for the (graduate) transfer students from UTB-TSC is now accurately coded as transfer work in the UTRGV student system, and the

committee has verified this by reviewing multiple transcripts of the former UTB-TSC students. Because the coursework from UTB-TSC is now accurately coded as transfer work, in the future it will not be used to meet the one-third standard set forth in CS 3.6.3.

The Committee interviewed various administrators, including the Graduate College Dean, to gain a better understanding of the systems and processes that are in place to verify that students who graduate meet the one-third standard set forth in CS 3.6.3. Based on materials in the Monitoring Report and interviews with appropriate personnel, it was clear to the Special Committee that degree requirements are appropriately audited to ensure sufficient institutional credits prior to graduation.

Additionally, all transfer students (undergraduate and graduate) who were enrolled at UTRGV in spring 2017 or after were sent letters explaining the 25 percent requirement for undergraduate students and the 33 percent requirement for graduate students. A copy of this letter was provided to the Committee for review. All transfer students who enroll in the future will be provided with this information on residency requirements in their admissions letter. A sample admissions letter to a transfer student was provided in the Monitoring Report.

3.10.2 The institution audits financial aid programs as required by federal and state regulations. **(Financial aid audits)**

UTRGV is audited by the Texas State Auditor as part of the University of Texas System for both the annual financial audit and the Single Audit Report. With the submission of the Monitoring Report, the institution provided the Single Audit Report for the State of Texas, which includes UTRGV, for the 2016 award year noted as July 1, 2015 through June 30, 2016. The audit, completed in February 2017, was conducted in accordance with the requirements of Title 2 U.S. *Code of Federal Regulations*, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) and Governmental Auditing Standards. As part of the Single Audit, financial aid for UTRGV is included in the annual *Report on State of Texas Compliance with the Federal Requirements for the Student Financial Assistance Cluster, For the Fiscal Year Ended August 31, 2016*. The audit for the 2017 fiscal year is currently underway and expected in spring 2018.

Seven audit findings are noted for UTRGV in the 2016 fiscal year. Each of the seven findings is a significant deficiency, a significant deficiency and non-compliance, or a material weakness and non-compliance. Across each finding, system access to Banner based on user roles and current job responsibilities is noted as a lack of internal control. None of the seven findings included any questioned cost. See Federal Requirement 4.7 in this report.

State student assistance aid available from TEXAS Grant funds was reviewed by the Texas Higher Education Coordinating Board in *A Compliance Desk Review*

of TEXAS Grant at The University of Rio Grande Valley. This document was included with the Monitoring Report. The institution currently disburses the largest allocation of any institution of TEXAS Grant funds totaling more than \$40.9M to 4,467 students. This report, conducted periodically, included no reportable errors.

3.12.1 The institution notifies the Commission of changes in accordance with the Commission's substantive change policy and, when required, seeks approval prior to the initiation of changes. **(Substantive change)**

The institutions learned that it would not be possible to move forward with a proposed plan to create UTRGV from the merger of two legacy institutions, UTPA and UTB (UTB-TSC), in the fall of 2015, due to the failure of TSC to gain separate accreditation in June of that year. The institutions moved forward with the project of creating a unified UTRGV and failed to notify or seek approval from the Commission regarding significant changes taken to accomplish this goal by fall 2015. These steps included migrating UTB-TSC students to UTRGV beginning fall 2015, and awarding degrees in the fall of 2015, using combined credits from the legacy institutions and UTRGV before UTB-TSC (or any of its component parts) was merged into UTRGV. The institutions did not communicate that UTB would operate "in name only" beginning in the fall of 2015, because the faculty, staff, students, and courses had been migrated to UTRGV. UTRGV only notified SACSCOC of a plan to provide 25-49% of a degree program at the UTB site beginning fall of 2015, and 50% or more beginning spring of 2016.

In the Monitoring Report, the institution (UTGRV) takes full responsibility for failing to report substantive changes that should have been submitted to and approved by the Commission prior to implementation. The institution clarified that it had misinterpreted the conditions that constituted offering 50% or more of a program at an off-campus site, which helped explain why it thought it could offer a much greater amount of coursework at the approved UTB site in the fall of 2015.

The institution outlined several initiatives it has undertaken to ensure that all future substantive changes are reported to the Commission as required by CS 3.12.1.

- (1) The institution developed and adopted a Substantive Change Policy as disclosed in the Monitoring Report. Subsequent to that time, the institution found it necessary to revise that policy. A revised Substantive Change Policy (dated 10/12/17), more consistent with SACSCOC policy, was furnished to the Committee during the onsite visit. The new policy has been reviewed and approved through Academic Affairs and is now in force and posted on the Provost's web site.
- (2) The new policy and its implications have been presented and discussed with all levels of academic administration. Substantive change is a

standing item at all meetings of the Academic Affairs Executive Committee and other standing academic committees. A Substantive Change Action Plan has been developed as a tool to guide administrators through processes that could result in substantive changes. The institution has offered formal training on SACSCOC policy and sent 19 individuals from across the university to participate in a summer workshop on substantive change. The institution also provided to the Committee a recent example of how substantive changes are being handled in light of the new policy.

- (3) The institution is increasing staff in the accreditation office reporting to the Deputy Provost/SACSCOC Liaison. UTRGV established a new position for fall 2017, Associate Provost for Institutional Accreditation (APIA). This new position will be devoted full-time to monitoring and promoting compliance with SACSCOC policies. The position was filled as of October 1, 2017.

The Committee conducted an interview with the Deputy Provost, the APIA, the Associate Provost for Assessment and Continuous Improvement, the Associate Dean of the College of Education and P-16 Integration, and the Associate Dean of the College of Health Affairs. The Deputy Provost and staff described the process leading up to the development, revision, and approval of the most recent Substantive Change policy. They also elaborated on the mechanisms initiated to ensure ongoing compliance, such as training, attendance at SACSCOC workshops and meetings, and frequent periodic updates at standing meetings in Academic Affairs. The new position of APIA is anticipated to bring substantial new capacity to the institution.

3.13.1 The institution complies with the policies of the Commission on Colleges. **(Policy compliance: “Advertising, Student Recruitment, and Representation of Accredited Status”)**

and

FR 4.6 Recruitment materials and presentations accurately represent the institution’s practices and policies. **(Recruitment materials)**

The Commission, in its letter of January 11, 2017, states that, “(t)he actions taken by UTRGV demonstrate misrepresentation to the general public and students on the website, in recruitment materials, and in press releases.” Specifically, the institution represented on its website and in recruitment materials that beginning in fall 2015, UTPA and UTB had become UTRGV when, in fact, UTB did not exist as a separate entity at that time. These representations had significant repercussions for students transitioning to the new institutional structure.

In the Monitoring Report, the institution accepts full responsibility for the failure to “reassess its transition activities” once it learned that TSC would not be separately accredited in the summer of 2015. It further acknowledges that the institution “did not change its timeline for opening in the fall of 2015”...nor did it “properly assess and determine whether it needed to reverse actions or seek SACSCOC approval of actions already taken in support of a consolidation by fall 2015.” Accordingly, the institution accepts responsibility for the misrepresentations contained in statements made regarding its existence and the status of UTB-TSC and UTPA students in fall 2015.

The institution has taken actions both to expunge misrepresentations from its materials and to put in place policies, procedures, and accountability measures to ensure the accuracy of its representations to students.

In order to correct the existing record, the institution scanned the entire UTRGV website and corrected more than 2,000 webpages to remove any inaccurate information regarding the history of the institution or any of its legacy institutions as well as the status of students from UTB-TSC who transitioned to UTRGV. In addition, recruitment materials referring to UTB were destroyed. The institution has corrected press releases containing inaccurate information and made the new versions available on the UTRGV website. New or edited content has been incorporated into the website and new recruiting materials have been developed and are updated on an annual basis. In consultation with SACSCOC staff, the institution has written an official history for use in communications to ensure consistency. The institution has developed clear policies to govern the production and approval of recruitment materials. Staff development and training have been implemented.

The Committee conducted interviews with the Vice President for Strategic Enrollment, the Dean of the Graduate College, the Associate VP for University Marketing and Communications, the Associate VP for Strategic Enrollment, the Associate Provost for Institutional Accreditation and the Graduate Recruiter. These conversations affirmed that the institution has made extensive efforts to communicate with all constituencies in a forthright manner regarding its institutional history and the status of students transitioning from the legacy institutions. These individuals mentioned initiatives and outreach targeted at the students most affected by the transition to UTRGV, including stop-out students and graduate students. The graduate school has also worked with faculty to ensure that they are equipped with the most up-to-date recruitment materials as they recruit potential graduate students. The Committee was able to affirm that significant changes in process and oversight have been put in place.

- 3.14.1** A member or candidate institution represents its accredited status accurately and publishes the name, address, and telephone number of the Commission in accordance with Commission requirements and federal policy. **(Publication of accreditation status)**

UTRGV now accurately reflects its accreditation status on its webpage at <http://www.utrgv.edu/en-us/about-utrgv/accreditation/index.htm> and in the graduate and undergraduate catalogs.

In a letter to the Compliance Manager at the Dallas School Participation Division of the U.S. Department of Education (DOE) dated September 6, 2017, UTRGV acknowledged errors made in prior communications to SACSCOC and the Department of Education regarding accreditation status. The DOE Compliance Manager responded in an email dated October 11, 2017, that UTRGV is covered under a Program Participation Agreement (PPA) under the name UT-Pan American that is in effect for UTRGV through December 31, 2018. During the site visit, the Special Committee asked for assurance that the DOE Compliance Manager's response represented an official DOE position. Documentation was provided that confirms that the Compliance Manager reports through the Division Director to the Washington office of DOE and speaks on behalf of the Office of Federal Student Aid of DOE. At the time of this Special Committee Report, there is no indication that the acknowledged misrepresentation of institutional status with SACSCOC will negatively impact UTRGV's eligibility for Title IV funding.

With respect to other constituencies and communications channels, UTRGV has engaged in extensive outreach to correct published information that incorrectly reported its history and accreditation status. The transcript paper has been corrected and older incorrect stock has been destroyed. Transcripts issued with incorrect representation of transfer credits from UTB-TSC as institutional credits at UTRGV have been reissued. Based on interviews with four students impacted adversely by the corrected residency requirements, it is evident that impacted students understood the residency requirement and were given the advising and financial support needed to allow them to graduate from UTRGV.

UTRGV also added information about its probation status to its website, including the official Action Letter from SACSCOC dated January 11, 2017, along with an FAQ. The institutional history and accreditation status was corrected where needed during a review of more than 12,300 utrgv.edu webpages.

Going forward, a Web Communications team in the Office of University Marketing and Communications oversees all UTRGV webpages to ensure that the accreditation history is accurately represented now and in the future. An online training module is required for webmasters and web coordinators. The new position of Associate Provost for Institutional Accreditation will help ensure that substantive changes are properly handled and communicated with SACSCOC. That position has been filled as of October 1, 2017.

D. Assessment of Compliance with Section 4: Federal Requirements

- 4.6 Recruitment materials and presentations accurately represent the institution's practices and policies. **(Recruitment materials)**

See CS 3.13.1 above.

- 4.7 The institution is in compliance with its program responsibilities under Title IV of the most recent Higher Education Act as amended. **(Title IV program responsibilities)**

Although the SACSCOC Board of Trustees did not include Federal Requirement 4.7 in the action letter to UTRGV dated January 11, 2017, without the annual single audit that specifically included UTRGV Financial Assistance Cluster, there was no way to determine compliance with program responsibilities under Title IV. The institution provided the Single Audit Report for the State of Texas, which includes UTRGV, for the 2016 award year noted as July 1, 2015 through June 30, 2016.

In supplemental materials provided to the Special Committee during the visit, the institution provided correspondence with the U.S. Department of Education to confirm the ability of UTRGV to award Federal Financial Aid. The Program Participation Agreement for UT Pan American dated February 2013 was followed by the Acknowledgement Notice for a name change for that OPEID to the University of Texas – Rio Grande Valley as of September 2015. Additional approval was received from the U.S. Department of Education in August 2016 to add the Brownsville location to the same OPEID. The institution provided the August 2016 revised Eligibility and Certification Approval Report. It is noted that the OPEID for UTB-TSC has reverted to Texas Southmost College, as it was the original OPEID for that institution prior to its consolidation with UTB. UTRGV further clarified the facts related to the establishment of UTRGV and its ability to award financial aid in a September 6, 2017 letter to the U.S. Department of Education (letter provided on-site, not in the original Monitoring Report). The letter documents the steps taken to create UTRGV and the subsequent SACSCOC actions. An email of confirmation from the U.S. Department of Education was received on October 11, 2017 acknowledging the steps and indicating that the Program Participation Agreement for UTRGV is in effect through December 31, 2018. The institution provided confirmation of the U.S. Department of Education reporting structure responsible for oversight of UTRGV eligibility to participate in federal financial assistance.

As part of the audit testing of the Student Financial Assistance Cluster, the State Auditor's Office specifically required student-level detail for those students receiving Title IV aid in Fall 2015, Spring 2016 and Summer 2016. UTRGV students receiving aid totaled 21,455 with 20.51% (4,402) attending former UTB-TSC.

Seven audit findings are noted for UTRGV in the 2016 fiscal year. Each of the seven findings is a significant deficiency, a significant deficiency and non-compliance, or a material weakness and non-compliance; however, none of the findings resulted in any questioned cost. A summary of the findings include:

Finding 1: Cash Management

Significant Deficiency

Questioned Cost - \$0

Lack of policies and procedures for drawdown of federal funds

Finding 2: Eligibility

Significant Deficiency and Non-Compliance

Questioned Cost - \$0

Lack of policies and procedures and consistency with federal requirements for Cost of Attendance calculation and documentation and notification of Satisfactory Academic Progress

Finding 3: Special Tests and Provisions – Verification

Material Weakness and Non-Compliance

Questioned Cost - \$0

Inconsistency of verification of all items required for the FAFSA

Finding 4: Special Tests and Provisions – Return of Title IV Funds

Significant Deficiency and Non-Compliance

Questioned Cost - \$0

Inconsistency of calculation of return of Title IV funds

Finding 5: Special Tests and Provisions – Enrollment Reporting

Significant Deficiency and Non-Compliance

Questioned Cost - \$0

Lack of policies and procedures for enrollment reporting process

Finding 6: Special Tests and Provisions – Student Loan Repayments

Significant Deficiency and Non-Compliance

Questioned Cost - \$0

Lack of policies and procedures for conversion of Perkins loans to repayment status and timely notification to students

Finding 7: Special Tests and Provisions – Borrower Data Transmission and Reconciliation (Direct Loan)

Significant Deficiency and Non-Compliance

Questioned Cost \$0

Lack of policies and procedures for reconciliations of school account statement (SAS) data files

For each finding, UTRGV has acknowledged and agreed with the Texas State Auditor's Office recommendation and submitted a corrective action plan to

address each concern. During the period of the 2016 audit, UTRGV did not have policies and procedures specific to the institution by name, but operated with policies and procedures from both UTPA and UTB-TSC. Interviews with the Vice President for Strategic Enrollment, the Interim Director of Financial Aid and two Associate Directors of Financial Aid confirmed that the institution has developed and implemented policies and procedures in the specific name of UTRGV and a staff training plan to resolve findings noted from the state audit of financial aid. Evidence of the training plan and procedures was provided as supplemental information during the visit. The incidences of errors from the samples for each of the findings is relatively low, particularly those noted in the comments for return of Title IV Funds, verification of FAFSA materials and eligibility testing. No costs were questioned in these findings.

Across each finding, system access to Banner based on user roles and current job responsibilities is noted as a lack of internal control. An interview with the UTRGV Chief Information Officer clarified the transition of the disparate UTPA and UTB-TSC student information systems to a consolidated instance of Banner for UTRGV. The institution has developed procedures to nightly review employee status for deprovisioning system access for employees who have left UTRGV or transferred to other departments. Additionally, a quarterly review is conducted by information technology that requires the financial aid officer to verify each employee access.

The institution notes that policy and procedures updates, additional training and system enhancements are expected to mitigate repeat of these audit findings. The Office of Financial Aid has not received any limitations, suspensions, or termination by the U.S. Department of Education in regard to student financial aid or other financial aid programs since UTRGV was established, nor had UTPA or UTB-TSC in the years prior.

The Single Audit by the Texas State Auditor for the 2017 fiscal year is currently underway and expected in spring 2018. The institution submitted an email between the Vice President for Strategic Enrollment and the Chief Audit Officer that confirms that UTRGV's Single Audit requirement will be satisfied by either the Texas State Auditor's Office or by an independent accounting firm performing a standalone engagement.

Since the audit found no financial liability for the institution from the findings, and in light of the development and implementation of UTRGV policies and procedures, as well as strengthened student system access provisioning, the Special Committee believes the institution is materially in compliance with program requirements for Title IV.

APPENDIX A

Roster of the Special Committee

Mr. Jonathan R. Alger – **CHAIR**
President
James Madison University
Harrisonburg, Virginia

Ms. Leslie Brunelli
Vice President for Finance & CFO
University of South Carolina
Columbia, South Carolina

Dr. Susan Martin
Professor and Provost Emerita
University of Tennessee
Knoxville, Tennessee

Mr. Cecil (Rock) McCaskill
Associate Registrar
Clemson University
Clemson, South Carolina

Dr. Timothy Sands
President
Virginia Polytechnic Institute and State University
Blacksburg, Virginia

SACSCOC STAFF REPRESENTATIVE

Dr. Patricia Donat (not attending)
Vice President
Decatur, GA

Dr. Michael S. Johnson (attending)
Vice President
Decatur, GA

APPENDIX C

List of Recommendations Cited in the Report of the Special Committee

The Special Committee made no recommendations.



Southern Association of Colleges and Schools
Commission on Colleges
1866 Southern Lane
Decatur, Georgia 30033-4097

REPORTS SUBMITTED FOR COMMITTEE OR COMMISSION REVIEW

Policy Statement

Institutions accredited by the Commission on Colleges are requested to submit various reports to an evaluation committee or to the Commission's Board of Trustees for review. Those reports include:

Response Report to the Visiting Committee
Monitoring Report or Referral Report

When submitting a report, an institution should follow the directions below, keeping in mind that the report will be reviewed by a number of readers, most of whom will be unfamiliar with the institution.

Information Pertaining to the Preparation of All Reports

Preparation of a Title Page

For any report requested, an institution should prepare a title page that includes the following:

1. Name of the institution
2. Address of the institution
3. Dates of the committee visit (*not applicable for the Referral Report*)
4. The kind of report submitted
5. Name, title, and contact numbers of person(s) preparing the report

Presentation of Reports

For any report requested, an institution should

1. **For print copies**, copy all documents front and back, double-space the copy, and use no less than an 11 point font. If the report requires binding beyond stapling, do not submit the report in a three-ring binder. Ring binders are bulky and must be removed before mailing to the readers.
2. **For electronic copies**, copy the report and all attachments onto an electronic memory device (e.g., external hard-drive, DVD, CD, or flash/thumb drive). Provide the name of the person who can be contacted if the readers have problems accessing the information. Provide **one print copy** of the response without the attachments.

Each electronic memory device smaller than 4" by 4" should be submitted in a paper or plastic envelope not smaller than 4 x 4 inches and the envelope should be labeled with the name of the institution, the title of the report, and the list of document contents. The electronic memory device should be labeled with the name of the institution and the title of the report.

Each electronic memory device larger than 4" by 4" should be in a paper or plastic envelope and clearly labeled with the name of the institution, the title of the report, and the list of document contents. The electronic memory device should be labeled with the name of the institution and the title of the report.

3. Provide a clear, complete, and concise report. If documentation is required, ensure that it is appropriate to demonstrating fulfillment of the requirement. Specify actions that have been taken and, when possible, document their completion.
4. When possible, excerpt passages from text and incorporate the narrative into the report. Provide definitive evidence, not documents that only address the process (e.g., do not include copies of letters or memos with directives).
5. Specify actions that have been taken and provide documentation that such actions have been completed. Avoid vague responses indicating that the institution plans to address a problem in the future. If any actions remain to be accomplished, the institution should present an action plan, a schedule for accomplishing the plan, and evidence of commitment of resources for accomplishing the plan.
6. When possible and appropriate, provide samples of evidence of compliance rather than all documents pertaining to all activities associated with compliance.
7. Reread the report before submission and eliminate all narrative that is not relevant to the focus of the report. If sending electronic copies, ensure that all devices are virus free and have been reviewed for easy access by reviewers external to your institution.

Information Specific for the Response to the Visiting Committee Report

- Definition:** A Response Report addresses the findings of a visiting committee. It provides updated or additional documentation regarding the institution's compliance with the *Principles of Accreditation*.
- Audience:** The Response Report, along with the Committee Report and other documents, is reviewed by the Commission on Colleges' Board of Trustees and is subject to the review procedures of the Commission's standing committees, including the continuation of a monitoring period, the imposition of a sanction, or a change of accreditation status.
- Report Presentation:** Structure the response so that it addresses committee recommendations in the order that they appear in the report. Tabs should separate each response to a recommendation.
- For each recommendation, provide the number of the Core Requirement, Comprehensive Standard, or Federal Requirement and state the recommendation exactly as it appears in the visiting committee report. Describe the committee's concerns that led to the recommendation by either summarizing the concerns or inserting verbatim the complete narrative in the report pertaining to the recommendation. Provide a response with documentation.
- Due Date:** The Response Report is due on the day indicated in the transmittal letter from Commission staff accompanying the visiting committee report.
- Number of Copies:** See the transmittal letter from Commission staff accompanying the visiting committee report.

Information Specific to the Preparation of a Monitoring Report or a Referral Report

- Definition:** These reports address recommendations and continued concerns of compliance usually identified by the Committee on Compliance and Reports or the Executive Council (or, for a Referral Report, identified by the Committee on Fifth-Year Interim Reports). It usually follows the C & R Committee's review of an institution's response to a visiting committee report.
- Audience:** The Monitoring Report and the Referral Report are reviewed by the SACSCOC Board of Trustees and are subject to the review procedures of the Commission's standing committees, including the continuation of a monitoring period, the imposition of a sanction, or a change of accreditation status.
- Report Presentation:** For a Monitoring Report, structure the response so that it addresses committee recommendations in the order that they appeared in the report. Tabs should separate each response to a recommendation.
- For each recommendation, (1) restate the number of the Core Requirement, Comprehensive Standard, or Federal Requirement, the number of the recommendation, and the recommendation exactly as it appeared in the visiting committee report; (2) provide a brief history of responses to the recommendation if more than a first response (to include an accurate summary of the original concerns of the visiting committee, a summary of each previous institutional response and an explanation of what had been requested by the Commission); (3) cite verbatim the current request of the Commission that is related to the recommendation (reference notification letter from the President of the Commission); and (4) prepare a response to the recommendation.
- For a Referral Report, structure the response so that it addresses the concerns described in the letter from the Commission's President in the order that they appeared. Tabs should separate each response to each standard cited.
- For each standard cited, (1) restate the number of the Core Requirement, Comprehensive Standard, or Federal Requirement exactly as it appeared in the letter; (2) cite verbatim the current request of the Commission that is related to the standard cited (reference notification letter from the President of the Commission); and (3) prepare a response to the recommendation.
- Due Date:** The Monitoring Report and the Referral Report are due on the date specified in the notification letter sent by the President of SACSCOC. Requests for extensions to the date must be made to the President of SACSCOC two weeks in advance of the original due date. (See Commission policy "Deadlines for Submitting Reports.")
- Number of Copies:** See the letter from the President of SACSCOC requesting the Report.

Document History

*Edited and Revised for the Principles of Accreditation: December 2003
Updated: January 2007, January 2010, May 2010, January 2012*