BROOKDALE COMMUNITY COLLEGE
COLLEGE REGULATION

4.2004R Third-Party Providers Regulation

I. Title of Regulation

4.2004R Third-Party Providers Regulation

II. Objective of Regulation

To implement the College's 4.2003 Contract Management and Third-Party Providers Policy by establishing the procedures and responsibilities for identifying, reviewing, approving, monitoring, and documenting agreements that may implicate Middle States Commission on Higher Education (MSCHE) requirements, federal regulations, or related institutional obligations.

III. Authority

4.2003 Contract Management and Third-Party Providers Policy; Bylaws of the Board of Trustees 1.3054; MSCHE Standards for Accreditation and Requirements of Affiliation (14th Ed.); MSCHE Substantive Change Policy and Procedures and Guidelines; 34 CFR §§ 600.2, 668.5, 668.43(a)(12), and 668.2; and applicable federal, state, and College requirements.

IV. Regulation Statement

A. Scope and Applicability

This regulation applies to agreements under which a third-party provider provides:

- Student learning opportunities, including non-credit, workforce development, internships, clinical experiences, student teaching, and credit-bearing courses/programs
- Student support services including advising, counseling, tutoring, international student management, marketing, recruitment, advertising, campus safety, food/dining services;
- Assessment of student learning; or
- Operational/business functions otherwise covered by MSCHE standards, federal regulations, or related institutional obligations.

Contracts solely for goods, books, supplies, products, equipment, or stand-alone software are not covered by this regulation unless they are part of bundled services affecting academic delivery, student services, or other covered institutional functions.

The College may, as appropriate, apply selected procedures under this regulation to other third-party arrangements that materially implicate academic delivery, student services, accreditation, institutional data, or related compliance obligations.

B. Relationship to Other Policies and Regulations

This regulation implements the 4.2003 Contract Management and Third-Party Providers Policy and governs agreements that meet the College's definition of a third-party provider arrangement. Agreements that meet the definition of a third-party provider arrangement may also be subject to the 4.2003R General Contract Management Regulation and any other applicable College policy, regulation, or procedure. Where multiple policies or regulations apply, all applicable requirements must be satisfied.

C. Definitions

For purposes of this regulation:

- **Accreditation activities:** Reviews, reports, visits, and monitoring related to the College's accreditation status and cycle.
- **Articulation agreement:** Agreement on transferability of courses toward degree/program requirements between accredited institutions; MSCHE prior approval is not required.
- **Educational program:** A legally authorized postsecondary program of organized instruction or study (as defined in 34 CFR § 600.2).
- **Learning Management System (LMS):** Software supporting delivery/management of educational content and services. An LMS may be provided as part of an arrangement with an OPM and is not considered a third-party provider alone.
- **Online Program Manager (OPM):** Provider offering technology and/or bundled services (e.g., LMS, instructional design, marketing, recruiting, enrollment, retention).
- **Third Party**: Any external entity, institution, organization, or provider with which the College enters into a written arrangement, contract, memorandum of understanding, service agreement, or other formal agreement, whether or not funds are exchanged.
- **Third-Party Provider (TPP):** Entity with which the College 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 USDE-recognized accreditor and is not certified to participate in Title IV programs.

- **Third-Party Servicer (TPS):** As in 34 CFR § 668.2 (Title IV administration). College employees are not TPS unless employed by/associated with an outside TPS.
- **Transfer agreement:** Agreement (often within a system/service area) establishing local equivalencies without reference to fulfillment of specific degree/credential requirements; MSCHE prior approval not required.
- **Written arrangement:** A written arrangement in which the College outsources some portion of one or more educational programs or educational business operations to a third-party provider that is not accredited. Whether a written arrangement requires MSCHE notification or prior approval shall be determined in accordance with current MSCHE policy, procedures, guidance, and applicable federal regulations.

D. Roles and Responsibilities

- The Chief Financial Officer serves as executive sponsor of the College's centralized contract management function and oversees implementation of this regulation in coordination with other relevant offices.
- The Provost serves as academic co-owner for arrangements involving academic delivery, student learning opportunities, student support services, and other matters requiring MSCHE review or notification.
- The Contract Management Office (CMO), supported administratively by Purchasing/QPA, is responsible for centralized intake coordination, workflow routing, repository administration, renewal tracking, and related contract management coordination for agreements covered by this regulation.
- The Office of Information Technology is responsible for review of covered agreements involving technology platforms, systems access, institutional data, student records, personally identifiable information, hosted solutions, cybersecurity, or related technology risks.
- Accreditation and relevant academic offices are responsible for supporting classification, MSCHE review, disclosure obligations, and substantive change analysis, in coordination with the Provost.
- Each covered agreement shall have a designated Relationship Owner responsible for day-to-day oversight, performance monitoring, issue escalation, participation in regular reviews, and renewal recommendations.
- The CMO is responsible for reviewing and approving contracts, ensuring the inclusion of required legal terms and compliance with applicable requirements, and providing final approval of the legal form as the last step in the process before execution by the President or the appropriate Vice President.

E. Intake and Classification Process

All covered arrangements must be submitted through the College's centralized intake process prior to execution.

At intake, the CMO, in consultation with the Provost, Accreditation, OIT, and other offices as appropriate, shall determine whether the arrangement is:

1. A general third-party arrangement subject to institutional oversight;
2. An MSCHE-defined Third Pary Provider (TPP)
3. A written arrangement or substantive change candidate requiring MSCHE review, notification, or approval; or
4. An arrangement involving a Third Party Servicer (TPS) or OPM, as applicable.

Classification shall be documented in the contract repository.

F. Required Reviews and Approval Routing

All covered agreements shall be routed for review as applicable, including:

1. CMO/Purchasing review;
2. OIT review where systems, data, records, or cybersecurity considerations are implicated;
3. Accreditation and Provost review for academic and MSCHE-related matters;
4. Presidential review where required by Board policy or other applicable institutional authority; and
5. Other internal or external approvals as required by law, regulation, Board action, grant terms, or institutional procedure.
6. The CMO is responsible for reviewing and approving contracts, ensuring the inclusion of required legal terms and compliance with applicable requirements, and providing final approval of the legal form as the last step in the process before execution by the President or the appropriate Vice President.

No covered agreement shall be executed outside the College's established approval and signature authority process.

G. Contract Content Standards

All agreements governed by this regulation must, as applicable, include:

1. Services to be provided by the College;
2. Services to be provided by the third party, including method of delivery and percentage of any credit-bearing program, where applicable;
3. Term or period of agreement;
4. Identification of the institution awarding credit or credentials, where applicable;
5. Compensation and payment terms;
6. Evaluation, reporting, or performance expectations;
7. Renewal, termination, and amendment terms;
8. Student protections, including continuity of services or teach-out obligations, where applicable;
9. Records, privacy, FERPA, data security, and confidentiality requirements;

10. Grievance or complaint procedures, where applicable;
11. Governing law and venue;
12. Identification of the Relationship Owner;
13. Insurance requirements, if applicable; and
14. Any additional terms required to support institutional oversight, compliance, or operational continuity.

H. MSCHE Review, Notifications, and Public Disclosures

Prior MSCHE approval or notification shall be obtained before implementation of a written arrangement when required by current MSCHE policy, procedures, guidance, and applicable federal regulations, including arrangements involving third-party providers, non-accredited entities, or OPMs.

For agreements below 25%, the College shall follow MSCHE notification and disclosure requirements as applicable.

Where required, the College shall ensure that website and catalog disclosures accurately describe the agreement, the portion of the program delivered by the third party, the method of delivery, and any estimated additional student costs.

I. Risk Tiering and Monitoring

Each covered agreement shall be assigned a Risk Tier of Critical, High, Moderate, or Low. Risk tiering shall consider:

1. The nature and criticality of services provided;
2. Access to student, personnel, financial, or institutional data;
3. Operational dependence;
4. Regulatory, legal, or accreditation implications;
5. Financial exposure; and
6. Technology or cybersecurity risk.

All MSCHE-defined TPPs shall be assigned at least High risk.

Monitoring shall be risk-based and proportionate to the nature of the agreement. At a minimum:

1. High-risk and Critical-risk agreements shall be reviewed at least annually, and services provided by all TPP's shall be assessed at least annually; and
2. Moderate-risk agreements shall be reviewed at least upon renewal or no less than every two years, unless a shorter interval is warranted; and
3. Low-risk agreements shall be monitored upon renewal or as otherwise appropriate based on contract type and institutional need.

Relationship Owners are responsible for day-to-day monitoring. The CMO, supported by Purchasing/QPA, shall track completion of required reviews and maintain documentation of completed monitoring.

K. Record-Keeping and Repository Requirements

The College shall maintain a central repository for agreements covered by this regulation. The repository shall include, as applicable:

1. Executed agreements and amendments;
2. Responsible department and Relationship Owner;
3. Contract term dates and renewal/notice dates;
4. Classification and MSCHE status;
5. Risk Tier;
6. Evidence of required approvals;
7. Evaluation, monitoring, and follow-up documentation; and
8. Related disclosures and supporting documentation.

No agreement shall be considered fully executed for institutional tracking purposes until the final signed version and required supporting documentation have been uploaded to the central repository.

L. Exceptions and Noncompliance

Requests for exception to this regulation must be documented and approved through the appropriate institutional process.

Exceptions shall be approved by the CMO and any additional reviewing offices whose approval would otherwise have been required for the agreement, including OIT, the Provost, Accreditation, or the CFO, as applicable.

Failure to comply with this regulation, including failure to route covered agreements through the College's established intake, review, approval, and repository process, may result in delay, non-approval, corrective action, or other institutional action as appropriate.

V. Responsibility for Implementation

Chief Financial Officer

Approved: President, 08/14/2026