

# Massachusetts Department of Higher Education

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*Board Chair*

## **Notice of Closure Guidelines for Massachusetts Independent Institutions<sup>1</sup>**

As an increasing number of Massachusetts institutions of higher education are merging with other institutions or closing completely, the Department of Higher Education ("DHE") has developed a protocol to support the closure process and to help institutions meet the challenges of closing, such that students are protected and enabled to complete their education via a teach-out plan or transfer to another institution.

Massachusetts law requires a closing institution to notify the Board of Higher Education ("Board") of its intention to close "as far as possible in advance" by contacting the DHE. The following Notice of Closure Guidelines must be adhered to by the closing institutions. The Notice of Closure Guidelines are designed to ensure that students are both supported and protected through the institution's final closure and termination date. As such, the DHE should be the first entity notified of an institution's decision to close, and the institutional leadership should remain in close communication with DHE staff throughout the process. [See 610 CMR 2.07(3)(f)(2)].

### **PART I: NOTICE OF INTENT TO CLOSE**

1. It is expected that the DHE will be the first point of contact for the closing institution once the decision has been made to close. The President or CEO should contact the DHE with the Notice of Intent to Close, sent to the Commissioner of Higher Education. The written notice should include:
  - a.) A statement of intent to close and the general rationale;
  - b.) An estimated timeline for the closure, the anticipated final closure date, and the approximate number of current students enrolled; and
  - c.) Disclosure of any preliminary discussions or plans with other institutions that may offer the potential for articulation.

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<sup>1</sup> Any institution, other than institutions within the public system of higher education as set forth in M.G.L. c. 15A s. 5, that is authorized by the Board of Higher Education to offer courses for credit or courses leading to an academic degree in Massachusetts.

2. The DHE will work in consultation with the Office of the Attorney General to safeguard student, employee, and consumer protections and to ensure compliance with other state and federal laws.

## **PART II: NOTICE OF CLOSURE**

1. The institution must complete the Independent Institution Notice of Closure ("NOC") template, available on the DHE's EDvera portal. To request access to the EDvera portal, institutions should contact DHE staff at [programreview@dhe.mass.edu](mailto:programreview@dhe.mass.edu). DHE staff members are available to support institutions by responding to questions and providing technical assistance as needed and requested.
2. The institution must submit a check for the \$500.00 closing fee for administrative costs per 610 CMR 2.06(b)(f). An invoice for this fee can be prepared by DHE staff at the request of the institution.

The check should be made payable to The Commonwealth of Massachusetts and mailed to:

<b>US Mail</b>	<b>Overnight/Courier Payments (e.g. FedEx, UPS, etc.) <u>ONLY</u></b>
Commonwealth of Massachusetts DHE P. O. Box 419752 Boston, MA 02241-9752	Bank of America Lockbox Services Commonwealth of Massachusetts DHE 419752 MA5-527-02-07 2 Morrissey Blvd. Dorchester, MA 02125

3. DHE staff will review the NOC for completeness and may request additional information as necessary throughout the closing process. Institutional leadership must comply with these requests for additional information by the required deadlines and must maintain ongoing and close communication with DHE staff members throughout the duration of the closing process. This includes, but is not limited to, the submission of required quarterly reports and forwarding copies of all communications to students, former students, alumni, and the media regarding the closure.

Once deemed sufficient by DHE staff, the institution must submit a complete archive of the sections of the institution's website relating to the closure that show the specific pages related to communications to students, information pages, etc., to [programreview@dhe.mass.edu](mailto:programreview@dhe.mass.edu).

### **PART III: REVOCATION OF DEGREE-GRANTING AUTHORITY**

Following the closure of the institution, the Board will take the necessary administrative steps to revoke the institution's degree-granting authority in the Commonwealth. Pursuant to [M.G.L. c. 69, s. 30A](#) and [610 CMR 2.10](#), the closing institution has a right to an adjudicatory hearing on the revocation. To request an adjudicatory hearing, the institution should contact the DHE at [programreview@dhe.mass.edu](mailto:programreview@dhe.mass.edu) and state the specific basis for its request for a hearing, including any specific issues of fact or law which it wishes to explore.

If the institution declines an adjudicatory hearing, the DHE will allow for [a three-week public comment period](#) before a recommendation is made to the Board. The Board shall then take action, by formal vote, to revoke the institution's degree-granting authority in the Commonwealth.