

Berkeley College Third-Party Provider Policy

I. Purpose

Berkeley College is responsible for ensuring the quality, ethics, integrity, and transparency of all activities conducted in its name, including services and educational programming delivered by Third-Party Providers ("TPPs"). Berkeley College is committed to the quality and integrity of institutional services and programs delivered through partnerships with TPPs. The purpose of this Policy is to outline the standards and requirements for agreements with TPPs.

II. Scope

This Policy applies to all agreements with TPPs and to all Berkeley College associates who manage and control agreements with TPPs. Agreements solely for goods, books, supplies, products, equipment, or software are not subject to this Policy.

III. Definitions

Third-Party Provider (TPP): An entity, institution, or organization that has a contract or written arrangement to provide services to Berkeley College. Examples of these services and types of arrangements include, but are not limited to:

1. Recruitment services such as marketing and advertising;
2. Delivery of student learning opportunities such as non-credit, workforce development, internships, clinical experiences, teaching/instruction, curriculum development and/or credit-bearing courses and programs;
3. Student support services such as advising, counseling, tutoring, campus safety, food or dining; and/or
4. Operational or business functions like procurement, Information Technology, or Human Resources.

IV. General Requirements

Before any proposed agreement with a TPP is executed, the College shall perform adequate due diligence to include assessments of data security, accessibility, and other relevant compliance and operational factors.

A. Required Contract Terms

All such contracts must include:

1. Description of services provided by the TPP, including delivery method and percent (if any) of credit-bearing program involved

2. Duration of the agreement
3. Institution responsible for awarding credit and degrees, if applicable
4. Compensation terms for all parties, including faculty pay if applicable
5. Conditions for contract termination or renewal
6. Protections for students in case of contract termination or amendment
7. Process for handling breach allegations
8. Mutual indemnification
9. Data security protections and controls, if applicable
10. Accessibility assurances, if applicable
11. Legal jurisdiction for addressing contract disputes

College contract owners must ensure that all required internal and external approvals are obtained before finalizing agreements, including working with Berkeley College's Information Systems Department and Legal Department for systems/data and legal reviews.

B. Institutional Oversight

All agreements must ensure Berkeley College retains oversight and evaluation responsibilities over:

1. Marketing, advertising, and recruitment
2. Admissions criteria
3. Tuition and fees
4. Student records (privacy and security)
5. Faculty qualifications
6. Curriculum planning and content
7. Academic rigor and intellectual property
8. Student learning outcomes and assessment
9. Advising and academic support
10. Course credit and degree awarding
11. Transcript issuance

C. Approvals Required

Berkeley College must obtain internal and external approvals for TPP agreements:

1. Outsourcing 100% of a core business function (e.g., IT, maintenance, security) requires approval by the President
2. Entering into contracts involving Title IV functions requires approval by the President
3. Prior MSCHE substantive change approval is required for:
 - TPP delivery of 25% or more of a program
 - Use of unaccredited TPPs for program delivery
 - Online Program Managers (OPMs) delivering ≥25% of any credit-bearing program
4. Notification or prior approval from MSCHE is also required for less than 25% TPP delivery

V. Assessing and Reporting TPPs

A. Evaluation Process

Berkeley College will regularly evaluate TPPs using criteria such as student feedback, observations by the Berkeley College staff who manage and control the TPP agreement, milestone performance, and institutional alignment. Evaluation will be conducted and documented by qualified Berkeley College personnel. Evaluation documentation will be archived using the designated database (SharePoint).

B. Public Disclosures

When a portion of an academic program is delivered by a third party, disclosures must be made on the Berkeley College website and catalog, including:

1. Description of the arrangement
2. Scope of TPP involvement
3. Delivery method
4. Additional costs to students (if applicable)

VI. Record-Keeping

All TPP agreements shall be maintained in a central, accessible database and be available for internal and external review. Berkeley College will retain:

- A. A complete list of TPPs falling under this Policy
- B. Details of each program and service outsourced
- C. The formal written agreement
- D. Documentation of TPP evaluations

VII. Periodic Policy Review

The Vice President, Student Finance & Institutional Effectiveness shall undertake an **annual review** of this Policy and make any necessary adjustments.