



March 11, 2022

Mr. Jose F. Valencia  
Executive Vice President  
ASA College  
151 Lawrence Street  
Brooklyn, NY 11201

Dear Mr. Valencia:

### **Notification of Non-Compliance Action**

On behalf of the Middle States Commission on Higher Education, I am writing to inform you that on March 10, 2022, the Commission acted as follows:

To acknowledge receipt of the monitoring report. To note the visit by the Commission's representatives. To note that the institution hosted a virtual site visit in lieu of an on-site visit in accordance with the United States Department of Education (USDE) guidelines published March 17, 2020. To note that the institution is now in compliance with Requirement of Affiliation 13. To require the institution to show cause, by April 15, 2022, to demonstrate why its accreditation should not be withdrawn because of insufficient evidence that the institution is in compliance with the Commission's standards, requirements, policies and procedures, and federal compliance requirements. To note that the institution remains accredited while on show cause. To note further that federal regulations limit the period during which an institution may be in non-compliance.

To require a show cause report, due April 15, 2022, documenting evidence that the institution has achieved and can sustain ongoing compliance with Standard II (Ethics and Integrity), Standard VI (Planning, Resources, and Institutional Improvement), Standard VII (Governance, Leadership and Administration), and Requirements of Affiliation 11, 12, and 14. The show cause report must include (1) evidence that the institution adheres to its policies and represents itself honestly and truthfully in all publications and communications, in all formats, including recruiting and admissions materials, and with internal and external communities (Standard II); (2) evidence of the sufficiency of resources, planning, and budgeting processes to fulfill its mission and goals, and to support its educational purposes and programs (Standard VI and Requirement of Affiliation 11); (3) evidence of a record of responsible fiscal management and a prepared budget for the current year (Requirement of Affiliation 11); (4) evidence that the institution presents, explains, and evaluates all significant matters and relationships involving its related entities, including consideration of the owner as a related entity, that may affect accreditation requirements and decisions, comprehensive or interim evaluation, and all other times deemed relevant by the Commission (Requirement of Affiliation 12 and Related Entities Policy); (5) evidence of a clearly articulated and transparent governance

structure that outlines roles, responsibilities, and accountability for decision-making by each constituency (Standard VII); (6) evidence that the institution's governance structure allows it to realize its stated mission and goals in a way that benefits the institution, its students and the constituencies it serves (Standard VII); (7) evidence that the institution's governing body is responsible for the quality and integrity of the institution and for ensuring that the institution's mission is being accomplished (Requirement of Affiliation 12); and (8) evidence that the institution and its governing body make freely available to the Commission accurate, fair, and complete information on all aspects of the institution and its operations (Requirement of Affiliation 14). To request the show cause report also provide (1) evidence of compliance with all applicable government laws and regulations, including regulations for all states where the institution operates (Requirement of Affiliation 5); (2) evidence of compliance with all applicable Commission policies and regulations (Standard II and Requirement of Affiliation 5); (3) evidence of a campus climate that fosters respect among all constituencies (Standard II); (4) evidence and documentation relating to the investigation of the New York State Division of Human Rights, New York City Commission on Human Rights, and any other investigations (Standard II); (5) evidence of comprehensive planning for facilities, infrastructure, and technology that is linked to the institution's strategic and financial planning processes (Standard VI); and (6) updated financial information relating to the institution's Heightened Cash Monitoring (HCM) status, including submission of the most recent external financial audit (Standard VI and Requirement of Affiliation 11). To request that the institution complete and submit for approval, by April 15, 2022, a comprehensive, implementable teach-out plan (Teach-Out Plans and Agreements Policy and Procedures). In accordance with Commission policy and federal regulations, the teach-out plan must provide for the equitable treatment of students to complete their education, if the Commission were to withdraw accreditation, and include any teach-out agreements that the institution has entered into or intends to enter into with another institution.

To direct a show cause visit following submission of the report. The purpose of the show cause visit is to verify the information provided in the show cause report and the institution's ongoing and sustainable compliance with the Commission's standards, requirements, policies and procedures, and federal compliance requirements. To direct a prompt Commission liaison guidance visit to discuss the Commission's expectations.

To note that the institution will be invited to present before the Commission when it meets to consider the institution's show cause report. To remind the institution that closures and relocations of additional locations require substantive change approval (Standard II and Substantive Change Policy and Procedures). The date of the next evaluation will be determined upon reaffirmation of accreditation.

To acknowledge receipt of the teach-out plan. To reject the teach-out plan because the institution failed to provide a comprehensive and implementable teach-out plan.

To note the commission liaison guidance visit occurred on December 15, 2021.

To note the commission liaison guidance visit occurred on November 6, 2021.

This action is a non-compliance action. An explanation of this type of action is provided in the Commission's *Accreditation Actions Policy and Procedures*. If any of the information contained within the action appears to be factually incorrect, please send an email within 60 calendar days of the date of the action to [actions@msche.org](mailto:actions@msche.org).

Pursuant to the Commission's *Communication in the Accreditation Process Policy and Procedures*, this letter serves as the Commission's official notification of this action. This accreditation action will be publicly available on the Commission's website within 24 hours of informing the institution. In accordance with policy and federal regulation, the Commission provides notification of non-compliance actions to the United States Secretary of Education, the appropriate state or other licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution, but no later than 30 days after it takes the action.

Commission policy and procedures allow for the submission of an optional institutional statement, which will be posted on the Commission's website, in response to the above non-compliance action. Any institutional statement must be on institutional letterhead, signed by an authorized representative of the institution, and submitted as a PDF document. Because the institutional statement will be posted publicly, it is important that the institutional statement address the accreditation issue and avoid issues that are not relevant to the action. Hyperlinks are not permitted to be used. The submission of an optional institutional statement must be sent to [actions@msche.org](mailto:actions@msche.org) within 60 calendar days from the date of the action.

The institution is invited to make a presentation to the Commission when the Commission considers the institution's show cause report. The *Show Cause Appearance Before the Commission Prior to Withdrawal of Accreditation* describes the procedures. Please note that the institution is required to inform the Commission of its intent to appear before the Commission at least fourteen (14) calendar days prior to the Commission meeting at which the adverse action will be considered. Additional communications will be sent from the President's Office relating to this process.

Pursuant to the Commission's *Public Disclosures Policy and Procedures* and federal regulation 34 CFR § 602.26(b), the institution is required to publicly disclose an accurate representation of its current accreditation phase and accreditation status with the Commission, which you will find on the institution's Statement of Accreditation Status (SAS) at the Commission's website. The institution is required to publicly disclose non-compliance and adverse actions. The Commission provides procedures and a sample statement for this disclosure in the *Public Disclosures Policy and Procedures* which must be implemented within seven calendar days of this notification where accreditation is referenced on the institution's website and wherever accreditation is referenced in publications.

It is critical for the institution to review and understand the Commission's policies and procedures which will explain the Commission's actions and the institution's accreditation status:

[\*Accreditation Actions Policy and Procedures\*](#)

*Accreditation Review Cycle and Monitoring Policy and Procedures*

*Communication in the Accreditation Process Policy and Procedures*

*Public Disclosures Policy and Procedures*

*Standards for Accreditation and Requirements of Affiliation*

*Teach-out Plans and Agreements Policy and Procedures*

For questions about the Commission's actions, please contact the institution's assigned Commission staff liaison. Questions from the public about the institution's accreditation phase or accreditation status can be directed to [communications@msche.org](mailto:communications@msche.org). For additional information, visit [www.msche.org](http://www.msche.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Heather F. Perfetti", with a stylized flourish at the end.

Heather F. Perfetti, J.D., Ed.D.  
President