



October 7, 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 October 7, 2022, the Commission acted as follows:

To acknowledge receipt of the supplemental information report. To rescind the Commission's action of June 23, 2022, to warn the institution, because of additional information that would have affected the Commission's decision, including related information from state agencies regarding the institution's financial status. In lieu of the warning, to require the institution to show cause, by November 1, 2022, to demonstrate why its accreditation should not be withdrawn because of insufficient evidence that the institution is in compliance with the Commission's standards for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory 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, which started on October 28, 2021.

To require a show cause report in lieu of the monitoring report, due November 1, 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 5, 11, and 14. The show cause report must demonstrate sustainability of implemented corrective measures and provide evidence (1) that it is faithful to its mission, honors its contracts and commitments, adheres to its policies, represents itself honestly and truthfully in all publications and communications, in all formats, including recruiting and admissions materials, and with internal and external communities, and complies with all applicable federal, state, and Commission reporting policies, regulations, and requirements, including meeting timely payroll obligations to employees (Standard II and Requirement Affiliation 5); (2) of sufficiency of resources to fulfill its mission and goals and to support its educational purposes and programs (Standard VI and Requirement of Affiliation 11); and (3) of a governing body that makes freely available to the Commission accurate, fair, and complete information on all aspects of the institution and its operations and ensures that the institution describes itself in comparable

and consistent terms to all of its accrediting and regulatory agencies, communicates any changes in accredited status, and agrees to disclose information required by the Commission to carry out its accrediting responsibilities (Standard VII and Requirement of Affiliation 14). To request that the show cause report also provide (1) evidence and documentation relating to the investigation of and compliance with orders and settlement agreements relating to the New York State Division of Human Rights, New York City Department of Consumer and Worker Protection, and any other investigations (Standard II); (2) evidence of orientation, advisement, and counseling programs to enhance retention and guide students throughout their educational experience (Standard IV); (3) evidence of strategies to measure and assess the adequacy and efficient utilization of institutional resources required to respond effectively to challenges, including but not limited to those that are legal and regulatory (Standard VI and Requirement of Affiliation 5); (4) updated financial information relating to the institution's Heightened Cash Monitoring (HCM) status, including submission of the external financial audit for FY 2021 (Standard VI and Requirement of Affiliation 11); (5) 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); (6) evidence of a clearly articulated and transparent governance structure that outlines roles, responsibilities, and accountability for decision-making by each constituency (Standard VII); (7) 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); (8) evidence of qualified administrators, sufficient in number, to enable the Chief Executive Officer to discharge their duties effectively, including timely submission of reports to the Commission (Standard VII); (9) evidence of periodic assessment of the effectiveness of governance, leadership, and administration (Standard VII); and (10) 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). 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 for accreditation, requirements of affiliation, policies and procedures, and applicable federal regulatory 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. The date of the next evaluation will be determined upon reaffirmation of accreditation.

To acknowledge receipt of the teach-out plan and request an updated teach-out plan with teach-out agreements due November 1, 2022, documenting evidence of (1) signed copies of teach-out agreements that account for all students, including programs leading to professional licensure, and any documentation supporting the agreements; (2) clear and transparent information about the number and type of credits that will be accepted by the teach-out institutions; and (3) any and all teach-out documentation required by all states where the institution operates (Teach-Out Plans and Agreement(s) Policy and Procedures). To request submission of signed teach-out agreements as they are entered into with another institution. 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 (Teach-Out Plans and Agreements Policy and Procedures).

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.

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 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. For additional information, visit 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