



May 3, 2024

Dr. Jonathan C. Gibraltar  
President  
Wells College  
170 Main Street  
Aurora, NY 13026-0500

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

Dear Dr. Gibraltar:

On behalf of the Middle States Commission on Higher Education, I am writing to inform you that on May 2, 2024, the Commission acted as follows:

To acknowledge receipt of the institution's notification on Sunday, April 28, 2024, of closure, and the announcement to the Wells College community on Monday, April 29, 2024. To note that the institution failed to inform the Commission of closure in a timely manner or to properly plan for closure with prior approval through substantive change. To require immediate notification to the Commission verifying the date of closure of the institution by email to [actions@msche.org](mailto:actions@msche.org). To place the institution on probation and note that the institution's accreditation is in jeopardy because of insufficient evidence that the institution is currently in compliance with Standard II (Ethics and Integrity; Communication in the Accreditation Process Policy and Procedures; and Substantive Change Policy, Procedures, and Guidelines) and Standard VII (Governance, Leadership, and Administration). To note that the institution remains accredited while on probation. To note further that federal regulations limit the period during which an institution may be in non-compliance, which starts on May 2, 2024. To request a monitoring report, due May 13, 2024, demonstrating evidence that the institution has achieved and can sustain ongoing compliance with Standard II and Standard VII, including but not limited to (1) a substantive change request for closure (Standard II and Substantive Change Policy, Procedures, and Guidelines); (2) evidence of compliance with all applicable government laws and regulations and Commission policies and procedures, including but not limited to substantive changes affecting institutional mission, goals, programs, operations, sites, and other material issues which must be disclosed in a timely and accurate fashion (Standard II; Communication in the Accreditation Process Policy and Procedures; and Substantive Change Policy, Procedures, and Guidelines); (3) required notifications, reviews, or approvals to and from all necessary licensing, regulatory, or other legal entities as necessary, including New York State Education Department (NYSED) and the United States Department of Education (USDE) (Standard II and Substantive Change Policy, Procedures, and Guidelines);

(4) evidence of immediate notification to current and prospective students of the institution's accreditation status with MSCHE on its website and wherever accreditation is referenced on the institution's web pages, publications, announcements, and in all other appropriate places and venues (Standard II); and (5) evidence that the institution's governing body makes freely available to the Commission accurate, fair, and complete information on all aspects of the institution and its operations (Standard VII) (Fourteenth Edition and Evidence Expectations by Standard Guidelines). To request that the monitoring report also include evidence of compliance with applicable program responsibilities under existing federal title IV regulations (Standard II and Standard VI). To require that the institution complete and submit for approval, by May 13, 2024, a comprehensive, implementable teach-out plan and signed teach-out agreements with appropriate teach-out partner institutions (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 or transfer to another institution. To note the Commission may reject the teach-out plan and require resubmission if all of the required information is not provided. To note that the Commission has not reviewed or approved any teach-out plan or teach-out agreements. To direct a follow-up team visit following submission of the monitoring report. To direct a prompt Commission liaison guidance visit to discuss the Commission's expectations, and to note this will be held virtually due to the urgency and timing of the closure notification. To acknowledge receipt of the substantive change request submitted on March 1, 2024, relating to alternative delivery method-distance education. To reject the substantive change request for distance education because of the institution's intention to close. The action to reject a substantive change request is not an adverse action; therefore, it is not subject to appeal. To note that the accreditation cease date will be determined following the submission of the monitoring report, due May 13, 2024.

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.

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\*](#)

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