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October 2021 State Authorization Updates & Information [1]

October 7, 2021 by erika.swain@cu.edu [2]

Hello everyone!

I hope your October is off to a delightful start and that you've been able to stay healthy!

I want to take a moment to talk about an often overlooked aspect of state authorization—do you know where your faculty are located?

The location of college and university faculty and staff is likely to become a significant issue in the coming year, post-pandemic, as we increasingly recognize the potential mobility of the higher education workforce. What do I mean by that? Well, let's use myself as an example. I rarely, if ever, interact with students in person, and most of my work involves compliance meetings (or, these days, creating a common curriculum) or creating, finding, and editing compliance documentation. Aside from contributing my sparkling personality, wit, and humor, do I actually need to be physically present at the university/office or even in Colorado*?

But what we may not have fully considered is the impact when faculty and staff locations change. What happens with things like state taxes? And what about faculty working in professional fields like nursing? Some of you who work with out-of-state placements may already know that many institutions outside of Colorado won't place students here for internships, etc., due to Colorado's workers' compensation laws and requirements. Are there states where universities may be required to hold workers' compensation insurance if we have faculty or instructors living and teaching online from those states? In fact, some state tax rules have already changed. As WCET noted in their excellent piece on the multi-state workforce: [3]

Five states—Connecticut, Delaware, Nebraska, New York, and Pennsylvania—tax employees based on where their office is located, even if that office is outside the employee's state. This is often referred to as a "convenience" or income sourcing rule. In many of these states, the employee may be denied a tax credit or deduction for taxes paid to another state, potentially resulting in double taxation. Generally, if the employee can only carry out their work in that specific state, they may be exempt from this rule. Specific conditions vary by state and depend on the employee's situation.

I highly recommend reviewing the article and sharing it with colleagues, including those in legal and HR positions, as we all begin to look ahead at the evolving landscape of our workforce and our growing digital footprint beyond Colorado.

Looking ahead to next month – The State Authorization Network (SAN) Annual Coordinator Meeting will be held on November 30th. It's an online event again this year (because pandemic) and will feature a couple of optional pre-meeting sessions (one for new coordinators or those new to SAN as a whole, and another for informal networking) from

11:00 to 11:45 a.m. before the 90-minute Coordinator Meeting (12:00 p.m. to 1:30 p.m.). This year's meeting will focus on emerging compliance issues, such as the taxation topic mentioned above, regulations coming out of the VA, and data privacy. It will also include a selection of Table Talks—roundtable discussions among members and outside experts on specific topics or issues.

I'm especially excited to be working with WCET-SAN to bring in a couple of folks from the Department of Education's Institutional Review office (Philadelphia branch) to discuss Title IV Program Review Audits. They'll explain how our work factors into what our colleagues in Financial Aid need to produce as evidence of compliance with 668.43 (institutional/consumer information, including professional licensure programs) and 600.9 (state authorization). They'll also cover how we can assist them in the event of an audit, as well as how our institutions will be reviewed in terms of compliance with the new regulations and definitions on distance education (600.2). Although compliance with these regulations is also reviewed during accreditation and affirmed by the CDHE when we renew our NC-SARA participation, the Department of Education's auditors approach them from a slightly different angle. I'll let you know as soon as registration opens for this meeting!

P.S. Don't worry, Rob—I have no plans to leave Colorado, no matter how much I miss a fresh East Coast bagel!

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