

**Comments Prepared By
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**Prepared For
The National Advisory Committee on Institutional Quality and Integrity (NACIQI)
January 2011**

As someone who has worked in accreditation for over 16 years, my perspective is that there are components of the current accreditation system that work very well, components that work well but could work better, and components that can be improved. I also believe that the current system of the “triad” is a good system that we can continue to rely upon, but it does rely heavily upon each leg of the stool to do its part to hold the system upright. The following are some brief observations about the current system of accreditation as well as some suggestions for law and regulation as they impact accrediting agencies.

- Accreditation is a peer-review system that allows for discretion and judgment to be used in a manner that eschews a one-size-fits-all approach and prefers individualized and scalable approaches to institutional quality and on-going improvement.
- As a peer review enterprise, accreditation requires a significant level of commitment from its evaluators to assess honestly and rigorously an institution and from its decision-making bodies to adhere to the tenets of Board governance first and foremost: Duty of Care, Duty of Loyalty, Duty of Management, and Duty of Confidentiality. It cannot be stressed enough that evaluators and Board members must do the work required of them and must make decisions that, above any other consideration, are in the best interest of the accrediting agency and in keeping with the agency’s mission, rules, and standards.
- Accreditation is a unique enterprise that, if done well, effectively intersects peer review and judgment with well-established rules and standards. Effective administration of an accrediting body is crucial and requires the staff to be highly knowledgeable and experienced in accreditation operations – in order to ensure that the day-to-day functions are carried out properly – as well as

Board governance – in order to ensure that the agency’s Board effectively and properly fulfills its duties.

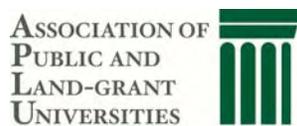
- Accreditors, through the recognition process, should be able to “show” how the agency and its standards achieve their aims, ensure educational quality, and contribute to institutional improvement. Currently, an agency is asked to show that its standards are “widely accepted”; however, demonstrating that the agency has been effective in meeting its mission can have greater prevalence in the recognition process.
- When accreditation is described as “broken” or when the peer review process is described as being “too cozy,” a real disservice is done to the thousands of individuals, many of whom are volunteers, who put forth significant hard work and effort to contribute in earnest to the prospect of helping to make educational institutions better.
- Accreditors should have:
 - Policies and procedures that are detailed and that the agency follows in all instances and
 - Standards – not simply guidelines – that are clear yet allow for scalable approaches to achieve compliance and that the agency enforces.
- Accreditors must strive to create outcomes assessment measures. These measures can be quantitative, qualitative or ideally a combination of both, but the agency must be able to show that outcomes assessment is an integral part of its standards and accreditation process and that the measures are effective and enforced. Outcomes assessment models should consider the following:
 - Outcomes assessment should require a clear articulation of program objectives and the institution’s method or variety of methods for assessing the achievement of those objectives by students.
 - Outcomes assessment requirements should reach down to the program level – not simply the institutional level. Too much wrong with a particular program can be hidden when outcomes are only reviewed at the institutional level.
 - Accreditors and institutions across all postsecondary sectors and levels should strive to find a common way to express graduation rates so that students can use this information to assess

apples v. apples and oranges v. oranges. A single measure for all would not work, but a single measure for like groups could work (e.g., vocational, professional, liberal arts, 2yr., 4yr., graduate level, etc.).

- All programs should have some requirement to report on employment or the employability of graduates as a means to show that the education/training contributed to the individual's employability. The reality is that the vast majority of students go to college with the notion that a postsecondary education, at whatever level and in whatever field, is what they need to get a job. Employment reporting should vary based on the objectives of the program, e.g., vocational, professional, and liberal arts, but in all instance the results should be used to inform and improve the program objectives.
- Accreditors can be and should be more transparent. In this age of information access, the expectation/demand for more transparency in the accreditation process is natural. However, accreditors cannot be expected to open a school's file upon request because there is sensitive and proprietary information contained therein. But, it is not enough for accreditors to offer nothing more than the status of accreditation. An appropriate balance needs to be reached that would disclose more information regarding the agency's actions as well as the educational outcomes of the institution (outcomes as defined by the institution and its accreditor).
- While due process is an important and integral part of the accreditation process, the new law and ensuing regulations have made this process much more cumbersome and problematic. Specifically, the requirement that an Appeals Panel be a separate and independent decision-making body has the potential to put far too much decision-making authority into the hands of a non-elected entity. An accrediting agency's Board of Directors (i.e., Commission, Council, etc.) is the entity responsible for making accrediting decisions; however, the new regulations that require an Appeals Panel be an independent decision-making body, which can reverse an adverse action taken by an agency and grant the institution accreditation, effectively allows the Appeals Panel to make accreditation decisions. The Appeals Panel should be limited to either uphold an agency's decision or to remand that decision for further review based on specific findings. Moreover, the intervention of political forces in the accreditation process only serves to erode the ability of accreditation to perform its function.

- Current law and regulation allows accreditors, at the agency's option, to not treat branching as a substantive change after the institution's third branch campus. While the most recent iteration of the regulations in this regard has raised the bar, the allowance alone is counter intuitive. As the institution grows and becomes more complex, greater oversight is required, not less. Accreditors should be required to evaluate fully (i.e., self study, on-site evaluation by a full team, etc.) every free-standing institution offering at least 50% of a program.
- Accrediting agencies should be required to set a delimiter upon number of branch campuses that an institution can establish within a year that can only be exceeded upon a showing of good cause that the institution has sufficient resources (human and financial) to establish a branch campus beyond the normal limit. Currently, several agencies have such restrictions, but for those that do not, unchecked branch campus proliferation can cause significant issues with regard to the quality of education that an institution is able to provide.
- The length of a grant of accreditation is an important element of the overall accreditation process and should reflect the proper amount of time between full accreditation reviews that best serves to ensure on-going quality of education. Fair and reasonable parameters could be established for accreditors, which could include an approach such as the following:
 - Up to a three year grant of accreditation awarded to newly accredited institutions and branch campuses;
 - Up to a five year grant of renewal of accreditation awarded to institutions that demonstrate compliance with accrediting standards in the normal course; or
 - Up to a seven year grant of renewal of accreditation awarded to institutions that demonstrate exceptional student achievement outcomes and far exceed minimum accreditation requirements.
- Accrediting agencies must be evaluated on a level playing field. Federal regulations should continue to be written with flexibility in mind, and they must be applied fairly and evenly across accrediting agencies. In the past, the perception has been that different requirements have been applied across agencies based largely on the types of institutions or programs an agency accredits.

- The Department should have an opportunity to recognize an agency with interim reporting in addition to the option of deferring final action. The all-or-nothing approach seems unnecessary in instances where minor non-substantive issues are concerned.
- No accrediting agency can be seen as “too big to improve.” Just because an agency accredits a large number of institutions or programs or accredits prestigious institutions or programs does not mean that the agency cannot improve itself. In addition, no institution can be seen as above accreditation standards or the need for improvement.
- Federal law and regulation must finally deal with the issues of transfer-of-credit and dispense with the petty arguments and the institutional and faculty egocentrism. Students are simply not being treated fairly. Institutions should be required to evaluate all transfer credit fully and fairly and accreditors should be required to establish standards in this area.
- Understanding the differences between not-for-profit and for-profit institutions is an important consideration in the design and implementation of accreditation policies and standards, especially in such areas as change of ownership and financial review. However, expectations and the enforcement of standards must be applied equally across all institutions accredited by an agency.



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Statement on Accreditation to the National Advisory Committee on Institutional Quality and Integrity

Peter McPherson
President
Association of Public and Land-grant Universities

February 3, 2011

Although I cannot participate in the panel in person, I appreciate the opportunity to submit comments on the complex issue of accreditation. I have not widely discussed with my members all the views set forth here. Therefore, these views are primarily my personal views from experience in my current position, as former President of Michigan State University, and as former Executive Vice President of Bank of America.

Let me note here the thoughtful and helpful comments submitted for this discussion by my colleague, Muriel Howard, President of the American Association of State Colleges and Universities (AASCU).

I hope the entire academic community will continue to have opportunities to engage with NACIQI and the Department on accreditation matters. It is in that spirit I offer the following thoughts.

ACCOUNTABILITY ISSUE AND SUMMARY

The federal government spends billions of dollars on student financial aid and there must be reasonable accountability for those funds. In my view, the question is how to avoid government established learning outcomes, thereby sustaining the vitality, independence and diversity in U.S. higher education while providing the appropriate levels of accountability for the federal funds. In other words, what is the best means of accountability for the federal funds, including but not limited to the accreditation process? I propose the following approach: 1) the accrediting process should be responsible for academic considerations without accreditor determined learning outcomes, and 2) the Department of Education, with the assistance of the Government Accountability Office (GAO), should be responsible for the fiscal determinations within the student financial aid eligibility process. I believe this combined effort can be implemented to achieve the appropriate levels of accountability and public creditability.

ACCREDITATION

The accreditation system was designed as a collaborative and self-improvement process to gauge and enhance academic quality as appropriate to the mission of the institution. At its core, it is a system designed to promote academic improvement and accountability.

The determination of academic content and quality should remain in the purview of academia. The diversity, independence and vitality of American higher education makes our system the envy of countries around the world. We must avoid government/accreditor determined learning outcomes that would stifle U.S. higher education.

Overall, accreditation has helped produce a higher education system that generally works for the students and the public. Accreditation should, at its essence, continue as a self-improvement process to enhance academic quality.

Although I am against government/accreditor determined learning outcomes, I support substantial change in higher education. Change is occurring in many places and it must be supported and encouraged. Let me point out that change and adaptability were strongly supported in detail in a paper written after five regional conferences of APLU members held last year.

Moreover, as an association of public universities, we support accountability and transparency for higher education because of our public nature and as a means to continue to strengthen our institutions. In part because of the public's concern about and desire for greater levels of accountability and transparency, APLU and AASCU created the Voluntary System of Accountability (VSA), which involves monitoring and reporting certain learning outcomes. The VSA, with over 330 participating universities, was created as a voluntary system because we strongly felt that measurements must be flexible enough to adjust to different needs and new information being gathered.

Let me be clear, individual institutions should measure learning outcomes in a manner that they find appropriate for purposes of self-improvement. It is appropriate for accrediting agencies to expect that some learning outcomes measurements be undertaken by institutions. I understand that accreditors are generally taking the VSA learning outcome process into consideration, but accreditors should not dictate how measurement is done or determine expected outcomes.

ELIGIBILITY OF INSTITUTIONS FOR STUDENT FINANCIAL AID

The Department of Education has the ultimate responsibility under the law to make the decision on whether an institution is eligible to participate in federal student financial aid programs. There are a number of considerations, including important fiscal factors such as student loan default rates that the Department brings to bear in eligibility decisions. An institution cannot keep its eligibility unless it keeps its academic accreditation.

Because eligibility and accreditation may in practice be contingent upon each other, some observers miss the fact that eligibility and accreditation are two separate processes. Moreover, it appears we have begun to confuse or even merge the two processes as we have pushed the accreditation process to make fiscal factors, like loan default rates, primary factors in the accreditation process.

I believe the front line for fiscal considerations should be the Department of Education's eligibility determinations, relying suitably on the work of the GAO. The Department should be the front line because the review of fiscal considerations should be done regularly, not just in an accreditation cycle. Financial trouble should be caught early because from my

experience financial troubles usually get worse with age, not better. Moreover, the Department appropriately has the responsibility for the investigation of fraud in connection with financial aid. On the other hand, accreditors and accrediting teams are not generally auditors or credit officers. In short, the Department has or should have the ongoing institutional capacity to make the fiscally related decisions and the accreditors do not have comparable tools and capacity.

COMMENTS ON IMPLEMENTATION

Many recognize that a major challenge in student financial aid is the high default rates associated with a small number of institutions. These problems, plus low graduation rates at these institutions, are at the core of the current accountability and creditability issues. This matter is complex because many of these institutions serve a disproportional number of low income, first generation and non-traditional students. With these considerations in mind, the Department of Education eligibility process should deal appropriately with these institutions.

The fiscal criteria for making eligibility decisions should be reviewed and appropriately strengthened. I would include post-graduate employment information in the fiscal information used in making eligibility decisions. Of course, this would require finding a way to gather the information. It is costly and too incomplete for institutions to do themselves. Perhaps information from the Social Security Administration, with appropriate privacy safeguards, could be used. I know that this is complicated and controversial, but employment and earnings data are important for the public grant and lending processes and for accountability. Accreditors should be informed of this information, though I see the eligibility process as the primary users of the information.

It is important that the eligibility decision process have a full set of options to deal with poor performing institutions. Too often cases drag on for years while the institutions continue to receive federal funds. Part of the enforcement problem is that institutions are either eligible for all of the student aid money or for none of the money. Intermediate decisions would be easier to make politically and more effective to drive changes in the institutions. For example, a poor performing institution could have its eligibility limited to 85% to 90% of the prior three year average of student aid. This probably should not be implemented by an across-the-board reduction of financial aid to individual students because that would hurt the students. Rather this should be done by reducing the number of students attending the institution who could receive aid. Students eligible for aid would generally go other places where they could get aid.

The Department's eligibility decisions should be based on fiscal considerations and other non-academic quality factors currently in the law. In short, the Department's eligibility process should generally not include academic quality considerations, beyond recognizing that the academic accreditation of an institution is required for eligibility. The lack of clarity of responsibility between eligibility and accreditation is a source of much confusion and makes it more difficult to hold anyone responsible.

Keeping fiscal eligibility separate from accreditation and its academic quality role is important, but a few factors unavoidably overlap eligibility and accreditation. In that spirit, I would use graduation rates in connection with loan default rates in making the eligibility decisions. Of course graduation rates should be an important consideration in the accreditation process. However, graduation rates are only of practical value if a way can be worked out to measure them that takes into full consideration the transfer of students in

and out of institutions. I strongly support a way to appropriately measure graduation rates.

The loan default rates may reflect on the quality of the education provided by institutions. Accreditors need to be made aware of such information, but should not have the primary responsibility for making decisions on such information.

FINAL THOUGHTS

I believe that accreditation has become very costly and bureaucratically cumbersome in many instances without a benefit to quality. These issues need to be addressed.

Again, I appreciate being invited to participate in the panel and regret that I could not be there in person. We at A·P·L·U look forward to further dialogue and engagement with NACIQI and the Department.

**Recommendations to NACIQI
Regarding
Future Legislation and Other Actions to Improve the Accreditation Process and
Oversight of Higher Education
Harris N. Miller, President/CEO
Association of Private Sector Colleges and Universities
February 3, 2011**

I am Harris Miller, the President/CEO of the Association of Private Sector Colleges and Universities (APSCU). On behalf of the more than 1800 APSCU members that educate well over 1.5 million students in over 200 occupational fields, I appreciate the opportunity to provide NACIQI our perspective on accreditation and agency recognition matters that could improve both processes and, thus, improve the quality of education provided at institutions of higher education in the United States.

Background

The Association of Private Sector Colleges and Universities (APSCU) is a voluntary membership organization of accredited, private postsecondary schools, institutes, colleges and universities that provide career-specific educational programs. APSCU member institutions provide the full range of higher education programs: masters and doctoral degree programs, two- and four-year associate and baccalaureate degree programs, and short-term certificate and diploma programs. On September 22, 2010, APSCU changed its name from the Career College Association (CCA).

Approximately 25% of APSCU's 1500 institutional members are institutionally accredited by regional accrediting agencies and approximately 75% are institutionally accredited by national accrediting agencies, all of which are recognized by NACIQI. On a student population basis, closer to half attend regionally accredited institutions. Further, numerous programs at these institutions are programmatically accredited by specialized accrediting agencies, particularly in the healthcare fields.

APSCU is not formally involved in the accreditation or recognition process. As the result of statutory changes made to the Higher Education Act in 1992, Congress encouraged trade associations and accrediting agencies to be structurally separate, partly resulting from fears that the association members would unduly impact the decisions of the related accrediting agencies. APSCU's (formerly CCA's) predecessor trade association organizations, AICS and NATTS, at that time decided to consolidate the two trade associations into a single association and to spin off the two related accrediting agencies (now the Accrediting Council for Independent Colleges and Schools (ACICS) and the Accrediting Commission of Career Schools and Colleges (ACCSC)) such that they are now completely independent of APSCU. For instance, a person cannot both sit on my Board and be an accrediting agency commissioner.

Thus, my comments and recommendations today do not reflect actual knowledge of the inner workings of recognized accrediting agencies, but are based on observations made

external to those accreditation processes. Many current and past leaders of APSCU have previously been leaders in various accrediting agencies throughout the years. Given that APSCU represents many of the same institutions that are accredited by the recognized accrediting agencies and is often asked by policymakers to opine on accreditation and issues of academic quality, we do think that we have some information and can provide some guidance that might be useful.

Observations and Recommendations

1. Policymakers, the media, and other higher education stakeholders often are unclear as to a) the accreditation process, b) the importance of accreditation, c) the role it plays in assuring academic quality, and d) the oversight the accrediting bodies themselves undergo. Similarities and differences among regional and national accreditors, institutional and programmatic accreditors, for instance, are often unknown or misunderstood. While one would not expect an outsider to appreciate all the nuances of accreditation, I find in my conversations that even the basics are missing among people who should know them.
 - Recommendation: NACIQI itself should prepare and widely distribute a document that describes the role and process of accreditation, particularly in the Title IV eligibility context.
 - Recommendation: NACIQI should encourage the accreditors to educate policymakers and other stakeholders about themselves. I understand that accrediting bodies do not exist to and may be prohibited from lobbying, as APSCU does, but informing policymakers is not lobbying. I personally encourage accrediting bodies to provide key Capitol Hill policymakers systematic briefings, at least twice each year.
 - Recommendation: NACIQI should reaffirm to Congress that accreditation is a valuable part of the Title IV eligibility process. If NACIQI does not believe that it is, then communicate that position and proceed with a new oversight construct.
2. Expectations as to roles in the so-called “triad” (the accrediting agency, the state, and the Department of Education (ED)) are unclear and often lead to confusion as to which entity is principally responsible for oversight of which element of higher education. Taking the issue of recruitment and admissions as an example, each part of the triad usually has some standard, law or regulation that governs this area. While typically accrediting agencies have had the principal responsibility for academic quality and program integrity, policymakers and the public do not always make such fine distinctions and look to the accrediting agencies for compliance in these other areas even though these agencies are generally not constructed to oversee non-academic areas well and may not see that oversight as central to their mission.
 - Recommendation: Clearly delineate in law or regulation which part of the triad has principal, though not exclusive, responsibility for oversight of each of the parts of a student’s matriculation process (e.g., marketing,

recruitment, admissions, academics, career services/placement) so that there is no question as to who/what is responsible.

3. Although the predecessor agency to NACIQI was consumed for several years with the issue of accountability based on outcomes measures, policymakers are still handicapped by the lack of clear definitions, common metrics, and common data on outcomes and indicators of success. As someone still relatively new to higher education, I continue to be appalled about the absence of common standards and metrics. As a result, policy is often based on speculation, misunderstanding, or anecdote. “Official government numbers” are virtually meaningless because of the strange ways the data points are defined. The IPEDS data are significantly limited and are based on experiences of traditional students, now the clear minority of types of students. For example, the data collection for graduation rate calculation is limited to first-time, full-time students. That means, on the simplest level, we are talking about graduation rates after first excluding from the calculation and conversation the majority of students. That makes no sense, and, not surprisingly, leads to much confusion and disputation about the results.

- Recommendation: NACIQI should recommend to the Secretary that ED seek legislation to:
 - Establish common data requirements that disaggregate institution-based student data so that policymakers can develop clear policy based on accurate data
 - Establish common outcomes definitions and metrics for Title IV purposes

4. From my discussions about their role with those most intimately involved in accreditation, reading their statutory authority, and other input I have received, I understand that accreditors generally push back when their role is described as policemen. The accrediting bodies see themselves as working with the higher education institutions to improve those institutions, more as social workers than law enforcement.

Yet the reality is that the accrediting bodies are gatekeepers and enforcers whose decisions impact tens of millions of students, thousands of institutions, and billions of taxpayer dollars. And if their first instinct when they see a shortcoming is to work to improve the situation with the higher education institution, not punish it, to deny their key role as enforcer seems both inaccurate and unhelpful to the long term viability of the accreditation process. Why do I make such a strong statement about the possible threat to the accreditation process? Because “accountability” has become a key element of education generally and higher education in particular. And the American public, through its elected representatives, is sending strong signals that it wants more clarity on the value proposition, the Return on Investment, of its higher education institutions.

So if the accrediting bodies, as part of the triad, refuse to speak clearly and boldly about their role in holding schools accountable for their shortcomings—understanding the need

for due process and appropriate collaboration with higher education institutions, when necessary—their credibility will be severely diminished. Though I do not agree with the critics, the reality is that there are those out there today who are claiming the accreditors are enablers, not overseers, turning a blind eye to major problem areas.

I do not have a specific policy or legislative recommendation to make on this topic to NACIQI. Rather I suggest that NACIQI facilitate a dialogue on it. The dialogue will not be an easy one, as I have discovered myself when I have raised the topic among my schools and am told “You just don’t understand.” And those are the mildest comments. Maybe I don’t understand—at least what has been the past practice. But there are unmistakable warning signals out there about threats to the role of the accrediting process, and so it behooves this body, the Department, the accrediting bodies and higher education generally to have a constructive dialogue on the topic, including perhaps some thinking outside the box. We all recognize higher education is changing. There is no reason to think that the accreditation process is immune to those changes.

5. I am not convinced there is sufficient interaction currently among the arms of the triad to yield effective communications, which is a precursor to effective overall enforcement of a complex and variegated set of laws and regulations. Even if my recommendation to formalize oversight/enforcement responsibilities is achieved, improved communications are essential.

- Recommendation: NACIQI should facilitate a systematic, formal dialogue among the Department, the states, and the accrediting bodies to agree among themselves on enforcement priorities and share that information with the broader stakeholder community. The goal is to ensure that the enforcement process is fair, uniform, and clear to all. And that when negative action is justified against an institution, the goal of holding schools accountable is not hindered by uncertainty or unnecessary overlap, or, alternatively, problem areas are not given sufficient attention because none of the three elements of the triad has chosen those areas as a focus.

**National Advisory Committee on
Institutional Quality and Integrity**

February 3-4, 2011

Statement by Barmak Nassirian

Associate Executive Director

American Association of Collegiate Registrars and Admissions Officers

(AACRAO)

My name is Barmak Nassirian and I am Associate Executive Director with the American Association of Collegiate Registrars and Admissions Officers. I appreciate this opportunity to share my views regarding the strengths and weaknesses of our postsecondary accreditation system with the Committee as it develops its recommendations to strengthen and improve accreditation.

AACRAO is a non-profit association of more than 2,500 institutions of higher education and some 10,000 campus enrollment services officials. Our members play a central role in protecting and maintaining the academic integrity of their institutions as admissions gatekeepers and as enforcers of the institutional academic policies on the basis of which academic credits and credentials are earned. As key stakeholders on behalf of their own institutions, they also have a systemic interest in the academic integrity of other institutions because they rely on credits and credentials granted by high schools and previously attended colleges and universities.

Over the course of the past decade, our members have become increasingly alarmed by a dramatic rise in the number of diploma mills—from fake “high schools” to phony “doctoral” institutions—and the proliferation of applications based on fraudulent and questionable credentials. The constant battle against ever more sophisticated fraud and abuse now occupies a major aspect of our members’ professional responsibilities.

While the detection of document fraud and identification of outright diploma mills are difficult enough tasks, a third (and more systemic) threat to academic integrity has emerged in the form of questionable schools that have managed to obtain accreditation from Secretariially recognized entities. These institutions often combine multiple indications of potential trouble, such as high-attrition/low-graduation rates, non-transferability of academic credits to other institutions, low licensure pass-rates for programs in licensed professions, low job-placement rates for their vocational programs, high-debt/low-income characteristics for the vast majority of their students, high default-rates, and very high levels of dependence on federal dollars. The ability of subpar institutions to game the accreditation process undermines public confidence in non-governmental quality assurance and threatens the legitimacy of accreditation as a reliable policy tool to promote institutional integrity.

In offering the following critique of accreditation as it is currently configured, I should emphasize my own strong commitment to institutional autonomy and the American tradition of political non-interference in academic affairs of colleges and universities. I certainly agree with those observers who believe that our current practices in accreditation are so abstract, so subjective, so procedural and so self-referential as to border on being substantively meaningless in assuring institutional quality or integrity. Just about the only worse way of doing things would be to adopt governmental recognition as an alternative.

I should also explicitly acknowledge that quality assurance through peer-review has been a historically successful model by which institutions that are truly interested in maintaining high standards can continually improve. The problem we face is that the quality assurance scheme that once worked magnificently well has failed to keep pace with the transformational changes in the industry it is supposed to oversee, and that it is increasingly reduced to a vestigial structure with little relevance or effect.

Conditioning eligibility for federal funding on accreditation is at the root of most, if not all, of the latter's present shortcomings. Accreditation worked best when it was entirely voluntary and non-governmental. The very act of tying eligibility for federal financial aid to accreditation created powerful incentives that altered accreditation as it had existed until then. With billions of federal funding at stake, accreditation has to be able to competently confront well-funded or well-connected operations that only pay lip service to the historical orthodoxies of institutional mission, self-evaluation, and peer review. It does an abysmal job of it today for a number of fairly obvious reasons.

First, accreditation is dominated by the very entities that it is supposed to oversee. Not only is this Committee disproportionately composed of officials from institutions, accrediting bodies themselves and their association are also disproportionately dominated by and financially dependent on institutions. Rarely do regulated entities have such overt and overwhelming control of their regulators. A clear legislative solution here would be to require appropriate conflict of interest rules and to mandate broader representation in all tiers of accreditation by other stakeholders.

Second, accrediting bodies often have insufficient resources to play the role that they are assigned. Some of the smaller accrediting bodies have budgets so small that it makes them seem to be little more than sham operations. Clearer guidelines on factors of administrative capability and financial responsibility are desperately needed to ensure that accrediting bodies have resources commensurable with the resources of the institutions that they approve and the federal dollars they put at risk. In addition, rules should require all accreditors to have visible and accessible consumer complaint, fact collection, and due diligence processes, and require institutions to explicitly refer to these processes every time they invoke or advertise their accreditation status.

Third, our current system is biased in favor of erring on the side of granting, rather than denying, accreditation. Accrediting bodies have strong financial, political, and legal incentives to say yes to even the most questionable applicants. This is a function of the previous two attributes, and it is given additional impetus by the fact that there are no substantive adverse consequences for accreditors with a history of bad judgment. A legislative remedy here would be to impose requirements and liabilities similar to those imposed on auditors on accrediting bodies. The threshold for any liability should be calibrated in a manner that would impose penalties only on accreditors that display systemic poor judgment or a purpose of evasion. Another mechanism to create meaningful consequences for accrediting bodies would be to use cohort default rates much in the same way as they are used for institutions, and previously, lenders and guarantors.

Fourth, Secretari ally recognized accrediting bodies should be prohibited from engaging in accrediting activities outside the scope of their recognition, particularly with regard to foreign institutions. In our work on diploma mills at AACRAO, we have come across instances of troubling behavior by Secretari ally recognized accrediting bodies overseas, and have been concerned as well with some Secretari ally recognized entities' activities vis-à-vis high schools.

Fifth, accrediting standards need to be more explicitly tied to verifiable outcomes where practicable. The abstract and highly subjective review process historically associated with accreditation is laughably inappropriate for some fields. The self-evaluation/peer-review process, for example, would be a far less reliable and more complex measure of the quality of a truck driving school than the percentage of its students who pass the licensure exam. Where direct outcomes measures may not be available, reasonable proxies can often be put in place to ensure program integrity.

Sixth, accrediting standards should be appropriately tied to the incentives, internal structure, and capabilities of the institutions being accredited. Self-evaluation and deference to institutional academic judgment, for example, make perfect sense in settings where tenured faculty are in control of the curriculum through shared governance, but make no sense at all in settings where a group of business-minded executives determine academic policy and hand it to at-will instructors to execute.

Seventh, do away with referencing infinitely variable institutional missions as a significant determinant of a pass-fail accreditation system, and develop a more meaningful classification of institutions to codify judgments about institutional quality. Our current scheme is, on its face, counter-intuitive because of its grouping of clearly dissimilar institutions together. When confronted by the public's puzzlement at how some of the finest and some of the worst institutions in the land enjoy the same accreditation status—a feature that the latter often trumpet in their advertising—accreditation insiders refer to the uniqueness of institutional missions as central to all judgments about quality. This, in effect, means that we currently assess some 7,000 accredited institutions on a grading scale with 7,000 different grades. A far simpler, more meaningful and more enforceable grading system would be to recognize and explicate a more comprehensible set of possible missions, and create an accreditation system that evaluates institutions on the basis of the classification that they believe best represents them.

Finally, put an end to the current practice of buying and selling accreditation. Changes in ownership or control should trigger a new accreditation application and review.

I thank you again for the opportunity to present these recommendations.

NACIQI remarks February 3, 2011
Gary Rhoades, General Secretary, AAUP

Thank you for the opportunity to speak to you today, representing the American Association of University Professors (AAUP), an organization that represents 48,000 faculty, academic professionals, and graduate employees. Historically, the AAUP has articulated and spoken for the basic principles of academic freedom, shared governance, and due process and tenure, which it sees as essential to quality higher education and student learning outcomes. The longstanding official position of the AAUP on accreditation emphasizes the fundamental importance of faculty involvement in accreditation at various levels, such as in preparing the self-evaluation and in meeting with the visiting committee.

My remarks also reflect my experience and work as a professor of higher education at the University of Arizona, where I served as Professor and Director of the Center for the Study of Higher Education for eleven years. Over the course of my three decades as a professor I have done research on higher education in the U.S. and internationally. That work underscores three central themes that are consistent with the principles and position of the AAUP, three of which I will focus on in my remarks.

Better than the alternatives. One way of characterizing the strengths and weaknesses of the current system of accreditation is to invoke Winston Churchill's classic statement about democracy, expressed in a House of Commons speech in 1947: "Democracy is the worst form of government except for all those other forms that have been tried from time to time." The genius and strength of the U/S/ higher education, which is connected to the distinctive American system of accreditation, is its variety, choice, and capacity for innovation, embedded in a decentralized, non-governmental form of accreditation. It is true that the world is not standing still. It is also true that much if not most of it is trying to become more like us, including in the

specific realm of quality assurance. European systems of higher education are devolving increased authority to the campus level, and are emphasizing the significance of peer review with teams of faculty responsible for assuring quality. They know, with their large ministries, that centralized control stifles innovation. Bureaucracy does not lead to innovation and continuous quality improvement.

At the same time, the U.S. system's strength is also its weakness. The system is wide open. It is voluntary. And at some level, almost every institution meets or exceeds the regional accreditation bar (as opposed to professional accreditation). That substantially reduces the meaningfulness of accreditation to the outside world, as well as to people within the academy such as faculty. Thus, it would make sense to have gradations of scores that can be interpreted by students, boards of trustees, and society, and to raise the minimum bar. For example, the fact that it is even a debate as to whether an institution that is taken over and adopts a new mission, staff, etc., should have to go through a new accreditation review. Clearly it should.

At present, as was discussed during the testimony, to NACIQI February 3, 2011, too often accreditation is a performance ritual that has too little impact on organizational practices and student learning. If this situation is to change, it will be necessary to engage a wider range of faculty and professionals within the institution in these processes. In turn, for those people to be more engaged, the outcomes of the process need to be more meaningful.

Finding a balance in the metrics; don't forget inputs. Just as it makes sense to translate accreditation results into more than an up or down decision (or probation), so it makes sense to seek a balance in the application of metrics in accreditation. A guiding consideration should be to respect the success of the current system, do no harm, and avoid the goose step, in which everyone follows the exact same path. A one-size-fits-all approach will not capture the richness

of the American system, and will do damage to the local strength of the system. Such simplistic metrics can even provide counterproductive incentives: emphasizing graduation rates, given the flawed ways in which they are calculated, encourage institutions to either move away from the growth populations of students, the first generation, working class, students of color and immigrants, recruiting more students who are more likely to succeed, or to lower standards in a higher education version of social promotion. There is a real danger that such accountability pressures for greater productivity will trump a focus on and investment in student learning outcomes, which are labor intensive. The key, at the core, is for faculty and professionals to be involved in developing locally meaningful and useful evaluation instruments to measure student learning in ways that remain true to the institutional mission.

Yet there are some important metrics that can be useful, and here we would be wise to retain the importance of key input measures even as we increasingly measure outputs such as student learning. Underlying the increased pressure for accountability is the increased flows of monies to higher education. There is a sense in the policy world that there is a need to protect the federal investment, and the students' use of it. I would suggest that it is also important to monitor institutions' use of these resources. It is time to get back to academic basics, to emphasize the core academic missions of colleges and universities. In recent decades, increased shares of institutional expenditures are in non-instructional realms, in every sector of higher education. Accreditation should pay attention to the flows of resources within the institution and the impact these have on quality. Money is not a guarantee of quality outcomes, but it would be foolish to suggest that money does not matter. In the current context, attention should be devoted to how cuts affect quality, and how available resources are utilized. We know that contact with faculty and other professionals, in relationships not just short-term encounters,

positively impacts various student learning outcomes. That suggests that input measures such as proportion of full-time and tenure track faculty, class size, and advisor to student ratio, to name a few, should be considered in accreditation. Such inputs are very important as well, because one of the key areas of learning and development in college is in the network of relations with professionals (and with peers). Students are not just learning knowledge in the classroom. They are learning a range of behaviors and value, developing connections, and growing in ways that simply are not captured by simple, quantitative metrics. As the saying goes, what can be most easily measured is least important, and what is most important is most difficult to measure. For example, from the standpoint of the AAUP one of the most important aspects of a high quality education is that faculty and students are free to explore and voice their views, that there is academic freedom. Students learn important lessons from such a setting that would be hard to reduce to a quantifiable metric. Similarly, from the standpoint of the AAUP, another lesson to be learned by students, at least optimally, has to do with shared authority, a balance of power, and the workings of democracy within the academy. It is important, then, for students to have a sense of the active role of faculty and professionals in being part of decision making in governance (just as some students become involved in student government). Again, difficult to measure, but the present political environment would suggest, critically important to foster.

At the same time, there needs to be balance and restraint. It is good for governmental commissions and bodies to apply some pressure to the academy to improve its performance. That pressure fosters a lot of activity, much of it positive. Institutions move at the local level to develop mechanisms for gathering, analyzing, and publicizing data about student learning outcomes. The danger is when the government takes the next step, when it oversteps, by seeking

to define particular outcomes and metrics. What is optimal is a creative tension between external pressures and internal constituencies, particularly of faculty.

Seeking an appropriate division of labor. Accrediting bodies are being asked to do too much—to draw a bright line on accreditation standards, to encourage quality improvement, and to play a role in regard to institutions' financial aid eligibility. The multiple responsibilities undermine the ability of accrediting bodies to fulfill their traditional responsibilities. It makes it hard for these bodies to develop new processes and measures more relevant to the students and educational programs of today.

Historically, a key role of regional accrediting bodies has been to ensure minimum standards, such that universities in other countries (and states) could rely on the legitimacy and value of the education received. That is still a key role, and the bar could and should be raised higher. And the accrediting bodies should provide an accessible, meaningful set of designations that clarify for the public the quality of the college in question, according not only to some set standard, but also to a trend line of improvement. Faculty should be at the center of this work.

Another role of accrediting bodies is and of fostering improvement. If we are to achieve the goals of the Obama administration and Lumina Foundation, it will be essential for colleges and universities to improve by doing a better job with their current students or with students from underserved populations, as well as those following non-traditional paths. Otherwise, institutions are likely to realize “improvement” by recruiting students who are more likely to succeed. Given the changing demographics of our population, that is a counterproductive path for us as a society. Thus, accreditation should pay attention to the success of institutions with students who have multiple risk factors. That should not be a set metric but rather an emphasis that the accreditation processes encourages, providing a counterbalance to the pressures and

aspirations that drive colleges and universities in other directions. In short, accreditation should focus on quality improvement

A third function that is being in a sense thrust on accreditation is consumer protection. Accrediting bodies and visitors are ill equipped to play this role. They are not focused on and are not likely to be able to readily identify a range of predatory student aid practices, recruiting practices, and advertising practices. The notoriety that has been generated by the exposure of various organizational practices that amount to consumer fraud has led many policymakers to consider how to monitor colleges and universities in this realm. That is particularly true for proprietary institutions, which are almost totally dependent on federal financial aid, which have disproportionately high loan default rates, and which effectively transfer wealth from the public purse to private parties. An appropriate division of labor here would be for the Department of Education to work with student aid professional associations to develop some mechanisms for monitoring and assessing college and universities' practices in these realms.

In sum, then, the AAUP sees the role of faculty, particularly at the local level and in their involvement in accreditation processes as being critical to ensuring quality in higher education. That is a model the Europeans are moving to, an enhancement of our model. The AAUP also believes that in seeking to measure quality there should be balance, including among the sorts of learning conditions and outcomes that students experience and realize. It is hard to measure academic freedom, but it is fundamental to the richest sort of critical thinking that we value. Finally, in the division of labor surrounding various aspects of accreditation, faculty again can and should play a central role in fostering continued improvement, particularly with new populations of students.

A Trustee's View of Accreditation

My name is Jane Tatibouet. Over the past two decades, I have devoted myself to strengthening higher education. I have often taught as a lecturer at the University of Hawaii College of Business. In 1990, I was elected to the Hawaii House of Representatives and served on the Higher Education Committee. In 2003, I was appointed by Governor Linda Lingle to the University of Hawaii Board of Regents, where, among other duties, I chaired the Finance and Facilities Committee. I served as a Trustee of Cornell University from 1992-1996: one of my particular responsibilities was liaison with the State University of New York (SUNY) system, representing Cornell University's Statutory Colleges. My involvement with Cornell leadership continues to the present.

The governing board of a college or university ultimately bears responsibility for every aspect of the institution. In plain terms, the buck stops there. The board relies on expert faculty, administrators, and other professionals for different institutional functions, but ultimate responsibility for the quality of education and the fulfillment of institutional mission rests squarely with the governing board. An effective board does not micromanage or, least of all, interfere with the academic prerogatives of faculty, but it must never abdicate its role in ensuring quality in all aspects of the institution.

My message for this NACIQI hearing on accreditation is that regional accreditors too often disregard the fiduciary responsibilities of governing boards and thereby violate the academic freedom and integrity of the institutions they accredit. Accreditation exists to protect the interests of students and taxpayers, a simple and straightforward task. It was never given a license to have a surrogate governance role, and if this misunderstanding of role and mission of accreditation continues, NACIQI needs to rein in accreditors who overstep their role and function.

The fiduciary role of trustees or regents on the governing boards of state institutions is generally very clear in law. Our Hawaii State Constitution (Article X, section 6), for example, states, "The board shall also have exclusive jurisdiction over the internal structure, management, and operation of the university." Any lingering doubts I had about what that meant evaporated when the state Attorney General pointed first to Article X and then to me, saying, "YOU are responsible." He did not say "Western Association of Schools and Colleges is responsible." He said I, as a Regent, am responsible.

You can therefore imagine my surprise when the WASC team came to the University of Hawaii in 2003-05, and I found that the Regents were being quizzed at length on governance procedures and then lectured to at length about how we should govern. The Regents wanted WASC to fulfill its statutory function and tell us how well (or not well) the University was doing in teaching and learning and whether educational outcomes were being properly measured. Yet, I must confess, there was little that WASC did to help with ensuring educational quality, but plenty of intrusion into how we governed.

WASC has lots to say to institutions about their internal affairs. Let me give just a few examples in my region. They sided with the University of California's Academic Council in objecting to the "culture of interaction" at UC. Their complaint that the board caused "harsh treatment of administrators, faculty,

and staff” prompted the board of trustees to spend considerable time responding to and correcting WASC’s allegations. They threatened sanctions against St. Mary’s of California, on grounds of “increasing and sustained lack of civility” and failure to conform to WASC’s vision of higher education diversity. I note that at Saddleback, WASC cited the need for the board to stop interfering with operational activities ... though the team did not note any incidents of the Board showing inappropriate involvement. At Saddleback they also cited the need to reduce “hostility, cynicism, despair, and fear.” Would that that might grace all of us! Speaking as a University regent, I would expect to hear more from the accreditors about the sort of problems detailed in *Academically Adrift* and less about how the University manages itself. Yet WASC somehow feels empowered to rule on the social hygiene of the institutions it accredits, Did Congress expect them to intervene in trustees’ statutory obligation to govern the institution? I think not.

I have concentrated on problems with WASC, because it is the accreditor that stands as the gatekeeper for University of Hawaii’s eligibility to receive students with federal scholarships and loans. That raises two other major issues. First: why, in this era of instant telecommunications and global competition, are colleges and universities bound to work with one single accreditor that has complete authority over its federal eligibility? Second, should not the matter of federal eligibility be separated from the multitude of issues with which accreditors concern themselves? Some institutions may welcome the accreditor’s critique as a series of helpful suggestions. Others will find it intrusive, perhaps even counter-productive interference in responsibilities vested by law in a governing board.

Thus, my recommendation for NACIQI’s consideration: a simpler system of certification of eligibility to admit students with Title IV federal support and a separate system of voluntary accreditation according to the best judgment of the thousands of institutions that comprise American higher education.

REMARKS OF RICHARD VEDDER FOR THE NATIONAL

ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY

AND INTEGRITY, ALEXANDRIA, VA

FEBRUARY 3, 2011

In assessing accreditation in American higher education, I think we need to start from first principles. Why do we *need* accreditation? We don't accredit automobiles or can openers, for example, yet Americans constantly buy these products and are generally happy with their quality and safety. Why are colleges different? The lack of transparency in higher education is the major reason why accreditation exists, along with accountability problems arising from federal financial intervention into higher education.

Today accreditation has the following eight characteristics: First, it is in some ultimate sense rather expensive, explaining why some for profit institutions have paid millions to buy accreditation through purchase of accredited schools rather than to try to obtain accreditation from scratch. The costs are not simply the direct costs of the accreditation procedures, but the secondary, often largely hidden costs of vast time and resources spent on documenting things that may or may not be meaningful in measuring program quality. Second, it is ineffective in providing true quality control or good student information. I know of no major institution in the United States that has ever lost accreditation for being mediocre in the provision of educational services. Third, accreditation is a cartel-like institutional barrier to entry to new entrants into higher education, stifling innovation and new competition. I have had prominent for profit higher education leaders tell me that it is far easier to operate in some Latin American countries than in the U.S. because of excessive barriers that are accreditation related. Fourth, although progress has been made, accreditation is still excessively input-based. Who cares how many PhDs teach at college X? The issue is: do students at X learn anything, know how to think critically, or even are capable of getting good post-graduate jobs? Fifth, accreditation is secretive, with specific recommendations of accrediting teams not made public, in violation of the very principle of knowledge dissemination that is at the very core of the mission of higher education. That is something NACIQI could recommend stopping, and should. Sixth, accreditation is riddled with potential conflicts of interest, with accrediting agencies often run by boards with individuals from the very institutions receiving accreditation. Again, you no doubt could recommend stopping that practice: why don't you do so? Seventh, accreditation today fails to make any distinction between truly marginally acceptable institutions and

those offering first rate programs. Accreditation today is like pregnancy –you either are, or are not. The failure to distinguish between poor, fair, good and superb programs is precisely why magazine-provided college rankings, one of which my Center for College Affordability and Productivity does for *Forbes*, assume an important role. Why not convey information to consumers via the accreditation process? Eighth, the existence of multiple regional accreditors and vast numbers of subject specific accreditors adds complexity and probably inconsistency in standards to the system.

This list of concerns is not exhaustive. Sometimes accrediting agencies apply standards that are completely inappropriate and arguably even racist, such as evaluating programs in part on the skin color of students and faculty. A major sin of omission is the rather common failure to evaluate in any meaningful way whether students are receiving any serious intellectual content. Since we are into having a myriad of accrediting agencies for different types of institutions, perhaps we should have on-line accreditation done by a specialized agency dealing just with schools emphasizing distance learning.

What are solutions? I have three specific suggestions, and suggest you ponder a fourth issue. First, you should insist that accrediting agencies move from a binary evaluation where you are either approved or disapprove to a system providing greater consumer information, perhaps with numeric scores from 1 to 100 where accreditation status requires some minimum score. Second, I suggested that you require that accrediting reports be made public in their entirety for institutions receiving federal funds. The arguments used to oppose this are weak relative to the importance of letting the public know more fully the assessed strengths and weaknesses of institutions. Third, you should insist that governing boards of accrediting groups not include, or at least not be dominated by, individuals associated with institutions receiving accreditation from that group. Fourth, given its rather different mode of service delivery, you should at least consider the possibility of having a separate accrediting agency or agencies for on-line schools.

In a perfect world, we would essentially abolish accreditation as it exists today and replace it with a good, uniform system of information provided to interested parties on student outcomes, institutional finances, vocational success of students, and the like. In a perfect world, there would be an end to federal loan programs that have mainly raised college costs and done little to help the poor or disadvantaged in my judgment. Thus the club that accreditors have over colleges would essentially disappear. But if we are going to keep this dysfunctional system of federal financial aid, an information-based accrediting system could be reduced to a single metric, and schools performing below a minimal level would find their students denied financial assistance, as at present. Doing this is difficult, but difficult is not impossible, and you can ease the information problem by tying accreditation more to providing such information.

Lastly, I am very concerned about accreditors tying their seal of approval to

requiring state governmental agencies giving a license to schools to operate, particularly with respect to on-line education. This creates a costly barrier to entry that could well dramatically reduce participation by the most dynamic and cost-effective sector in higher education, the for-profit operators, but also violates basic principles of interstate commerce enshrined in our Constitution.

Thank you.

U.S. Department of Education

Office of Postsecondary Education

National Advisory Committee on Institutional Quality and Integrity

February 3, 2011

Comments for Academic Scholarship Perspectives Panel

Amy Wells Dolan, University of Mississippi

Primary Question: What is working (and not working) in the current system of recognition, accreditation, and institutional student aid eligibility? When perspectives lean toward “not working” what is a constructive alternative?

Total (7 minutes):

I am an associate professor of higher education at the University of Mississippi. I teach graduate courses in higher education history, philanthropy, and public policy; college student development and student services; the cultural context of education, and qualitative research methods. My research focus is the history of higher education in the South. I have worked as a co-investigator on two National Science Foundation projects to evaluate outcomes of STEM education initiatives. I am an active member of the American Educational Research Association and the Association for the Study of Higher Education. This month, I became the associate dean of the School of Education.

My professional background involves student affairs and fundraising before faculty work. I earned a Ph.D. from the University of Kentucky, a master’s degree from Kent State University, and a baccalaureate degree from Transylvania University. I took my first full-time faculty appointment at the University of New Orleans and left there, pre-Katrina, for my current post. In sum, I have worked at seven postsecondary institutions—six of them in the South—including a women’s college and a community college. I have lived with students in residence halls and advised Greek organizations.

At UM, I have served as a faculty rep on various committees from Intercollegiate Athletics, to the Advisory Board for the Center for Excellence in Teaching and Learning, to the Institutional Review Board for Human Subjects Research and the Chancellor’s Commission on the Status of Women. My perspective on accreditation has been shaped by my participation in two activities: the first being my work as a primary project facilitator and author of my University’s SACS-required Quality Enhancement Plan (QEP), for Improving Student Writing. The second activity included my service in the SACS peer review process as an off-site reviewer, to me, a process that emphasized compliance with established basic standards of practice.

By far, I found my involvement with the QEP to be the most meaningful and challenging experience of my faculty career. The QEP required our institution to establish a vision for improved student learning and to create a plan for making the vision a reality within a five-year period. We used institutional data,

listened to internal and external stakeholders' voices, and practiced sound stewardship for institutional resources.

My concern with contemporary discourse about Higher Education and student learning is that it oft comes from a highly romanticized past where undergraduates were well-prepared for the future; where student learning outcomes were clearly and consistently articulated and achieved, and where students pursued degrees solely for learning's sake or in the case of the 1960s, for the betterment of society, without a care for the side effects of making friends or meeting marriage prospects. In this idealized past, it is no small coincidence that folks looked the same and came from similar backgrounds. The challenges of mass higher education today and the emotional needs of students are significant (Lauren Sieben, "College Freshman Report Record-Low Levels of Emotional Health," *Chronicle of Higher Education*, January 27, 2011) especially in high-poverty states and the pressures of our credentialing society are plenty—more than ever for graduates of schools assessed last in most of the good measures and first, in most of the bad ones. Taking risks when you are judged to be so far behind requires "outside of the box" thinking, teaching and leadership and in my state, a pioneering approach to educate students to create jobs; not just get them.

The idealized past is a persistent menace to my work of teaching educational history at my University – an institution forever identified with and changed by the 1962 integration of James Meredith. The University's path since integration has shown that as the institution has become more diverse, it has also become stronger academically. In the South, the cumulative effect of accreditation has resulted in raised expectations for standard practice. Without these shared expectations for standard practice, institutions could backslide, using exigency or declining resources to adapt practice on the local level where injustice and poor quality plays out most severely for students.

Richard Arum's work begs increased exploration of the outcomes of General Education, the curriculum plan for the first two undergraduate years where few gains in student learning were observed. In conversation, a colleague asserted that General Education resulted in student learning that was an "inch deep and a mile wide." The later, modest gains in student learning that Arum and his colleague observed may result from the convergence of student interest with the curriculum. Yet my work with the QEP emphasized the extent to which institutional processes are married to this curriculum convention. Simply put, due to General Education requirements it is very difficult to sponsor innovation in one area of undergraduate study without disrupting another. All of this, combined with the recent *Chronicle of Higher Education* article by David Glenn ("One Measure of a Professor: Students' Grades in Later Courses," January 14, 2011), attests to the difficulty of assessment, and in this case using students' grades in later courses for measuring the effectiveness of instruction in early courses—yet this is very kind of institutional research we need to conduct.

In the absence of research precision and increased guidance from the Higher Education research community, the QEP process stands out as a "out of the box" activity and valuable rival to the rigid assessment enterprise grown up on many campuses, an enterprise that for all the labor has resulted in little real faculty involvement or improved student learning. To me, assessment and accreditation activities are most effective and engaging to faculty when kept simple and real— where institutional data

is not secret and open conversations about student learning take place and imagining and planning for future improvement occurs. For me, the greatest threat to instructional quality involves faculty--still with their shortcomings--being further distanced from matters of curriculum planning and development, quality control, and institutional decision-making. The QEP addresses this threat because it requires broad-based participation and is fairly simple in concept and design—involving faculty in vital operational as well as strategic planning.

What's working and not working in Accreditation
Comments for NACIQI Panel
February, 2010

Thank you for the opportunity to be an active participant in this meeting. I am Belle Wheelan and I serve as the President of the Southern Association of Colleges and Schools Commission on Colleges, the regional accrediting body for 804 institutions in 11 of our southern states, Latin and Central America and, an institution in Dubai. I am also Chair of the Council of Regional Accrediting Commissions known as C-RAC, which is comprised of all seven of the executives of the regional accrediting commissions and the chairs of each of those bodies.

You have developed quite a list of issues to be discussed at this meeting that relate to accreditation in this country; however, I will focus my remarks on only two of them: the roles of federal and state governments, and accrediting organizations, and the recognition process itself. While an entire day could probably be taken up discussing each, I will attempt to contain my remarks to the time allotted me.

TRIAD

Regional accrediting commissions were created over one hundred years ago to create an association of members who could trust one another and regularly ensure that all were providing high quality instruction and services to their students. With a two-fold purpose of determining an institution's compliance with an agreed upon set of quality standards and assisting those institutions in continuing to improve that quality, regional accrediting commissions were established as a voluntary system of accountability. Self-reports of institutional information that is then reviewed by a group of trained peer evaluators is used to make judgments about an institutions' quality in every aspect of its undertakings including curricular issues, qualifications of faculty and staff, fiscal affairs, student learning outcomes, and governance.

After World War II and the adoption of the GI Bill and later the Higher Education Act, a formal relationship between the accrediting community and the federal government was forged so that the federal government could be assured that the money

they were investing in educating the returning veterans was spent on a quality education. The role of gate-keeper (NOT federal agent) was assigned to accreditors on or about 1992, the extent and detail of new federal regulations seemed to remove a substantial degree of agency autonomy in defining standards and procedures and required agencies to accept an expanding federal mandate in order to maintain federal recognition. While agencies continue to respect and maintain characteristics and procedures unique to their origin and history, all of the regional accreditors have significantly expanded policies, procedures and staff in an effort to meet federal requirements as well as a perceived need to protect institutions of higher education from any possible federal efforts to oversee directly the quality of the education they offer and to preserve innovation and the rich diversity of institutions that we accredit.

The system of volunteer, peer-reviewers is comprised of professionals who hold key positions in their respective fields; they are knowledgeable, well trained and very able to make decisions about what constitutes an effective system of educational experiences at the collegiate level in order to prepare students for work, further study, and life in general. They are not authorized with the authority nor do they have the training or resources of a law enforcement agency. It is not the accreditors' role to investigate criminal activities. Accreditors, through these volunteers, cannot and should not replicate the specific law enforcement work done by federal agencies. They can and do conduct evaluations of institutions against a set of agreed upon standards and take deliberate action if and when an institution fails to meet those standards.

The Department of Education has a significant role in overseeing the prudent use of funds expended on higher education and has many tools at its disposal to do this, including ways to protect against fraud and abuse. Again, this role is not appropriate for accreditors any more than the role of judging academic quality is the role of a federal agency. It is the distinct separateness of these two roles—that is, accreditors judging quality of the educational experience and the Department monitoring the prudent use of federal funds for higher education, including the investigation of fraud and abuse—that have created the strong partnership that has been in place for the last 50 or so years between the two entities. The primary tension that has recently evolved in this system has been created by an increased demand by the Department to have the accreditors

enforce and/or monitor federal rules. The current tendency to make accreditors de facto outposts of the Department of Education does not serve the best interests of quality higher education or the students it serves.

The role of the states in this triad is largely defined in Chapter 20 of the United States Code which outlines the statutory provisions related to all levels of Education. Chapter 28 specifically focuses on higher education with a particular focus on federal assistance to higher education including student assistance. The structure of this section on Program Integrity identifies the federal government, state government, and accrediting bodies as providing oversight over the integrity of the federal student assistance program. States provide for authorization of the participating institutions that meet the definition of an institution of higher education and are otherwise eligible as provided for in statute; states also provide some enforcement related to fraud and matters defined under state law. Accrediting agencies provide oversight over the quality of the education offered by participating institutions and the federal government, through the appropriately authorized federal official, the Secretary Education, determines whether institutions have sufficient administrative and financial capacity to participate.

Because the monies provided in Title IV and federal programs for students and institutions are public monies, the Government Accountability Office (GAO) has the authority to investigate the use of those monies and presumably the appropriateness and legality of the behavior of the entities receiving those monies, thereby, ensuring the integrity of the recipients of student assistance funds and that the Dept. of Education is fulfilling its responsibilities to monitor and ensure the administrative and financial capacity of participating institutions.

In order for this system to work effectively, each of the three (3) entities must continue to carry out their specific role and not encroach upon that of each other. This muddies up the process and confuses institutions' understanding of who controls what.

Recognition Process

Over the years, the relationship between accreditors, the Department and NACIQI has changed significantly. Not only has the number and significance of regulations increased but the general tone underlying the recognition process has become far more

challenging for all accreditors. Rather than an assumption that we are part of a voluntary relationship, akin to a partnership with the federal government to assure quality, the accountability environment has significantly affected the recognition relationship between accreditors and the Department as well as NACIQI. Even though the Department's powers, through audits, program reviews and its broad investigatory authority, would seem to be sufficient to assure the integrity of the use of federal financial aid funds, accreditors are increasingly expected to do more to assure both integrity and quality.

The definition of quality has increasingly been established by the Department in an effort to protect the use of financial aid funds or to interpret Congressional intent in ways that can cause great burden to both accreditors and institutions. Even though the Department is restricted from interfering with academic content or curricula, new regulations or interpretations of existing regulations are now crossing this critical boundary. Examples include recent regulations on credit hour, misrepresentation, program monitoring, substantive change, all of which were not mandated by legislation. Concerns about the Department's efforts to intrude into matters of institutional quality led to the adoption by Congress of the rules of construction for Section 602.16. We believe it is important to recognize that accreditors are, in fact, operating in good faith, have worked faithfully to implement both law and regulations, and serve as unfunded partners with the federal government.

Lest I sound like the Department is something akin to the Big Bad Wolf, let me point out that they have undertaken a number of efforts to respond to the concerns accreditors have expressed regarding the recognition process. They include:

- Significant changes to the recently revised GUIDE that is being used by the staff the NACIQI in reviewing applications for recognition after accepting input from accreditors., though it should be noted that the Guide calls for a whole new set of sub-requirements and attachments that were not in the previous edition; and
- An electronic filing system that has provided an efficient process for submission of application.

Since the focus of this meeting is to gather information on what's working and what is not, I will mention several areas of concern and provide some recommendations on things to do to address the concerns.

1. Shifting from policy adoption to mandatory implementation. In the past, when a finding by the staff in its review of agency petitions called for correction or attention, the Department required that the agency demonstrate that it had addressed the issue by adopting a new policy or protocol. That was deemed sufficient and the review of the new policy's implementation was left to the next review, which could be up to five years. This made sense since it takes time for a new policy, even after adoption, to be implemented by institutions and the agency. Now, however, without notice or change in any legislation or regulation, the Department is requiring that agencies not only adopt a new policy or practice, but also demonstrate that it has been fully implemented. There is often little notice of the need for such a policy from the Department prior to the agency's recognition review frequently making it nearly impossible to accomplish implementation in the limited time frame between the staff review and the NACIQI hearing.
2. Long before an accrediting agency comes before NACIQI, the agency needs to address new requirements under legislation, such as the HEOA, even before implementing regulations are adopted. For example, after the HEOA was passed in 2008, all agencies were required to come into compliance with its provisions affecting accrediting agencies by June 30, 2009, and the Department required that agencies submit the policies and procedures adopted to come into compliance by August 1, 2009. Under our own polices, and federal regulations, no new policies affecting institutions can be adopted without first circulating a draft for comment among the accrediting agency's stakeholders, which requires several months to move to final adoption. As policies are adopted, both institutions and accrediting

agencies then undertake the process of implementing them, often involving hundreds, if not thousands, of institutions to assess their own policies and practices in the area and making necessary changes to come into compliance. In turn, for any new policy adopted, the accrediting commission must develop its own means for application of the policy and for advising its staff, institutions and evaluation teams how the policy will be implemented, and what the consequences are if not accomplished effectively. This whole process involves significant cost in time and money. Yet even though accrediting agencies are required to come into compliance with new legislation within one year, there is no feedback from the Department on whether the actions taken are consistent with the Department's view of the legislation.

A case in point: all agencies are required to design, adopt and implement policies by July 1, 2011 addressing the new regulations on the credit hour. The language adopted in the regulation is significantly different from that discussed during negotiated rule making. By the time many agencies are before NACIQI they will have had to develop policies, circulate them for comment, adopt a final policy after receiving comment, move to require institutions to address the policy by undertaking reviews of their credit assignments, incorporated sampling methodologies in comprehensive review processes, and more. After all of this, agencies will not know if such actions are deemed consistent with the Department's interpretation of the regulation in relation to that agency's policy and implementation practice. If the policy and implementation process are found unacceptable or incomplete, there will be an enormous misapplication of time and cost by both institutions and the agency, and the additional costs of revising or adopting a new policy, and in turn, implementing the new policy.

3. Under the new Guide, there are dozens of regulatory and sub-regulatory interpretations that must be addressed. Even if there have been no changes in either the Department's regulations or agency policy and practice in specific areas, there is a need for the agency to reestablish compliance, requiring the submission of extensive documentation all over again. And, even with no change in legislation or regulation, a policy previously found in compliance can be found out of compliance without prior notice. Furthermore, when an agency is required to submit an interim report, often to demonstrate that a policy or new standard has been implemented, the Department or NACIQI may use the interim report to reconsider earlier findings of compliance in other areas.
4. When an agency receives a staff analysis in draft form, it is forced to make a decision – to comply or challenge the interpretation or ruling. There is no process within the Department to challenge a ruling, and the time between receipt of the draft analysis and finalization is very short. The agency then is left with the decision to comply, even if it considers the interpretation faulty, inconsistent with previous practice or just plain wrong or decide to raise a challenge to the interpretation before NACIQI. That is a very high stakes decision, and most agencies choose to comply rather than risk a public challenge to staff interpretations.

Embedded within each of these topics is a recommendation for improvement:

- Address the fundamental, underlying relationship with accreditors and give greater respect to their good faith efforts to address compliance with adaptive practices
- Provide greater advance notice of the acceptability in agency efforts to address new legislative and regulatory provisions, rather than waiting until each agency individually comes under a recognition review
- Take greater account of the cost and burden of developing and implementing regulations and expecting new policies and practices to be developed and implemented within very short time frames

- Reconsider the requirement that full implementation of a policy or practice just found to be needed constitutes noncompliance
- Establish within each regulatory area a compendium of findings of concern and agency responses found acceptable
- Conduct annual meetings of areas found of concern within the last recognition review cycle to give agencies greater notice
- Create a “hold harmless” category for areas previously found in compliance that have not been the subject of legislative or regulatory change, to reduce agency burden and cost, and the concern that anything maybe an issue at any time
- Create opportunities for challenge to staff interpretations that lower the high stakes risk, and the opportunity to challenge a ruling before NACIQI and, if the agency’s position is not accepted, allow the agency time to come into compliance rather than be penalized with a limitation action for raising the challenge.

Thank you for the opportunity to participate in this session and best of luck as you digest all of the information that you will collect during these two days.

Memorandum

To: National Advisory Committee on Institutional Quality and Integrity (NACIQI)

From: Roger J. Williams, Executive Director, ACCET

Date: February 1, 2011

Subject: Comments on USDE Recognition of Accrediting Agencies

Accreditation of our postsecondary institutions remains sound in concept while facing increasingly skeptical questions of its validity and reliability in practice. Agencies should be challenged to raise the bar far more than they have in the past if they are to continue to be deemed worthy of formal recognition through this Committee as reliable authorities on the quality of education or training offered by the institutions or programs they accredit. Ultimately, two questions must be answered affirmatively with demonstrated evidence of support:

(1) have the accrediting standards and evaluation processes of an agency actually improved the quality of the institutions it accredits so as to make the benefit to the public apparent in the accomplishment of student learning outcomes, and to the institutions relative to its cost and demands on staff; and

(2) is there a discernable pattern of specified grounds and corresponding actions taken by the agency over time that an annual report to the Department and the general public would serve to provide convincing evidence of rigor in the decision-making process.

Accreditation is too important to our Nation's future to be harnessed to the past with accountability so frequently challenged to be demonstrated with results. Higher expectations, particularly by this body, would better preserve the benefits of our agencies' independence to the ultimate benefit of the students, taxpayers, and the institutions themselves. To that end, I offer the following to consider:

- Accreditors should establish evaluative rubrics appropriate to mission compatible groupings of institutions, including expected qualitative and quantitative performance criteria to be assessed as benchmark measures of successful student achievement. Until such time as agencies have fully developed and implemented such rubrics, at minimum a standard that specifically requires the institution to have its own internal evaluative system in place to assess its effectiveness should be required. The agencies should be allowed considerable latitude beyond this general requirement so as to inspire the great potential of peer review in such a complex endeavor, which would otherwise be stifled, or worse, by overly-prescriptive statute or regulation.

- The maximum grant of accreditation should be no longer than that allowed by the Secretary for the maximum period of recognition for accrediting agencies, unless the institution can demonstrate compelling evidence of systematic and effective monitoring during the period of the grant to ensure appropriate ongoing review for compliance with the agency's standards. Our agency has found a midpoint quality assurance unannounced on-site visit to be very effective above and beyond the annual reporting requirements that include completion and placement data. Additionally, agency petitions should include an analysis of the varied lengths of accreditation granted over time. Favorable consideration might be given where the pattern suggests determinations that take into account the great diversity of American higher education, recognizing exemplary institutions for their higher order achievement of the agency's standards. Similarly, shortened grants of recognition by NACIQI would offer a comparably salutary impact on the agencies.
- A uniform attendance requirement should be established during the first academic year for all students and should be considered a definitive element of satisfactory academic progress. Students who do not regularly attend classes are encumbered by poor learning and unproductive, if not ruinous, debt. With the increasing likelihood of radically shrinking budgets looming large in both our immediate and long-term future, preserving funding for access to those both in need and making the effort to maximize their odds for success by attending classes regularly would reinforce its importance to their benefit.
- The issue of increasing the transparency of agency practices and actions has often been raised as an important step for improving the public's awareness and confidence in our agencies. Issue #2 in the opening to this memorandum, is one facet of such an initiative and more productive results could be achieved if it is approached correctly. Issue #1 must gain some favor and institutional experience for it to be eventually realized as beneficial and one concern of significance is the consistency of well-defined criteria for the data to be collected and published in an accurate, instructive manner. By way of example, those agencies utilizing placement rates as an outcome measure would need to be aligned with some mutually agreeable reporting requirements such that the basis of its reporting followed sound practice for documenting the results, wherein training-related employment would be defined with some restraint to overly-broad interpretation; otherwise, the validity of the data would be subject to question and marginalized in its benefit to the public as well as disadvantageous to those institutions that more rigorously followed good practice.
- The administrative appeal process mandated by the HEOA for agencies to follow should be revised to allow the Commission to consider the panel's findings but to be the final decision maker as had previously been the case. The Commission is the properly elected and recognized body for such determinations.

From *Making Reform Work* (Rutgers University Press, 2009), Chapter 11 which presented a “Don’t Do List” for Higher Education and included the following:

Don’t Try to Reform Accreditation

The more external the critic, the more likely he or she will turn to accreditation as a means of reforming individual colleges and universities. To the uninitiated, the accrediting agencies, particularly those responsible for accrediting institutions offering the baccalaureate degree, have (or should have) the power to change both how and what institutions teach. The reason accreditation has not been an agent of enforceable reform, these critics argue, is that there is an all-too-cozy relationship between the accreditors and the institutions they accredit. In support of their argument, they often point out how often the officials of the accrediting agencies and the experts they place on their accreditation teams are drawn from the ranks of established colleges and universities.

Right question, wrong answer. Accreditation has not been an agent of enforceable reform because the accreditation industry is itself a hopeless mess: six different regional accrediting agencies are responsible for undergraduate and graduate education plus two dozen separate, more professional accrediting agencies each jealously protecting its own turf and prerogatives. Although the regional accrediting agencies share insights and occasionally personnel, there is both no common methodology and an irritating tendency to abruptly change how they monitor both themselves and the institutions for which they are responsible.

To make accreditation an agent of national reform would require a major, probably exhaustive campaign to make the accrediting agencies much more like one agency in their ability to gauge the quality of education an institution provides. Testing

regimes would have to be agreed upon, as would common definitions of the educational outcomes that accredited institutions are expected to supply—in short, an agreed-upon set of national standards.

To make such an accrediting system work on a national scale, there would have to be a fundamentally different methodology. The United Kingdom and Australia have both experimented with what they call “quality audits.” The Australian Universities Quality Agency (AUQA) defines a quality audit as a “systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.” Though the language suggests something like a financial audit, even in this national agency independently chartered by the Australian federal government, the quality process involves very little statistical data testifying to the learning outcomes achieved by the audited institutions. Were there in fact data that could be audited, the result would be more like what the reformers have in mind when they link testing and accreditation.

Perhaps the largest problem is that almost no one outside and very few inside the academy either care about or are familiar with how institutions are accredited. Parents and students simply assume the institutions in which they are interested are accredited because they are. Most accrediting reports are not made public, but then again, it is doubtful that higher education’s consumers would know how to interpret what are almost always highly nuanced and somewhat opaque essays. The exceptions to this rule are the agencies that accredit professional programs. Not to be accredited by the Association to Advance Collegiate Schools of Business (AACSB), for example, is to be at a significant disadvantage in the market for an MBA education. AACSB sets high standards, mostly

reflecting the resources an institution invests in its MBA program. Once accredited, however, and despite a regular review cycle, there is not much mystery surrounding a particular program's accreditation reaffirmation.

Tackling these issues would be a Herculean task promising at best uncertain results. One painful lesson Margaret Spellings learned when she tried to transform the regional accrediting bodies into federal enforcement agencies was just how unpopular that idea was. While the hue and cry was less than what would have been a parallel plan to make the NCAA a federal enforcement agency, the effort taught the same lesson. Some opportunities were lost long ago.