



ASSOCIATION OF AMERICAN UNIVERSITIES

The Association of American Universities (AAU) submits the following comments for the February 2011 National Advisory Committee on Institutional Quality and Integrity (NACIQI) Meeting, per the solicitation issued in a December 23rd Federal Register notice.

The AAU appreciates the opportunity to provide initial input to the newly re-constituted NACIQI and its policy subcommittee at the onset of these important discussions on the future of accreditation. We anticipate that there will be additional opportunities to provide input, in advance of the December 2011 deadline for NACIQI to provide recommendations to the Secretary of Education on the 2013 reauthorization of the Higher Education Act. For the purposes of this submission, the association will focus its comments on the importance of upholding basic principles of the accreditation system as changes to the system are considered. The AAU looks forward to a continuing dialogue with this committee and the Department of Education over the coming months on the major challenges with the current accreditation system and potential solutions that balance the need for accountability and transparency to the public with the need for autonomy in the conduct of institutions academic affairs and the importance of academic judgments in the development of accreditation standards and the conduct of accreditation reviews.

The AAU recognizes the importance of NACIQI in advising the Secretary of Education on accreditation-related issues and believes that the renewal of the advisory committee presents the Department of Education and Congress with an opportunity to work with the higher education community to address issues related to the quality and effectiveness of accrediting organizations and “what is working (and not working) in the current system of recognition, accreditation, and student aid eligibility,” as stated in the December 23rd Federal Register notice. The system of regional accreditation has played a critical role for more than a century in providing assurances

of threshold levels of academic quality and facilitating quality improvements. However, the nature of accreditation has changed dramatically in recent years at the same time that our system of higher education has become much less local and much more diverse. Given these changes, AAU appreciates this opportunity to work with NAACIPI to review what is working and not working with the current system, with the goal of making changes over the coming years. Indeed, the key strength of accreditation is its reliance on peer review and candid assessments of institutional and program quality by individuals who are engaged in higher education. Our model of assuring institutional quality has made the American system of higher education the most creative and diverse in the world. We hope that the new NAACIPI will seek ways to improve further this model.

The renewal of NAACIPI comes at a time when the national discussion and debate on accreditation and accountability continue unabated among policymakers, the academic community, and the public as the primary stakeholders of the higher education system. While both the federal government and the public need a way to assure the quality of an institution as a good value for their financial investment, the academic community also has a stake in accreditation as a means of strategic planning and program improvement.

Discussions over recent years reflect growing pressure from the federal government to increase accountability broadly, with increased expectations that accrediting agencies will provide that accountability through new and expanded accreditation demands. The debate today is driven in significant measure by the current national campaign to increase the proportion of Americans with a college degree, and hold those institutions that receive federal financial aid accountable for what their students learn. We recognize that all sectors of higher education will have to work together to advance the nation's shared goal to improve education attainment and the documentation of that attainment.

As the Committee and Department consider options for reforming the current accreditation system in ways that balance our collective interest in maintaining or improving the quality of a degree while also increasing the proportion of Americans with a college degree, it is important to note that the current accreditation system is grounded in basic principles that continue to be important for our higher education system.

Principles

- The accreditation system is a largely non-governmental process of peer review, controlled and managed by institutions of higher education. While the link between accreditation and federal student aid funds necessarily draws the federal government into the accreditation process and has the effect of giving government a role in determining some accreditation standards, the institutions themselves must be able to manage their academic programs and preserve the autonomy necessary for educational excellence, unless the institution has not met basic threshold recognition standards.
- The accreditation process serves as a basic quality assurance to students and their families, the broader public, and the government. It is a way for institutions to improve their quality, document their performance, and to inform potential students and funding sources about their ability to meet their institutional missions. For some institutions, accreditation focuses primarily on whether threshold standards are being met, while for other institutions the focus is on continuous improvement, often concentrating on specific aspects of their programs. With such a diverse higher education system, it is becoming increasingly difficult to differentiate between the role of accreditation in assuring basic compliance for the purposes of federal student aid eligibility and effectively facilitating quality improvements for increasingly diverse higher education institutions. But it is clear that applying a one-size-fits-all set of standards and review procedures regardless of type, size, and mission of an institution is not an effective model for accreditation.
- The federal government (per a rule of construction in the Higher Education Opportunity Act) is prohibited from regulating on student achievement standards. This rule should be restated and reinforced in any discussions, regulations or legislation moving forward. While the federal government has a clear role in ensuring that federal student aid is used appropriately, it does not have role in academic matters, particularly in setting academic standards. Moreover, it should be clarified that the language in the HEOA requiring accreditors to have standards that assess "success with respect to student achievement in relation to the institution's mission" not be interpreted as a mandate for institutions to adopt quantitative, value-added general assessments of student achievement. Instead, this language should be understood as a directive for institutions to develop meaningful

assessment tools that evaluate student achievement according to their own mission and student body. It is difficult and often not useful for an individual institution to define a single set of student outcomes that works for each program within the institution, much less across other institutions in different sectors of higher education. Many within the higher education, including AAU, are open to the idea of looking at a range of measures to gauge student achievement.

- In this age of accountability, the accreditation process must meet the increased demands for clear, detailed information about the institution and student outcomes without compromising or undermining the enormous institutional diversity that is a central feature of American higher education.
- The self-study process, resulting in a report submitted to the accrediting organization and reviewed by peer reviewers, is a critical component in determining the relative effectiveness of the accreditation process. This process must rely on a site visit team made of the necessary balance of faculty and administrators from comparable peer institutions. Regional accreditors should work with respective institutions to maintain the appropriate composition of site visit teams.

It will be very important for NACIQI and relevant constituencies within the community to carefully examine these principles moving forward, to avoid drifting into a system in which the cost of data collection and reporting requirements outstrip their benefits, and to avoid having the increased demand for the adoption of metrics that purport to quantify student learning outcomes in ways that may be invalid or inconsistent with institutional missions harm colleges and universities. At a time of growing international competition and constrained financial resources for all institutions — public and private — an institution's energies and resources should be focused on improving its programs; for AAU institutions this means programs of teaching and research.

Again, AAU appreciates the opportunity to provide initial input and looks forward to ongoing discussions with NACIQI and the Department of Education on the future of accreditation.

January 14, 2011

Susan D. Phillips
Provost and Vice President for Academic Affairs
State University of New York at Albany
Albany, NY 12222

Dear Chairman Phillips,

I am writing in response to your request, as Chair of the subcommittee of the National Advisory Committee on Institutional Quality that has been charged with developing a set of legislative recommendations for the 2013 renewal of the Higher Education Act, for comments on the current system of accreditation of institutions of higher education. I am delighted to have this opportunity to respond, as I believe there are aspects of the current system that are in need of reform.

Before responding to the specific questions in the charge to the committee, I would like to offer several general observations about the sector of the U.S. higher education system that I understand best: research universities. First, the United States currently is *the* world leader in higher education, whether measured by international rankings such as those provided by the U.K.'s Times Higher Education World University Rankings or Shanghai Jiao Tong University's Academic Ranking of World Universities, or by the choices that students around the globe make each year about where to pursue their studies. Our higher education system at its best is among America's most globally competitive enterprises and comprises a set of institutions that are admired around the world. As the members of the subcommittee consider ways that the accreditation process can be used to improve the overall quality of the education available to post-secondary students, I urge them to adopt a "do no harm" approach to a sector of our society that contributes so significantly to American competitiveness.

Second, the nation's research universities have dual missions: to educate young men and women for careers and lives where they are able to contribute meaningfully to society *and* to push back the frontiers of knowledge, thereby serving as powerful economic engines. With their focus on fostering innovation and entrepreneurship among young scientists and scholars, U.S. universities are credited with generating a significant fraction of the gain in economic prosperity that this country has enjoyed in recent years, through the founding of new industries such as biotechnology and e-commerce. In the face of increasingly intense international competition for students and ideas, it is imperative that the nation preserve and even enhance the strengths of those institutions that are national and international in scope and that engage in teaching and research at the highest levels of quality.

To turn to the first question of the charge, "**How well does our current accreditation/recognition system protect the interests of the taxpayer who is underwriting that investment in education?**", I would answer, "Not well enough." Accreditation historically has been intended to serve two purposes: (1) to insure that institutions eligible for federal

financial aid meet basic threshold standards of quality; and (2) to encourage institutional self-improvement through periodic external peer review. The most important of those goals, in my view, is the first one. Taxpayers deserve to know that students directly, and society indirectly, are being well served by the institutions that they support through student loans and grants. Yet two of the most effective ways of measuring educational effectiveness—graduation rates and career outcomes—are significantly undervalued in the current standards by which institutions are judged for accreditation. Instead, over the last decade there has emerged an over emphasis on collecting voluminous amounts of information on “student learning outcomes” that are not tied in any way to whether students graduate and are prepared to be useful members of society. With the current focus on quantification of learning outcomes, I fear that the real *point of higher education* is being lost.

One of the great strengths of American higher education is the diversity of its institutions. They vary in size, mission, degree of state support, and in many other ways. Some draw their students largely from their local communities or regions, while others are more national or even international in scope. This diversity has the great benefit of providing points of entry into higher education for students of very different talents and interests, but it has exposed structural flaws in the current accreditation system, which was founded on geographical, rather than sector criteria. While geography may have been a useful organizing principle for accreditation at a time when travel across the country was time-consuming and expensive, and may even now make sense for institutions that are largely local or regional in nature, there are many institutions for which it does not make sense. By having each of the six regional agencies oversee everything from small local community colleges to large research-intensive universities that draw their students and faculty from throughout the world, the current system creates incentives to adopt standards and review processes that either are so generic as to be meaningless in any specific context, or that are so focused on one context that they are meaningless, or even damaging, in other contexts.

Developing a more flexible and nuanced approach to accreditation has become increasingly important as the nature of education has changed. Students now engage in independent study, in learning programs that reach outside the classroom, and in international study—initiatives that are helping to prepare students for the new global economy and for lives in which they will need to continually cope with the discovery of new knowledge and the development of new technologies. As such programs continue to expand and evolve, it is even more likely that a “one-size-fits-all” approach to accreditation will constrain innovation, creativity, and improvement, even among institutions with a proven record of excellence in teaching and research.

So in answer to the second of the questions in your charge, “**If we were starting now, would we design this system?**”, my answer would be a resounding “No!”

“**How might a system we would design differ from what currently exists?**” I would argue strongly for a sector-specific national system that would allow each agency to develop standards that are relevant to its sector, and thereby be able to compare apples to apples. Understanding that the devil will be in the details, I would suggest starting with relatively broad categories, such as research-intensive universities, liberal arts colleges, for-profit technical education, and 2-year

community colleges. Freed from having to serve such broad constituencies, these more targeted agencies could then work with research universities and colleges that competitively draw students both nationally and internationally to set threshold standards that are significantly *more demanding* than apply now within the regionally-based agencies, such as high graduation rates, excellent placement records, demonstrated alumni satisfaction over time and outreach to students from diverse backgrounds. Institutions that meet these higher threshold standards should be judged to have met the first purpose of accreditation (assurance that they meet agreed-upon threshold standards of quality), so that the time and dollars they devote to the accreditation process can be focused instead on accreditation's second purpose: strengthening the institution's pursuit of its mission through measures that are appropriate to its particular circumstances, while not requiring the institutions to engage in practices that detract from it.

That raises a second aspect of the current accreditation system that is badly in need of reform—the enormous administrative and financial burden it places upon faculty and staff at a time when resources are either flat or declining. In their quest for one-size-fits-all measures of performance and learning, accreditation agencies have come to demand volumes of paperwork and bureaucratic reporting, much of it untied in any constructive way to the educational mission of the institutions that they are evaluating. There is evidence that the cost of going through an accreditation review has been escalating at an alarming rate. It is becoming common for institutions to report that the cost of preparing for a decennial review exceeded \$1 million and occupied hundreds of hours of staff time. One institution reported a 250% increase in cost over the last ten years. Few university presidents believe that this effort is even remotely commensurate with the benefit that the review provides to the institution. Furthermore, there seems to be a growing practice of finding even highly regarded colleges and universities wanting in the decennial review, largely for failing to meet quantitative standards developed by the accrediting agencies, which then requires the institutions to generate additional documentation between reviews. In a recent paper prepared for the National Institute for Learning Outcomes Assessment¹, it was reported that a staggering two thirds of institutions that underwent review by the Middle States Commission on Higher Education and 80% of those in the New England region required follow up actions related to assessment. These follow-up actions generally consist of further evaluations, reports, and paperwork that provide no clear benefit to students and are of no interest to the parents and donors who pay their tuition. There needs to be a serious reckoning of benefit versus cost in this bureaucratic system that seems to be running amok.

Let me turn to what is surely the most contentious issue surrounding accreditation today, and that is the surge in emphasis on metrics around student learning outcomes. In recent years the balance between assessing whether an institution has met threshold standards versus assessing continuous improvement has heavily shifted to the latter goal, with responsibility for decision-making shifted from knowledgeable peers to agency staff. Furthermore, the nature of what is meant by “continuous improvement” has swung from a broad assessment of what the college or university is doing to improve to a narrow focus on quantitative measures of student learning, unlinked, as I said earlier, to whether that learning is producing productive citizens. The last set of questions posed in the charge

¹ Provezis, Staci (2010). Regional Accreditation and Student Learning Outcomes: Mapping the Territory. Occasional Paper #6 (learningoutcomesassessment.org).

reflects this change in focus: **“Should there be common standards for learning outcomes/student achievement (should the rule of construction stand or should there be a set ‘standard’ for student achievement?) Who should decide those? How should they be measured? What should be the metrics of quality? What benefits (other than access to student aid)” accrue in a quality assurance process? Are those benefits worth the costs?”**

A credible college or university, one deserving of accreditation, should always be focused on ways to improve the quality of education it provides to its students. In the past, decennial reviews were opportunities for an institution to improve through self-reflection and intensive peer review. For example, in Princeton’s last review in 2004, we used the occasion to lay out plans for a new residential college system that more thoroughly integrated our academic program into the residential experience of our undergraduates. One of our goals was to significantly improve academic advising and enhance the extent to which academic pursuits extend outside the classroom. This was chosen for our self-study because it was the highest priority of the university at the time. The reviewers were enormously helpful in pointing out possible alternative ways to proceed, a number of which were incorporated into the ultimate plan. In our judgment, this process played a positive role in our effort to “continuously improve,” but it was targeted specifically on Princeton’s needs at the time. It did not lend itself to a judgment by “common standards,” nor would any application of “common standards” have been useful to us or helped to improve student learning. The fact that we were undertaking this initiative, and taking it very seriously, provided clear evidence that we were committed to the goal of continuous improvement. That an exercise so clearly beneficial to the institution would no longer be accepted as evidence for a commitment to improvement is a sad comment on how far we have moved in the wrong direction in our approach to accreditation.

Since this review, the definition of what constitutes continuous improvement has been rapidly narrowing to focus almost exclusively on improving statistical or formulaic measures of student learning outcomes. Some institutions may judge these measures useful, but others may find that the effort to compile and analyze them produces only questionable evidence of educational quality and deflects resources and efforts that could better be applied to clear areas of educational need. The narrow focus on quantifiable “student learning outcomes” relies on a conception of continuous improvement that may make sense in some circumstances, but it is potentially damaging to the quality of some of our best colleges and universities. This is not to say that measuring student learning and learning from it are not important. They are, and they should be encouraged by any means that are appropriate to the institution and to the individual course of study, but they should not take the place of nuanced and institution-specific initiatives to achieve real continuous improvement and they should not be used to impose a least-common-denominator approach to accreditation that runs the risk of diminishing quality and creativity, not enhancing it. In attempting to address issues of genuine concern in American higher education—diploma mills and institutions granting credit for courses that require little or no work—we risk imposing regulatory requirements that are not appropriate, or even necessary, for all institutions.

The charge to the committee asks whether there should be “common standards” by which accreditors measure student learning. I would argue that such an approach would fly in the face

of the enormous diversity among educational institutions that is a great *strength* of the American system. As stated earlier, universities and colleges differ in many ways, including their educational philosophies and pedagogical approaches. Requiring institutions to conform to a common standard would risk damaging the diversity of approaches that has benefited American students in the past by enabling them to enroll at the institutions that are best able to address their diverse needs and talents. Students learn in different ways and at different paces; they pursue interests as diverse as mathematics and comparative literature; and they have a broad range of life goals and aspirations. No standard measure of student learning could be equally and fairly applied to a mathematics concentrator and a student of comparative literature; the nature of their learning is fundamentally different and as a country we need both excellent mathematicians and members of our society who can help us understand the great literatures of many cultures. I would strongly urge the subcommittee to preserve the right of colleges and universities to define their educational mission, and to develop their own processes, standards and metrics for measuring how effective they have been in realizing that mission.

The question of “who decides” goes to the heart of the matter. Unlike many nations elsewhere in the world, the United States has nurtured a vibrant and vigorous respect for academic freedom. Under such a system, American higher education has flourished. I respect the right of the public and the government to seek assurance that institutions attended by students with the assistance of federal funds are meeting appropriate standards of quality. I believe that, rightly done, accreditation can play a positive role in sustaining and enhancing the country’s institutions, even as it also seeks to insure that all accredited institutions meet appropriate basic standards. But if recent trends continue, in which the staff of accrediting agencies seek to substitute their own judgments about what mission an institution should pursue and about how the institution can best achieve that mission and measure success, we risk damaging the country’s leading institutions.

In its deliberations I would urge the members of the subcommittee to be clear about what problem they are trying to solve, respectful of the strengths of our current system even as they address its weaknesses, and avoid causing harm to the aspects of higher education that are working well.

Sincerely,

Shirley M. Tilghman
President



STATEMENT SUBMITTED TO
THE NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY
FOR THE FEBRUARY 4, 2011 PUBLIC FORUM ON THE HIGHER EDUCATION ACT
ON BEHALF OF KAPLAN HIGHER EDUCATION, A DIVISION OF KAPLAN, INC.

Kaplan Higher Education is pleased to submit this statement to the National Advisory Committee on Institutional Quality and Integrity (NACIQI). I am Ronald Blumenthal, Senior Vice President of Administration, at Kaplan Higher Education.

Kaplan Higher Education is a company that broadens access to postsecondary educational opportunities with a priority on seeing our graduates succeed academically and professionally. We serve more than 100,000 students, focusing largely on individuals who have been underserved by traditional postsecondary education. Through the on-line offerings of Kaplan University and our other Kaplan-affiliated schools with on-ground campuses, we provide outcomes-based programs ranging from diplomas to graduate and professional degrees. Kaplan Higher Education institutions are accredited by one of several national or regional accrediting bodies recognized by the U.S. Department of Education. Kaplan Higher Education is part of Kaplan Inc., which is a subsidiary of The Washington Post Company.

Kaplan Higher Education offers the following observations and recommendations on the role that the federal government may play in strengthening quality and accountability in U.S. higher education through the improvement of accreditation processes. Our comments related to accreditation focus on three themes: an increased focus on student outcomes; the use of shared standards and third-party evaluation; and quality assurance and improvement at accrediting agencies. We also offer a comment on a quality-related provision in the Higher Education Act – the “90/10” statutory requirement.

ACCREDITATION: VALUE, STRENGTHS AND RECOMMENDATIONS FOR IMPROVEMENT

In the United States, we rely on accreditation to measure the quality of our educational institutions. As a result, accreditation is critical in providing assurances to students, employers, and the government regarding the level of quality of an institution of higher learning. In addition to providing quality assurance, accreditation is valuable and necessary as it provides for continuous improvement and accountability in higher education.

Accrediting Agencies and Institutions Should Increase Focus on Student Outcomes

Accrediting bodies and institutions should continue moving in the direction of evaluating quality on the basis of educational “outputs” instead of evaluating quality by “inputs” or “processes.” The foremost emphasis within the higher education community in recent decades has been focused on the assessment of student learning outcomes – and the full extent of this work is still to be realized. The federal government, accrediting bodies, and institutions should all continue to affirm the long-standing idea that it is each institution’s responsibility to clearly identify the learning outcomes delivered in college-level educational programs of the institution, to assess graduates’ achievement of those outcomes, and to document the evidence of such student achievement. From this idea as a starting point, several recommendations may follow:

- 1) Institutions systematically document the evidence of student learning outcomes (achievement) in their self-studies for accreditation – and should continue to do so. The federal government and accrediting bodies should find ways to further encourage – but not compel – institutions to share student outcomes more frequently and publicly than they do so today.
- 2) The clearest and most compelling evidence of accountability to students, taxpayers, and others who reap the benefits of higher education goes beyond demonstrating the mere *acquisition* of student learning outcomes to students’ successful *application* of such outcomes. To accomplish this, as educators we must recognize and defend the need for a variety of assessment methods that can demonstrate that the skills and knowledge acquired from education can be applied by our students to a variety of real-world contexts. Standardized testing alone is not up to that job.

By virtue of tracking student outcome data, not only do we ensure that students are learning, we also promote “organizational learning” by the institutions. Tracking the learning effectiveness of our educational programs at Kaplan Higher Education is a crucial part of what we do. At Kaplan University, we call this the Course Level Assessment. For a given course, groups of professors create a common curriculum, common assignments, and common assessment tools. This permits comparability and accountability, driven by and designed towards a set of defined learning outcomes based on real-world standards. For every course, we are explicit about the expertise students will have once they’ve completed it. We define what success looks like and we have a common tool to deliver, measure, and improve. In the last year, Kaplan University has used this information to design curriculum interventions for more than 200 courses. And we’ve already seen statistically significant improvement in student learning outcomes in at least 40 percent of those courses changed. We now have in place a continuous improvement process where we can identify issues, design and apply an intervention to drive improvement, and evaluate how well it’s working.

Institutions and accrediting agencies are best served by giving due consideration to assessment of student outcomes that are both direct as well as indirect (the latter being such measures as graduation rates, job placement rates, or career advancement measures). An increased focus on these other student success outcomes by institutions and accreditors would enhance accountability for the welfare of students and help to ensure that the educational process in place has positive benefits.

The Use of Shared Standards and Third-Party Evaluation

Institutionally-defined student outcomes are useful in aligning outcomes with the specific mission of the organization and in supporting internal accountability for results. However, higher education does not operate in a vacuum; it is equally important to compare results on key measures across institutions. Yet, an oft-voiced criticism today is that there is little outcome data that can be compared effectively across all types of institutions, which would allow students, parents, and taxpayers to understand what they are getting in return for their time and money.

The primary metric of student success as measured by the federal government is the cohort graduation rate, as assessed using Integrated Postsecondary Education Data System (IPEDS) data. However, it has too long been known that a minority of students qualify for inclusion in that metric (limited to only students who are first-time, full-time enrollees). Moreover, even though as many as 40 percent of all students who obtain a baccalaureate degree have attended multiple institutions, the tracking of transfer students is essentially ignored. The federal government should develop metrics, through IPEDS, that more appropriately track student outcomes, such as retention and graduation for today's majority of learners who are "non-traditional" by demographics and by enrollment patterns (such as part-time study).

Independent or comparative evaluation is meaningless unless an accepted framework of standards is present. A shared framework for learning standards is perfectly feasible to obtain without sacrificing institutional autonomy in deciding the details of student learning outcomes and curriculum. With the increasing mobility of people, resources, and information in today's global environment, a global framework for higher education is becoming a necessity. For most higher education systems in Europe (and increasingly on other continents), the Bologna Process frameworks and standards provide for a qualification and quality assurance scheme that today has the greatest possibility of becoming a set of universal benchmarks for evaluation of higher education. While U.S. and foreign higher education institutions should retain their ability to set their independent standards, it is reasonable to expect U.S.-based standards and outcomes to be translatable into those of the Bologna Process, and the federal government can find ways to encourage accrediting agencies and institutions to do so.

A historic strength of the U.S. higher education system is the variety of kinds of institutions that serve a variety of missions and students. Yet there is surprising uniformity in the ways in which institutions organize themselves to serve students. Perhaps in part because of the aforementioned focus upon "inputs" and "processes," the incentives for institutions to mimic

each other's practices are too strong. A firm focus on the achievement of student outcomes will actually encourage institutions to innovate much more than they do so presently, and to create distinctive ways of serving students and promoting student success.

Accrediting Agencies Should Implement Continuous Quality Improvement Practices

Accreditation is often the impetus for improvement at colleges and universities. Because accreditors measure institutions against accreditation standards as well as the institution's own stated policies, goals and mission, accreditation advances the processes of strategic planning and institutional self-examination.

Like the institutions they accredit, accrediting agencies themselves can benefit from implementing continuous quality improvement practices.

Today, if accrediting bodies implement continuous quality improvement practices, that fact is often hidden from the constituencies these organizations serve. The means by which accrediting bodies publicly authenticate validity, consistency, and accuracy in performing their work is almost always unknown even to their own memberships. Although accredited institutions of higher education are routinely required to present plans and evidence demonstrating organizational effectiveness and may be applauded to the degree they are made public, such promotion of the organizational effectiveness by the accrediting bodies is generally absent. Quality improvement practices demonstrated by accrediting bodies could be validated by independent, nongovernmental, third-party review; perhaps undertaken by the Council of Higher Education Accreditation. The assumption behind this recommendation is the same as that voiced here in connection with student learning outcomes for institutions—"organizational learning" by accrediting bodies to be derived from performing and sharing the results of internal data tracking and self-study will result in continuous quality improvement.

THE "90/10" STATUTORY REQUIREMENT: NOT A GOOD MEASURE OF QUALITY

Kaplan Higher Education appreciates the opportunity to comment on other aspects of the Higher Education Act, particularly the "90/10" statutory requirement. In 1992, Congress enacted the "85/15" statutory provision (later changed to "90/10"), which requires postsecondary proprietary institutions to obtain a minimum percentage of their revenues from sources other than federal student aid. It is believed that Congress intended this rule to be a measure of educational quality; that is, proprietary colleges offering a quality education should be able to earn a minimum percentage of revenue from nonfederal student aid sources.

In practice, however, the "90/10" provision is a financial metric that does not measure the educational quality of an institution. We believe that "90/10" performs poorly as a proxy for quality. Not only does the "90/10" statutory requirement fail to provide any meaningful assessment of educational quality, it also results in the negative, unintended consequence of artificially raising tuition at proprietary institutions that serve many students who qualify for the

maximum amount of federal aid. Simultaneously, the “gainful employment” regulations proposed by the U.S. Department of Education will (if promulgated) pressure these same colleges to *lower* tuition to meet debt-to-income thresholds. The combination of the “90/10” statutory requirement and the proposed “gainful employment” regulatory requirement will put proprietary institutions into an untenable position, whereby they may be unable to comply with both requirements, regardless of how much employer demand or student interest may exist in the areas the institutions serve.

We believe that the “90/10” requirement should be repealed, as it is an ineffective measure of educational quality. Embedded within its requirements are disincentives to good public policy. If “90/10” is not repealed, then at a minimum, the federal government should provide relief from the “90/10” statutory requirement for colleges that demonstrate educational quality in other ways or reduce tuitions.

In closing, Kaplan Higher Education applauds NACIQI for your interest in how the current system of accreditation can be improved. We appreciate this opportunity to share our views.

Statutory references:

Sections 114 and 496 of the Higher Education Act of 1965, as amended
Section 487(d) of the Higher Education Act of 1965, as amended

**Remarks to the Open Meeting of the
National Advisory Committee on Institutional Quality and Integrity (NACIQI)
February 3 – 4, 2011 Alexandria, VA
By Albert C. Gray, Ph.D., Executive Director and CEO
Accrediting Council for Independent Colleges and Schools (ACICS)
Washington, D.C.**

At the beginning of the 2nd decade of the new millennium, ACICS would like to offer to the Committee some genuine considerations for enhancing the decades-long relationship between the Department of Education and the Accrediting Council for Independent Colleges and Schools (ACICS). These are considerations that serve the interests of regulators, legislators, taxpayers and most importantly, students seeking to advance themselves through post-secondary education. They deserve serious and thoughtful consideration by this distinguished panel as it reviews and develops recommendations for the Secretary regarding the structure, strength and appropriateness of the U.S. system of voluntary, peer accreditation commensurate with the reauthorization of the Higher Education Act.

The considerations are offered in the context of one specific type of accreditation for a specific category of institutions: that of career colleges, loosely defined as institutions whose mission is to provide education and training for specific professional, occupational and technical fields. Participation by Americans in this type of education has grown substantially, as much as 225 percent between 1990 and 2010 (National Conference on State Legislatures, Dec.2010). That rate of enrollment growth, which far exceeds that of traditional liberal arts and research-focused higher education, is driven by a number of forces, including demographic and economic shifts, changes in the modes of delivering education, and changes in institutional quality and accessibility. The forces are largely organic and involuntary, reflecting the changing nature of our nation, our economy and the generations that attend colleges and universities. They are also generally benign and constitute factors which policy makers need to attend, harness and direct, not resist or deny.

Demographic Considerations of Post-Secondary Enrollment Demand

Specifically, the population of students attending post-secondary colleges and schools has changed substantially since the baby-boom generation began graduating from high school in the mid-1960s and immediately began pursuing certificates, diplomas and degrees. Today's college population includes a substantial percentages of students who have deferred post-secondary education in order to first serve the nation's security needs in the armed services, or to support a family through immediate employment, or to start and raise a family. In all of these cases, students need access to education that complements their lifestyle and time resources. For many of them, traditional higher education requiring full-time attendance Monday – through Friday during normal business hours conflicts with their employment and domestic obligations. They need access to educational delivery modes nights and weekends, in-person and on-line, at an intensity level that fits with the other demands on their time and energy.

The student services infrastructure at career colleges and schools play a vital role in making the alignment of lifestyle and attendance mode happen effectively. ACICS develops, revises, and applies standards for student services that reflect the integral role of these considerations in ensuring students persist in their studies and successfully graduate. ACICS recruits and deploys experienced, professional student relations experts to review and evaluate the appropriateness of recruitment practices, admissions and enrollment operations, satisfactory academic progress of students, and data regarding the retention and placement of students.

Economic Considerations of Post-Secondary Enrollment Demand

The character of the U.S. economy has changed substantially in recent decades as well. Access to middle-class economic status through employment in heavy industries or manufacturing has substantially diminished, leaving high school graduates with fewer employment options for applying their high school credentials. Instead, many of the entry-level

careers that once required only a high school diploma have been professionalized as more technical and specialized skill sets are demanded by employers. Available workforce training and education resources must align with employment fields that are experiencing growth, and the educational experience must prepare the students to contribute to the workplace effectively.

As an accreditor of career-oriented institutions, ACICS places heavy emphasis on the ability of graduating students to put their education to use in their chosen field. Evaluating that outcome is a key part of the evaluation and accreditation process. ACICS has years of experience closely analyzing student retention and graduation rates, job placement data, academic quality, student learning potential, and student and employer satisfaction. The emphasis is on ensuring the most positive, productive and effective educational experience at each college and school holding a grant of accreditation from ACICS, so that their graduates may compete effectively for opportunity in the workplace. Student relations evaluators with expertise in career services apply strong scrutiny to the job placement operations at member institutions as a normal part of the accreditation process. Effective accreditation evaluates the quality and integrity of institutions in placing student in the workplace, and rewards schools with high degrees of student satisfaction, retention, graduation and job-placement. Any indication that an institution is falling short of compliance is promptly reviewed and analyzed, including complaints and adverse information.

Changes in Modes of Education Delivery

The modes for delivering education have changed significantly as well. Electronic technology and its broad mastery by the college-age population enable education to be accessed in many ways other than exclusively in-person, on-site. On-line synchronous and asynchronous education affords students with full-time jobs and young families the opportunity to blend modes of access to classroom instruction. In many ways, it enhances their ability to deepen and broaden their interaction with faculty and students in their cohort. ACICS deploys

distance learning experts to evaluate the effectiveness and best practices of on-line programming at member institutions.

Quality and Compliance Support of Enrollment Demand

Last but not least among the forces driving more enrollments toward career colleges and schools are the changes in institutional quality and integrity that come from heightened scrutiny by the public and policy makers, increased competition for students, and enhanced vigilance by the self-governed system of accreditation. Stronger expectations and commercial competition have forced career colleges and schools to innovate, adapt and streamline. Many have adopted business models and organizational structures that spread common cost over a broader base, minimize extraneous costs, and focus the bulk of institutional resources on delivering educational services. Those adaptations constitute some of the primary innovations and transformations that keep the U.S. higher education the envy of the world, and a key resource for maintaining and expanding the nation's economic viability.

ACICS develops, applies and adjusts its methods and standards of accreditation to fit with the innovative structures and operations of member colleges and schools. Reflecting that the single campus is no longer the only appropriate unit of measurement and evaluation, ACICS has developed and is testing a system of accreditation unique to multi-campus systems. ACICS recognizes that in the contemporary world of career colleges and schools, no two campuses may be alike in terms of locus of administrative support, locus of academic control, locus of budget control and authority, access to student support services and library resources, and in many cases, physical proximity to faculty.

Accreditation needs to adapt and adjust in order to remain ahead of how quality and integrity is defined at these innovative colleges and schools, and how it is measured, evaluated and tracked. These are salient issues for college students and taxpayers; the intimacy and currency of knowledge and proximity to the institutional operations makes ACICS uniquely qualified and competent to review the various and dynamic aspects of institutional quality, with

a strong emphasis on optimizing educational outcomes for students who invest their time, energy and financial resources.

Preserving Flexibility, Autonomy and Requiring Full Disclosure

It is important that accreditation reform considered by the committee avoid adopting single or specific standards to which all career colleges and universities would be held. ACICS supports elements of current accreditation policy that enable accreditors to establish appropriate standards for student learning and achievement on an institution by institution basis, reflecting the unique missions, student population and economic circumstances of each college or school.

ACICS also would advise the Committee against reforms that might have unintended consequences of undermining the innovation, responsiveness and flexibility of career education institutions to meet the needs of employers and the workforce. Instead, ACICS endorses full disclosure of a robust, empirical set of indicators of institutional quality to prospective students so they can make informed decisions.

Important Role for States

Finally, ACICS considers states to have an important role to play in consumer protection. While it is true that the roles of state licensing and regulatory entities frequently overlap with that of accreditors and the Department, in general that duplication is healthy and has value. It is only when the overlap creates protracted, persistent conflicts of direction to the institutions that it becomes counter-productive and distracting.

ACICS would endorse reforms that enhance the consistency of regulation and expectations across states boundaries. At minimum this should include some form of mutual reciprocity between states and foster recognition of institutional and program approvals that are acceptable to other states. For institutions that control campuses in multiple states and for those that operate on-line programs, the conflicting and varying standards of compliance

between states and the lack of reciprocity deflects resources from serving students. Regarding distance education, regulatory boundaries placed against on-line programs undermine the fundamental benefit of this instructional mode –to provide seamless access to post-secondary education to all qualified U.S. citizens anytime and anywhere they live or work.

Institutional History and Background

ACICS has a unique and important perspective from which to offer these observations and considerations. Our standing in the discussion about the reformation of accreditation is established by our long institutional standing in the post-secondary education community. Founded in 1912 as a voluntary quality assurance for an association of business schools, ACICS has grown to become the largest accreditor of private post-secondary institutions offering degree programs in the U.S. ACICS accredits more than 850 institutions in 46 states and nine foreign countries, serving a combined enrollment of more than 700,000 students. ACICS was first recognized as a reliable authority on institutional quality and integrity in 1956 by the federal government, and has been continuously recognized every five years ever since. Furthermore, ACICS was recognized by the Commission on Higher Education Accreditation (CHEA) in 2001, and retains good standing with CHEA.

Of the litany of state, federal, and independent entities that scrutinize and review institutional performance regarding student retention, academic process, student learning, student and employer satisfaction, and job placement in the field, none have more direct and recurring access to the data necessary to evaluate these factors than national accreditors. ACICS serves as effective eyes and ears on the ground at each of the career colleges and universities to which we have granted accreditation.

ACICS is an important resource for ensuring that college graduates to hit the ground running, make a positive contribution to the economy, and become resources to their communities and families. ACICS' accreditation authority is recognized for all 50 states, from the diploma and certificate level through the master's degrees. That broad, comprehensive scope allows ACICS to effectively accredit large national and international institutions of higher

education. Furthermore, ACICS conducts rigorous review of institutional finances to ensure stability for students, regardless of growth rate or corporate and organizational structure.

In summary, ACICS serves as a model for the accreditation of career education institutions. ACICS stands prepared to serve the Committee as an information and professional resource regarding reforms to the framework of private post-secondary educational quality assurance we have proudly help build during the last 100 years.

DRAFT

Dr. Massood Jallali
2337 South University Drive
Davie, Florida 33324
Phone: (954) 274-7454

Friday, January 07, 2011

To: National Advisory Committee on Institutional Quality and Integrity
(submitted via email to *aslrecordsmanager@ed.gov*)

WRITTEN COMMENTS TO NACIQI REGARDING REAUTHORIZATION OF THE HEA, CONCERNING AMERICAN OSTEOPATHIC ASSOCIATION, COMMISSION ON OSTEOPATHIC COLLEGE ACCREDITATION'S REVIEW FOR CONTINUED SECRETARIAL RECOGNITION.

A. Introduction

1. Dr. Jallali submits the following comments in conjunction with the American Osteopathic Association (hereafter as "AOA"), Commission on Osteopathic College Accreditation's review for continued Secretarial recognition. The AOA will come up for review on June 8-10, 2011. Dr. Jallali was injured by the failure of the American Osteopathic Association (AOA) to investigate and discipline Nova Southeastern University. Accordingly, as explained below Dr. Jallali opposes the grant of continued Secretarial recognition.

B. Proffer and Proofs

2. To gain acceptance from the U.S. Department of Education and become an accrediting agency, AOA was required to promise to adhere to the CFR provisions, specifically 34 CFR 602.16- 602.22. AOA violated the terms and

conditions applicable to 34 CFR 602.16- 602.22 by failing to investigate and discipline Nova Southeastern University.

3. Dr. Jallali attended Nova Southeastern University, which was (and is) accredited by AOA. Part and parcel to continuing accreditation standing for a university is that the program of study offered and expected graduation date must reasonably relate to a student's matriculation date. Dr. Jallali matriculated in 1998 at Nova Southeastern University. When he matriculated there were fixed graduation requirements which Dr. Jallali fully completed. However, at some point in his education process Nova Southeastern University unilaterally elected to change the requirements for graduation. The change in requirements prevented Dr. Jallali from graduating. The university kept Dr. Jallali's federal funding and discharged him.

4. When Dr. Jallali complained to AOA about Nova Southeastern University's violations of accreditation terms, AOA refused to investigate and discipline. In refusing to investigate and discipline Nova Southeastern University, AOA (itself) violated 34 CFR 602.16 to 602.22 requirements.

C. Background Facts

5. In August 1998, Dr. Massood Jallali enrolled as a first-year medical student in the School of Osteopathic Medicine at Nova Southeastern University ("Nova"). Dr. Jallali already held a medical degree and was practicing as a Podiatrist in Broward County, Florida. He remained matriculated at the University for a period of five (5) years, during which time he completed all of the requirements

for a degree in osteopathic medicine at Nova.

6. In 2005, when Dr. Jallali applied to the University for his degree, University officials informed him that he would not receive the degree unless he passed “Level II” of the “Complex Exam”. In 2006, after unsuccessfully appealing the University’s determination, the University discharged Dr. Jallali from the program, and refused to issue him a degree.

7. Dr. Jallali presented the AOA with a claim that Nova violated the terms and conditions applicable to continuing accreditation. Dr. Jallali spelled out two components to the complaint: (a) the 1998-1999 Class Size; and (b) the Consistent Expectations Rule (set forth below):

1998-1999 Class Size

Dr. Jallali matriculated in the 1998-99 academic year. The program of study provided to Dr. Jallali was accredited under the Accreditation of Colleges of Osteopathic Medicine: Com Accreditation Standards and Procedures (“COCA”). Dr. Jallali’s matriculation date coincides with the established program requirements imposed upon him on the date of enrollment. According to COCA standards, Dr. Jallali’s educational achievement requirements were to be fixed (matriculated) with his 1998 class:

For the purpose of an accurate accounting of class size, in those instances where a student matriculates in one (1) year but takes a leave of absence or other decelerated program options, the COM will count that student towards the class in which he/she matriculated. Student admissions will be limited to the COCA approved class size with a permitted variance of eight percent of the approved class size.

COCA (2007), Substantive Change: Class Size Increases, pg 47. Accordingly,

COCA standards required Dr. Jallali's educational achievement requirements to remain fixed (matriculated) with his 1998 class.

Consistent Expectations Rule

According to the COCA, a COM's entrance information must remain consistent with expectation for graduation:

“5.1 The COM must adopt admissions policies and criteria designed to meet its mission and objectives.

5.1.1 To ensure the COM meets its mission and objectives, the COM must *tie its admission process and criteria to the outcome performance of its graduates.*”

COCA (2007), Standard Five: Students, pg 14-15 (emphasis added).

According to the COCA, the requirements for issuance of a degree are:

6.8 The COM must develop and publicize a system, in keeping with the COM's mission and objectives, to assess the progress of each student toward acquiring the competencies essential to effective performance as an osteopathic physician.

6.8.1 All students must take and pass the National Board of Osteopathic Medical Examiners, Inc. (NBOME) Comprehensive Osteopathic Medical Licensing Examination COMLEX-USA Level 1 prior to graduation. *All students must take COMLEX-USA Level 2 Cognitive Evaluation (CE) and Performance Evaluation (PE) components prior to graduation.* All students who enter in the 2004-2005 academic year, and all students who graduate after December 1, 2007, must also pass NBOME Cognitive Evaluation (CE) and Performance Evaluation (PE) components of COMLEX-USA Level 2 prior to graduation.

6.8.2 A component of this assessment must include the student performance and the COM's overall performance on the NBOME COMLEX-USA Levels 1 and 2.

COCA (2007), Standard Six: Curriculum, pg 18-19. Accordingly, if Dr. Jallali successfully passed the Comlex Level I exam and then sat for the Comlex

Level II exam, then Dr. Jallali completed the COCA requirements sufficient to obtain a degree within a six year limit.¹

8. Dr. Jallali moved AOA to make the following findings of fact:
 - a) COCA standards required Dr. Jallali's educational achievement requirements to remain fixed (matriculated) with his 1998 class.
 - b) If Dr. Jallali successfully passed the Complex Level I exam and then sat for the Complex Level II exam, then Dr. Jallali completed the COCA requirements sufficient to obtain a degree within a six year limit.
9. In November of 2010, AOA officially declined to take any action on Dr.

Jallali's allegations.

D. Damages

10. Dr. Jallali suffered the loss of a degree which he earned and of which he was fully entitled to be awarded. Dr. Jallali suffered financial damages, including but not limited to student tuition expenses, nominal damages, and loss of future income in his doctoral field.

11. Dr. Jallali suffered the educational damage associated with not receiving the degree which he otherwise earned, and Dr. Jallali he is now in debt for student loans that the United States paid to Nova Southeastern University in exchange for educational services.

E. Conclusion

12. Dr. Jallali opposes the grant of continued Secretarial recognition. AOA

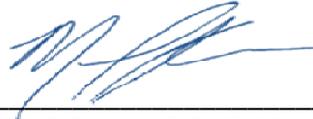
¹To be clear in the enforcement of the "take" testing rule, a footnote to this section explicitly denotes that: "Note. Students graduating prior to December 1, 2007 **must take** COMPLEX-USA Level 2 CE and PE prior to graduation" (COCA, 2007, note, pg.18).

should be subject to discipline by this Committee and thus should be denied continue designation as an accrediting agency, where AOA failed to comply with the mandatory provisions of 34 CFR 602.16 to 602.22 and otherwise contributed to the educational damages Dr. Jallali suffered and continues to suffer.

F. Oral Participation Request

13. Dr. Jallali requests leave to attend the committee meeting and address the committee orally in person.

Respectfully submitted,



Dr. Massood Jallali
2337 South University Drive
Davie, Florida 33324
Telephone: (954) 274-7454

Dr. Massood Jallali
2337 South University Drive
Davie, Florida 33324
Phone: (954) 274-7454

ATTACHMENTS

- 1998 Student Handbook
- 34 CFR 682. et.seq.

U. S. Department of Education

34 CFR Part 602 -- The Secretary's Recognition of Accrediting Agencies

Subpart A -- General

Sec.

- 602.1 Why does the Secretary recognize accrediting agencies?
- 602.2 How do I know which agencies the Secretary recognizes?
- 602.3 What definitions apply to this part?

Subpart B -- The Criteria for Recognition

BASIC ELIGIBILITY REQUIREMENTS

- 602.10 Link to Federal programs.
- 602.11 Geographic scope of accrediting activities.
- 602.12 Accrediting experience.
- 602.13 Acceptance of the agency by others.

ORGANIZATION AND ADMINISTRATIVE REQUIREMENTS

- 602.14 Purpose and organization.
- 602.15 Administrative and fiscal responsibilities.

REQUIRED STANDARDS AND THEIR APPLICATION

- 602.16 Accreditation and preaccreditation standards.
- 602.17 Application of standards in reaching an accrediting decision.
- 602.18 Ensuring consistency in decision-making.
- 602.19 Monitoring and reevaluation of accredited institutions and programs.
- 602.20 Enforcement of standards.
- 602.21 Review of standards.

REQUIRED OPERATING POLICIES AND PROCEDURES

- 602.22 Substantive change.
- 602.23 Operating procedures all agencies must have.
- 602.24 Additional procedures certain institutional accreditors must have.
- 602.25 Due process.
- 602.26 Notification of accrediting decisions.
- 602.27 Other information an agency must provide the Department.
- 602.28 Regard for decisions of States and other accrediting agencies.

Subpart C -- The Recognition Process

APPLICATION AND REVIEW BY DEPARTMENT STAFF

- 602.30 Activities covered by recognition procedures.
- 602.31 Agency submissions to the Department.
- 602.32 Procedures for Department review of applications for recognition or for change in scope, compliance reports, and increases in enrollment.
- 602.33 Procedures for review of agencies during the period of recognition.

REVIEW BY THE NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY

602.34 Advisory Committee meetings.

602.35 Responding to the Advisory Committee's recommendation.

REVIEW AND DECISION BY THE SENIOR DEPARTMENT OFFICIAL

602.36 Senior Department official's decision.

APPEAL RIGHTS AND PROCEDURES

602.37 Appealing the senior Department official's decision to the Secretary.

602.38 Contesting the Secretary's final decision to deny, limit, suspend, or terminate an agency's recognition.

Subpart D-- Department Responsibilities

602.50 What information does the Department share with a recognized agency about its accredited institutions and programs?

AUTHORITY: 20 U.S.C. 1099b, unless otherwise noted.

Subpart A -- General

§602.1 Why does the Secretary recognize accrediting agencies?

(a) The Secretary recognizes accrediting agencies to ensure that these agencies are, for the purposes of the Higher Education Act of 1965, as amended (HEA), or for other Federal purposes, reliable authorities regarding the quality of education or training offered by the institutions or programs they accredit.

(b) The Secretary lists an agency as a nationally recognized accrediting agency if the agency meets the criteria for recognition listed in subpart B of this part.

(Authority: 20 U.S.C. 1099b)

§602.2 How do I know which agencies the Secretary recognizes?

(a) Periodically, the Secretary publishes a list of recognized agencies in the Federal Register, together with each agency's scope of recognition. You may obtain a copy of the list from the Department at any time. The list is also available on the Department's web site.

(b) If the Secretary denies continued recognition to a previously recognized agency, or if the Secretary limits, suspends, or terminates the agency's recognition before the end of its recognition period, the Secretary publishes a notice of that action in the Federal Register. The Secretary also makes the reasons for the action available to the public, on request.

(Authority: 20 U.S.C. 1099b)

§602.3 What definitions apply to this part?

The following definitions apply to this part:

Accreditation means the status of public recognition that an accrediting agency grants to an educational institution or program that meets the agency's standards and requirements.

Accrediting agency or agency means a legal entity, or that part of a legal entity, that conducts accrediting activities through voluntary, non-Federal peer review and makes decisions concerning the accreditation or preaccreditation status of institutions, programs, or both.

Act means the Higher Education Act of 1965, as amended.

Adverse accrediting action or adverse action means the denial, withdrawal, suspension, revocation, or termination of accreditation or preaccreditation, or any comparable accrediting action an agency may take against an institution or program.

Advisory Committee means the National Advisory Committee on Institutional Quality and Integrity.

Branch campus means a location of an institution that meets the definition of branch campus in 34 CFR 600.2.

Compliance report means a written report that the Department requires an agency to file to demonstrate that the agency has addressed deficiencies specified in a decision letter from the senior Department official or the Secretary.

Correspondence education means:

(1) Education provided through one or more courses by an institution under which the institution provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructor.

(2) Interaction between the instructor and the student is limited, is not regular and substantive, and is primarily initiated by the student.

(3) Correspondence courses are typically self-paced.

(4) Correspondence education is not distance education.

Designated Federal Official means the Federal officer designated under section 10(f) of the Federal Advisory Committee Act, 5 U.S.C. Appdx. 1.

Direct assessment program means an instructional program that, in lieu of credit hours or clock hours as a measure of student learning, utilizes direct assessment of student learning, or recognizes the direct assessment of student learning by others, and meets the conditions of 34 CFR 668.10. For title IV, HEA purposes, the institution must obtain approval for the direct assessment program from the Secretary under 34 CFR 668.10(g) or (h) as applicable. As part of that approval, the accrediting agency must--

(1) Evaluate the program(s) and include them in the institution's grant of accreditation or preaccreditation; and

(2) Review and approve the institution's claim of each direct assessment program's equivalence in terms of credit or clock hours.

Distance education means education that uses one or more of the technologies listed in paragraphs (1) through (4) to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously. The technologies may include--

(1) The internet;

(2) One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

(3) Audioconferencing; or

(4) Video cassettes, DVDs, and CD-ROMs, if the cassettes, DVDs, or CD-ROMs are used in a course in conjunction with any of the technologies listed in paragraphs (1) through (3).

Final accrediting action means a final determination by an accrediting agency regarding the accreditation or preaccreditation status of an institution or program. A final accrediting action is not appealable within the agency.

Institution of higher education or institution means an educational institution that qualifies, or may qualify, as an eligible institution under 34 CFR part 600.

Institutional accrediting agency means an agency that accredits institutions of higher education.

Nationally recognized accrediting agency, nationally recognized agency, or recognized agency means an accrediting agency that the Secretary recognizes under this part.

Preaccreditation means the status of public recognition that an accrediting agency grants to an institution or program for a limited period of time that signifies the agency has determined that the institution or program is progressing towards accreditation and is likely to attain accreditation before the expiration of that limited period of time.

Program means a postsecondary educational program offered by an institution of higher education that leads to an academic or professional degree, certificate, or other recognized educational credential.

Programmatic accrediting agency means an agency that accredits specific educational programs that prepare students for entry into a profession, occupation, or vocation.

Recognition means an unappealed determination by the senior Department official under §602.36, or a determination by the Secretary on appeal under §602.37, that an accrediting agency complies with the criteria for recognition listed in subpart B of this part and that the agency is effective in its application of those criteria. A grant of recognition to an agency as a reliable authority regarding the quality of education or training offered by institutions or programs it accredits remains in effect for the term granted except upon a determination made in accordance with subpart C of this part that the agency no longer complies with the subpart B criteria or that it has become ineffective in its application of those criteria.

Representative of the public means a person who is not--

- (1) An employee, member of the governing board, owner, or shareholder of, or consultant to, an institution or program that either is accredited or preaccredited by the agency or has applied for accreditation or preaccreditation;
- (2) A member of any trade association or membership organization related to, affiliated with, or associated with the agency; or
- (3) A spouse, parent, child, or sibling of an individual identified in paragraph (1) or (2) of this definition.

Scope of recognition or scope means the range of accrediting activities for which the Secretary recognizes an agency. The Secretary may place a limitation on the scope of an agency's recognition for Title IV, HEA purposes. The Secretary's designation of scope defines the recognition granted according to--

- (1) Geographic area of accrediting activities;
- (2) Types of degrees and certificates covered;
- (3) Types of institutions and programs covered;
- (4) Types of preaccreditation status covered, if any; and
- (5) Coverage of accrediting activities related to distance education **or correspondence education**, if any.

Secretary means the Secretary of the U.S. Department of Education or any official or employee of the Department acting for the Secretary under a delegation of authority.

Senior Department official means the senior official in the U.S. Department of Education who reports directly to the Secretary regarding accrediting agency recognition.

State means a State of the Union, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. The latter three are also known as the Freely Associated States.

Teach-out agreement means a written agreement between institutions that provides for the equitable treatment of students **and a reasonable opportunity for students to complete their program of study if an institution, or an institutional location that provides one hundred percent of at least one program offered, ceases to operate before all enrolled students have completed their program of study.**

Teach-out plan means a written plan developed by an institution that provides for the equitable treatment of students if an institution, or an institutional location that provides one hundred percent of at least one program, ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency, a teach-out agreement between institutions.

(Authority: 20 U.S.C. 1099b)

Subpart B -- The Criteria for Recognition

BASIC ELIGIBILITY REQUIREMENTS

§602.10 Link to Federal programs.

The agency must demonstrate that--

- (a) If the agency accredits institutions of higher education, its accreditation is a required element in enabling at least one of those institutions to establish eligibility to participate in HEA programs; or
- (b) If the agency accredits institutions of higher education or higher education programs, or both, its accreditation is a required element in enabling at least one of those entities to establish eligibility to participate in non-HEA Federal programs.

(Authority: 20 U.S.C. 1099b)

§602.11 Geographic scope of accrediting activities.

The agency must demonstrate that its accrediting activities cover--

- (a) A State, if the agency is part of a State government;
- (b) A region of the United States that includes at least three States that are reasonably close to one another; or
- (c) The United States.

(Authority: 20 U.S.C. 1099b)

§602.12 Accrediting experience.

(a) An agency seeking initial recognition must demonstrate that it has--

(1) Granted accreditation or preaccreditation--

- (i) To one or more institutions if it is requesting recognition as an institutional accrediting agency and to one or more programs if it is requesting recognition as a programmatic accrediting agency;
- (ii) That covers the range of the specific degrees, certificates, institutions, and programs for which it seeks recognition; and
- (iii) In the geographic area for which it seeks recognition; and

(2) Conducted accrediting activities, including deciding whether to grant or deny accreditation or preaccreditation, for at least two years prior to seeking recognition.

(b) A recognized agency seeking an expansion of its scope of recognition must demonstrate that it has granted accreditation or preaccreditation covering the range of the specific degrees, certificates, institutions, and programs for which it seeks the expansion of scope.

(Authority: 20 U.S.C. 1099b)

§602.13 Acceptance of the agency by others.

The agency must demonstrate that its standards, policies, procedures, and decisions to grant or deny accreditation are widely accepted in the United States by--

- (a) Educators and educational institutions; and
- (b) Licensing bodies, practitioners, and employers in the professional or vocational fields for which the educational institutions or programs within the agency's jurisdiction prepare their students.

(Authority: 20 U.S.C. 1099b)

ORGANIZATIONAL AND ADMINISTRATIVE REQUIREMENTS

§602.14 Purpose and organization.

(a) The Secretary recognizes only the following four categories of agencies:

The Secretary recognizes...	that...
(1) An accrediting agency	(i) Has a voluntary membership of institutions of higher education; (ii) Has as a principal purpose the accrediting of institutions of higher education and that accreditation is a required element in enabling those institutions to participate in HEA programs; and (iii) Satisfies the <u>separate and independent</u> requirements in paragraph (b) of this section.
(2) An accrediting agency	(i) Has a voluntary membership; and (ii) Has as its principal purpose the accrediting of higher education programs, or higher education programs and institutions of higher education, and that accreditation is a required element in enabling those entities to participate in non-HEA Federal programs.
(3) An accrediting agency	for purposes of determining eligibility for Title IV, HEA programs-- (i) Either has a voluntary membership of individuals participating in a profession or has as its principal purpose the accrediting of programs within institutions that are accredited by a nationally recognized accrediting agency; and (ii) Either satisfies the "separate and independent" requirements in paragraph (b) of this section or obtains a waiver of those requirements under paragraphs (d) and (e) of this section.
(4) A State agency	(i) Has as a principal purpose the accrediting of institutions of higher education, higher education programs, or both; and (ii) The Secretary listed as a nationally recognized accrediting agency on or before October 1, 1991 and has recognized continuously since that date.

(b) For purposes of this section, the term separate and independent means that--

- (1) The members of the agency's decision-making body--who decide the accreditation or preaccreditation status of institutions or programs, establish the agency ' s accreditation policies, or both--are not elected or selected by the board or chief executive officer of any related, associated, or affiliated trade association or membership organization;
- (2) At least one member of the agency's decision-making body is a representative of the public, and at least one-seventh of that body consists of representatives of the public;
- (3) The agency has established and implemented guidelines for each member of the decision-making body to avoid conflicts of interest in making decisions;

(4) The agency's dues are paid separately from any dues paid to any related, associated, or affiliated trade association or membership organization; and

(5) The agency develops and determines its own budget, with no review by or consultation with any other entity or organization.

(c) The Secretary considers that any joint use of personnel, services, equipment, or facilities by an agency and a related, associated, or affiliated trade association or membership organization does not violate the "separate and independent" requirements in paragraph (b) of this section if--

(1) The agency pays the fair market value for its proportionate share of the joint use; and

(2) The joint use does not compromise the independence and confidentiality of the accreditation process.

(d) For purposes of paragraph (a)(3) of this section, the Secretary may waive the "separate and independent" requirements in paragraph (b) of this section if the agency demonstrates that--

(1) The Secretary listed the agency as a nationally recognized agency on or before October 1, 1991 and has recognized it continuously since that date;

(2) The related, associated, or affiliated trade association or membership organization plays no role in making or ratifying either the accrediting or policy decisions of the agency;

(3) The agency has sufficient budgetary and administrative autonomy to carry out its accrediting functions independently; and

(4) The agency provides to the related, associated, or affiliated trade association or membership organization only information it makes available to the public.

(e) An agency seeking a waiver of the "separate and independent" requirements under paragraph (d) of this section must apply for the waiver each time the agency seeks recognition or continued recognition.

(Authority: 20 U.S.C. 1099b)

§602.15 Administrative and fiscal responsibilities.

The agency must have the administrative and fiscal capability to carry out its accreditation activities in light of its requested scope of recognition. The agency meets this requirement if the agency demonstrates that--

(a) The agency has--

(1) Adequate administrative staff and financial resources to carry out its accrediting responsibilities;

(2) Competent and knowledgeable individuals, qualified by education and experience in their own right and trained by the agency on **their responsibilities, as appropriate for their roles, regarding the agency's** standards, policies, and procedures, to conduct its on-site evaluations, **apply or** establish its policies, and make its accrediting and preaccrediting decisions, **including, if applicable to the agency's scope, their responsibilities regarding distance education and correspondence education;**

(3) Academic and administrative personnel on its evaluation, policy, and decision-making bodies, if the agency accredits institutions;

(4) Educators and practitioners on its evaluation, policy, and decision-making bodies, if the agency accredits programs or single-purpose institutions that prepare students for a specific profession;

(5) Representatives of the public on all decision-making bodies; and

(6) Clear and effective controls against conflicts of interest, or the appearance of conflicts of interest, by the agency's--

(i) Board members;

(ii) Commissioners;

- (iii) Evaluation team members;
- (iv) Consultants;
- (v) Administrative staff; and
- (vi) Other agency representatives; and

(b) The agency maintains complete and accurate records of--

- (1) Its last full accreditation or preaccreditation reviews of each institution or program, including on-site evaluation team reports, the institution ' s or program ' s responses to on-site reports, periodic review reports, any reports of special reviews conducted by the agency between regular reviews, and a copy of the institution ' s or program ' s most recent self-study; and
- (2) All decisions **made throughout an institution's or program's affiliation with the agency** regarding the accreditation and preaccreditation of any institution or program **and substantive changes**, including all correspondence that is significantly related to those decisions.

(Approved by the Office of Management and Budget under control number 1845-0003)

(Authority: 20 U.S.C. 1099b)

REQUIRED STANDARDS AND THEIR APPLICATION

§602.16 Accreditation and preaccreditation standards.

(a) The agency must demonstrate that it has standards for accreditation, and preaccreditation, if offered, that are sufficiently rigorous to ensure that the agency is a reliable authority regarding the quality of the education or training provided by the institutions or programs it accredits. The agency meets this requirement if--

- (1) The agency ' s accreditation standards effectively address the quality of the institution or program in the following areas:
 - (i) Success with respect to student achievement in relation to the institution's mission, **which may include different standards for different institutions or programs, as established by the institution**, including, as appropriate, consideration of course completion, State licensing examination, and job placement rates.
 - (ii) Curricula.
 - (iii) Faculty.
 - (iv) Facilities, equipment, and supplies.
 - (v) Fiscal and administrative capacity as appropriate to the specified scale of operations.
 - (vi) Student support services.
 - (vii) Recruiting and admissions practices, academic calendars, catalogs, publications, grading, and advertising.
 - (viii) Measures of program length and the objectives of the degrees or credentials offered.
 - (ix) Record of student complaints received by, or available to, the agency.
 - (x) Record of compliance with the institution's program responsibilities under Title IV of the Act, based on the most recent student loan default rate data provided by the Secretary, the results of financial or compliance audits, program reviews, and any other information that the Secretary may provide to the agency; and
- (2) The agency's preaccreditation standards, if offered, are appropriately related to the agency's accreditation standards and do not permit the institution or program to hold preaccreditation status for more than five years.

(b) If the agency only accredits programs and does not serve as an institutional accrediting agency for any of those programs, its accreditation standards must address the areas in paragraph (a)(1) of this section in terms of the type and level of the program rather than in terms of the institution.

(c) If the agency has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education or correspondence education, the agency's standards must effectively address the quality of an institution's distance education or correspondence education in the areas identified in paragraph (a)(1) of this section. The agency is not required to have separate standards, procedures, or policies for the evaluation of distance education or correspondence education;

(d) If none of the institutions an agency accredits participates in any Title IV, HEA program, or if the agency only accredits programs within institutions that are accredited by a nationally recognized institutional accrediting agency, the agency is not required to have the accreditation standards described in paragraphs (a)(1)(viii) and (a)(1)(x) of this section.

(e) An agency that has established and applies the standards in paragraph (a) of this section may establish any additional accreditation standards it deems appropriate.

(f) Nothing in paragraph (a) of this section restricts--

(1) An accrediting agency from setting, with the involvement of its members, and applying accreditation standards for or to institutions or programs that seek review by the agency; or

(2) An institution from developing and using institutional standards to show its success with respect to student achievement, which achievement may be considered as part of any accreditation review.

(Approved by the Office of Management and Budget under control number 1845-0003)

(Authority: 20 U.S.C. 1099b)

§602.17 Application of standards in reaching an accrediting decision.

The agency must have effective mechanisms for evaluating an institution's or program's compliance with the agency's standards before reaching a decision to accredit or preaccredit the institution or program. The agency meets this requirement if the agency demonstrates that it--

(a) Evaluates whether an institution or program--

(1) Maintains clearly specified educational objectives that are consistent with its mission and appropriate in light of the degrees or certificates awarded;

(2) Is successful in achieving its stated objectives; and

(3) Maintains degree and certificate requirements that at least conform to commonly accepted standards;

(b) Requires the institution or program to prepare, following guidance provided by the agency, an in-depth self-study that includes the assessment of educational quality and the institution's or program's continuing efforts to improve educational quality;

(c) Conducts at least one on-site review of the institution or program during which it obtains sufficient information to determine if the institution or program complies with the agency's standards;

(d) Allows the institution or program the opportunity to respond in writing to the report of the on-site review;

(e) Conducts its own analysis of the self-study and supporting documentation furnished by the institution or program, the report of the on-site review, the institution's or program's response to the report, and any other appropriate information from other sources to determine whether the institution or program complies with the agency's standards;

(f) Provides the institution or program with a detailed written report that assesses--

(1) The institution's or program's compliance with the agency's standards, including areas needing improvement; and

(2) The institution's or program's performance with respect to student achievement; **and**

(g) Requires institutions that offer distance education or correspondence education to have processes in place through which the institution establishes that the student who registers in a distance education or correspondence education course or program is the same student who participates in and completes the course or program and receives the academic credit. The agency meets this requirement if it--

(1) Requires institutions to verify the identity of a student who participates in class or coursework by using, at the option of the institution, methods such as--

(i) A secure login and pass code;

(ii) Proctored examinations; and

(iii) New or other technologies and practices that are effective in verifying student identity; and

(2) Makes clear in writing that institutions must use processes that protect student privacy and notify students of any projected additional student charges associated with the verification of student identity at the time of registration or enrollment.

(Authority: 20 U.S.C. 1099b)

§602.18 Ensuring consistency in decision-making.

The agency must consistently apply and enforce standards **that respect the stated mission of the institution, including religious mission, and that** ensure that the education or training offered by an institution or program, including any offered through distance education **or correspondence education**, is of sufficient quality to achieve its stated objective for the duration of any accreditation or preaccreditation period granted by the agency. The agency meets this requirement if the agency--

(a) Has written specification of the requirements for accreditation and preaccreditation that include clear standards for an institution or program to be accredited;

(b) Has effective controls against the inconsistent application of the agency's standards;

(c) Bases decisions regarding accreditation and preaccreditation on the agency 's published standards;

(d) Has a reasonable basis for determining that the information the agency relies on for making accrediting decisions is accurate; and

(e) Provides the institution or program with a detailed written report that clearly identifies any deficiencies in the institution's or program's compliance with the agency's standards.

(Authority: 20 U.S.C. 1099b)

§602.19 Monitoring and reevaluation of accredited institutions and programs.

(a) The agency must reevaluate, at regularly established intervals, the institutions or programs it has accredited or preaccredited.

(b) The agency must demonstrate it has, and effectively applies, a set of monitoring and evaluation approaches that enables the agency to identify problems with an institution's or program's continued compliance with agency standards and that takes into account institutional or program strengths and stability. These approaches must include periodic reports, and collection and analysis of key data and indicators, identified by the agency, including, but not limited to, fiscal information and measures of student achievement, consistent with the provisions of §602.16(f). This provision does not require institutions or programs to provide annual reports on each specific accreditation criterion.

(c) Each agency must monitor overall growth of the institutions or programs it accredits and, at least annually, collect headcount enrollment data from those institutions or programs.

(d) Institutional accrediting agencies must monitor the growth of programs at institutions experiencing significant enrollment growth, as reasonably defined by the agency.

(e) Any agency that has notified the Secretary of a change in its scope in accordance with §602.27(a)(5) must monitor the headcount enrollment of each institution it has accredited that offers distance education or correspondence education. If any such institution has experienced an increase in headcount enrollment of 50 percent or more within one institutional fiscal year, the agency must report that information to the Secretary within 30 days of acquiring such data.

(Authority: 20 U.S.C. 1099b)

§602.20 Enforcement of standards.

(a) If the agency's review of an institution or program under any standard indicates that the institution or program is not in compliance with that standard, the agency must--

- (1) Immediately initiate adverse action against the institution or program; or
- (2) Require the institution or program to take appropriate action to bring itself into compliance with the agency's standards within a time period that must not exceed--
 - (i) Twelve months, if the program, or the longest program offered by the institution, is less than one year in length;
 - (ii) Eighteen months, if the program, or the longest program offered by the institution, is at least one year, but less than two years, in length; or
 - (iii) Two years, if the program, or the longest program offered by the institution, is at least two years in length.

(b) If the institution or program does not bring itself into compliance within the specified period, the agency must take immediate adverse action unless the agency, for good cause, extends the period for achieving compliance.

(Authority: 20 U.S.C. 1099b)

§602.21 Review of standards.

(a) The agency must maintain a systematic program of review that demonstrates that its standards are adequate to evaluate the quality of the education or training provided by the institutions and programs it accredits and relevant to the educational or training needs of students.

(b) The agency determines the specific procedures it follows in evaluating its standards, but the agency must ensure that its program of review--

- (1) Is comprehensive;
- (2) Occurs at regular, yet reasonable, intervals or on an ongoing basis;
- (3) Examines each of the agency's standards and the standards as a whole; and
- (4) Involves all of the agency's relevant constituencies in the review and affords them a meaningful opportunity to provide input into the review.

(c) If the agency determines, at any point during its systematic program of review, that it needs to make changes to its standards, the agency must initiate action within 12 months to make the changes and must complete that action within a reasonable period of time. Before finalizing any changes to its standards, the agency must--

- (1) Provide notice to all of the agency's relevant constituencies, and other parties who have made their interest known to the agency, of the changes the agency proposes to make;
- (2) Give the constituencies and other interested parties adequate opportunity to comment on the proposed changes; and
- (3) Take into account any comments on the proposed changes submitted timely by the relevant constituencies and by other interested parties.

(Authority: 20 U.S.C. 1099b)

REQUIRED OPERATING POLICIES AND PROCEDURES

s602.22 Substantive change.

(a) If the agency accredits institutions, it must maintain adequate substantive change policies that ensure that any substantive change to the educational mission, program, or programs of an institution after the agency has accredited or preaccredited the institution does not adversely affect the capacity of the institution to continue to meet the agency's standards. The agency meets this requirement if--

(1) The agency requires the institution to obtain the agency's approval of the substantive change before the agency includes the change in the scope of accreditation or preaccreditation it previously granted to the institution; and

(2) The agency's definition of substantive change includes at least the following types of change:

(i) Any change in the established mission or objectives of the institution.

(ii) Any change in the legal status, form of control, or ownership of the institution.

(iii) The addition of courses or programs that represent a significant departure **from the existing offerings of educational programs**, or method of delivery, from those that were offered when the agency last evaluated the institution.

(iv) The addition of programs **of study** at a degree or credential level **different from** that which is included in the institution's current accreditation or preaccreditation.

(v) A change from clock hours to credit hours.

(vi) A substantial increase in the number of clock or credit hours awarded for successful completion of a program.

(vii) If the agency's accreditation of an institution enables the institution to seek eligibility to participate in title IV, HEA programs, the entering into a contract under which an institution or organization not certified to participate in the title IV, HEA programs offers more than 25 percent of one or more of the accredited institution's educational programs.

(viii) (A) If the agency's accreditation of an institution enables it to seek eligibility to participate in title IV, HEA programs, the establishment of an additional location at which the institution offers at least 50 percent of an educational program. The addition of such a location must be approved by the agency in accordance with paragraph (c) of this section unless the accrediting agency determines, and issues a written determination stating that the institution has--

(1) Successfully completed at least one cycle of accreditation of maximum length offered by the agency and one renewal, or has been accredited for at least ten years;

(2) At least three additional locations that the agency has approved; and

(3) Met criteria established by the agency indicating sufficient capacity to add additional locations without individual prior approvals, including at a minimum satisfactory evidence of a system to ensure quality across a distributed enterprise that includes--

(i) Clearly identified academic control;

(ii) Regular evaluation of the locations;

(iii) Adequate faculty, facilities, resources, and academic and student support systems;

(iv) Financial stability; and

(v) Long-range planning for expansion.

(B) The agency's procedures for approval of an additional location, pursuant to paragraph (a)(2)(viii)(A) of this section, must require timely reporting to the agency of every additional location established under this approval.

(C) Each agency determination or redetermination to preapprove an institution's addition of locations under paragraph (a)(2)(viii)(A) of this section may not exceed five years.

(D) The agency may not preapprove an institution's addition of locations under paragraph (a)(2)(viii)(A) of this section after the institution undergoes a change in ownership resulting in a change in control as defined in 34 CFR 600.31 until the institution demonstrates that it meets the conditions for the agency to preapprove additional locations described in this paragraph.

(E) The agency must have an effective mechanism for conducting, at reasonable intervals, visits to a representative sample of additional locations approved under paragraph (a)(2)(viii)(A) of this section.

(ix) The acquisition of any other institution or any program or location of another institution.

(x) The addition of a permanent location at a site at which the institution is conducting a teach-out for students of another institution that has ceased operating before all students have completed their program of study.

(3) The agency's substantive change policy must define when the changes made or proposed by an institution are or would be sufficiently extensive to require the agency to conduct a new comprehensive evaluation of that institution.

(b) The agency may determine the procedures it uses to grant prior approval of the substantive change. **However, these procedures must specify an effective date, which is not retroactive, on which the change is included in the program's or institution's accreditation. An agency may designate the date of a change in ownership as the effective date of its approval of that substantive change if the accreditation decision is made within 30 days of the change in ownership.** Except as provided in paragraph (c) of this section, these **procedures** may, but need not, require a visit by the agency.

(c) **Except as provided in (a)(2)(viii)(A) of this section**, if the agency's accreditation of an institution enables the institution to seek eligibility to participate in Title IV, HEA programs, the agency's procedures for the approval of an additional location **where at least 50 percent of an educational program is offered** must **provide for a determination of the institution's** fiscal and administrative capacity to operate the additional location. In addition, the agency's procedures must include--

(1) A visit, within six months, to each additional location the institution establishes, if the institution--

(i) Has a total of three or fewer additional locations;

(ii) Has not demonstrated, to the agency's satisfaction, that it has a proven record of effective educational oversight of additional locations; or

(iii) Has been placed on warning, probation, or show cause by the agency or is subject to some limitation by the agency on its accreditation or preaccreditation status;

(2) An effective mechanism for conducting, at reasonable intervals, visits to **a representative sample of** additional locations of institutions that operate more than three additional locations; and

(3) An effective mechanism, which may, at the agency's discretion, include visits to additional locations, for ensuring that accredited and preaccredited institutions that experience rapid growth in the number of additional locations maintain educational quality.

(d) The purpose of the visits described in paragraph (c) of this section is to verify that the additional location has the personnel, facilities, and resources it claimed to have in its application to the agency for approval of the additional location.

(Authority: 20 U.S.C. 1099b)

§602.23 Operating procedures all agencies must have.

(a) The agency must maintain and make available to the public written materials describing--

- (1) Each type of accreditation and preaccreditation it grants;
- (2) The procedures that institutions or programs must follow in applying for accreditation or preaccreditation;
- (3) The standards and procedures it uses to determine whether to grant, reaffirm, reinstate, restrict, deny, revoke, terminate, or take any other action related to each type of accreditation and preaccreditation that the agency grants;
- (4) The institutions and programs that the agency currently accredits or preaccredits and, for each institution and program, the year the agency will next review or reconsider it for accreditation or preaccreditation; and
- (5) The names, academic and professional qualifications, and relevant employment and organizational affiliations of-

(i) The members of the agency's policy and decision-making bodies; and

(ii) The agency's principal administrative staff.

(b) In providing public notice that an institution or program subject to its jurisdiction is being considered for accreditation or preaccreditation, the agency must provide an opportunity for third-party comment concerning the institution's or program's qualifications for accreditation or preaccreditation. At the agency's discretion, third-party comment may be received either in writing or at a public hearing, or both.

(c) The accrediting agency must--

(1) Review in a timely, fair, and equitable manner any complaint it receives against an accredited institution or program that is related to the agency's standards or procedures. **The agency may not complete its review and make a decision regarding a complaint unless, in accordance with published procedures, it ensures that the institution or program has sufficient opportunity to provide a response to the complaint;**

(2) Take follow-up action, as necessary, including enforcement action, if necessary, based on the results of its review; and

(3) Review in a timely, fair, and equitable manner, and apply unbiased judgment to, any complaints against itself and take follow-up action, as appropriate, based on the results of its review.

(d) If an institution or program elects to make a public disclosure of its accreditation or preaccreditation status, the agency must ensure that the institution or program discloses that status accurately, including the specific academic or instructional programs covered by that status and the name, address, and telephone number of the agency.

(e) The accrediting agency must provide for the public correction of incorrect or misleading information an accredited or preaccredited institution or program releases about--

(1) The accreditation or preaccreditation status of the institution or program;

(2) The contents of reports of on-site reviews; and

(3) The agency's accrediting or preaccrediting actions with respect to the institution or program.

(f) The agency may establish any additional operating procedures it deems appropriate. At the agency's discretion, these may include unannounced inspections.

(Approved by the Office of Management and Budget under control number 1845-0003)

(Authority: 20 U.S.C. 1099b)

§602.24 Additional procedures certain institutional accreditors must have.

If the agency is an institutional accrediting agency and its accreditation or preaccreditation enables those institutions to obtain eligibility to participate in Title IV, HEA programs, the agency must demonstrate that it has established and uses all of the following procedures:

(a) Branch campus.

(1) The agency must require the institution to notify the agency if it plans to establish a branch campus and to submit a business plan for the branch campus that describes--

- (i) The educational program to be offered at the branch campus;
- (ii) The projected revenues and expenditures and cash flow at the branch campus; and
- (iii) The operation, management, and physical resources at the branch campus.

(2) The agency may extend accreditation to the branch campus only after it evaluates the business plan and takes whatever other actions it deems necessary to determine that the branch campus has sufficient educational, financial, operational, management, and physical resources to meet the agency's standards.

(3) The agency must undertake a site visit to the branch campus as soon as practicable, but no later than six months after the establishment of that campus.

(b) Change in ownership. The agency must undertake a site visit to an institution that has undergone a change of ownership that resulted in a change of control as soon as practicable, but no later than six months after the change of ownership.

(c) Teach-out plans and agreements.

(1) The agency must require an institution it accredits or preaccredits to submit a teach-out plan to the agency for approval upon the occurrence of any of the following events:

(i) The Secretary notifies the agency that the Secretary has initiated an emergency action against an institution, in accordance with section 487(c)(1)(G) of the HEA, or an action to limit, suspend, or terminate an institution participating in any title IV, HEA program, in accordance with section 487(c)(1)(F) of the HEA, and that a teach-out plan is required.

(ii) The agency acts to withdraw, terminate, or suspend the accreditation or preaccreditation of the institution.

(iii) The institution notifies the agency that it intends to cease operations entirely or close a location that provides one hundred percent of at least one program.

(iv) A State licensing or authorizing agency notifies the agency that an institution's license or legal authorization to provide an educational program has been or will be revoked.

(2) The agency must evaluate the teach-out plan to ensure it provides for the equitable treatment of students under criteria established by the agency, specifies additional charges, if any, and provides for notification to the students of any additional charges.

(3) If the agency approves a teach-out plan that includes a program that is accredited by another recognized accrediting agency, it must notify that accrediting agency of its approval.

(4) The agency may require an institution it accredits or preaccredits to enter into a teach-out agreement as part of its teach-out plan.

(5) The agency must require an institution it accredits or preaccredits that enters into a teach-out agreement, either on its own or at the request of the agency, with another institution to submit that teach-out agreement to the agency for approval. The agency may approve the teach-out agreement only if the agreement is between institutions that are accredited or preaccredited by a nationally recognized accrediting agency, is consistent with applicable standards and regulations, and provides for the equitable treatment of students by ensuring that--

(i) The teach-out institution has the necessary experience, resources, and support services to--

(A) Provide an educational program that is of acceptable quality and reasonably similar in content, structure, and scheduling to that provided by the institution **that is ceasing operations either entirely or at one of its locations;** and

(B) Remain stable, carry out its mission, and meet all obligations to existing students; and

(ii) The teach-out institution demonstrates that it can provide students access to the program and services without requiring them to move or travel substantial distances **and that it will provide students with information about additional charges, if any.**

(d) Closed Institution. If an institution the agency accredits or preaccredits closes **without a teach-out plan or agreement**, the agency must work with the Department and the appropriate State agency, to the extent feasible, to **assist students in finding** reasonable opportunities to complete their education without additional charges.

(e) Transfer of credit policies. The accrediting agency must confirm, as part of its review for initial accreditation or preaccreditation, or renewal of accreditation, that the institution has transfer of credit policies that--

(1) Are publicly disclosed in accordance with §668.43(a)(11); and

(2) Include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.

(Approved by the Office of Management and Budget under control number 1845-0003)

(Authority: 20 U.S.C. 1099b)

§602.25 Due process.

The agency must demonstrate that the procedures it uses throughout the accrediting process satisfy due process. The agency meets this requirement if the agency does the following:

(a) Provides adequate written specification of its requirements, including clear standards, for an institution or program to be accredited or preaccredited.

(b) Uses procedures that afford an institution or program a reasonable period of time to comply with the agency's requests for information and documents.

(c) Provides written specification of any deficiencies identified at the institution or program examined.

(d) Provides sufficient opportunity for a written response by an institution or program regarding any deficiencies identified by the agency, to be considered by the agency within a timeframe determined by the agency, and before any adverse action is taken.

(e) Notifies the institution or program in writing of any adverse accrediting action or an action to place the institution or program on probation or show cause. The notice describes the basis for the action.

(f) Provides an opportunity, upon written request of an institution or program, for the institution or program to appeal any adverse action prior to the action becoming final.

(1) The appeal must take place at a hearing before an appeals panel that--

(i) May not include current members of the agency's decision-making body that took the initial adverse action;

(ii) Is subject to a conflict of interest policy;

(iii) Does not serve only an advisory or procedural role, and has and uses the authority to make the following decisions: to affirm, amend, or reverse adverse actions of the original decision-making body; and

(iv) Affirms, amends, reverses, or remands the adverse action. A decision to affirm, amend, or reverse the adverse action is implemented by the appeals panel or by the original decision-making body, at the agency's option. In a decision to remand the adverse action to the original decision-making body for further consideration, the appeals panel must identify specific issues that the original decision-making body must address. In a decision that is implemented by or remanded to the original decision-making body, that body must act in a manner consistent with the appeals panel's decisions or instructions.

(2) The agency must recognize the right of the institution or program to employ counsel to represent the institution or program during its appeal, including to make any presentation that the agency permits the institution or program to make on its own during the appeal.

(g) The agency notifies the institution or program in writing of the result of its appeal and the basis for that result.

(h) (1) The agency must provide for a process, in accordance with written procedures, through which an institution or program may, before the agency reaches a final adverse action decision, seek review of new financial information if all of the following conditions are met:

(i) The financial information was unavailable to the institution or program until after the decision subject to appeal was made.

(ii) The financial information is significant and bears materially on the financial deficiencies identified by the agency. The criteria of significance and materiality are determined by the agency.

(iii) The only remaining deficiency cited by the agency in support of a final adverse action decision is the institution's or program's failure to meet an agency standard pertaining to finances.

(2) An institution or program may seek the review of new financial information described in paragraph (h)(1) of this section only once and any determination by the agency made with respect to that review does not provide a basis for an appeal.

(Authority: 20 U.S.C. 1099b)

§602.26 Notification of accrediting decisions.

The agency must demonstrate that it has established and follows written procedures requiring it to provide written notice of its accrediting decisions to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public. The agency meets this requirement if the agency, following its written procedures--

(a) Provides written notice of the following types of decisions to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public no later than 30 days after it makes the decision:

(1) A decision to award initial accreditation or preaccreditation to an institution or program.

(2) A decision to renew an institution's or program's accreditation or preaccreditation;

(b) Provides written notice of the following types of decisions to the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution or program of the decision, but no later than 30 days after it reaches the decision:

(1) A final decision to place an institution or program on probation or an equivalent status.

(2) A final decision to deny, withdraw, suspend, revoke, or terminate the accreditation or preaccreditation of an institution or program.

(3) A final decision to take any other adverse action, as defined by the agency, not listed in paragraph (b)(2) of this section;

(c) Provides written notice to the public of the decisions listed in paragraphs (b)(1) , (b)(2) , **and (b)(3)** of this section within 24 hours of its notice to the institution or program;

(d) For any decision listed in paragraph (b)(2) of this section, makes available to the Secretary, the appropriate State licensing or authorizing agency, and the public, no later than 60 days after the decision, a brief statement summarizing the reasons for the agency's decision and the **official** comments that the affected institution or program may wish to make with regard to that decision, **or evidence that the affected institution has been offered the opportunity to provide official comment;** and

(e) Notifies the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and, upon request, the public if an accredited or preaccredited institution or program--

(1) Decides to withdraw voluntarily from accreditation or preaccreditation, within 30 days of receiving notification from the institution or program that it is withdrawing voluntarily from accreditation or preaccreditation; or

(2) Lets its accreditation or preaccreditation lapse, within 30 days of the date on which accreditation or preaccreditation lapses.

(Approved by the Office of Management and Budget under control number 1845-0003)

(Authority: 20 U.S.C. 1099b)

§602.27 Other information an agency must provide the Department.

(a) The agency must submit to the Department--

(1) A copy of any annual report it prepares;

(2) A copy, updated annually, of its directory of accredited and preaccredited institutions and programs;

(3) A summary of the agency's major accrediting activities during the previous year (an annual data summary), if requested by the Secretary to carry out the Secretary's responsibilities related to this part;

(4) Any proposed change in the agency's policies, procedures, or accreditation or preaccreditation standards that might alter its--

(i) Scope of recognition, **except as provided in paragraph (5)(a) of this section;** or

(ii) Compliance with the criteria for recognition;

(5) Notification that the agency has expanded its scope of recognition to include distance education or correspondence education as provided in section 496(a)(4)(B)(i)(I) of the HEA. Such an expansion of scope is effective on the date the Department receives the notification;

(6) The name of any institution or program it accredits that the agency has reason to believe is failing to meet its Title IV, HEA program responsibilities or is engaged in fraud or abuse, along with the agency's reasons for concern about the institution or program; and

(7) If the Secretary requests, information that may bear upon an accredited or preaccredited institution's compliance with its Title IV, HEA program responsibilities, including the eligibility of the institution or program to participate in Title IV, HEA programs.

(b) If an agency has a policy regarding notification to an institution or program of contact with the Department in accordance with paragraph (a)(6) or (a)(7) of this section, it must provide for a case by case review of the circumstances surrounding the contact, and the need for the confidentiality of that contact. Upon a specific request by the Department, the agency must consider that contact confidential.

(Approved by the Office of Management and Budget under control number 1845-0003)

(Authority: 20 U.S.C. 1099b)

§602.28 Regard for decisions of States and other accrediting agencies.

(a) If the agency is an institutional accrediting agency, it may not accredit or preaccredit institutions that lack legal authorization under applicable State law to provide a program of education beyond the secondary level.

(b) Except as provided in paragraph (c) of this section, the agency may not grant initial or renewed accreditation or preaccreditation to an institution, or a program offered by an institution, if the agency knows, or has reasonable cause to know, that the institution is the subject of--

(1) A pending or final action brought by a State agency to suspend, revoke, withdraw, or terminate the institution's legal authority to provide postsecondary education in the State;

(2) A decision by a recognized agency to deny accreditation or preaccreditation;

(3) A pending or final action brought by a recognized accrediting agency to suspend, revoke, withdraw, or terminate the institution's accreditation or preaccreditation; or

(4) Probation or an equivalent status imposed by a recognized agency.

(c) The agency may grant accreditation or preaccreditation to an institution or program described in paragraph (b) of this section only if it provides to the Secretary, within 30 days of its action, a thorough and reasonable explanation, consistent with its standards, why the action of the other body does not preclude the agency's grant of accreditation or preaccreditation.

(d) If the agency learns that an institution it accredits or preaccredits, or an institution that offers a program it accredits or preaccredits, is the subject of an adverse action by another recognized accrediting agency or has been placed on probation or an equivalent status by another recognized agency, the agency must promptly review its accreditation or preaccreditation of the institution or program to determine if it should also take adverse action or place the institution or program on probation or show cause.

(e) The agency must, upon request, share with other appropriate recognized accrediting agencies and recognized State approval agencies information about the accreditation or preaccreditation status of an institution or program and any adverse actions it has taken against an accredited or preaccredited institution or program.

(Approved by the Office of Management and Budget under control number 1845-0003)

(Authority: 20 U.S.C. 1099b)

Subpart C -- The Recognition Process

APPLICATION AND REVIEW BY DEPARTMENT STAFF

§602.30 Activities covered by recognition procedures.

Recognition proceedings are administrative actions taken on any of the following matters:

- (a) Applications for initial or continued recognition submitted under §602.31(a).
- (b) Applications for an expansion of scope submitted under §602.31(b).
- (c) Compliance reports submitted under §602.31(c).
- (d) Reviews of agencies that have expanded their scope of recognition by notice, following receipt by the Department of information of an increase in headcount enrollment described in §602.19(e).
- (e) Staff analyses identifying areas of non-compliance based on a review conducted under §602.33.

(Authority: 20 U.S.C. 1099b)

§602.31 Agency submissions to the Department.

(a) Applications for recognition or renewal of recognition. An accrediting agency seeking initial or continued recognition must submit a written application to the Secretary. Each accrediting agency must submit an application for continued recognition at least once every five years, or within a shorter time period specified in the final recognition decision. The application must consist of--

- (1) A statement of the agency's requested scope of recognition;
- (2) Evidence, including documentation, that the agency complies with the criteria for recognition listed in subpart B of this part and effectively applies those criteria; and
- (3) Evidence, including documentation, of how an agency that includes or seeks to include distance education or correspondence education in its scope of recognition applies its standards in evaluating programs and institutions it accredits that offer distance education or correspondence education.

(b) Applications for expansions of scope. An agency seeking an expansion of scope by application must submit a written application to the Secretary. The application must--

- (1) Specify the scope requested;
- (2) Include documentation of experience in accordance with §602.12(b); and
- (3) Provide copies of any relevant standards, policies, or procedures developed and applied by the agency and documentation of the application of these standards, policies, or procedures.

(c) Compliance reports. If an agency is required to submit a compliance report, it must do so within 30 days following the end of the period for achieving compliance as specified in the decision of the senior Department official or Secretary, as applicable.

(d) Review following an increase in headcount enrollment. If an agency that has notified the Secretary in writing of its change in scope to include distance education or correspondence education in accordance with §602.27(a)(5) reports an increase in headcount enrollment in accordance with §602.19(e) for an institution it accredits, or if the Department notifies the agency of such an increase at one of the agency's accredited institutions, the agency must, within 45 days of reporting the increase or receiving notice of the increase from the Department, as applicable, submit a report explaining--

- (1) How the agency evaluates the capacity of the institutions or programs it accredits to accommodate significant growth in enrollment and to maintain educational quality;
- (2) The specific circumstances regarding the growth at the institution(s) or programs(s) that triggered the review and the results of any evaluation conducted by the agency; and
- (3) Any other information that the agency deems appropriate to demonstrate the effective application of the criteria for recognition or that the Department may require.

(e) Consent to sharing of information. By submitting an application for recognition, the agency authorizes Department staff throughout the application process and during any period of recognition--

- (1) To observe its site visits to one or more of the institutions or programs it accredits or preaccredits, on an announced or unannounced basis;
- (2) To visit locations where agency activities such as training, review and evaluation panel meetings, and decision meetings take place, on an announced or unannounced basis;
- (3) To obtain copies of all documents the staff deems necessary to complete its review of the agency; and
- (4) To gain access to agency records, personnel, and facilities.

(f) Public availability of agency records obtained by the Department. (1) The Secretary's processing and decision making on requests for public disclosure of agency materials reviewed under this part are governed by the Freedom of Information Act, 5 U.S.C. §552; the Trade Secrets Act, 18 U.S.C. §1905; the Privacy Act of 1974, as amended, 5 U.S.C §552a; the Federal Advisory Committee Act, 5 U.S.C. Appdx. 1; and all other applicable laws. In recognition proceedings, agencies may--

- (i) Redact information that would identify individuals or institutions that is not essential to the Department's review of the agency;
- (ii) Make a good faith effort to designate all business information within agency submissions that the agency believes would be exempt from disclosure under exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. §552(b)(4). A blanket designation of all information contained within a submission, or of a category of documents, as meeting this exemption will not be considered a good faith effort and will be disregarded;
- (iii) Identify any other material the agency believes would be exempt from public disclosure under FOIA, the factual basis for the request, and any legal basis the agency has identified for withholding the document from disclosure; and
- (iv) Ensure documents submitted are only those required for Department review or as requested by Department officials.

(2) The Secretary processes FOIA requests in accordance with 34 CFR part 5 and makes all documents provided to the Advisory Committee available to the public.

(Authority: 20 U.S.C. 1099b)

§602.32 Procedures for Department review of applications for recognition or for change in scope, compliance reports, and increases in enrollment.

(a) After receipt of an agency's application for initial or continued recognition, or change in scope, or an agency's compliance report, or an agency's report submitted under §602.31(d), Department staff publishes a notice of the agency's application or report in the Federal Register inviting the public to comment on the agency's compliance with the criteria for recognition and establishing a deadline for receipt of public comment.

(b) The Department staff analyzes the agency's application for initial or renewal of recognition, compliance report, or report submitted under §602.31(d) to determine whether the agency satisfies the criteria for recognition, taking into account all available relevant information concerning the compliance of the agency with those criteria and in the agency's effectiveness in applying the criteria. The analysis of an application for recognition and, as appropriate, of a compliance report, or of a report required under §602.31(d), includes--

- (1) Observations from site visit(s), on an announced or unannounced basis, to the agency or to a location where agency activities such as training, review and evaluation panel meetings, and decision meetings take place and to one or more of the institutions or programs it accredits or preaccredits;
- (2) Review of the public comments and other third-party information the Department staff receives by the established deadline, and the agency's responses to the third-party comments, as appropriate, as well as any other information Department staff assembles for purposes of evaluating the agency under this part; and
- (3) Review of complaints or legal actions involving the agency.

(c) The Department staff analyzes the materials submitted in support of an application for expansion of scope to ensure that the agency has the requisite experience, policies that comply with subpart B of this part, capacity, and performance record to support the request.

(d) Department staff's evaluation of an agency may also include a review of information directly related to institutions or programs accredited or preaccredited by the agency relative to their compliance with the agency's standards, the effectiveness of the standards, and the agency's application of those standards.

(e) If, at any point in its evaluation of an agency seeking initial recognition, Department staff determines that the agency fails to demonstrate compliance with the basic eligibility requirements in §§602.10 through 602.13, the staff--

(1) Returns the agency's application and provides the agency with an explanation of the deficiencies that caused staff to take that action; and

(2) Recommends that the agency withdraw its application and reapply when the agency can demonstrate compliance.

(f) Except with respect to an application that has been returned or is withdrawn under paragraph (e) of this section, when Department staff completes its evaluation of the agency, the staff--

(1) Prepares a written draft analysis of the agency;

(2) Sends the draft analysis including any identified areas of non-compliance and a proposed recognition recommendation, and all supporting documentation, including all third-party comments the Department received by the established deadline, to the agency;

(3) Invites the agency to provide a written response to the draft analysis and proposed recognition recommendation and third-party comments, specifying a deadline that provides at least 30 days for the agency's response;

(4) Reviews the response to the draft analysis the agency submits, if any, and prepares the written final analysis. The final analysis includes a recognition recommendation to the senior Department official, as the Department staff deems appropriate, including, but not limited to, a recommendation to approve, deny, limit, suspend, or terminate recognition, require the submission of a compliance report and continue recognition pending a final decision on compliance, approve or deny a request for expansion of scope, or revise or affirm the scope of the agency; and

(5) Provides to the agency, no later than seven days before the Advisory Committee meeting, the final staff analysis and any other available information provided to the Advisory Committee under §602.34(c).

(g) The agency may request that the Advisory Committee defer acting on an application at that Advisory Committee meeting if Department staff fails to provide the agency with the materials described, and within the timeframes provided, in paragraphs (f)(3) and (f)(5) of this section. If the Department staff's failure to send the materials in accordance with the timeframe described in paragraph (f)(3) or (f)(5) of this section is due to the failure of the agency to submit reports to the Department, other information the Secretary requested, or its response to the draft analysis, by the deadline established by the Secretary, the agency forfeits its right to request a deferral of its application.

(Authority: 20 U.S.C. 1099b)

§602.33 Procedures for review of agencies during the period of recognition.

(a) Department staff may review the compliance of a recognized agency with the criteria for recognition at any time--

(1) At the request of the Advisory Committee; or

(2) Based on any information that, as determined by Department staff, appears credible and raises issues relevant to recognition.

(b) The review may include, but need not be limited to, any of the activities described in §602.32(b) and (d).

(c) If, in the course of the review, and after provision to the agency of the documentation concerning the inquiry and consultation with the agency, Department staff notes that one or more deficiencies may exist in the agency's compliance with the criteria for recognition or in the agency's effective application of those criteria, it--

(1) Prepares a written draft analysis of the agency's compliance with the criteria of concern. The draft analysis reflects the results of the review, and includes a recommendation regarding what action to take with respect to

recognition. Possible recommendations include, but are not limited to, a recommendation to limit, suspend, or terminate recognition, or require the submission of a compliance report and to continue recognition pending a final decision on compliance;

(2) Sends the draft analysis including any identified areas of non-compliance, and a proposed recognition recommendation, and all supporting documentation to the agency; and

(3) Invites the agency to provide a written response to the draft analysis and proposed recognition recommendation, specifying a deadline that provides at least 30 days for the agency's response.

(d) If, after review of the agency's response to the draft analysis, Department staff concludes that the agency has demonstrated compliance with the criteria for recognition, the staff notifies the agency in writing of the results of the review. If the review was requested by the Advisory Committee, staff also provides the Advisory Committee with the results of the review.

(e) If, after review of the agency's response to the draft analysis, Department staff concludes that the agency has not demonstrated compliance, the staff--

(1) Notifies the agency that the draft analysis will be finalized for presentation to the Advisory Committee;

(2) Publishes a notice in the Federal Register including, if practicable, an invitation to the public to comment on the agency's compliance with the criteria in question and establishing a deadline for receipt of public comment;

(3) Provides the agency with a copy of all public comments received and, if practicable, invites a written response from the agency;

(4) Finalizes the staff analysis as necessary to reflect its review of any agency response and any public comment received; and

(5) Provides to the agency, no later than seven days before the Advisory Committee meeting, the final staff analysis and a recognition recommendation and any other information provided to the Advisory Committee under §602.34(c).

(f) The Advisory Committee reviews the matter in accordance with §602.34.

(Authority: 20 U.S.C. 1099b)

REVIEW BY THE NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY

§602.34 Advisory Committee meetings.

(a) Department staff submits a proposed schedule to the Chairperson of the Advisory Committee based on anticipated completion of staff analyses.

(b) The Chairperson of the Advisory Committee establishes an agenda for the next meeting and, in accordance with the Federal Advisory Committee Act, presents it to the Designated Federal Official for approval.

(c) Before the Advisory Committee meeting, Department staff provides the Advisory Committee with--

(1) The agency's application for recognition or for expansion of scope, the agency's compliance report, or the agency's report submitted under §602.31(d), and supporting documentation;

(2) The final Department staff analysis of the agency developed in accordance with §602.32 or §602.33, and any supporting documentation;

(3) At the request of the agency, the agency's response to the draft analysis;

(4) Any written third-party comments the Department received about the agency on or before the established deadline;

(5) Any agency response to third-party comments; and

(6) Any other information Department staff relied upon in developing its analysis.

(d) At least 30 days before the Advisory Committee meeting, the Department publishes a notice of the meeting in the Federal Register inviting interested parties, including those who submitted third-party comments concerning the agency's compliance with the criteria for recognition, to make oral presentations before the Advisory Committee.

(e) The Advisory Committee considers the materials provided under paragraph (c) of this section in a public meeting and invites Department staff, the agency, and other interested parties to make oral presentations during the meeting. A transcript is made of all Advisory Committee meetings.

(f) The written motion adopted by the Advisory Committee regarding each agency's recognition will be made available during the Advisory Committee meeting. The Department will provide each agency, upon request, with a copy of the motion on recognition at the meeting. Each agency that was reviewed will be sent an electronic copy of the motion relative to that agency as soon as practicable after the meeting.

(g) After each meeting of the Advisory Committee at which a review of agencies occurs, the Advisory Committee forwards to the senior Department official its recommendation with respect to each agency, which may include, but is not limited to, a recommendation to approve, deny, limit, suspend, or terminate recognition, to grant or deny a request for expansion of scope, to revise or affirm the scope of the agency, or to require the agency to submit a compliance report and to continue recognition pending a final decision on compliance.

(Authority: 20 U.S.C. 1099b)

§602.35 Responding to the Advisory Committee's recommendation.

(a) Within ten days following the Advisory Committee meeting, the agency and Department staff may submit written comments to the senior Department official on the Advisory Committee's recommendation. The agency must simultaneously submit a copy of its written comments, if any, to Department staff. Department staff must simultaneously submit a copy of its written comments, if any, to the agency.

(b) Comments must be limited to--

- (1) Any Advisory Committee recommendation that the agency or Department staff believes is not supported by the record;
- (2) Any incomplete Advisory Committee recommendation based on the agency's application; and
- (3) The inclusion of any recommendation or draft proposed decision for the senior Department official's consideration.

(c)(1) Neither the Department staff nor the agency may submit additional documentary evidence with its comments unless the Advisory Committee's recognition recommendation proposes finding the agency noncompliant with, or ineffective in its application of, a criterion or criteria for recognition not identified in the final Department staff analysis provided to the Advisory Committee.

(2) Within ten days of receipt by the Department staff of an agency's comments or new evidence, if applicable, or of receipt by the agency of the Department staff's comments, Department staff, the agency, or both, as applicable, may submit a response to the senior Department official. Simultaneously with submission, the agency must provide a copy of any response to the Department staff. Simultaneously with submission, Department staff must provide a copy of any response to the agency.

(Authority: 20 U.S.C. 1099b)

REVIEW AND DECISION BY THE SENIOR DEPARTMENT OFFICIAL

§602.36 Senior Department official's decision.

(a) The senior Department official makes a decision regarding recognition of an agency based on the record compiled under §§602.32, 602.33, 602.34, and 602.35 including, as applicable, the following:

- (1) The materials provided to the Advisory Committee under §602.34(c).
- (2) The transcript of the Advisory Committee meeting.
- (3) The recommendation of the Advisory Committee.

(4) Written comments and responses submitted under §602.35.

(5) New evidence submitted in accordance with §602.35(c)(1).

(6) A communication from the Secretary referring an issue to the senior Department official's consideration under §602.37(e).

(b) In the event that statutory authority or appropriations for the Advisory Committee ends, or there are fewer duly appointed Advisory Committee members than needed to constitute a quorum, and under extraordinary circumstances when there are serious concerns about an agency's compliance with subpart B of this part that require prompt attention, the senior Department official may make a decision in a recognition proceeding based on the record compiled under §602.32 or §602.33 after providing the agency with an opportunity to respond to the final staff analysis. Any decision made by the senior Department official absent a recommendation from the Advisory Committee may be appealed to the Secretary as provided in §602.37.

(c) Following consideration of an agency's recognition under this section, the senior Department official issues a recognition decision.

(d) Except with respect to decisions made under paragraph (f) or (g) of this section and matters referred to the senior Department official under §602.37(e) or (f), the senior Department official notifies the agency in writing of the senior Department official's decision regarding the agency's recognition within 90 days of the Advisory Committee meeting or conclusion of the review under paragraph (b) of this section.

(e) The senior Department official's decision may include, but is not limited to, approving, denying, limiting, suspending, or terminating recognition, granting or denying an application for an expansion of scope, revising or affirming the scope of the agency, or continuing recognition pending submission and review of a compliance report under §§602.32 and 602.34 and review of the report by the senior Department official under this section.

(1)(i) The senior Department official approves recognition if the agency complies with the criteria for recognition listed in subpart B of this part and if the agency effectively applies those criteria.

(ii) If the senior Department official approves recognition, the recognition decision defines the scope of recognition and the recognition period. The recognition period does not exceed five years, including any time during which recognition was continued to permit submission and review of a compliance report.

(iii) If the scope or period of recognition is less than that requested by the agency, the senior Department official explains the reasons for approving a lesser scope or recognition period.

(2)(i) Except as provided in paragraph (e)(3) of this section, if the agency either fails to comply with the criteria for recognition listed in subpart B of this part, or to apply those criteria effectively, the senior Department official denies, limits, suspends, or terminates recognition.

(ii) If the senior Department official denies, limits, suspends, or terminates recognition, the senior Department official specifies the reasons for this decision, including all criteria the agency fails to meet and all criteria the agency has failed to apply effectively.

(3)(i) Except as provided in paragraph (e)(3)(ii) of this section, if a recognized agency fails to demonstrate compliance with or effective application of a criterion or criteria, but the senior Department official concludes that the agency will demonstrate or achieve compliance with the criteria for recognition and effective application of those criteria within 12 months or less, the senior Department official may continue the agency's recognition, pending submission by the agency of a compliance report, review of the report under §§602.32 and 602.34, and review of the report by the senior Department official under this section. In such a case, the senior Department official specifies the criteria the compliance report must address, and a time period, not longer than 12 months, during which the agency must achieve compliance and effectively apply the criteria. The compliance report documenting compliance and effective application of criteria is due not later than 30 days after the end of the period specified in the senior Department official's decision.

(ii) If the record includes a compliance report, and the senior Department official determines that an agency has not complied with the criteria for recognition, or has not effectively applied those criteria, during the time period specified by the senior Department official in accordance with paragraph (e)(3)(i) of this section, the senior Department official denies, limits, suspends, or terminates recognition, except, in extraordinary circumstances, upon a showing of good cause for an extension of time as determined by the senior

Department official and detailed in the senior Department official's decision. If the senior Department official determines good cause for an extension has been shown, the senior Department official specifies the length of the extension and what the agency must do during it to merit a renewal of recognition.

(f) If the senior Department official determines, based on the record, that a decision to deny, limit, suspend, or terminate an agency's recognition may be warranted based on a finding that the agency is noncompliant with, or ineffective in its application of, a criterion or criteria of recognition not identified earlier in the proceedings as an area of noncompliance, the senior Department official provides--

- (1) The agency with an opportunity to submit a written response and documentary evidence addressing the finding; and
- (2) The staff with an opportunity to present its analysis in writing.

(g) If relevant and material information pertaining to an agency's compliance with recognition criteria, but not contained in the record, comes to the senior Department official's attention while a decision regarding the agency's recognition is pending before the senior Department official, and if the senior Department official concludes the recognition decision should not be made without consideration of the information, the senior Department official either--

- (1)(i) Does not make a decision regarding recognition of the agency; and
 - (ii) Refers the matter to Department staff for review and analysis under §602.32 or §602.33, as appropriate, and consideration by the Advisory Committee under §602.34; or
- (2)(i) Provides the information to the agency and Department staff;
 - (ii) Permits the agency to respond to the senior Department official and the Department staff in writing, and to include additional evidence relevant to the issue, and specifies a deadline;
 - (iii) Provides Department staff with an opportunity to respond in writing to the agency's submission under paragraph (g)(2)(ii) of this section, specifying a deadline; and
 - (iv) Issues a recognition decision based on the record described in paragraph (a) of this section, as supplemented by the information provided under this paragraph.

(h) No agency may submit information to the senior Department official, or ask others to submit information on its behalf, for purposes of invoking paragraph (g) of this section. Before invoking paragraph (g) of this section, the senior Department official will take into account whether the information, if submitted by a third party, could have been submitted in accordance with §602.32(a) or §602.33(e)(2).

(i) If the senior Department official does not reach a final decision to approve, deny, limit, suspend, or terminate an agency's recognition before the expiration of its recognition period, the senior Department official automatically extends the recognition period until a final decision is reached.

(j) Unless appealed in accordance with §602.37, the senior Department official's decision is the final decision of the Secretary.

(Authority: 20 U.S.C. 1099b)

APPEAL RIGHTS AND PROCEDURES

§602.37 Appealing the senior Department official's decision to the Secretary.

(a) The agency may appeal the senior Department official's decision to the Secretary. Such appeal stays the decision of the senior Department official until final disposition of the appeal. If an agency wishes to appeal, the agency must--

- (1) Notify the Secretary and the senior Department official in writing of its intent to appeal the decision of the senior Department official, no later than ten days after receipt of the decision;
- (2) Submit its appeal to the Secretary in writing no later than 30 days after receipt of the decision; and
- (3) Provide the senior Department official with a copy of the appeal at the same time it submits the appeal to the Secretary.

(b) The senior Department official may file a written response to the appeal. To do so, the senior Department official must--

- (1) Submit a response to the Secretary no later than 30 days after receipt of a copy of the appeal; and
- (2) Provide the agency with a copy of the senior Department official's response at the same time it is submitted to the Secretary.

(c) Neither the agency nor the senior Department official may include in its submission any new evidence it did not submit previously in the proceeding.

(d) On appeal, the Secretary makes a recognition decision, as described in §602.36(e). If the decision requires a compliance report, the report is due within 30 days after the end of the period specified in the Secretary's decision. The Secretary renders a final decision after taking into account the senior Department official's decision, the agency's written submissions on appeal, the senior Department official's response to the appeal, if any, and the entire record before the senior Department official. The Secretary notifies the agency in writing of the Secretary's decision regarding the agency's recognition.

(e) The Secretary may determine, based on the record, that a decision to deny, limit, suspend, or terminate an agency's recognition may be warranted based on a finding that the agency is noncompliant with, or ineffective in its application with respect to, a criterion or criteria for recognition not identified as an area of noncompliance earlier in the proceedings. In that case, the Secretary, without further consideration of the appeal, refers the matter to the senior Department official for consideration of the issue under §602.36(f). After the senior Department official makes a decision, the agency may, if desired, appeal that decision to the Secretary.

(f) If relevant and material information pertaining to an agency's compliance with recognition criteria, but not contained in the record, comes to the Secretary's attention while a decision regarding the agency's recognition is pending before the Secretary, and if the Secretary concludes the recognition decision should not be made without consideration of the information, the Secretary either--

- (1)(i) Does not make a decision regarding recognition of the agency; and
 - (ii) Refers the matter to Department staff for review and analysis under §602.32 or §602.33, as appropriate, and review by the Advisory Committee under §602.34; and consideration by the senior Department official under §602.36; or
- (2)(i) Provides the information to the agency and the senior Department official;
 - (ii) Permits the agency to respond to the Secretary and the senior Department official in writing, and to include additional evidence relevant to the issue, and specifies a deadline;
 - (iii) Provides the senior Department official with an opportunity to respond in writing to the agency's submission under paragraph (f)(2)(ii) of this section, specifying a deadline; and
 - (iv) Issues a recognition decision based on all the materials described in paragraphs (d) and (f) of this section.

(g) No agency may submit information to the Secretary, or ask others to submit information on its behalf, for purposes of invoking paragraph (f) of this section. Before invoking paragraph (f) of this section, the Secretary will take into account whether the information, if submitted by a third party, could have been submitted in accordance with §602.32(a) or §602.33(e)(2).

(h) If the Secretary does not reach a final decision on appeal to approve, deny, limit, suspend, or terminate an agency's recognition before the expiration of its recognition period, the Secretary automatically extends the recognition period until a final decision is reached.

(Authority: 20 U.S.C. 1099b)

§602.38 Contesting the Secretary's final decision to deny, limit, suspend, or terminate an agency's recognition.

An agency may contest the Secretary's decision under this part in the Federal courts as a final decision in accordance with applicable Federal law. Unless otherwise directed by the court, a decision of the Secretary to deny, limit, suspend, or terminate the agency's recognition is not stayed during an appeal in the Federal courts.

(Authority: 20 U.S.C. 1099b)

Subpart D -- Department Responsibilities

§602.50 What information does the Department share with a recognized agency about its accredited institutions and programs?

(a) If the Department takes an action against an institution or program accredited by the agency, it notifies the agency no later than 10 days after taking that action.

(b) If another Federal agency or a State agency notifies the Department that it has taken an action against an institution or program accredited by the agency, the Department notifies the agency as soon as possible but no later than 10 days after receiving the written notice from the other Government agency.

(Authority: 20 U.S.C. 1099b)

FHEAP

Florida Higher Education Accountability Project

January 10, 2011

NACIQI
U.S. Department of Education, 7th Floor
1990 K Street, NW
Washington, DC 20006-7011

Third-Party Comments regarding HEA reauthorization

Thank you for the opportunity to present third party public comments regarding higher education recognition and accreditation processes. It is important that NACIQI members be informed about what is -- and what is not -- happening in the field as they consider HEA reauthorization.

The recent focus on the inadequacies of the present system of higher education accreditation raises important questions about its viability, and the prospects for its eventual reform. Current problems are, in no small measure, the legacy of conflicts structurally rooted in the competing interests of the Department of Education Organization Act (1979), where provisions for access to higher education were placed side-by-side with those for accountability; and in conflicting missions for accreditors (accreditors are either collegial, and represent the interests of the membership, or they have governmental oversight responsibilities -- they cannot fulfill contradictory missions).

But as those of us living near the Gulf of Mexico learned this past spring, conflicting missions mix like oil and water. I am referring to the disastrous BP oil spill. The US Minerals Management Service, put in charge of oil drilling safety, was also responsible for making sure oil production revenue to the government was maximized. This conflict, apparently, has resulted in a massive oil slick and an environmental disaster, and economic hardship for many. As a consequence, the agency has now been broken up into three separate agencies in order to foster different organizational cultures and independent missions. It may be time to recognize a similar risk potential for accreditation, and to act accordingly.

A third outstanding factor that undermines the integrity and credibility of higher education accreditation and recognition concerns how former Secretary Richard Riley responded to the statutory requirement that he "establish minimum standards for accreditation associations and list requirements for these standards" by using what he called a "minimalist" approach to implementing these requirements.¹ In what amounts to the frankest admission possible regarding the HEA's Sec 496 requirements, acting assistant secretary for postsecondary education, Daniel Madzellan stated, "We've never put any meat on those bones." By merely repeating the statutory language in the regulations, Sec. Riley effectively handed over the regulatory reigns to the accrediting associations and their members, thus inaugurating an era of self-regulation and oversight that may now be coming to an end.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

Lastly, future accreditation reform will not be possible until the "Atomic Bomb Problem" has been resolved. As explained by Jeffrey C. Martin:

The Education Department's accrediting agency evaluation branch has in the past often approached its function regarding accrediting agencies not as a regulator, but as a collegial peer reviewer. While this approach has been helpful in avoiding undue federal influence over higher education, it has also meant that the recognition process has not been effectively used to promote better "gatekeeping." ... Part of the staff's reluctance to consider deregulation of an agency resulted from the devastating effect on schools' eligibility if their accrediting agency were delisted. Students and quality institutions could be seriously harmed by such action. Thus, the consequences of derecognition were so severe that the threat of derecognition was not credible.²

Despite these underlying structural problems -- or, rather, because of them -- there is a growing public demand for increased accountability in American higher education. At this time, we need to remind ourselves that every quality assurance/quality improvement process requires the establishment of a comprehensive system to monitor performance; to provide appropriate incentives and disincentives for continuous improvement; and to supply reliable data to help ASL and accreditors make informed decisions. Desk reviewers and evaluation teams must be provided with clear standards and guidance in order to establish a baseline to gauge progress and improvement. Technical assistance efforts must identify training needs; make suggestions for modifying policies and procedures; help allocate resources, and provide independent oversight and support for all quality improvement efforts -- both in regard to institutions and programs, as well as in regard to the accrediting agencies themselves.

To date, none of this appears to be happening. Reviews fail to determine whether previous findings were adequately addressed and fail to uncover existing noncompliance; technical assistance resources are scarce; corrective action plans are not yet required; and none of this is made public. Even if non-public sanctions were to be banned by all accreditors, without a more rigorous review process, this would only serve to widen the accountability gap by driving noncompliance even further into the background.

Just as BP's widely-advertised commitment to environmental safety proved to be nothing more than a Potemkin village following the biggest oil spill in U.S. history, accreditors are not delivering what the government says they are to the American people. Here in Florida, all it took was a massive oil slick to completely discredit BP.

There is, to be sure, an inherent incoherence that undermines the effectiveness of accreditation and recognition processes in the U.S. This incoherence arises from the clash of an astonishing range of competing and contradictory interests, legislative initiatives and neglect, and a legacy and history that is almost one-thousand years old.

Rather than recreate this vast historical tableau and describe its continuing dynamics, I will instead attempt to share a view limited by my seven years of interaction with ASL staff, a regional accreditor and a local community college, focused through a consideration of 34 CFR 602. The following comments are arranged sequentially, for the most part, using designated paragraph headings that correspond to the relevant sections of the regulations.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

602.15

This section of the regulations is, I believe, frequently overlooked in terms of its central importance for carrying out accreditation and accreditation reviews. It is widely understood that, in regard to whatever else they lack, accreditors do not have the administrative and financial resources necessary to fulfill their fiduciary gatekeeping roles. As the scope of responsibility widens and work-load increases, agencies find themselves stretched to the limit, and the overall quality of reviews begins to suffer.

US Postal Service contacts inform me that SACS personnel is routinely unable to comply with their signature requirements due to the volume of the mail received, and I have noted this problem as well. Other backlogs include substantive change requests, which can wait for months and even years for a response.

This lack of resources also makes itself apparent during the decennial reviews themselves, for which only a couple days are allocated.

An anonymous comment by 'Full prof, department with over 500 students at public teaching university,' posted at IHE on November 13, 2010 at 1:00pm EST is illuminating in this respect:

The degree program in which I teach recently went through a discipline-specific re-accreditation visit. The team consisted of an experienced reviewer and a few other relatively inexperienced reviewers. They had some training and obviously had a standard format to follow.

The team did some advance work. Their visit included the evening before and one very full day. They met briefly with a lot of committees, faculty, administrators, and other stakeholders. They did ask the faculty if anything was going on that bothered them, but they did so with administrators in the room (annual evaluations, tenure, and promotions were at stake).

The visiting team totally missed serious problems, including issues with the qualifications of some faculty during the visit year and in previous years. (In addition, some adjuncts were not given classes that entire year because they did not meet the official criteria to be qualified. Those adjuncts were then re-hired the next year.) The team apparently missed the fact that several of the review areas were hastily thrown together just before the visit and window-dressed to look like they had been in place for all of the years since the previous visit.

I lost respect for this accrediting agency. I no longer view them as accurately validating the quality of programs in my discipline. Everybody continues to play the expensive game: the agency continues to receive dues and to grow its number of member schools, the programs continue to receive a dubious seal of approval, and a lot of faculty are diverted from their primary duties to engage in non-compensated busy work. I hope students don't lose too much academic value in the process.

Maybe my experience was isolated and most other reviews involve more rigorous, in-depth examinations. (I have heard rumors that it depends on what team you get.) Maybe regional and other discipline-specific accrediting agencies do a better job of vetting schools and programs. Maybe.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

These details were in support of my comment that "[t]he amateur volunteers that conduct desk-reviews reluctantly shoulder fiduciary oversight of America's higher education system, and their loyalties are to the institutional system they help audit, not to the American people. This creates an enormous conflict of interest and is part of the reason we must end robo-accreditation as we know it."

Even if decennial reviews are not held frequently enough, shortening the time between them would only swamp the agencies and undermine the existing level of quality. For this reason, it would be better to gradually improve rigor before increasing the frequency of reviews.

As noted by the June 2006 ASL staff report on the SACS petition for reaffirmation, the burden of reaffirmation has shifted from the on-site review to the preliminary desk or paper review of the self-study that occurs off-site (see below). It is here that we have encountered major shortages of needed resources, including personnel and training resources, resulting in alarming rubber-stamp reviews. The reason for this is simple: superficial off-site reviews that engage in random sampling do not meet the fiduciary duty of care that complete and thorough desk reviews require, resulting in the kinds of robo-reaffirmations noted by "Full prof."

In this regard, it is of signal importance to note that 602.15(a)(2) fails to include any reference to off-site desk or paper reviews -- leaving this observer to speculate about the operational mechanics of desk reviews themselves. Note as well that ASL has yet to observe and specifically comment on these procedures for any accreditation or reaffirmation. Given their central role, these kinds of lapses are entirely inexcusable. This is why section 602.31(1) should also be amended to include observations of off-site reviews.

For these reasons, 602.15(a)(2) must be revised to reflect this new actuality, and include off-site reviews; and 602.15(b)(1) needs to be amended to include references to off-site reports and focused reports as well. While this does not resolve the problems discussed, at least it would indicate where the ongoing lack of necessary resources is being most painfully felt. For increased accountability, the next step would be to have work papers, sampling sheets, check lists and other evaluational tools made available for independent inspection and assessment. This is because there is no consensus for accreditor effectiveness, no one knows how successful their gatekeeping functions are being carried out -- particularly in regard to the conflict between loyalties to their members, and their fiduciary responsibilities to the public.

In addition, as the 602 regulations become more rigorous, 602.15 will need to be expanded to include some form of oversight capability to ensure that agency timelines and assessment quality is maintained.

The 2006 ASL staff report had some important observations regarding Quality Enhancement Plan requirements, particularly in regard to the overall quality of reviews and its implications for the rise in importance of desk reviews. We believe that these concerns have not yet been adequately dealt with.

The agency places its utmost confidence in the submitted paperwork as long as the institution's chief executive officer and accreditation liaison certify that 'the process of institutional self-assessment has been thorough, honest, and forthright and that the

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

information contained in the [self-study] document is truthful, accurate, complete.' The SACS off-site team then reviews the paperwork for its appropriateness, its clarity and completeness. If the paperwork does not completely satisfy the off-site team, the institution can supply additional answers and documents in a Focused Report. The on-site team receives the report of the off-site team, together with any Focused Report. If the on-site team determined, prior to arriving on-campus, that the institution has satisfactorily resolved any remaining compliance questions, then the on-site team can devote all its on-site time to the QEP. If there any remaining questions, then the on-site team quickly reviews them with institutional representatives on-site before getting down to the main focus of the on-site visit, which is the QEP." (page 12)

This time-line presents insurmountable problems for the full integration of and response to third-party comments, since SACS policy requires their submission in time only for the final "quick" on-site review, when they need to be made part of the off-site review for appropriate resolution. I found this out the hard way, when the Final Report responded to my third-party comments (24 pages) with a single paragraph, and the college chose simply to acknowledge their receipt. See Attachments A, B, C, and D.

The ASL report continued:

Furthermore, it is important to note that no matter how beneficial and laudatory SACS' new on-site focus on the QEP may be, it does not comply with this criteria. A comprehensive on-site review to verify the information in the institution's self-study and to assess compliance with the agency's standards by observation and interviews is an essential part of the process of accreditation, as that process has been commonly understood and accepted. In addition, Department staff is concerned that SACS' consuming focus on enhancing one area/aspect related to student learning at an institution is, in effect, either replacing the on-site accreditation review process itself or relegating it to such a low priority as to render it ineffectual. ... SACS does not conduct a comprehensive on-site review to determine compliance with all of its standards. Since the agency predominantly relies on a paper review, the agency cannot demonstrate that its accreditation decisions are based on reasonably accurate information. (pages 12-13, 15)

We concur. By the time the on-site review team arrives, the review has, for the most part, already been completed -- since "the agency predominantly relies on [its] paper review." For this reason, "the agency cannot demonstrate that its accreditation decisions are based on reasonably accurate information." Yet, the current regulations do not include any requirements pertaining to desk reviews. This needs to be addressed.

Viewed in a historical context, this shift in focus can be seen as a hijacking of the accreditation process by the institutions and their accrediting guilds. Beginning with the North Central Association in 1934, as many institutions were struggling to survive in the aftermath of the Great Depression, rebellion against the dreaded "blank" or survey system of institutional assessment resulted in the introduction of the more visual "total institution pattern map." This innovation was quickly copied by others, and the move from quantitative to qualitative institutional assessment was complete, improving autonomy. (Thus was the "mission statement" born, and its usefulness quickly established.)

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

The current focus on student outcomes was originally initiated in 1994 by Sec. Riley, but -- as the ASL staff report indicates -- its present iteration owes as much to the continued drive for institutional autonomy and loose coupling as it does to the accountability movement. In a sense, the accountability focus has come to displace "accreditation" in ways helpful to the institutions. And with the slow demise of on-site gatekeeping, the retirement of quantitative inputs as institutional assessment measures is now complete. But as the ASL staff report makes clear, this shift "is, in effect, either replacing the on-site accreditation review process itself or relegating it to such a low priority as to render it ineffectual."

These are certainly unintended consequences that NACIQI needs to consider in terms of the allocation of resources and the structuring of accreditation reviews.

There is another area that must be mentioned in regard to resource allocation, and that is training and technical assistance. Resources for training and technical assistance should be separate from those provided for reviews, and they need to be tracked separately. One of the consequences of under-resourcing T+TA is that decennial reviews inadvertently combine both the compliance assessment (enforcement) and the T+TA (collegial, peer-review) functions into a single resource, even though these roles are essentially distinct. This can be seen, for example, in the presence of the latter interests in the events leading up to, and including, the Focused Report. In contrast, the on-site review is supposed to represent the former interest, that of compliance assessment. These functions need to be formally differentiated, since their combination works to undercut the efficacy of the compliance focus, as mentioned in the ASL staff report.

602.16(a)(1)

No where else are the negative effects of Sec. Riley's minimalist approach to the implementation of HEA's Sec. 496, Program Integrity "minimum standards" to be felt with such force as in this section of regulations.

Comprising a dozen criteria in the original legislation, they cover a wide range, including student learning outcomes (completion rates, state licensing exam pass rates, and job placement rates); curriculum; faculty; facilities; fiscal and administrative capacity; student support services; recruiting and admissions practices; measures of program length; student complaints; Title IV compliance.

Without objective bright-line standards, such as those originally requested by Congress, and independent oversight, no one can say for certain whether an accrediting agency's standards "effectively" address all these criteria. Without objective bright-line standards such "effectiveness" is left to desk reviewers and evaluation team leaders to construct as they please.

We have already discussed some of the reasons for, and ramifications of, focusing so intently on student learning outcomes. The deficiencies of 602.16(a)(1)(vii) are now well known, thanks to recent GAO investigations and media coverage, so we need not describe those problems. In comparison with the magnitude of these problems, the department's "Guide to the Accrediting Agency Recognition Process" appears completely inadequate. A pair of OIG reports on measures of program length, found at www2.ed.gov/about/offices/list/oig/aireports/i13j0004.pdf and www2.ed.gov/about/offices/list/oig/aireports/x13j0003.pdf, describe well the compliance problems in these areas.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

But 602.16(a)(1)(iii), which deals with faculty, is perhaps the most controversial criteria of all. Historically, this has been the most cited deficiency for schools in the South.³

Interestingly enough, it was Carol Griffiths with OPE that initially suggested that I look into faculty credentialing. However, when I shared my initial findings with her, and asked her what she thought, she then questioned the legality of what I was doing. Perhaps it was the broadness of Florida's public records laws, which make many school records, including faculty transcripts, available to the public. But at the time, I interpreted her puzzling response as evidence of regulatory capture.

Perhaps the view of the accrediting agencies can best be summed up this way, as it was in a letter to me from James T. Rogers, the former SACS-COC president: "Institutions have always been free to qualify their instructors without a concentration of eighteen graduate hours in the teaching discipline." (Letter of August 6th, 2004) John Barth, ASL Director, concurred with this in a letter to me from August 24, 2004.

But it is difficult -- if not impossible -- to reconcile this delegation of faculty standards to the schools with the statutory requirement -- which is that the agency possess such a standard. Delegating such important input standards of educational quality to the schools, I think, raises questions about the integrity of the entire process.

In the instructions at its website for completing its faculty roster, for example, SACS specifically exempts summer faculty from being listed. For faculty that is not listed, and consequently not reviewed off-site, there appears to be no applied quality standard. This is also true for those faculty left off the roster, intentionally or accidentally. It does not help matters that SACS has relegated its faculty standards to the status of so-called Guidelines in an effort to give schools more (not less) flexibility in their hiring practices and classroom assignments.

The methodology for the paper review of faculty involves the use of an undisclosed random sampling, using only a small percent of the complete roster (compare, for example, Attachment A and B). This means, of course, that faculty not chosen for sampling and review are held to a different standard than are those that are chosen for the sample. Inconsistencies such as these undercut and vitiate the validity of faculty review. It is highly doubtful that such practices come anywhere near to approaching the fiduciary duty of care expected -- and demanded -- by the public; which, at a minimum, would require a review of all faculty, not just some.

In addition, there appear to be significant differences among the faculty standards in terms of how they are applied in other contexts, as well. We noted that Substantive Changes for dual enrollment were extremely restrictive, identifying faculty whose inclusion rested on education courses in a teaching discipline as noncompliant; but this was not true for a eLearning Substantive Change request. Nor is it true for those courses taught (and tutored) by consortia, such as StraighterLine; these courses escape faculty review and do not appear on faculty rosters once they are vouched for by the schools.

In a comparison of faculty practices at two (2) nearby peer institutions here in Florida's panhandle, our local institution fared far worse than its peers, who were, for the most part, much more restrictive in their construction and application of minimum faculty qualifications. They have taken a pro-active approach to authorizing their faculty for teaching responsibilities by relying on a Faculty Credentialing Manual which specifies the minimum faculty standards required for each course

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

taught, and distributing the administrative responsibilities for qualifying and hiring qualified instructors. See Attachment B for more detail.

As I said in my letter to the Wall Street Journal (October 15, 2005), SACS applied a stricter faculty standard at for-profit Florida Metropolitan University than it uses for public colleges, giving one the impression that SACS employs a double-standard that unfairly targets for-profit schools but allows numerous "exemptions" for preferred schools that are in "the club."

Far from meeting a fiduciary duty of care, accrediting agencies appear to outsiders as self-serving and guild-like -- characteristics that can readily be attributed to their centuries-old history and the absence of structural incentives for the maintenance of fiduciary-level conduct.

Discrepancies and inconsistencies for 602.16(a)(1)(iii), such as those noted here, also result from the lack of independent oversight, and the absence of outside checks on the work of reviewers. The random sampling of faculty rosters must end, and all faculty, including summer faculty, must be subject to the same standards regardless of the teaching context.

In addition, reviewers must have the assurance that the rosters they are reviewing are complete, which is not always the case. The introduction of a bounty system, similar to that recently proposed by the SEC, funded by the agencies, would be helpful for the creating the right incentives for agency change.

There is no disputing that it is easier to change procedures than the underlying organizational culture, especially when reviewer loyalty lies with the very institutions they have been a part of for such a long time, and not with the fiduciary responsibilities involved with determining Title IV eligibility. The problem is, as in the present case, that without clearer standards, those subject to regulation will continue to find ways of evading the hard work that lies ahead.

602.19

This section of the regulations deals with the monitoring and the re-evaluation of institutions and programs.

In my experience, the lack of thoroughness of reviews and the failure to follow-up, often allow the more agile schools and colleges to outmaneuver accreditors, forcing them to abdicate important fiduciary responsibilities through delays, attrition and stonewalling. Attachment B, pages 18-19.

Nor are complaints made against institutions routinely checked by agencies against previous recommendations, even though this should be quite easy to do. ASL is also quite lax in this regard.

A good example of this are my 2004 complaints regarding faculty qualifications to James T. Rogers, then SACS-COC president. In his response, Rogers stated that my complaint would not be processed further due to "insufficient evidence of significant non-compliance," yet non-compliance at the school had been significant enough in 2000 to produce two (2) recommendations concerning faculty, as well as mention of problems with dual enrollment instructors.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

Subsequent responses from SACS and ASL regarding my complaint refer to the investigation that was conducted, but did not mention looking at the latest review, which included recommendations pertaining to faculty, the same as in my initial complaint.

These agency and department responses can be cited for lack of coordination and follow-through, at variance with the Secretary's monitoring requirements.

According to the Secretary:

The Department recognizes that accrediting agencies and the institutions and programs they accredit are diverse. Therefore, in addition to providing a framework for monitoring, the Department requires each agency to demonstrate why the approaches it takes to monitoring and evaluating its accredited institutions or programs are effective given the particular circumstances.

Moreover, we expect reasonable and prudent implementation of the statute and regulations by the agencies. For each institution or program accredited, an agency should consider factors such as the size of the institution or program, the number of students, the nature of the programs offered, past history, and other knowledge the agency has about that institution or program, including previous reviews. The regulatory language provides accrediting agencies with flexibility regarding their monitoring of institutions and programs and at the same time ensures they review and analyze key data and indicators. (Available at page 55418, <http://edocket.access.gpo.gov/2009/E9-25186.htm>)

Accreditors -- even those processing the transfer of accreditation from one accreditor to another for institutions with unresolved findings -- do not yet fully incorporate this earlier information into their reviews. For example, <http://www2.ed.gov/about/offices/list/oig/auditreports/AlertMemorandums/l13j0006.pdf>.

Ongoing compliance monitoring must be considerably strengthened and expanded, as these examples show. This may be accomplished through the use of corrective action plans (CAP), a key feature in other systems of quality assurance. Once standards are clarified, and the methods for their assessment improved, then aspects of continuing improvement, such as CAPs, can be included, but not before. This also applies to that vexing QA/QI problem, inter-reviewer reliability. Without consistent and established standards, and approved methodologies, the attempted improvement of inter-reviewer reliability will fail.

Once the Secretary of Education decides what the accrediting standards are, responsibility for compliance assessment should be vested in an independent body, such as the GAO, that is free from the conflicting interests described at the outset. Although the GAO has recently been criticized, its advice needs to be eagerly sought by the NACIQI regarding the widespread lack of compliance that its many investigations have uncovered.

This would be one way of addressing psychological biases arising from the repeated use of reviewers recruited from the same reviewer pools, a selection process that fosters group dynamics that make dissenting independent judgments unlikely. As we have learned, groupthink and other forms of herd behavior can have devastating consequences. This is no less true for accreditors than it is for anyone else.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

602.23

I will limit my closing comments to continuing problems with the third-party public comment provisions of 602.23(c). See Attachment E.

As I indicated earlier, there were problems with third-party comment submission deadlines that come after the all-important desk-based compliance audit review. Through experience, I learned that comments received after the desk review was completed were diverted to the circular file. We also discussed the reasons for this earlier, in connection with the changes brought about by the QEP.

Finally, institutions are in no way obligated to respond. What needs to be added to this section, therefore, is a requirement that schools respond in detail to third-party comments, much as they are handled in other regulatory contexts during their public comment periods (i.e., U.S. EPA). Without this provision, there is not much sense in submitting public comments. See Attachments A, B, C and D.

Sincerely,

Glen S. McGhee, Dir.,
FHEAP

Note 1. On "minimum standards," see House Conference Report No. 102-630, page 523. For Sec. Riley's "minimalist" approach, see 59 Fed Reg No. 82, April 29, 1994. Sec. Riley's actions have obscured many of the problems which we will be discussing, but which must now be faced. Regarding what has been in place for decades, Riley's stratagem is -- for all intents and purposes -- a hands-off policy that the department has been using to dodge its fiduciary responsibilities to the American people and Congress.

We believe that this history presents three areas of legal vulnerability. The first was already touched upon: the minimalist interpretation of Sec. 496 constitutes a breach of fiduciary trust by the Secretary. Secondly, the minimalist accreditation policy has effectively delegated to the accrediting associations duties and responsibilities that properly lie with the Secretary and were expressly given by Congress to the Secretary of Education. Thus, the Secretary has acted arbitrarily and capriciously while exceeding his authority in this ultra vires delegation of authority to the accrediting associations. Thirdly, the Secretary has acted arbitrarily and capriciously by refusing to implement the intended provisions of Sec 496. This constitutes in our view gross negligence. Together, these have resulted in irreparable harm to taxpayers and the federal interest (cf. *Flast v. Cohn*).

Note 2. Jeffrey C. Martin, "Recent Developments Concerning Accrediting Agencies in Postsecondary Education," *Law and Contemporary Problems* 57:4, Autumn 1994, pages 121-150. Although the 1992 HEA provides for a Title IV waiver of up to 18 months for accredited institutions upon the loss of their accreditor, the problem illustrates the kinds of disincentives that the ASL is forced to operate under. The HLC/NCA, for example, accredits about 1,000 postsecondary institutions and SACS accredits about 800. The negative repercussions of closing down either of these associations would be difficult to describe, let alone face in actuality. Thus, acting resolutely

against non-compliance is simply ruled out. This kind of deterrent effectively undermines the credibility of the recognition process, and introduces cognitive organizational biases and disincentives that foster regulatory agency capture. One recalls the sage advice of the Puffer Report (1970), which urged breaking up these massive agencies into smaller ones. The time has come to reconsider this proposal once again.

Note 3. Van D. Miller, *The Specific Criteria Cited Most Often by Visiting Committees to Level I Institutions*, Baylor University, Waco Texas, doctorate dissertation, December 2000. The focus of this study was on Level I SACS institutions that underwent reaffirmation site visits over a three-year period during the late 1990s. Results of the study indicate that ensuring proper academic credentials of faculty members is the most common problem for community colleges in the South, and widespread. Thus, 55 of the 65 community colleges reviewed (84.6%) had documented problems meeting SACS Criteria standard of eighteen graduate hours in the teaching discipline (Miller, 47). Furthermore, the fourth most cited infraction was a related concern, the inadequate verification and documentation of faculty preparation requirements (32 of 65, or 49%).

These results are in harmony with SACS' more recent internal consistency study. See <http://www.sacscoc.org/pdf/COC%20Research%20Project.pdf>, page 11.

Another earlier study is Eldridge E. Scales, *Academic and Professional Preparation of Faculty in Higher Institutions of the South*, Commission on Colleges, Southern Association of Colleges and Schools, 1969, consisting of a Fall 1967 survey of all members. SACS' two-year colleges had an in-field instructor placement rate of 66.26%. The corresponding rate of in-field instructor placement for four-year colleges was considerably higher, 82.4%. From these studies, it is possible to conclude that out-of-field rates in the South have not changed much over the years, and that accreditation has had little real impact on the quality of education.

FHEAP

Florida Higher Education Accountability Project

May 14, 2010

Dr. Belle Wheelan, President
Southern Association of Colleges and Schools
Commission on Colleges
1866 Southern Lane
Decatur, GA 30033-4097

Dear Dr. Wheelan,

Thank you for the opportunity to use the third-party public comment procedure to review compliance issues regarding Gulf Coast Community College's 2010/2011 SACS reaffirmation self-study report. These comments are submitted pursuant to the provisions of the Southern Association's COC "Third-Party Comments by the Public" policy.

The following comments are arranged sequentially, for the most part, using designated paragraph headings that correspond to the relevant sections of the Commission on Colleges' *Principles of Accreditation*.

Much of the effort in the college's Compliance Audit appears to have gone into the writing of the report, as opposed to a reflexive self-study. The submission is dominated by descriptions of various procedures, many of them new, with only a minimum of examples that demonstrate how these procedures actually work. There are no extended case studies that give a sense of the college, but this may simply be the result of limitations imposed by the SACS format.

The Compliance Audit, however, would have benefited significantly from the inclusion of graphs, histograms, flow charts, and other visual means of presenting complex data. As it is, the data presented is not especially user-friendly, and the use of trend-lines and graphic projections would have helped to demonstrate the temporal dimension and add meaning to the abstract and decontextualized data that was presented.

It is also easy to be overwhelmed and confused by the recent addition of cabinets, committees and program teams described by the self-study. One is left wondering, for example, how the line-faculty can find time to participate in these new bureaucratic structures, or even if they do. There is, for example, no specific data in the self-study relating to participation rates and the growth in committee-hours at various levels within the organization.

The bewildering proliferation of administrative groups within the existing structure suggests the need for ways to counter-balance increasing bureaucratization of the campus, and especially the

Bridging the accountability gap in higher education
through accreditation reform

Florida Higher Education Accountability Project
1601 Maryland Avenue
Lynn Haven, FL 32444

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

increased stratification of those in leadership positions that may result in decoupling and isolation from lower rungs of the bureaucratic hierarchy. Typically, this can result in new ways to maintain collective cohesiveness. After all, the ever-present danger of large organizations is that bureaucratic means to an end become new ends in themselves, and may inadvertently end up smothering the soul of the college.

Section 2.2

Significant changes have occurred to GCCC's Board of Trustees that are not recorded in the narrative record.

The narrative needs to include the fact that longstanding Board member William Cramer abruptly resigned from his appointment on November 12, 2009, effective immediately (Panama City News Herald, Nov. 13, 2009). According to documentation from the Governor's Office, the newly created vacancy on the Board of Trustees remains unfilled at the time of the GCCC Compliance Audit filing (Board Membership and Demographics, Board #196). Cramer's term was scheduled to continue until May 31, 2010, and raises questions about how and when the vacancy will be filled, and what impacts, if any, will be felt by the institution and the board. Since his initial appointment 22 years ago, Cramer has been chair for about half that time, raising the question of whether or not it is in the best interest of the institution to rely heavily on a single board member for such an extended period of time.

Cramer was deeply opposed to the college having a "succession plan," as other Florida colleges, which involves rotating the chairmanship every one or two years. He was himself voted out of the chairman position during a meeting in Summer 2009, which he was unable to attend.

Related questions are also raised by the fact that another board member was found to be "serving beyond the end of her term, May 31, 2007" (GCCC Operational Audit for Fiscal Year Ending June 30, 2008, Report Number 2009-062, Florida State Auditor General's Office). Board member Renee C. Shoaf was eventually succeeded by Linda R. Wood on August 17, 2009, but this raises questions about whether or not Shoaf's votes made during the time she was not longer appointed were effected.

The narrative for this section needs to include information about how board irregularities such as these can be prevented, and how the Cramer vacancy was filled.

Section 2.7.1

One of the problems not addressed by this section is early dismissal. Occurring during lengthy Weekend College classes and, I am told, some lab classes, students miss out on important instructional time. To the best of my knowledge, no mechanisms are in place to monitor early dismissal, especially when immediate supervision is lacking.

Section 2.8

The evidence presented in this section addresses whether or not the "number of full-time faculty members is adequate to support the mission of the institution and to ensure the quality and

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

integrity of its academic programs." Yet the data presented does not concretely describe the full-range of teaching responsibilities that the individual instructor may have, full-time or part-time. Taking into consideration the recent expansion of elearning courses, in addition to full teaching loads, the burden on individual instructors risks compromising the quality of instruction. Dual enrollment responsibilities, in addition to vastly increased committee responsibilities may also dilute course quality.

But the data and analysis presented does not address these possible impacts. A normal distribution of the accumulated responsibilities given in total hours would better describe the actual experience of faculty, full-time and part-time. This can be then broken out in terms of classroom instruction and preparation, elearning, committee work, dual enrollment, etc. A histogram, drawn from teaching overload reports, of the number of total course assignments aggregated for each division would show how evenly teaching responsibilities are shared. A normal distribution of the number of total course assignments (Spring, Summer, Fall) including labs, would also be helpful in determining whether instructional staff is adequate, and help to pinpoint where problems may be developing.

This section of the self-study also showed significant variances in the attainment rates for Dental Assisting students, ranging from 58% in 2005 to 100% in 2006, and which would have been clearer in graphic representation. Questions about how these problems were successfully addressed (higher student quality, improved instruction, etc.) go unanswered.

Section 2.10

GCCC Class Schedules are a key contact point with students, and should be thoroughly checked for any errors. In the format change from the 2009 Spring Class Schedule to the 2009 Fall Class Schedule, the use of distinguishing course symbols has been dropped, but the legend of symbols remains on page IX. The restoration of this student-friendly means of appropriate course identification is urged.

Section 3.7.1

General Comments Regarding the GCCC Faculty Rosters

According to the self-study, "Faculty teaching all general education courses and courses for transfer have completed at least eighteen graduate semester hours in the discipline and hold a master's degree; hold the minimum of a master's degree in the respective teaching discipline; or, in exceptional cases, have a master's degree with outstanding professional experience and demonstrated contributions to the field as justification for courses taught." In addition: "Faculty teaching in the areas of professional, occupational, and technical preparation not typically resulting in college transfer have an appropriate combination of academic preparation, work experience, and applicable certifications or licensure. Official transcripts and documentation of demonstrated competencies are required for faculty credential verification and are kept on file in the Human Resources (HR) Department of GCCC."

The evidence offered by the college, however, indicates that this is not always the case.

Bay District Schools (February 2009) reported that Carla Jardin Diaz and John P. Graham with the Newpoint Bay High School (Bay District Schools) were teaching dual enrollment courses

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

(MAC 1114 and EUH 1000, respectively) during Spring 2009. Other Bay District Schools dual enrollment for Fall 2009 include: Com-Tech Academy is listed as the instructor for SL 2264 at Rutherford HS; John P. Graham (PSY 2012) and Rubin-Holloway (ENC 1101) at Newpoint Bay High School. However, these dual enrollment instructors were apparently omitted from the GCCC faculty roster, and Newpoint Bay High School has expanded its dual enrollment in 2010 to include MAC 2311, BSC 1005, ESC 2000, SLS 1301, AMH 2010, SYG 2000.

Gulf District Schools reported Angel Barbee as Spring 2009 dual enrollment faculty, but she did not appear in the Spring 2009 GCCC faculty roster.

Overall, greater faculty roster accuracy and detail would be helpful for determining 3.7.1 compliance. For example, it is unclear whether the course sections, as published in the Class Schedules, where the instructor was listed as "Staff," were appropriately filled.

The numbered comments that follow are for the instructor so listed on the appropriate faculty roster for that division.

Business and Technology Division (Spring 2009)

Numerous errors regarding "Courses Taught," including inaccurate and incomplete course information (MAR 2011), unlisted courses (CTS 1133, CTS 1134, and CTS 1651), as well as inappropriate "non-transferable" course designations (ACG, BCN, BUL, CGS, COP, EGS, ETD, ETG, GEB, OST, PGY, PLA, RTV, TAR), were noted. The following review of the submitted faculty roster takes these errors into consideration whenever possible. Numbered comments are for the instructor so listed on the GCCC Spring 2009 faculty roster.

1. No masters degree is listed for transferable course(s); graduate courses and/or total graduate semester hours in teaching discipline are not listed; insufficient graduate semester hours listed in discipline for transferable course (0 gsh); undergraduate courses and total semester hours earned in discipline are not listed.
3. Masters degree discipline (economics) does not correspond to teaching discipline (accounting); graduate courses and/or total graduate semester hours in teaching discipline (accounting) are not listed; insufficient graduate semester hours listed in discipline for transferable course (0 gsh); no exceptional case documentation is provided.
7. Masters degree discipline (systems management) does not correspond to teaching discipline (economics); graduate courses and/or total graduate semester hours in teaching discipline (economics) are not listed; insufficient graduate semester hours listed in discipline for transferable course (0 gsh); no exceptional case documentation is provided.
8. No academic credential (associates degree) is listed for this instructor.
11. Masters degree discipline (business administration) does not correspond to teaching discipline (computer science); insufficient graduate semester hours listed in discipline for transferable course (6 gsh); incomplete "Additional Coursework" in teaching discipline listed; no exceptional case documentation is provided.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

12. Nursing instructor is listed with incorrect division; should be moved to Health Sciences Division.

13. Incomplete course prefix and/or course description. Masters degree discipline (corporate and public communications) does not correspond to teaching discipline (marketing); graduate courses and/or total graduate semester hours in teaching discipline (marketing) are not listed; insufficient graduate semester hours listed in discipline for transferable course (0 gsh); no exceptional case documentation is provided.

14. Masters degree discipline is not listed, and may not correspond to teaching discipline (visual and presentation arts); graduate courses and/or total graduate semester hours in teaching discipline (visual and presentation arts) are not listed; insufficient graduate semester hours listed in discipline for transferable course (0 gsh); no exceptional case documentation is provided.

16. No academic credentials (associates degrees) are listed for this instructor.

19. Degree (political science) does not correspond to teaching discipline (culinary arts), and competencies are not demonstrated.

20. Masters degree (management), but graduate courses and total graduate semester hours in teaching discipline (business) are not listed.

22. No masters degree is listed for transferable course; insufficient graduate semester hours listed in teaching discipline (0 gsh); undergraduate courses and total semester hours earned in discipline not listed; no exceptional case documentation is provided.

24. No academic credential (associates degree) is listed for this instructor.

27. Masters degree discipline is not listed.

29. Economics instructor is listed with incorrect division; should be moved to Social Sciences Division. Masters degree discipline is not listed, and may not correspond to teaching discipline (economics); graduate courses and/or total graduate semester hours in teaching discipline (economics) are not listed; insufficient graduate semester hours listed in discipline for transferable course (0 gsh); no exceptional case documentation is provided.

31. No academic credentials (associates degree) are listed for this instructor.

32. No academic credentials (associates degree) are listed for this instructor, nor are competencies demonstrated.

33. Instructor not listed as either full-time or part-time. No academic credentials (associates degree) are listed, nor are competencies demonstrated.

Note: Possible missing instructor; GCCC Spring 2009 Class Schedule lists Kight as the instructor for RTV 2249, section 4712A, but this name does not appear on the faculty roster.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

Note: Possible missing instructor; GCCC Spring 2009 Class Schedule lists Marks as the instructor for RTV 2242, section 4711A, but this name does not appear on the faculty roster.

39. Nursing instructor is listed with incorrect division; should be moved to Health Sciences Division.
40. Nursing instructor is listed with incorrect division; should be moved to Health Sciences Division.
43. No academic credentials (associates degree) are listed for this instructor. No masters degree is listed for transferable course; graduate courses and/or total graduate semester hours in teaching discipline are not listed; insufficient graduate semester hours listed in discipline for transferable course (0 gsh); undergraduate courses and total semester hours earned in discipline not listed.
44. Masters degree discipline (business administration) does not correspond to teaching discipline (computer science); graduate courses and/or total graduate semester hours in teaching discipline are not listed; insufficient graduate semester hours listed in discipline for transferable course (0 gsh); no exceptional case documentation is provided.
47. Graduate courses and total graduate semester hours in teaching discipline (computer technology) are not listed.
49. Instructor not listed as either full-time or part-time. "Additional Coursework" in teaching discipline is not listed.
51. Nursing instructor is listed with incorrect division; should be moved to Health Sciences Division.
52. No academic credential (associates degree) is listed for this instructor.
56. No masters degree is listed for transferable courses; insufficient graduate semester hours listed in teaching discipline (0 gsh); undergraduate courses and total semester hours earned in discipline not listed; no exceptional case documentation is provided.
59. Masters degree discipline (management) does not correspond to teaching discipline (computer science); graduate courses and/or total graduate semester hours in teaching discipline (computer science) are not listed; insufficient graduate semester hours listed in discipline for transferable course (0 gsh).
64. No academic credential (associates degree) is listed for this instructor; no exceptional case documentation is provided.
65. No masters degree is listed for transferable course; insufficient graduate semester hours listed in teaching discipline (0 gsh); undergraduate courses and total semester hours earned in discipline not listed; no exceptional case documentation is provided.
67. Masters degree discipline (business administration) does not correspond to teaching discipline (computer science); graduate courses and/or total graduate semester hours in teaching discipline (computer science) are not listed; insufficient graduate semester hours listed in discipline for transferable course (0 gsh).

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

68. Instructor is not listed as either full-time or part-time. Undergraduate courses and total semester hours earned in teaching discipline not listed.

Health Sciences Division (Spring 2009)

Note: Numbered comments are for the instructor so listed on the Spring 2009 faculty roster.

6. No academic credential (associates degree) is listed for this instructor.

13. No academic credential (associates degree) is listed for this instructor.

15. No academic credential (associates degree) is listed for this instructor.

18. No academic credential (associates degree) is listed for this instructor.

19. No academic credential (associates degree) is listed for this instructor.

25. No academic credential (associates degree) is listed for this instructor.

28. Instructor is not listed as either full-time or part-time. No academic credential (associates degree) is listed for this instructor.

29. Instructor is not listed as either full-time or part-time. No academic credential (associates degree) is listed for this instructor.

31. No academic credential (associates degree) is listed for this instructor.

44. Regarding "Courses Taught" for this instructor, HUN 1201 has been given an inappropriate "non-transferable" course designation.

45. Instructor is not listed as either full-time or part-time.

49. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline, including courses completed and credits earned, is not listed.

50. No academic credential (associates degree) is listed for this instructor.

53. No academic credential (associates degree) is listed for this instructor.

54. Regarding "Courses Taught" for this instructor, HSC 1005 has been given inaccurately listed, and given an inappropriate "transferable" course designation.

58. No academic credential (associates degree) is listed for this instructor.

59. No academic credential (associates degree) is listed for this instructor.

60. Instructor is not listed as either full-time or part-time.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

61. Instructor is not listed as either full-time or part-time. No academic credential (associates degree) is listed for this instructor.

62. No academic credential (associates degree) is listed for this instructor.

66. Instructor is not listed as either full-time or part-time. No academic credential (associates degree) is listed for this instructor.

68. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline, including courses completed and credits earned, is not listed.

70. No academic credential (associates degree) is listed for this instructor.

71. Instructor is not listed as either full-time or part-time. No academic credential (associates degree) is listed for this instructor; competencies not demonstrated.

72. No academic credential (associates degree) is listed for this instructor.

76. No academic credential (associates degree) is listed for this instructor.

77. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline, including courses completed and credits earned, is not listed.

82. No academic credential (associates degree) is listed for this instructor.

85. No academic credential (associates degree) is listed for this instructor.

87. Instructor is not listed as either full-time or part-time. No academic credential (associates degree) is listed for this instructor; competencies not demonstrated.

88. No academic credential (associates degree) is listed for this instructor.

92. No academic credential (associates degree) is listed for this instructor.

Language and Literature Division (Spring 2009)

Note: Numbered comments are for the instructor so listed on the GCCC Spring 2009 faculty roster.

8. Instructor not listed as either full-time or part-time.

12. Instructor not listed as either full-time or part-time. No masters degree is listed for transferable course; insufficient graduate semester hours listed in teaching discipline (0 gsh); undergraduate courses and total semester hours earned in discipline not listed; no exceptional case documentation is provided.

21. No masters degree is listed for transferable course; insufficient graduate semester hours listed in teaching discipline (0 gsh); undergraduate courses and total semester hours earned in discipline not listed; no exceptional case documentation is provided.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

24. Instructor not listed as either full-time or part-time.

25. Masters degree discipline (comm leadership) does not correspond to teaching discipline (english); graduate courses and/or total graduate semester hours in teaching discipline (english) are not listed; insufficient graduate semester hours listed in discipline for transferable course (0 gsh). "Additional Coursework" in teaching discipline, including courses completed and credits earned, is not listed.

31. Instructor not listed as either full-time or part-time.

41. Masters degree discipline (educational administration) does not correspond to teaching discipline; graduate courses and/or total graduate semester hours in teaching discipline are not listed; insufficient graduate semester hours listed in discipline for transferable course (0 gsh). "Additional Coursework" in teaching discipline, including courses completed and credits earned, is not listed.

Mathematics Division (Spring 2009)

Note: Numbered comments are for the instructor so listed on the GCCC Spring 2009 faculty roster.

1. Possible problems distinguishing teaching discipline courses (mathematics) from listed courses (math education). Masters degree discipline (math education) may not correspond to teaching discipline (mathematics).

2. Possible confusion between undergraduate and graduate semester hours (gsh).

3. Possible problems distinguishing teaching discipline courses (mathematics) from listed courses (math education). Masters degree discipline (math education) may not correspond to teaching discipline (mathematics). The included comment that "additional coursework" is needed to teach transferable courses should be clarified.

8. Possible problems distinguishing teaching discipline courses (mathematics) from listed courses (math education). Masters degree discipline (math education) may not correspond to teaching discipline (mathematics). The included comment that "additional coursework" is needed to teach transferable courses should be clarified.

10. Possible problems distinguishing teaching discipline courses (mathematics) from listed courses (math education). Masters degree discipline (math education) may not correspond to teaching discipline (mathematics).

11. Masters degree discipline (math education) may not correspond to teaching discipline (mathematics). Graduate courses and/or total graduate semester hours in teaching discipline are not listed. The included comment that "additional coursework" is needed to teach transferable courses should be clarified.

12. Possible problems distinguishing teaching discipline courses (mathematics) from listed courses (math education). Masters degree discipline (math education) may not correspond to teaching discipline (mathematics).

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

14. Possible problems distinguishing teaching discipline courses (mathematics) from listed courses (math education). Masters degree discipline (math education) may not correspond to teaching discipline (mathematics).
16. Instructor not listed as either full-time or part-time.
17. Masters degree discipline (electrical engineering) does not correspond to teaching discipline (mathematics); insufficient graduate semester hours listed in discipline for transferable course (0 gsh); no exceptional case documentation is provided;
22. Possible problems distinguishing teaching discipline courses (mathematics) from listed courses (math education). Masters degree discipline (math education) may not correspond to teaching discipline (mathematics); insufficient graduate semester hours listed in discipline for transferable course (15 gsh)
27. Possible problems distinguishing teaching discipline courses (mathematics) from listed courses (math education). Masters degree discipline (math education) may not correspond to teaching discipline (mathematics).
28. Instructor not listed as either full-time or part-time. Clarification of "Additional Coursework" is needed, since courses listed are not offered by GCCC.
30. Masters degree is listed without institution name.
31. Instructor not listed as either full-time or part-time.
34. Masters degree discipline (education) does not correspond to teaching discipline (mathematics); insufficient graduate semester hours listed in discipline for transferable course (2.8 gsh).
35. Masters degree discipline (education) does not correspond to teaching discipline (mathematics); graduate courses and/or total graduate semester hours in teaching discipline (mathematics) are not listed; no exceptional case documentation is provided.
36. No masters degree is listed for transferable course(s); graduate courses and/or total graduate semester hours in teaching discipline (mathematics) are not listed; undergraduate courses and total semester hours earned in discipline not listed; no exceptional case documentation is provided.
37. Masters degree discipline (environmental engineering) does not correspond to teaching discipline (mathematics); insufficient graduate semester hours listed in discipline for transferable course (3 gsh).
38. Masters degree discipline (business administration) does not correspond to teaching discipline (mathematics); graduate courses and/or total graduate semester hours in teaching discipline (mathematics) are not listed; undergraduate courses and total semester hours earned in discipline not listed; no exceptional case documentation is provided.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

39. Instructor not listed as either full-time or part-time. Masters degree discipline not listed; masters degree discipline may not correspond to teaching discipline (mathematics); graduate courses and/or total graduate semester hours in teaching discipline (mathematics) are not listed; undergraduate courses and total semester hours earned in discipline not listed; no exceptional case documentation is provided.

40. Possible problems distinguishing teaching discipline courses (mathematics) from listed courses (math education). Masters degree discipline (math education) may not correspond to teaching discipline (mathematics).

Natural Sciences Division (Spring 2009)

Note: Numbered comments are for the instructor so listed on the GCCC Spring 2009 faculty roster.

2. Masters degree discipline (electrical engineering) does not correspond to teaching discipline (physics); graduate courses and/or total graduate semester hours in teaching discipline (physics) are not listed; undergraduate courses and total semester hours earned in discipline not listed; no exceptional case documentation is provided.

3. No masters degree is listed for transferable course(s); graduate courses and/or total graduate semester hours in teaching discipline (biology) are not listed; undergraduate courses and total semester hours earned in discipline not listed; no exceptional case documentation is provided.

4. No masters degree is listed for transferable course(s); graduate courses and/or total graduate semester hours in teaching discipline (biology) are not listed; undergraduate courses and total semester hours earned in discipline not listed; no exceptional case documentation is provided.

10. Doctoral degree discipline (chiropractic) does not correspond to teaching discipline (biology); graduate courses and/or total graduate semester hours in teaching discipline (biology) are not listed; undergraduate courses and total semester hours earned in discipline not listed; no exceptional case documentation is provided.

11. No masters degree is listed for transferable course(s); graduate courses and/or total graduate semester hours in teaching discipline (biology) are not listed; undergraduate courses and total semester hours earned in discipline not listed.

12. Masters degree discipline (science education) does not correspond to teaching discipline (environmental science); insufficient graduate semester hours listed in discipline for transferable course (8 gsh); no exceptional case documentation is provided.

14. Masters degree discipline (science teaching) does not correspond to teaching discipline (environmental science); insufficient graduate semester hours listed in discipline for transferable course (6 gsh); no exceptional case documentation is provided.

17. Masters degree discipline (science education) does not correspond to teaching discipline (environmental science); insufficient graduate semester hours listed in discipline for transferable course (6 gsh); no exceptional case documentation is provided.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

18. No masters degree is listed for transferable course(s); graduate courses and/or total graduate semester hours in teaching discipline (chemistry) are not listed; undergraduate courses and total semester hours earned in discipline not listed.

23. Doctoral degree discipline (entomology) does not correspond to teaching discipline (environmental science); graduate courses and/or total graduate semester hours in teaching discipline (environmental science) are not listed.

26. Instructor listed with incorrect division; should be placed with Social Sciences Division.

Public Safety Division (Spring 2009)

Note: Numbered comments are for the instructor so listed on the GCCC Spring 2009 faculty roster.

3. No academic credential (associates degree) is listed for this instructor.

4. No academic credential (associates degree) is listed for this instructor.

10. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline not listed.

11. No academic credential (associates degree) is listed for this instructor.

14. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline not listed.

18. No academic credential (associates degree) is listed for this instructor.

19. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline not listed.

20. No academic credential (associates degree) is listed for this instructor.

24. No academic credential (associates degree) is listed for this instructor.

25. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline not listed.

27. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline not listed.

30. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline not listed.

31. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline not listed.

32. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline not listed.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

in teaching discipline not listed.

35. No academic credential (associates degree) is listed for this instructor.

37. No academic credential (associates degree) is listed for this instructor.

39. No academic credential (associates degree) is listed for this instructor.

42. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline not listed.

43. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline not listed.

45. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline not listed.

46. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline not listed.

51. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline not listed.

57. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline not listed.

61. No academic credential (associates degree) is listed for this instructor; "Additional Coursework" in teaching discipline not listed.

Social Sciences Division (Spring 2009)

Note: Numbered comments are for the instructor so listed on the GCCC Spring 2009 faculty roster.

7. Masters degree discipline (counseling) does not correspond to teaching discipline (women's studies); insufficient graduate semester hours listed in discipline for transferable course (0 gsh). Exceptional case documentation (conference attendance documentation and conference paper title) lacking.

12. Masters degree discipline (counseling/psychology) may not correspond to teaching discipline (psychology); insufficient graduate semester hours listed in discipline for transferable course (15 gsh).

15. Masters degree discipline (social science) does not correspond to teaching discipline (history); graduate courses and/or total graduate semester hours in teaching discipline (history) are not listed; insufficient graduate semester hours listed in discipline for transferable course (0 gsh).

16. Masters degree discipline (social science) does not correspond to teaching discipline (history); insufficient graduate semester hours listed in discipline for transferable course (9 gsh); no

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

exceptional case documentation is provided.

22. Masters degree discipline (social studies education) does not correspond to teaching discipline (history); insufficient graduate semester hours listed in discipline for transferable course (16 gsh); no exceptional case documentation is provided.

Masters degree discipline (social science education) does not correspond to teaching discipline (political science); insufficient graduate semester hours listed in discipline for transferable course (3 gsh); no exceptional case documentation is provided.

25. Masters degree discipline (industrial organizational psychology) may correspond to teaching discipline (psychology); graduate courses and/or total graduate semester hours in teaching discipline (psychology) are not listed; no exceptional case documentation is provided.

27. Masters degree discipline (history) does not correspond to teaching discipline (religion); insufficient graduate semester hours listed in discipline (religion) for transferable course (6 gsh); incomplete course description.

29. Doctoral degree discipline (law) and masters degree discipline (public administration) may not correspond to teaching discipline (political science); graduate courses and/or total graduate semester hours in teaching discipline (political science) are not listed.

30. Masters degree discipline (counseling/psychology) does not correspond to teaching discipline (religion); graduate courses and/or total graduate semester hours in teaching discipline (religion) are not listed; insufficient graduate semester hours listed in discipline (religion) for transferable course (0 gsh).

36. Masters degree discipline (marriage & family) does not correspond to teaching discipline (sociology); insufficient graduate semester hours listed in discipline (sociology) for transferable course (9 gsh).

38. Masters degree discipline (educational psychology) may not correspond to teaching discipline (psychology); graduate courses and/or total graduate semester hours in teaching discipline (psychology) are not listed.

40. Masters degree discipline (counseling/psychology) does not correspond to teaching discipline (sociology); insufficient graduate semester hours listed in discipline (sociology) for transferable course (0 gsh). Additional coursework is in social work.

41. Missing course description; possible confusion converting between graduate semester hours (gsh) and quarter hours; additional coursework not listed.

44. Masters degree discipline (human resources) does not correspond to teaching discipline (sociology); insufficient graduate semester hours listed in discipline (sociology) for transferable course (3 gsh).

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

49. Doctoral degree discipline (sociology) does not correspond to teaching discipline (anthropology); insufficient graduate semester hours listed in discipline (anthropology) for transferable course (12 gsh).

52. Masters degree discipline (european studies) does not correspond to teaching discipline (sociology); insufficient graduate semester hours listed in discipline (sociology) for transferable course (0 gsh).

NOTE: Possible missing instructor, Patricia Schenk, is listed in GCCC Spring 2009 Class Schedule as teaching EPI courses, but is not listed here.

56. Masters degree discipline (public administration) may not correspond to teaching discipline (political science); insufficient graduate semester hours listed in discipline (political science) for transferable course (6 gsh).

57. Masters degree discipline (philosophy) does not correspond to teaching discipline (religion); insufficient graduate semester hours listed in discipline (religion) for transferable course (0 gsh).

58. Doctoral degree discipline (social studies) does not correspond to teaching discipline (history); graduate courses and/or total graduate semester hours in teaching discipline (history) are not listed.

NOTE: Possible missing instructor, Wainscott, is listed in GCCC Spring 2009 Class Schedule as teaching economics courses, but is not listed here.

Visual and Performing Arts (Spring 2009)

Note: Numbered comments are for the instructor so listed on the GCCC Spring 2009 faculty roster.

5. No masters degree is listed for transferable course(s); graduate courses and/or total graduate semester hours in teaching discipline (theater) are not listed.

8. Instructor not listed as either full-time or part-time. No masters degree is listed for transferable course(s); graduate courses and/or total graduate semester hours in teaching discipline (theater) are not listed. Undergraduate courses in theater not listed.

9. Instructor not listed as either full-time or part-time.

14. Masters degree discipline (music) does not correspond to teaching discipline (theater); graduate courses and/or total graduate semester hours in teaching discipline (theater) are not listed.

NOTE: Possible missing instructor, Pilcher, is listed in GCCC Spring 2009 Class Schedule as teaching section 4393A of ARH 2000, but is not listed here.

23. No masters degree is listed for transferable course(s); graduate courses and/or total graduate semester hours in teaching discipline (art) are not listed.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

24. No masters degree is listed for transferable course(s); graduate courses and/or total graduate semester hours in teaching discipline (music) are not listed; undergraduate music courses are not listed.

25. Masters degree discipline (business administration) does not correspond to teaching discipline (art); graduate courses and/or total graduate semester hours in teaching discipline (art) are not listed, nor are undergraduate courses; insufficient graduate semester hours listed in discipline for transferable course.

Wellness Division (Spring 2009)

Note: Numbered comments are for the instructor so listed on the GCCC Spring 2009 faculty roster.

1. No academic credentials are listed for this instructor teaching transferable course(s).
2. No academic credentials are listed for this instructor teaching transferable course(s).
3. No academic credentials are listed for this instructor teaching transferable course(s).
4. No academic credentials are listed for this instructor teaching transferable course(s).
5. No academic credentials are listed for this instructor teaching transferable course(s).
6. Insufficient graduate semester hours listed in discipline (community health) for transferable course (10 gsh).
8. No masters degree is listed for transferable course(s).

Comments on GCCC Fall 2009 Faculty Roster

The previous GCCC Spring 2009 Faculty Roster comments apply equally to the GCCC Fall 2009 Faculty Roster, both in regard to the general comments and in regard to individual instructors. In addition, the following discrepancies were noted.

Language and Literature Division (Fall 2009)

Note: Numbered comments are for the instructor so listed on the GCCC Fall 2009 faculty roster.

20. Insufficient graduate semester hours listed in discipline (english) for transferable course; no exceptional case documentation is provided.
30. No academic credentials are listed for this instructor teaching transferable course(s); no exceptional case documentation is provided.
36. No masters degree discipline is listed for this instructor.

Mathematics Division (Fall 2009)

Note: Numbered comments are for the instructor so listed on the GCCC Fall 2009 faculty roster.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

3. The included comment that "additional coursework" is needed to teach transferable courses should be clarified. Masters degree discipline (math education) may not correspond to teaching discipline (mathematics).

Natural Sciences Division (Fall 2009)

Note: Numbered comments are for the instructor so listed on the GCCC Fall 2009 faculty roster.

4. No masters degree is listed for transferable course(s); undergraduate credits in the discipline (biology) are not listed; and the included comment should be clarified.

5. No masters degree is listed for transferable course(s); undergraduate credits in the discipline (biology) are not listed; and the included comment should be clarified.

12. Graduate credits earned in the discipline (biology/environmental studies) not fully listed (see comment).

14. Instructor is listed with incorrect division; should be moved to Social Sciences Division.

Social Sciences Division (Fall 2009)

Note: Numbered comments are for the instructor so listed on the GCCC Fall 2009 faculty roster.

28. Masters degree discipline (counseling/psychology) does not correspond to teaching disciplines (religion and philosophy); graduate courses and/or total graduate semester hours in teaching discipline (religion) are not listed; insufficient graduate semester hours listed in discipline (philosophy) for transferable course (0 gsh); insufficient graduate semester hours listed in discipline (religion) for transferable course (0 gsh); no exceptional case documentation is provided for teaching disciplines (philosophy and religion).

38. Masters degree discipline (psychology of reading) may not correspond to teaching discipline (psychology).

NOTE: Possible missing instructor, Faust, is listed in GCCC Fall 2009 Class Schedule as teaching section 1432A of EDF 1005, but is not listed here.

NOTE: Possible missing instructor, Fennel, is listed in GCCC Fall 2009 Class Schedule as teaching section 1455A of AMH 2010, but is not listed here.

NOTE: Possible missing instructor, Maull, is listed in GCCC Fall 2009 Class Schedule as teaching section 3068A of AML 2010, etc., but is not listed here.

Visual and Performing Arts (Fall 2009)

Note: Numbered comments are for the instructor so listed on the GCCC Fall 2009 faculty roster.

26. No masters degree in the teaching discipline is listed for this instructor; graduate courses and/or total graduate semester hours in teaching discipline are not listed; no exceptional case documentation is provided.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

27. No academic credentials are listed for this instructor teaching transferable course(s).

Comments on the GCCC Summer 2009 Faculty Roster

Although not required by SACS, no GCCC Summer 2009 faculty roster was submitted as part of the reaffirmation documentation. However, given the discrepancies noted in the Spring 2009 and Fall 2009 faculty rosters, it is suggested that the Summer 2009 faculty roster be included as part of the reaffirmation documentation. The likelihood of noncompliance with the colleges stated objectives regarding 3.7.1 can be expected to increase when regular faculty are on vacation, and the inclusion of the Summer 2009 faculty roster will make such a comparison possible. As before, staffing religion and sociology courses during the summer months continue to present challenges for the college (see below).

Comments on Monitoring and Past Reviews

The GCCC Visiting Committee Report, dated June 16, 2000, included two recommendations related to faculty qualifications. Recommendation 2 stated that: "The Committee recommends that the college provide evidence that all full-time and part-time faculty teaching sociology and geography be appropriately credentialed." Dual enrollment faculty problems were also cited by the report. In addition, Recommendation 3 stated that: "The Committee recommends that the institution provide appropriate documentation of academic preparation and/or professional and work experience for all full-time and part-time faculty members."

In addition, James T. Rogers' cover letter "requested the college to prepare a written response to each of the recommendations in the report and include any documentation regarding action taken since the" on-site review. "[P]lease give particular attention to those related to faculty qualifications. ... your response should address part-time faculty in business and social sciences and full-time faculty in wellness and athletics and in business ..."

Apparently, these specific issues were never fully addressed, and continue at the present time. This raises important questions for SACS COC regarding its ongoing compliance monitoring responsibilities, as described in 34 CFR 602.19.

In the Final Rule recently published in the Federal Register (Volume 76, Number 206) on October 27, 2009, the US Secretary of Education, Arne Duncan, made the following statement regarding accrediting agency monitoring responsibility and previous reviews:

"The Department recognizes that accrediting agencies and the institutions and programs they accredit are diverse. Therefore, in addition to providing a framework for monitoring, the Department required each agency to demonstrate why the approach it takes to monitoring and evaluating its accredited institutions or programs are effective given the particular circumstances. Moreover, we expect reasonable and prudent implementation of the statute and regulations by the agencies. For each institution or program accredited, an agency should consider factors such as the size of the institution or program, the number of students, the nature of the programs offered, past history, and other knowledge the agency has about that institution or program, including previous reviews. The regulatory language provides accrediting agencies with flexibility regarding their monitoring of institutions and programs and at the same time ensures they review and analyze key data and indicators" (55418).

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

Thus, the intent is that the agency "review and analyze key data and indicators," which includes the present third-party comments as well as "previous reviews" -- that is, the relevant recommendations just cited from GCCC's previous review (Recommendation 2 and Recommendation 3).

GCCC's peer-colleges in Florida's panhandle have taken a pro-active approach to authorizing their faculty for teaching responsibilities. For example, they have all, in one form or another, a Faculty Credentialing Manual which specifies the minimum faculty standards required for each course taught, and distributed administrative responsibilities for qualifying and hiring qualified instructors.

As stated by SACS, "For all cases, the institution is responsible for justifying and documenting the qualifications of its faculty." This requirement cannot be met without first establishing and codifying the minimum faculty standards required for each course taught. Academic credentials vary considerably in scope and the areas of concentration, and without such explicit guidance, compliance is often left to the discretion of division chairpersons (see, for example, the first paragraph of GCCC Manual of Policy 6.011).

Other area colleges have checks and balances in place to ensure compliance and to provide necessary oversight. For example, Chipola College HR initially processes job applications and completes a "Faculty Transcript Evaluation Form," and which is then evaluated by HR on the basis of the Chipola College Faculty Credentialing Guidelines before referring candidates to the appropriate search committees (see www.chipola.edu/sacs07/imm12.pdf). Each term, the Senior Vice President of Instruction and Student Services conducts a follow-up audit to ensure that only qualified instructors are assigned to teach classes. Other schools have developed similar checkpoints and administrative mechanisms to ensure that standards are consistently met. A comparison with GCCC's Manual of Policy 6.011, Minimum Personnel Qualifications, GCCC's Job Analysis Questionnaire form, GCCC's Faculty Search, Appointment, and Orientation Procedure, and GCCC's Application Review/Employment Review Form clarifies the different approaches in faculty hiring.

Section 3.4.11

The preceding comments also raises concerns about the assignments for "curriculum development and review to persons academically qualified in the field" for each "curricular area of concentration" where "the institution does not identify a major." This would, presumably, extend to the selection of the "Primary Advisers" that are listed in the GCCC Catalog. Typically, a student's first encounter with discipline specialists with through Program Adviser-student interaction, so these assignments are especially important. Elearning course development is another concern, since many of the instructors commented on above have, at one time or another, been involved with creating or are now conducting online courses. Textbook selection is another function that is highly dependent on appropriate faculty assignments to positions of academic responsibility in a curricular area of concentration.

Section 3.11.2 did not describe institutional sanitary measures and safety responses to the increased risk of bird flu and the spread of other potentially lethal viruses at its campuses.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

Section 3.12.1

Section 3.12.1 "The institution (1) notifies the Commission of changes in accordance with the substantive change policy and, when required, (2) seeks approval prior to the initiation of changes."

According to the "Substantive Change" policy statement, prior notification is required for moving a previously approved certificate program to a new off-campus site, and for initiating off-campus sites where students can obtain more than 25% of required program credits, such as at a high school, or for initiating distance education programs that offer more than 25% of the required program credits.

Although it is unclear when these SACS policies first went into effect, the various Substantive Change Prospectuses submitted by the college make clear that none of these required prior notifications were sent for the following changes: Gulf/Franklin Center, North Bay Center, Tyndall Education Center, elearning, dual enrollment (Arnold HS, Bay HS, Bozeman Learning Center, Mosley HS, Rutherford HS). [Note: There are apparent typographical errors in Section 3. of the Compliance Certificate, Locations and Distance Education, for Port St. Joe HS and Wewahitchka HS, which indicate that more than (not less than) 24% of General Education AA coursework is available through dual enrollment.]

Nor were any of the various time-frames for contacting the Commission regarding these substantive changes met, for: Gulf/Franklin Center, North Bay Center, Tyndall Education Center, elearning, dual enrollment (Arnold HS, Bay HS, Bozeman Learning Center, Mosley HS, Rutherford HS).

Looking at those substantive changes requiring prior approval by the Commission, the changes at Gulf/Franklin Center, North Bay Center, Tyndall Education Center, elearning, dual enrollment (Arnold HS, Bay HS, Mosley HS, Rutherford HS), have not yet received approval. At the time of the March 15, 2010 self-study submission, approval and the required onsite visits had not yet been completed.

Importantly, essential information requested by SACS and necessary for approval has not yet been submitted by the college. According to "The Review of Unreported Substantive Changes Requiring Notification or Approval Prior to Implementation" policy, the required "letter of notification must include the date of the original implementation of the change." (See also Belle Wheelan's December 3, 2007 letter to the college regarding elearning, which specifically requested the "implementation date for the change.")

To date, none of these requests/requirements have been met by the college.

This situation puts the accrediting agency in a difficult position, since federal law requires SACS to have substantive change policies that stipulate "a visit, within 6 months, to each additional location the institution establishes." [34 CFR 602.22 (c)(1)(i), and also 34 CFR 602.22 (a)(2)(iii) and 34 CFR 602.22(a)(2)(iv) regarding distance education and new locations.] To date, none of these federally required visits have been completed within the 6 month deadline. This cannot be accomplished without first establishing the implementation dates for the changes. Until this information is supplied by the college, it remains noncompliant with SACS Substantive Change policies.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

Part of the problem stems from SACS inability to communicate these regulatory requirements to its members, clearly and accurately. It would be helpful to know, for example, when SACS first implemented its Substantive Change policy, and when it was last updated, and how this important information was shared with its members.

The question remains, however, when the 50% threshold was first crossed at the Gulf/Franklin Center, both for the A.A. degree and the various certificate programs. Linear regression estimates, based on enrollment figure history, may need to be used to determine when the threshold was first crossed.

The same approximation may be necessary for the public safety and A.A.S./A.S. instruction at the North Bay Center, as well as dual enrollment (both for the 50% and 24% thresholds) at the participating high schools: Arnold HS, Bay HS, Bozeman Learning Center, Mosley HS, Rutherford HS, Port St. Joe HS and Wewahitchka HS.

Ascertaining the elearning implementation dates is also necessary, and presents its' own challenges since the programs were initiated so long ago.

The colleges' recent internal restructuring in response to these missed deadlines has been thorough, however. But the SACS' request for implementation dates remains unanswered.

Comments on Elearning Substantive Change Prospectus

In an effort to submit as soon as possible the requested Elearning Substantive Change Prospectus, some of the required content features were incomplete at the time of filing.

Noted deficiencies for the Elearning Substantive Change Prospectus include those related to correctly using the Faculty Roster Instructions when submitting a complete Faculty Roster, including the listing of e-course loads along with "course work taught in other programs currently offered," and "describ[ing] the impact of the new initiative on faculty workload" (Section 5).

A normal distribution of the accumulated responsibilities given in total hours would go a long way to better describing the actual experience of faculty, full-time and part-time. This can be then broken out in terms of classroom instruction and preparation, elearning, committee work, dual enrollment, etc. A histogram, drawn from teaching overload reports, of the number of total course assignments aggregated for each division would show how evenly teaching responsibilities are shared. A normal distribution of the number of total course assignments (Spring, Summer, Fall) including labs, would also be helpful in determining whether instructional staff is adequate.

Other deficiencies include incomplete roster information, including the time period covered, earned credit information, the failure to list and number faculty, and designate courses taught 'T,' 'N' or 'D'.

As a general consideration, a table listing the elearning courses offered by academic year, would be helpful – especially if it included 'chain of custody' documentation that showed what faculty created and maintained course content over that period of time. (This table could also be used to track retention rates.) Insofar as it is not clear that all faculty meet qualifying requirements, both from the elearning substantive change faculty roster and the self-study rosters, it may be necessary to evaluate course content on an individual basis in order to maintain course quality.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

It is, after all, important to recognize that distance education is not just a solution to the parking problem. For this reason, the narrative needs to address more specifically the quality concern: how has the educational quality of online (and hybrid) courses been standardized to assure that all courses offered by the college are of the same quality? One of the criticisms that I keep hearing about GCCC online courses is that they are filled with busy-work and not as challenging as face-to-face courses; and that online team project work disproportionately falls to just a few (free-rider problem). How does GCCC address these issues? Consideration should be given to the use of end-of-course exams (EOC) for assuring that educational quality has been standardized across programs, regardless of the mode of delivery.

The narrative would benefit from a case study that describes how these issues have been addressed for those online courses that have been grandfathered in. It is unclear what "Quality Assurance Procedures" mentioned in Elearning Substantive Change Application, page 10, may or may not be applied to each course. This is another reason to establish 'chain of custody' documentation which will list updates, revisions, and evaluations that relate to that particular course.

The narrative would also benefit from more detailed documentation that "In all cases, the performance of each online course offering is reviewed each semester," including the "results communicated to the Division Chair" (page 21). Descriptions, for example, of the thresholds "where performance issues are indentified [sic]" would be helpful.

It is also unclear from the documentation provided in the Elearning Substantive Change Application which courses are supplied by vendors and which have not. Those supplied by GPN are not regionally accredited, and will require quality assurance of some kind.

The details of the online training program for instructors would also be helpful, including participation rates, etc.

There is also the problem of grade inflation, which is now a recognized problem, not just with online courses. The question here is whether or how are courses structured to distinguish not just between passing/failing, but to identify student performance at the various grade levels. If this can be done consistently, over time and across all courses, then the grade inflation problem has been addressed.

In addition, it would be helpful if the narrative would explain why the college chose not to participate in the state-wide Application for Substantive Change for distance learning which was spearheaded by the Distance learning Consortium along with eleven other Florida community colleges in 2000 and 2001. The decision not to participate at that time has resulted in the need for the present submissions.

Comments on Dual Enrollment Substantive Change Prospectus

Although the prospectus indicates that the dual enrollment program has been in place for many years, beginning in 1974, there is no information included on when or if the 50% threshold was crossed for each of the participating high schools. This information is required (see above discussion).

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

Documentation for accumulated credits per student at each of the schools, in various programs, should demonstrate trend-lines that can be used to establish the required “implementation dates.” It is far more likely that dual enrollment students in Bay County high schools will complete 50% of their degree requirements (10 transferable courses) when these courses are made available to students beginning in their sophomore year in high school, as in Bay High Schools’ ACT program, or have dozens to choose from at Mosley High School.

Noted deficiencies for the Dual Enrollment Substantive Change Prospectus include those related to using the Faculty Roster Instructions when submitting a complete Faculty Roster, and discrepancies between faculty qualification standards, GCCC Faculty Rosters, and the submitted Dual Enrollment faculty roster that was part of this prospectus. Discrepancies noted in the comments to 3.7.1 apply equally to the Dual Enrollment faculty listed here.

The problem of grade inflation can extend to dual enrollment course grades. The narrative would benefit from analysis and discussion regarding grade inflation and the management of student expectations.

Florida’s Dual Enrollment *Statement of Standards* needs to be better integrated into the prospectus. It is expected that recent FL DOE F.A.C. rulemaking for the statewide implementation of NACEP-related dual enrollment standards (6A-14.064) will soon be finalized. FAC 6A-14.064 incorporates many, if not most, of the *Statement of Standards* provisions. But caution is urged when averring compliance without ample documentation: SoS involves almost 60 different requirements for Florida’s public school dual enrollment programs, some of which require extensive coordination and joint participation between school districts and colleges with the responsibility of awarding college credit. This, of course, is the reason that dual enrollment accreditation is now part of the college’s reaffirmation. If the college is saying that it is compliant with FAC 6A-14.064 / SoS, then it needs to demonstrate that compliance. If not, then all references to SoS should be dropped from the prospectus.

The prospectus discussion of the Program Review process gives the impression that all dual enrollment courses have been subject to evaluation, but this is surely not the case since Program Review only began a few years ago.

Overall, the narrative needs a better history of dual enrollment at Bay District Schools: we need to be able to get a sense of why local high school student dual enrollment participation rates are by far the highest in the state of Florida. What has contributed to this unique outcome? In this context, the question of college oversight also needs to be raised; if possible, a history of that oversight (or, what is more likely, the lack of oversight) needs to be included, and the present efforts by the new Office of Off Campus and Community Development need to be described relative to that history, including administrative responses to SoS, FAC 6A-14.064 and even SACS’ dual enrollment requirements. The lack of historical detail regarding these issues, I think, undermines, to a certain extent, the credibility of the college’s claims about its dual enrollment oversight.

Comments on North Bay Center Substantive Change Prospectus

The submission lacks the required implementation dates for the different public safety and fire certification programs offered, as well as information regarding when the 50% threshold was reached. Problems with Faculty Rosters will also need to be addressed.

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

Comments on Gulf/Franklin Center Substantive Change Prospectus

The submission lacks the required implementation dates for the different certificate and degree programs offered, as well as information regarding when the 50% threshold was reached. Problems with Faculty Rosters will also need to be addressed.

Section 4.1

More can be done, I think, to track and publicize student achievement, including course completion, state licensing examinations, and job placement rates. Part of the reason is that the institution relies too heavily on the Florida State Board of Education to provide this information, some of which is no longer available (ex. Measure 3 Part 1). Especially important in this regard is Measure 3 Part 2, Placement of Vocational Program Completers, whose program-specific detail is crucial for planning, but which is also missing at this level of detail, even though it is a federal requirement [34 CFR 602.16 (a)(1)(i)]. There is no reason why the institution cannot begin to track and collect its own longitudinal data regarding these outcomes.

In addition, although percentages of pass-rates and completion rates for the Health Sciences programs are listed, the raw numbers on which these percentages were based, and their sources, are missing.

This concludes my third-party comments for the reaffirmation of Gulf Coast Community College, Panama City, Florida. Thank you for the opportunity to comment on matters relevant to the Commission's *Principles of Accreditation*.

Sincerely,

Glen S. McGhee, Director

Bridging the accountability gap in higher education
through accreditation reform

Florida Higher Education Accountability Project
1601 Maryland Avenue
Lynn Haven, FL 32444

FHEAP

Florida Higher Education Accountability Project

Mr. Chuck Mula
Accreditation and State Liaison
U.S. Department of Education
Office of Postsecondary Education
1990 K Street, N.W.
Washington, D.C. 20006

February 3, 2010

TO: Mr. Chuck Mula

FROM: Glen S. McGhee, Dir.

RE: Complaint regarding SACS/COC Noncompliance with their Third-Party Comment Policy

COMPLAINT

SACS is no longer adhering to their published procedures in the "Third-Party Comment by the Public Policy Statement." See <http://sacscoc.org/pdf/081705/Third%20Party%20Comment.pdf>

Therefore, pursuant to 34 CFR 602.23 (c) (3), this COMPLAINT is being submitted against SACS/COC, an accrediting agency.

This lack of compliance with their published standards calls into question SACS' commitment to the Third-Party Comment component of institutional review, both for the public that participates by offering comments, and the academic institutions whose statutory provisions for due process this non-compliance jeopardizes.

Policy Section 1. For Institutions seeking Initial Candidacy

Schedules for Initial Candidacy are not being posted early enough by SACS/COC to allow for public comments three-weeks in advance of the on-site reviews in 2010. As of today, February 3, 2010, the on-line list is almost 2 years old, and out of date.

Policy Section 2. For Institutions seeking Initial Accreditation

The scheduled list of institutions seeking initial accreditation is almost 2 years old, and out of date. The most recent deadline of March 10, 2009, if updated, would give those making public comments only 5 or 4 weeks to prepare substantive comments for submission, instead of the 12 months stated in the policy. This lack of timeliness jeopardizes both the Third-part opportunity to submit comments, as well as the institution's due process right to respond. Also missing are the dates of the on-site reviews, which, as the policy states, are important cut-off deadlines. These need to be listed as well for scheduling purposes.

Bridging the accountability gap in higher education
through accreditation reform

Florida Higher Education Accountability Project

1601 Maryland Avenue
Lynn Haven, FL 32444

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

Policy Section 3. For Institutions seeking Continued Accreditation

It was pointed out last month to Carol Luthman that SACS/COC was in noncompliance with the posting requirements of this policy, which states that:

"The names of institutions seeking reaffirmation ... will be posted on the Commission's Web page one year in advance of ... one-site review."

For several months now, SACS has failed to appropriately update SACS Web pages, as required by this policy, for those institutions seeking reaffirmation. The result is a dereliction of duty regarding SACS' Third-party policy commitment to keep their notification pages current. Failure to do so undermines the integrity of the Third-part Comment process, and calls into question SACS/COC's level of interest in ensuring that member institutions maintain "ongoing ... compliance with the Commission's standards and policies."

Format for providing Third-Party Comment

Third-party comments cannot be submitted to the President of the Commission on Colleges, as required by the procedure, if no "deadline date is posted on the Web."

"Any comments submitted after that date will not be considered by the Commission because it will not allow ample time for an institution to prepare a response prior to its on-site review," so the Commission's failure to post deadlines in a timely manner jeopardizes the statutory due process protections for the institutions.

Furthermore, the President of the Commission will be unable to acknowledge of Third-party comments or the date of formal action because no "specified date" is being provided in compliance with SACS Third-party policy.

SACS/COC non-compliance with the Third-party policy also raises questions regarding the level of the Commission's interest in ensuring that member institutions maintain "ongoing commitment to compliance with the Commission's standards and policies."

Lastly, the U.S. Secretary of Education has offered a salutary discussion of agency monitoring that is relevant in the present circumstances:

" ... in addition to providing a framework for monitoring, the Department requires each agency to demonstrate why the approaches it takes to monitoring and evaluating its accredited institutions or programs are effective given the particular circumstances. Moreover, we expect reasonable and prudent implementation of the statute and regulations by the agencies. ... The regulatory language provides accrediting agencies with flexibility regarding their monitoring of institutions and programs and at the same time ensures they review and analyze key data and indicators." (Final Rule, 34 CFR 602)

In connection with future Department Staff reviews, it will be difficult for SACS/COC to "demonstrate why [its noncompliance with its Third-Party policy] is effective," or to show why non-compliance with their stated policy would "ensure they review and analyze key data and indicators."

22 November 2010

Dr. John M. Hilpert, Commission Chair
Southern Association of Colleges & Schools
(SACS) and Commission of Colleges (COC)
President, Delta State University
Office of the President, Box A-1
Cleveland, Mississippi 38733

Re: Dr. Terry Pence and Dr. Robert Trundle's Formal Complaint Against Northern Kentucky University (NKU) and Their Subsequent Complaint Against the Commission of Colleges for Not Complying with Its Own Standards, Breaching the Trust of the Public, State and Federal Government.

Dear Dr. Hilpert:

Thank you for your reply November 12 to our Complaint Against the Commission on October 30. Though you say “a direct and personal appeal to the Chair of the Board of Trustees stands outside normal COC procedures,” we understood you to be the Commission Chair to whom it is proper to send a complaint when complainants believe the COC has not followed its own standards and procedures in reviewing complaints against an institution. This understanding is stated both by the US Department of Education’s Applicable Statutes 34 C.F.R. § 602.23 (C) 1-3, *quoted in our Complaint to you on page 2*, and in the COC-SACS “COMPLAINT PROCEDURES AGAINST THE COMMISSION OR ITS ACCREDITED INSTITUTIONS” (*Revised and Approved: Commission on Colleges, December 2007*).

Though the COMPLAINT PROCEDURES say nothing about just contacting the Commission President (Dr. Belle Wheelan), as you did, it does say that you as Chair “may designate a committee of members of the Executive Council to review the complaint and recommend action to the Chair” and that “The Chair will review the Council’s action with the President of the Commission [afterwards] and inform the complainant of action within 45 days of receipt of the complaint.” So it seems “normal” for us to send you our Complaint, more so than for you to merely contact Dr. Wheelan for her to provide a question-begging reiteration of a staff review *about which we are precisely complaining*. And thus although it may be your privilege to collaborate only with her, you could not have fairly examined all our complaint material (63 pages), much less NKU’s responses, in the few days before you replied to us.

Accordingly, while Dr. Wheelan may assure you that “experienced staff of the COC” reviewed our Complaint about NKU’s noncompliance with SACS standards, the *power of one’s own observation* can in a few minutes make obvious (even for the inexperienced) the mistakes of your experienced staff. Below, is a paste of NKU’s “Foundation of Knowledge (37 Hours) (Fall 2010)” for a bachelor’s degree that is located, *right at this moment*, online at <http://gened.nku.edu/about/faculty/faculty.php>. The relevant part of Core Requirement 2.7.3 is provided for convenience:

Core Requirement 2.7.3 In each undergraduate degree program, the institution requires the successful completion of a general education component at the collegiate level that (1) is a substantial component of each undergraduate degree, (2) ensures breadth of knowledge, and (3) is based on a coherent rationale. For degree completion in...baccalaureate programs, a minimum of 30 semester hours or the equivalent. These credit hours are to be drawn from and include at least one course from each of the following areas: humanities/fine arts; social/behavioral sciences; and natural science/mathematics. The courses do not narrowly focus on those skills, techniques, and procedures specific to a particular occupation or profession.

Communication*** (9 semester hours)			Scientific & Quantitative Inquiry** (10 semester hours)			["Social-Behavioral"] Self & Society** (9 semester hours)		["Humanities"] Culture & Creativity** (6 semester hours)	[Open Category] Global Viewpoints (3 semester hours)
Written I (3 semester hours)	Written II (3 semester hours)	Oral (3 semester hours)	Mathematics & Statistics*** (3 semester hours)	Natural Science (7 semester hours) One course must have a lab.		Cultural Pluralism (3 semester hours)	Individual & Society (6 semester hours)		
000	ENG151H ENG291 BIO291W CHE391W ENV291W HIS291W PHI 251	CMST101 CMST110 PHI 111 TAR 111	PHI 130 MAT 114 MAT 115 MAT115H MAT 128 MAT 129 MAT 185 STA 113 STA 205 STA 212	AST 110 w Lab AST 115w Lab BIO 120 BIO 120(L) BIO 121 BIO 121(L) wLab BIO 123 BIO 125 BIO 126 BIO 150 BIO 150(L) BIO 208 110wLab BIO 208(L) 211wLab BIO 220 220wLab CHE 105wLab CHE 112 CHE 112(L) CHE 115 CHE 115(L) CHE 120 CHE 120(L)	EGT 110 ENV 110 ENV 220 ENV 220(L) GEO 108 GLY 110 GLY 120 GLY 220 GLY 230 INF 120 PHY 101 PHY PHY PHY PHY SCI 110(L) SCI110H(L)	ANT 294 BLS 100 EDU 316 EMB 105 MUS 110 SOC 101 SWK 105 TAR 102 WGS 150	ANT 100 ANT 110 ECO 200 ECO 201 JOU 110 JUS 101 PHI 110 PSC 100 PSC 101 PSY 100 PSY100H SOC 100	ARI 101 REL 194 ART 100 REL 201 CHI 101 RUS 101 EMB 100 SPI 101 ENG 200 TAR 100 ENG 214 TAR 165 ENG 302 ENG 316 FRE 101 GER 101 HIS 102 HIS 103 ITA 101 JPN 101 KOR 101 MUS 100 PHI 181 POP 205 POP 250	ANT 194 BIO 235 ENG 213 GEO 100 HIS 111 JUS 231 MUS 106 PHI 194 PSC 102 PSC 103 PSC 110 SOC 100 SOC 101 SWK 106

The **YELLOW** under “Self & Society”/“Global Viewpoints” show **12** courses, that are *not* Social-Behavioral Sciences, but can count for them: Education EDU 316, Electronic Media Broadcasting EMB 105, music MUS 110, Social Work SWK 105, Theater TAR 102, Journalism JOU 110, Philosophy PHI 110, Biology BIO 235, English ENG 213, Music MUS 106, Philosophy PHI 194 and Social Work SWK 106. And they can be the **one** course for the Social-Behavioral Sciences!

The **ORANGE** under “Culture & Creativity” is Humanities/FineArts. But besides Electronic Media Broadcasting being an applied/professional skill in the Informatics College, EMB 100 is listed as a “social sciences” course by NKU at <http://informatics.nku.edu/com/undergraduate/emb/courses>. Also, it is not excluded for the **one** course in Humanities. And introductory foreign languages in **BLUE** can also be the **one** course for Humanities: CHI 101, RUS 101, SPI 101, FRE 101, GER 101, ITA 101, JPN 101 and KOR 101. In short these courses are narrowly focused, or listed as both a humanities and social science, or can be the **one** course for Humanities—warned against by SACS-COC Dr. Rudy Jackson’s clarification of CR 2.7.3, included in our Formal Complaint as Attachment #14.

Let us be clear about SACS' approval of NKU's General Education. In its disregard of CR 2.7.3, SACS permits member schools to:

- *Redefine* what counts as courses in the Humanities/Fine Arts and Social/Behavioral Sciences.
- Use inappropriate disciplines and skill courses to exclusively satisfy the Humanities/Fine Arts and Social/Behavioral Sciences.
- Use instructors without proper credentials whereby, specifically, faculty in applied-professional areas such as Informatics, Social Work and Education can teach the Humanities/Fine Arts and Social-Behavioral Sciences.

If the public, state and federal government are relying on SACS to ensure a General Education taught by faculty with at least 18 graduate hours in those areas, SACS has willfully and disgracefully failed them. Classes are not either from the advertised areas or areas taught by qualified instructors.

This sets a *paradigm*: Other schools can model their General Education on NKU and teach Humanities/Fine Arts and Social/Behavioral Science courses without either courses from those disciplines or credentialed faculty.

But if SACS has not abandoned its standards, then it needs to explain why they are not enforced. It is demonstrated above that NKU permits disciplines that are not Humanities/Fine Arts and Social-Behavioral Sciences to masquerade as if they are. And NKU and SACS' claims that faculty have credentials in those fields is obviously fraudulent.

Hence SACS as well as the public, state and federal government are faced with the following trilemma: Either SACS did not enforce its own standards, or has new standards that permit schools to emulate NKU, or NKU deceived SACS and SACS believed it.

Which alternative is it?

In sum, Dr. Wheelan's letter of October 25, in response to our Formal Complaint, concluded: "In the description of its newly developed Foundation of Knowledge education core, concerns about the NKU General Education Program were addressed [by NKU]." But how could NKU adequately address the education core when students can entirely avoid two of the three broad-based areas mandated by CR 2.7.3? Yes, NKU can say that the core contains 30 hours of the three areas. But two areas can be completely avoided! Anyone can look above with their own eyes and certify this fact, without relying on what is alleged by COC staff!

Finally, anyone can *see* that courses in the Humanities and Social-Behavioral Sciences do *not* belong in those categories. And so the categories include unqualified instructors in violation of CS 3.7.1, worsening a noncompliance with CR 2.7.3. If the Commission Chair and Executive Council were not hypocritical about enforcing their own standards, would they not reexamine responses from NKU to verify that both its faculty are qualified and students must draw 30 hours from the three required areas? Otherwise, SACS-COC officials are collaborating not only in abandoning their own core requirements, comprehensive standards and policies but also in an institution illegally receiving *state* and *federal funds*, including ARRA (Recovery Act) funds, making SACS COC in violation of its obligations to both Kentucky and the federal government.

Sincerely,

Dr. Terry G. Pence, Chair, D / Sociology, Anthropology & Philosophy
Landrum Academic Center, Rm. 217D, Northern Kentucky University
Highland Heights, KY 41099 (pence@nku.edu, Phone 859.572.5594)

Dr. Robert C. Trundle, Professor and Coordinator, Philosophy Program
Landrum Academic Center, Rm. 238, Northern Kentucky University
Highland Heights, KY 41099 (trundle@nku.edu, Phone 859.572.6359)

C: Dr. Judith Eaton, President CHEA
Mr. Gary D. Whitman, U.S.D.O.E. | Regional IG for Audit
Mr. Thomas Utz, Jr., U.S.D.O.E. | OIG Special Agent
Chair, Kentucky Senate Committee on Education
Executive Director, National Advisory Committee on Institutional Quality and Integrity
(NACIQI), U.S.D.O.E.
Director, Accreditation and State Liaison (ASL), U.S.D.O.E.
Deputy Assistant Secretary, Office of Postsecondary Education, U.S.D.O.E.
Dr. Eduardo M. Ochoa, Assistant Secretary for Postsecondary Education, U.S.D.O.E.



Delta State University

Office of the President

November 12, 2010

Drs. Robert C. Trundle & Terry G. Pence
Northern Kentucky University - College of Arts & Sciences
Department of Sociology, Anthropology, and Philosophy
Landrum Academic Center 217C
Nunn Drive
Highland Heights, Kentucky 41099

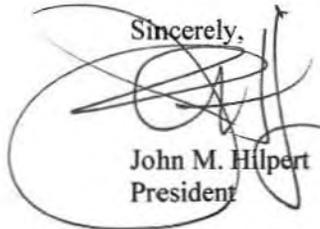
Dear Drs Trundle & Pence:

I received and read the letter you wrote on October 30, 2010, and I reviewed all accompanying materials. Your letter clearly expresses your concern about NKU's General Education Program, particularly as measured against the expectations of CR 2.7.3 of the Principles of Accreditation. Though a direct and personal appeal to the Chair of the Board of Trustees stands outside normal COC procedures, I chose to ask Dr. Wheelan for information regarding the situation you described.

From the materials you furnished and the summary of the interactions I received from Dr. Wheelan, I learned that the concerns you raised were seriously considered by the COC staff on more than one occasion. Indeed, the university was twice asked to respond and reportedly did so in a thorough manner. Responsible and experienced staff of the COC reviewed your evidence and the university's documentation, and they made the judgment that NKU's General Education Program as revised is in compliance with the Principles of Accreditation. That decision was communicated to you.

Thus, I conclude that your charge of the COC's "noncompliance with its own standards and procedures in handling a formal complaint" (October 30 letter) is inaccurate.

Sincerely,



John M. Hilpert
President

Cc: Dr. Belle Wheelan



**SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS
COMMISSION ON COLLEGES**

1866 Southern Lane • Decatur, Georgia 30033-4097

Telephone 404/679-4500 Fax 404/679-4558

www.sacscoc.org

October 25, 2010

Dr. Robert C. Trundle
8427 Persimmon Grove
Alexandria, KY 41001

Dr. Terry G. Pence
3119 Balsam Court
Edgewood, KY 41017

Dear Drs. Trundle and Pence:

The Commission on Colleges has reviewed your formal complaint received on August 20, 2010. To provide perspective, the areas of concern were first sent to the Commission on Colleges several months ago, and were reviewed by the Commission as Third-Party Comments. Based upon a review of these initial Third-Party Comments, the Commission requested that Northern Kentucky University (NKU) submit documentation to verify that the concerns had been addressed. Although a formal complaint had not been filed at the time, the Commission sought full disclosure from the institution while attempting to minimize the likelihood of reprisals against persons submitting the Third-Party Comments. This was a major concern expressed in an email to the Commission. The chief concerns at that time appeared to involve three general areas of concern that are listed below:

- a) Failure to adhere to the stipulations in developing and implementing the General Education Program of the institution;
- b) Failure to give faculty the primary responsibility in issues of curriculum development in terms of policy and practice; and
- c) Failure to demonstrate that educational programs for which academic credit is granted have been approved by the faculty and administration.

Each of these concerns is embedded in the *Principles of Accreditation*, the official set of standards that guide the operations and performance of all SACSCOC member institutions.

With the subsequent submission of two formal complaints in August, 2010, it appeared that the complaints were fundamentally related to the concerns expressed as Third-Party Comments and submitted earlier. The Commission staff has reviewed the institution's detailed submission involving the Third-Party Comments and the formal complaints. In the description of its newly developed Foundation of Knowledge education core, concerns about the NKU General Education Program were addressed. The institution



Drs. Robert C. Trundle and Terry G. Pence
Page two
October 25, 2010

also provided documentation illustrating the faculty's role in curriculum development and the approval of academic credit. For example, NKU officials provided evidence demonstrating that more than 100 faculty members played a direct role in fashioning the new curriculum as part of their participation in at least one of the following committees:

- General Education Exploratory Committee (GEEC)
- General Education Program Structure Committee (GEPSC)
- University Curriculum Committee (UCC)
- General Education Needs Assessment and Analytics Team (GENAAT)

Each of these committees serves a special role in developing and implementing any new academic offerings that define foundational goals, format and structure for courses, as well as refine the proposed curriculum. As a further demonstration of faculty participation and responsibility in developing the Foundation of Knowledge General Education Program, NKU submitted a supporting letter from the NKU Faculty Senate endorsing the process.

Based upon these findings, the Commission on Colleges has concluded its review of this complaint and comment and no further actions will be initiated.

Sincerely,

A handwritten signature in cursive script that reads "Belle S. Wheelan".

Belle Wheelan, Ph.D.
President

C: Ms. Mary Lepper, Director, Curriculum, Accreditation and Assessment
Dr. Rudolph S. Jackson, Vice President

**Comment provided during the Public Comment period
of the
NACIQI meetings held February 3-4, 2011.**

Good morning, my name is Karen Moynahan. I am the Associate Director of National Association of Schools of Music (NASM), the National Association of Schools of Art and Design (NASAD), the National Association of Schools of Theatre (NAST), and the National Association of Schools of Dance (NASD). I have had the good fortune and opportunity to serve these organizations since 1981.

Thank you for taking this time to ask these important questions. Thank you for listening.

I would like to speak today to four issues.

First. The fox is not guarding the hen house. Rather, the experts knowledgeable of their fields are continuing to add brick and mortar to foundational legacies in their respective areas. Using a robust sample size of over 21,000 Commission actions, during my time in accreditation, I have yet to encounter a single individual that feathered the nest of his or her own discipline. In reality, I have witnessed true passion for the art, great concern for its success, great responsibility to ensure that success, and expected and demanded rigor to ensure that students, the public, and civilization are served by its mere presence.

Second. Education is not a commodity. It is not a product to be consumed. It is an experience. It is an event to be experienced. Many are needed to create the boundaries of the experience so that willing participants can take advantage of the event. The participants must share in the responsibility if success is to be ensured. Yesterday we touched on the responsibilities of institutions, of accreditors, of the government – all important to consider. But we didn't speak of the responsibilities of students, and we didn't because if education is understood to be a product, then it is merely to be consumed. This is not its purpose. In this equation, students have responsibilities as well. Demands must be placed on students. Expectations must be clearly spelled out. Students must come to class, they must engage, they must

study. The finest educational system in the world will falter if those involved in its activity are not engaged and expectations are not defined.

Third. These issues are difficult. In discussing them, many aspects, many perspectives are added to the mix and rightly so. However, at times, there are so many, it is possible to forget the heart of the issue. In our deliberations and our actions, is important to remember always and stay true to that which is at center – students and student learning. So often we talk with callers who, confused in telling their long stories, are unable to find solutions until you ask them to tell you the issue of most importance. When the focus remains on, and when, after straying, returns to students and student learning, clear answers tend to appear. It is my hope that the discussion always will center on the heart of the issue, for in these students we entrust the future of our nation.

And finally, guide us in your wisdom, centered in law – good law. But in doing so, please avoid the tendency, seen in the past, to extend the conversation beyond the law, and to layer the law with stifling regulation. The beauty of this system lies in its balance. If it becomes unbalanced or prescriptive, the freedoms that rest at the heart of its success and innovations will be bound. Such an occurrence would surely prevent us from obtaining our goals and aspirations.

Thank you.