

Report of the Meeting

National Advisory Committee on Institutional Quality and Integrity

December 11, 2014



/s/

Susan D. Phillips, Chair

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DISCLAIMER

This report was written as a part of the activities of the National Advisory Committee on Institutional Quality and Integrity (NACIQI), an independent advisory committee established by statute. The NACIQI is subject to the Federal Advisory Committee Act and the regulations implementing that statute. This report represents the views of the NACIQI. The report has not been reviewed for approval by the Department of Education, and therefore, the report's recommendations do not purport to represent the views of the Department.

EXECUTIVE SUMMARY

Background:

The National Advisory Committee on Institutional Quality and Integrity (NACIQI or the Committee), was established by Section 114 of the Higher Education Act (HEA) of 1965, as amended by the Higher Education Amendments of 1992 and, most recently, Section 106 of the Higher Education Opportunity Act (HEOA). The HEOA made changes to section 496 of the HEA “Recognition of Accrediting Agency or Association” and suspended the activities of the NACIQI upon enactment on August 14, 2008. It also changed the composition of the Committee by increasing the membership from 15 to 18 and shifting appointment authority that had been vested solely in the Secretary to the Secretary, the President pro tempore of the Senate, and the Speaker of the House, each of whom may appoint six members. Also, rather than having the Secretary appoint the Chair, the HEOA required the members to elect a Chair. In July 2010, new regulations went into effect that govern the process by which accrediting agencies seek recognition by the Secretary as a reliable authority regarding the quality of education and training provided by an institution (or program) they accredit.

Chief among its statutory functions is the Committee’s responsibility to advise the Secretary of Education, or his designee, the Senior Department Official (the Assistant Secretary for Postsecondary Education), regarding the recognition of specific accrediting agencies or associations, or specific State approval agencies, as reliable authorities concerning the quality of education and training offered by the postsecondary educational institutions and programs they accredit. Another function of the NACIQI is to advise the Secretary on the establishment and enforcement of the Criteria for Recognition of accrediting agencies or associations under Subpart 2, Part H, Title IV, of the HEA. The NACIQI also provides advice to the Secretary regarding policy affecting both recognition of accrediting and State approval agencies and institutional eligibility for participation in programs authorized under Title IV of the Higher Education Act of 1965, as amended. The NACIQI is required by law to meet at least twice a year.

Discussion:

At its December 11, 2014 meeting, held at the Crowne Plaza National Airport, 1480 Crystal Drive, Arlington, VA, the Committee met to carry out its duties to advise the Assistant Secretary with respect to the recognition of accrediting agencies and State approval agencies. Following its review of agencies for recognition, the Committee continued its discussion of policy recommendations to advise the Secretary in preparation of the reauthorization of the Higher Education Act. Also, Undersecretary Ted Mitchell, spoke to the Committee in public forum regarding the Department’s higher education initiatives.

The Committee reviewed compliance reports for renewal of recognition from 5 accrediting agencies, and 1 State approval agency for public postsecondary vocational education. In all but one instance, the American Veterinary Medicine Association, Council on Education (AVMA-COE), the Committee’s recommendations are the same as the staff recommendations.

NACIQI members in attendance for all or part of the meeting included Susan Phillips (Chair), Arthur Keiser (Vice Chair), Simon Boehme, Jill Derby, Roberta Derlin, John Etchemendy, Anne Neal, William Pepicello, Arthur Rothkopf, and Federico Zaragoza. U.S. Department of Education personnel who participated in the meeting included: Committee Executive Director Carol Griffiths, Accreditation Director Herman Bounds, Program Attorney Sarah Wanner, Office of Postsecondary Education staff: Herman Bounds, Elizabeth Daggett, Karen Duke, Jennifer Hong-Silwany, Patricia Howes, Valerie Lefor, Charles Mula, Steve Porcelli, Cathy Sheffield, and Rachael Shultz.

THE RECOGNITION OF ACCREDITING AGENCIES AND STATE APPROVAL AGENCIES:

The Committee reviewed reports from 6 agencies – five accrediting agencies, one State approval agency for vocational education.

Summary of Agency-Related Actions Taken by the Committee:

I. Renewal of Recognition as Nationally Recognized Accrediting Agencies Based on Review of the Agency's Compliance Report

Academy of Nutrition and Dietetics, Accreditation Council for Education in Nutrition and Dietetics (ACEND)

Action for Consideration: Renewal of Recognition after Review of the Compliance Report.

Current and Requested Scope of Recognition: The accreditation and pre-accreditation, within the United States, of Didactic and Coordinated Programs in Dietetics at both the undergraduate and graduate level, postbaccalaureate Dietetic Internships, and Dietetic Technician Programs at the associate degree level and for its accreditation of such programs offered via distance education.

Committee Recommendation: Vote: 6-0 (Recusal: Etchemendy, Phillips, Rothkopf)
NACIQI recommends that the Assistant Secretary renew the agency's recognition for a period of three years.

Comments: There were no compliance issues and no further discussion of the agency's report.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency and the Department staff analysis and report.

NACIQI Primary Readers:

Simon Boehme, Jill Derby

Representatives of the Agency:

Dr. Mary B. Gregoire, PhD, RD, Executive Director, ACEND

Dr. Mary Ann Taccona, MBA, RD, Associate Executive Director, ACEND

Dr. Merievelyn Stuber, MS, RD, Chair, ACEND Board, ACEND

Dr. Sonja Connor, MS, RD, President, Academy of Nutrition and Dietetics

Dr. Glenna McCollum, PhD, RD, Immediate Past President, Academy of Nutrition and Dietetics

American Veterinary Medical Association, Council on Education (AVMA-COE)

Action for Consideration: Renewal of Recognition after Review of the Compliance Report.

Current and Requested Scope of Recognition: The accreditation and preaccreditation ("Provisional Accreditation") in the United States of programs leading to professional degrees (D.V.M. or D.M.D.) in veterinary medicine

Committee Recommendation: Vote: 9:0

NACIQI recommends that the AVMA-COE be granted an extension of its recognition, for good cause, for a period of six months and require the agency to submit a compliance report demonstrating its compliance with the cited criteria in the staff report within 30 days of expiration of the six-month period, with the reconsideration of recognition status thereafter, including a review of the compliance report and appearance by the agency at a NACIQI meeting to be designated by the Department.

Regarding the new findings under §602.13 and §602.15, the NACIQI recommends continuation of the agency's recognition and require the agency to come into compliance within 12 months, and submit a compliance report that demonstrates the agency's compliance with §602.13 (wide acceptance among practitioners) and with §602.15 (the agency's administrative capability, specifically, that it applies clear and effective controls against conflicts of interests, or the appearance of conflicts of interest by the agency's Council).

Comments:

The Committee's recommendation concurs with the Department staff recommendation in its entirety. In addition, the NACIQI also believes that the agency has not adequately demonstrated that it has clear and effective controls against conflict of interest or the appearance of conflict of interest by its accreditation decision-making body. Therefore, the NACIQI also recommends that the agency be required to submit a compliance report in 12 months that demonstrates the agency's compliance with §602.15 -- specifically, that it's Council adheres to clear and effective controls against conflicts of interests, or the appearance of conflicts of interest.

The Committee's recommendation is based on the following circumstances:

1. The Committee noted that there is a growing segment of the profession that continues to raise questions and concerns re the agency's practices. During its 2012 review, the agency's petition engendered 25 written comments and 10 oral presentations to the Committee. During review of this compliance report, the agency received 900+ written comments and 16 oral presentations of the agency's policy and practices. A majority of these 900+ written and oral comments raised concerns regarding the agency's practices, some of which were consistent with outstanding issues raised in the staff report and the Committee's review.
2. The Committee noted there is a lack of evidence in the agency documentation to either support or reject the agency's practices involving some of the issues raised by 3rd party commenters. These issues, some of which were not a part of the staff analysis, results in the Committee's desire for more evidence-based documentation and a more cohesive response from the agency regarding the issues raised from the 3rd party comments, (i.e., conflict of interest practices within the Council, particularly in the context of Council expulsions of Council members; due process for Council members; the sufficiency of autonomy of the Council from the membership association; and the perceived significant disconnection between the Council and its constituencies- cited by staff as well-- under §602.13).

The areas of Committee inquiry of 3rd party commenters, the agency and the staff focused on the agency's --

- a) Application of its conflict of interest policies that resulted in the expulsion of 2 Council members.
- b) The autonomy of the Council from the membership association and the timing of accreditation decisions subsequent to a lawsuit from one of its programs.
- c) The consistent application of valid student outcome measures.
- d) The disconnect between the agency and its practitioner community and the agency's need to provide evidence that demonstrates its success in opening a dialogue on the issues in a way that addresses the concerns of the community.

The Committee believes that its recommendation (which concurs with the staff recommendation fully) but also recommends that the agency be required to submit a compliance report in 12 months that demonstrates the agency's compliance with §602.15 in the context of the circumstances described above, best serves the integrity of the process.

Written Materials Reviewed by the Committee: Compliance report and supporting documentation submitted by the agency, and the Department staff analysis and report.

NACIQI Primary Readers:

Federico Zaragoza, William Pepicello

Representatives of the Agency:

Dr. Frederik J. Derksen, Chair, Counsel on Education, AVMA

Dr. John Pascoe, AVMA

Dr. David Granstrom, Associate Executive Vice President and Chief Operation Officer, AVMA

Dr. Karen Martens Brandt, Director, Education and Research Division, AVMA

Third Party Commenters:

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Middle States Commission on Higher Education (MSCHE)

Action for Consideration: Renewal of Recognition after Review of the Compliance Report.

Current and Requested Scope of Recognition: The accreditation and preaccreditation ("Candidacy status") of institutions of higher education in Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, and the U.S. Virgin Islands, including distance and correspondence education programs offered at those institutions..

Committee Recommendation: Vote: 6-0 (Recusals: Etchemendy, Phillips, Rothkopf)
NACIQI recommends that the Assistant Secretary renew the agency's recognition for a period of three years.

Comments: There were no compliance issues and no further discussion of the agency's report.

Written Materials Reviewed by the Committee: Compliance report and supporting documentation submitted by the agency, and the Department staff analysis and report.

NACIQI Primary Readers:

Arthur Keiser, Frank Wu

Representatives of the Agency:

Dr. Elizabeth H. Sibolski, President, MSCHE

Ms. Mary Beth Kait, Senior Director for Planning and Policy, MSCHE

New York State Board of Regents and Commissioner of Education (NYSBR)

Action for Consideration: Renewal of Recognition after Review of the Compliance Report.

Current and Requested Scope of Recognition: The accreditation of those degree-granting institutions of higher education in New York that designate the agency as their sole or primary nationally recognized accrediting agency for purposes of establishing eligibility to participate in HEA programs including accreditation of programs offered via distance education within these institutions.

Committee Recommendation: Vote of 6-0 (Recusals: Etchemendy, Phillips, Rothkopf)
NACIQI recommends that the Assistant Secretary renew the agency's recognition for a period of three years.

Comments: There were no compliance issues and no further discussion of the agency's report.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency and the Department staff analysis and report.

NACIQI Primary Readers:

Roberta Derlin, Anne Neal

Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities (WASC-SR)

Action for Consideration: Renewal of Recognition after Review of the Compliance Report.

Current and Requested Scope of Recognition: The accreditation and preaccreditation ("Candidate for Accreditation") of senior colleges and universities in California, Hawaii, the United States territories of Guam and American Samoa, the Republic of Palau, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands and the Republic of the Marshall Islands, including distance education programs offered at those institutions.

Committee Recommendation: Vote of 6-0 (Recusals: Etchemendy, Phillips, Rothkopf)
NACIQI recommends that the Assistant Secretary renew the agency's recognition for a period of three years.

Comments: There were no compliance issues and no further discussion of the agency's report.

Written Materials Reviewed by the Committee: Petition and supporting documentation submitted by the agency and the Department staff analysis and report.

NACIQI Primary Readers:

William Pepicello, Arthur Rothkopf

Representative of the Agency:

Dr. Mary Ellen Petrisko, Ph.D., President, WASC Senior College and University Commission

Dr. William Ladusaw, Ph.D., Commission Chair, WASC Senior College and University Commission

Dr. Melanie Booth, EdD, Vice President, WASC Senior College and University Commission

II. Renewal of Recognition as a State Agency Recognized for the Approval of Vocational Education Based on Review of the Agency's Compliance Report

Oklahoma Department of Career & Technology Education (OKSB-vt)

Action for Consideration: Renewal of Recognition after Review of the Compliance Report.

Current Scope of Recognition: State agency for the approval of vocational technical education.

Advisory Committee Recommendation: Vote: 6-0 (Recusal: Etchemendy, Phillips, Rothkopf)
Renew the agency's recognition for a period of one year. Grant the agency's request for an expansion of its scope of recognition to include distance education.

Written Materials Reviewed by the Committee: Compliance report and supporting documentation submitted by the agency, and the Department staff analysis and report.

NACIQI Primary Readers:

John Etchemendy

Representatives of the Agency:

Dawn Lindsley, Accreditation Coordinator, OKSB-vt

Summary of the Committee's Policy-Related Deliberations

III. Overview of the Committee's meeting with Undersecretary Ted Mitchell.

On Thursday, December 11, 2014, the Committee received an update by Mr. Ted Mitchell, Undersecretary, U.S. Department of Education, on the Department's postsecondary initiatives.

Specifically discussed were the President's higher education agenda--accessibility, affordability, and outcomes--and the Department's initiatives to target the very real issues that students and their families face in pursuing their higher education goals. Undersecretary Mitchell described the Department's initiatives to promote innovation and flexibility coupled with a strengthened research agenda geared toward evaluating promising projects for scalability. The Undersecretary also expressed interest in leveraging the talent and expertise of the Committee and to engage in additional conversations with the Committee to explore ways that accreditation can become a partner in finding solutions to the challenges in the larger higher education agenda. After the presentation, a robust question/comment session between Undersecretary Mitchell and the Committee members ensued on student learning outcomes and the role of accreditation in the effort to ensure quality in postsecondary education that is focused on student learning and student outcomes.

IV. Overview of the Committee's Deliberations on the Reauthorization of the HEA

Background:

During this year, the Committee was provided a series of opportunities for learning and discussion in preparation for its development of policy recommendations for the HEA reauthorization. For the June 2014 meeting, panels of higher education experts having various perspectives/considerations for advancing quality in higher education as well as recommendations for changes to the Higher Education Act (HEA), engaged the Committee in discussions, specifically addressing- What are the significant changes? What needs changing from the NACIQI's prior positions? What hasn't been addressed that should be addressed now? And how can NACIQI, as a body, be more effective in advancing the goal?

Following the panel discussions, the Committee's ideas/deliberations coalesced around four areas (and four cross-cutting themes) for further consideration and discussion -

Area #1: Developing recommendations to SIMPLIFY

Area #2: Developing recommendations to enhance NUANCE (in the accreditation/recognition process)

Area #3: Developing recommendations about the relationship between quality/quality assurance and access to Title IV FUNDS

Area #4: Developing recommendations about NACIQI's role and function

Cross-cutting themes across issues are access, innovation, affordability, and quality in the context of each task area.

After the June 2104 meeting, two subcommittees were formed to work on developing ideas and recommendations for those four tasks and to advance a draft set of recommendations that is the topic of the Committee's discussion on December 11, 2014..

The first subcommittee, chaired by Art Keiser, focused on simplifying accreditation and recognition processes and on improving Title IV funding policy. The subcommittee developed recommendations to simplify, in areas such as common language, common definitions, simplification of structure, a zero-base study of regulation, possible alignments across the triad, and ways to reduce the data burden. The Committee also focused on recommendations surrounding the relationship between the quality and quality assurance processes and access to Title IV funds --including considering a range of models of financial aid eligibility.

The second subcommittee, chaired by Frank Wu, focused on developing recommendations to enhance nuance in the accreditation recognition process, and considered such things as risk-based accreditation or expedited terms/conditions of reviews of institutions and of agencies,. It also focused on the role of NACIQI-- developing recommendations about the role and function of this body, including our role as a policy advisory body, possible assistance in addressing the triad and relationship to the Department staff and expertise.

Committee Discussion:

The Committee's discussion, during the afternoon session, centered on simplifying the accreditation process with continued emphasis (from the Committee's 2012 recommendations) on making documents transparent. The discussion also suggested concurrence for the recommendations developed on nuance with the caveat of not encouraging defined lists of measures that might suggest close-ended requirements.

The Committee's discussion concurred, by and large, with strengthening the relationship between quality assurance and access to Title IV funds. The Committee expressed support for affording institutions the widest range of choice, and accreditors the opportunity to align themselves along sector, institution type, or other alignments that make sense and to remove artificial boundaries of regional accreditation that may no longer serve educational institutions.

The Committee's discussion supported greater clarity on nuance in the accreditation and recognition processes and to sustain the recommendations that have to do with strengthening its role as advisor to the Secretary on larger issues in higher education in ways that engage the Committee in different and more substantive ways.

The Committee concluded with plans to review a final set of draft recommendations and to convene again in the spring 2015 via a virtual meeting to consider the draft for formal adoption.

Third Party Oral Commenters
American Veterinary Medical Association, Council on Education (AVMA-COE)

- 1) Sheila W. Allen, DVM MS, Dean, University of Georgia
- 2) Trevor Ames, Professor and Dean, College of Veterinary Medicine, University of Minnesota
- 3) Eric Bregman, DVM
- 4) Nancy O. Brown, VMD, DACVS, DACVIM, Hickory Veterinary Hospital
- 5) Cyril Clarke, Dean, VA-MD Regional College of Veterinary Medicine
- 6) Mark Cushing, Founding Partner, Animal Policy Group/ATonkon Torp LLP
- 7) Joan C. Henricks, V.M.D., Ph.D., School of Veterinary Medicine, University of Pennsylvania
- 8) Kent Hoblet, DVM
- 9) William Kay, DVM, DACVIM, DABBP
- 10) Deborah T. Kochevar, DVM, PhD, DACVCP, Cummings School of Veterinary Medicine at Tufts University
- 11) Michael D. Lairmore, Dean, School of Veterinary Medicine, University of California - Davis
- 12) Mary Beth Leininger, DVM
- 13) Sheila Lyons, Founder and Director, The American College of Veterinary Sports Medicine and Rehabilitation
- 14) Robert Marshak, DV, DACVIM, School of Veterinary Medicine, University of Pennsylvania
- 15) Eden Myers, DVM
- 16) Phillip Nelson, Dean and Professor of Immunology, Western University of Health Sciences
- 17) Jeffrey F. S. Klauser, Banfield Pet Hospitals, Inc.
- 18) Frank F. Walker, DVM
- 19) Jeffery Newman, DVM, President of the Virginia Veterinary Medical Association