

FINAL ANALYSIS AND RECOMMENDATION FOR

ACICS

Meeting Date: 02/2021

Type of Submission:

Other Report

Current Scope of recognition:

The accreditation of private postsecondary institutions offering certificates or diplomas, and postsecondary institutions offering associate, bachelor's, or master's degrees in programs designed to educate students for professional, technical, or occupational careers, including those that offer those programs via distance education.

Criteria: 602.15(a)(1) Staffing/Financial Resources

Narrative:

Please see attached documentation for response.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 1 ACICS DOE Inquiry Response	Exhibit 1 ACICS DOE Inquiry Response.pdf		
Exhibit 2 ED Financial Inquiry Response	Exhibit 2 ED Financial Inquiry Response.pdf		
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Exhibit 35 SDUIS Additional	Exhibit 35 SDUIS Additional Response		

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Response	.pdf		

Analyst Worksheet- Narrative

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The agency has not demonstrated compliance for this section.

Analyst Remarks to Narrative:

Please see attached letter for draft staff analysis of this section.

List of Document(s) Uploaded by Analyst - Narrative

Exhibit Title	File Name
ACICS Inquiry Resolution Letter Revised 1-29-2020	ACICS Inquiry Resolution Letter Revised 1-29-20204.pdf
Chronicle article	Chronicle article4.pdf
Inside Higher Ed article	Inside Higher Ed article4.pdf
Letter to ACICS inquiry	Letter to ACICS inquiry4.pdf

Response:

The specific concern raised by the Department revolves around the “lack of effective evaluation and monitoring approaches related to the two institutions discussed in [the] letter, VIU and SDUIS.” We respectfully disagree with the Department’s conclusion.

First, in the SDO response from November 21, 2018, the Department found ACICS to be substantially compliant with this criterion. The Secretary directly stated: “[t]his standard requires an agency to have ‘the administrative and fiscal capability to carry out its accreditation activities in light of its requested scope of recognition.’ Although the 2016 Secretary's Decision held that ACICS did not comply with this requirement, the Final Staff Report actually found ACICS's administrative processes to be ‘functioning efficiently’ and with ‘no complaints.’ With regard to fiscal capability, ACICS has demonstrated its solvency by continuing to operate (even spending (b)(6) on IT system upgrades) in the wake of the Department's decision not to renew its recognition. In light of this documentary evidence, I disagree with the finding of noncompliance on this criterion in the 2016 Secretary's Decision. I adopt the SDO's recommendation to find ACICS compliant with this criterion.”

Since the writing of that report, ACICS has not become aware of any complaints against the agency. Further, as provided to the Department in the original response to this inquiry, ACICS described in detail the adequate administrative staff and financial resources to carry out its accrediting responsibilities. In fact, as referenced above, the Department confirmed that the information provided “demonstrates that ACICS currently has sufficient financial resources to carry out its accrediting responsibilities.” With regards to the concern about adequate administrative staff, the Department is using an example of alleged inadequate oversight (discussed and refuted below) as a proxy for inadequate administrative staff. ACICS meets the requirements of 602.15(a)(1) by means of adequate administrative staff to carry out its accrediting responsibilities, as detailed below.

As we have described previously, ACICS recognizes that the development and application of quality standards for postsecondary education institutions is a resource-intensive enterprise that requires sufficient levels of funding, staffing, facilities, materials, supplies and expertise. The Board of Directors has primary responsibility for ensuring that the accreditation program is adequately funded, staffed and led by professionals with appropriate experience and knowledge to support the Council's development and application of accreditation standards.

ACICS recognizes the vital importance of adequate and trained administrative staff to perform its accreditation functions. The sufficiency of agency staff with appropriate credentials and qualifications to administer the agency's accreditation activities and finances in an effective manner within its scope of recognition is integral to the development and application of its standards.

Regarding staffing, the accrediting mission of the Council is carried out by 10 full-time and one part-time staff members who are delegated the authority to express and interpret the Council's expectations regarding quality and integrity. Employees have access to in-house and external training resources to support their mastery of knowledge necessary to effectively carry out their roles and responsibilities.

Employees are well trained in their areas of responsibility and have sufficient resources available to them to perform with a high standard of professionalism. Specifically, all employees who are responsible for the development and application of ACICS standards are required to successfully complete formal training, observe evaluation site visits, and pass performance reviews. Eight of the eleven-member team focus 100 percent of their time engaged in institutional and program membership, to include effective evaluation and monitoring of campuses, while three staff members, including the President, allocate 50 percent of their time to accreditation and institutional development and 50 percent to operations.

At least annually, and more frequently as necessary, in preparing and adjusting the operating budget, senior management reviews the level of resources needed to effectively carry out the Council's activities. Its current staffing is in line with the oversight of 90 campuses.

Analyst Worksheet - Response

Analyst Review Status for Response:

Does not meet the requirements of this section

Staff Determination:

The agency failed to demonstrate that the agency has the administrative and fiscal capability to carry out its accreditation activities in light of its requested scope of recognition.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided additional information about its administrative staff and financial resources to carry out its accrediting responsibilities. ACICS referenced the language in the recognition recommendation of the senior Department official (SDO) and the decision on recognition of the Secretary from 2018 related to this section, which both indicated that the agency was in substantial compliance. However, the Secretary required ACICS to submit a Monitoring Report on its financial resources and three other issues. Thereafter, on June 24, 2019, the Department initiated this Section 602.33 inquiry.

In regard to the Section 602.15(a)(1) issue, the Department made specific inquiry into the agency's review of Virginia International University (VIU, now known as Fairfax University of America) and San Diego University for Integrative Studies (SDUIS). To the extent that ACICS relies on the Secretary's November 21, 2018 decision, documents related to the agency's review of VIU and SDUIS were not included in the documents provided by ACICS and reviewed by the SDO and the Secretary. As noted in the draft staff analysis, the reviews of VIU and SDUIS did not demonstrate that the accreditation review processes used by ACICS are adequate to identify compliance issues, which could be the result of a lack of administrative and/or fiscal capability.

ACICS pointed to language in the draft staff analysis which stated that some aspects of their administrative capacity was adequate: "The information and documentation provided by ACICS did not indicate that the agency has been unable to fulfill its accreditation activities due to a lack of administrative or fiscal capacity as related to site visits, council meetings or other committee meetings. However, the Department is concerned that the lack of effective evaluation and monitoring approaches related to the two institutions discussed in this letter, VIU and SDUIS, reflects inadequate staffing and other resources." ACICS asserts that failures in oversight cannot demonstrate lack of administrative capability. Notwithstanding this unsupported contention, it appears that inadequate staffing and other resources are likely the reason for the ineffective evaluation mechanisms.

Also see concerns raised by three third-party comments, Written Comment #1 Coalition, Written Comment #2 New America, and Written Comment #3 23 Attorneys General, concerning fiscal and administrative capability, as required by this section.

In addition to this Section 602.33 inquiry, there are two additional inquiries occurring at the same time: a review of the Monitoring Report and the RNU Inquiry. The agency's responses to those inquiries did not demonstrate adequate financial resources or that the agency's review processes and procedures adequately identify compliance issues, which therefore calls into question the agency's administrative and fiscal capabilities.

For all of the institutional examples in the three current inquiries, ACICS either was unaware of compliance issues and took no action, or took action after another approval entity or accrediting agency took action, or took an action that did not appear consistent with its policies and procedures. These institutional cases do not support the agency's assertion that examples of "alleged inadequate oversight" are not a proxy for inadequate administrative or other capabilities, but do indicate that ACICS does not have the administrative capability to carry out its accreditation activities in light of its requested scope of recognition.

List of Document(s) Uploaded by Analyst - Response

No files uploaded

Criteria: 602.16(b)(c) Distance/Correspondence Education

Narrative:

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Exhibit A ACICS and SCHEV on VIU Review	Exhibit A - ACICS and SCHEV on VIU Review.pdf		
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Exhibit C August 2019 Council Letter	Exhibit C - August 2019 Council Letter.pdf		
Exhibit D December 2019 Council Letter	Exhibit D - December 2019 Council Letter.pdf		
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Staff Determination:			
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Analyst Remarks to Narrative:			
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Chronicle article	Chronicle article.pdf
Inside Higher Ed article	Inside Higher Ed article.pdf
Letter to ACICS inquiry	Letter to ACICS inquiry.pdf

Response:

The Department raises two distinct concerns regarding the academic quality of the distance learning programs at VIU: “that either ACICS's distance education standards did not contain the same level of rigor as those utilized by SCHEV or that ACICS's onsite reviewers failed to uncover the deficiencies noted by the SCHEV.” In response, we first note that ACICS and SCHEV are not required to have the same standards for review of distance education programs. In fact, the strength of the regulatory triad rests on the integrated relationship among the regulators and the unique role each plays in assessing an institution. With regards to ACICS’s distance education standards and the level of review, we have trouble reconciling the Department’s own notes (noted section A above) that describe the ACICS evaluation of VIU’s distance education program. According to the information shared by SCHEV in its February 11, 2019, communication to accrediting and federal agencies, the period for its review of Distance Education during its August 14 – 16, 2018 audit covered Fall 2017, Spring 2018, Summer I 2018, and Summer II 2018 (Exhibit A, ACICS and SCHEV on VIU Review p. 27). ACICS conducted its onsite evaluation visit, which was observed by the USDE staff, on January 17 – 18, 2018, at the beginning of the Spring 2018 term. Consistent with the evaluation practices of all other federally-recognized accreditors, ACICS’ review took a snapshot of the institution’s processes and procedures during that two-day review period. As identified in the institution’s 2017 – 2018 academic catalog, the Spring 2018 term started on January 15, 2018 – two days before the ACICS visit (See Exhibit B, VIU Additional Documents, p. 25). The team saw that the enrollment in the online classes were low (id, pp.1-8) but that the term had just started and the last day to Add/Drop classes was January 22, 2018 (id, p.26). Given that SCHEV’s review followed the conclusion of the Spring 2018 term and also included the Fall 2017 term, the Council had a broader context included in its review that ACICS did not have. Therefore, it was appropriate that SCHEV noted the low enrollment in the online courses as a concern if that was a pattern that it had identified.

Further, the Department failed to acknowledge the sequence of events between ACICS and SCHEV that render additional review moot.

As previously provided to the Department, ACICS’ communication with SCHEV concerning its review of the institution commenced prior to the publication of an article. Following receipt of the formal communication on February 11, 2019, from Ms. Sylvia Rosa-Casanova, Director, Private Postsecondary Education at SCHEV, notifying ACICS of its audit report being sent to VIU via certified mail, ACICS staff reached out directly to Ms. Casanova on February 12, 2019, to discuss the contents of the report and SCHEV’s review procedures. A summary of the conversation was then provided to ACICS leadership and legal counsel. As noted in that summary, the staff recommendation would be considered by the Council at its March meeting and any accreditation action would be premature before that meeting. The Council did not have to accept the staff’s recommendation to revoke the institution’s license to operate in Virginia. Closely monitoring the state’s review and staying in constant communication with Ms. Casanova, staff reached out again on March 15, 2019; spoke to Ms. Casanova on March 18, and again on March 21, 2019. It was following that conversation on March 21st, that the At-Risk Institutions Group (ARIG) was briefed and a recommendation made to the Executive Committee of the Council. The ARIG presented the matter to the Executive Committee of the ACICS Council for action. As a result, ACICS recommended and approved a show-cause directive and the institution was directed to do so in person at a special meeting of the Council in May 2019. See Exhibit A, ACICS and SCHEV on VIU.

Following its review of the institution's response, the testimony of its leadership, and the pending follow-up from SCHEV, the Council acted to continue the show-cause directive for subsequent review at its August 2019 meeting, see Exhibit C, August 2019 Council Letter. Shortly thereafter, ACICS received notice from the State that a consent agreement had been reached. While the agreement removed the State's intent to revoke, the Council choose not to take any subsequent action on the show-cause directive but await the institution's response at its August meeting. Given that the institution agreed to eliminate its online activities, no further action was required regarding approval of the distance education programs. Nevertheless, the Council did indicate that it needed to see evidence that the students affected were appropriately advised. ACICS concluded its review in December 2019, see Exhibit D, December 2019 Council Letter. ACICS demonstrates, therefore, full compliance with this recognition criterion.

Analyst Worksheet - Response

Analyst Review Status for Response:

Does not meet the requirements of this section

Staff Determination:

The agency failed to demonstrate that the agency's standards effectively address the quality of an institution's distance education in the areas identified in Section 602.16(a)(1).

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided additional information and documentation about its evaluation of distance education at Virginia International University (VIU, now known as Fairfax University of America).

ACICS stated that it is not required to have the same standards of review of distance education programs as the State Council for Higher Education in Virginia (SCHEV) and that the review periods for the reports from the two entities included snapshots of VIU from distinctly different time periods (Exhibit A). Department staff agrees that there is no requirement for ACICS and SCHEV to have the same standards of review of distance education programs. But for ACICS to demonstrate that its standards effectively address the quality of distance education in the areas required by Section 602.16(a)(1), there is an expectation that there would be at least some overlap of review, particularly in the areas of faculty-student interaction, peer-to-peer interaction, academic rigor at the graduate level and the comparability of the distance education to residential offerings, which were significant areas of concern noted in the SCHEV audit. Most of these areas of review of distance education would not be affected by a difference in the enrollment observed or the six-month difference in when the visit was conducted, as all other parts of the distance education infrastructure (e.g. online platform, faculty, curricula, etc.) would be the same. The agency provided the site team report of VIU, which stated that the team reviewed 17 of the online courses in the Spring 2018 term "to verify that online courses provide opportunities for interaction between faculty and students, and among students" (Exhibit J, page 72). Simply verifying that online courses provide "opportunities for interaction" does not demonstrate that ACICS conducted a comprehensive review of the quality of distance education at VIU in the standards areas required by Section 602.16(a)(1) during its on-site visit, nor does it demonstrate an effective review of distance education at its accredited institutions overall.

ACICS also stated that Department staff had not accurately acknowledged the sequence of events from the review of VIU (Exhibit A, page 1) "that render additional review moot." The agency stated and provided documentation that it contacted SCHEV on February 12, 2019, after receiving the audit report on February 11, 2019. ACICS stated and provided documentation that it contacted SCHEV on March 15, 2019, and had

conversations with SCHEV staff on March 18 and 21, 2019. Also, on March 21, 2019, the agency stated there was an At-Risk Institutions' Group (ARIG) briefing, ARIG recommendation to the executive committee of the agency, and executive committee review and action. ACICS provided the show cause directive that it sent to VIU on March 22, 2019 (Exhibit A, pages 3-5).

Department staff understood the sequence of events, as described by ACICS, in the creation of the draft staff analysis. However, it is still inexplicable why the agency waited for a decision by SCHEV to review VIU for compliance against the agency's standards, when the audit report prepared by SCHEV staff noted egregious issues with the distance education program (Exhibit 11, pages 9-19). In the narrative and documentation, ACICS stated that it received the audit report on February 11, 2019, contacted SCHEV on February 12, 2019, and that agency staff reported the conversation to ACICS leadership and legal counsel that same day. ACICS did not provide any information or documentation that ACICS leadership (which was limited to the ACICS president) or legal counsel responded to the communication or provided any further direction for action by its staff.

The agency staff communication to ACICS leadership also did not discuss the significant issues included in the SCHEV audit nor what ACICS standards, policies or procedures were relevant to this situation (such as Title II, Chapter 3, 2-3-700 of the agency's Accreditation Criteria, published September 14, 2017, as noted in the draft staff analysis). Instead, the agency staff communication recommended waiting for a final decision by SCHEV and then potentially recommending a show-cause directive. This staff recommendation reflects the agency's failure to review the compliance of its membership against its standards and its reliance of review and action of other accrediting agencies and approval agencies in lieu of its own review. As noted in the draft staff analysis and in the agency's response, ACICS did not initiate an investigation into the underlying educational quality issues noted in the SCHEV audit and decision, but instead acted in response to SCHEV actions - both in initiating a negative action and removing it (Exhibits 11, pages 23-25; C; and D).

The agency still has not provided documentation that a review by the ARIG occurred, per agency policy (Chapter 13 of the agency's Policies and Procedures Manual, revised September 2017, as noted in the draft staff analysis). The March 21, 2019, email communication with the subject "Re: For ARIG Discussion - Virginia International University" is addressed to the ACICS president with three agency staff members copied, but it includes an accreditation action recommendation from the staff member who sent it (Exhibit A, page 13). ACICS did not provide documentation that there was a discussion of VIU by and/or meeting of the ARIG, or that the recommendation was on behalf of the ARIG, as required by the agency's policies and procedures. Rather the recommendation appears to be that of an individual staff member.

Overall, to demonstrate compliance in this section, ACICS is making an argument for their action (or inaction) that is contradictory. ACICS states that there is no requirement for the agency to have the same standards of review of distance education programs as SCHEV, but then states that the sequence of events and decisions by SCHEV "render additional review moot" by ACICS. The agency is asserting that it did not find the same issues as SCHEV because they have different standards of review, but then does not initiate an independent review into the issues raised by SCHEV because "the staff recommendation would be considered by the Council [SCHEV] at its March meeting and any accreditation action would be premature before that meeting." As far as the sequence of events and the documentation demonstrate, ACICS never independently investigated the issues raised in the SCHEV audit, but instead, all of the actions taken by ACICS were preceded by and predicated on actions by SCHEV.

Besides the specific discussion of the review of VIU, the agency did not provide any additional information or documentation to demonstrate that its standards effectively address the quality of an institution's distance education in the areas identified in Section 602.16(a)(1).

Also see concerns raised by one third-party comment, Written Comment #2 New America, concerning the review of distance education, as required by this section.

Effective July 1, 2020, the regulations that govern the Secretary's Criteria for Recognition were revised. The regulation regarding the review of distance education was changed from 602.16(c) to 602.16(d), but the content of the regulation was not substantially changed to affect this review, as ACICS does not have policies related to correspondence courses or direct assessment education and those educational delivery methods are not included within the agency's scope of recognition.

List of Document(s) Uploaded by Analyst - Response

No files uploaded

Criteria: 602.17(c) On-Site Review

Narrative:

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Analyst Review Status:			
Does not meet the requirements of this section			
Staff Determination:			
The agency has not demonstrated compliance for this section.			
Analyst Remarks to Narrative:			
Please see attached letter for draft staff analysis of this section.			
List of Document(s) Uploaded by Analyst - Narrative			
Exhibit Title	File Name		
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Letter to ACICS inquiry	Letter to ACICS inquiry3.pdf		
Response:			
<p>As detailed in response to 602.16(c)(1), ACICS has not concluded its review of San Diego University of Integrative Studies (SDUIS), as the institution has not submitted the updated materials and response directed in the ACICS March 7, 2019, letter, see Exhibit E, Communication RE Continuation. Consequently, ACICS has not yet conducted its full onsite evaluation review of the institution to obtain sufficient information required by this criterion of the regulation to determine if SDUIS complies with its standards and if ACICS has complied with this criterion. The Staff's concern that ACICS has not conducted a substantive analysis of the SDUIS response to the public comment as an indicator of its compliance with this recognition criterion is misplaced. ACICS' consideration of public comment is but a small part of its review of an initial applicant's compliance with all required accreditation standards. The resource visit is conducted only by ACICS staff and is not the review during which ACICS obtains the information needed to make its accreditation decision. See response to 602.16(c)(1). ACICS remains in full compliance with this criterion.</p>			
Analyst Worksheet - Response			
Analyst Review Status for Response:			
Does not meet the requirements of this section			
Staff Determination:			
<p>The agency failed to demonstrate that the agency is able to obtain sufficient information to determine if an institution complies with the agency's standards during an on-site review of the institution.</p>			

Analyst Remarks to Response:

In the draft staff analysis, the Department evaluated ACICS’s compliance with Section 602.17(c) in the context of its review of Virginia International University (VIU, now known as Fairfax University of America). However, in its response to the draft staff analysis, the agency provided information and documentation about its continued review of San Diego University of Integrative Studies (SDUIS) instead of VIU. It also notes “See response to 602.16(c)(1).” Although there is no such regulatory sub-section (“(c)(1)”) presumably ACICS is referring to its response to Section 602.16(c) where it did discuss VIU. Nevertheless, in regard to the Department’s concerns about compliance with Section 602.17(c) in the context of VIU, ACICS failed to provide a specific response. Instead, ACICS provided a narrative description of its review of SDUIS, to include documentation (Exhibit E, previously provided as Exhibit 16) that the institution has not provided a response to a March 7, 2019 letter and that ACICS, therefore, has not conducted an on-site review of the institution.

However, the compliance concerns related to this section in the draft staff analysis were in reference to the agency's on-site review of VIU. As noted in the draft staff analysis and Section 602.16(c), the on-site review of VIU conducted in January 2018 by ACICS did not uncover the significant deficiencies noted by State Council for Higher Education in Virginia (SCHEV) in its audit of the institution in August 2018. In its narrative for Section 602.17(e), ACICS provided a general description of an agenda and intent of a generic site visit, as well as the general composition and training of the site visitors, and stated "[o]ne of the primary ways by which ACICS collects empirical data regarding the quality and integrity of institutions" is via its site visit teams. However, neither specific to the review of VIU nor in general, ACICS did not provide a response to the Department's concerns that the agency does not appear able to obtain sufficient information to determine if an institution complies with the agency's standards during an on-site review of the institution.

In addition to this Section 602.33 inquiry, ACICS has not demonstrated via the RNU Inquiry that the agency’s on-site reviews obtain sufficient information for the agency to make compliance determinations.

List of Document(s) Uploaded by Analyst - Response

No files uploaded

Criteria: 602.17(e) Agency Analysis of Information

Narrative:

Please see attached documentation for response.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 1 ACICS DOE Inquiry Response	Exhibit 1 ACICS DOE Inquiry Response.pdf		
Exhibit 2 ED Financial Inquiry Response	Exhibit 2 ED Financial Inquiry Response.pdf		
Exhibit 3 FY 20202 and FY 2021 2021 Prelim Exhibit 1	Exhibit 3 FY 20202 and FY 2021 2021 Prelim Ex hibit 1.pdf		

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 4 Rejection of Consideration Exhibit 1	Exhibit 4 Rejection of Consideration Exhibit 1.pdf		
Exhibit 5 Registration Form Exhibit 1A	Exhibit 5 Registration Form Exhibit 1A.pdf		
Exhibit 6 Institutional Information Exhibit 3B	Exhibit 6 Institutional Information Exhibit 3 B.pdf		
Exhibit 7 State Approval to Operate Exhibit 1C	Exhibit 7 State Approval to Operate Exhibit 1 C.pdf		
Exhibit 8 Ownership Disclosure Form Exhibit 1D	Exhibit 8 Ownership Disclosure Form Exhibit 1D.pdf		
Exhibit 9 Audited Financial Statements 1E	Exhibit 9 Audited Financial Statements 1E.pdf		
Exhibit 10 Evidence of Workshop Attendance Exhibit 1F	Exhibit 10 Evidence of Workshop Attendance Exhibit 1F.pdf		
Exhibit 11 Catalog Exhibit 1G	Exhibit 11 Catalog Exhibit 1G.pdf		
Exhibit 12 Intitial CEP Exhibit 1H	Exhibit 12 Intitial CEP Exhibit 1H.pdf		
Exhibit 13 Initial CAR Exhibit 1I	Exhibit 13 Initial CAR Exhibit 1I .pdf		
Exhibit 14 Intitial Resource Report SDUIS Exhibit 2	Exhibit 14 Intitial Resource Report SDUIS Exhibit 2.pdf		
Exhibit 15 Reserve Fund Withdrawal Exhibit 2	Exhibit 15 Reserve Fund Withdrawal Exhibit 2. pdf		
Exhibit 16 Number of Institutionals Long Exhibit 3	Exhibit 16 Number of Institutionals Long Exhibit 3.pdf		
Exhibit 17 Executive Committee Meetings Exhibit 2	Exhibit 17 Executive Committee Meetings Exhibit 2.pdf		
Exhibit 18 FY 2019 Budget Redacted Exhibit 3	Exhibit 18 FY 2019 Budget Redacted Exhibit 3. pdf		
Exhibit 19 FY 2017 and FY 2018 Exhibit 4	Exhibit 19 FY 2017 and FY 2018 Exhibit 4.pdf		
Exhibit 20 Fy2020 Budget Worksheet Exhibit 5	Exhibit 20 Fy2020 Budget Worksheet Exhibit 5. pdf		
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Exhibit 24 ACICS Org Chart Exhibit 9	Exhibit 24 ACICS Org Chart Exhibit 9.pdf		
Exhibit 25 Staff Resumes and Job Descriptions Exhibit 10	Exhibit 25 Staff Resumes and Job Descriptions Exhibit 10.pdf		
Exhibit 26 VIU Review Exhibit 11	Exhibit 26 VIU Review Exhibit 11.pdf		
Exhibit 27 VIU Comm with SCHEV Exhibit 12	Exhibit 27 VIU Comm with SCHEV Exhibit 12.pdf		
Exhibit 28 Institutional Information Exhibit 13	Exhibit 28 Institutional Information Exhibit 13 .pdf		

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 29 SDUIS Application and Com Exhibit 14a	Exhibit 29 SDUIS Application and Com Exhibit 14a.pdf		
Exhibit 30 SDUIS Application and Com Exhibit 14b	Exhibit 30 SDUIS Application and Com Exhibit 14b.pdf		
Exhibit 31 SDUIS Application and Com Exhibit 14c	Exhibit 31 SDUIS Application and Com Exhibit 14c.pdf		
Exhibit 32 Confirmation of Receipt Exhibit 15	Exhibit 32 Confirmation of Receipt Exhibit 15 .pdf		
Exhibit 33 Communication RE Continuation Exhibit 16	Exhibit 33 Communication RE Continuation Exhibit 16.pdf		
Exhibit 34 Evidence of Implementation Exhibit 17	Exhibit 34 Evidence of Implementation Exhibit 17 .pdf		
Exhibit 35 SDUIS Additional Response	Exhibit 35 SDUIS Additional Response .pdf		
Exhibit A ACICS and SCHEV on VIU Review	Exhibit A - ACICS and SCHEV on VIU Review.pdf		
Exhibit E Communication RE Continuation	Exhibit E - Communication RE Continuation.pdf		
Exhibit F SDUIS MESA and Registration	Exhibit F - SDUIS MESA and Registration.pdf		
Exhibit G Institutional Communication	Exhibit G - Institutional Communication.pdf		
Exhibit H Accreditation Criteria	Exhibit H - Accreditation Criteria.pdf		
Exhibit I Pages from Visit Evaluation Procedures and Guidelines	Exhibit I - Pages from Visit Evaluation Procedures and Guidelines.pdf		
Exhibit J FXUA Team Report	Exhibit J - FXUA Team Report.pdf		
Exhibit K Call for Comment Templates	Exhibit K - Call for Comment Templates.pdf		
Exhibit L Current Student Survey Template	Exhibit L - Current Student Survey Template.pdf		
Exhibit M Show Cause Actions	Exhibit M - Show Cause Actions.pdf		

Analyst Worksheet- Narrative

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The agency has not demonstrated compliance for this section.

Analyst Remarks to Narrative:

Please see attached letter for draft staff analysis of this section.

List of Document(s) Uploaded by Analyst - Narrative

Exhibit Title	File Name
ACICS Inquiry Resolution Letter Revised 1-29-2020	ACICS Inquiry Resolution Letter Revised 1-29-20202.pdf
Chronicle article	Chronicle article2.pdf
Inside Higher Ed article	Inside Higher Ed article2.pdf
Letter to ACICS inquiry	Letter to ACICS inquiry2.pdf

Response:

The Department's comments regarding San Diego University of Integrative Studies' (SDUIS) application suggest a misunderstanding of the associated timeline. In November 2015, SDUIS indicated its interest in the ACICS initial accreditation process when its founder, Dr. Cristina Versari, submitted the online registration and information required for consideration. Following its review of initial information, an invitation to apply was extended on February 5, 2016. The application process was never finalized because ACICS placed a moratorium on the acceptance of new applications and began the process of winding down applicants that were already in the pipeline for consideration. This occurred prior to receipt of the institution's response to the Resource report which occurs prior to the Initial Self-Study and full onsite evaluation visit. Consequently, SDUIS' application was withdrawn in fall 2016.

Following notice that ACICS had reopened its initial accreditation process, Dr. Versari met with ACICS staff in March 2019 to discuss the institution's application, its ability to continue with the process, the separation of the language center, and the status of doctoral programs that would not be open for consideration by ACICS. The institution was advised at that time that all materials previously submitted would need to be made current and evidence of ongoing compliance with all applicable laws and regulations demonstrated. Formal communication from the Council inviting the institution to continue with the accreditation process was forwarded on March 7, 2019 and included specific expectations of the revised procedures for initial review. The institution responded on May 2, 2019. ACICS' review is ongoing as updated application materials have not yet been received. See Exhibit E, Communication RE Continuation. No time in this process has ACICS represented that it has completed its review or that the institution is compliant with its standards. The review process takes into consideration comments from the public, students, faculty, and staff, the institution's response to any comments (formally and informally), and the ACICS onsite evaluation reviews as required by Section 602.17(f). Further, Section 602.17 (e) also requires, in addition to the analysis of the self-study and supporting documents provided by the institution, the report of the onsite review, the institution's response, and any other appropriate information "to determine whether the institution complies with the agency's standards." With regard to SDUIS, that process has not been concluded and the presumption that the review is inadequate when the institution has not responded to the initial resource report, a self-study has not been submitted, and the onsite evaluation visit has not taken place is misguided and misinformed.

In responding more generally to this criterion, we outline the ACICS initial and renewal review processes to ensure compliance with Section 602.17(e).

As detailed on the ACICS website (<https://www.acics.org/accreditation-initial-applicants>), an institution is only invited to apply for consideration for initial accreditation following receipt and review of institutional registration information that includes specific details on program lengths, graduates, enrollment, institutional organization, length of educational activities, among other areas. These details are captured in the Minimum Eligibility Self-Assessment (MESA) Checklist as well as the Registration forms (Exhibit F, SDUIS MESA and Registration). Institutions that do not provide sufficient information, or on which

information cannot be found, or that offer programs outside ACICS' scope have been appropriately informed (Exhibit G, Institutional Communication). The invitation letter makes it abundantly clear that the institution, by accepting the invitation to apply, constitutes the institution's agreement to be bound by the provisions of the Accreditation Criteria. The review process is also outlined in the invitation letter and includes public notice on the web site (<https://www.acics.org/council-institutions-invited>) and submission of application materials at various stages of the process.

The first critical point is the review of the most recently audited financial statements to ensure that the institution can demonstrate financial stability. Institutions who are not able to do will be turned away from the process. Institutions may also be asked to submit additional information to substantiate details in the report and qualify the analyst's review. The first visit is scheduled and conducted by a staff member only after the financial review is complete. This visit is designed to provide guidance to the institution while evaluating its institutional resources (administrative and academic) to proceed with the self-study submission phase of the application process. As referenced in Section 2-1-203 of the Accreditation Criteria, the report prepared following the resource visit is available only to the school and ACICS to be used for advisory purposes only (Exhibit H, Accreditation Criteria, p. 18). The self-evaluation phase may be delayed or suspended based on the staff's assessment of the institution's readiness. As noted in the original report to SDUIS specifically, ACICS required a response to the concerns identified in the report and as previously noted, the institution's application was withdrawn prior to responding. Generally, applicants will be directed to complete the self-evaluation phase no later than two months prior to the scheduled cycle of review. This phase includes the submission of the Initial Self-study Narrative, Campus Effectiveness Plan (CEP), Institutional Catalog, Initial Campus Accountability Report, and other documents (<https://www.acics.org/accreditation-initial-applicants>, Step 11). Subsequent to the submission of the self-study materials, the initial application and renewal of accreditation process is the same.

The thoroughness of the ACICS renewal of accreditation process is supported by the layers of review that ensure objectivity and fairness. As required by criteria 602.17(b) of the regulations and stipulated in Section 2-1-300 of the Accreditation Criteria (Exhibit H, p. 18), institutions must submit its renewal self-study, with supporting documents, three months prior to the start of its assigned review cycle. Further, an institution is prohibited from making any substantive change once it has submitted its application to ensure that ACICS has an accurate picture of the institution during its review.

One of the primary ways by which ACICS collects empirical data regarding the quality and integrity of institutions and programs is the deployment of on-site review teams which visit every campus at least once during the accreditation cycle. The agency conducts on-site reviews of approximately three days duration for institutions seeking either initial or renewed accreditation. This review is scheduled when classes are in session, faculty is teaching, administrative staff is available, and other operations are functioning normally. The intent of the on-site evaluation is to verify information contained in the self-study and to review institutional compliance with ACICS standards, policies and procedures. An appropriate team, composed of experienced and credentialed individuals, is appointed to visit and evaluate the institution consistent with the guidelines of Section 2-1-400 of the Accreditation Criteria. The team is provided a copy of the application forms and completed self-study materials to review prior to the visit for use during the evaluation. The agency provides guidance to the team regarding the conduct of the on-site evaluation and on how to prepare the written team report while onsite. Guidance includes questions that should be asked during interviews with the institution's director, students, admission director and representatives, the financial aid director and officers, placement director and faculty (Exhibit I, Evaluation Procedures and Guidelines Excerpt). Institutions that offer distance education are required to provide administrative access to the assigned team member in advance of the visit so that the security/functionality of the platform, classes, and course materials can be reviewed. As detailed in response to question A.17 of the Fairfax University of America (formally Virginia International University) team report, the team reviewed 17 of

the online courses in the Spring 2018 term to verify that online courses provide opportunities for interaction between faculty and students and among students (Exhibit J, FXUA Team Report, p.72).

Prior to the evaluation visit, ACICS actively solicits information from interested parties through a 'Call for Comment' to students, faculty and staff. This is in addition to the call for comments from the general public when an institution applies for an initial or renewal of accreditation (Exhibit K, Call for Comment Template). Feedback received through these media, along with the student survey also conducted onsite, are incorporated into the evaluation review. Additional candid student perspective is received since the survey is conducted anonymously and through a secured ACICS portal (Exhibit L, Current Student Survey Template). A summary of the results is shared with the institution and any responses that give the team pause would be incorporated in the assessment of findings. Detailed in Section 2-1-601 of the Accreditation Criteria and supported by Sections 602.17(f)(1) and 602.18(e) of the regulations, an institution is provided with a detailed written report that clearly identified any deficiencies in its compliance with ACICS standards. Following the review and recommendation of the Intermediate Review Committee (IRC), the Council, and only the Council can take a final accreditation action on the institution's application (see Sections 2-1-602 and 2-1-603).

Cont. - 602.28

Analyst Worksheet - Response

Analyst Review Status for Response:

Does not meet the requirements of this section

Staff Determination:

The agency failed to demonstrate that it conducts its own analysis of the self-study and supporting documentation furnished by an institution, a report of the on-site review, an institution's response to the report, and any other appropriate information from other sources to determine whether the institution complies with the agency's standards.

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided information and documentation about its review of San Diego University of Integrative Studies (SDUIS), as well as information and documentation concerning the agency's review processes in general.

ACICS stated that Department staff had a misunderstanding of the timeline of review of SDUIS. The agency stated and provided documentation that SDUIS contacted ACICS in November 2015 with an accreditation inquiry (Exhibits F, 1A, 1B, and 13) and that SDUIS was invited to apply for accreditation on February 5, 2016 (Exhibit 14a, pages 1-2). As noted in the narrative in Section 602.17(c), ACICS published a call for public comment regarding the application of SDUIS in spring of 2016 (Exhibit 14a, pages 3-6) and agency staff conducted a resource visit to SDUIS on June 30, 2016 (Exhibit 2 - Initial Resource Report SDUIS). ACICS stated in the narrative that the accreditation process, to include the submission of a self-study or conducting an on-site visit, was never completed for SDUIS since the agency placed a moratorium on initial accreditation activities, and the institution's application for accreditation was withdrawn in fall 2016. Even though ACICS stated multiple times in its response that the application was withdrawn, the agency's March 7, 2019 correspondence (Exhibits E and 16) invited SDUIS to "continue with its application" and instructed the institution to review and update the information and documentation on file, although Section 2-1-202 of the agency's Accreditation Criteria states that an application will be kept

active only for one year.

Department staff understands the sequence of events, but those events do not adequately explain ACICS's actions in regard to the application of SDUIS. In its response, ACICS claims that it "takes into consideration comments from the public, students, faculty, and staff" within the accreditation process. Yet as it relates to SDUIS, ACICS published a call for public comment and received comments identifying a number of significant issues, and also received over 400 pages from the institution in response to the public comments. But ACICS has not submitted any evidence to demonstrate that it has engaged in any substantive review of either the comments or SDUIS's documentation or considered any appropriate response in view of the comments or documents.

In its narrative, ACICS stated that the Department's analysis is "misguided and misinformed" since a conclusion was made when all review elements included in this section had not been completed and therefore reviewed by the agency. However this assertion contradicts Section 2-1-200 of the agency's Accreditation Criteria which states, "[t]he accrediting process proceeds in distinct phases, each of which must be satisfactorily completed by the institution before the next can occur." This requirement indicates that each step of the process must be completed before the next can begin. Completion of the public comment step would require an analysis of the comments and a preliminary assessment of those comments and the institution's response before moving on to the next step. Failing to do so ACICS did not demonstrate that it followed its own policy in this area.

In addition, Section 2-1-200 of the agency's Accreditation Criteria states that "[w]hen considering whether to award an initial grant of accreditation to an institution, ACICS will take into consideration the actions of other recognized accrediting agencies that have denied accreditation to the institution, placed the institution on probationary status, or revoked the accreditation of the institution." In its response, ACICS did not provide any additional information or documentation about the concern noted in the draft staff analysis that ACICS did not take into account the denial of accreditation by the Accrediting Council for Continuing Education and Training (ACCET) of the USA English Language Center (USAELC), a subcomponent of SDUIS, in its review of SDUIS.

In response, ACICS also provided an overall description and documentation of the agency's initial and renewal accreditation review processes (see Exhibits G, 1E, I, K, and L). However, none of these exhibits shed any light on the issue of whether ACICS complied with Section 602.17(e) in its review of SDUIS.

List of Document(s) Uploaded by Analyst - Response

No files uploaded

Criteria: 602.28(d) Requirement to Initiate Review

Narrative:

Please see attached documentation for response.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 1 ACICS DOE Inquiry Response	Exhibit 1 ACICS DOE Inquiry Response.pdf		
Exhibit 2 ED Financial Inquiry Response	Exhibit 2 ED Financial Inquiry Response.pdf		
Exhibit 3 FY 20202 and FY 2021 2021 Prelim Exhibit 1	Exhibit 3 FY 20202 and FY 2021 2021 Prelim Ex hibit 1.pdf		
Exhibit 4 Rejection of Consideration Exhibit 1	Exhibit 4 Rejection of Consideration Exhibit 1.pdf		
Exhibit 5 Registration Form Exhibit 1A	Exhibit 5 Registration Form Exhibit 1A.pdf		
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Exhibit 7 State Approval to Operate Exhibit 1C	Exhibit 7 State Approval to Operate Exhibit 1 C.pdf		
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Exhibit 27 VIU Comm with SCHEV Exhibit 12	Exhibit 27 VIU Comm with SCHEV Exhibit 12.pdf		
Exhibit 28 Institutional Information Exhibit 13	Exhibit 28 Institutional Information Exhibit 13 .pdf		
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Exhibit 31 SDUIS Application and Com Exhibit 14c	Exhibit 31 SDUIS Application and Com Exhibit 14c.pdf		
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Exhibit 34 Evidence of Implementation Exhibit 17	Exhibit 34 Evidence of Implementation Exhibit 17 .pdf		
Exhibit 35 SDUIS Additional Response	Exhibit 35 SDUIS Additional Response .pdf		
Exhibit A ACICS and SCHEV on VIU Review	Exhibit A - ACICS and SCHEV on VIU Review.pdf		

Analyst Worksheet- Narrative

Analyst Review Status:

Does not meet the requirements of this section

Staff Determination:

The agency has not demonstrated compliance for this section.

Analyst Remarks to Narrative:

Please see attached letter for draft staff analysis of this section.

List of Document(s) Uploaded by Analyst - Narrative

Exhibit Title	File Name
ACICS Inquiry Resolution Letter Revised 1-29-2020	ACICS Inquiry Resolution Letter Revised 1-29-20201.pdf
Chronicle article	Chronicle article1.pdf
Inside Higher Ed article	Inside Higher Ed article1.pdf
Letter to ACICS inquiry	Letter to ACICS inquiry1.pdf
Response:	

602.17(e) Continued-

In addition to on-site visits that compare the content of self-evaluations with evidence encountered in person during an initial or renewal cycle, the Council utilizes an extensive set of monitoring approaches that enables its ability to identify problems with an institution's continued compliance with published standards. ACICS' monitoring approaches include an annual accountability report (Section 2-1-802), p. 21, annual financial report (Section 2-1-802, p. 21), review of substantive change activity (Section 2-2-100), p. 23, and complaints and external information through sources such as news media, state oversight and federal entities, and the Department of Education (Section 2-3-700), p. 42. The approaches include the requirement for more timely and informative periodic reports and analysis of data as exemplified by indicators of student achievement and financial stability. With specific reference to the Council's responsiveness to the State-directed review and action at FXUA, utilizing the At-Risk Institutions' Group (ARIG) and the expeditious consideration by the Executive Committee, ACICS took swift action, contrary to the public narrative, that gave deference to the State's review process (See Exhibit A, ACICS and SCHEV Review, p.1).

602.28

We are not clear how the Department determined that the action taken by the Executive Council of ACICS on March 21, 2019 was the result of an article in Inside Higher Ed on March 20, 2019. Quite frankly, it is unrealistic that an agency would learn of a potential violation and take action in a 24 hours period without any dialogue with the school. Such a knee-jerk reaction would violate the due process afforded and required to be provided to institutions. The fact is that the action taken by the Executive Council of ACICS was the result of a deliberate process that commenced with the receipt of the audit and recommendation to revoke the certificate to operate by SCHEV on February 8, 2019. As the February letter from SCHEV was a recommendation that had to go before their Council, it would have been premature to take action prior to the Council's consideration and decision. The review process by ACICS occurred over a period of less than 45 days and resulted in agency action and a show-cause directive to Fairfax University of America (formally Virginia International University) (see Exhibit A, ACICS and SCHEV Review). As evident by the chronology of events, which included significant dialogue with SCHEV staff and review by ACICS leadership and even legal counsel, the review was not only deliberate but swift (within 48 hours of SCHEV final decision). The enhanced monitoring procedures implemented by ACICS has allowed for this level of expeditious evaluation and efficient action that is not the norm in the accreditation sphere.

Fundamental requirements for eligibility to apply for, and maintain, ACICS accreditation, is an institution's ability to maintain its license to operate by the appropriate state agency and its ability to remain compliant with all applicable laws and regulations (Section 1-2-100(b)(g) of the Accreditation Criteria). When these requirements are called into question, based on substantial and reliable information, the institution will be directed to show cause why its current grant of accreditation should not be withdrawn. This procedure has been consistently employed by ACICS as evidenced by its review of the American College of Commerce and Technology (state action), Globe and Minnesota School of Business (state action), and Virginia College (agency action), see Exhibit M, Show Cause Actions. Copies of these communications along with any subsequent review and action were forwarded immediately to the Department as well as the state and any other appropriate agencies.

While each case is different because each institution is different, the Executive Committee or the Council reviewed the institution's current accreditation status, its last review, any ongoing concerns as part of its deliberative process and review prior to taking the show-cause action. This process is consistent with Section 602.18 of the regulations that require consistency in the decision-making process.

ACICS respectfully questions the Department's interpretation of Section 602.28(d) that requires that an agency "...promptly reviews its accreditation...of the institution...to determine if it should also take adverse action or place the institution ...on probation or show cause" to mean that it must "...independently investigate the allegations in the report to confirm compliance..." As evident from the review of FXUA, as well as the other examples provided above, ACICS did in fact review its accreditation of the institution – the Executive Committee was provided with the relevant excerpt from the team's report, the Council's deferral letter, the Council's approval of accreditation letter, and a timeline of events (Exhibit A, ACICS and SCHEV Review, p. 11). ACICS remains compliant with this criterion.

Analyst Worksheet - Response

Analyst Review Status for Response:

Meets the requirements of this section

Analyst Remarks to Response:

In response to the draft staff analysis, the agency provided additional information and documentation about its review of Virginia International University (VIU, now known as Fairfax University of America) in light of the audit by the State Council for Higher Education in Virginia (SCHEV).

ACICS stated that it believes that it conducted a "deliberate but swift" process in reviewing the audit and decision by SCHEV in reaching the decision to issue a show-cause directive to VIU and provided a timeline of the process (Exhibit A). The specific sequence of events of the review of VIU is stated a few times throughout the report by ACICS and reflected in the staff analysis for Section 602.16(c).

Department staff agrees that ACICS moved quickly to issue the show-cause directive once SCHEV made the decision to agree with the audit findings and SCHEV staff recommendation to terminate VIU's license. What did not appear to occur during this situation was a review of the audit findings and proposed recommendation of SCHEV by ACICS against the agency's standards and policies when received, versus an action taken at the time of the SCHEV decision and only in reference to the SCHEV decision.

As noted in Section 602.16(c), the findings in the SCHEV audit were significant, particularly in reference to distance education. ACICS stated that agency staff reviewed the findings when received and communicated the review to the ACICS president and legal counsel, but with no response or direction provided. The agency staff communication did not discuss the significant issues included in the SCHEV audit nor what the ACICS standards, policies or procedures were relevant to this situation (such as Title II, Chapter 3, 2-3-700 of the agency's Accreditation Criteria, published September 14, 2017, as noted in the draft staff analysis). Instead, the agency staff communication recommended waiting for a final decision by SCHEV and then potentially recommending a show-cause directive. This staff recommendation is reflective of the agency's failure to review the compliance of its membership against its standards in light of credible information, but continue to rely upon the review and action of other accrediting agencies and approval agencies in lieu of its own review. As noted in the draft staff analysis and in the agency's response, ACICS did not initiate an investigation into the underlying educational quality issues noted in the SCHEV audit and decision, but instead acted in response to SCHEV actions - both in initiating a negative action and removing it (Exhibits 11, pages 23-25; C; and D).

Although ACICS stated that it is not clear how the Department reached its conclusion, the agency did not provide additional information or documentation to demonstrate the Department's analysis was incorrect. ACICS stated that it did not understand how the Department could conclude that the action taken on March

21, 2019 was a result of the Inside Higher Ed article on March 20, 2019, but the email correspondence chain (Exhibit A, pages 6-12) began with a forward of the Inside Higher Ed article and ended with the virtual vote of the Executive Council of ACICS to issue the show-cause directive. As noted above and in Section 602.16(c), ACICS did not provide documentation of any proactive response - other than contacting a SCHEV representative and sending an email to the ACICS president and legal counsel - when it received the audit on February 11, 2019, to when the decision by SCHEV was made final and reported to ACICS and in the media. ACICS also stated in its narrative that the Department's determination is unrealistic in that ACICS would not take such an action "without any dialogue with the school" and taking such an action so quickly would "violate the due process;" but the agency did not provide any information or documentation of communication with VIU before the show-cause directive was sent March 22, 2019, to include due process requirements such as notice of review by the Executive Council.

There is no regulatory requirement for ACICS to take adverse action or place an institution on probation or show cause if the agency learns that an institution it accredits is the subject of an adverse action by another accrediting or approval entity, or has been placed on probation or an equivalent status by another accrediting or approval entity. But for ACICS to demonstrate that it promptly reviews the accreditation of an institution, there is an expectation that ACICS would initiate some sort of oversight activity to evaluate the findings against the agency's standards to prepare for any such action and provide for due process while also upholding the agency's responsibility to respond.

Besides the specific discussion of the review of VIU, the agency provided three examples of when ACICS issued show-cause directives when it learned that an institution it accredits 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 or approval entity - American College of Commerce and Technology, Globe University and Minnesota School of Business, and Virginia College (Exhibit M). However, two of the examples are from 2016 and all three only include the action letter, but not the complete review process to demonstrate if the review was prompt.

The Department is concerned about the agency's lack of further investigation based on the adverse actions taken by SCHEV as to VIU and ACCET in regard to SDUIS. However, Section 602.28(d) only applies to institutions that an agency accredits or preaccredits that are subject to an adverse action by another recognized accrediting agency. Here, SCHEV is not a recognized accrediting agency, and at the time ACCET took its adverse action against SDUIS, SDUIS was not accredited by ACICS and it is still not (ACICS does not offer preaccreditation). Thus, ACICS's failure to review the conduct that led to SCHEV's adverse action against VIU does not violate the requirements of Section 602.28(d) because SCHEV is not a recognized accrediting agency. Nevertheless, ACICS should consider this conduct in any future review of VIU. Similarly, although ACCET's adverse actions should be considered and further investigated by ACICS as it continues its review of SDUIS, its apparent failure to do so as of this time does not constitute a violation of Section 602.28(d).

List of Document(s) Uploaded by Analyst - Response

No files uploaded

3rd Party Written Comments

Document Title	File Name	Pro/Con
Written Comment #1	Written Comment #1 ACICS Coalition Comment for Feb 2021	CON

Coalition	Meeting.pdf	
Written Comments #2 New America	Written Comment #2 New America Comments on ACICS Compliance.pdf	CON
Written comment #3 23 Attorneys	Written Comment #3 Comments on ACICS from 23 Attorneys General dated 11.20.20.docx	CON
Written Comment #4 Harold Huggins	Written Comment #4 Harold Huggins.docx	CON

Staff Analysis of 3rd Party Written Comments

Four written third-party comments were received regarding this agency, with three of the comments reflecting negative views regarding ACICS and one requesting to conduct a forensic audit of ACICS. The commenters include the Attorneys General from 23 States ("23 Attorneys General"), a coalition of 16 non-profit organizations ("Coalition"), a public policy think tank ("New America"), and a Nevada-based non-profit organization.

The comment submitted from the Nevada-based non-profit organization requesting to conduct a forensic audit of ACICS is not related to the Department's accrediting agency recognition process and is therefore outside the scope of this review by Department staff.

The three other comments referenced the decision of the prior administration to deny recognition to ACICS in December 2016 and make the request for the recognition of ACICS to be terminated in this review. These three comments all state that ACICS has failed to demonstrate compliance since the prior decision to deny recognition, and also discuss actions or examples of noncompliance noted in prior and other reviews by the Department, such as financial and administrative capability, monitoring, etc.

All three of the comments tied their areas of alleged noncompliance to Section 602.15(a)(1) of the Secretary's Criteria for Recognition (Criteria), and one tied their concerns to Section 602.16(c). Those comments are referenced in the relevant sections of the Department staff's analysis.

With regard to the issues raised by the comments, the Department has noted non-compliance related to the administrative and fiscal capacity in Section 602.15(a)(1) and review of distance education in Section 602.16(c) in those sections of its analysis.

ACICS provided a response to the comments on December 8, 2020 (attached as ACICS Response to Third-Party Comments). This response did not provide any information beyond what ACICS has already provided within this report and other current reviews to demonstrate compliance with the Criteria.

Two of the commenters complained about the Department's third-party comment procedure, arguing that the Department should have publicly released ACICS' compliance and monitoring reports, along with the Department staff's analysis. The Department's solicitation of written third-party comments sought comment on ACICS' compliance with the criteria in question pursuant to Section 602.33(c)(4)(iii)(B), not on the agency's compliance or monitoring reports or the Department staff's analysis. The Department followed the regulatory requirements of Section 602.33, which do not provide for the public dissemination of these materials as part of the process of soliciting written third-party comments.

Response to 3rd Party Comments

No response to 3rd Party Written Comments

Document(s) Uploaded in response to 3rd Party Comments

Exhibit Title	File Name
ACICS Response to Third-Party Comments	ACICS Response to Third-Party Comments (Dec 2020).pdf

3rd Party Request for Oral Presentation

There are no oral comments uploaded for this Agency.