

**Case Name:** *In the Matter of* Accrediting Council for Independent Colleges and Schools

**Docket No.:** 16-44-O

**Filing Party:** Respondent, Accrediting Council for Independent Colleges and Schools

**Exhibit No.:** B-O-71

# **REVIEW BOARD OF APPEALS**

## **TRAINING MANUAL**



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## REVIEW BOARD TRAINING MANUAL

### REVIEW BOARD COMPOSITION & AUTHORITY

The Review Board is a separate, independent appeals body established by the Council for the purpose of hearing appeals by institutions for denial and suspension actions specified in Sections 2-3-301, 2-3-302 and 2-3-402 of the *Accreditation Criteria*.

A Review Board panel will consist of at least one (1) public, one (1) administrative, and one (1) academic representative. The other members of the review board panel may be member representatives or additional public, administrative or academic representatives.

The Review Board has the authority to:

- (a) affirm the decision of the Council;
- (b) amend the decision of the Council;
- (c) reverse the decision of the Council; or
- (d) remand the case to the Council with recommendations for further consideration because it finds the decision was:
  - (1) arbitrary, capricious, or otherwise in substantial disregard of the *Accreditation Criteria*, or
  - (2) not supported by the substantial evidence in the record on which the Council took the negative action.

The Review Board panel cannot amend or reverse the decision of the Council or remand the decision based on argument by the appellant that the Council action was disproportionate to the violations cited. The Review Board panel is further limited in that it has no jurisdiction or authority concerning the reasonableness of the *Accreditation Criteria*.

A determination by the Review Board panel to affirm the Council's decision is effective immediately upon the Review Board panel's action. A determination by the Review Board panel to amend, reverse, or remand the Council's decision will be referred to the Council for implementation and further action.



## REVIEW BOARD TRAINING MANUAL

Except as noted below, Review Board panels will not consider any evidence that was not in the record before the Council. Documents reviewed by or available to evaluation teams are not considered to be part of the record unless they are appended to the team report or the institution submits them to the Council as part of the institution's response to the evaluation team report.

An exception to the policy on evidence will be made where a final adverse action is based solely on the failure of an institution to comply with the standards of financial stability. In that case, the institution on one occasion may seek review of significant financial information that was unavailable to the institution prior to the determination of the adverse action and that bears materially on the financial deficiencies identified by the Council. The Financial Review Committee will determine if the new financial information submitted by the institution is significant and material. If these criteria are met, the Financial Review Committee will provide a report of its review to the Council, which then will reconsider its adverse action in light of the new information. If the Council reaffirms the adverse action, the Financial Review Committee report and the result of the Council's recommendation will become part of the record under review before the Review Board.

The panel acts on behalf of the entire Review Board. Therefore, a decision of a Review Board panel is final and will not be considered further by the full Review Board. In cases remanded to the Council for reconsideration, the Review Board panel will identify specific issues that the Council must address. With respect to a Review Board panel decision that is implemented by or remanded to the Council, the Council will act in a manner consistent with the Review Board panel's decisions or instructions.



## REVIEW BOARD TRAINING MANUAL

### HEARING OF AN APPEAL

2-3-605. Hearing of Appeal. The hearing will be held on a date and at a time designated by the Council, and in the ACICS offices. Three members will constitute a quorum.

If the appealing institution intends to submit a written appeals brief or statement of points, it must be received by the Review Board panel and the Council at least 15 business days prior to the hearing date. The Council's reply brief must be received by the panel and the appealing institution at least seven (7) business days prior to the hearing. The Review Board panel chair will preside at the hearing and will rule on all procedural matters. There will be no right to cross-examine the opposing party or its representatives.

The Council transcribes all Review Board hearings for its own records. A copy of the transcript is available to the institution, upon request.

The hearing shall be as informal as may be reasonable and appropriate under the circumstances. Both the Council and the institution may appear by or with counsel or other representative. The institution may waive a personal appearance, in which case the matter will be handled solely on briefs.

The chair of the Review Board panel may promulgate such additional rules of procedure for the scheduling and conduct of hearings as are consistent with these procedures.



## REVIEW BOARD TRAINING MANUAL

### **DECISION OF THE REVIEW BOARD**

2-3-606. Decision of the Review Board. Every decision must have the concurrence of the majority of the Review Board panel. Within a reasonable time after the conclusion of the hearing, the hearing panel shall issue in writing its decision with a statement of its reasons and recommendation, if any, to the Council. The decision will indicate those members of the Review Board panel who concur with the decision. Dissenting opinions may be filed. The majority decision with dissenting opinions, if any, will be furnished to the institution.

The Review Board currently hears appeals for the denial of an initial grant of accreditation, renewal of accreditation, inclusion of a branch campus, or reinstatement of accreditation following a change of ownership or control, the withdrawal of accreditation by suspension of an institution, or the withdrawal of approval of a branch campus from within its institution's grant of accreditation.



## Review Board Members Classification and Attestation Forms

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Decision-making bodies must identify themselves as being classified as either member or public and if a member representative, either academic or administrative. Please read the definitions and attest to your classifications. A resume and/or CV will be required to evidence the selected classification(s).

### Classifications:

A **member** representative is defined as some who is:

- a) an employee, member of the governing board, owner, or shareholder of, or consultant to, an institution accredited or preaccredited by ACICS or has applied for accreditation or preaccreditation; or
- b) a member of any trade association or membership organization related to, affiliated with, or associated with ACICS; or
- c) a spouse, parent, child, or sibling of an individual identified in paragraph a) or b) of this definition.

A **public** representative is defined as someone who is **not**

- a) employed by an institution or program that is either accredited by ACICS or has applied for accreditation by ACICS; or
- b) associated as a member of the governing board, an owner, a shareholder, a consultant, or in some other similar capacity with an institution or program that either is accredited by ACICS or has applied for accreditation by ACICS; or
- c) a member of any related, associated, or affiliated trade association or membership organization:  
or
- d) a spouse, parent, child or sibling of an individual identified in paragraph a), b) or c) of this definition.

An **academic** representative is defined as someone currently or recently directly engaged in a significant manner in postsecondary teaching and/or research.

An **administrator** representative is defined as someone currently or recently directly engaged in a significant manner in postsecondary program or institutional administration.



## Attestations:

Based on my qualifications and the definitions provided, I can be classified as a (select **only** one):

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**Member** representative. Defined as some who is:

- d) an employee, member of the governing board, owner, or shareholder of, or consultant to, an institution accredited or preaccredited by ACICS or has applied for accreditation or preaccreditation; or
- e) a member of any trade association or membership organization related to, affiliated with, or associated with ACICS; or
- f) a spouse, parent, child, or sibling of an individual identified in paragraph a) or b) of this definition.

**OR**

**Public** representative. Defined as someone who is **not**

- e) employed by an institution or program that is either accredited by ACICS or has applied for accreditation by ACICS; or
- f) associated as a member of the governing board, an owner, a shareholder, a consultant, or in some other similar capacity with an institution or program that either is accredited by ACICS or has applied for accreditation by ACICS; or
- g) a member of any related, associated, or affiliated trade association or membership organization; or
- h) a spouse, parent, child or sibling of an individual identified in paragraph a), b) or c) of this definition.

**OR**

**Academic** representative. Defined as someone currently or recently directly engaged in a significant manner in postsecondary teaching and/or research.

**OR**

**Administrator** representative. Defined as someone currently or recently directly engaged in a significant manner in postsecondary program or institutional administration.

I have read each of the definitions associated with classifying my role as a panel member of the Review Board and attest that my qualifications support my selections.

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(Please print your full name):

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(Signature)

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(Date)

Each panel member of the ACICS Review Board must read and comply with the following Standards of Ethical Responsibility in performing their ACICS duties

1. He/she shall uphold the integrity of the accreditation process.
2. He/she shall avoid impropriety or the appearance of impropriety in all activities.
3. He/she shall perform the duties impartially and diligently.
4. He/she shall refrain from any activity that might call into question their objectivity in the accreditation review.
5. He/she shall disclose to the President any actual, potential, or appearance of a conflict of interest and shall not participate in review panel actions regarding an institution that is the subject of that conflict.
6. He/she shall preserve the confidentiality of the Review Board deliberations, institutional data, and ACICS business information.
7. He/she shall not violate the *ACICS Policy on Discrimination and Harassment* in interactions with other review panel members, staff, or any person associated with a member institution.
8. He/she shall not solicit or accept, either for themselves or a family member, anything of value from an ACICS-accredited institution or an applicant institution seeking ACICS accreditation.

A member of the Review Board shall immediately inform the President of any potential violation of these Standards. The President will either determine that no violation has occurred or will notify the member of the Review Board involved of the allegation. The Review Board member involved shall have the opportunity to respond to the allegation in person or in writing to the President who shall make a determination. If the President determines that a violation has occurred, the Review Board member may be removed. The President shall, in all cases, take such action as necessary to order to maintain the integrity of ACICS.