



## INSTITUTIONAL ACTIONS COUNCIL

### Policy Change Adopted on Second Reading

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The Higher Learning Commission (HLC) Board of Trustees (“the Board”) adopted this policy on second reading at its meeting on November 7–8, 2019.

#### Background

The adopted policy changes update and clarify policies related to the Institutional Actions Council (IAC) in a number of respects. In particular, the proposed changes accomplish the following:

- Remove all references to IAC First Committee and IAC Second Committee and replace them with the terms “Institutional Actions Council Meeting Committee” and “Institutional Actions Council Hearing Committee.”
- Allow for an Institutional Actions Council Meeting Committee to review a recommendation for removal of Notice, to be forwarded to the Board of Trustees for action.
- Remove the option for an institution to request an “optional” IAC hearing.
- Rename the “Characteristics of a Decision Process” policy (INST.D.40.010) as “Institutional Actions Council Processes” and relocate matters related to the Board of Trustees to the “Board of Trustees” policy (INST.D.10.010).
- Revise the IAC Conflict of Interest language.
- Eliminate the Change of Control candidacy option to conform with [adopted policy changes](#) related to Change of Control, Structure or Organization.
- Make other minor changes to standardize or clarify language, reduce duplication and align policy with current practice.

HLC circulated these policy changes to the membership and other interested parties after the Board's June 2019 meeting. No comments were received. However, staff updated certain language to afford HLC more flexibility in terms of the frequency with which it could require IAC members to confirm their agreement to adhere to HLC's Conflict of Interest and Objectivity policies and to make appropriate disclosures.

## Implementation

This policy is effective immediately.

## Adopted Policy

Wording that was deleted or revised is shown as strikethrough (~~old wording~~); new language, whether through addition or revision, is shown in bold (**new wording**). Changes between first and second reading, other than minor editing, are indicated in bold italics (*new wording*). These revisions have been made on HLC's website at [hlcommission.org/policies](http://hlcommission.org/policies).

Policy Title: Board of Trustees

Number: INST.D.10.010

The composition, selection and term of the Board of Trustees are defined in the Bylaws of the Higher Learning Commission **and the Board of Trustees Policies Manual. Institutional representatives on the Board of Trustees will include representation of individuals who are academics, including faculty members, academic deans or others who have a primary responsibility in the teaching and learning process, and administrators who have a primary responsibility of providing oversight in an institution of higher education.**

### Decision-Making Authority **of the Board of Trustees**

The Board of Trustees shall hold final responsibility for all accreditation actions taken by the Higher Learning Commission. The Board of Trustees shall retain its authority for deliberation and actions regarding accreditation decisions to:

1. grant or deny initial status, including initial candidacy and initial accreditation;
2. issue or withdraw a sanction, including ~~on~~ notice or probation;
3. withdraw status, including candidacy or accreditation;
4. issue or remove a show-cause order;
5. initiate a reconsideration process;

6. approve or deny an application for Change of Control, Structure or Organization; **and**
- ~~7. approve moving an institution from accredited to candidate status; and~~
7. approve exemptions, if any, from the Assumed Practices.

All such decisions, once issued by the Board, shall become the final action, except for those decisions that are subject to appeal. Such decisions shall become the final accreditation action as outlined in Commission policy INST.D.90.010 Appeals.

**The Board of Trustees may identify subcommittees or specific readers from the current membership of the Board to complete its responsibilities related to decision-making.**

For all other accreditation decisions the Board authorizes the Institutional Actions Council, as constituted by ~~in this~~ policy, to conduct reviews and to take actions, provided that such structure is recognized as such by the U.S. Department of Education.

#### ~~Academics and Administrators~~

~~The Commission through its Nominating Committee as outlined in Commission Bylaws will assure that among those Trustees on its Board of Trustees who represent institutions there is representation of individuals who are academics, including faculty members, academic deans or others who have a primary responsibility in the teaching and learning process, and administrators who have a primary responsibility of providing oversight in an institution of higher education.~~

#### **Review and Analysis of the Full Record by the Board of Trustees**

The Board of Trustees shall review and analyze the full record prior to taking action. The full record shall consist of materials submitted by the institution in preparation for review; team or panel reports; reports from the Institutional Action Council, if applicable; any institutional responses from the institution; and any applicable action letters and other official letters from the Commission regarding the matter. In addition, the Commission may add other documents to the record that it believes provide additional relevant information.

#### **Notice to Institutions of Board Actions**

When action is taken by the Board of Trustees, the institution will be provided an action letter. The action letter shall provide information about the terms of the action, including changes to the

Statement of Accreditation Status, the rationale for the action, any subsequent steps in the decision process, and any opportunities for institutional response or appeal.

### **Deferral of Action by the Board of Trustees**

The Board of Trustees may defer action on an institutional action in the following circumstances:

1. a state agency or another recognized institutional accrediting agency has provided official notice of potential suspension, revocation, or termination of legal authority to provide education or accredited or pre-accredited status, or has denied or not approved an application for legal authority or accredited or pre-accredited status prior to the action; or
2. evidence relevant to the action or the institution's compliance with the Criteria for Accreditation, Federal Compliance Requirements or other Commission policies may be required or anticipated within a specified period of time.

A decision to defer action will specify (a) the information that must be provided; (b) the means by which the Commission will acquire the information, including another on-site visit or any other means identified in Commission policy; and (c) the date on which the Board of Trustees will consider the information and take action.

The Board of Trustees will not defer final action beyond the next regularly scheduled Board meeting.

### **Substantive Amendment or Modification to Board Actions Related to Institutional Actions**

The Board of Trustees may move, upon recommendation by the President of the Higher Learning Commission, to amend or modify prior actions of the Board related to an individual institution under circumstances that:

- represent errors in the application or implementation of HLC policy
- result in consequences that were not intended or anticipated by the Board at the time of its original action; and
- cause undue burden to the institution or its students as determined by the HLC Board

Such amendment or modification shall not apply to any underlying action but rather to the manner in which certain aspects of the Board's action impact an institution, which could not be anticipated based on information available at the time of original action.

If undertaken by the Board, any such amendment or modification will be made no later than 12 months after the Board's original action related to the subject institution.

### Process for Amending or Modifying Prior Board Action

An amendment or modification may not be proposed to the Board by institutions. Such amendment or modification may only be recommended to the HLC Board by the HLC President.

The Higher Learning Commission, through its President, must provide an institution advance notice and opportunity to respond in writing to any proposed substantive amendment or modification to a prior Board action related to that institution. Such advance notice shall specifically set forth the substance of the proposed amendment or modification.

The institution shall have a minimum of two weeks to respond. An institutional response may demonstrate how the original action meets the three requirements for amendment or modification identified earlier in this policy. Alternatively, an institution has the right to decline to have any aspect of the prior Board action amended or modified, but must articulate reasons for its objections and desire to preserve the status quo.

The Board may act to:

- approve the amendment or modification as proposed
- defer action for a reasonable period pending additional information
- decline to approve the amendment or modification proposed

Board action may occur during regular Board meetings or through alternative means.

If an amendment or modification to the original action is made, the Board of Trustees will set forth in its action letter the reasons for its amendment or modification and will reissue its original action as amended or modified.

All actions taken under this policy are effective as of the date taken unless otherwise specified by the HLC Board.

Any amendment or modification to prior Board action is a final action not subject to appeal. No amendment or modification to a prior Board action related to institutions renders the underlying action subject to appeal, unless such action was originally subject to appeal under established HLC policy.

### Policy History

Last Revised: November 2019

First Adopted: June 2011

Revision History: February 2012, April 2013, February 2019, November 2019

Notes: Policies combined November 2012 - 2.2(d)1.1, 2.2(d)1.1a, 2.2(d)1.1b

Related Policies: INST.E.90.010 Appeals (Conflict of Interest, Confidentiality), Trustee Policies, Chapter III. Board Authority and Responsibility, Section C, Confidentiality and D, Objectivity and Conflict of Interest.

### Policy Title: Institutional Actions Council

Number: INST.D.20.010

### Composition, Selection, Term and Activity

The Institutional Actions Council (IAC) shall consist of no fewer than forty (40) members who have been nominated by the Commission staff and who have been appointed by the Board of Trustees. IAC members who represent institutions shall be broadly representative of institutions accredited by the Commission, with attention to institutional type, control, size, and geographical distribution, and shall be current members of the Peer Review Corps. The IAC shall include representation of individuals who are academics, including faculty members, academic deans or others who have a primary responsibility in the teaching and learning process, and administrators who have a primary responsibility of providing oversight in an institution of higher education.

The IAC shall include a sufficient number of public members to allow for one public member to be appointed to each committee. IAC members who are representative of the public shall not be, or have a familial relationship with, current employees, consultants, owners, shareholders, or members of the governing board of any affiliated or member institution, organization, or applicant thereof, or higher education agency, and shall reside or have a principal place of employment within the area of the Commission's jurisdiction.

The IAC shall make use of committees, known as **Institutional Actions Council Meeting Committees and Institutional Actions Council Hearing Committees** ~~First Committee (Level 1) and Second Committee (Level 2) as identified in this section~~, in completing its responsibilities for decision-making that may result in final actions or in **making** recommendations to the Board of Trustees. The Commission staff will select individuals from the IAC to compose committees to conduct reviews, as outlined in this policy.

The term of appointment to ~~the IAC for those who serve on First Committee (Level 1) Committees~~ shall be **renewable four-year terms (4) years**, to begin at the start of the Commission's fiscal year. ~~The term of appointment for IAC members who serve on Second Committees (Level 2) shall be extended for a fifth year to complete this responsibility. During that additional twelve (12) month period, those members shall not participate in any First Committee (Level 1) reviews.~~

The IAC shall meet as a body at least one time each year to review the decision process and engage in training.

#### ~~Academics and Administrators~~

~~The Commission will assure representation on the IAC of individuals who are academics, including faculty members, academic deans or others who have a primary responsibility in the teaching and learning process, and administrators who have a primary responsibility of providing oversight in an institution of higher education.~~

~~The staff of the Commission will be responsible for developing selection criteria and for implementing a nomination process to assure such representation on the IAC subject to review by the Board of Trustees when it elects IAC members.~~

#### ~~Scope of Authority~~

~~The IAC, acting through its committees, shall have authority to conduct reviews that result in final action or in recommendations to the Board of Trustees.~~

#### **IAC Authority to Take Action on Accreditation Decisions**

The IAC, **acting through its committees**, is authorized to take action on accreditation decisions to:

1. reaffirm accreditation;
2. approve recommendations resulting from biennial visits in candidacy;

3. approve or deny applications for substantive change requiring review by a decision structure, but not including Change of Control, Structure, or Organization;
4. approve recommendations resulting from focused evaluations; **and**
5. approve recommendations from staff or financial/non-financial panels for required monitoring or changes in the Statement of Accreditation Status.

For these cases, the IAC **is authorized** ~~has the authority~~ to set the next comprehensive evaluation visit date, establish a schedule of required monitoring, and make other changes in the Statement of Accreditation Status.

### **IAC Authority to Make Recommendations for Accreditation Decisions That Require Board Action**

The IAC, **acting through its committees**, is authorized to review the following recommendations arising from ~~an the~~ evaluation process and to forward a **recommendation them** to the Board of Trustees ~~to with a concurring or differing recommendation:~~

1. ~~to~~ grant or deny initial status, including initial candidacy and initial accreditation;
2. ~~to~~ issue or withdraw a sanction, including ~~on~~ notice or probation, except where the Board of Trustees in a previous accreditation decision may have outlined specific provisions for a recommendation related to the sanction to move directly to the Board; **and**
3. ~~to~~ withdraw accredited or candidate status; ~~or~~
4. ~~to move an institution from accredited to candidate status.~~

~~The IAC is authorized at Second Committee (Level 2) to review the following recommendations from an IAC First Committee (Level 1) Committee and to forward them to the Board of Trustees with a concurring or differing recommendation:~~

1. ~~to impose a sanction;~~
2. ~~to withdraw accredited or candidate status; or~~
3. ~~to move an institution from accredited to candidate status.~~



## Conflict of Interest

The Commission expects that all IAC members will act with objectivity and without conflict of interest when participating in IAC activities.

The Commission will not knowingly allow any IAC member to participate in discussions, recommendations, or actions where the IAC member has a conflict of interest that may cause the IAC member to lack objectivity, that may result in the appearance of bias, or that may otherwise call into question the integrity, fairness, or credibility of IAC processes.

~~IAC members will *periodically be required to annually* confirm their agreement to abide by the conflict of interest and objectivity requirements for IAC members set forth by the Commission an action or hearing any IAC member whose past or present activities could affect his/her ability to be impartial and objective in that action or hearing. Therefore, an IAC member must agree to act with objectivity and without conflict of interest when taking an action or participating in a hearing involving an institution. An IAC member confirms agreement to abide by this policy in an Annual Statement of Conflict of Interest, Confidentiality, and Disclosure.~~

~~*As part of the Annual Statement,* IAC members will *also periodically* be required to disclose specific circumstances that may result in a conflict of interest. IAC members are expected to promptly update these disclosures, including during an Institutional Actions Council Meeting Committee or Institutional Actions Council Hearing Committee, as needed.~~

~~This Statement will identify situations involving conflict of interest and provide examples of situations that raise the appearance or potential of conflict of interest. The Statement will require that the IAC member disclose any known conflicts, predispositions, affiliations or relationships that could jeopardize, or appear to jeopardize objectivity and indicate his/her agreement to follow this policy.~~

~~In addition to completing this form, an IAC member must also recuse himself/herself from any action or hearing in which that IAC member does not believe, or the Commission determines, that he/she cannot act with impartiality and free of conflict of interest. Any conflicts of interest or other recusals will be noted in minutes, as applicable. The IAC Minutes will reflect such recusals.~~

## Confidentiality

An IAC member agrees to keep confidential any information provided by the institution under review and information gained as a result of participating in an action or hearing. Keeping information

confidential requires that the IAC member not discuss or disclose institutional information except as needed to further the purpose of the Commission's decision-making processes. It also requires that the IAC member not make use of the information to benefit any person or organization. **This obligation to maintain** ~~Maintenance of confidentiality survives any action and~~ continues after the process has concluded. (See PEER.A.10.040, Standards of Conduct, for a list of examples of confidential information available to IAC members.)

### **Policy History**

*Last Revised: November 2019*

*First Adopted: June 2011*

*Revision History: April 2013, June 2014, November 2019*

*Notes: Policies combined November 2012 - 2.2(d)1.2, 2.2(d)1.2a, 2.2(d)1.2b, 2.2(d)1.2b1, 2.2(d)1.2b2*

*Related Policies: INST.D.40.010 Characteristics of a Decision Processes*

**Policy Title: Institutional Actions Council Processes** ~~Characteristics of a Decision Process~~

Number: INST.D.40.010

### **Review and Analysis of the Full Record by the Institutional Actions Council**

**The Institutional Actions Council (IAC)** ~~Commission decision-makers~~ shall review and analyze the full record prior to taking action **or making a recommendation**. The full record shall consist of **materials documents** submitted by the institution as ~~the record of its self-analysis, as application for substantive change, or as other relevant institutional information in preparation for review; the Commission's evaluation team or panel reports; and any institutional responses filed by from the institution; and any applicable action letters and other official letters from the Commission regarding the matter.~~ In addition, the Commission may add other documents to the record that it believes provide additional relevant information. ~~In preparation for this review the Commission will provide appropriate training regarding the responsibilities of Commission decision-makers and regarding the Criteria for Accreditation, Assumed Practices, Federal Compliance Requirements and other policies, and their application.~~

~~Each decision-making body shall have the obligation to ensure that it has completed a review of the full record relating to each accreditation recommendation or decision.~~

## Board of Trustees Process

~~The Board of Trustees may identify subcommittees or specific readers from the current membership of the Board to complete its responsibilities related to decision-making.~~

## Institutional Actions Council Processes

The IAC will conduct its work through committees, known as Institutional Actions Council Meeting Committees and Institutional Actions Council Hearing Committees.

All IAC committees shall consist of at least three (3) members drawn from the current Institutional Actions Council. In rare cases other Peer Reviewers with recent IAC experience may be included on a committee. All committees shall include at least one public member. A member of the committee shall be assigned to act as chair; another member shall be assigned to act as recorder.

~~Each committee working through a First Committee (Level 1) or Second Committee (Level 2), shall review the full written record of the evaluation, as defined in this policy section, and the rationale related to any recommendation.~~

~~The cCommittee may make findings of fact related to any matter recommendation under consideration and may substitute its judgment for that of any evaluation team or panel, based on the same evidence or different evidence, where there is a reasonable cause evidentiary basis for such substitution. Such findings~~ The rationale for a committee's findings that differ from the findings of a previous evaluation team or panel shall be explained in the cCommittee record.

~~When the cCommittee's review results in a final action, its record shall be the basis for the Commission President's action letter. When the cCommittee's review results in a recommendation to the Board, its record shall be forwarded to the Board and, the institution, and the team or change panel chair, along with a letter from the President.~~ All decisions of a cCommittee, whether they result in actions or recommendations, are made by majority vote. ~~First Committees (Level 1) and Second Committees (Level 2) may defer action in keeping with the Commission's policy on deferral.~~

## ~~Institutional Actions Council First Committee (Level 1) Composition~~

~~A First Committee (Level 1) shall consist of at least five (5) members drawn from the current Institutional Actions Council. In rare cases other Peer Reviewers with recent IAC experience may be included on a Committee. All Committees shall include at least one public member. A member of the~~

~~Committee shall be assigned to act as chair; another member shall be assigned to record the decision of the Committee.~~

**Institutional Actions Council Meeting Committee Review Without a Hearing.** An Institutional Actions Council Meeting Committee is generally used for:

- ~~1. When an IAC Committee is reviewing matters for which the IAC is authorized to take action and the institutions under review have not requested a hearing, as described below; and~~
2. Considering removal of Notice as recommended by an evaluation team.

~~An Institutional Actions Council Meeting, the Committee shall conduct its business by any means that allows for synchronous or asynchronous communication among Committee members. No representatives of the institution or of the evaluation process team shall appear at, or participate in, Institutional Actions Council Meeting Committees without a hearing.~~

The decisions of the Institutional Actions Council Meeting Committee shall become final actions, unless the Institutional Actions Council is considering removal of Notice. In this instance (i) if the Institutional Actions Council Meeting Committee recommends removal of Notice and does not recommend another sanction or withdrawal, the recommendation will be forwarded to the Board of Trustees for action or (ii) if the Institutional Actions Council Meeting Committee recommends that the Notice period be extended or recommends another sanction or withdrawal, the matter will be referred to an Institutional Actions Council Hearing Committee.

- ~~1. the Committee makes substantial changes in the recommendation involving reaffirmation of accreditation or resulting from a focused evaluation or other monitoring, in which case either the institution or the Commission staff may request a Second Committee (Level 2) Review. If such a request is not made, the decision of the First Committee (Level 1) prevails and the action is final; or~~
- ~~2. the First Committee (Level 1) recommends a sanction, withdrawal, or moving the institution from accredited to candidate status, and the First Committee (Level 1) Review did not include an in-person hearing, in which case that recommendation will be considered by a Second Committee (Level 2) prior to action by the Board of Trustees. If such a hearing was held, the case goes directly to the Board for action.~~

~~Review with an Optional Hearing.~~ Some cases for which the IAC is authorized to take an action have the option for the institution to request a hearing as part of the review. These are:

- ~~a. reaffirmation of accreditation;~~
- ~~b. biennial visits in candidacy;~~
- ~~c. focused visits; and~~
- ~~d. financial and non-financial indicator monitoring.~~

~~The Commission charges the institution a fee for a requested hearing on a recommendation that does not require Board action.~~

**Institutional Actions Council Hearing Committee.** An Institutional Actions Council Hearing Committee is generally used for reviewing matters for which the IAC is authorized to make a recommendation to the Board of Trustees for action, other than regarding removal of Notice as detailed above.

~~The IAC, through its committee structure, will conduct the hearing. The hearing may be held~~ An Institutional Actions Council Hearing Committee shall generally conduct its business in-person, but may also use any means that allows for synchronous communication among committee members and institutional representatives, as needed. Representatives of the institution and of the evaluation process shall participate in the hearing as appropriate ~~for the nature of the hearing.~~

The decisions of the Institutional Actions Council Hearing Committee shall ~~become the final action~~ be forwarded to the Board of Trustees, as detailed above ~~unless it results in a recommendation for sanction, withdrawal of status, or moving an institution from accredited to candidate status in which case the case goes directly to the Board of Trustees for a decision.~~

The Commission may, in its discretion, determine when to use Institutional Actions Council Meeting Committees and Institutional Actions Council Hearing Committees, as appropriate under the circumstances, provided that the Institutional Actions Council does not exceed its decision-making authority as granted by the Board of Trustees, Commission policy, and the structure recognized by the U.S. Department of Education.

~~Review with a Required Hearing.~~ When an IAC Committee is acting as a recommending body to the Board of Trustees, the review shall include a hearing. The IAC through its committee structure shall conduct the hearing. The hearing shall be held in person unless alternative arrangements have been

agreed to by the institution. Representatives of the institution and the evaluation process shall participate in the hearing.

~~Review with No Option for a Hearing. All decisions regarding substantive change and staff recommended monitoring or changes to the Statement of Accreditation Status that are reviewed by a First Committee (Level 1) are final and the First Committee (Level 1) decision prevails.~~

#### ~~Institutional Actions Council Second Committee (Level 2) Composition~~

~~Composition and Assignments. The IAC Second Committee (Level 2) shall consist of at least five (5) members, drawn from a body of fifteen (15) members of the Institutional Actions Council whose terms on the Council have been extended by one additional year to complete this responsibility. A Second Committee (Level 2) shall include at least one public member. A member of the Second Committee (Level 2) shall be assigned to act as Chair; another Second Committee (Level 2) member shall be assigned to record the decision of the Committee.~~

~~The Second Committee (Level 2) is authorized to take action on decisions made by a First Committee (Level 1) that differ substantially from the recommendation provided by the evaluation process but do not involve sanction, withdrawal of status, or moving an institution from accredited to candidate status, and the institution or the Commission staff has requested the Second Committee (Level 2) review.~~

~~The institution may request that the review involve a hearing. Such hearing may be held in person or electronically through any means that allows for synchronous communication among committee members and other participants. Representative(s) of the institution, the evaluation process, and the First Committee (Level 1) that considered the case shall participate in the hearing as appropriate for the nature of the hearing. The decision of this body shall become the final action unless it results in a recommendation for sanction, withdrawal of status, or moving an institution from accredited to candidate status, which requires Board action. However, if the Second Committee (Level 2) is considering a sanction, withdrawal of status, or moving an institution from accredited to candidate status, and consideration of the case did not involve a hearing, the Second Committee (Level 2) will schedule a hearing involving representatives of the institution and the evaluation process within thirty days of the Committee's initial meeting prior to completing its consideration of the case. The hearing shall be an in person hearing unless other arrangements have been agreed to by the institution.~~

~~The Second Committee (Level 2) will review cases arising from a First Committee (Level 1) in which the Committee has recommended a sanction, withdrawal of status, or moving an institution from accredited to candidate status, all of which require action by the Board of Trustees, if the First Committee (Level 1) did not include an in-person hearing. The Second Committee (Level 2) will hold a hearing as part of its review. The hearing shall be held in person unless alternative arrangements have been agreed to by the institution. Representative(s) of the institution, the evaluation process, and the First Committee (Level 1) that considered the case shall participate in the hearing.~~

### **Notice to Institution of Action or Recommendations by the Institutional Actions Council**

~~When the action is taken by the Board, including when it differs from the recommendation arising out of the evaluation process or when the institution has contested a recommendation, the action letter shall provide information about the terms of the action, including changes to the Statement of Accreditation Status, the rationale, any subsequent steps in the decision process, and any opportunities for institutional response.~~

When the action is taken by the Institutional Actions Council, **the institution will be provided an action letter.** The action letter shall provide information about the terms of the action, including changes to the Statement of Accreditation Status. When the action **substantially** differs from the recommendation arising out of the evaluation process ~~or when the institution has contested that recommendation~~, the action letter will provide the rationale for the action, any subsequent steps in the decision process, and any opportunities for institutional response.

When the Institutional Actions Council makes a recommendation to the Board of Trustees, the institution will be provided an Institutional Actions Council Hearing Committee report. The report shall provide information about the recommendation, the rationale for the recommendation, any subsequent steps in the decision process, and any opportunities for institutional response.

### **Deferral of Institutional Action by the Institutional Actions Council**

The ~~Board of Trustees and the~~ Institutional Actions Council may defer action on an institutional action in the following circumstances:

1. a state agency or another recognized institutional accrediting agency has provided official notice of potential suspension, revocation, or termination of legal authority to provide

education or accredited or pre-accredited status, or has denied or not approved an application for legal authority or accredited or pre-accredited status prior to the action; **or**

2. evidence relevant to the action or the institution's compliance with the Criteria for Accreditation, Federal Compliance Requirements or other Commission policies may be required or anticipated within a specified period of time.

A decision to defer action will specify (a) the information that must be provided ~~by the institution or by the Commission office to the decision-making body~~; (b) the means by which the Commission will acquire the information, including another on-site visit or any other means identified in Commission policy; and (c) the date on which the **Institutional Actions Council** ~~Commission decision-making body~~ will consider the information and take action.

~~The Board of Trustees will not defer final action beyond the next regularly scheduled business meeting.~~ **The Institutional Actions Council will not defer action beyond the next regularly scheduled Institutional Actions Council Meeting final action longer than 70 days.**

#### **Policy History**

*Last Revised: November 2019*

*First Adopted: June 2011, November 1998*

*Revision History: June 2012, November 2012, November 2019*

*Notes: Policies combined November 2012 -2.2(d)2, 2.2(d)2.1, 2.2(d)2.1a, 2.2(d)2.2, 2.2(d)2.2a, 2.2(d)2.2b, 2.2(d)2.2b.1, 2.2(d)2.2b.2, 2.2(d)2.3, 2.2(g)*

*Related Policies:*

#### **Policy Title: Notice**

**Number: INST.E.10.010**

Notice is a public sanction that attaches to an institution's accreditation status. The sanction of Notice is imposed based on an overall judgment that the institution is at risk of being out of compliance with HLC requirements related to the Criteria for Accreditation, Assumed Practices, or Federal Compliance Requirements. It will be supported by findings that one or more Criteria for Accreditation or Federal Compliance Requirement is Met with Concerns by the institution. The



determination is not based on any minimum number of such findings. An action to impose Notice is a final action not subject to appeal.

In placing an institution on Notice the Board of Trustees will identify in the letter notifying the institution of the action the deficiencies at the institution that led to Notice. The letter will also specify a date for submission of a written report on the corrective measures taken by the institution during the Notice period and for a subsequent Notice evaluation. The written report must provide clear evidence that the institution has ameliorated the deficiencies that led to the Notice action and is no longer at risk for compliance issues. The Notice evaluation will determine whether claims made in the report are verifiable and demonstrate significant improvement in the deficient areas.

The Notice period will typically be one year and shall not exceed two years, commencing on the date of the Board's action placing the institution on Notice until the date the Board determines whether the deficiencies that led to the institution being placed on Notice have been ameliorated. The filing of the report and the subsequent Notice evaluation will take place within this time period as established by the Board. The Board of Trustees may impose Notice at the end of Probation or Show-Cause if the institution has demonstrated compliance with the areas previously identified as non-compliant but remains at risk related to those areas of non-compliance or other deficiencies.

If, at the end of the Notice period, the Board finds that the deficiencies leading to the Notice action have not been ameliorated, the Board may place the institution on Probation or may withdraw its accreditation following Commission policy. The Board is not required to provide a period of Probation to an institution prior to withdrawing its accreditation after the institution has been on Notice. The Board may also renew Notice if the institution complies with all the Criteria for Accreditation and Federal Compliance Requirements and is making progress but has not completely ameliorated the conditions that led to the Notice. This renewal will be available for an additional year if the institution was originally placed on Notice for one year or for an additional six months if the institution was originally placed on Notice for two years. The Board will act on any renewal or extension of Notice at the next regularly scheduled Board meeting after the renewal or extension has concluded. At that time the Board has the same options for action it had at the end of the original Notice period, except that no further renewal or extension of Notice shall be available.

## Process for Imposing or Removing Notice

Only the Board of Trustees, acting on the recommendation of any evaluation team, the Institutional Actions Council, or the President, shall take action placing an institution on Notice. A team recommendation to place an institution on Notice, other than one arising from an advisory visit process, will automatically be referred to ~~the an~~ Institutional Actions Council **Hearing Committee**. The Board will consider both the team recommendation and Institutional Actions Council **Hearing Committee** recommendations in its deliberations. The President of the Commission makes a recommendation for Notice resulting from an advisory visit process directly to the Board. In all cases, the Board of Trustees will act on a recommendation for Notice only if the institution's chief executive officer has been given an opportunity of at least two (2) weeks to place before the Board of Trustees a written response to the recommendation.

~~At the end of a Notice period, the Board of Trustees will review The Board of Trustees, acting on the recommendations of any evaluation team and of an Institutional Actions Council Meeting Committee or Hearing Committee. In taking action, the Board of Trustees may choose to accept, reject, or modify these recommendations. The Board may continue accreditation, withdraw accreditation or take other action as provided for in these policies, based on the Notice report and recommendation or other information, may remove an institution from Notice; may determine that the institution is not in compliance with one or more of the Criteria for Accreditation or Federal Compliance Requirements or is not in conformity with the Assumed Practices and place the institution on Probation or withdraw accreditation, following Commission policy; or, when the institution's response and actions are insufficient or inadequate to make a judgment, may define a process for determining whether the institution is in compliance with one or more of the Commission's Criteria for Accreditation, or Federal Compliance Requirements and is in conformity with all the Assumed Practices. For a renewal or extension of Notice, the Board may determine whether to call for another Notice report and Notice evaluation or whether a previously scheduled evaluation visit shall consider whether the conditions of Notice have been satisfied.~~

## Pathways Assignment

The Board shall reassign an institution to the Standard Pathway as may be necessary in the action that places the institution on Notice. The institution shall remain on the Standard Pathway until such time as it has reestablished its eligibility for a different Pathway as determined by a comprehensive evaluation for reaffirmation of accreditation.

## Substantive Change During the Notice Period

An institution on Notice may file one or more applications for substantive change during the Notice period. However, any application related to deficiencies identified in the Notice action will be subject to strict scrutiny and may be deferred by staff or by the Institutional Actions Council for consideration by the Commission until after the Board has removed Notice, or the application may be denied. An approval of a substantive change for an institution on Notice is not indicative of a determination by the Commission that an institution has corrected identified areas of deficiency.

An institution on Notice is not eligible for the Notification Program for Additional Locations and shall be removed from that program by staff after being placed on Notice. After Notice has been removed with no further sanction or Show-Cause imposed and provided that the Notice was not related to the quality of the institution's off-campus instruction or related issues, the institution may apply after the next comprehensive evaluation or after a period of four years, whichever is longer, to be restored to the Notification Program. If the Notice was related to the quality of the institution's off-campus instruction or related issues, the institution may not reapply until it has completed the ten years of good standing required for access to the Notification Program for Additional Locations.

## Public Disclosure of Notice Actions

A Public Disclosure Notice for an institution on Notice will be available on the Commission's website shortly after, but not more than twenty-four (24) hours after, the Commission notifies the institution of the action imposing Notice. An institution on Notice must notify its Board members, administrators, faculty, staff, students, prospective students, and any other constituencies about the action in a timely manner not more than fourteen (14) days after receiving the action letter from the Commission; the notification must include information on how to contact the Commission for further information; the institution must also disclose this status whenever it refers to its Commission accreditation.

## Notice Evaluation at the End of the Notice Period

The Notice evaluation at the end of the Notice period will be conducted following Commission policies and procedures for routine monitoring. (See INST.F.10.010, Routine Monitoring.)

## Policy History

*Last Revised: November 2019*

*First Adopted: June 2000*

*Revision History: February 2011, June 2012, February 2014, June 2017, November 2018, November 2019*

*Notes: Policies combined November 2012 – 2.5(a), 2.5(a)1, 2.5(a)2*

*Related Policies: INST.F.20.010 Special Monitoring*

## Policy Title: Official Records

Number: INST.G.10.020

The Commission will transmit all documents and communications to an affiliated or applying institution or to other parties through electronic means whenever possible. The Commission will expect that all affiliated and applying institutions receive Commission communications transmitted electronically and that such institutions submit all documents, including self-studies, and communications electronically whenever possible. When the Commission withdraws the accreditation of an institution or imposes a sanction, the Commission will ensure that the institution receives the letter conveying the action by also sending a certified copy.

When an institution submits correspondence or other documents in a non-electronic form, the Commission reserves the right to digitize the document, to archive the electronic representation thereof and treat that representation as the original, and to destroy the non-electronic submission. The Commission record will then consist of the electronic version.

### Official Records of Commission Processes and Actions

While the various review processes allow for frequent, clear and open communication between the institution and the Commission, the record of official action will be the action letter signed by the President and accompanied by a newly-adopted Statement of Accreditation Status.

### Official Action of the Commission

The official relationship between an affiliated institution and the Commission will be recorded in the action letter, which is accompanied by appropriate documents that summarize the accrediting relationship or identify relevant aspects of that relationship. Such documents typically include at minimum the Statement of Accreditation Status (SAS) and the Organization Profile (OP) or any

other comparable document developed by the Commission to summarize officially the key components of the relationship and other information about the institution.

### Statement of Accreditation Status

The Statement of Accreditation Status (SAS) provides official information regarding the conditions of the institution's accreditation with the Commission. Such information will include, but is not restricted to, the type of affiliation the institution has with the Commission; sanctions, if any, attendant to that status; the date of the institution's next comprehensive evaluation; and any monitoring the institution must undergo prior to that evaluation. Other information relevant to the facts of the institution's relationship with the Commission may be added.

The SAS is accompanied by the Organizational Profile (OP), a summary of data provided to the Commission by each affiliated institution. It is updated annually after the Commission receives the institution's annual data report and may be updated at the time of action by any Commission decision-making body or by Commission staff. The SAS and OP are public documents and are posted on the Commission's website.

**Changes to the SAS.** Staff may act on its own initiative or at the request of an institution to approve the following changes to the SAS: editing with non-substantive amendments; and changing the date of upcoming evaluations or filing of reports by no more than one year and not to exceed the maximum timeframe for evaluation visits provided in Commission policy.

Staff may recommend to the Institutional Actions Council for review and action on the staff's own initiative or at the request of an institution the following changes to the SAS: substantive amendments including modifications to the Stipulations section; and changing the date of upcoming evaluations or filing of reports by more than one year or beyond the maximum ten years required for a comprehensive evaluation.

### Communication With the Institution

Through all accrediting processes, the Commission office will transmit its formal and official communications to an institution through the chief executive officer (CEO). A copy of the official action letter will also be provided to the chair of the institution's governing board. The Commission will also communicate with the individual identified by the institution as the Accreditation Liaison

Officer. The responsibilities of the Accreditation Liaison Officer will be specified in Commission procedure.

### Exit Session

An evaluation visit will normally conclude with a meeting between the evaluation team and the CEO of the institution. With the agreement of the team chair, the institution's CEO may invite other persons to attend the meeting. At this meeting the chairperson of the team will explain the next steps in the evaluation process, including identifying any additional information the team may need, and may orally summarize the team's preliminary findings. The team's oral summary of its preliminary findings may differ from the findings and recommendations provided in the draft or final written report. The oral summary is not a part of the official record of the evaluation and should not be relied on by the institution to make any public announcement regarding the outcome of the evaluation or to take other action.

### Distribution of the Team Report

The final team report will be part of the official record of the evaluation. The staff will be responsible for submitting copies of it to the CEO of the institution who will be expected to distribute the report internally and to determine whether wider distribution of it is warranted. The staff will also forward copies of the report to persons designated by the Commission to participate in the various review processes.

### Institutional Responses Within the Processes

The CEO of the institution is expected to file a written **institutional** responses to any of the following:

1. an evaluation team's report and recommendations;
2. a decision of ~~the a First Committee (Level 1) of the~~ Institutional Actions Council calling for substantial modifications in the action;
3. a recommendation of **the Institutional Actions Council** ~~a First Committee (Level 1) or Second Committee (Level 2)~~ regarding initial status, **the issuing or removal of a sanction, or denial or withdrawal of status;**
4. desk reviews **that result in anything other than approval of the requested action;** ~~or~~
5. panel recommendations;

6. staff recommendations or reports regarding Change of Control, Structure or Organization or changes in the institution's accredited relationship with the Commission as reflected in the Statement of Accreditation Status; or
7. a recommendation of the Commission President **to issue a** ~~for~~ sanction, denial or withdrawal of status.

The CEO shall submit the written response within two weeks of receipt of the final evaluation team report. The response shall be considered in the review processes prior to the final action, including adverse action, and becomes a part of the official record of the process.

~~The documents identified in this section constitute the official record of the Commission's interaction with an institution. These documents are: team reports, institutional responses, recommendations from a First Committee (Level 1) or Second Committee (Level 2) of the Institutional Actions Council, analyses of required reports and change requests, and all official letters from the Commission detailing actions taken regarding the institution's relationship with the Commission. The participants in those processes will be identified in the documents.~~

~~Other documents, including those documents developed by the staff to assist in specific processes and information regarding oral interactions, will not, except for good and sufficient cause, be included in materials provided in future review processes and will not be considered to be part of the official record of the interaction.~~

#### Definition of Official Records of a Process

The **following** documents ~~generally identified in this section~~ constitute the official record of the Commission's interaction with an institution. ~~These documents are: institutional self studies and other~~ materials submitted in preparation for Commission review; other reports and change applications submitted by the institution; team or panel reports; institutional responses; recommendations **for the Board of Trustees** from ~~the an~~ Institutional Actions Council ~~Hearing Committee~~; analyses of required reports and change requests; and action letters and all other official letters from the Commission regarding the institution's relationship with the Commission. The participants in those processes will be identified in the documents. For institutions applying for accreditation or accredited within the past ten years, official records will also include documents arising from the current or any previous Eligibility Process or candidacy involving the institution.

Other documents, including those documents developed by **Commission** ~~the~~ staff to assist in specific processes and information regarding oral interactions, will **only not, except for good and sufficient cause**, be included in materials provided in future review processes **for good and sufficient cause or will not be** considered to be part of the official record of the **Commission's** interaction **with an institution, as determined in the discretion of the Commission.**

#### Retention of Official Records

Through its record retention program, the Commission will maintain the official records of accredited institutions for at least the last full ten-year accreditation cycle, and, of applying institutions, for the institutions' Eligibility Process and candidacy reviews.

#### Policy History

*Last Revised: November 2019*

*First Adopted: February 2012, November 1998, February 2001, February 2007, November 1998, February 1996*

*Revision History: revised February 2002, February 2009, June 2011, November 2010, November 2012, November 2018, November 2019*

*Notes: Policies combined November 2012 - 2.4, 2.4(a), 2.4(b), 2.4(b)1, 2.4(c), 2.4(d), 2.4(e), 2.4(f), 2.4(g), 2.4(h), 2.4(i)*

*Related Policies: INST.B.30.040 Public Disclosure, INST.G.10.010 Management of Commission Information, INST.F.10.010 Routine Monitoring*